SENATE—*Friday, November 16, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Sovereign of this land, we enter into the season of thanksgiving with a great need for spiritual renewal that takes place when we return to an attitude of gratitude. In the midst of the problems we face at this time, we need the refreshing rejuvenation that comes when we turn from our trials and focus on thanksgiving for all blessings. You have shown us that gratitude is not only the greatest of all virtues but the parent of all others. Any achievement without gratitude limps along the road of life; anything we accomplish without giving thanks becomes a source of pride. You desire our gratitude because You know it helps us grow; other people never tire of feeling the affirmation that is communicated when we express our thankfulness for them; and we require gratitude to avoid being self-serving and arrogant.

O God, we praise You for this Nation of freedom and democracy. We repent of our pride that entertains the idea that we are in charge of the destiny of this land. Grant us the true humility that comes from acknowledging that You are the source of all we have and are. Now we are ready to thank You in advance for Your help in the resolution of the problems we face in this present crisis. In the Name of the Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 16, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, I have been asked to announce by Senator DASCHLE, the majority leader, that we are going to be in a period of morning business. Senators are going to speak for up to 10 minutes each. There will be no rollcall votes today. There will be no rollcall votes until 2:30 p.m., Tuesday, November 27.

Last night, the Senate agreed by unanimous consent to limit debate on the conference report to accompany S. 1447, the aviation security bill, which everyone worked so hard on all week. Debate time will be limited to 90 minutes. Upon the use or yielding back of that time, the conference report will be adopted.

The managers are expected momentarily to begin discussion of this most important piece of legislation.

MEASURE PLACED ON THE CALENDAR—H.R. 2873

Mr. REID. Mr. President, I understand that H.R. 2873 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct.

Mr. REID. Mr. President, I ask unanimous consent H.R. 2873 be read for a second time, and I then object to do any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2, of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas is recognized.

AFGHAN WOMEN AND CHILDREN RELIEF ACT OF 2001

Mrs. HUTCHISON. Mr. President, we are all awaiting the bill that we have all worked so hard to produce this week, the Aviation Security Act. I will not speak about that act because, obviously, we have others who have worked very hard on the bill. We want to make sure that everyone is able to speak for or against it before we pass it. But the good news is, we are going to pass it.

I did want to take this opportunity, though, during morning business to mention a bill that passed last night. It is a bill that was cosponsored by every woman in the Senate. There are 13 women in the Senate. All of us cosponsored this bill. It is to make sure that the Congress speaks on the priorities that we believe are imperative as we give aid to Afghanistan, that women be included in that aid.

As so many of us know, the Taliban treated women especially cruelly, not allowing them access to health care. Not allowing a male doctor to see a woman effectively kept women out of the system because women are not allowed to work, and therefore female doctors are not allowed to practice under the Taliban.

In addition, women have not been able to go outside their homes without a male escort, so many times a widow would not be able to get the food necessary to feed her children or the health care for her children.

Women were not allowed to be educated under the Taliban, so we see 5- and 6-year-old girls who have had no education whatsoever because they have lived under the Taliban regime.

The bill that passed unanimously in the Senate last night spoke to those issues to say we want United States aid to be especially there for the people of Afghanistan as we rebuild the country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We are seeing the Taliban flee. Thank goodness they are fleeing. But we want to make sure that we start playing catchup, that we give women and young girls the chance to be educated along with the young boys, that we bring women doctors in especially to give access to health care for the women of Afghanistan.

The mortality rate of children in Afghanistan is stunning. It is 25 percent. The mortality rate for children in that country is 25 percent. The major cause of that mortality rate, in the 21st century, is contaminated food and water. That is the most stunning statistic of all. In the 21st century, when clean water and uncontaminated food is universally available throughout the world, that 25 percent of the children would be dying from dysentery and contaminated food and bad water is just the saddest of all statistics.

So we do want to go in fast and try to stem the tide of the mortality of children and women, and make sure that young boys and young girls are treated equally in education, that women have a chance to participate in a new government that hopefully would be a government of the people of Afghanistan that includes all of the tribes of that country.

I am very proud that the women of the Senate came together to speak especially forcefully on this issue. We did pass the bill last night. So I am very pleased that we were able to persuade Senator WELLSTONE to raise his hold on the bill, which I thought was an unfair hold. I did not appreciate that he would take a bill such as this hostage for another bill that he had, but, nevertheless, he did, and so it took us 2 weeks to pass a bill which should have been passed in minutes.

Having said that, I do want to say, I am very proud of the women of the Senate for coming together to highlight this issue, to speak with one voice, and to say that U.S. aid will always be there for women as well as men on an equal basis, for girls as well as boys on an equal basis.

So I am proud that we passed the bill. It now goes to the House Representative DEBORAH PRYCE is working with Democratic and Republican women on the House side to try to see that this bill goes through on an expedited basis to support our President in putting forth more aid for Afghanistan that will be equally distributed among the population.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and Mr. BOND pertaining to the introduction of S. 1717 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. DORGAN. Mr. President, if the Senator will yield, I ask unanimous consent that this Senator be recognized following the remarks of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that I be allowed to speak and use whatever time I may consume. I do not think I will go past 10 minutes.

Mrs. HUTCHISON. Reserving the right to object, it is not my intention to object except that I understand Senator DORGAN sought, by unanimous consent, to be recognized. The bill is now here. I ask unanimous consent that there be no more than 10 minutes for each of the speakers so that we can get to the bill in due course.

The ACTING PRESIDENT pro tempore. That is the current order. The Senator from Montana sought to modify that order. Is there objection?

Mrs. HUTCHISON. Mr. President, I believe the Senator from Montana will agree to speak for no more than 10 minutes, as will the Senator from North Dakota. Do they agree to speak no more than 10 minutes so we can get to the bill?

Mr. DORGAN. I agree to that request. I also want to speak on the bill. I understand when the bill arrives there will be comments by the chairman, by Senator HUTCHISON, and others. I want to make a comment about the farm bill. In fact, I will be glad to keep that to 10 minutes.

Mrs. HUTCHISON. It is important when the bill is ready that we proceed to it so we can pass it back to the House to stay on time.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I understand the airport security bill is ready. I am going to be speaking on something else, but it is my intent to allow the committee to proceed so the Senate can consider this bill. I am going to speak on the airport security legislation, but I will make the remarks on the farm bill following this action.

AVIATION AND TRANSPORTATION SECURITY ACT—CONFERENCE REPORT

Mr. HOLLINGS. Under a unanimous consent agreement, I call up the conference report on the bill, S. 1447, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), ''to improve aviation security, and for other purposes,'' having met have agreed that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of November 16, 2001.)

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 90 minutes of debate evenly divided between the chairman and ranking member.

Mr. HOLLINGS. Mr. President, I yield myself such time as I may consume.

I first want to thank Sam Whitehorn, who is now changing clothes to come to the Chamber, and Kevin Kayes. Both Sam Whitehorn and Kevin Kayes are on my Commerce Committee staff. They have been working hard all night long, even with the breakdown of the computer at 5 a.m., to get these documents ready for consideration. They have been working over the past 6 weeks, ever since September 11.

Secondly, I thank the New York Times. The headline today is: ''Congress Agrees to U.S. Takeover For Air Security.'' In a line, this will do more to stimulate air travel and rejuvenate the economy than any one single thing, and that is what we have been trying to do as well as institute safety.

I thank my distinguished counterpart, Senator MCCAIN, who has been sticking with us. We fought a good fight right down to the wire, and in a general sense we prevailed in that it is not a compromise on safety.

There is an old Roman canon, XII, salus populi suprema lex esto, ''the safety of the people is the supreme law,'' and that is the way we approach this. We were not concerned about contractors; we were not concerned about flexibility; we were concerned about accountability; we were concerned about safety. There is just no way, and should not be, to compromise safety. That was the difficulty of this particular task.

It has been a long, hard road. I started on this effort over 20 years ago, back in the late 1980s with Pan Am 103, TWA 800, and on and again. There were commissions, hearings, more hearings and commissions, standards, more training, more testing, more oversight, and on September 11 we ended up with criminals doing the screening and 5,000 dead.

So that sobered us up. Senator MCCAIN and I went right to work. We

had a full day of hearings. We now have a measure before us in this conference report sought for by the airline pilots, the flight attendants, the Air Transport Association, the airport managers, the Business Airline Coalition, the mayors, the Governors and everyone else. The media have been wonderful in that respect because we have the people behind us.

They have said time and again they were willing to pay up to $25 or more per ticket to get airline security. This is only $2.50 with a cap of $5 on any one flight.

But I think the people ought to understand what has been going on for years on end. The FAA thought its task was in the main to promote air travel and, on many occasions, sacrificed safety. For instance, the Inspector General attested before Congress the day before yesterday, less than 5 percent of the baggage is screened.

We have seen only today at Logan Airport they had to fire, or suspend, I should say, the security contractor because his screener went to sleep at the switch and they do not know how many people got through during that slumber. They had to call everybody back in from the planes and go through security again. Security lapses have persisted, but they will not persist any longer because we now have federalization.

At our hearing, we called in El Al. We had testimony from the Israeli security agency, the chief pilot of El Al. I can hear that chief pilot. He said: Senator, when we secure that cockpit door, and it is a secure-type door, it is never to be opened in flight.

He said: Even if my wife is being assaulted in the cabin, I don't open the door. I land that plane and law enforcement is there to meet me.

That has stopped hijacking at El Al. They have not had one for 30 years. All these folks running around hollering about the European model—in the last 8 years they have had 20. We didn't model this after Europe. We modeled it after El Al.

You can see the comprehensive nature, when you listen to their particular procedure. They not only screen the passengers and screen the baggage and everything else, but they have a double-check at the time of enplanement. They have a total background check and security of the tarmac itself. This approach prevents someone from getting a ticket, having their seat assigned and then calling some plant out on the tarmac that has been working there and say: Tape a loaded pistol on flight so-and-so, and go out there. So you have to use absolute care with the caterers, the mechanics, those who have access to the planes, and the perimeter of the airport itself. It is a sort of seamless web.

When the news media talks of compromises between the House and Senate—let me put it this way: There is no compromise on safety. That is my emphasis now. With respect to the particular items, since others want to be addressing the body at this time, I encourage Senators and the public to review the content of the conference report in the CONGRESSIONAL RECORD following passage by the House of Representatives.

Let me just say this. I will never forget it. We were taught at law school that Jackson told Marshall: The Court has made its decision. Let him enforce it.

I don't want to sound abrupt, but the Congress has made its decision. Now let the administration, the President, enforce it.

I say that advisedly because our Chief Executive has been all over the lot. That is one of the disturbances we had. We were told he would sign our bill that passed 100 to 0. Then they put the entire White House in behind Mr. DELAY, changing the votes, changing the votes over here on the Senate side. Although Senators just had voted as a group of 100, part of that group changed their votes and everything else of that kind. We had, momentarily, total chaos. Now the President says he signs it.

Let me make this comment: We can make it work. We are going to have oversight. We are going to keep their feet to the fire. But he has to put in a hard charger, a Stormin' Norman or somebody as the Deputy Secretary of Security for Transportation. If you get a person of that ilk, he will come there and he is going to get the job done. But if it is going to be business as usual and worrying—as I heard the Secretary say in one of the conferences he had—he said: Wait a minute, now, if we have that kind of security requirements in Anchorage, we will lose the business in Anchorage and they will fly to Vancouver—literally.

I said: Come on, man, whenever they come to America, whether it is in Anchorage or down in Seattle or whatever, they are going to get this kind of check.

But you can see the culture, the mindset. So you have to have someone with a strong mindset as the Deputy Secretary of Security in this particular department to carry forward this initiative.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the distinguished chairman of the committee with whom I have worked many years on a broad variety of important issues. I have to say, and I think the chairman would agree, this is one of the more important issues that we have had the privilege of working on together. It has been a very long and difficult process—a very difficult process.

My distinguished chairman often quotes Latin. I would like to quote one back that would describe what we just went through: ''Illegitimus non carborundum,'' which I will not translate for the RECORD. But the fact is, this was a tough process and we did come out with the paramount aspect of this challenge of safety being addressed.

The Senate bill, the major provisions, were adopted. I thank our colleagues on the House side who were faced with some very difficult pressures, too, who finally came to this agreement.

Madam President, this legislation will install air marshals where needed on airplanes. It will call for reinforced cockpit doors. It will authorize pilots to carry guns with the approval of the new Under Secretary and the area carriers. It will provide for a new independent security agency for all modes of transportation, with significant authority to expedite new technology. New technology is going to solve a lot of the problems that we have today with delays and problems with people being able to get on and off airplanes.

There will be uniform and rigorous standards. There will be a full federalization over 1 year of every airport in America, unless five choose to opt out, in five categories in America.

Law enforcement is a proper function of the Federal Government. Law enforcement will be carried out by Federal employees. That is the case in these airports.

What will the signature of the President of the United States do? It will do two things: No. 1, on the substantive side we will begin a process, which will take at least a year, of increasing airport security, of putting in place procedures and individuals who will allow Americans much greater, dramatically enhanced safety and security in airports and on airliners.

But what else does it do? We all know the reality today is many Americans will not get on an airliner because they do not feel any confidence that they are safe and secure in doing so. When the President of the United States signs this bill and looks the American people in the eye and says we are now embarked on an all-out effort to do everything your Government can to make you safe and secure, I think that will have a major impact on the American people and will move forward in restoring the confidence of the American people.

So I think this legislation is both substantively and from perception a very critical piece of legislation. We all know that unless airline traffic and passengers are restored to previously levels, our economy is going to continue to suffer, not to mention the very vital security and safety aspects involved. Not everything that everybody wanted was in it, although I would certainly say we got about 95 percent.

As usually happens, sometimes we add things we should not. I want to take a minute to talk about it. There are some liability provisions which are put into this bill, some of them perhaps warranted, some perhaps not warranted, covering aircraft manufacturers, the World Trade Center, some limit on liability in New York City, et cetera. As I say, there could be some beneficial aspects of these provisions, but we should be addressing liability in its entirety. We should not be addressing liability on this issue. We need the appropriate committee—which I guess is the Judiciary Committee and also to some degree the Commerce Committee—to hold a set of hearings so we can address the entire liability problem associated with the attacks on September 11, rather than a rifleshot approach.

Do you know why we are using a rifleshot approach? Because people are hiring the lobbyists, and campaign money. People are coming into Washington; lobbyists are coming in. They bought their access and they are exercising their influence.

That is not a fair way to address the issue of liability, and there are legitimate issues. I am sorry those provisions were included in this legislation. I don't believe in raising anyone's taxes. I have voted literally against every tax increase in the number of years I have been a Member of this body and the other body.

There is an increase in costs associated with this airport security. We need to pay for this. The $2.50 may not do it. It may not be enough. It may require more. We put a cap of $5 so that someone who gets on an airplane that has four stops doesn't have to pay each time. Yes, there are remote areas of America. There are remote areas of my State as well. There are poor Navajos who want to fly from Window Rock at Flagstaff to Phoenix, AZ, and then on to some other place.

We tried to make this fair. The fact is that everybody has to pay for it. It has to be paid for by all Americans. It is a cost for the increased security requirements as a result of this new war we are fighting.

I say to the American people and to the passengers that I think this is not a high price to pay when you look at the benefits that will accrue from the increased security and safety which are absolutely vital, as we all know.

I think we came up with a good piece of legislation. We on the Commerce Committee will review this legislation and its impact. It may have to be fine tuned in a variety of ways.

I am very pleased we came together on this issue. We have now done something which, unfortunately, took too long. But certainly it is now going to be signed into law and will be a very major step forward in providing security and safety to Americans, hundreds of millions of whom use the airlines every year.

I again thank Senator HOLLINGS and our staff for the bipartisan way in which the Senate acted.

I also thank Senator HUTCHISON, the ranking member, as well as Senator ROCKEFELLER, chairman of the Aviation Subcommittee, who played key and vital roles in the formulation of this legislation.

This is a new day. We had our differences. It isn't a perfect piece of legislation, but it is a landmark piece of legislation. I think, since the Congress acted, we should now move forward and try to do the best we can to make sure through congressional oversight that the intentions and the provisions of this legislation are implemented in as efficient and expeditious a manner as possible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Madam President, I would like to address a couple of questions to the Senator from South Carolina, if he will yield to me for that purpose.

I would like to ask the Senator from South Carolina: I note on page 52 that there is a provision regarding screening of small aircraft. It says that within 1 year after date of enactment of this act, the Under Secretary of Transportation for Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the Committee on Transportation and Infrastructure in the House on screening requirements of passengers boarding and baggage carried aboard aircraft with 60 seats or fewer used in scheduled passenger service, and recommendations for any changes to meet these requirements.

As the Senator from South Carolina knows, my State uses an extensive number of small planes. Many of them have nine seats or fewer.

Can the Senator from South Carolina tell me what provision of this bill affects general aviation that is totally intrastate and that seats 19 or fewer? In the interim of 1 year, what applies to the small planes that board passengers only for small distances within a State?

Mr. HOLLINGS. Generally speaking, none. It does not affect the small planes with passengers. We would like to spell that out, but we haven't gotten into that thoroughly.

That is our problem right here, for example, with Reagan National's restrictions against private planes coming in, and these other airports around the country. We are trying to work that out. But we didn't think that was necessarily the particular safety threat at this particular time.

Mr. STEVENS. Madam President, as the Senator knows, our State has over 150 small airports, and people go distances of 100 or 200 miles and return, or maybe stop in several places along the line. If these planes do not interline with intrastate air carriers and are strictly local carriers, are they affected by this act?

Mr. HOLLINGS. I think we are trying to find the final wording because most of this was in the House bill. But the answer is, I think on the fee you are right; it would be. The FAA safety regulations still apply to general aviation. There has been no repeal of that in the takeover by the Deputy Secretary of Security. But the general aviation regulations are not disturbed here with respect to safety.

Mr. STEVENS. Madam President, let me say this. I have had extreme difficulty in dealing with this bill because I have just read it for the first time this morning—and the report. I have extreme difficulty interpreting it as it applies to small planes that are carrying mail and passengers between two places in Alaska, where they will never intersect interstate commerce and where they will never interline with anyplace that has any difficulty as far as being a threat to people other than people in very small villages going from place to place—from Bethel to St. Mary's, or from Bethel down to various places in the Yukon. I am going to have to go home and tell those people that they are affected by this bill.

I tell my good friend that I can't tell from the way this bill is written whether some of the small villages—some of which do not have screening devices—that the small commuters fly between have to have screening devices. Are they to install screening devices?

Mr. HOLLINGS. Shalom, peace. Tell them to just calm down for the simple reason that this affects the 420 hub airports and the other airports connecting with those hub airports. The Senator talks about 100 or so. I know we have nearly 100. When someone gets into a political campaign in Texas or South Carolina, you have to travel back and forth on the plane. We don't have machines there to test the baggage, or Federal agents.

I want to answer as appropriately as I can. We are going to continue the safety. Small general aviators practice safety because their life depends on it. No, there won't be Federal marshals there. There won't be Federal screeners in all of those little airports, if that is what the Senator wants to get to.

Mr. STEVENS. Madam President, I ask my friend: They are required to buy a ticket to get on those commuters, and they pay the $2.50.

Mr. HOLLINGS. If they come right into that hub.

Mr. STEVENS. Madam President, I cannot find any exception here for those flying between villages and not a hub. They are going to have to pay.

Mr. HOLLINGS. There is language in the bill whereby they do not connect with the hub, for example, in Alaska. You can lower that fare in those airports.

Mr. STEVENS. Are the hubs covered named in the bill?

Mr. HOLLINGS. No.

Mr. STEVENS. They are named in the Federal Register.

Mr. HOLLINGS. Yes.

Mr. STEVENS. The current designation is not changed by this bill.

Mr. HOLLINGS. It is not changed.

Mr. STEVENS. I thank the Senator. I regret that I did not sign the report. I did not have access to this report, nor to the bill.

I still have to say to the chairman—I have great respect for him—in terms of the requirements for safety, that there are a great many places in the country, as the Senator from Arizona stated, where passengers who are not destined for a hub and are not destined for areas where the safety of passengers getting on and off is concerned, and baggage is immaterial, and if they are going from Nome to Alakanuk or to Shishmaref, or somewhere up in the village country in my State, I am afraid someone might interpret this as having them be required to pay for security which they don't get, and pay for or be subject to these requirements which they don't need.

I have to tell you, I hope we can review this sometime in the future in a way to listen to some of these people who operate commuter airlines where they may intersect a hub. We have two or three hubs in Alaska defined on the Federal Register today. They may intersect a hub, but they do not go through the screening now. And I am not sure this bill requires them to go through screening they never had to go through before to go from place to place in Alaska.

Mr. HOLLINGS. It does not require that, and there is no charge there.

Mr. STEVENS. I thank the Senator and appreciate the courtesy and apologize to the Senator from Texas.

I have no objection to proceeding with the request.

Mr. HOLLINGS. I yield such time as is necessary to the Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield up to 5 minutes to the Senator from Georgia, who has an airplane to catch, after which I would like to claim my time as one of the cosponsors of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. I thank the Senator from Texas, and especially thank her for the marvelous work on the bill, as well as Senator Hollings and Senator McCAIN and Senator ROCKEFELLER.

Madam President, this body is about to vote on an historic piece of legislation that will put in place new safeguards at airports across this land from Savannah to Seattle to Sacramento as families prepare for the biggest travel day in the Nation, they can feel assured airport security will be strengthened nationwide the very moment President Bush signs this landmark legislation into law.

Aviation security will now be in the hands of the U.S. Department of Transportation where it belongs. The Federal Government will immediately begin the process to hire, train, and deploy Federal screeners, Federal security personnel, and Federal law enforcement—a move supported by 80 percent of the American people.

We will finally have in place strict national standards for the hiring and training and job performance of the men and women who are on the front lines of ensuring that we have safety in aviation in America.

Ever since the tragic events of September 11, the American public has been crying out for tougher security to ensure that the horrifying events of 2 months ago will never again be repeated. This bill is our response to that call. It is a comprehensive bill, a tough bill, which helps ensure the financial viability of the airline industry and enhances America's national security and restores confidence to the flying public.

I am proud to support it. I am proud to be an original cosponsor.

I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, on September 11, the terrorists found loopholes in our homeland security. Four airplanes were used as weapons of mass destruction, something we had never seen in our country. Now, 2 months later, we are closing these loopholes in our homeland security. The bill we are passing today will close the loopholes in aviation security so the people of our country, when they get on an airplane, will know every conceivable means of securing that aircraft are being utilized.

The bill before us today will create a comprehensive Federal system. There will be Federal screeners. There will be Federal supervisors who are armed law enforcement personnel. There will be a Federal person in charge of every airport in our country to look at the safety system, to make sure it works.

After a 2-year period, we will then have the option for other types of security to be offered by an airport and approved by the Secretary. So there can be private screeners or local law enforcement people working in a security system with the approval of the Under Secretary.

We will have a pilot program in each of the five major category airports: Category X, categories 1, 2, 3, and 4, that will be all privatized so we can test that system to see if it works. Then, after 2 years of the federalized system, perhaps there will be airports that would prefer to have some privatization.

Another element of this bill that closes a loophole is that every checked bag will also be required to be screened. As soon as possible, but no later than 60 days, by some means, every checked bag will also be screened so that if you carry a bag onto the top of the airplane, it will be screened, if it goes on the bottom of the airplane it will be screened. I think that was an important loophole to close. It was my amendment to the bill. I felt very strongly about this.

We are also asking the Department of Transportation to expedite the manufacturing of the highest tech equipment possible for the screening of these bags. EDS is the code name for this electronic detection of explosives. We are going to make that a priority as well.

We are reinforcing the cockpit doors. We know the cockpits were invaded on September 11. We know that no American pilot would have flown an airplane into a building—not one. That is what they are trained not to do, and they would never do it, but for being overcome and murdered by these terrorists, who did indeed fly into the Pentagon and into the World Trade Center.

So the key elements of this bill are going to greatly strengthen our aviation security system in our country. A lot of people have asked me: Are we going to see a difference immediately? We already see a difference immediately. We are seeing people deployed from other agencies, such as the National Guard, who are standing at every screening area at every major airport in our country.

What will happen with the bill before us today is that those National Guard units that have been deployed will be substituted with permanent personnel, permanent Federal law enforcement personnel, armed Federal security supervisors. So we will see an immediate change, but we will also see these changes being made permanent.

As we phase the National Guard out of their temporary locations, we will be putting permanent Federal law enforcement personnel in their places.

We have now detailed air marshals from other agencies. We have FBI agents. We have Border Patrol agents. Other detailees from other Departments are now acting as sky marshals. We will start replacing them with permanent replacements so there will be more sky marshals on more flights throughout our country and on international flights into and out of our country. They will be permanent Federal law enforcement personnel that will be replacing the people who have been borrowed from other agencies.

So we are going to see immediate changes. We are going to see changes made through the next few weeks,

through the next few months, to make permanent these people who have come from other agencies to lend a hand, to add to the security on an immediate basis. We have also added to what is going to be screened.

Another component of our bill is to require that everybody who has access to an aircraft will have a security clearance. There will be a criminal background check required for every person who has access to an airplane. Whether it is a mechanic, whether it is a person doing food service, regardless of their mission on that airplane, they will have to have a security clearance. That is another very important feature of this bill.

So I think we have made great progress. I thank Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, and others who helped—Senator BURNS, Senator KERRY—for coming together and working through this very difficult piece of legislation.

I thank Chairman YOUNG on the House side, and the chairman of the subcommittee, Chairman MICA; and Mr. OBERSTAR. These are people who contributed greatly to coming together and getting something that I believe is going to significantly improve the security of the flying passengers in our country.

I think it is going to tighten many of the loopholes that we had in our system before September 11. No longer is the American flying public going to rely on the honesty of every person who gets on an airplane. I think we have had to become a little less optimistic in our outlook, and now we have to provide for concrete solutions. We cannot just rely on the good will of every person in the world. We are going to have to protect our people. That is what homeland security is, and that is the function of the U.S. Congress.

In the Constitution of our country, we are required to provide for the security of our country.

Security is not something you can contract out to the lowest bidder. Security is not something you can take a chance and hope that maybe we can devise a system that we can maybe make work. That is not an option for the Congress.

We have one option. We have one responsibility. That is to provide the security to the people of this country who are flying in airplanes and believing that everything has been done to make them safe.

The bill before us today, that we will pass very shortly, is a bill that is going to secure the people to every human extent possible against the kind of terrorist attack we saw on September 11 or other terrorist attacks that could be made in other ways. We are securing the top of the airplane. We are securing the bottom of the airplane. We are securing the cockpit of the airplane. We are securing the airports through which people go.

We are going to beat the terrorists. We are going to secure the people of our country so we can travel in freedom. That is our responsibility. We are doing it today.

I thank Chairman HOLLINGS once again and Senator MCCAIN, all those who came together, along with my staff, Joe Mondello, who contributed greatly, to the staff who stayed up all night last night who could barely even make it here this morning because they were taking a shower after trying to make sure that this bill was written.

I thank everyone who contributed so much to doing this for the American people, something they deserve and something we are giving them today when we pass this bill to the President of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. Mr. President, we will agree to the conference report to accompany the airport security bill in a few moments. It is a terrible thing; I lost my voice. That is fatal for auctioneers and for those of us who try to make a living in the cave of the winds, which is this Chamber, but I will try to get through. I will make my points as quickly as I can.

We had an opportunity to pass a good bill, and I think we have a bill. I will pledge to my colleagues in this Senate and also to the flying public that I will do everything I can to make it work because we have spoken.

If we really wanted to maximize security at airport facilities across the Nation, we took a wrong turn in this bill. That is what we do. I offered an amendment to allow the bright line of accountability, authority, and responsibility of jurisdiction of enforcement of those laws to reside with the Department of Justice. When I offered that amendment, it was immediately accepted by a voice vote. No debate was held on that part of the bill. Some of that was my fault because we were trying to deal with the bill and move it through the Senate.

As we consider this legislation, I ask the question: Whom are we trying to protect? I will tell you whom we protect more than anything else. We protect Government jobs. We are building up a bureaucracy within the Department of Transportation to which even the Congressional Budget Office cannot put a figure. We do not know what this is going to cost yet.

What happens after we pass this bill today? The rules of administration will be written. That will take considerable time. Those of us who are concerned about this bill were told we had to pass something before Thanksgiving because Thanksgiving is the most highly traveled time of the year. I suggest we are not going to have any more protection this Thanksgiving, and I am not sure we are going to have the protections in place next Thanksgiving.

If we try, as a legislative body, to suggest to the rule writers how we want the bill to work, we will be given the old story of separation of powers, that we cannot do that. So now it goes into the hands of the bureaucrats who have a habit of writing the rules for their benefit and sometimes disregarding the real reason why we passed the legislation.

Every time one flies, they are going to be charged to pay for this big bureaucracy, and every taxpayer in this country will also be paying for it.

Why did I decide the Department of Justice is better than the DOT in the areas of enforcement? I will say why. It is enforcement. Before we can expect load factors to go up and return to the levels prior to 11 September, the flying public must feel secure and safe. Symbolically, for no other reason, I suggest the Department of Justice do that.

Let us take a look at the areas of responsibilities and the challenges ahead of us: passenger lists, intelligence, baggage and cargo, check-in areas, boarding areas and, yes, the security of the aircraft. All personnel who have anything to do with maintenance, cleaning, fueling, or catering must be screened.

These are challenges of great dimension, and it is a big job ahead. Yes, we are asking to build a new bureaucracy in order to take care of this. Who is best equipped to handle that challenge? I suggest the Department of Justice because they have the intelligence in front of them and they know how to handle secured areas.

Who deals with security every day and has the experience to do it? Who can best be put to work the quickest and have people on the ground doing the business the fastest, without creating a new bureaucracy? The model is in front of us.

As we discussed, this was not allowed to be discussed in conference, either. There was no debate so the American people were not given a real choice between a new bureaucracy and a bureaucracy that is already in place.

How are we going to pay for it? I will leave with this thought. Again, I will pledge my support to make sure this law works. It would be unwise to be any other way.

We have come through the World Series, a great World Series, and we watch football almost every day on our television sets. Do you know what makes that game a great game and why it garners all the spectators? It is because we do not let the teams referee their own games. In football, there are 22 men on the field, the most heavily armored, mobile, hostile, bent on killing one another, and 6 old men in striped shirts have very few problems. Why? One, because there is only one rule book, and No. 2, we do not allow them to referee their own games.

I contend we are making a big mistake. I did not sign the conference report, but I will pledge to make sure the law works. I also warn my colleagues we will be back in less than a year to deal with this problem again.

I yield the floor.

Mr. HOLLINGS. I yield to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I add my appreciation for the work of the Senator from South Carolina and Senator MCCAIN of Arizona. As chairman and ranking member of the Commerce Committee representing our side on this issue, they did outstanding work.

We do big and small things in the Congress. This is a big thing. This isn't testing the water. This is making waves. This is really a profound change in many ways with respect to security on airlines that serve our country.

I rise to talk a bit about some of the things we are doing and why.

First the why. We know that September 11 caused great concern among the American people about the risks of taking airplane flights. They saw jetliners used as bombs, as missiles full of fuel, taking down two of the largest buildings in our country.

The site of that kind of tragedy, that act of mass murder, that terrorism has persuaded many Americans to feel queasy and jittery about flying. What kind of security exists with respect to the airlines?

Then they read in the newspaper in recent weeks stories about a person who comes to an airport in Chicago and is screened. They discover two knives on the person. They send the person to the boarding gate, and they do an enhanced screening there. He has seven more knives, a stun gun, and a can of mace. People ask: How can this happen? It further erodes the confidence of the American people with respect to security.

In the last couple days, a fellow with two meat cleavers gets through a screening process. Here we have nine knives, two meat cleavers, a can of mace, and a stun gun. The other day a woman is discovered to have a .22-caliber pistol in her purse. After she gets through the screening process, she says: I don't understand that. I got it through when I took other flights. She is walking through screening in other circumstances with a loaded .22-caliber pistol.

Does it give people pause? Of course, it does. The screening that has existed by some of the companies has not been good at all. One of the companies named Argenbright was fined by the U.S. Government $1.5 million, put on probation and then violated their probation, hired people with criminal backgrounds, didn't train them properly, certified to the Federal Government false documents. It does not work. We know that.

The question confronting Congress is, What do we do to give people some confidence about the system? The answer is obvious: improve security. How do we do that? This legislation puts sky marshals on airplanes in significant quantity. That gives people some confidence. It strengthens the cockpit doors, requiring airlines to take action to do so. That will give people some confidence, especially with respect to baggage screening, airport perimeter security, and a range of other things.

This legislation says what we have been doing has not worked and we will do it differently. This establishes a process by which we have uniform standards. We will hire Federal screeners at airports. They will be managed and trained effectively and consistently. They will provide a level of security the country deserves and needs.

Let me mention that in this legislation is a provision I added which I have been trying to add for some long while. It will finally become law with the President's signature. It deals with something called the advanced passenger information system. I have added it to three bills in the Senate. It has been kicked out because of jurisdictional disputes with one of the committees of the House of Representatives. I put it in this bill, and it will be signed by the President. It is going to get done.

What does that mean? It means that airlines bringing people into this country as guests of ours with visas must provide us advanced passenger lists of who is coming so we can run those lists of passenger names against the FBI list, against the Customs list, and 21 Federal agencies that have lists about people that we don't want coming into this country, those who are terrorists, known or suspected, that we don't want to allow into this country.

We have had, since 1988, something called the advanced passenger information system. Most airlines around the world comply with it. When they land in the United States prior to coming here, they have given us an advanced list of who they are bringing to the United States as guests with a visa.

Some airlines have refused to comply. Some airlines refuse to comply with this voluntary system. Let me share which airlines: airlines from Pakistan, Saudi Arabia, Egypt, Jordan, Kuwait. Do we want to know the names of passengers coming from those countries? You bet your life we do.

I have proposed an amendment that is now in this legislation that will require the advanced passenger lists be sent to this country. Our message is very simple: Do what all the other airlines have voluntarily done since 1988 or land somewhere else. Don't land in the United States. If you want to land here, send us the advanced passenger list of who is on the airplane so we can run them against the 21 Federal law enforcement agencies to see whether there is a passenger on this flight or that flight that is a known or suspected terrorist or someone who associates with terrorists who we have decided we will now not allow to visit the country.

It is sensible. It should have been done before. It was not. As I said, this is the third time I have put it in legislation, and I put it on two other appropriations bills.

This bill is going to get signed by the President of the United States. Finally, this will be done. It is not a small matter. It is a big issue and an important piece of adding security with respect to this legislation.

Mr. HOLLINGS. Madam President, I particularly thank the Senator from North Dakota and his staff. They worked with us around the clock. That is why we are here today.

I yield to the distinguished Senator from Virginia.

Mr. WARNER. Madam President, great credit goes to our distinguished colleague from South Carolina for his chairmanship and leadership to get this piece of legislation through, as well as our distinguished ranking member, Senator MCCAIN, and Senator HUTCHISON, who have worked hard to get this done.

I want to make two points. Virginia was struck in this tragic episode on what is referred to as 9–11, September 11. As a consequence, National Airport was closed down and still is operating at less than half capacity. The economic consequences to our area in Northern Virginia has been very substantial.

Senator ALLEN and I, together with other members of the Virginia delegation, are working to do our very best to provide funding for the people who have suffered as a consequence of closing the airports down. I have followed this debate and I, again, congratulate our chairman for the manner in which he and others conducted that debate on the floor of the Senate, and for the strong vote they had for their bill, and for the fact that much of the Senate bill has survived this important conference. But in the course of this debate, I think mainly in the other body, there were inferences raised that Government employees were perhaps not first-class citizens but second-class citizens. I resented that. I am privileged to represent many of them, and I myself have had about eight or nine different Government positions in my lifetime.

I have often said I am privileged to be a Senator because of the training and so forth I received from many of my supervisors in the course of long Government service. The Federal employees are a very valuable asset to the United States of America. Now this

piece of legislation even trusts to them the safety of our passengers. I believe they will live up to this challenge and that there will be no basis for ever saying that Government employees are second-class citizens. They are first class just like the rest of us.

Again, I am talking about any number of Federal people who are working throughout our system, whether it is the FBI, U.S. Marshals Service, and all types of people who have provided security.

I am very pleased House and Senate negotiators have reached agreement on an airline security package to fully federalize security at every airport in the United States.

By approving this conference report today, the Senate is saying to the American people that the Federal Government is doing everything in its power to protect them when they travel by air.

While this agreement is not a total solution to our aviation security problems, it is a strong first step.

The problems with the current private security system are well documented and I will not repeat them here.

Suffice it to say the current system is not giving the American people the protection they need in this era of terrorist threats, and I believe the action the Senate is taking today is the type of bold action necessary in these times of uncertainty.

In every area except passenger and baggage screening at airports, protecting the public is performed by sworn law enforcement officers. Local police and sheriffs protect our cities and neighborhoods, State troopers patrol our highways, the FBI fights crime and prevents terrorism nationwide and the U.S. Border Patrol guards our borders. Why should passenger security at airports be a glaring exception to this rule?

Federal Air Marshals are protecting passengers in the air.

U.S. Customs agents conduct passenger and baggage screening for international flights to prevent contraband from entering or leaving the country.

U.S. Department of Agriculture agents inspect baggage for dangerous plants and animals at our airports.

U.S. Immigration and Naturalization Service agents monitor foreign nationals entering the United States at our airports.

U.S. Drug Enforcement Agency agents search for illegal drugs at our airports.

Why shouldn't Federal law enforcement perform other security functions at our Nation's airports?

With the economy potentially heading for recession and the airline industry on the verge of bankruptcy, the U.S. Government must do all it can to revive the air transportation system.

We have already passed the Air Transportation Safety and System Stabilization Act. This important legislation provided $5 billion in capital and $10 billion in loan guarantees to keep the airlines financially viable.

Now we are taking the next step which is to restore public confidence in the security of our aviation system.

I thank the chairman and ranking member and others for this opportunity.

Mr. LIEBERMAN. I rise to support the conference committee report on aviation security and, particularly, to congratulate the chairman, Senator HOLLINGS, the ranking member, Senator MCCAIN, and all of the members of the committee and their staffs who have worked so hard to bring about this very critical result today.

Since September 11, when we saw the worst of human nature in those who attacked us, I think here in America we have seen the best of human nature. That is particularly so in the unity that we have all felt among the American people and that unity that has been reflected in the Congress of the United States as we have worked with more nonpartisanship over a sustained period than I have seen in the 13 years I have been privileged to be a Senator.

Until this morning, the one unfortunate exception to that was the critical area of aviation security, where the Senate, I am proud to say, acted more than a month ago and stood shoulder to shoulder in, again, a nonpartisan fashion to adopt 100 to 0 a strong aviation security bill. Of course, what followed was a different approach in the House. Time went on, and now more than 2 months ago our aviation system was used by terrorists to strike a terrible blow at our people. But, happily, the gap that existed between the Senate and the House has now been closed in a most positive fashion.

I cannot thank the chairman of the committee, Senator HOLLINGS, and all who are on it, enough for the persistence to principle and what would be effective here when there could have been compromises that would have gotten a bill passed earlier, but really would not have done what the American people want us to do, which is to make flying just as safe as it can possibly be.

I say to Senator HOLLINGS, who has had an extraordinary career in the Senate, I think this is one of the high points today. It is something that will not only protect the traveling public for years and years to come, and protect literally the lives of the American people, but also at this moment in our economic history, when our economy is certainly sliding in recession, he has brought to the Senate and helped us to pass today a bill that will probably do as much to stimulate our economy as most parts of that economic stimulus plan that we haven't quite yet agreed on—maybe more than all of them—because air travel is so critically important to our commerce and particularly important in the areas of the country that rely on tourists.

I congratulate the leaders of the committee and say just a few words about the bill and why I think it is so critically important. The Senate Governmental Affairs Committee, which I am privileged to chair, has held two oversight hearings on aviation security since September 11. One was on September 25, and the other was on this past Wednesday, November 14. The picture that emerges is that for too long, and with too many warnings from the GAO, from the inspector general at the Department of Transportation, from Members of Congress and committees of Congress, we lowered our guard; we allowed such weaknesses to persist in our aviation security system that created the vulnerabilities that the terrorists took advantage of, with the dreadful consequences on September 11.

The measures that have since been taken have definitely improved the situation. The measures that are called for by this legislation we passed today will not only make aviation security so much stronger, but as I look back, and considering the two oversight hearings our committee has held, I would say that if this legislation had been in effect before, it would have been very hard for the terrorists to have done what they did on September 11.

Let me mention a few of the weaknesses in the system that our hearings showed. This one struck me. It just came out 2 days ago at the hearing. We asked about the bomb detection equipment that is in some of our airports, how much of the baggage that is checked on to the planes is scanned for bombs. The inspector general, Mr. Mead, of the Department of Transportation stunned me by saying that today, 13 years after Lockerbie, and more than that after the earlier hijackings, less than 10 percent of checked baggage nationwide is being screened for explosives prior to being loaded on the aircraft. Of course, we all know and have heard screeners are underpaid, overworked, and undertrained. Screening, therefore, has been haphazard.

The technologies being used for the screening and other identification functions at the airports are outdated. Some machines—bomb scanning particularly—are sitting idle at airports. In one test done about a year ago by the inspector general of the Department of Transportation to see how secure the allegedly security areas of the airports were, more than 80 percent of his testers got through to the behind the scenes parts of the airports, where they were not authorized to be, and where so much critical to the security of the planes goes on. Obviously, the cockpits were unsecured. Database connections between law enforcement agencies, the FAA, and the airlines were minimal or nonexistent.

A recent spot check just last weekend, Veterans Day weekend, of bomb inspection machines at selected airports in the country, found that fewer than 30 percent of the machines were in continuous use, despite an FAA directive ordering more usage.

Again, just last weekend, more than 2 months after September 11, screeners at passenger checkpoints were observed leaving their checkpoints while passengers were passing through. The system was plagued—and, unfortunately, still is—by tremendous inconsistencies in the level of scrutiny across airports and even within airports.

Every one of these problems can be, and I believe will be, solved by the legislation we will adopt today. I particularly thank Senator HOLLINGS and the Commerce Committee for the accepting two amendments offered by three members of the Governmental Affairs Committee.

Senator DURBIN and I offered an amendment that, among other things, provides $50 million a year for the next 5 years to speed up research and development of airport technology so that the public can be better protected. It creates a 6-month effectiveness assessment and a 12-month deployment of improvements to methods of preventing unauthorized access to sterile areas of the airports—that is, those areas the public is not supposed to go—including biometrics, increased surveillance, airport exit systems, and prevention of so-called piggybacking.

It expands the use of computer-assisted passenger prescreening to trigger additional screening of passengers and their carry-on items.

It adds $20 million for long-term research and development.

That is the amendment Senator DURBIN and I offered.

Senator THOMPSON offered an amendment which was accepted by the committee that deals with performance standards being regularly applied to aviation security. It is up to us to pay attention to the application of these standards, and the Department of Transportation will report to us how well the airports and airlines are achieving what we want them to achieve and what is expressed in this legislation. This is an extraordinary step forward. It shows that we have learned the lessons of September 11.

Finally, this bill sets a standard for us as to what we must do regarding other parts of our critical infrastructure. We naturally have focused on the aviation system because that is where we were hit and hurt so badly on September 11. But I fear that similar vulnerabilities which we found in aviation security will be found in other forms of our transportation system or hubs in other forms of transportation, utilities, communications, cyberspace, and financial systems on which we all depend. I could go on and on.

Basically, this is the urgent work with which Governor Ridge and the Office of Homeland Security has to deal, with the help of Congress.

A high standard of public service and public protection has been achieved in this conference committee report. Again, I extend my sincere thanks to Senator HOLLINGS, Senator MCCAIN, and all who worked to make this happen. They have advanced the security of the American people and the well-being of the American economy. I thank them, and I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. There are very important inclusions in this airport security bill. They were made, in essence, by the distinguished Senator from Connecticut. The Governmental Affairs Committee worked with our committee, and we were glad to have his leadership in this regard. I thank him publicly for his good leadership which helped us get to this point.

TECHNICAL CORRECTIONS TO THE AVIATION SECURITY BILL

Mr. MCCAIN. Madam President, as is understood, we had a computer crash early this morning, the result of which was that a significant amount of agreed to text in this bill was lost. In order to meet filing requirements, the staff was forced to work quickly to reconstruct portions of the bill that had been carefully negotiated. Unfortunately, some mistakes were made in this process. In particular, I am referring to Section 145 of the bill, entitled ''Air Carriers Required to Honor Tickets for Suspended Service.''

It had been agreed to by all parties that the conditions under which air carriers would be required, to the extent practicable, to honor the tickets of passengers who had purchased tickets on other airlines would be: ''Acts of war, terrorism, insolvency, or bankruptcy.''

Unfortunately, in a drafting error, the language neglected to include the conditions for acts of war or terrorism.

I want to make clear, now, that I will ensure that these conditions will be included as part of a technical corrections bill before the end of the first session of this Congress.

I ask my colleague from South Carolina, will he join me in making this commitment?

Mr. HOLLINGS. Yes, I join the Senator in committing to ensuring that these changes will be included as part of a technical corrections bill before the end of the first session of this Congress.

ENSURING COCKPIT SAFETY DURING SMOKE EMERGENCIES

Mr. INOUYE. Madam President, Senators HOLLINGS and MCCAIN have done an outstanding job of bringing this important legislation to a final conclusion. Hopefully, this measure will help fully restore consumer confidence in air travel and prevent any future use of airplanes as weapons of mass destruction.

This measure includes critical provisions to ensure cockpit security. In addition to the specific measures identified, this measure also authorizes the Federal Aviation Administration to take additional action as may be necessary to ensure the safety and security of the aircraft.

One additional safety concern that I wish to raise relates to potential threats caused by smoke in the aircraft, including smoke resulting from small incendiary devices which could affect the cockpit crew's ability to see and operate essential instruments to safely control and land airplanes.

I would like to take this opportunity to ask Chairman HOLLINGS whether the language in section 104(a)(1)(B) will authorize the FAA Administrator to consider whether safety and security procedures may be necessary to ensure the integrity of the flight deck during smoke emergencies.

Mr. AKAKA. Mr. President, I, too am concerned about aircraft safety during smoke emergencies and join him in his question.

In addition, I also commend Senators HOLLINGS and MCCAIN for their efforts to complete this important legislation and believe that this measure will help to restore confidence in air travel.

Mr. HOLLINGS. I thank the Senators from Hawaii for raising this important concern. Section 104(a)(1)(B) would authorize the FAA Administrator to take action as may be necessary to ensure the safety and security of the aircraft from smoke emergencies.

Mr. KOHL. Madam President, more than 2 months ago we witnessed the worst ever terrorist attack on American soil. The horrific sights of September 11, 2001, will be with us forever. Our Nation has come together during this difficult time and we will continue to strengthen our resolve in the days to come.

I am pleased that Senator HOLLINGS through his leadership and the hard work of his staff is able to present to the Senate this very important Aviation Security Act. Thanksgiving is just a few days away and millions of Americans will be traveling to visit family and friends. I am proud that we are able to return home and report to our constituents on the progress we have made in regards to strengthening our aviation security system.

The conference report before the Senate brings a safer and more secure aviation network for the thousands of Americans who fly every day. Tougher safety standards, federalization of screening of passengers and their luggage, increased presence of sky marshals on flights and strengthening of cockpit doors are just a few of the important measures that take us in the

direction of a new Federal and comprehensive safety network for our airports. I am also pleased that all who have access to aircrafts will be required to pass a background check. We have reached this very important agreement and now these new regulations and safety standards must be implemented fairly and consistently.

Again, I congratulate Chairman HOLLINGS and Senator MCCAIN on their leadership on this issue and strongly support the conference report.

Mr. ROCKFELLER. Madam President, more than 2 months have passed since the horrific events of September 11, when we watched as our Nation's aircraft were hijacked and used against us as weapons of mass destruction. More than a month has passed since the United States Senate stood together and unanimously passed an aggressive, comprehensive Aviation Security Act, solemnly resolving that we must never again see a day like the 11th because of inadequate security measures at our Nation's airports.

Today we keep that promise made to the American people: This aviation security bill is simply a huge win for passenger safety, in every part of the Nation.

The legislation we approve today will require numerous new security features, including full Federal law enforcement at all airports, expansion of the Federal Air Marshal program, and screening of all passengers, baggage, and employees.

This bill will revolutionize security at our airports and in our skies. Every person and every bag, at every airport, big and small, will be screened by Federal law enforcement personnel, no exceptions.

The traveling public want and deserve safe and secure airports and airplanes, and this legislation gives them the confidence they need to keep flying.

As we learned after the attacks on September 11, we can no longer ignore the security needs at our Nation's airports. We can no longer allow the lives of our citizens to be placed into the hands of private companies. Airport security is no longer just a transportation issue, it is a national security concern, and the Federal Government will now take on this critical responsibility.

Additionally, the bill requires dramatic security increases in and around airplanes. This includes the securing of all cockpit doors; screening of everything that is put on an airplane including (beverages, food, mail, etc.); background checks of every employee that services the flight, including catering company workers; and anti-hijack training for pilots and flight attendants.

I am extremely pleased to join in bringing to the Senate floor a final conference report that will so dramatically improve the safety of our Nation's skies. The road to final legislation has been harder and longer than the unanimous Senate vote may have led some to predict. That is, as we all know, because the House of Representatives passed an aviation security bill far different from our own, particularly on the question of whether screeners on the front lines of national security should be Federal law enforcement officers or private companies.

This final conference report resolves that issue firmly on the side of Federal law enforcement and represents a great victory for passenger safety. The American people deserve to be safe and to feel safe when traveling in our skies. Now more than ever, aviation security is national security, plain and simple. Like all other aspects of national security, it must be entrusted to Federal law enforcement personnel.

The House and Senate bills both contained a number of important provisions that we were able to quickly agree upon. As I stated earlier, we will now move to fortify cockpits, dramatically expand the sky marshal program, provide flight crews with the best anti-hijack training possible, and ensure that every single bag, every person, and every item boarding a plane is screened. These steps alone offer an enormous improvement in aviation security.

In addition, we have agreed on a bipartisan and bicameral basis to ''federalize'' airport screeners and reorganize the Department of Transportation around security priorities. Federalization of the screening process is a necessary step in strengthening the flying public's faith in our Nation's air transport system. In many ways, the American people have shown their clear preference that the screening of passengers and bags become a Federal law enforcement responsibility. This conference report answers their demands and ensures that the safety of our skies is given the same priority as the safety of our streets and borders.

The Federal Government will implement a program to place law enforcement officers at every single airport screening station in America. These men and women will be public servants of the highest quality, having been subject to background checks, skill assessments, and intensive training in classrooms and on the job.

The 2 years after the screening system has been fully upgraded nationwide, the conference report provides airports the flexibility to consider bids from private screening companies. If an airport believes, and the Secretary of Transportation agrees, that a private company can offer security equivalent to that provided by Federal law enforcement, then they can choose that approach. Certainly, this will be a high hurdle, as well it should be. But this compromise represents the best of what America has to offer, the unquestionable competency and professionalism of our Federal law enforcement and the ability for individual airports to be responsible for meeting tough Federal standards by an alternative means.

In addition, we will allow the Department of Transportation to initiate a pilot program for privatizing screeners at no more than five airports, each in a different size category. Importantly, those airports must themselves seek to be part of this pilot program, the DOT cannot force a private company approach on anyone. This will give us a chance to evaluate and reevaluate what works and what does not. I welcome the opportunity to engage in a continuing review process, adjusting our original plan as necessary to make sure it works as well in the real world as we believe it will today. It certainly will not matter who manages security at our Nation's airports if we are not vigilant in maintaining the quality of the program once in place.

As chairman of the Aviation Subcommittee, I take real pride in the work of the conferees to reach a final agreement on aviation security. I must also say, however, that I was disappointed that some of my House colleagues tried to turn this into an anti-government and anti-union debate. This bill is about safety, plain and simple. It has nothing to do with the size of government or unionization of workers.

In the end, national security prevailed, but the misplaced focus on unionization meant that the House would not yield on including the most basic rights of Federal workers: health care, worker's compensation, and civil rights and whistleblower protection. These critical matters are left to the discretion of the Department of Transportation, and it is my hope and expectation that the Secretary will have no choice but to offer a good package to fill so many positions so quickly. In fact, DOT has assured us that they will offer rights and benefits at least as good as those afforded other Federal workers, and I intend to hold them to that promise.

Finally, I want to emphasize that much of my effort on this bill, like all of the aviation bills I work on, was aimed at ensuring that rural communities have the best possible options for security and service. In the face of so may House proposals to federalize only at the large airports, and privatize only at the small airports, I held firm to the principle that small airports must be served by true law enforcement. Now, within a matter of months, all West Virginia travelers will have the security of Federal screeners, Federal supervisors, and Federal and local law enforcement on hand to protect them.

I urge all parties, public and private, to move swiftly to implement the new

security measures as soon as the President has lifted his signature pen from the paper. The sooner the actual provisions of the law are implemented, the sooner the public's confidence will be restored. When Americans once again feel safe in the sky, we will have claimed a major victory in our war against terror.

Mr. KERRY. Madam President, I would like to be among the first to congratulate Senators HOLLINGS and MCCAIN for their leadership in getting us to this point. Without their leadership we would not have a conference report, so I thank them for their fine work.

The conference report that we have signed off on, and to which the full Senate is about to agree, is historic legislation. Our legislation will immediately put an end to the unacceptable state of airport security. Everyone knows the technical aspects of the bill by now. But our bill will, for the first time, guarantee uniformity in our Nation's aviation security. The bill creates a seamless web of improved security, so that passengers boarding a plane in Worcester will have the same level of heightened security as someone boarding a plane in Chicago. This is critical to Americans in places where small airports are the norm. It would have been unacceptable to create a two-tiered system of security.

Our bill also provides accountability in aviation security. For too long the FAA, airports, airlines and private security companies have been able to point fingers at one another without any real improvements being made in security. The Congress has passed law upon law designed to improve things, but these laws never seemed to be fully implemented. That all ends with the passage of this legislation. It is my hope that a message has been delivered clearly to anyone with any security responsibilities at our airports. The Congress has empowered the Federal Government to make serious and lasting improvements in airport security. We have provided all the necessary tools to improve the screening of people and their bags. We must now use those tools to make the American people as safe as possible when they fly.

We have also placed, through passage of this bill, a renewed confidence in the Federal Government to perform vital national security functions. No one questions the superior job that the 36,000 men and women of the Coast Guard do in protecting our ports. No one doubts that the Customs Bureau does a fine job of inspecting trucks, planes and ships that unload cargo in the United States. But many people will be watching closely as Federal managers, supervisors and, ultimately, screeners, begin to protect our airports. They must know that the flying public will be watching them closely, and they must not fail.

Equally important as improving the quality of screeners, we recognize the need to improve the technology used in airport security. Technology can be a great ally to us, and this legislation places a great emphasis on investing in research and development. We authorize grants for the development of new technology to improve security. With new technologies, we enhance our ability to authenticate passenger and employee identification, our ability to control access to secure areas and the way we screen checked baggage.

Our bill dramatically improves the screening of checked baggage. We currently only screen about 3 percent of all baggage that goes into the belly of a plane. Our legislation will take immediate steps to screen all baggage for explosives, ultimately ensuring that all baggage is screened with the most sophisticated technology available. During debate on the Senate bill, I filed an amendment that would have required the screening of all checked baggage by 2005. This bill sets the deadline a year earlier. I believe that this is an extremely ambitious target, but it is one that we must be prepared to meet. The Congress must follow through by providing critical financial resources to help acquire and deploy explosive detection systems so that the Department of Transportation can meet this deadline.

Finally, I thank our House colleagues who were invaluable in brokering this deal. Chairman DON YOUNG and Ranking Member JIM OBERSTAR were key players in this process and the entire Senate must owe them our gratitude.

Ms. SNOWE. Madam President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance in the wake of the September 11 tragedy. As a member of the Senate Committee on Commerce, Science, and Transportation, and a conferee on the aviation security conference, I fought for the strongest possible enhancements to our existing system. I believe we succeeded in this endeavor.

Going into the conference, I felt we needed to confront the issue of federalization head-on, and I believe we have done that. We needed to send an unequivocal message to the American people that the government is taking control of security, and it is safe to fly. I believe we have accomplished that. When this bill is signed into law, the status quo is history.

The agreement before us will federalize virtually all security screeners. The Federal Government will take immediate control of the system. Once the Federal system has been imposed and we have had a chance to evaluate it, individual airports that meet strict federal standards will have the flexibility to deploy law enforcement personnel or contract screeners. This is very similar to an approach I had suggested to the conference committee leadership, under which all screeners would be Federal employees, and then after 4 years, a review of the system could be done.

The Federal Government will provide direct management and oversight, set strict new standards, ensure that they are followed, and will have the power to fire screeners who don't measure up to the standards. We won't have a system where anybody's financial ''bottom line'' is a competing priority with protecting the flying public. We will have a reliable, professional force of security screeners. This is what Americans have been calling for in airport after airport. And it is what they are going to get.

The system will be seamless. There will be no gaps in control or oversight. It will be uniform. The Senate version of the bill would have transferred control of the screening system to the Department of Justice. The conference agreement gives control to a new Transportation Security Under Secretary. I would have preferred that we vest this critical security responsibility with an agency with a historic law enforcement function. Nonetheless, passengers will know that they can count on the same level of security throughout the system, whether they are boarding at LAX, Chicago O'Hare, or the Portland, ME, Jetport. There will be no question about who is accountable. And it won't be a private for-profit company—it will be the Federal Government.

Furthermore, this package meets the critical goal of addressing the interlocking rings of aviation security, from the perimeter to the airport to onboard security, because ultimately, the system is only as strong as its weakest link. It will address the gamut of critical issues, including baggage screening, additional air marshals, and cockpit security.

In addition to imposing Federal control on security screening operations, there are a number of provisions in the bill that I worked hard to secure. For example, the bill will ensure the screening of all checked baggage within 60 days, and all checked bags will be screened with highly sophisticated explosives detection equipment by the end of next year under the deadline set forth in the agreement, a top priority of mine.

The legislation will increase the number of air marshals as well. Shortly after the tragic attacks in September, I cosponsored legislation by Senator HUTCHISON to boost the Air Marshal Program, and I believe this is a critical step. It will ensure that any potential terrorist will know they could be flying with one or more armed marshals, trained to take control in the event of an attempted hijacking.

The bill provides for background checks for students enrolled in flight training. I introduced legislation to require background checks for foreign nationals seeking such training. A background check provision was included in the Senate bill, and a similar provision is included in the conference agreement. This will ensure that federal law enforcement authorities are alerted in the event that an individual with known ties to terrorist groups attempts to obtain flight training.

The bill also includes provisions I worked for directing the new Transportation Security Under Secretary, created in this measure, to focus on the critical mission of better coordinating all modes of transportation nationwide particularly in preparation for emergencies such as the events that unfolded on September 11. And I would like to thank Senators HOLLINGS and MCCAIN, in particular, for working with me and for their support on this important issue.

I am very pleased we were able to come together in a bipartisan way to send a comprehensive package to the President that will restore the confidence of the American people. Because the images of the unspeakable horrors of the recent terrorist attacks will be etched in our minds forever. When the ''devil incarnate'' hit the United States, he attacked not only America, but freedom-loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are voting on this bill today because, as we continue to mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile.

Our goal was to restore the confidence of the American people in the aviation security system. I believe the measure before us will accomplish that goal. The fact of the matter is, if the flying public does not have confidence in the security, they will remain reluctant to fly, with severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

We found common ground on a very complex issue, and I am pleased that both sides were able to come to agreement so quickly in the name of safety, to ensure that Americans have complete confidence in the men and women who form the last line of defense.

In the end, we did come together—as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the September 11 attacks, as we did on a financial relief package for the airline industry, as we did on counter-terrorism legislation—to develop an agreement to address the gaps in aviation security and restore the confidence of the American people in our aviation system. So I urge all my colleagues to offer a strong show of support for this important legislation.

Mr. SMITH of New Hampshire. Madam President, the Senate passed an amendment by myself and Senator CONRAD BURNS of Montana to allow for armed pilots as the first line of deterrence and the last line of defense for cockpit security.

The first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking.

The last line of defense, because, when all else fails, including the armed air marshals and the reinforced cockpit door, an armed pilot will be in the cockpit to defend the cockpit from terrorist hijackers.

The pilots support this amendment. The Bob Smith/Conrad Burns amendment had the endorsement of the Airline Pilots Association and the Allied Pilots Association. In addition, The National Rifle Association and Gun Owners of America supported the amendment. And most importantly the American people supported our efforts.

According to a draft provided to myself, section 125 of this conference report, titled flight deck security provides that the pilot of a passenger aircraft is authorized to carry a firearm if four conditions are met.

First, ''the Undersecretary of Transportation for Transportation Security approves.''

The will of the Congress is clear that the Department of Transportation should approve a reasonable program to arm pilots.

Second, ''the air carrier approves.'' The air carriers should not use this provision as a veto to prevent properly trained pilots from using firearms to protect themselves and the aircraft from terrorism, that would be a mistake and would adversely affect air safety.

Third, ''the firearm is approved by the Under Secretary.'' It should be clear from this language that the Under Secretary of Transportation should approve a firearm, not a stun gun, not a taser, a firearm with approved ammunition that would not compromise the integrity of the aircraft.

The final provision of this section provides that ''the pilot has received proper training for the use of the firearm, as determined by the Secretary.''

The Smith/Burns amendment provided that the agency ''shall establish a voluntary program to train'' and ''make available appropriate training'' for pilots.

I hope the Department of Transportation will utilize the many private organizations that provide excellent training in the proper use of a firearm.

My home State of New Hampshire has the Manchester International Airport and I know the passengers and pilots of New Hampshire are listening to this debate today.

On September 27, 2001, I met with New Hampshire pilots from United Airlines, Northwest Airlines, American Airlines, and Continental Airlines. Those pilots reinforced my belief that a firearm is appropriate to protect a commercial aircraft from terrorism. Airline pilots are crying out for guns to protect themselves, the plane and the passengers.

The Department of Transportation and the air carriers must be reasonable about this new law or Congress will speak again on the issue of armed pilots.

This legislation is a good first step and it is my hope and desire that the Department of Transportation will work with the air carriers to provide pilots with training to possess a firearm in the cockpit of commercial aircraft.

Please remember that we arm our Capitol Police with firearms, we arm our FBI and DEA with firearms, we arm our Air Marshals with firearms.

We also need to arm our commercial pilots with firearms. Armed pilots are a first line of deterrence and the last line of defense against terrorist hijackers.

We trust our commercial pilots to fly commercial aircraft, please give our pilots the tools to protect the cockpit of these aircraft from any future act of terrorism.

Mr. BAUCUS. Madam President, I rise today to address an issue of the utmost importance. While I am deeply committed to increased safety and security at our Nation's airports and on airplanes, I am greatly concerned about how that security is paid for in this bill.

While I commend Senators HOLLINGS and MCCAIN for this much-awaited, much-needed piece of legislation, I disapprove of putting the burden of this increased security on the passenger.

It's critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they're full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

As chairman of the Senate Finance Committee I am deeply concerned about restoring our underwhelmed economy. And securing our flying public is a giant step closer to securing our economy.

As important as that is, I am very unhappy to say that this otherwise excellent security bill as a ticket tax levied on airline passengers. A new tax.

I don't believe that this is the time to raise taxes. Consumers need tax relief—not more taxes. We're trying to pass an economic stimulus bill. I note that we don't raise taxes in that bill, we give folks tax relief. We're taking one step forward and two steps back in this Congress.

I enthusiastically supported the airline relief package Congress passed several weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have passengers to fly in their planes. Raising ticket prices surely won't help get people to fly.

In my State of Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of the security responsibilities, if makes perfect sense that the $2.50 per passenger user fee be assessed to the airlines, not the passengers.

I'd like to close by once again voicing my concern about how we pay for this much-needed security bill. We need increased security in our aviation system. That is clear. What we don't need is increased costs for our flying public.

Mrs. BOXER. Madam President, I am pleased that Congress has finally acted on this extremely important issue.

Even if the terrible plane crash earlier this week wasn't necessarily terrorism, everyone in Congress had to feel in the pit of their stomachs that tomorrow it could be a bomb. Congress needed to act to ensure the American public that our Nation's aviation security system will be the best it can be or Americans will not fly.

On September 11, our Nation's aviation system was transformed into a terrorist weapon. The United States was caught off-guard. Sadly, with aviation security, we should not have been. That is why we needed to pass this legislation.

All four planes hijacked were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks.

That is why I am particularly pleased that this legislation will ensure that all high risk flights will have air marshals aboard them. And, the Secretary of Transportation is to give priority to long-distance flights—such as those targeted on September 11. That is extremely important for Californians.

I am also pleased that this legislation will allow airports to be reimbursed and to use grant funds to pay for security costs. Our airports have been hit hard to meet new Federal security standards. For example, between September 11 and the end of October, Los Angeles International Airport spent $15.3 million on increased security costs. The funds in this bill will allow our airports to continue to operate our aviation infrastructure while providing the highest levels of security.

This bill also makes a significant improvement in passenger screeners. Federal law enforcement personnel will conduct passenger screening, instead of private low-paid workers. We could not allow the same companies to continue to be in charge of passenger screening.

This bill makes great strides forward in making our skies more secure and ensuring that the events of September 11 never happen again.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to elaborate upon the air travel security compromise reached yesterday by Congress—particularly the provisions in the bill that incorporate the amendment authored by Senator DURBIN and myself.

Consistent with the recommendations we made, the bill calls for the individual named to the newly established position of Under Secretary of Transportation for Security to, within 6 months, review and determine which immediately available new technologies can be used to more effectively restrict access to sensitive areas of our airports, including the tarmac, maintenance facilities, baggage handling centers and catering facilities. Such technologies may include biometrics, card or keypad-based access systems, and increased monitoring of emergency exit systems. The Under Secretary is directed to outline a strategy for deploying these technologies within 12 months at all major airports.

The bill strengthens our recommendation to ensure that all checked baggage is screened for explosives by requiring that, within 60 days, all bags be either checked or matched to a boarded passenger and that, by the end of 2002, airports deploy equipment to detect explosives in all checked baggage.

To meet new and unprecedented threats without delay, we must as a nation harness the power of innovation to improve transportation security. That's why I was also pleased to see included in the compromise our recommended authorization of $50 million in each of the next 5 years for the public and private sectors to accelerate development and testing of new aviation security technologies—including faster, better, and cheaper passenger and baggage screening equipment; systems capable of detecting components of weapons of mass destruction; systems for screening catering and cargo items; advances in training of security personnel; and new methods of ''hardening'' the aircraft in the event of an in-flight explosion.

As called for by Senator DURBIN and myself, the compromise also includes $20 million for longer term research into state-of-the-art weapons detection systems, advanced biometrics, secure networking for sharing of threat information, and other groundbreaking technologies to prevent acts of terrorism in aviation.

I am also pleased to see included in the final bill my provision requiring criminal background checks of all currently employed airport security personnel. Given recent breaches of security and growing anxiety about the baggage screening process, Americans deserve every reassurance that screeners will be reliable and trustworthy.

I hope these measures and others begin to make the urgent and immediate improvements necessary to secure our skies for the American traveling public. With the holidays coming and the economy moving toward recession, this legislation could not come at a better time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are trying to get the bill over to the House as promptly as we can. I am prepared to yield back our time, if the Senator from Texas as well is willing.

Mrs. HUTCHISON. Madam President, our side yields back all time.

Mr. HOLLINGS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the staff and the distinguished Chair and wish all a happy Thanksgiving.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

The Senator from West Virginia.

FAST TRACK

Mr. BYRD. Mr. President, I stood in this place last Friday to warn Congress that we must not allow the administration to arrogate to itself the full authority to determine the trade policy

of the United States, that we must not be asleep at the wheel as the one-sided trade jalopy goes rumbling down the fast track—the fast track. There we go again.

For what this Congress calls fast track, the administration uses the euphemistic term ''trade promotion authority.'' Trade promotion authority—it certainly has an innocent enough sound. It is a sound that is rather sweet to the ears—trade promotion authority. But lift up the cover of this euphemistic term, lift the cover, just peep a little under it, and you will find the real villain: fast track, fast-track authority.

So last Friday I stood in my place here and said to Congress that we must not allow the administration to arrogate to itself the authority to determine the trade policy of the United States, that we must not be asleep at the wheel ''as the one-sided trade jalopy'' goes rumbling down the fast track. I was referring, of course, as I say, to the administration's request, its wolf in sheep's clothing request for special authority to negotiate trade agreements that would not be subject to normal rules of debate and amendment.

I was also referring to the penchants of Presidents, both Republican and Democrat, in these more recent years to offer our trading partners unilateral concessions in exchange for the mantle of global leadership. As Jackie Gleason used to say, ''How sweet it is''—to wear the mantle of global leadership.

The news from Doha, Qatar, confirms my worst fears. According to the Wall Street Journal, our trade negotiator, Ambassador Robert Zoellick, ''led the way in making extraordinary concessions to developing countries,'' including ''agreeing to renegotiate America's anti-dumping laws.''

I quote a little further from the Wall Street Journal news story.

U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a World Trade Organization deal, Mr. Zoellick would have to make concessions to poor countries that would so infuriate Congress that lawmakers wouldn't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that ''dump'' products on the U.S. market at below cost.

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. ''At some point, people are going to have to decide if they can take yes for an answer,'' Mr. Zoellick said.

Mr. President, I ask unanimous consent that the entire story from the Wall Street Journal of November 16 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. BYRD. Mr. President, so you see Mr. Zoellick, according to the Wall Street Journal, ''led the way in making extraordinary concessions to developing countries,'' including ''agreeing to renegotiate America's anti-dumping laws.'' Among the big winners, according to the Journal, were foreign steel makers and big multinational manufacturers. The big losers? Guess. I will give you one guess. U.S. steel makers and auto makers are the big losers.

Our trading partners, who often protect their home markets by turning a blind eye to anticompetitive practices by their big manufacturers, hypocritically call our trade laws ''protectionist,'' and they find allies here in the United States among those who claim for themselves the banner of ''free trade.'' Let us be clear: the American people demand that the fruits of their labor be able to compete without fear of foreign predation. They want trade that is both free and fair.

Let us also clear away—once and for all—the cant about ''protectionism.'' Our antidumping law is based on a very simple requirement for foreign manufacturers. What is it? Do not injure producers in our market by selling below cost or charging less here than you charge in your home market. The plain fact is that foreign producers of certain products, such as steel and autos and lumber, dump in America year after year after year, and put all of their efforts into weakening our antidumping laws. Their home governments, whose markets are much less open than ours, work fist-in-glove with these predators.

Our countervailing duty law, which the Administration has also placed on the negotiating table, is no more protectionist than our antidumping law. The law is based on a very simple requirement for foreign governments: Do not seek trade advantages by subsidizing the production of merchandise that your companies sell in the United States. Hands off. If you do, we will apply an offsetting tax to the unfairly traded goods that come into our country.

Why should we permit our trade laws to be eviscerated by foreign interests? What possible rationale could there be for putting our antidumping and countervailing duty laws on the negotiating table? Is it to further distort competition to the disadvantage of U.S. producers?

Let me give you an example of what passes for a so-called ''legitimate'' trade dispute in the eyes of many of our trading partners. In many countries, government-owned steel companies have been the beneficiaries of massive subsidization over a period of decades. Without these subsidies, the steel companies would simply not exist in those countries. They would be gone with the wind. After pouring billions of dollars into a government-owned company, the foreign government then sells it off for pennies on the dollar—pennies on the dollar, or pennies from heaven. The newly privatized company, which wants to sell its subsidized overcapacity in the United States, then has the audacity to claim a ''privatization exemption'' from U.S. countervailing duties. Mind you, there is nothing in any agreement to which we are a party that gives privatized companies such an exemption. Nevertheless, under current international rules, the United States must fight like the dickens to apply countervailing duties in these situations. What will happen after we put our trade laws on the negotiating table?

In short, the United States must not capitulate, Mr. President, to these foreign predators. More to the point, Congress—the body which is closest to the people—must not cede its authority over foreign commerce to the Chief Executive.

The Framers of the Constitution did not cede that authority to the Executive, no. Article I, section 8 of the Constitution grants Congress the exclusive authority over such matters.

Let's take a look at article I, section 8, of the Constitution, which I hold in my hand. What does it say? Section 8:

The Congress shall have Power—

It does not say the executive branch; it does not say the President of the United States; it does not say that vaunted title: The Commander in Chief—

The Constitution says:

The Congress shall have Power . . . To regulate Commerce with foreign Nations—

Aha, there it is. There it is in black and white. Read it and run.

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes. . . .

Well, you say, Congress can delegate certain authority. Well, that is true. But can it delegate the authority given to the Congress by the Constitution to debate and amend? And that is what we do. That is what we do when we support something like fast track.

So, Mr. President, the Constitution is what I have just read.

Let the Constitution, our Nation's shining glory, be our guiding light. Let us demand that our trade negotiators take a strong stand for American jobs

and American values. All countries benefit from international trade, and all countries must share in the costs of constructing the framework of that trade.

Now, as I have said many times on this floor—I ought not have to repeat it—I am not suggesting that Congress get involved in the minutiae of international trade agreements. I am not suggesting that we inject ourselves into each little teensy-weensy, itsy-bitsy tariff determination. Our trade laws, however, are not minutiae. They represent the sole hope for companies that are being picked apart by vulturous foreign trading practices.

Communities across America, all across the land—the East, the West, the North, and the South—are waiting to see whether we are strong enough to stand up for their interests—their interests—the people's interests.

They are waiting to see whether the United States will once more be duped by those whose unabashed—unabashed—motive is to gut the framework of fair trade. If we stand by the Constitution—if we stand by the Constitution—that magnificently balanced instrument of the people, by the people, and for the people, we will not fail our constituents. As well, we will herald a trade policy for the new millennium, a trade policy according to which we do not sacrifice hard-working Americans at the altar, at the altar, at the ''Golden Calf,'' if you please, of nebulous foreign policy objectives, a trade policy that is based on the pursuit of mutual benefit among sovereign nations.

Now, Mr. President, that is not protectionism. If it is, then I am for it. That is not protectionism. It is a policy based on the traditional principles of national sovereignty as well as the absolute respect of each law-abiding nation for every other such nation. It is a policy the American people expect, and it is one that we—the elected representatives of the people—have a constitutional duty to uphold.

May God bless America. But in doing so, may God bless the Constitution of this Republic. Thank God for that Constitution. I hope the administration will read it over the Thanksgiving holiday. It might be well if we ourselves all read it again.

Mr. President, I yield the floor.

EXHIBIT I

[From the Wall Street Journal, Nov. 16, 2001]

POLITICS & POLICY

ZOELLICK'S TRADE CONCESSION WINS WTO TALKS BUT COULD COST BUSH FAST-TRACK AUTHORITY

(By Helene Cooper and Shailagh Murray)

WASHINGTON.—U.S. Trade Rep. Robert Zoellick faced a stark choice when he arrived in Doha, Qatar, last week: He could win either fast-track negotiating authority from Congress or a new round of trade talks.

To get a world Trade Organization deal, Mr. Zoellick, would have to make concessions to poor countries that would so infuriate Congress that lawmakers would't grant fast-track authority. To get fast track, which would allow President Bush to negotiate trade deals that Congress could approve or reject, but not amend, he would have to make concessions to liberal Democrats that would so anger poorer countries that they wouldn't open new trade talks.

On Monday, Mr. Zoellick announced his decision to a group of ministers and delegates at the convention center in Doha, where the WTO was meeting. The U.S., he said, would cede to their demands to allow negotiations on America's hated antidumping laws, which punish other countries that ''dump'' products on the U.S. market at below cost.

Bill Klinefelter, the United Steelworkers of America representative who sent to Doha to keep Mr. Zoellick from negotiating on U.S. antidumping laws, was furious. Mr. Zoellick, he said, could ''kiss fast track goodbye. He's never getting it now.''

The irony is that without fast track, Mr. Zoellick won't be able to conclude the trade talks launched at the WTO meeting. Trade envoys hope to wrap us the talks in three years, though few really believe they will finish that early.

Thursday, lawmakers were still digesting the details of the Doha agreement. Republicans praised it and said they still plan to try to get fast track. House Speaker Dennis Hastert (R., Ill.) said he still hopes to bring fast-track authority to a vote the week after Thanksgiving. But there is little chance of passage without some support from moderate Democrats—and few were cheering.

Mr. Zoellick's fast-track proposal ''was not tenable before Doha, and it's even less tenable after Doha,'' said Rep Sander Levin, (D., Mich.) the only lawmaker who attended the WTO meeting.

House Minority Leader Richard Gephardt (D., Mo.) told reporters Mr. Zoellick's concessions were ''negative in terms of getting agreement on'' fast track. ''They put on the table for negotiation our antidumping laws,'' he said. ''We are in the middle of a steel crisis now in terms of losing sales and losing capacity in our steel system.''

The U.S. steel industry is one of the biggest beneficiaries of antidumping laws, so lawmakers from steel states don't want to see those laws weakened. Mr. Zoellick's decision ''is a stunning betrayal of America's workers,'' said Rep. Peter Visclosky (D., Ind.) vice chairman of the Congressional Steel Caucus. ''Putting our trade laws on the table flies in the face of fair trade and totally disregards the expressed will of Congress that our trade laws not be negotiated away.''

Before going to Qatar, Mr. Zoellick said he was fed up with Democrats' demands for more concessions on fast track. He pointed to his decision to allow a big steel trade case to go forward, which could temporarily shutter the U.S. market to some foreign steel. He said his fast-track proposal also addressed labor and environmental concerns of Democrats. ''At some point, people are going to have to decide if they can take yes for an answer,'' Mr. Zoellick said.

Some moderate Democrats defended Mr. Zoellick's concessions on steel and said they still hope to salvage fast track. ''The challenge is making sure everyone understands the provisions,'' said Rep. Calvin Dooley (D., Calif.).

In Doha, Mr. Zoellick steadfastly protected America's textile industry. He repeatedly turned down demands from India and Pakistan that the U.S. import more clothing. That decision was looking almost fortuitous, but it clearly won't be enough to bring about converts on fast track: Burlington Industries Inc., Greensboro, N.C., filed for Chapter 11 bankruptcy protection and blamed it on cheap imports. Burlington Chief Executive George W. Henderson specifically cited the U.S. government as a culprit, saying it used the textile industry as a bargaining chip in international relations.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SECURITY ACT CONFERENCE REPORT

Mr. BYRD. Mr. President, the Senate earlier today approved a conference report that will increase security substantially at our Nation's airports. And this is a good step—a good step—toward restoring the American people's confidence in their own safety. And it is a good step forward in rejuvenating our economy, the American economy.

This is very fine legislation. But I wish to remind ourselves that a few days ago we had a golden opportunity to enact other very fine legislation that would go far in rejuvenating the hope, the faith, and the confidence in the minds of the American people that the Government was looking out for their security, for their welfare. And I refer to that amendment which Senator HARRY REID, the distinguished Democratic whip in this body, and the distinguished majority leader, Mr. DASCHLE, and Senator HOLLINGS, and other Senators and I offered, to guarantee, to a much greater extent than I have to explain today, the defense of our homeland, homeland defense.

That legislation was rejected by the minority in this body. So while we congratulate ourselves—and rightly so—on enacting legislation dealing with safety at our airports, safety to the travelers on airplanes, that does not bring an end to the threat of bioterrorism.

The legislation we passed today will not provide for smallpox vaccines and anthrax antibiotics. My amendment a few days ago, the homeland defense amendment to the so-called stimulus bill, would provide for smallpox vaccine, would provide money, $4 billion, to end the threat of bioterrorism.

Our Republican friends rejected it. I hear that some of the House conferees don't want to have any conferences over there in which the majority leader, Senator DASCHLE, or Senator ROBERT BYRD are in attendance. They don't want to hold any conferences, I hear. I read that in the paper, that certain Members of the other body have

said: We don't want Senator DASCHLE and Senator ROBERT BYRD to be in the room when we are talking about homeland defense.

Will this legislation provide for smallpox vaccine and anthrax antibiotics? No. But our legislation which we offered the other day would have. It was turned down. The Republicans said: No, no, no.

The bill we passed today doesn't improve the training of our doctors and nurses, but that $15 billion homeland defense amendment would have improved the training of our doctors and nurses, would have expanded the capacity of local hospitals and medical labs.

The legislation we passed today is good legislation, but it leaves much work to be done. Of course, nobody ever told us that that legislation was the alpha and the omega, the beginning and the end, of homeland security legislation. I am not making that charge. But I am talking about some other homeland security provisions that were in the amendment which I offered at the time Mr. MAX BAUCUS, the Senator from Montana, was offering his tax legislation.

Does the legislation we passed today provide counterterrorism training for our local police and fire departments? Does it give them access to new resources and equipment so that they are prepared to respond to possible future terrorist attacks? Does it tighten security at our borders and at our shipping ports? Does it provide for better protection of our food supply against possible biological attack? Sadly, the answer to these questions is a resounding no, no, no.

We in Congress have a responsibility to provide for the common defense. That is what the preamble to the Constitution mentions, among other things: Provide for the common defense. We have a responsibility to provide resources to prevent future potential terrorist attacks and to ensure rapid response should another attack, God forbid, occur. We have a job to do.

While we are at home on Thanksgiving Day, we should give thanks for our many blessings, but we should also be thinking about the job that is still left undone. We have work to do.

To date we have been unable to do that job because of partisan gridlock. What a sad commentary on the Senate. What a sad commentary on the Congress. When we return from the Thanksgiving break, we will refocus. We will be back, Lord willing. We will be back. We will refocus on homeland security, homeland defense. I hope we can make the same kind of rapid bipartisan progress to improve our defenses here at home as we have achieved today in airport security.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN IN AFGHANISTAN

Mr. REID. Mr. President, this week we have watched on television the images of women in various places in Afghanistan, in cities, towns, running into the streets without male relatives and throwing away their burqas. I was here a week ago talking about how women were treated in Afghanistan. I brought with me the eyeshade they must wear, which is netting they can barely see out of and people can see nothing beyond. All over Afghanistan, women can wear these if they want, but they are not required.

A week ago, women would have been beaten publicly, or even executed, for these acts. Under the Taliban's rule, women could not work outside the home, receive an education, or even leave their home unless accompanied by a close male relative—brother, father, or husband.

The defeat of the Taliban means that Afghan women are now free from the Taliban's brutal rule. As we begin the peace process and reconstruction of the Afghan Government, we cannot forget about the women who, in spite of the Taliban's harsh edicts, risked their lives to run home schools and health clinics. That is just not a matter of a few words. They actually risked their lives by taking care of sick people and teaching kids how to read.

We have to remember that, prior to the Taliban's rule, Afghan women were scientists, professors, Members of Parliament, and university professors. They led corporations and nonprofit organizations. In fact, women were 70 percent of the nation's schoolteachers, 40 percent of the doctors, 50 percent of the civilian government workers, and 50 percent of the college students in Kabul.

These women must play a role in the rebuilding of post-Taliban Afghanistan. In particular, the education system must be rebuilt with the help of the women, who once comprised the majority of the nation's teachers. I hope that we, at the first opportunity, move in an army of Peace Corps workers. They will teach people English and how to read generally.

I hope the United Nations will focus on the problems of education in Afghanistan. We have to direct our humanitarian aid to the specific needs of the Afghan women and girls who suffered major setback after major setback as a result of this tyrannic rule. For example, over 90 percent of Afghan girls are illiterate. Rebuilding the country's educational system is the only way to repair the damage Afghan women and girls have suffered at the hands of the Taliban. Women will be key to this event.

We also cannot let misconceptions about a very good religion, Islam, guide our efforts in the reshaping of a post-Taliban Afghanistan. Nowhere does the religion say women cannot be educated or employed. In fact, the president of the world's largest Islamic organization in Indonesia is a woman.

As I said, 70 percent of Afghanistan's teachers were women prior to the Taliban regime. Afghanistan first adopted a constitution in 1964 that included universal suffrage, equal rights for women, and separation of powers with an independent judiciary. Afghan women were members of the judiciary, Parliament, and Cabinet, and 30 percent of Afghan's civil service workers were women.

If we are truly committed to restoring the human rights of the Afghan people, and we are, then we must be truly committed to restoring the rights of Afghan women because then women will be given from the start a seat at the table of the peace process and the establishment of the future Government of Afghanistan. Only then will we be truly able to secure the rights of the Afghan women.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the adjournment resolution S. Con. Res. 85 submitted earlier today by Senator DASCHLE; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The matter is privileged. The concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 85) was agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first;

and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. DORGAN. Mr. President, before we adjourn for the week, I want to comment about the Agriculture Committee's action yesterday here in the Senate. I'm very pleased that they passed the farm bill out of the committee, which will, I hope very soon, come to the floor of the Senate. I want to make a few comments about it, about the importance of it to family farmers.

We deal with a lot of issues in the Senate. I know everyone has a favorite issue or a most important issue from their State or from their perspective. I come from a farm State. The subject of family farming is very important to me.

I know some say: But the family farm in America is largely gone. In any event, the notion of family farms is just old nostalgia. It is not relevant to today. Today we need big, mechanized corporate agrifactories. The family farm is like the little old diner that got left behind when the interstate came through. It is kind of nice to look back at what it was and think about it, but it is really not relevant in today's terms.

Those who believe that are just dead wrong. Family farming remains a critically important part of this country's economy.

Will Rogers said, many years ago:

> You know, if one day all the lawyers and accountants in America failed to show up for work, it really wouldn't mean very much. But if one day all the cows in the United States failed to show up to get milked, now that would be a problem.

He was in his own, simple, interesting way describing the importance of agriculture. It is the case, it seems to me, that our country has been blessed by not being hungry as a nation. We have had some pockets of hunger to be sure, but we have not been hungry as a nation for many decades. So we forget from time to time the contribution made by family farms.

I think most people in a highly urban setting just think of butter as coming from a little box that you pick up at the grocery store. Cereal? Why that comes from a box as well. Pasta? That comes from a box with a cellophane window so you can see the size of the pasta you are buying. But, in fact, it all comes from a field somewhere, a barn somewhere. It comes from the sweat of the brow of a family farmer, often a man and woman who decided to latch their dreams to running a family farm, to being independent, and to producing from the land.

It is true they have had a pretty difficult time in recent years. I have had calls from farmers over the years, especially in recent years. A woman called me. She said: My husband and I got married shortly after high school, and for 18 years we have run a dairy farm. We milk 80 cows, milk them every morning and every night. If you know anything about milking cows it is a tough job.

She began to weep on the phone as she described the financial hardship they were facing and the fact they were going to have to sell their farm because they couldn't make their payments because the price of milk had collapsed.

She said: It's not our fault. We don't go to town on Saturday night. We don't spend money in a way that is extravagant. When my children say they need a new pair of jeans for school, I have to say we have to wait because we don't have the money to buy jeans right now.

She said: The fact is, we have done everything we possibly can. We have worked as hard as we can to make this dream come true and we are losing our farm. And through tears she described the death of this dream that she and her husband had.

That is happening across our country these days as the price of commodities collapse and families, one by one, confront this terrible dilemma. One fellow wrote to me and he said he was sitting at his dinner table at 1:30 in the morning. He said: I am writing this letter to you at 1:30 in the morning, telling you about where I live and where I farm. It is spooky quiet around here. Most of my neighbors are gone. They left family farming because they couldn't make it. I go to town, a small town, and the Main Street is spooky quiet. There aren't any vehicles on Main Street anymore.

He described in a passionate way his belief about wanting to pursue his dream, of continuing to farm the land and raise America's food, but not being able to when the price of their commodities is below the cost of production when they take them to the elevator.

We have passed a farm bill through the Agriculture Committee and we need to get it to the floor of the Senate. We need to get it to the President and he needs to sign it. Why? Because we need a farm bill that says to family farmers: During tough times, when you run into price valleys, we have a bridge that takes you across those price valleys. Why? Because this country believes you are an important part of our economy and because we believe both economic and national security rests on our having a network of people who produce our food across this country.

It is true that we could probably have a country without family farmers and giant agrifactories would produce our food. From California to Maine, the largest agrifactories in our country would produce food. They would milk 3,500 cows three times a day, as some dairy operations do in California. They would drive tractors in one direction until they are out of gas and then gas up and drive back. We all understand about giant agrifactories It is just that family farms produce more than just food, and that is what people forget. The agrifactories produce just food. Family farms produce communities. They produce a culture. They produce family values. Those family values move from the family farm to small towns to big cities, nourishing and refreshing family values in America. It has always been the case, and it is not old-fashioned to think that should be part of our future as well.

How do we make that a part of our future? We as a Congress and we as a country say to family farmers: You matter. You are an important part of our future. We are going to pass farm legislation that reflects the urgency, reflects our desire to address this problem of collapsed prices, this problem of tough times for America's economic All Stars. We produce the best quality food for the lowest percent of disposable income of anyone in the world. In the spring, family farms in North Dakota or elsewhere in the Farm Belt, they borrow money to buy the seed, the fuel and the fertilizer; fix up the tractor; and then plow the ground and plant the seed. Then they hope, hope above hope, that it won't hail, that it will rain enough, that it won't rain too much, that the bugs won't come, or disease won't hit. Finally in the fall, they grease up the combine and go out and take that crop off the field, put it in the back of a 2-ton truck and haul it to the country elevator. After all this, if everything falls into place and works, they are told by the grain trader: By the way, that food you have produced doesn't have value. And that family farmer scratches his or her head and says: Doesn't have value? A half billion people go to bed at night with

an ache in their belly and the food we produce in such great abundance has no value?

The farmer is told what they do is not valuable to this country. And the farmer wonders—in a country where the saying goes, two-thirds of the people are on a diet and a substantial portion of the world is hungry, and those who are producing America's food are told that their food has no value—farmers rightly wonder whether there is a connection missing someplace, whether there are some wires hooked up wrong.

Clearly, if you look at this world and evaluate what this world needs to produce peace and stability, and to help people live a better life, the first item would be to say we need to alleviate hunger.

Just as a note, One of my friends many years ago was a singer named Harry Chapin. Harry was a wonderful man. When I announced I was going to run for Congress, he flew to North Dakota and did a concert; wouldn't even allow me to pay for his airline ticket. He showed up, borrowed a Martin guitar from the local music store, and did a 3-hour concert to 2,400 people who filled the Chester Fritz Auditorium in Grand Forks, ND. What a wonderful guy he was.

The reason I talk about Harry Chapin is that he donated one-half of the proceeds of his concerts every year to fight world hunger. He used to say that hunger is not headlines. It just isn't, because people die every single day. Every single day, 45,000 children die from hunger and hunger-related causes around the world, and you won't read a thing about it in tomorrow's paper. He said if 45,000 people died in New Jersey tomorrow from one terrible calamity or another, it would be headlines. But every day, the winds of hunger sweep across this globe, and children die, people die, and somehow it is not headlines.

Then our farmers in North Dakota go to the elevator with a load of grain that they prayed they would be able to raise against all the odds to be told that grain has no value, that food has no value. They have a right to wonder whether the wires are not connected somewhere with respect to our priorities.

In the midst of all that background, we wrote a farm bill. This Congress wrote a farm bill a while back called Freedom to Farm. It should have been titled ''freedom to fail.'' It was a terrible piece of legislation. It didn't work.

We have done an emergency bill every year to try to fill the vacuum that was created by this piece of legislation that didn't work, and this law has one more year to go.

Next year, the Freedom to Farm bill expires. We believe that this is the time to write a bill so that when farmers go into the field next year, they will know there is a better farm program.

Congressman COMBEST in the House, against the advice of the White House and the President, wrote a bill. They said: Don't do it this year. He said: It doesn't matter what anybody says; I am going to do it; it needs to be done. Good for him.

Senator HARKIN yesterday in the Agriculture Committee said we are going to write a bill. It was reported out of the Senate Agriculture Committee, and now our challenge is to bring it to the floor of the Senate immediately when we return. I understand there are some here talking about blocking it. As we know, it takes 60 votes to overcome those who want to block legislation. I think we can do that, if we must, but I hope they will not try to block it.

We have a responsibility. In my judgment, we ought to write this farm bill this year. Even if you do not care much about family farmers—I can't conceive of people who do not—you ought to care about food security in this country.

How do you best provide food security in America? You do that by having a broad network of dispersed producers producing America's food. If you are concerned about bioterrorism harming America's food supply, you should be concerned about feedlots with 200,000 animals run by the big agrifactories. In contrast, widely dispersed family farms that dot the Nation and which represent the network of producers across the prairie, they are much less at risk, when it comes to bioterrorism.

If this country wants to do something for its economic future, for economic recovery, for food security, for national security, then it ought to decide it will stand up for family farmers and pass a decent farm bill.

Let me make a comment about the legislation that passed the House and the Senate Agriculture Committee. That legislation is not perfect. It is not what I would write were I to write it myself. However, it is better than the than Freedom to Farm. Each hurdle is a hurdle that we have to get past. We got past a hurdle yesterday by getting this out of the Senate Agriculture Committee. The next hurdle is to get it on the floor of the Senate.

I urge my Colleagues to bring this farm bill up as soon as we return from the Thanksgiving break. I hope to offer an amendment that will improve the safety net in this bill. I hope we pass this farm bill after some improvements on the floor. Then we can have a conference with the House, and then send the bill to the President.

We cannot fail in this job. We have a responsibility to pass a farm bill, and to do it now and do it right.

As I said, I know a lot of people have a lot of different interests. I come from a farm State. Yet I stand on the floor of the Senate and I say to people, I support Amtrak. I am a strong believer in Amtrak. Why? Because I think this country needs a rail passenger system. Amtrak comes to North Dakota, and it is important to us. But it is not the biggest issue in the world. To me, the national issue of having rail passenger service in this country is a very important issue. I support mass transit in the cities. We don't have mass transit in my home county. My home county has 3,000 people.

I support mass transit because, as a national matter, this country needs it. I hope my colleagues will understand as well that when I support those issues for the major urban centers of America, they will do themselves and this country a favor by supporting the rural interests which also contribute to America's security and which contribute to America's enterprise and economic health.

I thank the Senate Agriculture Committee, Senator HARKIN and others who led the way to get a bill out of that committee yesterday, and their staff who worked so hard to get this done. Next week we will not be in session because of Thanksgiving. But the week following, it is the desire of Senator DASCHLE, myself and many others, including Senator HARKIN, that we will bring that bill to the floor of the Senate.

We very much want to put a farm bill on the President's desk and get that legislation signed. We want our farmers in this country to go into the fields next spring and plant next year's crops under a farm bill that has a better support level than the current bill, one that gives them the hope that if they do the right thing and things work well for them, they will be able to make a living on the family farm next year.

Mr. President, I see colleagues waiting to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

FLU VACCINES

Mr. WYDEN. Mr. President, I come to the floor to talk about a program for vaccinating Americans, particularly as the country heads towards the season when many have the flu.

This is an area I have a great interest in since my days as director of the Oregon Gray Panthers. Obviously, older people are particularly vulnerable. This year, certainly there is going to be considerable focus on the flu vaccination program.

Given the new threats of bioterrorism that have been widely discussed, certainly many are going to be particularly interested in getting the flu vaccination. It is important that we reevaluate how flu vaccinations are provided in light of the unfortunate, significant new health concerns of many Americans.

Certainly the threat of bioterrorism has increased demand for flu shots. In my view, it has caused considerable confusion. In recent days, my office has canvassed State health departments and many senior citizens programs around the Nation. We have found that while no shortage currently exists, there are delays and certainly a substantial amount of misinformation about the various programs and services that are available for older people. There have also been problems with one manufacturer that may be exacerbating delays in getting vaccine doses out to the public.

Even more important, my sense is there isn't yet a clear, understandable system in place for ensuring that high-risk Americans, particularly the Nation's older people, are vaccinated early and first.

My sense is that more needs to be done in addition to prioritizing the concerns of high-risk, vulnerable Americans to put in place a better distribution system for getting out vaccines. There needs to be a better plan to make sure that there are processes in place, if there are problems or snafus of one manufacturer. It is extremely important that there be a uniform message coming from all health officials with respect to the flu vaccine program.

For example, while CDC and others have told Americans to get vaccinated later, others in the health system have urged Americans to get vaccinated quickly against the flu because of the anthrax threat.

Since anthrax has been in the news so much, it is logical for people to think they should get vaccinated immediately. But because people cannot get their shot the day they want it or the day a clinic is scheduled, some people may think there is an immediate shortage.

On the basis of the survey we have just done of the State health departments and many senior citizen centers, it does not appear there is a shortage with respect to the vaccine. But there are delays. There are instances where mixed messages have been sent by public health officials. This has certainly contributed to the confusion that exists.

Under the leadership of Senator BREAUX, the Senate Aging Committee has been looking into this issue. At Senator BREAUX's request—and let me also state the ranking minority member, Senator CRAIG, on the Aging Committee has been considerably interested in this in the past as well—our Aging Committee held a hearing that I chaired to look at the flu vaccine program.

We have worked with Secretary Thompson. I think he has made a number of steps that are constructive and have moved the program in the right direction, but certainly there is more to do.

For example, our survey found that in Indiana they received about 10 percent of the order the counties have placed, but it will have 50 to 100 percent of their order in 4 to 6 weeks. And, obviously, if shipments don't arrive on time, don't arrive in line with the plans that the programs and the senior citizen centers are putting out to their members, there is going to be a great deal of confusion.

So as we move to this crunch time for vaccinations, health officials in this country still cannot tell us if all the high-risk patients are being vaccinated, or if there are plans to vaccinate them. I think we need to develop a better system, for example, to track seniors who are in these programs. Many are signed up, and there are others who should be vaccinated early. This can be done if the public health system wants to do it.

So around the country there are concerns. I mentioned Indiana. In the State of Oregon, one large provider of public health clinics has received only about 40 percent of their order.

In Michigan, health officials are concerned that by the time they get the rest of the order they need in December, the public will not come. Doses may actually have to be dumped. So there are a variety of concerns about the flu vaccine program.

Mr. President, I ask unanimous consent that an article in yesterday's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 15, 2001]

LONGER LINES FOR FLU SHOTS

INCREASE ATTRIBUTED IN PART TO ANXIETY ABOUT ANTHRAX

(By Leef Smith)

Regional health care providers are reporting a 20 to 30 percent increase in the number of people lining up at grocery stores and community clinics for flu shots, and attribute part of the surge to widespread anxiety about anthrax.

The early symptoms of inhalation anthrax—fever, cough and muscle pain—resemble those of the flu. As a result, doctors say, many people are getting vaccinated in hopes of staving off the flu and thus making anthrax easier to diagnose should it occur.

''We're seeing a lot of first-time flu shots,'' said Susan Randall, a registered nurse and clinical manager for Inova HealthSource, which is spearheading the Fight the Flu campaign in Northern Virginia and plans to administer 80,000 flu shots this season. The campaign plans to provide 50,000 shots in Maryland and the District. ''If you ask people why they're getting the vaccination . . . some will say they're afraid of anthrax,'' she said.

But Randall said flu is serious enough on its own for people to consider being inoculated. ''While it's tragic we've had four anthrax deaths, over 20,000 people die of the flu each year,'' she said. ''People should take the flu seriously.''

The federal Centers for Disease Control and Prevention has issued the same advice, noting on its Web site that numerous viruses cause flu-like symptoms. The site also discourages people from getting a flu shot simply to reduce concern about anthrax exposure.

''You should get a flu shot to avoid the flu, and the symptoms of the flu, not to avoid anthrax,'' said CDC spokesman Curtis Allen. ''They're two different issues.''

Flu seasons begins in November, with cases generally peaking in January and February.

Health care providers strive to vaccinate high-risk groups—people 65 and older, those with chronic medical conditions, medical workers and some pregnant women—by the end of October. But a delay this year in the delivery of flu vaccine from manufacturers—some of whom are upgrading their equipment to increase productivity—has hampered that effort.

CDC officials say there is more vaccine being manufactured this year than ever before—about 85 million doses—and insist that there will be enough to meet the rising demand.

A little more than half the supply was sent to distributors and health care organizations by the end of October, and another large batch is expected this month. The rest is due in December, although officials with the Food and Drug Administration, as well as the CDC, say the timetable could change.

Because of a supply delay, only about half of the 14,000 high-risk patients treated by Johns Hopkins Community Physicians, a coalition of 18 private medical practices, have received their vaccinations. The group had planned to vaccinate all of its at-risk patients by the end of October.

''We thought we were so smart,'' said physician Barbara Cook. ''We put up posters telling people if you're 65 or older, come in and get your shots. We had to take them all down because we ran out of vaccine almost immediately.''

Likewise, the Fairfax County Health Department, which usually aims to begin its vaccination program for high-risk patients in early November, has received only 10 percent of the 5,800 doses of vaccine it ordered. While delays are not uncommon, officials said this year's has forced them to postpone many of their vaccination clinics.

''It would be our preference to immunize as early as possible, but without vaccine, we can't do that,'' said Rosalyn Foroobar, assistant director of patient care services for the Health Department. ''Hopefully, we'll be able to provide [the shots] before the flu season really does hit. We'll get it. It's just late.''

Even if everyone who wants a vaccination gets one, Randall of Inova HealthSource isn't sure that will be enough to prevent panic when flu season strikes in earnest.

''I think that underlying anxiety out there will cause people to wonder'' about anthrax, she said. ''Even if they've gotten a flu shot, I think our emergency rooms are going to be very, very busy.''

Mr. WYDEN. Mr. President, I urge our colleagues to work with public health programs in their communities. I certainly intend to do that in Oregon, at home, during this high-risk season. I think it is possible to get clearer, more understandable messages out to the public about this program. I do think there needs to be a better system in place for making sure that high-risk persons, particularly older people, get these vaccines. I think we also need to take steps to make sure there are

backup plans if there are problems with a manufacturer, both this winter and in the future.

Secretary Thompson has worked with us in a constructive way. Progress has been made. I certainly do not think there is a need for people to go out and panic. But I think there are steps that do still need to be taken so we do not have frustrated older people, health care providers, and others who want to take steps to protect their health and that of the American people.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

VICTIMS OF TERRORISM RELIEF ACT OF 2001

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 2884, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2884) to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, as Members of the Senate proceed to Thanksgiving Day celebrations with our families, there is little we can offer to the victims of September 11 but our prayers and our good hopes. But in this final act of the Senate, before we recess, perhaps there is something of this world we can do of some meaning for the children and the widows and the widowers who remain.

For these families, September 11 is the crisis that never ends. Even as the dead are buried and families reconstitute themselves, they are faced, every day, with the living reality of life without someone they loved—a father, a mother without a paycheck or savings or a financial future. They need our prayers. They need our support and our encouragement. But they also need our help.

I think H.R. 2884, as amended by the Senate Finance Committee, for this holiday, offers the hand of the American people to our neighbors. It very simply extends current American policy which waives Federal tax liability to the families of American soldiers or civilian employees of the U.S. Government who are killed in combat or in terrorist actions. This extension would now include American citizens whose family members were killed on September 11, 2001, in New York and Virginia.

First, liability for Federal income taxes will be waived for this year and last year. Any moneys previously paid will be refunded. This money is simply better used to pay mortgages and rents and to feed children than it is to be contributed, at this point, to the Federal Government.

Second, we are mindful that many people of moderate means were killed in the Pentagon and the World Trade Center who may not have paid Federal income taxes. They worked in the restaurants or they cleaned the buildings or they performed other valuable services. Their families may be in the most dire circumstances of all. They will no longer be liable for payroll taxes and will be refunded taxes previously paid.

Third, for those nonworking spouses and children who may have now been in a position to inherit the earnings of a father or a mother who is deceased, they, of course, receive that money knowing no more will be earned. Whatever money is inherited must carry them through a lifetime—to educate the children, house the family. There will be nothing else arriving. This legislation provides significant estate tax relief from all State estate taxes on assets of up to $3 million and Federal estate taxes on assets of up to $8.5 million.

Fourth, there are those who did not die on September 11 but whose physical wounds may be with them for a long time. Many are now eligible for disability benefits. Those benefits are theirs, all of them. No matter how long it takes for the scars to heal—the people to be able to walk or to see or to hear—the Federal Government should have no part of their disability funds. Taxes on them will be waived.

Fifth, and finally, through the extraordinary generosity of the American people, hundreds of millions of dollars have been raised from schoolchildren and families and neighbors, corporations, churches and synagogues and mosques. It has been a wonderful expression by the American people, revealing much about ourselves as we help those in desperate need. None of those payments from governments or charities or corporations should be taxed. By virtue of this legislation, taxes on all such payments will be waived.

This evening in New Jersey I will meet with hundreds of the widows and widowers of people who died in the terrorist attack. I know of no better expression by this Senate to those who have survived the loss of people they loved in the terrorist attack than to offer not merely words of sympathy or an expression of understanding that it was not those families who were attacked but America than for the representatives of America, assembled in this Chamber through this legislation, to express our solidarity with this simple act.

This is not all we will do. It is not even the beginning of what we should do. But it is something we can do.

Mr. BAUCUS. Mr. President, September 11, 2001, is a date that changed America forever. The Nation has endured a terrible tragedy. The human suffering is immense and our sense of invulnerability shattered. The terrorist strike on that date took the lives of thousands of U.S. civilians, and we will spend many months and years trying to come to grips with the magnitude of the day's attack on our freedom.

We have been left with searing images of a horror that could not be contained—acts of terrorism that unfolded before our eyes, gripping this Nation and the world in raw and vivid devastation, touching all of us with feelings expressed in public and in private; from panic to helplessness; helplessness to anger; and anger to loss.

Members of Congress have stood as one to condemn these attacks, comfort the victims and their families, and commit our full support to bring those responsible to justice. Our heartfelt thoughts and fervent prayers continue to go to those who have been lost.

Today we bring before the Senate a bill to help those victims and their families through some of the financial crises they will face as a result of the terrorist's actions.

Throughout our history, Congress has provided Federal tax relief to soldiers who die while serving in combat zones, and to service members and other individuals who have been affected by hostile actions outside of combat zones. But in the past, legislative relief bills have been limited in scope, because the actions they were intended to address were themselves limited.

The terrorist attack of September 11, 2001, changed our perception, as a nation, of the nature of terrorist activity. Our Tax Code simply has no frame of reference for the unprecedented scope of destruction and the inconceivable loss of civilian life on American soil that resulted form the terrorist attacks.

The events of September 11 have been characterized by the President as an act of war, and in the hearts and minds of most Americans, those who died in the attack should be treated like American soldiers who pay the ultimate price on the field of battle.

Because of this, the House passed H.R. 2884, a bill which extends the benefits available to those who die in combat zones to all of the individual killed as a result of the September 11 attacks. It provides significant income tax and estate tax relief to the victims of the September 11 attacks.

The bill before you builds on the House legislation, because we acknowledge that the overwhelming loss of life in the September 11 action was civilian, and civilian victims tend to have different tax issues than soldiers.

This bill provides relief to all of the victims of the September 11 attacks—the brave firefighters who lost their lives trying to save those trapped in the destruction, employees who worked in the targeted buildings, tourists who were just visiting, as well as those on the airplanes converted into weapons by the terrorists. The bill also provides relief to the families of the victims of the post-September 11 anthrax attacks, and to those who died in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995.

Under this legislation, all of the victims will have their Federal income tax liability, and any self-employment tax liability, forgiven for the year of their death and at least 1 previous year.

To achieve a measure of tax equity and recognize the different taxes paid by individuals, our bill also provides relief from payroll taxes that parallels the income tax relief.

In the case of the estate tax, our bill modernizes the application of the statute and creates a special formula that shields the first $3 million in assets from both Federal and State estate taxes, and $8.5 million in assets from Federal estate tax for 2001.

In the wake of the explosions, the Treasury Department quickly waived an extensive list of deadlines for those affected by the disaster.

However, the Department was unable to extend all Federal deadlines, in some cases because they had no clear authority and in others because of the need to coordinate with other agencies. Those other agencies have themselves been confronted with a lack of clear authority in waiving deadlines under their jurisdiction.

Our bill clarifies and expands upon the Government's ability to extend deadlines in case of any disaster, including the ability to waive interest for payments that are delayed.

There are also special exclusions for some types of death benefits in current law. For example, worker's compensation benefits and life insurance proceeds to beneficiaries are not taxed, nor are payments from a government retirement plan for a public safety officer killed in the line of duty. The first $3,000 of death benefits paid to soldiers killed in combat are also not taxed.

Our bill expands this nontaxable list to include all death benefits paid on account of a death resulting from this terrorist action.

Current law also excludes disability benefits from income if they are made under workers compensation laws in certain limited circumstances. Our bill expands those eligible for the exclusion to include anyone injured in a terrorist attack.

The Senate bill before us also includes provisions making it clear that payments made by FEMA to individuals affected by any disaster are not subject to income tax.

In the wake of the attacks, a number of employers who had workers killed in the World Trade Centers, in the Pentagon, and in the airplanes used as weapons stepped up to the plate with generous offers of help to their lost colleagues' families.

Under current law, payments such as these would typically be taxed, which would reduce the amount of help going directly to the surviving families. Our bill exempts these payments from Federal income tax liability.

We are also aware that some financial institutions are considering forgiving outstanding credit card balances of those who died in the attacks. Our bill makes sure that any such debt forgiveness is not itself subject to tax.

To protect those victims' families who elect structured settlements in order to ensure they have a stream of payments for as long as they need them, our bill makes sure anyone acquiring these payment streams goes through a court process designed to protect the families.

And for those families who set up special disability trusts in the wake of the attacks, a personal exemption is provided.

The charitable community has also responded overwhelmingly to the needs of the victims and their survivors. For example, in my home State of Montana, members of the higher education community, including the University of Montana, have helped to establish the ''September 11 College Fund.''

The money donated to this fund will provide assistance, based on need, to cover higher education expenses for dependents and survivors of those lost at the institution of their choice. One hundred percent of the donated funds will go directly to the students—none of the principal will be used for administrative expenses.

The charitable community is playing an important role in helping our Nation recover from this tragedy. Our bill makes it easier for charitable organizations to make disaster relief payments to victims and their families.

Our bill also makes it easier for companies to establish private foundations to help the survivors with both short-term and long-term needs, such as scholarships for the victim's children.

In the days following this attack, as well as in the days following other natural disasters such as fires and floods, we have seen a great deal of confusion among our citizens about their responsibilities and benefits under the Tax Code.

For this reason, the Senate bill also requires the Internal Revenue Service to establish a permanent Disaster Response Team whose responsibility it will be to help taxpayers clarify and resolve Federal tax matters associated with any natural disaster or terroristic or military action.

In addition, the bill clarifies a provision in the recently enacted Air Transportation Safety and System Stabilization Act relating to the dates certain excise tax deposits are due.

I don't claim that this bill is perfect, I am sure there are specific tax situations that have arisen because of these attacks that we may not have addressed in this bill. If we took the time to identify and address all of them, we would never complete this legislation, so we believe the best course of action is to move forward with what we have, and continue to look for opportunities to provide more assistance in the future.

I also am well aware of the fact that no legislation passed by this Congress can ever truly compensate the victims of this horrible attack and their families for everything they have lost—the love, warmth and companionship of those who have died. Nor can we ever replace the feeling of security we once had as a nation. But we can help make the road to recovery for the families of these victims a little smoother with the provisions of this bill, and make it easier to respond to other disasters in the future.

This is a good piece of legislation, and it will help thousands of families facing an uncertain future. I urge my colleagues to support it.

Mr. TORRICELLI. Mr. President, I understand Senator BAUCUS has a substitute amendment at the desk. I ask unanimous consent that the amendment be agreed to, the act, as amended, be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2163) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The bill (H.R. 2884), as amended, was read the third time and passed.

The title was amended so as to read: ''An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.''.

Mr. TORRICELLI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKSGIVING

Mr. TORRICELLI. Mr. President, the Senate is in its final moments before the Thanksgiving recess. I am mindful

that most Senators have left to be with their families and return to their States. All of us having now lived through one of the most extraordinary periods in the long and proud history of our country, I wanted, if only for my own purposes, to take a moment to reflect on the day, its meaning, and some things we all take to our homes that distinguish this year and this Thanksgiving from others.

I trust that we are all mindful as we travel to be with our families for Thanksgiving, traveling to each of the 50 States of the Union, that there are thousands of soldiers and sailors and airmen gathered in the hulls of ships, flying in aircraft, some huddled in trenches on the ground—all brave, all strong, but they would not be human if some were not afraid.

They are far from home at a time when all Americans want to be at home. They are in a strange land, often with people they do not know, at a time when Americans want to be with family and people they love.

I know all Americans will remember them in our prayers this Thanksgiving and be grateful not just to them but to the great good fortune of providence which with every generation, every time our Nation has been threatened for more than two centuries, has produced men and women of such extraordinary courage, so willing to sacrifice for our Nation and its freedom.

I do not know how America has been so fortunate through each succeeding generation to have produced such men and women, but I, as with all of my colleagues, have a gratitude that cannot be fully expressed.

I am reminded that President Lincoln, during another troubling period of our history, reminded us that as great armies were on the field of battle against each other, they prayed to the same God. Each invoked his name against the other. The prayers of each could not be answered.

Indeed, as our soldiers have prayed for their lives and their country and victory, so, too, have our adversaries. It is of no small comfort to know that the prayers of our soldiers and our citizens have to date been so fully answered.

Victory is not yet assured, but we have moved more swiftly, more certainly, and more skillfully than we most probably had a right to dream. In the most remote corner of this Earth, thousands of American soldiers, and sailors, and airmen descended within weeks of the tragedy of New York and Virginia. No place could have been more distant, no area of the globe more hostile, no cities, no towns, no country more remote than Afghanistan. Our own forces not only found their way but established themselves and with extraordinary ability, with skill and courage, mounted an offensive to hold those accountable who would strike our country and our Government and kill our citizens with wanton abandon, without any sense of decency.

I know the terrorists who struck America on September 11 intended to teach us a lesson. We have learned many lessons. They may not be what was intended, but the lessons are real and I hope they are lasting. We learned again the extraordinary strength of our Nation, measured not only in our military power or economic resilience but our faith, our belief in each other, our willingness to overcome obstacles and divisions for common purpose. It is this which has sustained us for 200 years.

There are moments of comfort and without challenge when we have probably wondered whether they were still alive with us. We don't need to be concerned anymore. Those qualities still live in America. We taught not only ourselves but the world a good deal about the goodness and kindness in America. Indeed, what other people in all of history would drop bombs on our adversaries by day and distribute food to their children and widows by night? What other country in all the annals of history would conquer an army but not conquer the land, meet our military objectives but state from the outset and commit our resources fully to leaving the people of that land in peace, with more prosperity and a greater freedom than they knew before?

These things we learned about ourselves and, perhaps, we reminded the world about the United States of America. We all hope they are lessons that, having been taught before, will never be forgotten. We have given up believing that there are any final wars. We are no longer naive enough to believe there are wars to end all wars. Every generation has its own challenges.

It was said by Jefferson that ''eternal vigilance is the price of freedom.'' We have always known that freedom is not free. So now this generation, in this decade, has paid the price again, knowing it will be paid again in the future. But we have a hope that finally the world will remember, even if sometimes we forget, those essential elements about our country that seem to lead to our vulnerability; that because we are kind, people perceive us as sometimes being weak; because we are generous, people sometimes believe we lack resolve; because we have been prosperous, some believe we have lost the will or the ability to fight to defend ourselves.

History is littered with people who have made those miscalculations before. Now the Taliban and al-Qaeda are about to share their fate. The battle is not yet fully won, though victory, at least in this first battle of this new war against terrorism, has taken sufficient form that we can see the outlines of success.

Before this war on terrorism targets new adversaries, there will be the matter of how to bring to justice those who created these crimes, murdered our people, and attacked our Nation. President Bush has suggested a military tribunal that would hear the evidence and render justice. It is an important decision for our country. We have always, in dealing with criminal cases in our country, taken enormous pride in that the accused is afforded every right and assumed to have every innocence until convicted in full accord with our Constitution.

After declarations of war and military campaigns, in those instances when people have committed either atrocities against humanity or engaged in military hostilities outside of the conduct of the rules of war, they have been brought to justice; they have been tried by military justice.

Now we are engaged in a new kind of war. Our adversaries wear no uniforms. They may not belong to the army of any recognized state. Our country received no declaration of war, according to the articles of war of civilized nations. So the actions of President Bush in bringing the leaders of al-Qaeda, or the Taliban, to justice are precedent. But they need not be controversial. The Taliban and al-Qaeda may not have been in the family of nations, but the law is not blind. By their actions and their words, Bin Laden and the Taliban leadership declared war on the United States of America. The destruction of American civilian aircraft into our greatest cities and the offices of the U.S. Government and the taking of thousands of lives was an act of war, not a civilian crime.

It would have been no different had an aircraft with a foreign flag dropped a bomb on New York or Washington. The orders given would have been the same, the consequences identical, and should stand before the law on an equal basis. The leaders of the Taliban and al-Qaeda are entitled to military justice, to be heard before a military tribunal of either the U.S. military or the assembled military leadership of the allies in this endeavor. But they are not entitled to sit in a civilian court provided for American citizens under the Constitution of this country for the rights of our people and those who enter our shores.

The level of justice may not be the same in a military tribunal as in a civilian court, but it is justice. They can be heard as any other military adversary.

Before leaving on this Thanksgiving holiday, I wish to say how proud I have been of this Congress, my country, and our Armed Forces. This is not what any of us wanted for the 21st century. We all believed that somehow only months ago as the 20th century came to a close, our time was going to be different.

Through all the ravages of the 20th century, the disappointment, the destruction, the genocide, finally men

and women had come of age. We understood the foolishness of combat, the recklessness of armed struggle, the uselessness of combat. We had built institutions to resolve our international differences. While cultures, faiths, and languages might differ, there at least was emerging some common understanding of the principles of governance, justice, and self-respect.

It would appear that our enthusiasm for a new time was either misplaced or poorly timed. Not only do these opening years of the 21st century not appear to be an improvement on all we experienced in the 20th century, but they look remarkably similar to the 18th or 19th centuries.

All human progress is not forward. All nations do not advance at the same speed. All cultures have not learned history the same. Yet we are patient and hopeful. If anything characterizes the people of the United States, it is our boundless optimism. From this terrible experience, perhaps we can at least take this to salvage those many years still remaining in the 21st century to make our time different. In the destruction of al-Qaeda and the Taliban, a message will at least be received by those who would harbor terrorists or those who would collaborate in these actions: Our kindness is not weakness; our laws do not provide you opportunities to take advantage of our justice; we are strong, we are resolved, and we are determined to defend ourselves, our children, and our future, as every generation before us. We are a good and a great people, but we are a strong and determined people. We have our place in the future, our role in the world, and it will not be compromised. It will not be taken from us.

Much of this planet has decided upon some common norms of justice and conduct, to conduct ourselves in peace within institutions. All nations are welcome to join in them according to their own traditions, their own laws, and their own faiths, but the age when nations or organizations would be permitted to operate against all human experience and all rules of decency are over.

We have only perhaps begun to defeat one terrorist organization in one country, but surely the lessons from this experience are unmistakable and are heard on every corner of the globe.

That is my hope and my prayer for this Thanksgiving. Godspeed to every American soldier wherever he or she may be on this holiday. May you be home for Christmas; may we not have to call upon you again. But if we do, may you serve with the same distinction, courage, and valor that every American has seen in your actions in these last few weeks.

THE OUTSTANDING SERVICE AND DEDICATION OF OUR MILITARY MEN AND WOMEN

Mr. CLELAND. Mr. President, I want to quickly discuss recent news that U.S. forces are engaged on the ground in Afghanistan. Though it isn't yet certain the details of this report, if this is a new assault in our war on terrorism or whether this is the continuation of our current operations, I would like to raise the attention of everyone to the outstanding service and dedication that our military men and women are showing in the war on terrorism. It is their sacrifice and selfless service that has taken the war on terrorism to the terrorists themselves. As we have seen since last week, our military is fully engaged and we are seeing the successes of their many missions. As I have always said, the backbone of our military is not technology or weapons, but the people. Our brave military men and women are waging this fight today and we need to remember them and their families in this difficult time.

COMMENDING THE MEN AND WOMEN WHO HAVE KEPT THE SENATE SAFE AND RUNNING IN A DIFFICULT MONTH

Mr. DASCHLE. Mr. President, yesterday marked 1 month since the letter containing anthrax was opened in my office. Being at ''ground zero'' in the largest bioterrorism attack ever on U.S. soil has been unsettling and frustrating for many of us. As our Nation prepares to celebrate Thanksgiving, though, there is much for which we in the Senate family have to be grateful.

On a personal note, I am deeply grateful that the members of my staff who were exposed to anthrax continue to be in good health and good spirits and they continue to come to work every day, inspiring our entire staff with their courage and dedication. I am grateful, as well, that the other members of our Senate family who were exposed also continue to be in good health. I am grateful to the doctors and scientists who have worked long hours to protect Americans from this threat, not just on Capitol Hill, but in Washington, Trenton, New York and even as far away as Kansas City.

I am particularly grateful to a special group of people who have kept the Senate safe and running during this unprecedented time. At the top of that list is Al Lenhardt, the Senate's Sergeant at Arms, and his staff. If there was ever a case of the right person, in the right job, at the right time, it is Al Lenhardt. On September 11, Al had been Sergeant at Arms for exactly 1 week. I don't believe he has taken a day off work since then. The first Saturday morning after the anthrax letter was opened, he was at work in the Capitol, surrounded by scientists and investigators. He had been at work until late the night before. That morning, someone asked him: ''If you had it to do all over again, do you think you'd still take this job?'' Without a moment's hesitation, he replied: ''Absolutely. To be in a position to serve your country—what better job could there be?''

Al Lenhardt is helped in that job by an equally dedicated staff. In addition to keeping us safe, for the last month, the men and women of the Sergeant at Arms Office have played an indispensable role in keeping the Senate running. Only once before—when the British burned the Capitol in 1814—have so many Senators been displaced from their offices. The staff of the Sergeant at Arms Office and the Rules Committee have been faced with a huge logistical challenge, and they have responded amazingly.

Senator DODD and the Rules Committee Staff Director, Kennie Gill, deserve special thanks for the amazing job they did relocating displaced Senate offices. Since October 18, Kennie, the Rules Committee staff and the Sergeant at Arms' Office have set up 129 temporary offices within the Capitol, in the Russell and Dirksen Buildings and at Postal Square. They re-established our computer network.

This one task alone involved dropping 650 new LAN lines, laying over a mile of copper cabling, and nearly half a mile of fiber cabling, creating 216 new network protocol addresses for temporary PC locations, opening 73 routers between Senate offices and creating a new Senate fiber network. In addition, Rules Committee and Sergeant at Arms staff attached 700 PCs and 110 printers to the Senate computer network. They have kept our telecommunications system up and running by connecting nearly 600 new telephone lines, 200 new voice mail boxes and 64 fax machines.

Members of the Rules Committee and Sergeant at Arms staffs, and the vendors who support them, have worked for weeks straight without a day off. They have worked nights and weekends, putting in thousands of hours of overtime. They have refused to allow the largest bioterrorism attack in our Nation's history to stop the work of the Senate, and for that we all owe them a debt of gratitude.

The 1,400 men and women of the Capitol Police force are also working a lot of overtime. Since September 11, they have all been putting in 12-hour days, 6 days a week. That is a minimum. Sometimes they pull double shifts. They work through colds, weekends, holidays, and their childrens' birthdays. They remain at their posts, alert.

If you had asked me a month ago whether the Senate could carry on in the middle of a bioterrorism attack, with 50 Senators locked out of their offices, I might have been a little skeptical. But Al Lenhardt and his staff,

Kennie Gill and her staff and the men and women of the Capitol Police force have shown us that anything is possible. Together, they have kept the Senate safe and operating in these anxious times. We are grateful to them all.

INTERNET TAX NONDISCRIMINATION ACT

Mr. REID. Mr. President, yesterday the Senate decided to ban, for two more years, Internet access taxes and discriminatory taxes on e-commerce. For American Internet users, I fully support this decision, as did the vast majority of my colleagues.

I also supported the Senate's decision to more thoroughly consider a meritorious yet deficient proposal that would have helped States eventually require interstate retailers to collect tax on all sales, even to States where the retailer has no substantial presence. E-commerce and brick and mortar businesses should be placed on a level playing field.

On behalf of the important State and local government programs that sales tax revenue support, I firmly believe this issue needs to be resolved very soon. I was concerned, however, that the proposed legislation had a few key shortcomings.

First, I believe the proposal did not give the States clear guidance on what Congress expects them to address as they simplify their sales tax rules. The Supreme Court has said that the current State sales tax system is unconstitutionally complex, but that Congress can remedy that problem. On one particular point, the proposal did not tell the States to ensure that no tax loopholes be adopted that would allow some sellers to avoid tax collection responsibilities. I believe that Congress must not allow tax discrimination among retail business models.

Second, I believe that Congress will need expert assistance to help analyze the State's efforts to make their tax systems constitutional, especially if we hope to consider their efforts quickly. For that reason, I believe there must be a timely federal review of the States' eventual agreement before it is presented to Congress. Also, I believe a federal agency is much better positioned than Congress to ensure continuing compliance with the interstate agreement.

I did not support the Enzi/Dorgan amendment because it would have added complexity, making a retroactive change in the law, that is unclear, and did not go through a complete vetting process. This was a meritorious but flawed amendment. The House would not have accepted this legislation with this amendment.

I look forward to working with my colleagues, the States, and industry next year on a bill that addresses the States' legitimate tax revenue needs and ensures that the simplified State tax system is fair to all retailers and can be efficiently considered and monitored.

I will not likely support another moratorium. We must take the steps necessary to bring our interstate tax rules into the 21st Century.

Mr. KERRY. Mr. President, I voted in support of the Enzi Amendment to the Internet Tax Nondiscrimination Act because I believed that after nearly 2 years of working towards a compromise on this very important issue, it was time to move forward and provide States with guidance on how to level the playing field for Internet and bricks and mortar retail establishments. Of equal importance is that in this time when State coffers are shrinking and State spending requirements are increasing with the need to pay for the increased security needs each State now faces, we cannot in good conscience short change the States.

Let me be clear. I do not support a tax on the Internet. The Enzi amendment did not tax the Internet. It simply provided a way to move towards a system where States can collect taxes that are already owed. Moreover, I strongly support a permanent ban on Internet access taxes. The Enzi amendment intended to create such a ban. If there were questions as to whether that intent was fully carried out by the language as drafted, I believe we could have addressed those questions adequately in conference. I oppose discriminatory Internet taxes. Again, the Enzi amendment banned such taxes for 5 years and ultimately such a ban will be made permanent.

It is also important to point out that the Enzi amendment, had it succeeded, would not have been the final word on whether States could begin collecting taxes owed on Internet sales. After up to 5 years of working towards a compromise, and after at least 20 States agreed to simplify their tax collection systems in a uniform manner, Congress still would have had the opportunity to vote down a simplification plan, if we believed it was unfairly burdensome to Internet or other remote sellers. That provision provided a critical measure of assurance that States could not unfairly insist on the collection of taxes.

I was an original cosponsor of the Internet tax moratorium that only recently expired, and I hope, with the additional 2-year moratorium that we have just enacted we will enjoy some measure of success in forging a compromise that will have broad support. I will continue to work with my colleagues to ensure that Internet companies are never required to divine the tax rate of a consumer in one of thousands of taxable jurisdictions. In addition, I will work to ensure that uniform definitions for taxable property are part of any simplification plan, so that companies do not have to analyze different definitions for the same item in different states. Uniformity in auditing procedures, filing requirements and remittance forms will also be goals we will continue to try to reach.

Equity dictates that we do not treat the taxation of goods differently simply because of the method by which they were sold. I look forward to continuing to work on this issue so that we can find a way to reach that goal that is fair to States, consumers, Internet companies and traditional retailers.

AMTRAK REFORM COUNCIL FINDING

Mr. McCAIN. Mr. President, I want to explain for the benefit of my colleagues some recent actions that involve Amtrak. I will begin, however, by briefly describing Amtrak's history.

Amtrak was created in 1971 by the Rail Passenger Service Act which was enacted in 1970. The law established Amtrak in order to relieve the freight railroad industry from the burden of providing ongoing passenger service. With capital acquired from participating railroads and the Federal Government providing $40 million in direct grants and another $100 million in loan guarantees, the corporation was to become self-sustaining within 2 years. Since 1971, however, Amtrak has received nearly $24 billion in taxpayer assistance to help cover its operating and capital costs.

Today, much like when Amtrak started, Amtrak serves approximately 500 locations. It carried 22.5 million passengers in fiscal year 2000. By contrast, the intercity bus industry carries 744 million passengers annually and serves over 4,000 locations. The aviation industry carries more than 600 million passengers annually. I mention this comparison because I believe we must consider Amtrak in the context of other passenger carrying transportation services.

Amtrak was most recently authorized during the 105th Congress, after several years without an authorization. The Amtrak Reform and Accountability Act, Public Law 105–134, was bipartisan compromise legislation and enacted, in part, due to the very critical reports of Amtrak's financial situation at that time. During the act's development, the General Accounting Office, Amtrak, and others estimated that the rail system was on the brink of bankruptcy.

Taking into account the very serious financial situation facing Amtrak, the reform law provided the statutory operational, procurement, labor and liability reforms that Amtrak requested so it could operate more like a private business. It reauthorized Amtrak for 5 years, through fiscal year 2002, releasing the approximately $2.2 billion to

Amtrak that was provided in the form of a tax ''refund'' in the Taxpayer Relief Act of 1997, TRA, even though Amtrak has never earned a profit, let alone paid income tax. It also required Amtrak to operate free of taxpayer assistance 5 years after the date of enactment of the law, which is December 2, 2002.

The law established an 11-member Amtrak Reform Council, ARC, appointed by the President and leadership in both the House and the Senate, to oversee Amtrak and make recommendations for improvements. The law provided that if at any time following 2 years after the date of enactment the ARC finds that Amtrak is not meeting its financial goals, the Council is directed to develop and submit within 90 days to Congress an action plan for a restructured and rationalized intercity rail passenger system. Within that same time period, the law directs Amtrak to prepare a plan for its complete liquidation. The law provides for an expedited procedure during which Congress would vote, simple majority, on a resolution to disapprove an Amtrak liquidation.

What has Amtrak accomplished since the reform bill's enactment? Amtrak's press releases often boast about increased ridership and revenues. Unfortunately, those press releases never quite tell the full story. According to the General Accounting Office, any increase in ridership and revenues has resulted in an even greater increase in expenses.

Moreover, Amtrak's debt load has tripled since the reform bill's enactment to over $3.3 billion and it has spent more than $4.4 billion in taxpayers dollars during that same period. And, despite repeated testimony by Amtrak officials this year about being on a ''glidepath to operational self-sufficiency,'' Amtrak entered into a creative agreement in June to mortgage a portion of Penn Station to obtain cash to allow Amtrak to continue operating past the summer. Clearly, our expectation for a new and improved Amtrak when we passed the reform bill in 1997 has not been realized.

The Department of Transportation Inspector General and the General Accounting Office have testified repeatedly before Congress that Amtrak is in a very precarious financial situation. Moreover, last Friday, November 9, 2001, the ARC officially issued a finding that Amtrak will not be operationally self-sufficient by December 2, 2002, as required by law. The ARC has found there are major inherent flaws and weaknesses in Amtrak's institutional design and it must be restructured. As a result of this finding, the ARC will submit a restructuring plan and Amtrak will submit a liquidation plan to the Congress in early February. In addition, the administration, according to testimony from the Federal Railroad Administrator, is also preparing to submit a proposal to restructure our Nation's passenger rail system as part of its fiscal year 2003 budget request.

I understand Amtrak and others have made some very critical comments about the ARC's decision. Clearly, it was a decision not taken lightly by the ARC members. I, for one, commend the ARC members for abiding by the law and making the tough decision that they felt needed to be made. I only question what took them so long.

I look forward to a robust debate on the future of intercity rail passenger service in this country. I believe that passenger rail can and should be a part of our Nation's transportation system, but I continue to question how it should be structured and managed, knowing that Amtrak has failed to meet even the lowest of expectations for 30 years.

I find it indefensible that despite the findings of the ARC, the IG and the GAO, this week we were considering legislation that would have given another $9 billion to Amtrak by authorizing Amtrak to issue bonds. I imagine proponents of that provision will continue to seek enactment of their proposal prior to adjournment. I vow to do everything in my power to prevent such efforts from succeeding, as I strongly question the logic of throwing billions of additional dollars at Amtrak when nearly every expert that knows anything about Amtrak and finances knows, and has told Congress, that Amtrak cannot live up to the promises it makes.

Before moving forward with any additional funding for Amtrak we need to address a number of tough questions: What is the future for intercity rail passenger transportation? Where does it attract passengers and where doesn't it? Does rail passenger service have to equate to ''Amtrak'' or should we finally accept the fact that after 30 years, it is time to find a new approach? Where might high-speed rail service actually attract enough passengers to be economically viable? How does it fit into our national transportation system? What is the financial obligation we will be imposing on the American taxpayers and what can they realistically expect as a result of their expenditures?

It is simply time to have an open and honest debate on this issue. We need to hear from the administration and the American public. I hope my colleagues will agree that we need to allow the debate on Amtrak's future to move forward and stop the hemorrhaging of taxpayers' dollars by this entity. I certainly intend to do all I can to ensure the Senate Commerce Committee, which has jurisdiction over Amtrak, steps up to the plate and does its part on this subject.

BIOTERRORISM PREPAREDNESS ACT OF 2001

Mr. WELLSTONE. Mr. President, I rise today to support the Bioterrorism Preparedness Act of 2001. This act represents a critically important turning point in the readiness of our public health system to respond to the challenge of bioterrorism. In many places in our Nation the public health infrastructure has been underfunded and understaffed. Many of our public health workers have been working day and night since September 11. The anthrax attack has demonstrated that our system can be overwhelmed by a bioterrorist attack. This bill provides essential assistance to our network of local and State health departments, public health laboratories, hospitals and health care facilities so that they can protect all of us in the event of further bioterrorist attack, or of other infectious disease outbreaks.

Mr. President, we in Minnesota have long been aware of the dangers of bioterrorism thanks to the efforts of Mike Osterholm, head of the Center for Infectious Disease Research and Policy at the University of Minnesota. But since September 11, everywhere that I have traveled in Minnesota I have been hearing about the need for preparedness. I am very glad that this bill is providing for bioterrorism preparedness.

This bill provides block grants to states to improve public health departments and to get the equipment they need, and to help local governments safeguard their communities from these threats. The bill also provides grants to hospitals and other health care facilities to improve their abilities to respond quickly and effectively to a bioterrorist attack. I am glad this bill emphasizes getting funds to the local level. That is very important. In fact, I would have even gone further in setting aside funds specifically for localities.

I do have some reservations about the scope of the antitrust exemption the bill in its current form provides to the drug industry and others in connection with the development of countermeasures against bioterrorism. I fully understand the urgency of the situation and the need to create ''safe space'' for the work necessary to bring such countermeasures on line. However, I do think we need to tread carefully when it comes to further insulating the drug industry from the discipline of competitive market forces. I hope that my colleagues will work with me as we move forward on this very important measure to ensure the fullest possible protection for American consumers consistent with the development and production of necessary countermeasures.

As chair of the Subcommittee on Employment, Safety and Training, I am particularly glad that this bill recognizes the threat of bioterrorism in the

workplace. Virtually all of the antrax attack involved places where people work, including media offices, the U.S. Postal Service and here in the Congress. I am especially happy that this bill includes language which I had suggested to direct the National Institute of Occupational Safety and Health to enhance and expand research on the health and safety of workers who are at risk for biological threats or attacks in the work place.

Finally, I am particularly pleased that my provisions regarding mental health were included in this important bill. We know from the outstanding hearing on mental health and terrorism, chaired by Senator KENNEDY in the HELP committee, that the preparedness and response activities for the mental health consequences of bioterrorism are as important as all other public health initiatives this Congress can support. Dr. Kerry Kelly, Chief Medical Officer of the New York Fire Department, reported at that hearing that since September 11, the men and women of the New York Fire Department and the families of those who were lost have had to endure a tremendous sense of grief. She said that, ''the emotional well-being of our department requires intervention to provide stress debriefing, bereavement counseling, and continued psychological support of our members, our families, and the children affected by this event.''

The mental health provisions in the Bioterrorism Preparedness Act of 2001 support Federal, State, and local efforts to enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel, including firefighters, to detect, diagnose, and respond to the mental health consequences of a biological threat or attack. Additionally, State and local emergency measures ensure that hospitals and health care providers have adequate capacity and plans in place to provide mental health services to meet the need of vulnerable populations, including children, the elderly, and the disabled. Training programs are also authorized to educate health care professionals to recognize and treat the mental health consequences of a biological threat or attack, including the consequences for children.

We know one for thing for sure. It is a mistake to believe that bioterrorism events cannot have lasting impact on the mental health of the individuals who experience them. Let us not repeat the mistakes that were made in the aftermath of the Vietnam war, when the trauma experienced by veterans was ignored or trivialized until well after the optimal time for treatment was past. We have learned from the outstanding research funded by the VA and NIMH of the severity of the disorder and the effective ways in which it can be treated. We must ensure that all Federal, State, and local public health efforts to respond to and prepare for bioterrorist attacks take advantage of this knowledge.

I do not believe that mental health problems are a widespread or inevitable consequence of bioterrorist attacks. But as we heard from the experts at the HELP hearing, we should not underestimate the severe impact that these events have on people's sense of identity and safety, and how the multiple losses and horrific experiences they go through has the potential to affect them for a long while. There have been many reports in the media of the heightened sense of anxiety and vulnerability throughout our country. These feelings are normal and I have confidence that most Americans will be able to deal with these crises. But I also firmly believe that the Federal, State, and local governments can play a major role in helping people to understand what has happened to them, and establish programs for mental health services for those who will need it. We in Congress are doing our part by the inclusion of these mental health initiatives within this bill.

In closing, this bill represents an essential step forward in safeguarding both the physical and mental health of our Nation in the event of further bioterrorist attack.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 5, 1993 on Staten Island, NY. A 22-year-old gay man allegedly was beaten by 30 youths chanting anti-gay slurs. One of the assailants, Andrew Dubitsky, 17, was charged with second-degree assault.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

SPECIAL SESSION OF CONGRESS IN NEW YORK CITY

Mrs. CLINTON. Mr. President, I would like to draw my colleagues' attention to an editorial, which appeared in the New York Daily News on September 25, 2001.

In the wake of the terrorist attacks of September 11, this editorial proposes that Congress should convene for a special session in New York City. Daily News rightly points out that a convening of Congress in New York City would reaffirm the American people's steadfast resolve against the cowardly perpetrators of terrorism—and that the attack on New York represented an attack on our Nation.

I am pleased to report that a bill, H. Con. Res. 249, calling for a special session of Congress to meet in New York City, has been introduced in the House of Representatives and that yesterday Senator SCHUMER and myself introduced a corresponding bill here in the Senate. I urge my colleagues to support this measure, which calls for a special 1-day joint session of Congress to be held in New York City as a symbol of the Nation's solidarity with New Yorkers who epitomize the human spirit of courage, resilience, and strength.

Mr. President, on behalf of Senator SCHUMER and myself, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, Sept. 25, 2001]

CONVENE CONGRESS IN NEW YORK

In today's primary election—so savagely interrupted two weeks ago—pundits are predicting an abysmal turnout. But today, New Yorkers, you have even more reason to go to the polls. Not only will you help to select candidates for one of the most critical elections in the city's history, you will be sending a message that our representative democracy still stands tall—the democracy that terrorists are intent on destroying.

New York was targeted because this city represents America. The U.S. Congress also represents America—figuratively and literally. So herewith, a proposal: Congress should assemble in New York City for a special session.

The duration doesn't matter—a day would be enough. What matters is that, by meeting here, Congress would show the city, the nation and the world that it stands in solidarity with New York, and that the strikes against the World Trade Center and the Pentagon were strikes against an America that has emerged stronger than ever. An America united in its determination to eradicate terrorism. Indeed, the 535 members of the House and Senate could use the New York session to pass a resolution or legislation related to this new war we are waging. For it is Congress assembled that represents America.

Holding a special session here would be unprecedented, but there is nothing in the Constitution or federal law or the rules of Congress that dictates where the House and Senate shall convene. In its history, the only time Congress traveled was during the Revolution, when it fled the British. This time, it would not be fleeing, but charging into action—and doing so at the scene of the worst enemy attack ever on American soil.

Since the terror murder of thousands Sept. 11, President Bush and key members of Congress have visited the city to witness firsthand the destruction, the heroism and the stoicism. Forty members of the Senate came as a group. Consider the emotional and symbolic impact of the entire Congress assembling in New York.

And the meeting place? Perhaps the Javits Center or Governors Island or Liberty Island. Or somewhere downtown near the scene of the carnage. There would be obstacles involving logistics and security, but they can be overcome, as they were when the President and the Senate delegation visited. This proposal can be brought to fruition.

In the context of U.S. history, there are strong parallels for Congress coming to New York. The city was the home of the Continental Congress beginning in 1785. And when the federal Constitution was adopted, the first Congress met here in 1789. George Washington was sworn into office downtown, blocks from what is now Ground Zero. The first meetings of the House of Representatives and the Senate were held here.

Though the official seat of power remained in New York for only about a year, during that time the basic functions of the U.S. government were set in place. It was in New York that Congress wrote the Bill of Rights and submitted the amendments to the states. It was in New York that the Supreme Court was established. And it was in New York, on another Sept. 11—in 1789—that the Senate voted to confirm the first administration's first cabinet member: New Yorker Alexander Hamilton as treasury secretary.

In 1790, Congress moved to Philadelphia, and 10 years later to its new Capitol building in the nation's new capital city of Washington. The last time Congress did not meet at the Capitol was during the War of 1812, when the British burned the building. That was also the last time—until Sept. 11, 2001—that a foreign enemy struck the American mainland.

For generations, America was protected by two broad oceans. No more. We have become a battleground. We are making history anew. And with a simple, yet far-reaching action, Congress can come to New York and write a new chapter in the indelible ink of national fortitude. Congress already has acted to assist our wounded city, approving $20 billion in aid for New York, with more likely to follow. What we ask for here is symbolic. Just as the terrorists chose the World Trade Center and Pentagon as symbols, America should render its own symbol—of unity, strength and resolve such as the world has never seen.

SOBERING STATISTICS ON CHILDREN AND GUNS

Mr. LEVIN. Mr. President, I rise to enter into the RECORD a few facts about guns and children. According to the Centers for Disease Control and Prevention, every 7 hours a child or teen was killed in a firearm-related accident or suicide in 1999. From 1994–1999, an average of five children died every day in non-homicide firearm incidents. In the same period, more than 2,100 children were killed in firearm accidents. In the 1990s, an average of 1,370 kids committed suicide with a firearm each year. More than 150 each year were children under the age of fifteen. In 1997, hospital emergency rooms treated four children with gun shot wounds for every child killed with a firearm. And a 1997 CDC study reported that the overall firearm-related death rate among children in the United States who are less than fifteen years old was nearly twelve times higher than among children in twenty-five other industrialized countries combined.

These sobering statistics remind us of the importance of strengthening our gun laws to limit children's access to guns. I urge my fellow Senators to join me in support of meaningful gun safety legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL DONALD E. FLEMING

● Mrs. HUTCHISON. Mr. President, I rise today to recognize an American who has honorably served our Nation for 28 years: Colonel Donald E. Fleming, U.S. Marine Corps. Colonel Fleming has served with distinction, throughout wartime and in times of peace. In 1990 and 1991, during the Gulf War, Colonel Fleming served as the executive officer to a Harrier Attack Squadron in support of Marine ground troops in Operation Desert Storm. He was involved in numerous sorties against Iraqi forces, which enabled ground combat troops to successfully attack and take Iraqi forces. This was a highly dangerous task as Marine aircraft were constantly exposed to enemy fire. Colonel Fleming was prepared to give his life for those Marines on the ground to be successful in completing their missions.

Colonel Fleming's last assignment was as the deputy legislative assistant to the Commandant of the Marine Corps. This was a highly responsible assignment in that the Colonel served not only the Commandant of the Marine Corps, a member of the Joint Chiefs of Staff, but the U.S. House of Representatives and the U.S. Senate as well. Colonel Fleming was thoroughly involved with ensuring that the numerous congressional inquiries were completed in a timely and correct manner. This is a large task, especially during the hearing season, when Members of Congress and their staffs address many questions and concerns to the military departments. Additionally, Colonel Fleming was responsible for the final coordination of significant congressional and staff delegations that took place literally all over the world.

I thank Don for his unswerving dedication to serving the U.S. Congress. He has served our Nation and the U.S. Congress in the finest traditions of the U.S. Marine Corps. I wish Don well in his future endeavors as he enters a new phase of his life. Colonel Fleming's service to his country and his Corps has been laudatory. I am deeply appreciative that we have Marines like Colonel Fleming, who are of such high caliber and sincere conviction. May God bless Colonel Don Fleming and his family, and may fair winds and following seas follow Colonel Fleming throughout his new career.●

IN RECOGNITION OF THE EUGENE M. LANG I HAVE A DREAM FOUNDATION

● Mr. LEVIN. Mr. President, today, I would like to recognize a remarkable individual whose efforts rank high among those that have marked the great history of this Nation. Eugene M. Lang is a dedicated philanthropist and supporter of education. His selflessness, sense of pride, and love for his country have been demonstrated in his commitment to the present and the future of young people all across America, through his I Have a Dream Foundation. This weekend, November 15–17, 2001, Mr. Lang and the Foundation will celebrate 20 years of education achievement.

The path leading up to 20 years of education successes began on June 25, 1981. It was then that Eugene Lang, a New York businessman would return to his old elementary school, P.S. 121, in East Harlem to address the graduating sixth-graders. His original plan was to deliver a standard message that if you worked hard you would succeed. However, after arriving at his alma mater, he was told that his old school had changed—that 75 percent of P.S. 121's children would never graduate from high school, and that even those who did get high school diplomas would probably lack the skills needed for college. The startling news, prompted Mr. Lang to make an extraordinary promise to the sixth-graders that day. He made an impromptu decision and announced that if the 61 middle schoolers graduated from high school he would provide financial assistance to help them pay for college. This wonderful benefactor told the children that they must have a dream for the future, and that he would help them achieve it.

Having made a promise, Lang went even further to help the P.S. 121 sixth-graders. He provided the children with support services and hired a social worker to work with them. With the involvement of education and social science professionals, Mr. Lang's vision evolved into the I Have a Dream program and the P.S. 121 kids became the first ''Dreamers.''

In August 1985, after 4 years, all of Lang's Dreamers were still in school garnering national attention including a front page story in the New York Times and a segment on 60 Minutes. This spurred Lang to organize the national I Have a Dream Foundation in 1986 and help launch a new generation of Foundation projects.

Of the 54 original Dreamers who remained in contact with Mr. Lang's project, more than 90 percent earned their high school diploma or GED certificate and 60 percent went on to higher education, mostly at public 4-year or community colleges. In June 1991, the first Dreamers received baccalaureate degrees from colleges such as Bard and Barnard; others subsequently graduated from Swarthmore, Rensselaer

Polytechnic Institute, Hunter, AZ, and other schools. At least two-thirds of the P.S. 121 Dreamers have had 2 or more years of higher education and some continue to work on earning their degrees. Almost all hold fulfilling jobs and many have children who, they vow, will go to college.

Today, the I Have a Dream program is a nationally recognized model that helps children stay in school, graduate, and go on to college or vocational education training and meaningful employment. The children, called Dreamers, participate in a year-round program of mentoring, tutoring, cultural exposures, and community service activities from elementary school through high school. Upon graduation, Dreamers receive financial assistance for either a college or vocational education. ''I Have a Dream'' has grown from one man's promise to 61 middle schoolers to over 175 projects in 58 cities, serving more than 13,000 children from low-income communities, including the Dreamers from my home State of Michigan. In Michigan, the Dreamers from Detroit have graduated while the Battle Creek programs support 11th graders who are close to achieving their dreams and in Port Huron, 7th and 8th graders are well on their way to fulfilling their own goals thanks to Eugene Lang's remarkable vision.

Through his hard work, dedication and unshakable belief in our nation's children, Mr. Lang has helped many a dreamer fulfill his or her educational goals with his I Have a Dream Foundation. This kind and generous man is a role model to us all and I know that my Senate colleagues join me in congratulating Eugene Lang for his commitment and success with his I Have a Dream Foundation.●

NATIONAL BIBLE WEEK

● Ms. LANDRIEU. Mr. President, for the last 60 years, National Bible Week has been an annual observance in this country. It has come each year at Thanksgiving time since 1941. We were on the brink of World War II that year, and about to face the bombing of Pearl Harbor. That was certainly a difficult time in our Nation's history, but this country has truly been blessed. In truth there have been only a few times since then that we as a nation have felt the need to turn to the worn pages of our Bibles for strength and comfort and guidance. We are in the midst of such a time right now.

This year National Bible Week runs from Sunday, the 18th of November through the 25th. I am pleased and honored to serve as one of this year's Congressional cochairs for National Bible Week, which is sponsored by the National Bible Association. The Bible has had remarkable influence on American life, literature, music, art, and the system of justice that governs our laws. Inscribed on every piece of American currency is the phrase, ''In God we trust.'' Freedom of religion is guaranteed under our constitution. And despite the many differences in our religious views, we proclaim ourselves to be ''one Nation, under God.''

I join the majority of Americans in believing the Bible to be the Word of God. For those of the Jewish faith, the Old Testament, or Torah, offers understanding and serves as a reminder of obligations to God and country. Islamic followers consider Christians and Jews to be ''the people of the book,'' and their Koran recognizes the Bible's significance in the development of civilization. Certainly now, as evil people seek to pit one religion against another, and try to justify acts of hate committed in the name of God, this is the time to strengthen our beliefs, and to do this, we turn to the Bible. I encourage believers everywhere to open their Bibles, and read the scriptures. Find a favorite passage, and give thanks.●

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2269. An act to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

H.R. 2887. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services and benefits to those children.

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The message further announced that the House insists upon its amendment to the bill (S. 180) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. HYDE, Mr. GILMAN, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. TANCREDO, Mr. LANTOS, Mr. BERMAN, Mr. PAYNE, and Ms. MCKINNEY.

For consideration of section 8 and 9 of the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Mr. BACHUS, Mr. LAFALCE, and Mr. FRANK.

ENROLLED JOINT RESOLUTION SIGNED

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 74. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2269. An act to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Finance.

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services and benefits and urging Federal, State, or local agencies responsible for providing such assistance, services and benefits to move expeditiously in providing such assistance, services, and benefits to those children; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism; to the

Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2873. An act to extend and amend the program entitled Promoting Safe and Stable Families under title IV–B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV–E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2887. An act to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Linear Alkyl C12-16 propoxyamine ethoxylate; Exemption from the Requirement of a Tolerance'' (FRL6810–2) received on November 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4579. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Letter Clarifying the Regulatory Status of Antimony Oxide Slag Generated by Cookson Group in Laredo, TX''; to the Committee on Environment and Public Works.

EC–4580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Releasability of Hazardous Ranking System (HRS) Documents under the Freedom of Information Act''; to the Committee on Environment and Public Works.

EC–4581. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Small System Requirements for the Stage 1 Disinfection Byproducts Rule-Small Entity Compliance Guide''; to the Committee on Environment and Public Works.

EC–4582. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of rule entitled ''North Dakota Regulatory Program'' (ND–042–FOR) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC–4583. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (PA–132–FOR) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC–4584. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (SPA No. 2001–1) received on November 13, 2001; to the Committee on Energy and Natural Resources.

EC–4585. A communication from the Assistant Director of the General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''National Security; Prevention of Acts of Violence and Terrorism'' (RIN1120–AB08) received on November 13, 2001; to the Committee on the Judiciary.

EC–4586. A communication from the Director of the Policy and Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Continued Detention of Aliens Subject to Final Orders of Removal'' (RIN1115–AG29) received on November 13, 2001; to the Committee on the Judiciary.

EC–4587. A communication from the Assistant to the Board of Governors to the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z (Truth in Lending): Annual Adjustment to the Dollar Amount that Triggers Certain Requirements under the Home Ownership and Equity Protection Act of 1994 (HOEPA)'' (R–116) received on November 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4588. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Fees'' (12 CFR Part 8) received on November 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4589. A communication from the Chief Counsel of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Additional Designations and Removal of Persons Listed in Appendix A to 31 CFR Chapter V and Appendix I to 31 CFR Part 539, Weapons of Mass Destruction Trade Control Regulations'' received on November 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4590. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in Plan Columbia; to the Committee on Foreign Relations.

EC–4591. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–4592. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Nutrient Criteria Technical Guidance Manual; Estuarine and Coastal Marine Waters''; to the Committee on Environment and Public Works.

EC–4593. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of technical data and defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–4594. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with South Korea; to the Committee on Foreign Relations.

EC–4595. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Germany, the Netherlands , and Spain; to the Committee on Foreign Relations.

EC–4596. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1766: A bill to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office Building.''

H.R. 2261: A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office.''

H.R. 2454: A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office Building.''

S. 1184: A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office.''

S. 1381: A bill to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office Building.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1719. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations,

and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN (for herself and Ms. MIKULSKI):

S. 1720. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States involving anthrax; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1721. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building''; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST:

S. 1724. A bill to amend title 23, United States Code, to permit States to place supplemental guide signs relating to veterans' cemeteries on Federal-aid highways; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. BREAUX):

S. 1726. A bill to require the Secretary of Transportation to conduct a study of the feasibility of implementing a program for the full screening of passengers, baggage, and cargo on Amtrak trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. JEFFORDS, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN , Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, Mr. CORZINE, and Mr. DODD):

S. 1727. A bill to reward the stewards of America's farms, ranches, public and private lands, wildlife, water quality and supply, to reduce the risk of speciality crop production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY):

S. Res. 182. A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty; to the Committee on Foreign Relations.

By Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MIKULSKI):

S. Res. 183. A resolution expressing the sense of the Senate regarding the establishment of a National Words Can Heal Day; considered and agreed to.

By Mr. DASCHLE:

S. Con. Res. 85. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 351

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United states Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1322

At the request of Mr. FITZGERALD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation.

S. 1396

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1396, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of a principal residence by a first-time homebuyer.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1618

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1618, a bill to enhance the border security of the United States, and for other purposes.

S. 1635

At the request of Mr. HUTCHINSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1635, a bill to ensure the prompt research, development, manufacture, and distribution of new lifesaving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes.

S. 1673

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1673, a bill to provide for the continuation of agricultural programs through fiscal year 2011.

S. 1680

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 1680, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act.

S. 1707

At the request of Mr. JEFFORDS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from

Georgia (Mr. CLELAND), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1715

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1715, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. FRIST):

S. 1717. A bill to provide for a payroll tax holiday; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I send to the desk to be appropriately referred a bill that is cosponsored by Senator BOND and Senator FRIST. This is going to be called the payroll tax holiday bill.

Mr. President, we have been talking a lot about a war, and we are beginning to read stories about the great valor and the fantastic American military machine, of which the American people ought to be very proud. Clearly, we have, in months and years past, supplied a very large amount of the American tax dollars to provide for adequate defense. This war we have waged for a few weeks against hatred and terrorism—while that war changed us forever, it also showed the world what a tremendous military force America is and what a great idea we have with democracy and capitalism matched up, with growth and prosperity—what a tremendous idea it is.

The idea and ideal was received on the streets of cities in Afghanistan with cheering for the few Americans who were part of it. This morning, we hear a communique from one of our military talking about how they are being received.

At the same time that we are paying for this and asking for our wonderful volunteer men and women of the military, there is another war, and it is a tough one. It has to do with an economy that for 11 years was at the very peak of performance—almost without comparability in any period of economics that we note here in America. Now that economy, as one might have predicted, is going into one of the normal and natural downturns—except each one of these recessions are different. The qualities are different. What happened to get us there is different. There are also a lot of similarities. If we don't engage in the war that is also on our plate, called recession, in as unified a manner as we attacked the war on terrorism, with a proposal to help the economy, thus help our people—that is, Democrat and Republican—and gather together and say we each, Democrat, Republican, and the White House, have a plan—a lot of Senators have plans. We only had one vote, and it is pretty obvious that the Democrat plan can't muster the 60 votes that is going to be required to get a tax package through the Senate.

We all know the vote. The distinguished Senator from Montana, the chairman of the Finance Committee, has done a yeoman's job in trying to put together a partisan package. I have been there when you had to do that, and then I have had to defend it and try to get it through, with the entire party on the other side being opposed. I have listened and watched and seen this distinguished Senator do his very best. If the Republican plan—which may be the President's plan—is called up, I regret to say that I think it is going to get the same kind of treatment from the other side of the aisle. I can't say why each side has decided that they have a better plan, but that is what has happened. Let's hope that it is nothing more than that and that both sides still wish to get something done, to get an economic stimulus package; that is, a package that will cause America's economy to grow, jump-start, give it a little boost.

I am not going to talk about the things that have already been done, other than to say that once the recession started—that is a long time ago; for those who think this just came upon us, if you trace the economy—and I am sure the occupant of the chair, who, for many years of his life, day by day, had to rely upon his ability to analyze the economy and/or that of those who worked for him, and decisions had to be made on the best assumptions you could put together. But it is clear if you look at what happened, this recession started downward about 16 months ago, before the swearing in of the new President. It started down and it has been coming down a little bit at a time for all these months.

During that period, the Federal Reserve Board has, for the 12th time, I believe, reduced interest rates. I know if my friend from New Jersey were standing here and we were discussing this issue, we would both be saying that is a very good thing, reducing the interest rates. No question, America relies upon capital for growth, for investment, for everything we put people to work with; you have to have money to buy a house, to buy a car.

Incidentally, if anybody wants to know how important interest rates are, look at the anomaly in America today. One of the biggest anomalies is that we are selling more cars than ever. So we are breaking the bank on selling cars in America in the middle of a recession. Well, I guess one could say the people finally woke up and wanted new cars, but I don't think so. I think they have wanted them all along. But guess what. The automobile companies decided it was better to sell cars and finance at zero interest rate and keep people working than it was to go ahead and cut back on production, charge interest rates so the finance companies would be turning a profit, but their factories would be laying off people. What an experiment because their people kept working and producing automobiles, and the rate of finance is zero. They must have analyzed what that does or does not do for their economic picture. But in the end, cars are selling because the cost of buying them is cheap.

Now, the economy is still not recovering properly, although somehow—at least this Senator believes that while I understood what was happening and clearly was out front saying we were moving toward a recession probably 12 months before we started saying it here, I believe there is a real chance if we do something right quick that this economy will start back up.

There are some good signs out there, but there are some not so good signs that could indicate it is going to be a long recession. But I am putting before the Senate today a proposal. There are many Senators I have talked to about it. I won't mention their names. But a few of them I thank profusely because they have publicly commented to papers such as the Wall Street Journal, and others; some Democrat Senators who have analyzed it with me have said it is a very good approach.

The reason that it is not moving with large numbers of Senators at this point is because everybody has some entanglements—and I use that word not pejorative—in terms of putting the packages together where they have committed here and there and, of course, they can't just jump off those ships, they have to let normal events occur.

But this morning, Senator BOND, Senator FRIST, and I put this before the Senate and the American people because we truly believe it is something that ought to be looked at. We are not here saying it is absolutely a cinch that it will work. But we are saying—three of us—with gaining strength today—the Wall Street Journal quotes Dr. Lindsey from the White House. His analysis would indicate that this is a good economic stimulus package. Let me suggest that it is quick, doesn't have any administrative costs associated with it. It helps city, county, States, and private sector, and, indeed, every working man and woman in America who pays payroll tax for Social Security.

The 6.2 percent that comes out of their paycheck will stay in their paycheck for whatever month we choose.

The legislation is drawn for the month of December, for one month. Likewise, the employer does not remit to the Federal Government; they keep the money.

In one month, if the month of December is chosen, I say to my friend from the beautiful State of Montana, $38 billion will go into the American economy via the wage earners and businesses, large and small, in one month. They will have that money close to the Christmas season one way or the other.

If we do January, everybody will know it is there. If we do December, it will be in their paychecks. The reason I keep using one or the other month is because we have not moved with dispatch as everybody had hoped. As a consequence, I do not know if we can get it done in time for Christmas relief.

It is a very simple bill. It is quick. The economic activities of it are immediate. It eliminates 12.4 percent payroll tax from the OASDI for the month of December; $38 million in immediate relief to be spent for whatever the recipient wants to do with it.

Self-employed workers will see their taxes reduced by 12.4 percent in that month. It will be split evenly between the employer and employee at 6.2 percent on each side. Then, obviously, there is language putting the Social Security fund back in its original posture by transferring from the general fund. That accounts for the removal and use in the economy and the replenishment that one would expect. It is very simple.

The three of us do this not as a total stimulus package, but for the tax portion that has been discussed by each side as being important.

By a strange coincidence, the two provisions that were in the Republican package, the rebate and the 2 percent, the 2-percent marginal rate change, turned out to be $38 billion. This package is $38 billion. It is just a coincidence, but if we are looking for a substitute, we could substitute that money.

Whatever the Senate wants to do about workers compensation, hospital and health protection—those are not part of the stimulus package in any event. They are part of us wanting to be helpful because people are hurting. Those can be worked out. Whether we fight over those or not, clearly, eventually, they will be worked out in both bodies.

There are a lot of economists who have been analyzing this. We do not have a lot of them here today to talk about, but there are a lot. Perhaps when we return, I will print in the RECORD an article entitled ''A Stimulus Package May Not Work'' by Joanne Morrison. It cites three or four economists who analyze where we are.

I say to my colleagues, there are two arguments against what we are doing. One, it is taking too long, and, two, it will take too long after we pass it. It may be a long-term event rather than a short-term stimulus. Second, without any question, there is serious doubt as to whether the other packages are very stimulative. In both instances, that is corrected here.

Is it fair? It seems pretty fair. I am not saying we can solve each and every problem, but it is pretty fair. I have sent the tax bill to the desk.

I thank my two cosponsors and the Senator from Montana for letting me present my thoughts on this. There are a lot of people beginning to ask about it and starting to support it. We will put the names of those institutions that support this in the RECORD as soon as we can. The Governors are coming on board. We have asked no one. They are reading about it now, and we probably will ask a number of other groups in the country to give us their views.

I thank the Senate for giving me time. It is nice that debate can occur, but we are not there yet. Maybe a new idea can find its place here. I hope it is new enough to receive the consideration it deserves.

Mr. President, we must move forward. Right now, we have a Republican stimulus bill that passed the House. We have the President's plan and the Senate Republicans' plan. We have the Senate Democrats' plan.

But we don't yet have a stimulus plan that will pass the Senate and be signed by the President.

I believe this bill can be the key to bringing both sides together quickly once we return from the upcoming Thanksgiving week recess.

Let me be clear. I support the President. I think this administration is right on track when it comes to an economic stimulus package. However, any existing plan has to be modified to garner enough Senate support to pass.

We can't wait till later to get this job done. The administration and Congress have promised to enact a stimulus package. The American people expect a stimulus package. The markets expect a stimulus package. It would be a huge mistake to wait.

The retail sales reported yesterday showed sales up 7.1 percent in October. However, this was almost all due to aggressive and unsustainable incentives in the auto sector. In effect, these incentives are shifting auto sales that would have been made next year into this year. The economy is going to be in trouble once these incentives stop.

In order to break the impasse and move the process forward, let me describe the bill we have introduced today.

We propose a one-month payroll tax holiday, which would replace the current proposals for a supplemental rebate and the speed-up of the marginal rate reductions.

I'll tell you why.

IRS Commissioner Rossotti has raised administrative issues related to the supplemental rebates. Because of where we are in the calendar, such rebates would have to be folded into the taxpayers' 2001 tax returns and refunds next spring.

A payroll tax holiday will be more effective at increasing spending than the rebate checks sent out earlier this year or a new round of rebate checks. It will put the tax cut in paychecks automatically, without the need for special mailings.

Psychologically, workers are used to adjusting their spending habits based on the size of their paychecks. At present, workers spend about 95 cents for every dollar of after-tax earnings. Increasing their after-tax earnings will therefore lead to more spending—if they perceive the tax cut to be part of their regular earnings.

That's why separate rebate checks don't work as well. When a worker gets a separate rebate check they are more likely to treat it as a special windfall gain and save the money or pay down debt. According to the University of Michigan, as of October, in the midst of a recession, only 30 percent of people receiving rebate checks were saying they would spend the money.

The speed-up of the marginal rate reductions up has been criticized as a permanent change in tax law that benefits upper income folks most.

The bottom line: A payroll tax holiday is truly a stimulative, temporary tax cut that is very likely to be spent.

All wage earners earning below $80,400, even those that don't earn enough to pay income taxes, would benefit.

Both the employee and employer share (6.2 percent each) of the social security (OASDI) payroll tax would be suspended. Self-employed social security payroll taxes would also be suspended. The Social Security trust fund would be made whole via a transfer from the general fund.

Employees would have more take home pay and employers would have increased cash flow.

A school teacher making $40,000 would see an increase in their take-home pay of $207 in December. A self-employed contractor earning $40,000 per year (who pays both the employer and employee share of 12.4 percent) would see an increase in pay of $413.

It is most desirable to make the one-month period December 1, 2001 through December 31, 2001. A payroll tax holiday in December would be perfectly timed for the holiday shopping season. The whole tax cut would go out in only one month. We wouldn't have to wait for a new round of rebate checks to go out—a process that could take months and interfere with the speed of tax refunds.

In addition, in 2001 the payroll tax is applied to income up to $80,400. By December, approximately 6 percent of wage earners have already reached the

limit and would not receive the benefit of the payroll tax holiday.

The cost of a December holiday is about $38 billion in fiscal 2002. If the holiday were in January, the cost would by about $43 billion, because all wage earners would receive the benefit.

Mr. President, we are at an impasse here in the Senate. Let's all admit that neither the Democratic plan nor the President's plan has the requisite 60 votes to pass this Chamber.

I believe this proposal could provide us with the key component to reaching a bipartisan way to enact a stimulus bill quickly.

Mr. BOND. Mr. President, Senator DOMENICI has a proposal he has crafted to provide immediate economic stimulus and assistance to low- and middle-income workers who have been suffering, as we all have, from the economic downturn.

I have signed on with him in support of his measure because his idea, which is a payroll tax holiday for December, would be the easiest, simplest, fairest, and most effective way to get a stimulus of between $38 and $41 billion directly into the pockets of middle and lower income workers in the United States.

This is not a tax cut for the rich because anybody who is making over $80,000 a year has already finished making their Social Security or payroll tax, FICA tax, contributions. This would provide, if we can put this in the stimulus package and pass it quickly this month, that you would not send in your FICA tax withholdings or contributions for December. It is simple. Nothing goes in the mail. You don't have to worry about mail deliveries or all the problems we have had. Obviously, most people know we haven't had mail for almost a month in Congress. There are other places where security precautions have delayed the mail.

You don't have to go through a complicated system of developing regulations and rules or even cutting checks for a rebate. When the President proposed a rebate many weeks ago, there was time to get the rebate check prepared and get it out in December so we would have a productive, economically thriving holiday season. Unfortunately, because of the lateness of the hour, it is likely that a rebate check or other assistance that has to be paid out by check from the Federal Government will be 6 to 8 weeks away and will not hit in the pockets where the working men and women can spend it until sometime in January or February.

This obviously is one part of a stimulus package. I happen to believe that in addition to more generous unemployment benefits and providing assistance through grants to the States for health care, we also need to have assistance for small businesses, many of which have been absolutely savaged by the economic downturn as well as the crash at the World Trade Center.

Those parts are important, too. I have some small business provisions I hope will be included in the stimulus package.

The great thing about the Domenici proposal for the FICA December tax holiday, not paying the Social Security withholding amounts in December, is that it can happen immediately. It will put the money in the pockets of those who can best spend it. It helps the single mom who is just struggling to get by. It helps the individual worker who makes about $40,000. They would have $210 more in their pockets. For a self-employed person who has to pay both the employee and employer side of the FICA tax, 12.4 percent, that would be about $420 they would not have to send to the Federal Government in December. Of course, there would be a transfer from the general revenue to Social Security so we would not impact Social Security.

I urge all my colleagues to pay attention to the thoughtful and effective proposal Senator DOMENICI has outlined for us. This should be the centerpiece. Democrats and Republicans can come together behind this proposal, move it quickly; let's get moving. We are in an economic downturn. It has been going on for 15 months. It got a whole lot worse after September 11. This economy needs a boost. Leaving the FICA tax in the pockets of the people who are working, the medium- and low-income workers, and the people who employ them is the best way to get this economy moving again.

By Mr. BURNS:

S. 1718. A bill to amend the Internal Revenue Code of 1986 to extend section 29 to other facilities; to the Committee on Finance.

Mr. BURNS. Mr. President, today I rise to introduce the Clean Alternative Fuels Incentives Act of 2001. This bill extends and limits the credit of producing fuel from non-conventional sources to facilities that produce qualified fuels using technologies that provide certain environmental benefits, but only if such facilities produce enhanced value synthetic fuels from coal.

It is important to outline the goals of this legislation at the outset. The four primary goals of this bill are all very important to the future of this Nation. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the cleaner, alternative fuels emit cleaner byproduct into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

Starting with the energy crisis in the 1970s, Congress acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior sessions of Congress took these steps in recognition of the need to encourage the development and use of alternative fuels, which they hoped would help lead our Nation towards energy independence.

Today our Nation not only needs to continue its efforts to develop alternative fuel resources, but given our constantly growing energy needs we must consider the environmental impact that conventional and non-conventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our Nation's reserves, this Congress needs to commit to the development of clean alternative fuels. My home State of Montana has vast coal reserves. In fact, many times our State has been referred to as the ''Saudi Arabia of coal.'' Not only do we have vast reserves, but also with clean coal technologies we can use these resources and do little harm to the environment.

Those who say that coal is not one of the answers to energy independence because of its environmental impact are dead wrong. Coal-fired plants generate over 50 percent of our Nation's electricity. Interestingly, the Energy Information Administration, EIA, reported that Montana's emissions of nitrogen oxide, NOx, sulfur dioxide, SO2, and carbon dioxide, CO2, all decreased from 1986–1996 while producing the same amount of electricity. This proves to me that our coal technologies are improving. Folks, I believe the environmental emissions will continue to improve and if you provide incentives to help clean alternative fuels reach the marketplace, some day we will reach energy independence in this Nation.

One question that some of you may have is, ''Are these proven technologies?'' These are proven technologies, but to make the continued development of these technologies a reality, the Congress needs to provide meaningful incentives. The bill that I offer today accomplishes exactly that, it provides clean alternative sources of energy a real opportunity to bring energy independence to this Nation.

This bill would extend the non-conventional fuels credit for facilities that produce synthetic fuel from coal using a technology that results in: (1) Measurable reductions of certain emissions when producing the fuel or when the fuel is burned as a fuel, not including any reductions caused by dilution and (2) measurable increases in the value of coal, not including any increases caused by additives. These two factors will lead to accomplishment of the four goals I stated previously. First, the use of alternative fuels reduces our Nation's trade imbalance and reliance on foreign energy sources. Second, the

technologies provide cleaner emissions into the environment. Third, these technologies produce jobs in the United States. Fourth, they encourage the development of technologies that will be economically viable after the short period during which the incentive is provided.

I hope that Members of this body will support this important piece of legislation, which helps our Nation at a time of dire need.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. MILLER, and Mr. BENNETT):

S. 1722. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows; to the Committee on Finance.

Mr. BAUCUS. Mr. President, along with my colleagues, Senators HATCH, MILLER, and GRASSLEY, I am pleased to introduce the Arrow Excise Tax Simplification Act of 2001. This bill will protect funding for the Wildlife Restoration Program, the Pittman-Robertson fund, by simplifying administration and compliance with the excise tax and closing an unintended loophole that allows arrows assembled outside the United States to avoid the excise tax imposed on domestic manufacturers.

The creation of the Wildlife Restoration Program is one of the great success stories of cooperation among America's sportsmen and women, State fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Originally the archery industry did not participate in this program. However, the growth of bow hunting in the '60s and '70s led the archery industry to decide they would support the excise tax that funds State game agencies. As a result, the tax was extended to archery equipment in 1975. The tax on archery equipment was meant to parallel the tax that hunters were paying on firearms and ammunition. The archery industry and bow hunters are pleased to contribute to the success of the Wildlife Restoration Program.

Because current law taxes components and not arrows, foreign manufacturers are selling arrows in the United States without paying the excise tax that is imposed on arrows made in the United States. Not only are these untaxed imports unfair to American workers, they threaten the integrity of the Wildlife Restoration Fund.

This issue is important to companies in Montana. Mike Ellig, a manufacturer of archery products in Bozeman, MT, pays this tax. He supports the tax, but asks that it be fair. Mike's company, Montana Black Gold, and the archery industry want to support the Wildlife Restoration Program. But the way the tax works today, American manufacturers are at a competitive disadvantage.

This legislation will close the loophole that allows imported arrows to avoid the excise tax paid by domestic manufacturers. While keeping the current 12.4 percent tax on arrow components, the proposal will impose a tax of 12 percent on the first sale of an arrow assembled from untaxed components. U.S. manufacturers and foreign manufacturers will be treated equally.

Since this loophole was inadvertently created in 1997, archery imports, mostly finished arrows, increased from $113,000 in 1997 to $2,600,000 in 2001 to date. If Congress does not act quickly to close this loophole, domestic manufacturers will be forced to relocate outside of the United States. They simply cannot afford to lose market share for a fifth year to competitors who do not pay the same tax they pay. If a few more move overseas, the rest will follow. The result will be a catastrophic loss of revenue for the Federal Wildlife Restoration Fund.

Current law also taxes non-hunters, contrary to congressional intent. To relieve non-hunters from the requirement to pay for wildlife management, the legislation would eliminate the current-law tax on bows with draw weights of less than 30 pounds. Those bows are not suitable or, in many States, legal for hunting. To preserve the revenue for the Wildlife Restoration Fund, the bill would retain the current tax on bows that are suitable for hunting.

The proposal would also clarify that broadheads are an accessory taxed at 11 percent rather than as an arrow component taxed at 12.4 percent. This will correct the ambiguity in the 1997 act that led to the misclassification of broadheads.

In summary, the Arrow Excise Tax Simplification Act of 2001 would accomplish worthy objectives. It would close the loophole that allows foreign imported arrows to escape the tax and remove the tax on youth and recreational archery equipment that were never meant to be taxed. We will accomplish these goals while protecting the Wildlife Restoration Program by ensuring that there is no significant diminution of revenues collected by the archery excise tax. The Joint Committee on Taxation estimates the proposal will decrease revenues by $5 million over ten years resulting in small changes in outlays from the Federal Aid in Wildlife Fund. Failure to close the import loophole will eviscerate the archery tax base resulting in devastating losses to the fund.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1723. A bill to amend the Fair Credit Reporting Act with respect to the statute of limitations on actions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEAHY. Mr. President, this week the U.S. Supreme Court issued a ruling interpreting a provision in the Fair Credit Reporting Act that will make it harder for Americans to protect their private financial data from identity theft. I rise today with the senior senator from Iowa to introduce the ''Protect Victims of Identity Theft Act'' to provide consumers in Vermont and across America with the protections that they need and deserve. I thank Senator GRASSLEY for his leadership and look forward to working with him on this legislation.

Unfortunately, identity theft victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. As of June of this year, the Federal Trade Commission reported that its identity theft hotline was answering over 1,800 calls per week, up from the 445 calls per week the hotline received in November 1999. These calls are mostly from people who have been hurt by identity theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

When Congress passed the Fair Credit Reporting Act, FCRA, more than thirty years ago, it gave consumers important tools to ensure the accuracy and privacy of their credit information. The FCRA imposed affirmative obligations on the consumer reporting agencies that maintain these reports in order to protect consumers' private information from unauthorized disclosures. The FCRA says that consumer reporting agencies must maintain ''reasonable procedures'' to avoid improper use of a consumer's private information.

These safeguards are essential to protect each American's confidential financial information. The FCRA demands that consumer reporting agencies require that prospective users of credit information identify themselves, certify the purposes for which they are seeking the information, and verify that they will not use the information for any other purpose, to name just a few examples. Consumer reporting agencies that fail to live up to these obligations or that are careless with consumers' private information can be held liable to consumers harmed by their security lapses.

Current law provides consumers 2 years from the ''date on which the liability arises'' to bring suit against a

non-compliant consumer reporting agency. This week, the United States Supreme Court concluded that the term ''the date on which liability arises,'' means the day that a consumer reporting agency fails to comply with FCRA's requirements. TRW Inc. v. Andrews, 2001 WL 1401902 (Nov. 13, 2001). As a result, the statute of limitations clock starts ticking whether or not a consumer is aware that information about his finances has been illegally handled or disclosed. That means that the 2-year limitations period can expire before a consumer ever even suspects that her credit information has fallen into the wrong hands.

The 750,000 Americans who annually have their identity stolen and their credit put at risk deserve better. It is unfair for the law to only protect consumers if they discover the identity theft within 2 years of the crime, even if the consumer had no reason to know about it. That stands the normal rule of discovery for fraud on its head.

Our bipartisan legislation would clarify that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem through the exercise of reasonable diligence. The exercise of reasonable diligence is the traditional common law duty under fraud discovery rules and does not impose any new mandate or requirement on a consumer under the FCRA. This change in the law ensures that consumers have a fair opportunity to vindicate their rights.

This bipartisan legislative fix is needed to put a stop to identity theft. It will encourage consumer reporting agencies to establish proper security measures needed to deny identity thieves access to Americans' most personal financial information. It ensures that the Fair Credit Reporting Act has real teeth to fulfill its mission of protecting the accuracy and privacy of consumer credit information. And it will give consumers in Vermont and across America a fair shot at vindicating their right to keep private information away from unscrupulous con artists.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1723

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 ''Protect Victims of Identity Theft Act of 2001''.

SEC. 2. AMENDMENT TO THE FAIR CREDIT REPORTING ACT.

Section 618 of the Fair Credit Reporting Act (15 U.S.C. 1681p) is amended to read as follows:

''SEC. 618. JURISDICTION OF COURTS; LIMITATIONS OF ACTIONS.

''(a) IN GENERAL.—An action to enforce any liability created under this title may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than 2 years after the date on which the violation is discovered or should have been discovered by the exercise of reasonable diligence.

''(b) WILLFUL MISREPRESENTATION.—The limitations period prescribed in subsection (a) shall be tolled during any period during which a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual, and the information so misrepresented is material to the establishment of the liability of the defendant to that individual under this title.''.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Vermont in introducing a bill to protect victims of identity theft.

This legislative remedy is prompted by the sweeping impact of the Supreme Court's decision this past week on the rights of more than 750,000 Americans who annually have their identity stolen and their credit put at risk. Under current law, consumers have a two-year statute of limitations to sue credit reporting companies that fail to protect private financial information from improper disclosures and security lapses. The problem with the Supreme Court's decision is that a victim of identity theft often has no idea that information about his finances has been negligently handled or disclosed by a credit reporting company until it's too late to take any legal action. Under current law, the two year statute of limitations begins when the consumer's credit reporting company fails to comply with the law—not when the consumer discovers or should have discovered the problem.

Our bill, the Protect the Victims of Identity Theft Act of 2001, changes that rule. As stated, it simply clarifies that the statute of limitations for identity theft does not start until the consumer discovers the problem or should have discovered the problem. This change in the law ensures that consumers have a fair chance to vindicate their rights should credit reporting companies fail to take reasonable steps to protect private financial and personal information from theft and misuse.

I urge my Senate colleagues to join us in co-sponsoring this legislation to protect the American consumer.

By Ms. SNOWE:

S. 1725. A bill to require the Comptroller General to carry out a study to determine the feasibility of undertaking passenger rail transportation security programs that are similar to those of foreign countries; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, in the last two months we have experienced a steep learning curve as a country and as a Congress in our efforts to improve homeland security.

As we saw with the drafting of the airline security bill, the United States has not cornered the market on security innovations and measures; there is much we can learn from other countries that have faced or addressed the same challenges. For this reason, I am introducing legislation that would require the General Accounting Office to initiate a study examining the security measures that have worked for other regions and countries such as the European Union and Japan.

For example, the $15 billion channel tunnel or Chunnel linking England to the European continent has been open to train service, for passengers and freight, since 1994 without a major security incident. In 2000 alone, 2.8 million cars, 7.1 million passengers, and 2.9 million tons of freight made the 31 mile journey under the English Channel safely.

Security has always been a major concern for the Chunnel and that Britain, France, and Eurotunnel, the company operating the tunnel, have made security a top priority without degrading passenger service. In fact, in addition to its private security staff provided by Eurotunnel, the Chunnel is policed by a bi-national force of police, immigration, and customs officers with armed patrols in the British and French terminals. And both the company and the respective government agencies also conduct routine intelligence-led security checks on both passenger and freight vehicles.

So I suspect that our friends in Europe, and in Asia, and other regions, may be able to provide valuable insight on how we can improve our rail transportation security. It is my intent with this bill to direct the General Accounting Office to complete, no later than January 2002, a study of rail transport security measures in other countries in an effort to seek innovative screening procedures and processes and other security measures that may be a benefit to the United States. Subsequently, an assessment of these measures would be provided to Congress.

In the hours and days after September 11, Americans discovered we are not alone in this struggle and I urge my colleagues to support this bill that encourages the United States to reach out and learn from others.

By Ms. SNOWE:

S. 1728. A bill to provide for greater security at seaports; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Maritime Security Advancement Act which is designed to mitigate the threat of maritime- and seaport-related terrorism.

In the aftermath of the despicable terrorist attacks of September 11, I believe it is critical that we pass the strongest possible security enhancements to our transportation system

and do so as soon as possible. To this end, we have been working to enhance aviation security, and for obvious reasons, this has been one of our first and highest priorities in the wake of the recent attacks. At the same time, we must also address concerns about highway safety, rail safety, pipeline safety, and maritime and seaport security. I support efforts to close the security gaps in each and every mode in the vast national and international transportation network that is so critical to our economy, our freedom, and our way of life.

We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage the war against terrorism. For it is a fight we must win, and will win. The purpose of the legislation I am introducing today is to employ more tools in the fight against terrorism. Specifically, the Maritime Security Advancement Act would direct the Secretary of Transportation, in awarding loan guarantees, grants, and other forms of financial support for research and development under the discretionary authority of the U.S. Department of Transportation, to give preference to projects with the potential to reduce the threat of maritime- and seaport-related terrorism.

For example, the legislation would promote the development of projects designed to increase the feasibility of securing cargo, sealing containers, and making cargo containers more tamper resistant; improve cargo container content labeling technologies; and provide for innovations in the physical handling of cargo in ways that could reduce the threat of terrorism aimed at our maritime transportation system.

The bill would also direct the Secretary to identify the technologies with the potential to provide the greatest security with respect to handline, labeling, sealing, and transportation of cargo and report to Congress on its findings. And the bill authorizes the Secretary to issue new rules requiring deployment of such technologies and practices in an effort to enhance security and reduce the threat of terrorism.

We must leave no stone unturned in the effort to preserve the security of this nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in good position of strength to be able to wage the kind of war necessary to eradicate terrorism. And we cannot remain strong if we cannot remain mobile. Accordingly, I urge my colleagues to join me in supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 182—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD ALLOCATE SIGNIFICANTLY MORE RESOURCES TO COMBAT GLOBAL POVERTY

Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 182

Whereas the World Bank estimates that 1,200,000,000 people in the world live on less than $1 a day, and of these, more than 550,000,000 are in South Asia, which is 40 percent of the South Asian population, and more than 290,000,000 are in sub-Saharan Africa, which is approximately 50 percent of the sub-Saharan population;

Whereas 3,000,000,000 people, about half the world's population, live on approximately $2 a day;

Whereas 1,200,000,000 people lack access to safe drinking water;

Whereas 2,900,000,000 people have inadequate access to sanitation;

Whereas at least 1,000,000,000 people in developing nations are unemployed or underemployed;

Whereas according to a Congressional Budget Office report entitled ''The Role of Foreign Aid in Development'', United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960's;

Whereas in 1962, more than 3 percent of the Federal budget was spent on foreign assistance;

Whereas in 2001, foreign assistance amounts to 0.79 percent of the Federal budget, less than half of what it was 15 years ago, and less than a third of what it was 40 years ago;

Whereas United States foreign economic and development assistance represents less than 0.60 percent of the Federal budget;

Whereas United States foreign assistance amounts to only slightly more than 0.10 percent of Gross Domestic Product, or approximately $30 per American citizen per year;

Whereas according to the Organization for Economic Cooperation and Development, the United States in recent years has ranked next to last among 21 industrialized donor countries in per capita foreign assistance spending; and

Whereas reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests, and the failure to address these issues, and the resulting social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) widespread poverty in developing nations contributes to social, economic, and political instability and violence which can lead to failed states and the conditions in which terrorist recruitment and terrorist organizations flourish;

(2) United States bilateral assistance programs and contributions to multilateral assistance programs must be robust enough to effectively address development needs;

(3) the United States, the world's wealthiest, most powerful Nation, in order to promote its humanitarian, economic, and security interests around the world, should increase foreign assistance spending by at least 25 percent per year for the next 5 years, and with the goal of reaching an amount equal to or exceeding 3 percent of the Federal budget by 2010; and

(4) the Administrator of the United States Agency for International Development should—

(A) conduct a top-to-bottom evaluation of current foreign assistance efforts to evaluate effectiveness;

(B) work with private voluntary organizations, foundations, and corporations to identify areas where increased, targeted foreign assistance could help reduce poverty, and promote equitable economic growth and the development of democratic institutions; and

(C) not later than 6 months after the date of adoption of this resolution, submit a report to the appropriate committees in Congress describing the Administrator's findings and recommendations for foreign assistance funding and policies to reduce poverty, and promote equitable economic growth and the development of democratic institutions.

SENATE RESOLUTION 183—EXPRESSING THE SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID (for himself, Mr. BROWNBACK, Mr. SCHUMER, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MCCAIN, Mr. CLELAND, Mr. DORGAN, Mr. JOHNSON, Mr. LEVIN, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative often unfair, untrue, or exaggerated, comments or rumors about others often inflicts irrevocable damage on the victim of such rumors:

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas, the Senate supports the goals of the Words Can Heal Campaign: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) the Senate supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United

States to support the goals of such campaign with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 85—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001. Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2163. Mr. TORRICELLI (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2884, An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.

SA 2164. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 174, to amend the Small Business Act with respect to the microloan program, and for other purposes.

SA 2165. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2163. Mr. TORRICELLI (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2884, an act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Victims of Terrorism Tax Relief Act of 2001''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—RELIEF PROVISIONS FOR VICTIMS OF TERRORIST ATTACKS

Sec. 101. Income and employment taxes of victims of terrorist attacks.
Sec. 102. Estate tax reduction.
Sec. 103. Payments by charitable organizations treated as exempt payments.
Sec. 104. Exclusion of certain cancellations of indebtedness.
Sec. 105. Treatment of certain structured settlement payments and disability trusts.
Sec. 106. No impact on social security trust funds.

TITLE II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

Sec. 201. Exclusion for disaster relief payments.
Sec. 202. Authority to postpone certain deadlines and required actions.
Sec. 203. Internal Revenue Service disaster response team.
Sec. 204. Application of certain provisions to terroristic or military actions.
Sec. 205. Clarification of due date for airline excise tax deposits.
Sec. 206. Coordination with Air Transportation Safety and System Stabilization Act.

TITLE III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

Sec. 301. Disclosure of tax information in terrorism and national security investigations.

TITLE I—RELIEF PROVISIONS FOR VICTIMS OF TERRORIST ATTACKS

SEC. 101. INCOME AND EMPLOYMENT TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

''(d) INDIVIDUALS DYING AS A RESULT OF CERTAIN TERRORIST ATTACKS.—

''(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or who dies as a result of illness incurred as a result of a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, any tax imposed by this subtitle shall not apply—

''(A) with respect to the taxable year in which falls the date of such individual's death, and

''(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds, injury, or illness were incurred.

''(2) EXCEPTIONS.—

''(A) TAXATION OF CERTAIN BENEFITS.—Subject to such rules as the Secretary may prescribe, paragraph (1) shall not apply to the amount of any tax imposed by this subtitle which would be computed by only taking into account the items of income, gain, or other amounts attributable to—

''(i) amounts payable in the taxable year by reason of the death of an individual described in paragraph (1) which would have been payable in such taxable year if the death had occurred by reason of an event other than an event described in paragraph (1), or

''(ii) amounts payable in the taxable year which would not have been payable in such taxable year but for an action taken after the date of the applicable terrorist attack.

''(B) NO RELIEF FOR PERPETRATORS.—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any event described in paragraph (1), or a representative of such individual.''.

(b) REFUND OF OTHER TAXES PAID.—Section 692, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(e) REFUND OF OTHER TAXES PAID.—In determining the amount of tax under this section to be credited or refunded as an overpayment with respect to any individual for any period, such amount shall be increased by an amount equal to the amount of taxes imposed and collected under chapter 21 and sections 3201(a), 3211(a)(1), and 3221(a) with respect to such individual for such period.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 5(b)(1) is amended by inserting ''and victims of certain terrorist attacks'' before ''on death''.

(2) Section 6013(f)(2)(B) is amended by inserting ''and victims of certain terrorist attacks'' before ''on death''.

(d) CLERICAL AMENDMENTS.—

(1) The heading of section 692 is amended to read as follows:

''SEC. 692. INCOME AND EMPLOYMENT TAXES OF MEMBERS OF ARMED FORCES AND VICTIMS OF CERTAIN TERRORIST ATTACKS ON DEATH.''.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended to read as follows:

''Sec. 692. Income and employment taxes of members of Armed Forces and victims of certain terrorist attacks on death.''.

(e) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending before, on, or after September 11, 2001.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 102. ESTATE TAX REDUCTION.

(a) IN GENERAL.—Section 2201 is amended to read as follows:

''SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.

''(a) IN GENERAL.—Unless the executor elects not to have this section apply, in applying section 2001 to the estate of a qualified decedent, the rate schedule set forth in subsection (c) shall be deemed to be the rate schedule set forth in section 2001(c).

''(b) QUALIFIED DECEDENT.—For purposes of this section, the term 'qualified decedent' means—

''(1) any citizen or resident of the United States dying while in active service of the Armed Forces of the United States, if such decedent—

''(A) was killed in action while serving in a combat zone, as determined under section 112(c), or

''(B) died as a result of wounds, disease, or injury suffered while serving in a combat zone (as determined under section 112(c)), and while in the line of duty, by reason of a hazard to which such decedent was subjected as an incident of such service, or

''(2) any individual who died as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or who died as a result of illness incurred as a result of a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

Paragraph (2) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in any such terrorist attack, or a representative of such individual.

''(c) RATE SCHEDULE.—

"If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over $150,000	1 percent of the amount by which such amount exceeds $100,000.
Over $150,000 but not over $200,000.	$500 plus 2 percent of the excess over $150,000.
Over $200,000 but not over $300,000.	$1,500 plus 3 percent of the excess over $200,000.
Over $300,000 but not over $500,000.	$4,500 plus 4 percent of the excess over $300,000.
Over $500,000 but not over $700,000.	$12,500 plus 5 percent of the excess over $500,000.
Over $700,000 but not over $900,000.	$22,500 plus 6 percent of the excess over $700,000.
Over $900,000 but not over $1,100,000.	$34,500 plus 7 percent of the excess over $900,000.
Over $1,100,000 but not over $1,600,000.	$48,500 plus 8 percent of the excess over $1,100,000.
Over $1,600,000 but not over $2,100,000.	$88,500 plus 9 percent of the excess over $1,600,000.
Over $2,100,000 but not over $2,600,000.	$133,500 plus 10 percent of the excess over $2,100,000.
Over $2,600,000 but not over $3,100,000.	$183,500 plus 11 percent of the excess over $2,600,000.
Over $3,100,000 but not over $3,600,000.	$238,500 plus 12 percent of the excess over $3,100,000.
Over $3,600,000 but not over $4,100,000.	$298,500 plus 13 percent of the excess over $3,600,000.
Over $4,100,000 but not over $5,100,000.	$363,500 plus 14 percent of the excess over $4,100,000.
Over $5,100,000 but not over $6,100,000.	$503,500 plus 15 percent of the excess over $5,100,000.
Over $6,100,000 but not over $7,100,000.	$653,500 plus 16 percent of the excess over $6,100,000.
Over $7,100,000 but not over $8,100,000.	$813,500 plus 17 percent of the excess over $7,100,000.
Over $8,100,000 but not over $9,100,000.	$983,500 plus 18 percent of the excess over $8,100,000.
Over $9,100,000 but not over $10,100,000.	$1,163,500 plus 19 percent of the excess over $9,100,000.
Over $10,100,000	$1,353,500 plus 20 percent of the excess over $10,100,000.

''(d) DETERMINATION OF UNIFIED CREDIT.—In the case of an estate to which this section applies, subsection (a) shall not apply in determining the credit under section 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2011 is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 2053(d)(3)(B) is amended by striking ''section 2011(e)'' and inserting ''section 2011(d)''.

(3) Paragraph (9) of section 532(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) CLERICAL AMENDMENT.—The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended to read as follows:

''Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.''.

(d) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents—

(A) dying on or after September 11, 2001, and

(B) in the case of individuals dying as a result of the April 19, 1995, terrorist attack, dying on or after April 19, 1995.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 103. PAYMENTS BY CHARITABLE ORGANIZATIONS TREATED AS EXEMPT PAYMENTS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) payments made by an organization described in section 501(c)(3) of such Code by reason of the death, injury, wounding, or illness of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, shall be treated as related to the purpose or function constituting the basis for such organization's exemption under section 501 of such Code if such payments are made using an objective formula which is consistently applied, and

(2) in the case of a private foundation (as defined in section 509 of such Code), any payment described in paragraph (1) shall not be treated as made to a disqualified person for purposes of section 4941 of such Code.

(b) EFFECTIVE DATE.—This section shall apply to payments made on or after September 11, 2001.

SEC. 104. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986—

(1) gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of any taxpayer if the discharge is by reason of the death of an individual incurred as the result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002, and

(2) return requirements under section 6050P of such Code shall not apply to any discharge described in paragraph (1).

(b) EFFECTIVE DATE.—This section shall apply to discharges made on or after September 11, 2001, and before January 1, 2002.

SEC. 105. TREATMENT OF CERTAIN STRUCTURED SETTLEMENT PAYMENTS AND DISABILITY TRUSTS.

(a) IMPOSITION OF EXCISE TAX ON PERSONS WHO ACQUIRE CERTAIN STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS.—

(1) IN GENERAL.—Subtitle E is amended by adding at the end the following new chapter:

"CHAPTER 55—STRUCTURED SETTLEMENT FACTORING TRANSACTIONS

''Sec. 5891. Structured settlement factoring transactions for certain victims of terrorism.

"SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANSACTIONS FOR CERTAIN VICTIMS OF TERRORISM.

''(a) IMPOSITION OF TAX.—There is hereby imposed on any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction a tax equal to 40 percent of the factoring discount as determined under subsection (c)(4) with respect to such factoring transaction.

''(b) EXCEPTION FOR CERTAIN APPROVED TRANSACTIONS.—

''(1) IN GENERAL.—The tax under subsection (a) shall not apply in the case of a structured settlement factoring transaction in which the transfer of structured settlement payment rights is approved in advance in a qualified order.

''(2) QUALIFIED ORDER.—For purposes of this section, the term 'qualified order' means a final order, judgment, or decree which—

''(A) finds that the transfer described in paragraph (1)—

''(i) does not contravene any Federal or State statute or the order of any court or responsible administrative authority, and

''(ii) is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, and

''(B) is issued—

''(i) under the authority of an applicable State statute by an applicable State court, or

''(ii) by the responsible administrative authority (if any) which has exclusive jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

''(3) APPLICABLE STATE STATUTE.—For purposes of this section, the term 'applicable State statute' means a statute providing for the entry of an order, judgment, or decree described in paragraph (2)(A) which is enacted by—

''(A) the State in which the payee of the structured settlement is domiciled, or

''(B) if there is no statute described in subparagraph (A), the State in which either the party to the structured settlement (including an assignee under a qualified assignment under section 130) or the person issuing the funding asset for the structured settlement is domiciled or has its principal place of business.

''(4) APPLICABLE STATE COURT.—For purposes of this section—

''(A) IN GENERAL.—The term 'applicable State court' means, with respect to any applicable State statute, a court of the State which enacted such statute.

''(B) SPECIAL RULE.—In the case of an applicable State statute described in paragraph (3)(B), such term also includes a court of the State in which the payee of the structured settlement is domiciled.

''(5) QUALIFIED ORDER DISPOSITIVE.—A qualified order shall be treated as dispositive

for purposes of the exception under this subsection.

''(c) DEFINITIONS.—For purposes of this section—

''(1) STRUCTURED SETTLEMENT.—The term 'structured settlement' means an arrangement—

''(A) which is established by—

''(i) suit or agreement for the periodic payment of damages excludable from the gross income of the recipient under section 104(a)(2), or

''(ii) agreement for the periodic payment of compensation under any workers' compensation law excludable from the gross income of the recipient under section 104(a)(1), and

''(B) under which the periodic payments are—

''(i) of the character described in subparagraphs (A) and (B) of section 130(c)(2), and

''(ii) payable by a person who is a party to the suit or agreement or to the workers' compensation claim or by a person who has assumed the liability for such periodic payments under a qualified assignment in accordance with section 130.

''(2) STRUCTURED SETTLEMENT PAYMENT RIGHTS.—The term 'structured settlement payment rights' means rights to receive payments under a structured settlement relating to claims for death, wounding, injury, or illness as a result of the terrorist attacks against the United States on September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

''(3) STRUCTURED SETTLEMENT FACTORING TRANSACTION.—

''(A) IN GENERAL.—The term 'structured settlement factoring transaction' means a transfer of structured settlement payment rights (including portions of structured settlement payments) made for consideration by means of sale, assignment, pledge, or other form of encumbrance or alienation for consideration.

''(B) EXCEPTION.—Such term shall not include—

''(i) the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution in the absence of any action to redirect the structured settlement payments to such institution (or agent or successor thereof) or otherwise to enforce such blanket security interest as against the structured settlement payment rights, or

''(ii) a subsequent transfer of structured settlement payment rights acquired in a structured settlement factoring transaction.

''(4) FACTORING DISCOUNT.—The term 'factoring discount' means an amount equal to the excess of—

''(A) the aggregate undiscounted amount of structured settlement payments being acquired in the structured settlement factoring transaction, over

''(B) the total amount actually paid by the acquirer to the person from whom such structured settlement payments are acquired.

''(5) RESPONSIBLE ADMINISTRATIVE AUTHORITY.—The term 'responsible administrative authority' means the administrative authority which had jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

''(6) STATE.—The term 'State' includes the Commonwealth of Puerto Rico and any possession of the United States.

''(d) COORDINATION WITH OTHER PROVISIONS.—

''(1) IN GENERAL.—If the applicable requirements of sections 72, 104(a)(1), 104(a)(2), 130, and 461(h) were satisfied at the time the structured settlement involving structured settlement payment rights was entered into, the subsequent occurrence of a structured settlement factoring transaction shall not affect the application of the provisions of such sections to the parties to the structured settlement (including an assignee under a qualified assignment under section 130) in any taxable year.

''(2) NO WITHHOLDING OF TAX.—The provisions of section 3405 regarding withholding of tax shall not apply to the person making the payments in the event of a structured settlement factoring transaction.

''(3) NO INFERENCE.—No inference shall be drawn from the application of this subsection to only those payment rights described in subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''Chapter 55. Structured settlement factoring transactions.''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection (other than the provisions of section 5891(d) of the Internal Revenue Code of 1986, as added by this subsection) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code (as so added)) entered into on or after the 30th day following the date of the enactment of this Act.

(B) CLARIFICATION OF EXISTING LAW.—Section 5891(d) of such Code (as so added) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code (as so added)) entered into on or after such 30th day.

(C) TRANSITION RULE.—In the case of a structured settlement factoring transaction entered into during the period beginning on the 30th day following the date of the enactment of this Act and ending on July 1, 2002, no tax shall be imposed under section 5891(a) of such Code if—

(i) the structured settlement payee is domiciled in a State (or possession of the United States) which has not enacted a statute providing that the structured settlement factoring transaction is ineffective unless the transaction has been approved by an order, judgment, or decree of a court (or where applicable, a responsible administrative authority) which finds that such transaction—

(I) does not contravene any Federal or State statute or the order of any court (or responsible administrative authority), and

(II) is in the best interest of the structured settlement payee or is appropriate in light of a hardship faced by the payee, and

(ii) the person acquiring the structured settlement payment rights discloses to the structured settlement payee in advance of the structured settlement factoring transaction the amounts and due dates of the payments to be transferred, the aggregate amount to be transferred, the consideration to be received by the structured settlement payee for the transferred payments, the discounted present value of the transferred payments (including the present value as determined in the manner described in section 7520 of such Code), and the expenses required under the terms of the structured settlement factoring transaction to be paid by the structured settlement payee or deducted from the proceeds of such transaction.

(b) PERSONAL EXEMPTION DEDUCTION FOR CERTAIN DISABILITY TRUSTS.—

(1) IN GENERAL.—Section 642(b) (relating to deduction for personal exemption) is amended—

(A) by striking ''An estate'' and inserting: ''(1) IN GENERAL.—An estate'', and

(2) by adding at the end the following new paragraph:

''(2) FULL PERSONAL EXEMPTION AMOUNT FOR CERTAIN DISABILITY TRUSTS.—Paragraph (1) shall not apply, and the deduction under section 151 shall apply, to any disability trust described in subsection (c)(2)(B)(iv), (d)(4)(A), or (d)(4)(C) of section 1917 of the Social Security Act (42 U.S.C. 1396p) for a beneficiary disabled as the result of a wounding, injury, or illness as a result of the terrorist attacks against the United States on April 19, 1995, or September 11, 2001, or a terrorist attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.''.

(2) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

(A) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending before, on, or after September 11, 2001.

(B) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this subsection is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 106. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

TITLE II—GENERAL RELIEF FOR VICTIMS OF DISASTERS AND TERRORISTIC OR MILITARY ACTIONS

SEC. 201. EXCLUSION FOR DISASTER RELIEF PAYMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

''SEC. 139. DISASTER RELIEF PAYMENTS.

''(a) GENERAL RULE.—Gross income shall not include—

''(1) any amount received as payment under section 406 of the Air Transportation Safety and System Stabilization Act, or

''(2) any amount received by an individual as a qualified disaster relief payment.

''(b) QUALIFIED DISASTER RELIEF PAYMENT DEFINED.—For purposes of this section, the

term 'qualified disaster relief payment' means any amount paid to or for the benefit of an individual—

''(1) to reimburse or pay reasonable and necessary personal, family, living, or funeral expenses incurred as a result of a qualified disaster,

''(2) to reimburse or pay reasonable and necessary expenses incurred for the repair or rehabilitation of a personal residence or repair or replacement of its contents to the extent that the need for such repair, rehabilitation, or replacement is attributable to a qualified disaster,

''(3) by a person engaged in the furnishing or sale of transportation as a common carrier by reason of the death or personal physical injuries incurred as a result of a qualified disaster, or

''(4) if such amount is paid by a Federal, State, or local government, or agency or instrumentality thereof, in connection with a qualified disaster in order to promote the general welfare,

but only to the extent any expense compensated by such payment is not otherwise compensated for by insurance or otherwise.

''(c) QUALIFIED DISASTER DEFINED.—For purposes of this section, the term 'qualified disaster' means—

''(1) a disaster which results from a terroristic or military action (as defined in section 692(c)(2)),

''(2) a Presidentially declared disaster (as defined in section 1033(h)(3)),

''(3) a disaster which results from an accident involving a common carrier, or from any other event, which is determined by the Secretary to be of a catastrophic nature, or

''(4) with respect to amounts described in subsection (b)(4), a disaster which is determined by an applicable Federal, State, or local authority (as determined by the Secretary) to warrant assistance from the Federal, State, or local government or agency or instrumentality thereof.

''(d) COORDINATION WITH EMPLOYMENT TAXES.—For purposes of chapter 2 and subtitle C, a qualified disaster relief payment shall not be treated as net earnings from self-employment, wages, or compensation subject to tax.

''(e) NO RELIEF FOR CERTAIN INDIVIDUALS.—Subsection (a) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.''.

(b) CONFORMING AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 139 and inserting the following new items:

''Sec. 139. Disaster relief payments.

''Sec. 140. Cross references to other Acts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 202. AUTHORITY TO POSTPONE CERTAIN DEADLINES AND REQUIRED ACTIONS.

(a) EXPANSION OF AUTHORITY RELATING TO DISASTERS AND TERRORISTIC OR MILITARY ACTIONS.—Section 7508A is amended to read as follows:

''SEC. 7508A. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

''(a) IN GENERAL.—In the case of a taxpayer determined by the Secretary to be affected by a Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)), the Secretary may specify a period of up to one year that may be disregarded in determining, under the internal revenue laws, in respect of any tax liability of such taxpayer—

''(1) whether any of the acts described in paragraph (1) of section 7508(a) were performed within the time prescribed therefor (determined without regard to extension under any other provision of this subtitle for periods after the date (determined by the Secretary) of such disaster or action),

''(2) the amount of any interest, penalty, additional amount, or addition to the tax for periods after such date, and

''(3) the amount of any credit or refund.

''(b) SPECIAL RULES REGARDING PENSIONS, ETC.—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a disaster or action described in subsection (a), the Secretary may specify a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this title. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.

''(c) SPECIAL RULES FOR OVERPAYMENTS.—The rules of section 7508(b) shall apply for purposes of this section.''.

(b) CLARIFICATION OF SCOPE OF ACTS SECRETARY MAY POSTPONE.—Section 7508(a)(1)(K) (relating to time to be disregarded) is amended by striking ''in regulations prescribed under this section''.

(c) CONFORMING AMENDMENTS TO ERISA.—

(1) Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

''SEC. 518. AUTHORITY TO POSTPONE CERTAIN DEADLINES BY REASON OF PRESIDENTIALLY DECLARED DISASTER OR TERRORISTIC OR MILITARY ACTIONS.

''In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the Secretary may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.''.

(2) Section 4002 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULES REGARDING DISASTERS, ETC.—In the case of a pension or other employee benefit plan, or any sponsor, administrator, participant, beneficiary, or other person with respect to such plan, affected by a Presidentially declared disaster (as defined in section 1033(h)(3) of the Internal Revenue Code of 1986) or a terroristic or military action (as defined in section 692(c)(2) of such Code), the corporation may, notwithstanding any other provision of law, prescribe, by notice or otherwise, a period of up to one year which may be disregarded in determining the date by which any action is required or permitted to be completed under this Act. No plan shall be treated as failing to be operated in accordance with the terms of the plan solely as the result of disregarding any period by reason of the preceding sentence.''.

(d) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 6404 is amended—

(A) by striking subsection (h),

(B) by redesignating subsection (i) as subsection (h), and

(C) by adding at the end the following new subsection:

''(i) CROSS REFERENCE.—

''For authority of the Secretary to abate certain amounts by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.''.

(2) Section 6081(c) is amended to read as follows:

''(c) CROSS REFERENCES.—

''For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.''.

(3) Section 6161(d) is amended by adding at the end the following new paragraph:

''(3) POSTPONEMENT OF CERTAIN ACTS.—

''For time for performing certain acts postponed by reason of war, see section 7508, and by reason of Presidentially declared disaster or terroristic or military action, see section 7508A.''.

(d) CLERICAL AMENDMENTS.—

(1) The item relating to section 7508A in the table of sections for chapter 77 is amended to read as follows:

''Sec. 7508A. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.''.

(2) The table of contents for the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 517 the following new item:

''Sec. 518. Authority to postpone certain deadlines by reason of Presidentially declared disaster or terroristic or military actions.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after September 11, 2001, with respect to any action of the Secretary of the Treasury, the Secretary of Labor, or the Pension Benefit Guaranty Corporation occurring on or after the date of the enactment of this Act.

SEC. 203. INTERNAL REVENUE SERVICE DISASTER RESPONSE TEAM.

(a) IN GENERAL.—Section 7508A, as amended by section 202(a), is amended by adding at the end the following new subsection:

''(d) DUTIES OF DISASTER RESPONSE TEAM.—The Secretary shall establish as a permanent office in the national office of the Internal Revenue Service a disaster response team which, in coordination with the Federal Emergency Management Agency, shall assist taxpayers in clarifying and resolving Federal tax matters associated with or resulting from any Presidentially declared disaster (as defined in section 1033(h)(3)) or a terroristic or military action (as defined in section 692(c)(2)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. APPLICATION OF CERTAIN PROVISIONS TO TERRORISTIC OR MILITARY ACTIONS.

(a) EXCLUSION FOR DEATH BENEFITS.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

''(i) CERTAIN EMPLOYEE DEATH BENEFITS PAYABLE BY REASON OF DEATH FROM TERRORISTIC OR MILITARY ACTIONS.—

''(1) IN GENERAL.—Gross income does not include amounts which are received (whether in a single sum or otherwise) if such amounts are paid by an employer by reason of the death of an employee incurred as a result of a terroristic or military action (as defined in section 692(c)(2)).

''(2) NO RELIEF FOR CERTAIN INDIVIDUALS.—Paragraph (1) shall not apply with respect to any individual identified by the Attorney General to have been a participant or conspirator in a terroristic action (as so defined), or a representative of such individual.

''(3) TREATMENT OF SELF-EMPLOYED INDIVIDUALS.—For purposes of this subsection, the term 'employee' includes a self-employed person (as described in section 401(c)(1)).''.

(b) DISABILITY INCOME.—Section 104(a)(5) (relating to compensation for injuries or sickness) is amended by striking ''a violent attack'' and all that follows through the period and inserting ''a terroristic or military action (as defined in section 692(c)(2)).''.

(c) EXEMPTION FROM INCOME TAX FOR CERTAIN MILITARY OR CIVILIAN EMPLOYEES.—Section 692(c) is amended—

(1) by striking ''outside the United States'' in paragraph (1), and

(2) by striking ''SUSTAINED OVERSEAS'' in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 205. CLARIFICATION OF DUE DATE FOR AIRLINE EXCISE TAX DEPOSITS.

(a) IN GENERAL.—Paragraph (3) of section 301(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) is amended to read as follows:

''(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term 'airline-related deposit' means any deposit of taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 301 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42).

SEC. 206. COORDINATION WITH AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT.

No reduction in Federal tax liability by reason of any provision of, or amendment made by, this Act shall be considered as being received from a collateral source for purposes of section 402(4) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42).

TITLE III—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS

SEC. 301. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

(a) DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Paragraph (3) of section 6103(i) (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

''(C) TERRORIST ACTIVITIES, ETC.—

''(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

''(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for, and solely for use in preparing, an application under paragraph (7)(D).

''(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

''(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

''(A) DISCLOSURE TO LAW ENFORCEMENT AGENCIES.—

''(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (iii), the Secretary may disclose return information (other than taxpayer return information) to officers and employees of any Federal law enforcement agency who are personally and directly engaged in the response to or investigation of any terrorist incident, threat, or activity.

''(ii) DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—The head of any Federal law enforcement agency may disclose return information obtained under clause (i) to officers and employees of any State or local law enforcement agency but only if such agency is part of a team with the Federal law enforcement agency in such response or investigation and such information is disclosed only to officers and employees who are personally and directly engaged in such response or investigation.

''(iii) REQUIREMENTS.—A request meets the requirements of this clause if—

''(I) the request is made by the head of any Federal law enforcement agency (or his delegate) involved in the response to or investigation of any terrorist incident, threat, or activity, and

''(II) the request sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

''(iv) LIMITATION ON USE OF INFORMATION.—Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

''(B) DISCLOSURE TO INTELLIGENCE AGENCIES.—

''(i) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a written request which meets the requirements of clause (ii), the Secretary may disclose return information (other than taxpayer return information) to those officers and employees of the Department of Justice, the Department of the Treasury, and other Federal intelligence agencies who are personally and directly engaged in the collection or analysis of intelligence and counterintelligence information or investigation concerning any terrorist incident, threat, or activity. For purposes of the preceding sentence, the information disclosed under the preceding sentence shall be solely for the use of such officers and employees in such investigation, collection, or analysis.

''(ii) REQUIREMENTS.—A request meets the requirements of this subparagraph if the request—

''(I) is made by an individual described in clause (iii), and

''(II) sets forth the specific reason or reasons why such disclosure may be relevant to a terrorist incident, threat, or activity.

''(iii) REQUESTING INDIVIDUALS.—An individual described in this subparagraph is an individual—

''(I) who is an officer or employee of the Department of Justice or the Department of the Treasury who is appointed by the President with the advice and consent of the Senate or who is the Director of the United States Secret Service, and

''(II) who is responsible for the collection and analysis of intelligence and counterintelligence information concerning any terrorist incident, threat, or activity.

''(iv) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

''(C) DISCLOSURE UNDER EX PARTE ORDERS.—

''(i) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist incident, threat, or activity. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to such terrorist incident, threat, or activity.

''(ii) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, or any United States attorney may authorize an application to a Federal district court judge or magistrate for the order referred to in clause (i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

''(I) there is reasonable cause to believe, based upon information believed to be reliable, that the return or return information may be relevant to a matter relating to such terrorist incident, threat, or activity, and

''(II) the return or return information is sought exclusively for use in a Federal investigation, analysis, or proceeding concerning any terrorist incident, threat, or activity.

''(D) SPECIAL RULE FOR EX PARTE DISCLOSURE BY THE IRS.—

''(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (C)(i). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that the requirements of subparagraph (C)(ii)(I) are met.

''(ii) LIMITATION ON USE OF INFORMATION.—Information disclosed under clause (i)—

''(I) may be disclosed only to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to a terrorist incident, threat, or activity, and

''(II) shall be solely for use in a Federal investigation, analysis, or proceeding concerning any terrorist incident, threat, or activity.

The head of such Federal agency may disclose such information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

''(E) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2003.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(a)(2) is amended by inserting ''any local law enforcement agency receiving information under subsection (i)(7)(A),'' after ''State,''.

(2) Section 6103(b) is amended by adding at the end the following new paragraph:

''(11) TERRORIST INCIDENT, THREAT, OR ACTIVITY.—The term 'terrorist incident, threat, or activity' means an incident, threat, or activity involving an act of domestic terrorism (as defined in section 2331(5) of title 18, United States Code) or international terrorism (as defined in section 2331(1) of such title).''.

(3) The heading of section 6103(i)(3) is amended by inserting ''OR TERRORIST'' after ''CRIMINAL''.

(4) Paragraph (4) of section 6103(i) is amended—

(A) in subparagraph (A) by inserting ''or (7)(C)'' after ''paragraph (1)'', and

(B) in subparagraph (B) by striking ''or (3)(A)'' and inserting ''(3)(A) or (C), or (7)''.

(5) Paragraph (6) of section 6103(i) is amended—

(A) by striking ''(3)(A)'' and inserting ''(3)(A) or (C)'', and

(B) by striking ''or (7)'' and inserting ''(7), or (8)''.

(6) Section 6103(p)(3) is amended—

(A) in subparagraph (A) by striking ''(7)(A)(ii)'' and inserting ''(8)(A)(ii)'', and

(B) in subparagraph (C) by striking ''(i)(3)(B)(i)'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii)''.

(7) Section 6103(p)(4) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''or (5),'' the first place it appears and inserting ''(5), or (7),'', and

(ii) by striking ''(i)(3)(B)(i),'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii),'', and

(B) in subparagraph (F)(ii) by striking ''or (5),'' the first place it appears and inserting ''(5) or (7),''.

(8) Section 6103(p)(6)(B)(i) is amended by striking ''(i)(7)(A)(ii)'' and inserting ''(i)(8)(A)(ii)''.

(9) Section 6105(b) is amended—

(A) by striking ''or'' at the end of paragraph (2),

(B) by striking ''paragraphs (1) or (2)'' in paragraph (3) and inserting ''paragraph (1), (2), or (3)'',

(C) by redesignating paragraph (3) as paragraph (4), and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) to the disclosure of tax convention information on the same terms as return information may be disclosed under paragraph (3)(C) or (7) of section 6103(i), except that in the case of tax convention information provided by a foreign government, no disclosure may be made under this paragraph without the written consent of the foreign government, or''.

(10) Section 7213(a)(2) is amended by striking ''(i)(3)(B)(i),'' and inserting ''(i)(3)(B)(i) or (7)(A)(ii),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made on or after the date of the enactment of this Act.

Amend the title so as to read: ''An Act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States, and for other purposes.''.

SA 2164. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 174, to amend the Small Business Act with respect to the microloan program, and for other purposes; as follows:

At the end of the bill, add the following new section:

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii) is amended by striking ''$7,500'' and inserting ''$10,000''.

SA 2165. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 3090, to provide tax incentives for economic recovery; which was ordered to lie on the table; as follows:

At the end of title I, insert:

SEC. ___. REDUCTION IN CAPITAL GAINS RATES FOR INDIVIDUALS.

(a) IN GENERAL.—

(1) 10-PERCENT RATE REDUCED TO 7 PERCENT.—Subparagraph (B) of section 1(h)(1), as amended by section 101, is amended by striking ''10 percent'' and inserting ''7 percent''.

(2) 20-PERCENT RATE REDUCED TO 15 PERCENT.—Subparagraph (C) of section 1(h)(1) is amended by striking ''20 percent'' and inserting ''15 percent''.

(4) CONFORMING AMENDMENTS.—

(A) Section 57(a)(7) is amended—

(i) by striking ''42 percent'' and inserting ''28 percent'', and

(ii) by striking the last sentence.

(B) Paragraph (1) of section 1445(e) is amended by striking ''20 percent'' and inserting ''15 percent''.

(C) The second sentence of section 7518(g)(6)(A), and the second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, are each amended by striking ''20 percent'' and inserting ''15 percent''.

(b) REPEAL OF REDUCED RATES FOR QUALIFIED 5-YEAR GAIN.—

(1) IN GENERAL.—Section 1(h), as amended by section 101, is amended by striking paragraphs (2) and (9), by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and by redesignating paragraphs (10) through (12) as paragraphs (8) through (10), respectively.

(2) CONFORMING AMENDMENTS.—Subparagraph (A)(ii) of section 1(h)(6), as redesignated by paragraph (1), is amended—

(A) in subclause (I) by striking ''paragraph (5)(B)'' and inserting ''paragraph (4)(B)'', and

(B) in subclause (II) by striking ''paragraph (5)(A)'' and inserting ''paragraph (4)(A)''.

(c) MINIMUM TAX.—

(1) IN GENERAL.—

(A) 10-PERCENT RATE REDUCED TO 7 PERCENT.—Subparagraph (B) of section 55(b)(3) is amended by striking ''10 percent'' and inserting ''7 percent''.

(B) 20-PERCENT RATE REDUCED TO 15 PERCENT.—Subparagraph (C) of section 55(b)(3) is amended by striking ''20 percent'' and inserting ''15 percent''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 55(b) is amended in the matter following subparagraph (D) by striking ''In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

(2) WITHHOLDING.—The amendment made by subsection (a)(3)(B) shall apply to amounts paid after the date of the enactment of this Act.

MICROLOAN PROGRAM IMPROVEMENT ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 55, S. 174.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 174) a bill to extend the Small Business Act with respect to the Microloan Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2164

Mr. REID. Mr. President, Senator KERRY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. KERRY proposes an amendment numbered 2164.

The amendment is as follows:

(Purpose: To correct a loan amount for purposes of the small business microloan program)

At the end of the bill, add the following new section:

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking ''$7,500'' and inserting ''$10,000.''

Mr. KERRY. Mr. President, I am here today to urge passage of a bill to improve the U.S. Small Business Administration's Microloan Program, a program which makes an enormous difference to many aspiring entrepreneurs

through very small loans of up to $35,000. The demand for these loans go up when the economy slows down and people lose their jobs or face reduced hours because they often start their own business or start a part-time venture to patch their income losses.

Senator SNOWE worked very closely with me to make this day happen. We wish to thank Senators BOND, WELLSTONE, CLELAND, LANDRIEU, HARKIN, LEVIN, LIEBERMAN, BINGAMAN, ENZI, KOHL, SNOWE, JOHNSON, DASCHLE, CONRAD, BURNS, INOUYE, BAUCUS, and JEFFORDS for joining us and cosponsoring this bill.

Senator SNOWE and I have worked together many times on this program, pushing to make sure our country's smallest businesses have access to capital and business assistance. In this instance, we are bringing before the Senate changes that the Senate supported unanimously as part of its version of last year's SBA Reauthorization bill, but were not included by the House because they had not considered them in a hearing. This package of changes was reintroduced this year and supported unanimously by the Senate Small Business Committee. This bill amends the Small Business Administration's Microloan Program to make it more flexible to meet credit needs, more accessible to microentrepreneurs across the nation, and more streamlined for leaders to make loans and provide management assistance. The changes in this bill complement the program and technical changes made last year.

The program provides for microloans, of just $10,000, on average, in order to allow many prospective entrepreneurs to realize their dream and start their own business. This provides them with financial independence and sometimes allows individuals to go from welfare to employment.

Let me just run through some of the provisions of the Microloan Program Improvement Act of 2001. First, it eliminates the requirement that SBA microloans be ''short-term'' loans. This change will give intermediaries greater latitude in developing microloan products because they will be able to offer their borrowers revolving lines of credit. It will also cut transaction costs for both the borrower and the microlender and will generally make it easier to fund these types of very small businesses.

Why are revolving lines of credit important? Because seasonal types of businesses really need revolving lines of credit instead of, for instance, a 90- or 120-day note. For example, if you are a building contractor or painter, you may need $15,000 to front supplies and pay your workers because most clients only pay when the work is done. So, under the current scenario, if you were to borrow the $15,000 from a microlender, you would pay back small payments at the 30 and 60 day markers. The entire remaining balance would be due upon receipt of payment from your client. Then, when the next client came along, the borrower would have to enter into an entirely new loan transaction. Under the new scenario, a revolving line of credit would eliminate the need for a new loan transaction. The contractor would pay the debt upon receipt of payment from the first client and then simply write a check against his or her line of credit when the second client comes along. I would like to emphasize that our Committee does not intend for this flexibility to be used to make loans with long terms, such as 15 or 30 years.

I spent a lot of time describing that provision because I want people to understand the needs of these very tiny businesses and how SBA's credit programs evolve to meet the market. Of course, this legislation makes other small but important changes. It broadens the eligibility criteria for potential microintermediaries, which would allow more people to benefit from the program and stimulate the creation of additional new businesses to start up. This is accomplished by deeming intermediaries eligible if they have one year of equivalent experience rather than only actual experience in making loans to startup, newly established, or growing small businesses.

Third, this bill expands the program's flexibility for intermediaries to subcontract out technical assistance and offer pre-loan technical assistance. The bill eliminates the restriction on how much technical assistance funding an intermediary can use for pre-loan assistance and allows the intermediary to use its discretion to determine the appropriate amount. Currently, intermediaries are limited to using up to 25 percent of their funds to assist prospective borrowers. This change allows an intermediary to allocate as much technical assistance as appropriate. The bill also increases the percentage of technical assistance grant funds that an intermediary can use to subcontract out technical assistance. Currently, intermediaries can only subcontract 25 percent, and this legislation would raise it to 35 percent.

Finally, the bill establishes a new peer-to-peer mentoring program to help new intermediaries acquire the basic knowledge needed to run a business from experienced mentors. The bill will authorize up to $1 million of annual appropriations for such purposes.

Support for the Microloan Program is not only bipartisan but nationwide—it has support from all parts of the country. By removing a number of barriers to entry, this bill will be a great advantage to new microintermediaries, who, in turn, will improve their ability to assist microentrepreneurs, thus, increasing the opportunities for the entrepreneurs, their businesses and their communities.

I urge my colleagues to support the Microloan Program Improvement Act of 2001.

Mr. REID. Mr. President, I ask unanimous consent that the amendment be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table without any intervening action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2164) was agreed to.

The bill (S. 174), as amended, was read a third time and passed, as follows:

S. 174

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 ''Microloan Program Improvement Act of 2001''.

SEC. 2. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(i), by striking ''short-term,'';

(2) in paragraph (2)(B), by inserting before the period '', or equivalent experience, as determined by the Administration'';

(3) in paragraph (4)(E)—

(A) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Each intermediary may expend the grant funds received under the program authorized by this subsection to provide or arrange for loan technical assistance to small business concerns that are borrowers or prospective borrowers under this subsection.''; and

(B) in clause (ii), by striking ''25'' and inserting ''35''; and

(4) in paragraph (9), by adding at the end the following:

''(D) PEER-TO-PEER CAPACITY BUILDING AND TRAINING.—The Administrator may use not more than $1,000,000 of the annual appropriation to the Administration for technical assistance grants to subcontract with 1 or more national trade associations of eligible intermediaries, or other entities knowledgeable about and experienced in microlending and related technical assistance, under this subsection to provide peer-to-peer capacity building and training to lenders under this subsection and organizations seeking to become lenders under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking ''short-term,''.

SEC. 3. MICROLOAN PROGRAM CORRECTION.

Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking ''$7,500'' and inserting ''$10,000''.

TEACHING CHILDREN TO SAVE LIVES ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 224, S. 727.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 727) to provide grants for cardiopulmonary resuscitation (CPR) training in public schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 727) was read a third time and passed, as follows:

S. 727

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

SECTION 1. TEACHING CHILDREN TO SAVE LIVES.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following:

"PART G—TEACHING CHILDREN TO SAVE LIVES

"SEC. 1271. SHORT TITLE.

''This part may be cited as the 'Teaching Children To Save Lives Act'.

"SEC. 1272. FINDINGS.

''The Congress finds the following:

''(1) Teaching school children to perform the life-saving skill of cardiopulmonary resuscitation (CPR), to identify and respond to choking victims, and to recognize the signs of stroke can improve their confidence in responding to an emergency and can encourage continued efforts to update these skills after graduation, thereby potentially reducing the rate of death from sudden cardiac arrest, choking and stroke.

''(2) Heart disease is the leading cause of death in the United States.

''(3) 220,000 Americans die each year of sudden cardiac arrest.

''(4) The American Heart Association estimates that the lives of 50,000 cardiac arrest victims could be saved each year through initiating a course of action known as the 'chain of survival'.

''(5) The chain of survival includes prompt notification of emergency services and early CPR, defibrillation, and advanced cardiac life support.

''(6) An important part of United States school children's education is learning healthy behaviors, including proper nutrition and physical activity. This health education should also include basic emergency life-saving skills.

''(7) Incorporating these lifesaving training programs into the health curriculum of elementary and secondary schools will give school children these skills.

"SEC. 1273. GRANTS FOR CPR TRAINING IN PUBLIC SCHOOLS.

''(a) IN GENERAL.—The Secretary, acting through the Health Resources and Services Administration, is authorized to award grants to State agencies to enable the State agencies to award grants to local agencies and targeted schools or school districts for cardiopulmonary resuscitation (CPR) training in targeted localities. Such training shall utilize nationally recognized training courses. Such grants in conjunction with local efforts shall ensure that training sites have the ability to start up, including funds for instructor training, training in CPR instruction, purchase of printed informational or instructional materials, manikins, automated external defibrillator (AED) training devices, and other equipment.

''(b) COMMUNITY PARTNERSHIPS.—A State agency shall award grants under this section in a manner that encourages and fosters new and existing community partnerships with and among public and private organizations (such as local educational agencies, nonprofit organizations, public health organizations, emergency medical service providers, fire and police departments, and parent-teacher associations) to aid in providing CPR training in a nationally approved program in targeted schools.

''(c) AWARD BASIS.—In awarding grants under this section a State agency shall take into consideration—

''(1) the need for and existence of CPR training programs in targeted schools or communities served by targeted schools;

''(2) geographic barriers to coordinating CPR training programs; and

''(3) options to maximize the use of funds provided under this section.

''(d) AED TRAINING DEVICES.—To be eligible to receive a grant under this section for the purchase of an AED training device, a local agency or targeted school shall demonstrate that such agency or school is currently implementing a CPR training program.

''(e) DEFINITIONS.—In this section:

''(1) AED.—The term 'AED' means automated external defibrillator.

''(2) CPR.—The term 'CPR' means cardiopulmonary resuscitation.

''(3) INSTRUCTOR.—The term 'instructor' means a nurse, principal, school counselor, teacher, or other qualified individual who is certified by a nationally recognized program to train individuals in CPR.

''(4) TARGETED SCHOOL.—The term 'targeted school' means a public elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965) that includes students in any of grades 6 through 12.

''(f) REGULATIONS.—The Secretary may make rules to carry out this part.

"SEC. 1274. REPORT.

''The Secretary shall prepare and submit to Congress a report regarding the activities assisted under this part.

"SEC. 1275. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, $30,000,000 for the 3-fiscal year period beginning in fiscal year 2002.''.

HEMATOLOGICAL CANCER RESEARCH INVESTMENT AND EDUCATION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 221, S. 1094.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1094) to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hematological Cancer Research Investment and Education Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

"SEC. 417D. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

''(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

''(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

''(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and

each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1094), as amended, was read a third time, and passed, as follows:

S. 1094

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 ''Hematological Cancer Research Investment and Education Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the treatment, and ultimately the cure, of those blood cancers as well as other cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 419C the following:

''SEC. 417D. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

''(a) JOE MOAKLEY RESEARCH EXCELLENCE PROGRAM.—

''(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate programs for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Director of NIH shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director determines to be appropriate.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.

''(b) GERALDINE FERRARO CANCER EDUCATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall direct the appropriate agency within the Department of Health and Human Services, in collaboration with the Director of NIH, to establish and carry out a program to provide information and education for patients and the general public with respect to blood cancer, and particularly with respect to the treatment of leukemia, lymphoma, and multiple myeloma.

''(2) ADMINISTRATION.—The Agency determined by the Secretary under paragraph (1) shall carry out this subsection in collaboration with private health organizations that have national education and patient assistance programs on blood-related cancers.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year. Such authorizations of appropriations are in addition to other authorizations of appropriations that are available for such purpose.''.

THE ESTABLISHMENT OF A NATIONAL WORDS CAN HEAL DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 183 introduced earlier today by Senator REID of Nevada and Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) expressing the sense of the Senate regarding the establishment of a National Words Can Heal Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, it is with great pleasure that I support this resolution in support of the Words Can Heal Campaign to promote more responsible and civil speech to reduce conflict and build understanding between all peoples.

The Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country.

The ability to express views freely and resolve differences through dialogue and education is fundamental to American democracy. For that process to work well, our words must reflect mutual respect, truth and fairness. Friends, families, and communities need to speak to each other in ways that help build people up, not tear them down. The Words Can Heal Campaign will draw attention to the language we use and provide practical help to parents, school kids, supervisors, employees, teachers, government officials, entertainers, athletes—people from all walks of life—to speak more kindly and less destructively with and about each other. Through this campaign, the Jerusalem Fund will seek to make November 23, and every day thereafter, a day when unfair gossip, prejudicial comments, and verbal humiliation will be replaced by words that are encouraging, helpful, and healing.

Since the terrorist attacks of September 11, many Americans have felt that what happens in their neighborhood is beyond their control. This resolution can offer a comprehensive plan to rebuild our communities and relationship through the words we speak and the way we communicate. This holiday season, as we take an in-depth look at our lives and those around us, the Words Can Heal message resonates even more forcefully.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, NOVEMBER 19, 2001, OR TUESDAY, NOVEMBER 27, 2001

Mr. REID. Mr. President, I ask unanimous consent that if the House has not acted upon S. Con. Res. 85, the Senate stand in recess until 12 noon, Monday, November 19, but if the House acts upon the adjournment resolution, the Senate adjourn until the hour of 10:30 a.m., Tuesday, November 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business with Senators permitted to speak for up to 10 minutes each; further, that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, NOVEMBER 19, 2001, OR ADJOURNMENT UNTIL TUESDAY, NOVEMBER 27, 2001, AT 10:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 85.

There being no objection (and the House having subsequently agreed to S. Con. Res. 85), the Senate, at 2:51 p.m., adjourned until, Tuesday, November 27, 2001, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Friday, November 16, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2001.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of nations and Prince of peace, we pray today for Afghanistan.

Merciful God, throughout the ages You bring good news to the poor and raise up the lowly who turn to You with religious faith. We rejoice with the liberation of the Afghan people who have not been humiliated but lifted up to new aspirations of peace and security. Guide the many factions within this country, that a strong coalition may bring law and order to suffering people. As You do here, so in Afghanistan raise up true leadership that looks not to positioning or power, but to uniting people in doing what is right and what is timely for all.

We thank You for the safe release of those who were held captive. We are one with those who never forgot them in prayer and ask Your just reward for those who risked their lives in their escape.

Lord, our refuge and defense, continue to protect and guide our military forces as they seek to create a future for people in the wake of bringing terrorists to justice. You have opened our eyes by compassion to this rugged terrain and the strengthening independence of the Afghan people. Let us never forget them in the winter of this war. Match freedom with food and policing with human understanding, for You alone measure our success and our life now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. OSBORNE) come forward and lead the House in the Pledge of Allegiance.

Mr. OSBORNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

UNIFORM AVIATION SECURITY IS IMPORTANT FOR RURAL AMERICA

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I have been surprised and amazed that nearly all the debate over airport security has focused on one issue, and that is the federalization of airport screening personnel.

In my mind, three critical issues have been largely ignored. These issues are probably more important than any other.

Number one, the Senate bill applied to only 142 of the largest airports in the country. Hundreds of airports were not regulated. In the State of Nebraska only one airport would have been regulated under that bill. The compromise bill applies to all airports in the United States regarding standards and personnel.

Second, the Senate bill did not address the screening of checked baggage. The compromise bill requires 100 percent screening of all checked baggage.

Third, the Senate bill did not regulate baggage handlers, caterers and mechanics. The compromise bill does.

Closing these loopholes has been critical. The American public will be much safer due to these changes. I think it is very important that we pass this bill.

FOOD SAFETY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I suspect that a lot of us become a little impatient in light of the terrorist threat, and I rise this morning with a little impatience to scold the United States Department of Agriculture, maybe request that they give consideration to a resolution that 30 of us introduced. That resolution, which is H. Con. Res. 258, called for more cooperation between the United States Department of Agriculture and HHS in the food inspection at our borders, the food products coming into the United States. There is a lot of overlap. We need better cooperation.

If it is an open-face sandwich, one agency inspects it. If it is two slices of bread, another agency inspects it. If it is a burrito with cheese, then it is inspected by HHS. If it is a burrito with meat, then it is inspected by USDA. At this time we need better cooperation. I would request that USDA evaluate this and either act to make the difference or come up with support for this resolution.

WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, yesterday an article ran in a Virginia paper revealing serious security breaches at a Richmond City drinking water plant. A reporter was able to walk right through the front gate and wander the site for an hour each day for a week. He and a photographer had access to the water supply and the potentially dangerous chemicals used to treat it. No one questioned their presence.

The good news is that this plant appears to be something of an anomaly. Similar surprise inspections at neighboring county facilities had very different outcomes. But this only makes it clearer that Congress must act now to ensure that all our water supplies are safe from terrorist threats.

Yesterday, the Committee on Science approved unanimously the Water Infrastructure Security and Research Development Act which would help us ensure the long-term safety of the water our constituents drink and use every day. It would provide $60 million in grants over the next 5 years to identify threats and respond to them. Similar legislation is moving through the Senate. We should act quickly to give every American peace of mind when turning on the tap.

TRADE PROMOTION AUTHORITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to discuss trade promotion authority. America's taxes on foreign imports are already near zero, but foreign taxes on the products of U.S. workers are often prohibitive, killing American jobs and opportunity. Cutting or eliminating foreign taxes on American exports is thus the key to expanding America's economic leadership.

Trade expansion through lower foreign taxes will help increase economic growth. Already, the growth in foreign markets is helping to create jobs for Americans. One in three U.S. farm acres is planted for export and 12 million American jobs have been generated by exports.

In order to achieve reductions in foreign taxes on U.S. exports, the executive branch must have the specific authority from Congress to negotiate trade agreements with other countries. This authority, known as trade promotion authority, lets America speak with one voice in international trade negotiations. It is the key to opening foreign markets to America's farmers, workers, investors and businesses.

ELECTION REFORM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, since September 11, we have been focused on fighting terrorism across this Nation. However, this Congress has not failed to address its other priorities among the American people. One of them is to reform our election laws after last year's election chaos.

What I rise today to do is to congratulate the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) of the Committee on House Administration for their hard work in creating a bipartisan piece of legislation which addresses campaign finance reform, and it does it in three critical ways:

First, this piece of legislation tells Congress that it must resist the urge to federalize what is constitutionally preferred by States and localities. The primacy of States and localities in the area of elections must be respected. Congress should seek to empower the duly elected State and local officials, not dictate to them.

Secondly, Congress must examine ways to eliminate fraud. Inaccuracies in voter rolls lead to all sorts of problems nationwide, including fraud. The days of the ''cemetery vote'' and other ''ghost'' voting must come to a rapid close everywhere.

Finally, Congress must address disenfranchisement, whether intentional or unintentional. One person, one vote is a principle that crosses all party lines.

AIRPORT SECURITY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, today this Chamber will take up the difficult question of airport security. As a conservative, you can imagine I was loath to support any wanton expansion of the Federal Government. Accordingly, I opposed the version of airport security that emerged from the other Chamber, believing it to be simply a large bureaucratic explosion of government.

I am proud to have passed and supported the House version of the bill, and I am proud today to rise in support of the compromise on the Aviation Security Act. In the compromise bill, like the House bill, Americans do not have to wait a year for airport security. There is immediate remedy, using public and private blended and flexible sources. Five airports will participate in a pilot project studying public and private solutions. And there is a third year opt-out. We are giving the President the flexible program he has requested.

Exempting these Federal employees from Civil Service Act requirements and creating a system that on the eve of one of our most important and most traveled family holidays will send a strong message of confidence to the American people. I urge my colleagues to support the conference report for the Aviation Security Act.

AN IMMIGRATION LOOPHOLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, we are tightening security everywhere as we should, but we are about to make a big mistake by reinstituting a big loophole. Some are seeking to revive the part of our immigration law called section 245(i). This law lets illegal aliens, if they are married or related to a legal resident or sponsored by an employer, simply pay a $1,000 fee for instant legalization. These lawbreakers do not have to leave the country and they do not even have to undergo any background checks.

Section 245(i) violates usual legal requirements. It is an amnesty. It led to a rush of sham marriages last April when the 245(i) deadline expired. Some sham marriages have been connected with accused terrorists. Without background checks, we do not know if the illegals using 245(i) are terrorists or criminals or sympathizers of our enemies.

Mr. Speaker, we should permanently dump 245(i). Illegal aliens should have to go back to their home country first. We need to be a nation of laws. We cannot afford this security risk.

ON THE PASSING OF OFFICER VAN ETTEN

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, it is with great sadness that I rise today in memory of Officer LaValle Van Etten, one of my constituents from Stafford, Virginia, and a Capitol Hill police officer, who died suddenly on November 10.

A Marine Corps veteran and Capitol Hill police officer, Officer Van Etten spent his life protecting people and putting the safety of others ahead of his own.

Whenever someone like Officer Van Etten puts his or her life on the line to protect our Nation, they should be commended. This man proved his love for country as a Marine and as a member of a select group entrusted to guard America's Capitol and those who work to do the people's business.

Our Nation's center of government lost a hero on November 10, a dedicated protector of freedom and liberty who died at a much too early age. We should always reflect on the dedication put forth by our Capitol Hill police. They deserve our thanks.

PROTECTING THE PUBLIC DRINKING WATER

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, we are now focusing on airport security. That is appropriate. But in doing that, I hope that we are not neglecting security of other very essential parts of our infrastructure. I am thinking particularly of water.

Our vast municipal and public water systems were developed to be economical and to be efficient, and they are both. We are one of the few countries in the world that can water our grass and wash our cars and flush our toilets and fight our fires with drinking water. Our water systems were not developed with any eye toward security.

We just passed out of the Committee on Science a very important bill that supports R&D, looking at ways to make our very important water system infrastructure more secure to terrorists. This bill needs to come very quickly to the floor because this is one area of our infrastructure we cannot afford to continue to be at risk.

□ 0915

PROVIDING FOR CONSIDERATION OF H.R. 3009, ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

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

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 289 is a closed rule providing for consideration of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act. The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and one motion to recommit with or without instructions.

The Committee on Rules provided the opportunity for the minority, Mr. Speaker, to offer a substitute. However, they declined the opportunity. This is a fair rule, Mr. Speaker, that will allow consideration of this very important issue.

The underlying legislation promotes and strengthens the U.S.-Andean trade relationship which will increase economic growth in the United States. This legislation will also work to bolster anti-corruption programs in South America.

As originally passed by Congress in 1991, the Andean Trade Preference Act sought to provide assistance to countries that have been troubled in the recent past in the form of tariff-free American goods, while simultaneously opening American markets to certain exports from these Nations. The effect of offering strategic economic advantages to these countries was to help eliminate financial dependence on narco-trafficking in the Andean region.

Due to ATPA, the U.S. and the Andean nations have enjoyed an $18 billion beneficial trade relationship for the past 10 years, but all of this is set to expire on December 4 if we do not act to extend the best elements of ATPA and continue the support of our allies in the Andean region.

The extension of ATPA is not merely a matter of economic or trade policy but is, in fact, a decision with consequences for U.S. foreign and national policy in the western hemisphere.

Bolivia, Colombia, Peru and Ecuador are nations that are good solid allies in the United States. They have repeatedly indicated over the past decade that they wish to be strong members of a free and democratic hemisphere, a hemisphere hopefully one day free of terrorism as well as free of tyranny.

Continuing ATPA will help the Andean nations fight poverty, terrorism and drug production as well as further promote democracy and human rights.

ATPA promotes job creation in a region where the alternative for many workers is easily a life devoted to drug production. ATPA provides these individuals an alternative and protects the rights of Andean workers. It also helps the economy in the United States and helps American workers. The bill contains the same worker protections contained in the Trade Development Act of 2000. Promoting development in the region, in the western hemisphere, is crucial to a U.S. foreign policy that seeks to support countries fighting against terrorism and drug trafficking.

I urge my colleagues to consider the benefits of extending ATPA, not only to our South American neighbors but also to American consumers who enjoy a wide variety of product choice without artificial constraints and restrictions.

Extending and improving ATPA is a decisive step toward improved relations with the western hemisphere. This legislation will foster the expression of mutually supportive and beneficial relationships between the United States and our neighbors in this hemisphere.

This legislation will help in the effort to strengthen our economy and add to the stabilization of the Andean region. There have been numerous challenges to democracy in the Andean region in the past decade. Many of them have been overcome, but it is still an area that is very delicate; and we must help it, especially since all of the countries in the Andean region are solid allies in the United States.

I would like to thank the gentleman from California (Mr. THOMAS) and all of those who have worked very diligently on this important piece of legislation. This is a fair rule, providing for the consideration of very important legislation, Mr. Speaker. I urge my colleagues to support both the rule and the underlying legislation.

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

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

Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the customary 30 minutes.

I rise in opposition to the closed rule. I oppose the process it represents and the indifference it signals for our colleagues on both sides of the aisle with legitimate concern over this bill.

No one in this body disputes the importance of U.S. efforts to counter drug production in South America, but the measure before us is simply not ready for floor consideration. In a hastily thrown together Rules hearing this morning, it became apparent that serious, substantive questions remained regarding the impact of this measure on many regions of this country.

Our colleagues from California, Puerto Rico, and American Samoa expressed concern over how this measure would impact the domestic processing and fishing industry. They have profound concerns over this measure accelerating job losses in an already unstable economy.

My friend and colleague, the gentlewoman from North Carolina (Mrs. MYRICK), expressed heartfelt reservations over the impact these trade measures have on the region of the country where the textile industry is struggling. I have no doubt that other Members would have similar concerns if they had only been afforded the opportunity to review the underlying bill.

Moreover, why is the leadership prioritizing this measure when other, pressing needs affecting our constituents at a time of war are never allowed to see the light of day? I do not mean to disparage our friends to the south, but ensuring the duty-free treatment of 6,000 products from the Andean countries of Bolivia, Colombia, Ecuador, and Peru surely should not take precedence over legislation impacting our homeland security and measures to help those who have lost jobs and loved ones in the wake of September 11.

Finally, the leadership missed a golden opportunity with this measure to rebuild the bipartisanship that previously existed on trade matters. Had the chairman worked on a bipartisan basis with the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, I have no doubt that the measure would enjoy broader support both in the Committee on Ways and Means and on the floor. That bipartisanship enabled measures like the African free trade bill to move forward last year and would have been welcomed by proponents of fair trade on both sides of the aisle.

This process does not bode well for fast track advocates who are hoping to craft an agreement to move forward in the days ahead.

Mr. Speaker, Members are fully aware that the Andean nations are struggling to combat the problems of illegal drugs, and while their economy is falling into recession and their governments confront civil unrest, the concerns of our colleagues certainly would have been better taken into account so this measure could move forward with less controversy.

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

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

Before yielding to my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK), I would simply point out that this legislation passed out of the Committee on Ways and Means on a voice vote. It has the cosponsorship of many people on both sides of the aisle, including the gentleman from New York (Mr. RANGEL), the ranking member, who was an original cosponsor.

Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank my friend, the gentleman from Florida (Mr. DIAZ-BALART), for yielding me the time.

I hate to be standing up here today and doing this; but very honestly, I cannot support the Andean trade bill, and I understand completely the importance of this bill to our neighbors to the south and what it means relative to trying to get stable businesses started in those countries.

I serve on the Speaker's drug task force so I am very much aware of all of that, but I disagree with the timing in particular of this being brought up before the trade promotion authority vote is on the floor.

I am not a protectionist. I am a free trader. I totally support free trade. I voted for it before many times; but quite frankly, it also needs to be fair trade, and we need to be able to export our products into those same countries freely, as well as them bringing theirs into ours.

Never in my 7 years on Capitol Hill have I seen a bigger slap in the face to the textile industry and the workers because in the last year, just the last year alone, we have lost 60,000 jobs, 20,000 of them in my State of North Carolina and most of them in my district.

As the New York Times reported on Tuesday, our Nation's economic slowdown has impacted the South more than any other region of the country, and how does Congress respond? On the very day after Burlington Industries, which is one of the largest textile companies in the world, the day after they file for bankruptcy, we have this bill on the floor that gives away our textile jobs. It is just unbelievable to me.

Make no mistake about it, H.R. 3009, as reported by the Committee on Ways and Means, allows other nations to avoid our duties and quotas by shipping their yarn and fabric through South America.

The only bill that the gentleman from California (Mr. THOMAS) has shown to me, and every other textile State lawmaker, would smooth the way for Andean apparel made with fabric and yarn from anywhere in the world. It would create a giant loophole in our textile trade laws, and for weeks now the gentleman from California (Mr. THOMAS) has said this loophole will be fixed, but I have never seen a fix and neither has anybody else.

There is a larger issue at stake here, and this is an issue that is very important to the gentleman from California (Mr. DREIER), my chairman of the Committee on Rules. He is on this floor practically every day speaking about it and that is trade promotion authority.

The bill coming to the floor in just a few days is one that I would desperately like to support because I believe it is very important to give our President that authority to open foreign markets and to protect our jobs here at home. I am very afraid by having this bill on the floor at this time it is going to doom those efforts.

I just think that the folks who scheduled this vote are making a very, very serious mistake. There are several textile State lawmakers who, like myself, want to support the President on TPA, and what are they asked to do? They are asked to vote on a bill today that is bad for textiles just a few days ahead of this other bill coming to the floor. Hard to understand.

Some folks say this will not hurt the President's efforts on TPA because textile State lawmakers are not going to vote for this anyway. Well, that is a bunch of bull crap, excuse my French. Very simply, there are a lot of us who want to vote for it and have done everything we can to try and make that possible because we believe in it. We have been promised assistance for the textile industry, but no package has appeared yet.

The gentleman from California (Mr. THOMAS) has shown us language that would help crack down on transshipments, but the language has not reached the floor. I have heard plenty of talk and promises, but the promises have resulted in nothing; and quite frankly, until something is voted on on the floor it is just a promise.

So while we wait, the leadership brings an antitextile bill to the floor. This could have been brought up later. It could have been an extension. There are many ways we could have dealt with this, to have the vote after the TPA vote; but that has not happened.

So, Mr. Speaker, I am very afraid that the gentleman from California (Mr. THOMAS) is making it easy for those who are on the fence to vote no.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to preface my remarks in associating myself also with the gentlewoman from North Carolina (Mrs. MYRICK) for her comments and certainly our total opposition to the rule.

Mr. Speaker, I want to plainly state for the RECORD that I do support U.S. efforts to counter drug interdiction and production in trade among the Andean countries. I also want to note that I am a free trader but only ask that trade be fair. That is all we are asking for.

For the information of my colleagues, the U.S. tuna industry has already provided under the current provisions of the Andean trade agreement explosive growth in opportunity for our Andean country neighbors.

□ 0930

Under the present ATPA rules, tuna loins are already exempt from any of the meaningful duties. As a result, the number of tuna loin factories in Andean countries have increased by 229 percent since the enactment of ATPA in 1991. Production capacity has increased by 400 percent. Exports to the United States have increased by 56 percent. Sales of tuna from the Andean countries now total almost $100 million a year. Thanks to the present ATPA tuna rules, Andean countries are now the largest exporters of tuna to our country.

In return for U.S. efforts, Ecuador currently imposes a 20 percent duty on canned tuna from the United States. Other Andean countries impose duties of 10 and 15 percent. To protect its own market from product dumping, Mexico imports a duty free of 24 percent on canned tuna imported from Ecuador. In the middle of all this, Mr. Speaker, is the U.S. Congress really now going to allow canned tuna to come to the United States duty free? Where is the fairness of all of this, Mr. Speaker?

I believe it is important for my colleagues to understand that Ecuador and Colombia have the capacity now to process more than 540,000 tons or 48.6 million cases of tuna per year. With U.S. consumption of 45.3 million cases per year, Ecuador and Colombia have the production capacity to wipe out literally, Mr. Speaker, the entire U.S. tuna industry.

In an effort to save approximately 10,000 American jobs and protect the fragile economy of my own district in my own territory, including workers in California and Puerto Rico, the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means; the gentleman from California (Mr. CUNNINGHAM), and

I have worked together to build, hopefully, a bipartisan coalition to object to this legislation.

I want to note for the RECORD that Chicken of the Sea, Bumble Bee, the United Tuna Cooperative, the entire U.S. fishing fleet, and ConAgra are adamantly opposed to the inclusion of canned tuna in ATPA.

With all due respect, Mr. Speaker, I am also disappointed that no hearings were held in the House on this very bill. I would hope that Members whose districts would be potentially affected by pending legislation such as this will be given the courtesy at least of an input of Members of the House whose districts are definitely going to be affected as a result of this bill.

The bottom line, in my humble opinion, Mr. Speaker, is that my territory is more than 85 percent dependent, either directly or indirectly, on the U.S. tuna processing and fishing industries. As StarKist has repeatedly testified, ''A decrease in production or departure of one or both of the existing processors in American Samoa would devastate the local economy, resulting in massive unemployment and insurmountable financial problems.''

This begs the question, Mr. Speaker: Why is only canned tuna up for discussion? What happened to the other industries doing their fair share to provide economic alternatives to drug production in the Andean countries? I am all for helping our Andean countries, but I want to ensure that the U.S. tuna industry, the U.S. tuna fishing fleet, and the workers in California, Puerto Rico, and American Samoa are also protected in the process.

I want to quickly note that if canned tuna is not excluded, this country will see the end of the U.S. fishing fleet which is composed of 50 vessels. Investments in these vessels are worth hundreds of millions of dollars. Our World War II veterans built this fleet and for almost 100 years, the tuna industry has been with us. In times of national crisis, our tuna fishing fleet has been our eyes and ears on the high seas. Our fishing fleets report to the Coast Guard and other Federal agencies any suspicious movements of vessels that may also affect the security of our Nation.

My colleagues need to understand that there are no fishing licenses left in the eastern Pacific. Our U.S. tuna fishing fleet cannot fish in the eastern region of the Pacific. What kind of justice is this, Mr. Speaker?

Mr. Speaker, canned tuna represents the third fastest moving product category in the entire U.S. grocery business. Canned tuna provides a high-quality, affordable source of protein for 96 percent of U.S. families. If H.R. 3009 is not amended, if this legislation is not shut down, canned tuna will become a foreign-controlled commodity instead of a branded product that U.S. consumers have trusted with confidence for over 95 years.

Mr. Speaker, I urge my colleagues to vote down on this proposed rule concerning this legislation, and I urge my colleagues to exclude canned tuna from this bill and vote against the rule which will not allow Members from both sides of the aisle to introduce appropriate amendments so that at least we can debate the merits of this bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, when the world changes, it is always difficult and sometimes painful, but the fact of the matter is, the world will change. In this area of economic relationships, it is becoming extremely dynamic.

First of all, people need to understand that the people who primarily take the floor are those who are opposed to what is going to occur. We do not ordinarily get an enormous number of people who are in support. So when we listen to the arguments that people are making as to why we should be opposed to this bill, which allows for modest importations from sub-Saharan Africa, modest adjustments for the Caribbean region, and the opportunity, for the first time, for the Andean region, which has taken significant responsibility for reducing the production of coca and, therefore, cocaine, taking away literally a cash crop and not getting anything in return, that what we are doing is reaching out to them in this bill.

Mr. Speaker, T-shirts, if you will, are going to be produced somewhere in the world. I understand my friends from the former textile-producing areas, because quite frankly, in the latter part of the last century it was New England that was the textile center of the U.S. What we saw was movement regionally to the Atlantic States and then to the South because it was following cheap labor. And what has happened is, it has begun to jump off the North American continent and continues to find cheap labor.

Cheap labor is all over the world. The T-shirt, if it is not made in the U.S., is going to be made somewhere: Madagascar, Bangladesh, India. It is not going to be made in the U.S. And the idea that if we simply stop the world, we are going to keep the jobs, that is just not reality.

What we have to do is rethink our relationships. What the U.S. can do and do well is to continue to supply fabric, cotton, primarily yarn, and also raw material.

Now, where do we have a better chance of sustaining the U.S.'s future role in textiles coming into the U.S.? Making sure that the people who send that T-shirt, either in Madagascar or in Bangladesh or somewhere else 10,000, 15,000 miles away from the U.S., or building a win-win relationship with our friends in the Western Hemisphere? We have to start with the idea that that T-shirt is not going to stay here. People have said, one of the major mills, Brunk, is now in bankruptcy; 60,000 jobs were lost. This legislation is not in effect, so it must have been for some other reason. Time marches on.

What we are trying to do is to create a relationship that will produce a lasting, beneficial, harmonious balance in which our friends in our own hemisphere, which also provides us with shortened logistics for our own products to assist, and a little bit of help and recognition, that they have made significant advances on the supply side of the drug problem. We obviously need to work on the demand side, but they are working on the supply side.

So when we listen to the arguments, including the gentleman from American Samoa, about the potential displacement of jobs, that is a real concern for American Samoa because they have a significant number of people who are employed in this industry. What has not been presented yet is clear evidence of the facts that a direct result of what we do will diminish jobs. Will there be readjustment? Will companies go into business and go out of business? Will other companies expand to absorb the loss of the jobs from that other business? That is what we have to analyze; not say, change will take place and, therefore, do not move forward. What is the impact of the change? What is the dynamic of the change, and how can we make sure that any downside is diminished?

My friend came to the floor and mentioned my name a number of times and said that certain bills have not passed and that this should not be in front of trade promotion authority. I will tell my colleagues, I did everything in my power to make sure that trade promotion authority came first.

I had a letter from the Speaker saying that it was going to be voted on prior to today. I do not control scheduling on the floor. We do know that this particular provision will expire December 4. The Andean bill has been where the Andean bill has been; the trade promotion authority has been changed. This bill has not been changed. Trade promotion authority has been changed. I do not have control over that.

So what we have in front of us today is the possibility to build a stronger lasting relationship with every commitment on the part of the sponsors of this bill; and by the way, there has been a lot of comment about the fact that we have not been bipartisan. I support the bill, the ranking member supports the bill, the gentleman from Michigan (Mr. LEVIN), the ranking member on the Subcommittee on Trade supports the bill, the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade

supports the bill. The bill came out of committee on a voice vote.

Mr. Speaker, we can just go so far. It is not perfect. Trade involves relocation. I will commit to anyone, lay the facts in front of me, clear evidence of the downside, and we will work on making that adjustment. But to say that we have to stop now and not move forward in this process because frankly the Senate has to take the bill up, I am quite sure that the Members over there will effect change in the bill. We will have a conference and we will move forward. Our job today is to not send a signal to our friends around the world that the answer is no and nothing.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise in support of the rule, and against the cockamamie idea that only people that are against trade or are against the bill can come to the floor to have something to say about it. I just do not believe that when we support a bill or we support a rule, that automatically means that it is bipartisan. Bipartisan means that Republicans and Democrats set aside their labels and try to find out what is best for the country, what is best for international trade, what is best for Members of Congress. Just because everything is not violently opposed does not mean that people support the concept of bringing bills to the floor based on the thoughts of the distinguished chairman from California.

There is the old fashioned way to do it, and they call it hearings. We do not have to do it that way, but just because there is not a name-throwing episode with everything that comes out of the committee, I do not think it raises this type of procedure to the level of being called bipartisan. And supporting trade, international trade, does not mean that one can be insensitive to the impact that it has on hard-working Americans.

Of course, economic growth is going to be dependent on expansion of trade. Of course, expansion of trade means that there is going to be dislocation and pain. That comes from progress. But it does not mean that we should not be sensitive to the negative impact that it has on hard-working Americans and that we should not do all that we can to ease that pain. And we should discuss it; we should have hearings. Americans, whether in Puerto Rico or whether they are in American Samoa, should have an opportunity to share with us what will be the negative economic impact on our citizens in that part of the world.

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The fact that I support the rule and support the legislation does not mean that I am not going to do all I can to make certain that equity is displayed not only for our textile workers and manufacturers, but for our people in American Samoa and people in Puerto Rico.

It seems like if anyone has a complaint about anything, that they are depicted as being whining and screaming and un-American. Even when it gets to the trade promotion authority, one can be even unpatriotic because one disagrees with some unilateral proposal that came out of my committee. We have to get back to the idea that just because we all do not read from the same page does not mean that one is less patriotic than the next person.

I want to say that we have a lot of things to work out here. We have assurances from the chairman that he has to see some negative evidence of what is happening in Samoa and Puerto Rico, and we have to do that. We have to work with our friends, Republicans and Democrats in the Senate. We have to try to perfect this. We have to try to do in conference what we did not do at hearings.

So let us try to be a little more gentle with each other. The country is at war. We have a job to do. We have to have mutual respect for the intent of the Members that are trying to perfect our legislation, and not just be opposed to it.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

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

Mr. Speaker, this issue or these represented issues seem to have a way of polarizing Republicans, Democrats, liberals, conservatives, all over the field.

My good friend, the gentleman from California (Mr. THOMAS), the very able chairman of the powerful Committee on Ways and Means, he and I are at odds on this.

The gentleman from New York (Mr. RANGEL), I am not sure where he is on this; but he is nonetheless my friend, whether he is for me or against me.

Nevertheless, this has a way of separating people. The United States textile industry has already suffered its worst crisis since the Great Depression. We have lost nearly 60,000 jobs, nearly 10 percent of the entire workforce, in just the last 12 months.

Our suppliers in the cotton, wool, man-made fiber, textile, machinery, and chemical industries have also been damaged by this crisis.

H.R. 3009, Mr. Speaker, will be extremely damaging to the United States textile industry. It will cause even more U.S. job losses, and make our current crisis even worse. The bill would harm American textile manufacturers, including producers of fabric, yarn, and thread.

Mr. Speaker, this week, two giants in my district came forward with distressing news. One announced that it is filing chapter 11. A second one announced it is laying off 13,000 workers.

Mr. Speaker, my mom was a machine operator in a hosiery mill. I knew as a youngster in the rural south the significance of a textile check coming in every week as a result of a woman laboring arduously over that machine, before the days of air conditioning, I might add, Mr. Speaker. Now those textile checks are less frequent. They are being seen less and less frequently.

The bill allows, Mr. Speaker, a huge amount of regional fabric made in the Andean countries, increasing to nearly 1 billion square meter equivalent annually by 2006, to be assembled as garments and enter the United States duty free, quota free.

That is a slap in the face to our textile community, which is synonymously known as success in this country. When we mention success, we immediately think of the textile industry, the way it started, the jobs that were created. The bill also allows apparel assembled in the Andean countries of U.S. or Andean regional fabric to use yarn from anywhere in the world.

Finally, unrelated to the basic Andean bill, this legislation would grant duty-free treatment to vast quantities of apparel imports assembled in sub-Saharan Africa from African or Third World countries, usually Asian fabric.

Mr. Speaker, I am unwilling and/or incapable of turning a blind eye and a deaf ear to the textile community which has been so obviously significant in the success of this country. I urge a ''no'' vote.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I think it is important to note that this bill is not just about drugs, and it is certainly not just about Colombia. It is about stability in the Andean region.

As someone who serves on the Subcommittee on the Western Hemisphere and who has traveled extensively in the region, I can tell my colleagues that this region, this region presently is on the verge of profound instability. Things are getting worse. Things are getting substantially worse.

All of these countries are experiencing a level of civil unrest. I think that it is critical to understand. Colombia's economy is still stuck in the worst recession in 70 years. Ecuador's economy is a basket case. Peru and Bolivia remain desperately poor. The conditions in those nations continue to deteriorate.

Now, this decline is partly a result of the extension of trade benefits to the Caribbean Basin, which I opposed. I opposed it because they lack the necessary safeguard in terms of workers, workers' rights, and environmental standards. I opposed it in part because

I feared exactly what is happening: workers in the Andean countries are not competing with American workers. They are now competing with workers in the Caribbean because of CBI, and they are losing that competition. The economic impact of September 11 has not even been felt yet, but we know it will.

So it should not come as any surprise that the peasants in those four countries are back growing coca and opium again. The successes that have been achieved in Ecuador, Peru, and Bolivia are eroding rapidly. They are at risk. The unemployment rates in these nations are escalating dramatically.

That is why the economic opportunities provided in this bill are so critical, not just for ending drug cultivation and promoting stability, but they are essential for peace and harmony in the region.

By the way, it is for the same reason that I have been urging the administration to accelerate the dollars that have been appropriated under Plan Colombia for alternative crop substitution and economic development.

Now, I share the concern of my colleagues about labor rights in the region. I am not happy with the labor provisions in the bill. But if the state has failed, there is nobody to guarantee these labor rights, and state collapse may come sooner than we think in the Andean region. The region, believe me, has serious problems.

We have seen what happens when states fail. We have the example currently of Afghanistan. We do not want to allow that to happen in the Andean region. I urge support for the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, this is probably the most important antinarcotics vote that will be cast in Congress this year. There is just no way to avoid it.

I do not support TPA. I am not exactly known as Mr. Free Trader. This is something where we have to look at the facts. As my friend, the gentleman from Massachusetts, just pointed out, whether we like NAFTA or not, we have that; whether we like the Caribbean Basin Initiative or not, whether we like the Andean trade preference, that is what is there now.

This vote is whether to repeal the trade advantage in the most critical cocaine and heroin region in the world at a time that the surrounding nations have these advantages because of the legislation in this United States Congress.

Let us look at the facts of this situation: in Colombia, we once had a narcostate that has now elected a free government, that is helping us eliminate the cocaine and heroin. As they elect a government that now responds to our concerns, we are going to tell them they do not have anywhere to sell their products if the farmers stop growing poppy and coca?

In Bolivia, which used to supply 30 percent of our cocaine and heroin, they now are down to less than 5 percent and going towards complete eradication. We have a president who succeeded President Banzer, President Quiroga, who is committed to providing trade opportunities so the campocinos have some way to feed their families other than feeding our children cocaine and heroin. And we are going to say, no, we are going to stop that trade?

In Peru, we have a newly elected government, a country riven by tremendous crisis because of past illegal activities in security issues with President Fujimori. That president is trying to build and rebuild a coalition, and we want to yank his opportunity out from underneath him? Mind you, we already have an Andean trade preference. This is whether to repeal it. We are going to yank it out at a critical time in Peruvian history?

In Ecuador, which has had five different governments in 5 years, that is teetering on instability. As we see the coca and heroin producers look at their region as a possible place to go in, we want to tell their government that is saying, we need to trade, we need to build our relations with the United States, we want to stiff-arm them and repeal their opportunities?

For those who come here and say, we do not want to do eradication, we do not want to do fumigation, we do not want to shoot down airplanes, to do all the interdiction, we do not want to throw people in prisons, what do they propose to do to help these people?

My friend, the gentleman from Massachusetts, has said it well: in the Andean initiative, we are trying to do alternative development. We are trying to rebuild their legal systems. But we are going to stop and repeal the trade initiatives at the very time this Congress has put $1 billion into Plan Colombia, we are putting another half a billion into the Andean initiative, and now we want to yank out the essential follow-through that gives something for these people to do to make a living to feed their families at a time when they most need it?

I just do not understand it. My friends who supported the interdiction efforts, as we eradicate their crops, as we intercept their ships, as we shoot down their planes, what do we propose they do? That is a fundamental question Members are dealing with today.

We cannot on the one hand, and look, this is a tough decision. I understand that this is not likely to help my district in the trade question, but it is certainly going to help the kids and families on the streets of Indiana if we can lower the amount of heroin and cocaine coming in and protect them.

We have to make some tough decisions. I strongly support this act. It is essential. It is the centerpiece of the antidrug efforts. We cannot just tell these people: eat coke. We have to have an alternative.

This is not an easy vote, but it is one of the most essential votes in this hemisphere in the antidrug efforts that Members will cast this year or next year.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am disappointed that the Committee on Rules refused to allow an amendment that I made a request on which would require the certification by the President that Colombia is actively engaged in the investigation of the murder of labor activists in its country.

The country, Colombia, has exported many products to the United States; but that is not what it will be remembered for. It will be remembered for the killings that are taking place.

During the 1990s, more trade union activists were killed in Colombia than any other country. No other country is even close. The numbers are truly astonishing. Over 1,000 labor activists have been murdered since this trade agreement was enacted.

It is not because of this trade agreement; but the fact is, during this 10-year relationship, that is what has happened. In this year alone, 131 labor activists have been killed. This cannot just be a coincidence of these people being killed in the firefight that is taking place.

I do not diminish the complexity of the problems of violence in Colombia on both the right and the left, but the fact of the matter is that, according to the ILO, these murders have continued. They have not been investigated. People have not been identified. The core ILO agreements have not been dealt with.

In fact, the ILO report of last year says that the cases where the instigators and perpetrators of the murders of trade union leader are identified are practically nonexistent, as is handing down guilty verdicts.

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The point is this, the government is doing little or nothing to try to investigate and identify the people who are killing the labor activists across the country. When labor activists are asking for protection from the government the protection is not forthcoming and the assassinations continue. These people are assassinated at work. They are assassinated in the streets. They are assassinated in their own homes in front of their families. And they are all labor activists. That is what they have

in common. The time has come to stop that.

We talk about the benefits of the trade agreements. One of the benefits, theoretically, is the labor will prosper, the people have the ability to organize. They will improve their working conditions. They will improve their pay, and they will be able to provide for their families. But that does not happen in and of itself. It happens because labor organizers talk to the workers. They talk to them about the benefits of joining a union.

Colombia has a history of union involvement but it is now being eradicated. According to the ILO, it is being eradicated by the para-military organizations on the right for the most part. And I think it is time to come where not only we will be investing in Plan Colombia, but we are extending trade agreements to Colombia that we understand the need to stop the assassination in this country of these labor activists, because it just takes away any ability to try and organize the working place so, in fact, people can have the benefits that supposedly free trade is supposed to bring to those countries in terms of the economic opportunity.

Thirty members of the Congress joined me in sending a letter to the president of Colombia asking for these investigations, asking for an effort to bring these people to justice. And we have received no response from the president. And I was hoping that this amendment would have been accepted and we could have sent that message to the president requiring those actions to take place in the certification by the President of United States that those investigations were ongoing. Unfortunately, this trade agreement will probably pass. Those investigations will not take place. We are talking about a reign of terrorism in Colombia right under our noses in a country where we are financing a war supposedly to end that; and yet we cannot get the government to participate in the effort to investigate these assassinations and these crimes against labor activists. I thank the gentlewoman for yielding me time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I must rise in opposition to H.R. 3009. I have had hundreds of letters from textile employees and the plant managers from my part of Virginia. They are very concerned that this legislation, if passed and signed into law, will cost more jobs in southside Virginia. This week VF. Knitwear announced the termination of 2,300 persons in Martinsville and Henry County. This brings to a total of over 10,000 jobs lost in the past year and a half under the so-called free-trade benefits.

This bill is a turkey. It would be an awful Thanksgiving present for the persons in my district if this bill were to pass. We need to kill this turkey, and we need to relegate it to a place where hope is a stranger and where mercy will never reach.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, the Andean Free Trade Preference Act expires in December; and if all we were talking about was the extension of the bill, it would be a simple matter. Most of us would vote for it. But this Andean Free Trade Pact extension is also an expansion. It goes far beyond simply expanding the free trade pact that has been in existence for the last 10 years.

First of all, for the first time it extends duty-free, quota-free access to textile and apparel imports from four countries, the Andean countries. Secondly, it takes this bill which needs to pass in December and piggybacks on to it wholly gratuitous concessions to sub-Saharan African countries, 22 of them, who last year got substantial concessions in the African Growth and Opportunity Act. And then it extends a third time substantial concessions to the Caribbean countries, 24 of them.

So we have really got three trade-expansion bills wrapped up in one. If it were just the Andean Pact we were talking about, it would be simple; but the problem is it goes much further.

Mr. Speaker, over the last 15 years, we have liberalized trade and textiles and apparel again and again and again. First there was free trade for Israel. Then there was free trade or substantial concessions for the Caribbean countries. Then there was NAFTA. Then there were more concessions for the Caribbean countries so they would be treated like Mexico. Then there was the phase-out and elimination of quotas as a result of agreement on textile and clothing which was part of the WTO agreement in 1994.

What is the result? What is the result of all of these free-trade concessions? Today, last year, textile and apparel imports into this country were $77.5 billion, $77.5 billion, up by 90 percent since 1994. Up by $35 billion since 1994.

What is the result for the American textile worker? When I came here in 1983, there were 2.1, 2.2 million Americans engaged in textiles and apparel. Today there is barely over a million. And in the last 9 months, 118,000 textile and apparel workers have lost their jobs in this country. In the last 3 months, 46,000 textile and apparel workers have lost their jobs. This bill, this triple package with the Andean countries and the Caribbean countries and the sub-Saharan African countries all benefiting, substantially gaining greater rights to duty-free, quota-free access to our markets, this bill cannot help but continue the hemorrhage in job losses that we have experienced for the last 10 years.

This struggling industry will be dealt a death blow by this particular bill. I am not exaggerating.

There is a simpler, easier conclusion. We can have a clean bill, a mere expansion of the Andean Trade Preference Act, extend it for 5 years, extend it for 10 years. It does not matter to me what you extend it for, but keep it clean. Keep it related to the purpose at hand. Simply extend the pact that we have got. I will give the House that opportunity when the time comes for a motion to recommit, if of course this motion is not defeated; and that is the most efficient solution, defeat the motion and send the bill back so that it conforms to simply the Andean Free Trade Pact.

But if the rule passes, I will offer a motion to recommit which will give everybody in the House that option, the option simply of extending the Andean Trade Pact so it helps those countries that we purport to help; but it does not help them at the expense of the million textile workers who are still left.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. CUNNINGHAM), for a colloquy with the gentleman from California (Mr. THOMAS).

Mr. CUNNINGHAM. Mr. Speaker, I would like to enter into a colloquy with my friend, the gentleman from California (Mr. THOMAS).

The reason is the U.S. must continue to exempt canned tuna or they will destroy domestic processing and the entire fishing industry not only in California but Samoa, Puerto Rico, and other places. I have been working with my good friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), and others on this position.

Mr. Speaker, I understand that the gentleman from California (Mr. THOMAS) has committed if we can bring him the facts that in the conference report he will take into consideration and allow our amendment that will at least stop the loss of jobs. And we estimate right now just in San Diego over 10,000 jobs will be lost if they are able to dump this tuna. Do we have the gentleman's commitment to take a look at the facts and work this in conference, because the Senate supports our position?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, as I said both privately and publicly, we are currently analyzing the situation. We have been provided by our friend from American Samoa an amendment something other than simply banning. That is a significant step in the right direction.

We are willing to look at limitations on volume, quota or consumption, whichever is the most appropriate structure. I understand and appreciate the gentleman's concern because he is dealing with only a canning operation in which the processing comes from the

very country that is the subject of the tuna expansion in Andean and Ecuador. And the pressures are significant. The facts are there. We will make adjustments so that the gentleman will have at least a minimal comfort level.

Mr. CUNNINGHAM. Mr. Speaker, I thank and I take the gentleman's words from California (Mr. THOMAS) as a friend and I take his word as gospel. But I will say if the problem cannot be worked out, my friends from American Samoa, from Puerto Rico and from California, we will be forced in the conference report to vote against the rule, to vote against the conference report; and then I will support the motion to recommit in the conference report.

Mr. THOMAS. Mr. Speaker, I will tell my friend who said that the solution is to simply extend the Andean Pact, it means the African provisions are out, the Caribbean provisions are out and all of the help, as the gentleman from Indiana (Mr. SOUDER) said, in replacing the drug costs will be out as well. That does not sound exactly like a good deal.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time is remaining on either side?

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 6½ minutes. The gentleman from Florida (Mr. DIAZ-BALART) has 4½ minutes.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, I rise on the debate on the rule to urge defeat of this rule. I ask defeat of this rule because of the situation at hand. The United States Congress has been asked to adopt, reapprove the Andean Trade Act, which was adopted over 10 years ago. It had a sunset in it so that there would be debate to be able to revise it and look at it and debate it.

This bill comes to the floor without any public hearings, without any debate. In fact, it was rushed through the Committee on Rules just a few hours ago. And now we are asked to adopt one of the most important trade policies to affect the southern hemisphere. It affects all of Central America, the Caribbean, and the Andean region of Latin America.

There are a lot of concerns that you hear from Members here, concerns that ought to be addressed and these trade agreements ought to be modernized and updated with the circumstances at hand. And we need to have a public process and a public hearing to do that. It did not occur here; and, therefore, the rule ought to be defeated and the bill ought to be defeated.

Yes, there is pressure on us because the bill does sunset. But we can do a better job than what we have done with bringing this bill to the floor at this time, at this moment. So I urge a defeat of the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman on the Committee on Rules.

Mr. DREIER. Mr. Speaker, there is an expression that probably will only be understood by my friend, the gentleman from Florida (Mr. DIAZ-BALART), of those in the Chamber. I do not know how many bilingual people there are here. But I have struggled, as the gentleman from Florida (Mr. DIAZ-BALART) knows, with my Spanish and this was a term that was taught to me by our distinguished colleague, the gentlewoman from California (Mrs. NAPOLITANO). It is: ''Tapar el sol con un dedo.''

It basically means you try to block the sun with your thumb, which obviously is not going to happen. We need to realize that there is overwhelming momentum worldwide to break down tariff barriers and to expand trade.

Many people who traditionally have not been supportive of that in the past in Latin America are now strong proponents; and we know that, obviously, improved trade increases the standard of living for people. It allows them to focus on political repression and other challenges.

This bill is designed to deal with a number of factors. Obviously, it is focused on challenges that exist in Africa and the Caribbean basin. One of key issues in focusing on Andean trade is that we have been able to do everything possible to try and wean those countries that have been reliant on the crops that provided drugs to move off of that.

□ 1015

Several weeks ago, I and a number of my colleagues had the opportunity to visit Bolivia, and there is no stronger example of a nation which has stood for that transfer away from coca, the drug crop, to legal, wonderful, productive crops than Bolivia. And there needs to be an even greater incentive as we try to diminish that flow of illicit drugs into the United States and other parts of the world. This measure is designed to do just that.

There are, as has been pointed out in the debate, a wide range of other factors included in here, and there are concerns. But as I said with that expression, to try to block the sun with your thumb is something that we cannot do here. The world is changing, and I am happy to say that it is moving towards free trade because it does benefit the consumers. I do not want to see the tuna industry impacted negatively, I do not want to see the textile industry impacted negatively. And I know there are very understandable questions that have come forward, and I hope that we will be able to take steps to diminish the deleterious impact that this might have.

I am convinced, I am convinced that as we deal with these shifts that have taken place domestically, as was pointed out earlier in the debate, that are now taking place globally, it is clearly the right thing for us to do to move in this direction. Our next step, then, Mr. Speaker, will be to grant trade promotion authority so that we can expand even further the very, very important message of freedom.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the Andean Trade Preference Act.

We are at a critical point in our ongoing relationship with our good friends in Central and South America. The expansion and extension of ATPA is a necessary component of a comprehensive strategy to improve our collective security in the Western Hemisphere.

We have already established free trade agreements with Canada and Mexico, and now we must look to widen our horizon, expand our opportunities and share the good fortunes of trade with our Andean neighbors and then the rest of the democratic countries of South America.

The ATPA has helped foster trade between the United States and the Andean region that has nearly doubled over the last decade to $18 billion to the mutual benefit of the United States and Andean businesses. To date, we have made a bet that a $1.3 billion American assistance program can help solve this problem. If we truly want to shape the environment to ensure our success, we must protect our bet with a trade package that sets the conditions for economies that need to change their earnings from drug money to industries that are part of the 21st century economy.

I urge my colleagues to vote ''yes'' on H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

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

Ms. SLAUGHTER. Mr. Speaker, may I inquire again how much time there is?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from New York (Ms. SLAUGHTER) has 3½ minutes remaining, and the gentleman from Florida (Mr. DIAZ-BALART) has 1½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, this rule prevents consideration of an amendment the gentleman from California (Mr. GEORGE MILLER) and I would have

introduced to strike Colombia from this trade preference due to their horrendous record on labor rights.

This bill allows Colombia to import numerous goods across our borders duty free. This preference costs us $262 million. This is a lot of lost revenue at the expense of a country that does nothing to ensure the basic security of trade unionists. Four thousand trade unionists have been gunned down in the last few years, and 133 trade unionists have been murdered this year alone. In Colombia, virtual immunity exists for the murderers of these trade unionists.

The Miller-Evans amendment suspends Colombia from this trade preference until it begins to investigate the murders of these labor leaders. We are really not asking too much for several million dollars of duty free treatment.

I think we should stand in solidarity with the families of the 4,000-plus slain union leaders in Colombia that died for peace and human rights while their pleas for protection have been ignored by their own government. Their families have no consolation as the killers or these trade unionists remain free from prosecution.

I urge my colleagues to remember that labor rights are human rights. Trade unionists risk their lives every day to ensure no person is subject to a wage that does not allow them to feed their family or works in a hazardous and dangerous workplace around the world. These are basic principles we must insist on if Colombia is ever to receive the benefits of trade with our Nation.

I urge my colleagues to stand up and fight for labor rights and human rights.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Washington State (Mr. BAIRD).

The SPEAKER pro tempore. The gentleman from Washington is recognized for 2 minutes.

Mr. BAIRD. Mr. Speaker, last weekend, I had the great privilege of visiting the Pendleton Woolen Mills in Washougal, Washington. I met with many of the hundreds of employees who work there, many of whom have been there for 20 or 30 years. Their whole life has been spent working in one of America's finest textile industries.

The challenge we face today is that we are presented with legislation that possibly will cost these people their jobs, with very, very little time to discuss this, with little time to debate it, and with little time to explore the ways we can improve it and minimize the impact on the people who might be displaced.

I have supported trade, proudly supported trade in this body: trade in the Caribbean, trade with Africa, and trade with China, and elsewhere in the world. But to bring a piece of legislation to this body with so little time, when it could affect so many of our American workers, is not the kind of procedure we should follow. It does a disservice to those workers, and frankly, it does a disservice to the principles of trade itself.

I urge my colleagues to vote ''no'' on this piece of legislation and ''no'' on the rule until we get this right. We need time, we owe the time to the people whose jobs could be lost, to do this right.

I am a supporter of trade, but we need to return to a more deliberative, conceptual, thoughtful process here in this body; we are not doing it, and it is a darn shame. I urge my colleagues to vote ''no'' on this rule.

Mr. DIAZ-BALART. Mr. Speaker, has the gentlewoman from New York (Ms. SLAUGHTER) yielded back her time?

The SPEAKER pro tempore. The gentlewoman from New York has 1½ minutes remaining.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank all my colleagues who have spoken today and in the Committee on Rules, where we met at 7:00 this morning and had a hearing and a vote on this very important legislation before bringing it to the floor.

We are dealing, with regard to the Andean region, with four democracies. I am a strong believer and always have been in free trade among free peoples. There are four democracies in this hemisphere, allies of the United States, facing tremendous challenges, not the least of which is narcotrafficking. The strongest signal we could send to them, that we appreciate their friendship, and that we look forward to working with them to mutually seek progress and prosperity in the United States and in our neighborhood in this hemisphere, is by passing this legislation today.

With regard to the argument that there have been problems with labor leaders in Colombia, the same person that came to advocate for that today before the Committee on Rules to prevent free trade with Colombia, advocates for free trade, for example, with the only dictatorship in this hemisphere today where there are no labor rights. How can you be for free trade with the Cuban dictatorship, where there are absolutely no labor rights, and then come and advocate for the denial of free trade or a trade relationship with a democracy because there are some problems?

So, anyway, this is important legislation, and I want to thank those who have worked so hard on it. It expires, the agreement with the Andean countries, December 4, so in talking about timeliness, it is so important, Mr. Speaker, that we pass this before we leave today or tomorrow for a few days, before we come back. And so I would urge my colleagues to support the underlying legislation and to support this rule.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to this rule because it did not allow an amendment submitted by Representative GEORGE MILLER on violence against Colombian labor leaders.

I strongly believe that Colombia should benefit from the Andean Trade Preferences Act.

If we want Colombia to abandon illegal commerce, then we must provide Colombia with benefits and incentives to support of legal enterprises. This trade amendment is one such effort to do that.

This bill might have a negative impact on some textile companies in my own congressional district, although that is not assured. It would be a lot easier for those business owners and the workers to accept this trade agreement if they knew that Colombia's workers were protected from human rights violence. At a minimum, the companies and workers in my district need to know that if the worst happens, and Colombian union leaders and workers are murdered, then Colombian justice will actively investigate, hunt down, prosecute, and imprison the murderers.

Unfortunately, that is not the case. Earlier this year, I met with a very impressive delegation of Colombian business leaders, members of the Colombian Chamber of Commerce. They also believe that the Colombian government needs to do a great deal more to protect both business owners and union leaders from kidnapping and murder. More trade unionists are killed in Colombia than all other countries combined.

Mr. Speaker, that is a horrible reality. I have been to Colombia. I know that everyone in every part of the country is threatened by violence. The sources of violence include the paramilitary groups, the guerrilla forces and official armed forces. I know that stopping the violence will take a long time.

Congressman Mr. MILLER was not asking for anything so grand in his amendment.

We are only asking that the Colombian Government apprehend and try the parties responsible for the killings of trade union members. Not because they are more important than any other sector of Colombian society, but because such action will send a clear message that impunity is ended for those who target labor leaders for murder.

I want to promote and expand legal commerce and markets for Colombia.

All I ask for is that Colombia demonstrate the political will to demand justice for murdered labor leaders.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 16, as follows:

[Roll No. 446]

YEAS—225

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berman
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Neal
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson (IN)
Castle
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dingell
Doggett
Doyle
Engel
Etheridge
Evans
Everett
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Goode
Gordon
Graham
Green (TX)
Gutierrez
Hall (TX)
Harman
Hayes
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Menendez
Miller, George
Mink
Mollohan
Moore
Murtha
Myrick
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bono
Clay
Cubin
Flake
Hall (OH)
Hastings (FL)
Johnson, E. B.
Lantos
Largent
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Ros-Lehtinen
Waxman
Young (AK)

□ 1045

Ms. McCARTHY of Missouri, Mrs. MALONEY of New York and Messrs. FORD, SKELTON, SNYDER, McDERMOTT, TOWNS and PAYNE changed their vote from ''yea'' to ''nay.''

Mr. ROHRABACHER and Mr. TANCREDO changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 446, had I been here I would have voted ''no'' on this bill; however, I was detained by a conference meeting with the White House and was unable to vote at the appropriate time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

H.J. Res. 74. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 717. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 739. An act to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. 1196. An act to amend the Small Business Investment Act of 1958, and for other purposes.

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''.

S. 1389. An act to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government, and for other purposes.

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse''.

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

The message also announced that there was a Senate amendment to the House amendment for:

S. 320. An act to make technical corrections in patent, copyright, and trademark laws.

CONFERENCE REPORT ON S. 1447, AVIATION AND TRANSPORTATION SECURITY ACT

Mr. MICA submitted the following conference report and statement on the Senate bill (S. 1447) to improve aviation security, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–296)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), to improve aviation security, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation and Transportation Security Act''.

TITLE I—AVIATION SECURITY

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 114. Transportation Security Administration

''(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

''(b) UNDER SECRETARY.—

''(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Under Secretary must—

''(A) be a citizen of the United States; and

''(B) have experience in a field directly related to transportation or security.

''(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

''(c) LIMITATION ON OWNERSHIP OF STOCKS AND BONDS.—The Under Secretary may not own stock in or bonds of a transportation or security enterprise or an enterprise that makes equipment that could be used for security purposes.

''(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

''(1) carrying out chapter 449, relating to civil aviation security, and related research and development activities; and

''(2) security responsibilities over other modes of transportation that are exercised by the Department of Transportation.

''(e) SCREENING OPERATIONS.—The Under Secretary shall—

''(1) be responsible for day-to-day Federal security screening operations for passenger air transportation and intrastate air transportation under sections 44901 and 44935;

''(2) develop standards for the hiring and retention of security screening personnel;

''(3) train and test security screening personnel; and

''(4) be responsible for hiring and training personnel to provide security screening at all airports in the United States where screening is required under section 44901, in consultation with the Secretary of Transportation and the heads of other appropriate Federal agencies and departments.

''(f) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsections (d) and (e), the Under Secretary shall—

''(1) receive, assess, and distribute intelligence information related to transportation security;

''(2) assess threats to transportation;

''(3) develop policies, strategies, and plans for dealing with threats to transportation security;

''(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

''(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

''(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

''(7) enforce security-related regulations and requirements;

''(8) identify and undertake research and development activities necessary to enhance transportation security;

''(9) inspect, maintain, and test security facilities, equipment, and systems;

''(10) ensure the adequacy of security measures for the transportation of cargo;

''(11) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

''(12) require background checks for airport security screening personnel, individuals with access to secure areas of airports, and other transportation security personnel;

''(13) work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

''(14) work with the International Civil Aviation Organization and appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights by foreign air carriers in foreign air transportation; and

''(15) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

''(g) NATIONAL EMERGENCY RESPONSIBILITIES.—

''(1) IN GENERAL.—Subject to the direction and control of the Secretary, the Under Secretary, during a national emergency, shall have the following responsibilities:

''(A) To coordinate domestic transportation, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

''(B) To coordinate and oversee the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

''(C) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation.

''(D) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary shall prescribe.

''(2) AUTHORITY OF OTHER DEPARTMENTS AND AGENCIES.—The authority of the Under Secretary under this subsection shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

''(3) CIRCUMSTANCES.—The Secretary shall prescribe the circumstances constituting a national emergency for purposes of this subsection.

''(h) MANAGEMENT OF SECURITY INFORMATION.—In consultation with the Transportation Security Oversight Board, the Under Secretary shall—

''(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

''(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

''(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers—

''(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

''(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

''(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

''(i) VIEW OF NTSB.—In taking any action under this section that could affect safety, the Under Secretary shall give great weight to the timely views of the National Transportation Safety Board.

''(j) ACQUISITIONS.—

''(1) IN GENERAL.—The Under Secretary is authorized—

''(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

''(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

''(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire, maintain and operate equipment for these facilities;

''(D) to acquire services, including such personal services as the Secretary determines necessary, and to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

''(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration.

''(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

''(k) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of the Aviation and Transportation Security Act, by law to the Under Secretary.

''(l) REGULATIONS.—

''(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

''(2) EMERGENCY PROCEDURES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis), if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary.

''(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall be subject to review by the Transportation Security Oversight Board established under section 115. Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Board or rescinded by the Under Secretary.

''(3) FACTORS TO CONSIDER.—In determining whether to issue, rescind, or revise a regulation under this section, the Under Secretary shall consider, as a factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. The Under Secretary may waive requirements for an analysis that estimates the number of lives that will be saved by the regulation and the monetary value of such lives if the Under Secretary determines that it is not feasible to make such an estimate.

''(4) AIRWORTHINESS OBJECTIONS BY FAA.—

''(A) IN GENERAL.—The Under Secretary shall not take an aviation security action under this title if the Administrator of the Federal Aviation Administration notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

''(B) REVIEW BY SECRETARY.—Notwithstanding subparagraph (A), the Under Secretary may take such an action, after receiving a notification concerning the action from the Administrator under subparagraph (A), if the Secretary of Transportation subsequently approves the action.

''(m) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—

''(1) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

''(2) AUTHORITY OF AGENCY HEADS.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

''(n) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, or, subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate, such as adopting aspects of other personnel systems of the Department of Transportation.

''(o) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment, supplies, and materials by the Transportation Security Administration, or, subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment, supplies, and materials as the Under Secretary considers appropriate, such as adopting aspects of other acquisition management systems of the Department of Transportation.

''(p) AUTHORITY OF INSPECTOR GENERAL.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.

''(q) LAW ENFORCEMENT POWERS.—

''(1) IN GENERAL.—The Under Secretary may designate an employee of the Transportation Security Administration to serve as a law enforcement officer.

''(2) POWERS.—While engaged in official duties of the Administration as required to fulfill the responsibilities under this section, a law enforcement officer designated under paragraph (1) may—

''(A) carry a firearm;

''(B) make an arrest without a warrant for any offense against the United States committed in the presence of the officer, or for any felony cognizable under the laws of the United States if the officer has probable cause to believe that the person to be arrested has committed or is committing the felony; and

''(C) seek and execute warrants for arrest or seizure of evidence issued under the authority of the United States upon probable cause that a violation has been committed.

''(3) GUIDELINES ON EXERCISE OF AUTHORITY.—The authority provided by this subsection shall be exercised in accordance with guidelines prescribed by the Under Secretary, in consultation with the Attorney General of the United States, and shall include adherence to the Attorney General's policy on use of deadly force.

''(4) REVOCATION OR SUSPENSION OF AUTHORITY.—The powers authorized by this subsection may be rescinded or suspended should the Attorney General determine that the Under Secretary has not complied with the guidelines prescribed in paragraph (3) and conveys the determination in writing to the Secretary of Transportation and the Under Secretary.

''(r) AUTHORITY TO EXEMPT.—The Under Secretary may grant an exemption from a regulation prescribed in carrying out this section if the Under Secretary determines that the exemption is in the public interest.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

''114. Transportation Security Administration.''.

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''The Under Secretary of Transportation for Security.''.

(2) BONUS ELIGIBILITY.—In addition to the annual rate of pay authorized by section 5313 of title 5, United States Code, the Under Secretary may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of pay, based on the Secretary's evaluation of the Under Secretary's performance.

(3) CONFORMING CHANGE.—Section 106(r)(2)(A) of title 49, United States Code, is amended to read as follows:

''(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay to be determined by the Administrator, with the approval of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council. The annual rate may not exceed the annual compensation paid under section 102 of title 3. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if the position of Chief Operating Officer were described in section 207(c)(2)(A)(i) of that title.''.

(d) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of such title is amended by striking ''supplies and'' and inserting ''supplies, personnel, services, and''.

(e) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 of such title is amended—

(1) in subsection (a) by striking ''Administrator of the Federal Aviation Administration'' and inserting ''Under Secretary of Transportation for Security'';

(2) in subsections (b) and (c) by striking ''Administrator'' each place it appears and inserting ''Under Secretary''; and

(3) in subsection (b)(1)(C) by striking ''air''.

(f) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 of such title is amended—

(1) in section 44904(b)(5) by striking ''the Administration'' and inserting ''the Transportation Security Administration'';

(2) in the second sentence of section 44913(a)(1) by striking ''of the Administration'' and inserting ''of the Transportation Security Administration'';

(3) in section 44916(a)—

(A) in the first sentence by striking ''Administrator'' and inserting ''Under Secretary of Transportation for Security''; and

(B) in the second sentence by striking ''Administration'' and inserting ''Transportation Security Administration'';

(4) in each of sections 44933(a) and 44934(b) by striking ''Assistant Administrator for Civil Aviation Security'' and inserting ''Under Secretary'';

(5) in section 44934(b)(1) by striking ''Assistant Administrator'' and inserting ''Under Secretary'';

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking ''Administrator'' each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting ''Under Secretary'';

(8) by striking ''Administrator's'' each place it appears in such chapter and inserting ''Under Secretary's''; and

(9) by striking ''of the Federal Aviation Administration'' each place it appears in such chapter (except in section 44936(f)) and inserting ''of Transportation for Security''.

(g) TRANSITION PROVISIONS.—

(1) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall assume civil aviation security functions and responsibilities under chapter 449 of title 49, United States Code, as amended by this Act, in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

(2) ASSUMPTION OF CONTRACTS.—As of the date specified in paragraph (1), the Under Secretary may assume the rights and responsibilities of an air carrier or foreign air carrier contract for provision of passenger screening services at airports in the United States described in section 44903(c), subject to payment of adequate compensation to parties to the contract, if any.

(3) ASSIGNMENT OF CONTRACTS.—

(A) IN GENERAL.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 of title 49, United States Code, may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out the function, before the Under Secretary assumes responsibility for the function.

(B) SCHEDULE.—The Under Secretary may enter into an agreement under subparagraph (A) as soon as possible, but not later than 90 days after the date of enactment of this Act. The Under Secretary may enter into such an agreement for one 180-day period and may extend such agreement for one 90-day period if the Under Secretary determines it necessary.

(4) TRANSFER OF OWNERSHIP.—In recognition of the assumption of the financial costs of security screening of passengers and property at airports, and as soon as practical after the date of enactment of this Act, air carriers may enter into agreements with the Under Secretary to transfer the ownership, at no cost to the United States Government, of any personal property, equipment, supplies, or other material associated with such screening, regardless of the source of funds used to acquire the property, that the Secretary determines to be useful for the performance of security screening of passengers and property at airports.

(5) PERFORMANCE OF UNDER SECRETARY'S FUNCTIONS DURING INTERIM PERIOD.—Until the Under Secretary takes office, the functions of the Under Secretary that relate to aviation security may be carried out by the Secretary or the Secretary's designee.

SEC. 102. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 115. Transportation Security Oversight Board

''(a) IN GENERAL.—There is established in the Department of Transportation a board to be known as the 'Transportation Security Oversight Board'.

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 7 members as follows:

''(A) The Secretary of Transportation, or the Secretary's designee.

''(B) The Attorney General, or the Attorney General's designee.

''(C) The Secretary of Defense, or the Secretary's designee.

''(D) The Secretary of the Treasury, or the Secretary's designee.

''(E) The Director of the Central Intelligence Agency, or the Director's designee.

''(F) One member appointed by the President to represent the National Security Council.

''(G) One member appointed by the President to represent the Office of Homeland Security.

''(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

''(c) DUTIES.—The Board shall—

''(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(l)(2) within 30 days after the date of issuance of such regulation or directive;

''(2) facilitate the coordination of intelligence, security, and law enforcement activities affecting transportation;

''(3) facilitate the sharing of intelligence, security, and law enforcement information affecting transportation among Federal agencies and with carriers and other transportation providers as appropriate;

''(4) explore the technical feasibility of developing a common database of individuals who may pose a threat to transportation or national security;

''(5) review plans for transportation security;

''(6) make recommendations to the Under Secretary regarding matters reviewed under paragraph (5).

''(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

''(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public, except that meetings shall be closed to the public whenever classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.''.

(b) POLICIES AND PROCEDURES.—Section 44911(b) of such title is amended by striking ''international''.

(c) STRATEGIC PLANNING.—Section 44911(c) of such title is amended by striking ''consider placing'' and inserting ''place''.

(d) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

''115. Transportation Security Oversight Board.''.

SEC. 103. FEDERAL SECURITY MANAGERS.

Section 44933 of title 49, United States Code, is amended to read as follows:

"§ 44933. Federal Security Managers

''(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Under Secretary of Transportation for Security shall establish the position of Federal Security Manager at each airport in the United States described in section 44903(c). The Under Secretary shall designate individuals as Managers for, and station those Managers at, those airports.

''(b) DUTIES AND POWERS.—The Manager at each airport shall—

''(1) oversee the screening of passengers and property at the airport; and

''(2) carry out other duties prescribed by the Under Secretary.''.

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation that are required to have a door between the passenger and pilot compartments under title 14, Code of Federal Regulations, except to authorized persons;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.

(b) IMPLEMENTATION OF OTHER METHODS.—As soon as possible after such date of enactment, the Administrator of the Federal Aviation Administration may develop and implement methods—

(1) to use video monitors or other devices to alert pilots in the flight deck to activity in the cabin, except that the use of such monitors or devices shall be subject to nondisclosure requirements applicable to cockpit video recordings under section 1114(c);

(2) to ensure continuous operation of an aircraft transponder in the event of an emergency; and

(3) to revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies, including providing for the installation of switches or other devices or methods in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

(c) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing the flight deck of scheduled passenger aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so operating, taking into consideration such aircraft operating in regions where there is minimal threat to aviation security or national security.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44917. Deployment of Federal air marshals

''(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d)—

''(1) may provide for deployment of Federal air marshals on every passenger flight of air carriers in air transportation or intrastate air transportation;

''(2) shall provide for deployment of Federal air marshals on every such flight determined by the Secretary to present high security risks;

''(3) shall provide for appropriate training, supervision, and equipment of Federal air marshals;

''(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

''(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

''(6) may enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals;

''(7) shall establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on board an aircraft; and

''(8) may appoint—

''(A) an individual who is a retired law enforcement officer;

''(B) an individual who is a retired member of the Armed Forces; and

''(C) an individual who has been furloughed from an air carrier crew position in the 1-year period beginning on September 11, 2001;

as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

''(b) LONG DISTANCE FLIGHTS.—In making the determination under subsection (a)(2), nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority.

''(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 of such title is amended by adding after the item relating to section 44916 the following:

''44917. Deployment of Federal air marshals.''.

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

''(E) availability pay—

''(i) received by a criminal investigator under section 5545a of this title; or

''(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation, subject to all restrictions and earning limitations imposed on criminal investigators under section 5545a;''.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

''(1) IN GENERAL.—The Under Secretary, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

''(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Under Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation.

''(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.

''(4) AIRPORT PERIMETER SCREENING.—The Under Secretary—

''(A) shall require, as soon as practicable after the date of enactment of this subsection, screening or inspection of all individuals, goods, property, vehicles, and other equipment before entry into a secured area of an airport in the United States described in section 44903(c);

''(B) shall prescribe specific requirements for such screening and inspection that will assure at least the same level of protection as will result from screening of passengers and their baggage;

''(C) shall establish procedures to ensure the safety and integrity of—

''(i) all persons providing services with respect to aircraft providing passenger air transportation or intrastate air transportation and facilities of such persons at an airport in the United States described in section 44903(c);

''(ii) all supplies, including catering and passenger amenities, placed aboard such aircraft, including the sealing of supplies to ensure easy visual detection of tampering; and

''(iii) all persons providing such supplies and facilities of such persons;

''(D) shall require vendors having direct access to the airfield and aircraft to develop security programs; and

''(E) may provide for the use of biometric or other technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.''.

(b) SMALL AND MEDIUM AIRPORTS.—

(1) TECHNICAL SUPPORT AND FINANCIAL ASSISTANCE.—The Under Secretary of Transportation for Security shall develop a plan to—

(A) provide technical support to airports, each of which had less than 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available, to enhance security operations; and

(B) provide financial assistance to those airports to defray the costs of enhancing security.

(2) REMOVAL OF CERTAIN RESTRICTIONS.—

(A) CERTIFICATION BY OPERATOR.—If the operator of an airport described in paragraph (1), after consultation with the appropriate State and local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety, and so certifies in writing to the Under Secretary, then any security rule, order, or other directive restricting the parking of passenger vehicles shall not apply at that airport after the applicable time period specified in subparagraph (B), unless the Under Secretary, taking into account individual airport circumstances, notifies the airport operator that the safeguards in place do not adequately respond to specific security risks and that the restriction must be continued in order to ensure public safety.

(B) COUNTERMAND PERIOD.—The time period within which the Secretary may notify an airport operator, after receiving a certification under subparagraph (A), that a restriction must be continued in order to ensure public safety at the airport is—

(i) 15 days for a nonhub airport (as defined in section 41714(h) of title 49, United States Code);

(ii) 30 days for a small hub airport (as defined in such section);

(iii) 60 days for a medium hub airport (as defined in such section); and

(iv) 120 days for an airport that had at least 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available.

(c) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking ''weaknesses by January 31, 2001;'' in subparagraph (A) and inserting ''weaknesses;'';

(2) by striking subparagraph (D) and inserting the following:

''(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;'';

(3) by striking ''program by January 31, 2001;'' in subparagraph (F) and inserting ''program;''; and

(4) by striking subparagraph (G) and inserting the following:

''(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.''.

(d) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) PILOT PROGRAMS.—The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.''.

(e) AIRPORT SECURITY AWARENESS PROGRAMS.—The Under Secretary of Transportation for Security shall require scheduled passenger air carriers, and airports in the United States described in section 44903(c) to develop security awareness programs for airport employees, ground crews, gate, ticket, and curbside agents of the air carriers, and other individuals employed at such airports.

SEC. 107. CREW TRAINING.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44918. Crew training

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, the Administrator of the Federal Aviation Administration, in consultation with the Under Secretary of Transportation for Security, appropriate law enforcement, security, and terrorism experts, representatives of air carriers and labor organizations representing individuals employed in commercial aviation, shall develop detailed guidance for a scheduled passenger air carrier flight and cabin crew training program to prepare crew members for potential threat conditions.

''(b) PROGRAM ELEMENTS.—The guidance shall require such a program to include, at a minimum, elements that address the following:

''(1) Determination of the seriousness of any occurrence.

''(2) Crew communication and coordination.

''(3) Appropriate responses to defend oneself.

''(4) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator or Under Secretary).

''(5) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(6) Live situational training exercises regarding various threat conditions.

''(7) Flight deck procedures or aircraft maneuvers to defend the aircraft.

''(8) Any other subject matter deemed appropriate by the Administrator.

''(c) AIR CARRIER PROGRAMS.—Within 60 days after the Administrator issues the guidance under subsection (a) in final form, each air carrier shall develop a flight and cabin crew training program in accordance with that guidance and submit it to the Administrator for approval. Within 30 days after receiving an air carrier's program under this subsection, the Administrator shall review the program and approve it or require the air carrier to make any revisions deemed necessary by the Administrator for the program to meet the guidance requirements.

''(d) TRAINING.—Within 180 days after the Administrator approves the training program developed by an air carrier under this section, the air carrier shall complete the training of all flight and cabin crews in accordance with that program.

''(e) UPDATES.—The Administrator shall update the training guidance issued under subsection (a) from time to time to reflect new or different security threats and require air carriers to revise their programs accordingly and

provide additional training to their flight and cabin crews.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44917 the following:

''44918. Crew training.''.

SEC. 108. SECURITY SCREENING BY PRIVATE COMPANIES.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44919. Security screening pilot program

''(a) ESTABLISHMENT OF PROGRAM.—The Under Secretary shall establish a pilot program under which, upon approval of an application submitted by an operator of an airport, the screening of passengers and property at the airport under section 44901 will be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary.

''(b) PERIOD OF PILOT PROGRAM.—The pilot program under this section shall begin on the last day of the 1-year period beginning on the date of enactment of this section and end on the last day of the 3-year period beginning on such date of enactment.

''(c) APPLICATIONS.—An operator of an airport may submit to the Under Secretary an application to participate in the pilot program under this section.

''(d) SELECTION OF AIRPORTS.—From among applications submitted under subsection (c), the Under Secretary may select for participation in the pilot program not more than 1 airport from each of the 5 airport security risk categories, as defined by the Under Secretary.

''(e) SUPERVISION OF SCREENED PERSONNEL.—The Under Secretary shall provide Federal Government supervisors to oversee all screening at each airport participating in the pilot program under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter.

''(f) QUALIFIED PRIVATE SCREENING COMPANY.—A private screening company is qualified to provide screening services at an airport participating in the pilot program under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

''(g) STANDARDS FOR PRIVATE SCREENING COMPANIES.—The Under Secretary may enter into a contract with a private screening company to provide screening at an airport participating in the pilot program under this section only if the Under Secretary determines and certifies to Congress that the private screening company is owned and controlled by a citizen of the United States, to the extent that the Under Secretary determines that there are private screening companies owned and controlled by such citizens.

''(h) TERMINATION OF CONTRACTS.—The Under Secretary may terminate any contract entered into with a private screening company to provide screening services at an airport under the pilot program if the Under Secretary finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

''(i) ELECTION.—If a contract is in effect with respect to screening at an airport under the pilot program on the last day of the 3-year period beginning on the date of enactment of this section, the operator of the airport may elect to continue to have such screening carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary under section 44920 or by Federal Government personnel in accordance with this chapter.

''§ 44920. Security screening opt-out program

''(a) IN GENERAL.—On or after the last day of the 2-year period beginning on the date on which the Under Secretary transmits to Congress the certification required by section 110(c) of the Aviation and Transportation Security Act, an operator of an airport may submit to the Under Secretary an application to have the screening of passengers and property at the airport under section 44901 to be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary.

''(b) APPROVAL OF APPLICATIONS.—The Under Secretary may approve any application submitted under subsection (a).

''(c) QUALIFIED PRIVATE SCREENING COMPANY.—A private screening company is qualified to provide screening services at an airport under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

''(d) STANDARDS FOR PRIVATE SCREENING COMPANIES.—The Under Secretary may enter into a contract with a private screening company to provide screening at an airport under this section only if the Under Secretary determines and certifies to Congress that—

''(1) the level of screening services and protection provided at the airport under the contract will be equal to or greater than the level that would be provided at the airport by Federal Government personnel under this chapter; and

''(2) the private screening company is owned and controlled by a citizen of the United States, to the extent that the Under Secretary determines that there are private screening companies owned and controlled by such citizens.

''(e) SUPERVISION OF SCREENED PERSONNEL.—The Under Secretary shall provide Federal Government supervisors to oversee all screening at each airport at which screening services are provided under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter.

''(g) TERMINATION OF CONTRACTS.—The Under Secretary may terminate any contract entered into with a private screening company to provide screening services at an airport under this section the pilot program if the Under Secretary finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding after the item relating to section 44918 the following:

''44919. Security screening pilot program.

''44920. Security screening opt-out program.''.

SEC. 109. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—The Under Secretary of Transportation for Security may take the following actions:

(1) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

(2) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport, if otherwise authorized to carry such weapons.

(3) Establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

(4) In consultation with the Commissioner of the Food and Drug Administration, develop alternative security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to an inspection that would irreversibly damage the product.

(5) Provide for the use of technologies, including wireless and wire line data technologies, to enable the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

(6) In consultation with the Administrator of the Federal Aviation Administration, consider whether to require all pilot licenses to incorporate a photograph of the license holder and appropriate biometric imprints.

(7) Provide for the use of voice stress analysis, biometric, or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(8) Provide for the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter until the Under Secretary has implemented or decided not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security.''.

SEC. 110. SCREENING.

(a) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking ''x-ray'' in paragraph (4);

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking ''passengers.'' in paragraph (5) and inserting ''passengers;''; and

(4) by adding at the end the following:

''(6) to strengthen and enhance the ability to detect or neutralize nonexplosive weapons, such as biological, chemical, or similar substances; and

''(7) to evaluate such additional measures as may be appropriate to enhance inspection of passengers, baggage, and cargo.''.

(b) PASSENGERS AND PROPERTY.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (h); and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the

case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5, United States Code), except as otherwise provided in section 44919 or 44920 and except for identifying passengers and baggage for screening under the CAPPS and known shipper programs and conducting positive bag-match programs.

''(b) SUPERVISION OF SCREENING.—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

''(c) CHECKED BAGGAGE.—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act.

''(d) EXPLOSIVE DETECTION SYSTEMS.—

''(1) IN GENERAL.—The Under Secretary of Transportation for Security shall take all necessary action to ensure that—

''(A) explosive detection systems are deployed as soon as possible to ensure that all United States airports described in section 44903(c) have sufficient explosive detection systems to screen all checked baggage no later than December 31, 2002, and that as soon as such systems are in place at an airport, all checked baggage at the airport is screened by those systems; and

''(B) all systems deployed under subparagraph (A) are fully utilized; and

''(C) if explosive detection equipment at an airport is unavailable, all checked baggage is screened by an alternative means.

''(e) MANDATORY SCREENING WHERE EDS NOT YET AVAILABLE.—As soon as practicable but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act and until the requirements of subsection (b)(1)(A) are met, the Under Secretary shall require alternative means for screening any piece of checked baggage that is not screened by an explosive detection system. Such alternative means may include 1 or more of the following:

''(1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.

''(2) Manual search.

''(3) Search by canine explosive detection units in combination with other means.

''(4) Other means or technology approved by the Under Secretary.

''(f) CARGO DEADLINE.—A system must be in operation to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation and intrastate air transportation as soon as practicable after the date of enactment of the Aviation and Transportation Security Act.

''(g) DEPLOYMENT OF ARMED PERSONNEL.—

''(1) IN GENERAL.—The Under Secretary shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

''(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Under Secretary shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Under Secretary shall order the deployment of additional law enforcement personnel at airport security screening locations if the Under Secretary determines that the additional deployment is necessary to ensure passenger safety and national security.''.

(c) DEADLINE FOR DEPLOYMENT OF FEDERAL SCREENERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Under Secretary of Transportation for Security shall deploy at all airports in the United States where screening is required under section 44901 of title 49, United States Code, a sufficient number of Federal screeners, Federal Security Managers, Federal security personnel, and Federal law enforcement officers to conduct the screening of all passengers and property under section 44901 of such title at such airports.

(2) CERTIFICATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Under Secretary shall transmit to Congress a certification that the requirement of paragraph (1) has been met.

(d) REPORTS.—

(1) DEPLOYMENT.—Within 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the deployment of the systems required by section 44901(c) of title 49, United States Code. The Under Secretary shall include in the report—

(A) an installation schedule;

(B) the dates of installation of each system; and

(C) the date on which each system installed is operational.

(2) SCREENING OF SMALL AIRCRAFT.—Within 1 year after the date of enactment of this Act, the Under Secretary of Transportation for Security shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

SEC. 111. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

''(e) SECURITY SCREENERS.—

''(1) TRAINING PROGRAM.—The Under Secretary of Transportation for Security shall establish a program for the hiring and training of security screening personnel.

''(2) HIRING.—

''(A) QUALIFICATIONS.—Within 30 days after the date of enactment of the aviation Transportation Security Act, the Under Secretary shall establish qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law, those standards shall require, at a minimum, an individual—

''(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

''(ii) to be a citizen of the United States;

''(iii) to meet, at a minimum, the requirements set forth in subsection (f);

''(iv) to meet such other qualifications as the Under Secretary may establish; and

''(v) to have the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

''(B) BACKGROUND CHECKS.—The Under Secretary shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

''(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Under Secretary, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

''(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Under Secretary shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Under Secretary shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

''(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

''(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law, an individual may not be deployed as a security screener unless that individual meets the following requirements:

''(A) The individual shall possess a high school diploma, a general equivalency diploma, or experience that the Under Secretary has determined to be sufficient for the individual to perform the duties of the position.

''(B) The individual shall possess basic aptitudes and physical abilities, including color perception, visual and aural acuity, physical coordination, and motor skills, to the following standards:

''(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Under Secretary.

''(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

''(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

''(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

''(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over an individual's entire body.

''(C) The individual shall be able to read, speak, and write English well enough to—

''(i) carry out written and oral instructions regarding the proper performance of screening duties;

''(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

''(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

''(iv) write incident reports and statements and log entries into security records in the English language.

''(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (3).

''(2) VETERANS PREFERENCE.—The Under Secretary shall provide a preference for the hiring of an individual as a security screener if the individual is a member or former member of the

armed forces and if the individual is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.

''(3) EXCEPTIONS.—An individual who has not completed the training required by this section may be deployed during the on-the-job portion of training to perform functions if that individual—

''(A) is closely supervised; and

''(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

''(4) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

''(5) ANNUAL PROFICIENCY REVIEW.—The Under Secretary shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

''(A) continues to meet all qualifications and standards required to perform a screening function;

''(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

''(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

''(6) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (5), the Under Secretary shall provide for the operational testing of such personnel.

''(g) TRAINING.—

''(1) USE OF OTHER AGENCIES.—The Under Secretary may enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

''(2) TRAINING PLAN.—Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary shall develop a plan for the training of security screening personnel. The plan shall require, at a minimum, that a security screener—

''(A) has completed 40 hours of classroom instruction or successfully completed a program that the Under Secretary determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

''(B) has completed 60 hours of on-the-job instructions; and

''(C) has successfully completed an on-the-job training examination prescribed by the Under Secretary.

''(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

''(h) TECHNOLOGICAL TRAINING.—

''(1) IN GENERAL.—The Under Secretary shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons.

''(2) PERIODIC ASSESSMENTS.—The Under Secretary shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items.

''(3) CURRENT LISTS OF DUAL USE ITEMS.—Current lists of dual use items shall be part of the ongoing training for screeners.

''(4) DUAL USE DEFINED.—For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.

''(i) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

''(j) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901 to be attired while on duty in a uniform approved by the Under Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by inserting ''as a security screener under section 44935(e) or a position'' after ''a position''; and

(2) in subparagraph (E) by striking clause (iv).

(c) TRANSITION.—The Under Secretary of Transportation for Security shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Under Secretary may make or continue such arrangements for the training of security screeners under that section as the Under Secretary determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

SEC. 112. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking ''complete an intensive review of'' and inserting ''periodically review'';

(2) by striking ''commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;'' in subparagraph (B) and inserting ''aircraft in air transportation;''; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

''(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;''.

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

''(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

''(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

''(i) progress made in engineering, research, and development with respect to security technology;

''(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

''(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.''.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is further amended—

(A) by redesignating subparagraphs (A) through (G) as subparagraphs (B) through (H) respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

''(1) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

''(ii) the disruption of civil aviation service, including by cyber attack;''.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

''(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

''(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

''(i) the development and testing of effective explosive detection systems;

''(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

''(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(iv) other scientific and technical areas the Administrator considers appropriate.

''(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

''(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

''(4) Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure

that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.''.

SEC. 113. FLIGHT SCHOOL SECURITY.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44939. Training to operate certain aircraft

''(a) WAITING PERIOD.—A person subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or more to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Under Secretary of Transportation for Security only if—

''(1) that person has first notified the Attorney General that the individual has requested such training and furnished the Attorney General with that individual's identification in such form as the Attorney General may require; and

''(2) the Attorney General has not directed, within 45 days after being notified under paragraph (1), that person not to provide the requested training because the Attorney General has determined that the individual presents a risk to aviation or national security.

''(b) INTERRUPTION OF TRAINING.—If the Attorney General, more than 45 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Attorney General shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

''(c) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

''(d) SECURITY AWARENESS TRAINING FOR EMPLOYEES.—The Under Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''44939. Training to operate certain aircraft.''.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) applies to applications for training received after the date of enactment of this Act.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

''§ 46503. Interference with security screening personnel

''An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

''46503. Interference with security screening personnel''.

SEC. 117. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

''(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of Customs by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenged information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.

''(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

''(A) The full name of each passenger and crew member.

''(B) The date of birth and citizenship of each passenger and crew member.

''(C) The sex of each passenger and crew member.

''(D) The passport number and country of issuance of each passenger and crew member if required for travel.

''(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

''(F) Such other information as the Under Secretary, in consultation with the Commissioner of Customs, determines is reasonably necessary to ensure aviation safety.

''(3) PASSENGER NAME RECORDS.—The carriers shall make passenger name record information available to the Customs Service upon request.

''(4) TRANSMISSION OF MANIFEST.—Subject to paragraph (5), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time, and form as the Customs Service prescribes.

''(5) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Under Secretary or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.''.

SEC. 118. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

(f) REPORTS.—If the Secretary approves any such agreement, request, modification, or cancellation under this section and grants an exemption, the Secretary shall transmit a report to Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 6 months describing what actions have been taken by the air carriers to which the exemption was granted. The Secretary shall also notify those committees if the Secretary extends the termination date under subsection (e).

SEC. 115. AIRLINE COMPUTER RESERVATION SYSTEMS.

In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

SEC. 116. SECURITY SERVICE FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

''§ 44940. Security service fee

''(a) GENERAL AUTHORITY.—

''(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a uniform fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the following costs of providing civil aviation security services:

''(A) Salary, benefits, overtime, retirement and other costs of screening personnel, their supervisors and managers, and Federal law enforcement personnel deployed at airport security screening locations under section 44901.

''(B) The costs of training personnel described in subparagraph (A), and the acquisition, operation, and maintenance of equipment used by such personnel.

''(C) The costs of performing background investigations of personnel described in subparagraphs (A), (D), (F), and (G).

''(D) The costs of the Federal air marshals program.

''(E) The costs of performing civil aviation security research and development under this title.

''(F) The costs of Federal Security Managers under section 44903.

''(G) The costs of deploying Federal law enforcement personnel pursuant to section 44903(h).

The amount of such costs shall be determined by the Under Secretary and shall not be subject to judicial review.

''(2) AIR CARRIER FEES.—

''(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that the Under Secretary estimates that such fee will be insufficient to pay for the costs of providing civil aviation security services described in paragraph (1), the Under Secretary may impose a fee on air carriers and foreign air carriers engaged in air transportation and intrastate air transportation to pay for the difference between any such costs and the amount collected from such fee, as estimated by the Under Secretary at the beginning of each fiscal year. The estimates of the Under Secretary under this subparagraph are not subject to judicial review.

''(B) LIMITATIONS.—

''(i) OVERALL LIMIT.—The amounts of fees collected under this paragraph for each fiscal year may not exceed, in the aggregate, the amounts paid in calendar year 2000 by carriers described in subparagraph (A) for screening passengers and property, as determined by the Under Secretary.

''(ii) PER-CARRIER LIMIT.—The amount of fees collected under this paragraph from an air carrier described in subparagraph (A) for each of fiscal years 2002, 2003, and 2004 may not exceed the amount paid in calendar year 2000 by that carrier for screening passengers and property, as determined by the Under Secretary.

''(iii) ADJUSTMENT OF PER-CARRIER LIMIT.—For fiscal year 2005 and subsequent fiscal years, the per-carrier limitation under clause (ii) may be determined by the Under Secretary on the basis of market share or any other appropriate measure in lieu of actual screening costs in calendar year 2000.

''(iv) FINALITY OF DETERMINATIONS.—Determinations of the Under Secretary under this subparagraph are not subject to judicial review.

''(C) SPECIAL RULE FOR FISCAL YEAR 2002.—The amount of fees collected under this paragraph from any carrier for fiscal year 2002 may not exceed the amounts paid by that carrier for screening passengers and property for a period of time in calendar year 2000 proportionate to the period of time in fiscal year 2002 during which fees are collected under this paragraph.

''(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration's costs of providing services rendered.

''(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed $2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed $5.00 per one-way trip.

''(d) IMPOSITION OF FEE.—

''(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

''(2) SPECIAL RULES PASSENGER FEES.—A fee imposed under subsection (a)(1) through the procedures under subsection (d) shall apply only to tickets sold after the date on which such fee is imposed. If a fee imposed under subsection (a)(1) through the procedures under subsection (d) on transportation of a passenger of a carrier described in subsection (a)(1) is not collected from the passenger, the amount of the fee shall be paid by the carrier.

''(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

''(4) LIMITATION ON COLLECTION.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(e) ADMINISTRATION OF FEES.—

''(1) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

''(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier that sells a ticket for transportation described in subsection (a)(1).

''(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

''(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

''(5) FEE NOT SUBJECT TO TAX.—For purposes of section 4261 of the Internal Revenue Code of 1986 (26 U.S.C. 4261), a fee imposed under this section shall not be considered to be part of the amount paid for taxable transportation.

''(6) COST OF COLLECTING FEE.—No portion of fee collected under this section may be retained by the air carrier or foreign air carrier for the costs of collecting, handling, or remitting the fee except for interest accruing to the carrier after collection and before remittance.

''(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.

''(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.

''(h) EXEMPTIONS.—The Under Secretary may exempt from the passenger fee imposed under subsection (a)(1) any passenger enplaning at an airport in the United States that does not receive screening services under section 44901 for that segment of the trip for which the passenger does not receive screening.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''44940. Security service fee''.

(c) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

''CHAPTER 483—AVIATION SECURITY FUNDING

''Sec.
''48301. Aviation security funding.

''§ 48301. Aviation security funding

''(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2002, 2003, 2004, and 2005 such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title. Any amounts appropriated pursuant to this section for fiscal year 2002 shall remain available until expended.

''(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 for fiscal year 2002 to the Secretary of Transportation to make grants to or other agreements with air carriers (including intrastate air carriers) to—

''(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

''(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

''(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

''(4) provide for the use of other innovative technologies to enhance aircraft security.''.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

''483. Aviation Security Funding .... 48301''.

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.—

(1) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

''(J) in fiscal year 2002, any additional security related activity required by law or by the Secretary after September 11, 2001, and before October 1, 2002.

''(K) in fiscal year 2002 with respect to funds apportioned under section 47114 in fiscal years 2001 and 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration and the activity was carried out when any restriction in the Notice is in effect.

''(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.''.

(2) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking ''or'' in subparagraph (B);

(B) by inserting ''or'' after ''executed;'' in subparagraph (C); and

(C) by adding at the end the following:

''(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), 47102(3)(K), or 47102(3)(L) and shall not depend upon the date of execution of a grant agreement made under this subchapter;''.

(3) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

''(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the non-federal resources available to sponsor, the use of such non-federal resources, and the degree to which the sponsor is providing increased funding for the project.''.

(4) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking ''and'' in paragraph (3);

(B) by striking ''47134.'' in paragraph (4) and inserting ''47134; and''; and

(C) by adding at the end the following:

''(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J), 47102(3)(K), or 47102(3)(L).''.

(5) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting ''; and''; and

(C) by inserting after clause (ix) the following new clause:

''(x) replacement of baggage conveyor systems, and reconfiguration of terminal baggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.''.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

(d) AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.—Section 45301(b)(1)(B) of title 49, United States Code, is amended—

(1) by striking ''directly'' and inserting ''reasonably'';

(2) by striking ''Administration's costs'' and inserting ''Administration's costs, as determined by the Administrator,''; and

(3) by adding at the end ''The Determination of such costs by the Administrator is not subject to judicial review.''.

SEC. 120. CHEMICAL AND BIOLOGICAL WEAPON DETECTION.

Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

''(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation may require airports to maximize the use of technology and equipment that is designed to detect or neutralize potential chemical or biological weapons.''.

SEC. 121. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Transportation for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

(b) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers under this section for any cost for which the airport operator, on-airport parking lot, or vendor of on-airfield direct services does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (a); and

(2) the cost was incurred by the airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information necessary to conduct such an audit.

(c) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 122. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) an airport receiving Federal financial assistance should meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001;

(2) an air carrier that received financial assistance under the Air Transportation Safety and System Stabilization Act or under title 49, United States Code, since September 11, 2001, should meet with airport operators to discuss payment of applicable rates, charges, and fees; and

(3) the Federal Aviation Administration should maintain its current restriction on carry-on baggage of 1 bag and 1 personal item.

SEC. 123. AIRPORT IMPROVEMENT PROGRAMS.

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.''.

(b) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting ''or the Aviation and Transportation Security Act'' after ''21st Century''.

SEC. 124. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) is amended by striking ''February 1, 2001'' and inserting ''February 1, 2002''.

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting ''in the interest of air commerce or national security or'' before ''to carry out foreign policy''.

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking ''representatives'' and inserting ''representations''.

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

''(d) COMPENSATION FOR CERTAIN AIR CARRIERS.—

''(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to classes of air carriers, such as air tour operators and air ambulances (including hospitals operating air ambulances) for whom the application of a distribution formula containing available seat miles as a factor would inadequately reflect their share of direct and incremental losses. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

''(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among such air carriers based on an appropriate auditable measure, as determined by the President.''.

SEC. 125. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''§ 44941. Immunity for reporting suspicious activities

''(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

''(b) APPLICATION.—Subsection (a) shall not apply to—

''(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

''(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for such chapter is amended by adding at the end the following:

''44941. Immunity for reporting suspicious activities.''.

SEC. 126. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

(b) ARMING FLIGHT DECK CREW.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

''(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

''(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

''(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

''(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.''.

SEC. 127. MAIL AND FREIGHT WAIVERS.

(a) IN GENERAL.—During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Transportation Security Oversight Board, may grant a

complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within a State if the Secretary determines that—

(1) extraordinary air transportation needs or concerns exist; and

(2) the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of the State.

(b) LIMITATIONS.—The Secretary may impose reasonable limitations on any such waiver.

SEC. 128. FLIGHT DECK SECURITY.

(The pilot of a passenger aircraft operated by an air carrier in air transportation or intrastate air transportation is authorized to carry a firearm into the cockpit if—

(1) the Under Secretary of Transportation for Security approves;

(2) the air carrier approves;

(3) the firearm is approved by the Under Secretary; and

(4) the pilot has received proper training for the use of the firearm, as determined by the Under Secretary.

SEC. 129. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''pilots'' and inserting ''airmen''; and

(B) by striking the period and inserting ''and related to combating acts of terrorism.''; and

(2) by adding at the end, the following new paragraphs:

''(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the Untied States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

''(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.''.

SEC. 130. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44942. Performance goals and objectives

''(a) SHORT TERM TRANSITION.—

''(1) IN GENERAL.—Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with Congress—

''(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

''(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

''(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Transportation Security Administration, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

''(1) PERFORMANCE PLAN AND REPORT.—

''(A) PERFORMANCE PLAN.—

''(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Under Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

''(ii) In addition to meeting the requirements of GPRA, the performance plan should clarify the responsibilities of the Secretary, the Under Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(B) PERFORMANCE REPORT.—Each year, consistent with the requirements of GPRA, the Under Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

''§ 44943. Performance management system

''(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Under Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

''(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

''(1) IN GENERAL.—Each year, the Secretary and Under Secretary of Transportation for Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Under Secretary.

''(2) GOALS.—Each year, the Under Secretary and each senior manager who reports to the Under Secretary shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Under Secretary shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

''(c) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Under Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.''.

SEC. 131. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44944. Voluntary provision of emergency services

''(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

''(1) PROGRAM.—The Under Secretary of Transportation for Transportation Security shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

''(2) REQUIREMENTS.—The Under Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Under Secretary considers appropriate.

''(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Under Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Under Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

''(4) CONSULTATION.—The Under Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

''(b) EXEMPTION FROM LIABILITY.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an in-flight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Under Secretary shall prescribe for purposes of this section.

''(c) EXCEPTION.—The exemption under subsection (b) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''44944. Voluntary provision of emergency services''.

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 132. GENERAL AVIATION AND AIR CHARTERS.

(a) AIR CHARTER PROGRAM.—Within 90 days after the date of enactment of this Act, the Under Secretary of Transportation for Transportation Security shall implement an aviation security program for charter air carriers (as defined in section 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

(b) GENERAL AVIATION PROGRAM.—Within 30 days after the date of enactment of this Act, the Under Secretary of Transportation for Transportation Security shall transmit a report on airspace and other security measures that can be deployed, as necessary, to improve general aviation security to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The Under Secretary may submit the report in both classified and redacted forms.

SEC. 133. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

SEC. 134. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight

service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) so as to make war risk insurance directly available to vendors, agents, and subcontractors of air carriers for all of their domestic operations.

SEC. 135. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that—

(1) the Under Secretary of Transportation for Security should develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable security procedures, terms, and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier; and

(2) an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

SEC. 136. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

''(1) IN GENERAL.—The Under Secretary of Transportation for Security shall recommend to airport operators, within 6 months after the date of enactment of the Aviation and Transportation Security Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Under Secretary for Transportation Security shall—

''(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

''(B) review the effectiveness of increased surveillance at access points;

''(C) review the effectiveness of card- or keypad-based access systems;

''(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

''(E) specifically target the elimination of the ''piggy-backing'' phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

''(2) COMPUTER-ASSISTED PASSENGER PRESCREENING SYSTEM.—

''(A) IN GENERAL.—The Secretary of Transportation shall ensure that the Computer-Assisted Passenger Prescreening System, or any successor system—

''(i) is used to evaluate all passengers before they board an aircraft; and

''(ii) includes procedures to ensure that individuals selected by the system and their carry-on and checked baggage are adequately screened.

''(B) MODIFICATIONS.—The Secretary of Transportation may modify any requirement under the Computer-Assisted Passenger Prescreening System for flights that originate and terminate within the same State, if the Secretary determines that—

''(i) the State has extraordinary air transportation needs or concerns due to its isolation and dependence on air transportation; and

''(ii) the routine characteristics of passengers, given the nature of the market, regularly triggers primary selectee status.

SEC. 137. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Transportation Security Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Transportation Security Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Transportation Security Administration that shall include sufficient information to permit the Under Secretary of Transportation for Security to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Under Secretary shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Transportation Security Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

SEC. 138. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) IN GENERAL.—Section 44936 of title 49, United States Code, is amended—

(1) by inserting ''and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security,'' after ''check'' in subsection (a)(1)(A);

(2) by striking ''in any case described in subparagraph (C)'' in subsection (a)(1)(B) and inserting ''and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security'';

(3) by striking ''will be'' in subsection (a)(1)(B)(i) and inserting ''are'';

(4) by striking ''and'' after the semicolon in clause (ii) of subsection (a)(1)(B);

(5) by redesignating clause (iii) of subsection (a)(1)(B) as clause (iv);

(6) by inserting after clause (ii) of subsection (a)(1)(B) the following:

''(iii) individuals who regularly have escorted access to aircraft of an air carrier or foreign air carrier or a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier; and'';

(7) by striking subparagraphs (C), (D), and (E) of subsection (a)(1) and redesignating subparagraph (F) as subparagraph (D);

(8) by inserting after subparagraph (B) of subsection (a)(1) the following:

''(C) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—

''(i) A new background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security shall be required for any individual who is employed in a position described in subparagraphs (A) and (B) on the date of enactment of the Aviation and Transportation Security Act.

''(ii) The Under Secretary may provide by order (without regard to the provisions of chapter 5 of title 5, United States Code) for a phased-in implementation of the requirements of this subparagraph.'';

(9) by striking ''107.31(m)'' in subparagraph (D), as redesignated, and inserting ''107.31(m)(1) or (2)'';

(10) by striking ''the date of enactment of this subparagraph.'' in subparagraph (D), as redesignated, and inserting ''November 22, 2000. The

Under Secretary shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security.'';

(11) by striking ''carrier, or airport operator'' in subsection (a)(2) and inserting ''carrier, airport operator, or government'';

(12) by striking ''carrier, or airport operator'' in subsection (b)(1) and inserting ''carrier, airport operator, or government'';

(13) by striking ''carrier, or airport operator'' in subsection (b)(3) and inserting ''carrier, airport operator, or government''; and

(14) by adding at the end of subsection (c)(1) ''All Federal agencies shall cooperate with the Under Secretary and the Under Secretary's designee in the process of collecting and submitting fingerprints.''.

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking ''subsection (f)'' each place it appears and inserting ''subsection (h)''.

SEC. 139. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 of title 49, United States Code, is amended—

(1) by striking ''contract personnel'' each place it appears and inserting ''personnel'';

(2) by striking ''contract employee'' each place it appears and inserting ''employee'';

(3) in section 45106(c) by striking ''contract employees'' and inserting ''employees'';

(4) by inserting after section 45106 the following:

''§ 45107. Transportation Security Administration

''(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

''(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.''; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

''45107. Transportation Security Administration.''.

SEC. 140. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII of title 49, United States Code, is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking ''subsection (f)'' each place it appears and inserting ''subsection (h)''.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 of such title is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'';

(2) by striking ''or Administrator'' each place it appears and inserting '', Under Secretary, or Administrator'';

(3) in section 46101(a)(2) by striking ''of Transportation or the'' and inserting '', Under Secretary, or'';

(4) in section 46102(b) by striking ''and the Administrator'' and inserting '', the Under Secretary, and the Administrator'';

(5) in section 46102(c) by striking ''and Administrator'' each place it appears and inserting '', Under Secretary, and Administrator'';

(6) in each of sections 46102(d) and 46104(b) by inserting ''the Under Secretary,'' after ''Secretary,'';

*(7) in the heading to section 46106 by striking ''**Secretary of Transportation and Administrator of the Federal Aviation Administration**'' and inserting ''**Department of Transportation**''; and*

(8) in the item relating to section 46106 of the analysis for such chapter by striking ''Secretary of Transportation and Administrator of the Federal Aviation Administration'' and inserting ''Department of Transportation''.

(c) ADMINISTRATIVE.—Section 40113 of such title is amended—

(1) in subsection (a)—

(A) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or''; and

(B) by striking ''or Administrator'' and inserting '', Under Secretary, or Administrator''; and

(2) in subsection (d)—

(A) by inserting after ''The'' the following: ''Under Secretary of Transportation for Security or the'';

(B) by striking ''Administration'' the second place it appears and inserting ''Transportation Security Administration or Federal Aviation Administration, as the case may be,''; and

(C) by striking ''the Administrator decides'' and inserting ''the Under Secretary or Administrator, as the case may be, decides''.

(d) PENALTIES.—Chapter 463 of such title is amended—

(1) in section 46301(d)(2)—

(A) by striking '', chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),'';

(B) by inserting after the first sentence the following: ''The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.''; and

(C) by inserting ''Under Secretary or'' before ''Administrator shall'';

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking ''Administrator'' each place it appears and inserting ''Under Secretary or Administrator'';

(3) in section 46301(d)(8) by striking ''Administrator'' and inserting ''Under Secretary, Administrator,'';

(4) in section 46301(h)(2) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'';

(5) in section 46303(c)(2) by inserting ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration'';

(6) in section 46311—

(A) by inserting after ''Transportation,'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,'';

(B) by inserting after ''Secretary,'' each place it appears the following: ''Under Secretary,''; and

(C) by striking ''or Administrator'' each place it appears and inserting '', Under Secretary, or Administrator'';

(7) in each of sections 46313 and 46316 by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or''; and

(8) in section 46505(d)(2) by inserting ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration''.

SEC. 141. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments

shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term ''Act'' includes the amendments made by this Act.

SEC. 142. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 143. LAND ACQUISITION COSTS.

In the case of a grant for land acquisition issued to an airport under chapter 471 of title 49, United States Code, prior to January 1, 1995, the Secretary of Transportation may waive the provisions of section 47108 of such title and provide an upward adjustment in the maximum obligation of the United States under that chapter to assist the airport in funding land acquisition costs (and associated eligible costs) that increased as a result of a judicial order.

SEC. 144. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

''(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual reasonably believed that such an act of criminal violence or piracy was occurring or was about to occur.''.

SEC. 145. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

(a) IN GENERAL.—Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of insolvency or bankruptcy of the other air carrier.

(b) PASSENGER OBLIGATION.—An air carrier is not required to provide air transportation under subsection (a) to a passenger unless that passenger makes alternative arrangements with the air carrier for such transportation within 60 days after the date on which that passenger's air transportation was suspended, interrupted, or discontinued (without regard to the originally scheduled travel date on the ticket).

(c) SUNSET.—This section does not apply to air transportation the suspension, interruption, or discontinuance of which occurs more than 18 months after the date of enactment of this Act.

SEC. 146. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Upon request of an operator of an aircraft affected by the restrictions imposed under Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, or any other notice issued after September 11, 2001, and prior to the date of enactment of this Act that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), such restrictions shall cease to be in effect for the affected class of operator beginning on the 30th day following the request, unless the Secretary of Transportation publishes a notice in the Federal Register before such 30th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 147. AVIATION WAR RISK INSURANCE.

Section 44306(b) of title 49, United States Code, is amended by striking ''60 days'' each place it appears and inserting ''1 year''.

TITLE II—LIABILITY LIMITATION

SEC. 201. AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT AMENDMENTS.

(a) RECOVERY OF COLLATERAL SOURCE OBLIGATIONS OF TERRORISTS.—Section 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by striking ''obligations.'' and inserting ''obligations, or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.''.

(b) EXTENSION OF LIABILITY RELIEF TO AIRCRAFT MANUFACTURERS AND OTHERS.—Section 408 of that Act is amended—

*(1) by striking ''**air carrier**'' in the section heading;*

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) LIABILITY LIMITED TO INSURANCE COVERAGE.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity, arising from the terrorist-related aircraft crashes of September 11, 2001, against an air carrier, aircraft manufacturer, airport sponsor, or person with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect, or their directors, officers, employees, or agents, shall not be in an amount greater than the limits of liability insurance coverage maintained by that air carrier, aircraft manufacturer, airport sponsor, or person.

''(2) WILLFUL DEFAULTS ON REBUILDING OBLIGATION.—Paragraph (1) does not apply to any such person with a property interest in the World Trade Center if the Attorney General determines, after notice and an opportunity for a hearing on the record, that the person has defaulted willfully on a contractual obligation to rebuild, or assist in the rebuilding of, the World Trade Center.

''(3) LIMITATIONS ON LIABILITY FOR NEW YORK CITY.—Liability for all claims, whether for compensatory or punitive damages or for contribution or indemnity arising from the terrorist-related aircraft crashes of September 11, 2001, against the City of New York shall not exceed the greater of the city's insurance coverage or $350,000,000. If a claimant who is eligible to seek compensation under section 405 of this Act, submits a claim under section 405, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, including any such action against the City of New York. The preceding sentence does not apply to a civil action to recover collateral source obligations.''; and

(3) by adding at the end of subsection (c) the following: ''Subsections (a) and (b) do not apply to civil actions to recover collateral source obligations. Nothing in this section shall in any way limit any liability of any person who is engaged in the business of providing air transportation security and who is not an airline or airport sponsor or director, officer, or employee of an airline or airport sponsor.''.

(c) LIMITATION OF UNITED STATES SUBROGATION RIGHT.—Section 409 of that Act is amended by striking ''title.'' and inserting ''title, subject to the limitations described in section 408.''.

(d) DEFINITIONS.—Section 402 of that Act is amended—

(1) by adding at the end of paragraph (1) the following: ''The term 'air carrier' does not include a person, other than an air carrier, engaged in the business of providing air transportation security.''.

(2) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) AIRCRAFT MANUFACTURER.—The term 'aircraft manufacturer' means any entity that manufactured the aircraft or any parts or components of the aircraft involved in the terrorist related aircraft crashes of September 11, 2001, including employees and agents of that entity.

''(4) AIRPORT SPONSOR.—The term 'airport sponsor' means the owner or operator of an airport (as defined in section 40102 of title 49, United States Code).''.

And the House agree to the same.

DON YOUNG,
THOMAS PETRI,
JOHN J. DUNCAN, Jr.,
JOHN L. MICA,
VERNON J. EHLERS,
JAMES L. OBERSTAR,
WILLIAM O. LIPINSKI,
PETER DEFAZIO,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,
JOHN MCCAIN,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and House at the conference on the disagreeing vote of the two Houses on the amendment of the House of Representatives to the bill (S. 1447), to improve aviation security, and for other purposes, submit the following joint statement to the Senate and House in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

Senate bill

Section 1: ''Aviation Security Act''.

House amendment

Section 1: ''Airport Security Federalization Act of 2001''

Conference substitute

The title of the legislation will be ''The Aviation and Transportation Security Act.''

2. FINDINGS

Senate bill

Section 101: 7 findings on the importance of security and the need for Federal control and other changes.

House amendment

No provision

Conference substitute

The conferees recognize that the safety and security of the civil air transportation system is critical to the security of the United States and its national defense, and that a safe and secure United States civil air transportation system is essential to the basic freedom of America to move in intrastate, interstate and international transportation. The conferees further note the terrorist hijacking and crashes of passenger aircraft on September 11, 2001, which converted civil aircraft into guided bombs for strikes against the United States, required a fundamental change in the way it approaches the task of ensuring the safety and security of the civil air transportation system.

The Conferees expect that security functions at United States airports should become a Federal government responsibility, and it is their belief that while the number of Federal air marshals is classified, their presence would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel. The Conferees also noted that the effectiveness of existing security measures, including employee background checks and passenger pre-screening, is currently impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

The Conferees developed this legislation to address the security of the nation's transportation system.

3. ORGANIZATION OF SECURITY FUNCTION WITHIN DOT

Senate bill

Section 102: Creates a new Deputy Secretary of Transportation.

House amendment

Section 101: Creates a new Transportation Security Administration (TSA) within DOT headed by an Under Secretary. Establishes qualifications. Sets 5-year term. TSA has same procurement and personnel authority as the FAA.

Conference substitute

The Conference Report creates the Transportation Security Administration (TSA) to be headed by an Under Secretary within the DOT.

4. FUNCTIONS OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 102(a): Coordinate and direct the functions of DOT and FAA under Chapter 449.

Work with the FAA on actions that affect safety.

Coordinate with DOJ, DOD, and other agencies on matters related to aviation security.

Coordinate transportation and actions of other agencies during an emergency. (This does not supersede the authority of any other agency.)

Establish uniform standards for transportation during an emergency.

Provide notice to other agencies about threats during an emergency. The Secretary defines what constitutes an emergency.

Take other actions, the Secretary shall prescribe.

House amendment

Section 101: Under Secretary will be responsible for security in all modes of transportation. Specifically, Under Secretary is responsible for the following:

Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

Assessing threats to transportation.

Developing policies to deal with these threats.

Coordinating with other agencies.

Serve as the liaison with the intelligence community.

Supervising airport security using Federal uniformed personnel.

Manage the Federal security personnel in the field.

Enforce security regulations.

Undertake research to improve security.

Inspect, maintain, and test security equipment.

Ensure that adequate security is provided for the transportation of cargo.

Oversee the security at airports and other transportation facilities.

Perform background checks on screeners and those who work at airports.

Develop standards for the hiring and firing of screeners.

Train and test screeners.

Conference substitute

The Conferees believe the best way to ensure effective Federal management of the nation's transportation system is through the creation of a new Administration within DOT to be called the Transportation Security Administration (TSA). The TSA's responsibilities will encompass security in all modes of transportation.

5. PAY OF DEPUTY SECRETARY OR UNDER SECRETARY

Senate bill

Section 127: Paid at level II of the Executive Schedule plus bonuses based on performance.

House amendment

Section 101(c): Paid at level II of the Executive Schedule ($141,300 in 2000).

Conference substitute

The Conferees direct that the Under Secretary is to be paid at Level II of the Executive Schedule ($141,300 in 2000). A bonus, not to exceed thirty percent of the annual salary may be provided based on the performance of the US to be determined by the Secretary.

6. REPORTS

Senate bill

Section 102(a): Annual report of activities.

Section 127: Annual DOT report on results achieved relative to the agency security performance plan.

Section 112: 60-day report on additional security measures.

Section 133: 120-day report on the new DOJ responsibilities for aviation security.

Section 113: 3-month report on how to improve security of general aviation and air charters.

House amendment

Section 106: Eliminates existing report in section 44938 of title 49, United States Code.

Conference substitute

(House)

6A. ENHANCED SECURITY

Senate bill

Section 115: 120 day report on the following issues:

(1) Requiring verification of airport employees' identity.

(2) Installing switches so flight attendants can notify pilots of a hijacking.

(3) Revalidating airline and airport employee identification cards.

(4) Updating strategy for dealing with hijackings.

(5) Technology to improve communication between aircraft and ground facilities.

Section 211: DOT shall study options for improving positive IDs of passengers at check-in counters and boarding areas. Report required in 6 months.

House amendment

Section 106: Requires the Under Secretary to address the issues listed below and to report 6 months after the date of enactment on the progress being made in implementing each.

A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected:

(1) Develop procedures (such as barrel roles or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers.

(2) After consultation with the FAA, find ways to—

(A) limit access to the cockpit;

(B) strengthen cockpit doors;

(C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;

(D) ensure that the aircraft transponder cannot be turned off in flight.

(3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others

who have access to aircraft and secure areas of airports.

(4) Require airlines to provide emergency call capability from aircraft and trains.

(5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane.

(6) Develop certification standards for individual screeners.

(7) Establish performance goals and use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those goals or certification standards.

(8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes.

(9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage.

(10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be.

(11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem.

(12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th.

(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal.

(15) Perform more thorough background checks (including review of immigration and other government records) of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport.

(16) Establish a uniform system for identifying law enforcement personnel authorized to carry a gun on board to ensure they are who they claim to be.

(17) Allow airlines to implement trusted passenger programs to use technology to expedite screening for those passengers that wish to participate.

(18) Develop security procedures for stem cells and other medical containers that cannot be opened or x-rayed.

(19) Develop security procedures to allow musical instruments to be carried in the passenger cabin.

(20) Provide for the use of wireless devices to enable communications among airport security personnel about potential threats.

Conference substitute

The Under Secretary shall decide upon establishing security measures to: ensure that the flight transponder cannot be turned off in flight; require airlines to provide emergency call capability from aircraft and trains; use voice stress analysis, biometric, and other technologies to prevent dangerous persons from boarding a plane; establish a uniform system for identifying law enforcement personnel traveling with firearms to ensure they are who they claim to be; require the consideration of alternative security procedures that would not damage medical products; allow airlines to implement trusted passenger programs to use technology to expedite screening on a voluntary basis; and, provide for the use of technology to enhance communications among airport security personnel about potential threats. The conferees encourage efforts by the Transportation Security Administration and professional organizations representing industry to use biometric information, such as fingerprints collected initially as input to the background check process, for future verification of identity at access control points to secure airport areas. The Conferees applaud efforts to improve day-to-day airport security by utilizing this raw biometric information collected from individuals as a recurrent identifier for access to secure areas. The Conferees urge the Transportation Security Administration to work with industry organizations that can assist in the process of background checks, record-keeping, and universal access control data.

7. RESPONSIBILITY OF THE ATTORNEY GENERAL

Senate bill

Section 102(b): Responsible for screening, including the hiring and training of screeners.

House amendment

No provision—The Under Secretary is responsible for screening.

Conference substitute

No provision.

8. TRANSITION

Senate bill

Section 102(d): Until Deputy Secretary takes office, the functions are performed by the Assistant Administrator of the FAA.

Section 108: Transition to Attorney General immediate. Actions completed in 9 months.

House amendment

Section 101: Under Secretary shall assume civil aviation security responsibilities in 3 months. In the meantime, Under Secretary can take over airline contracts with screening companies.

No change until Under Secretary is appointed.

Conference substitute

The Conferees direct the Under Secretary to assume responsibility for civil aviation security within 3 months of the enactment of this legislation.

9. TECHNOLOGY AND EQUIPMENT

Senate bill

Section 102(c): Amends 44932(c) to require FAA to ensure the use of the best available security equipment, not merely the best available x- ray equipment.

Section 108: Restates provision in current law requiring manual process where equipment is now underutilized.

Section 132: By September 30, 2002, FAA shall decide the feasibility of implementing technologies designed to protect aviation and automatically detect bombs, drugs, hazardous chemicals, and nuclear devices.

Section 201(b): FAA shall deploy and use existing bomb detection equipment. Within 60 days, FAA shall establish goals for—

(1) deploying equipment now in storage;

(2) specifying a percentage of checked bags to be scanned within 6 months, with a goal of scanning 100 percent;

(3) the number of bomb detectors that will be purchased for deployment at medium sized airports within 6 months. [See item 29.]

House amendment

Section 106: Makes no change in section 44932(c) of title 49, United States Code, but directs Under Secretary to consider requiring various technologies described in item 6 above and report to Congress on them 6 months after enactment and annually thereafter until those technologies are deployed or a decision is made not to deploy them.

Conference substitute

The Conferees want new, state-of-the-art security equipment installed at airports on an expedited basis, and immediate action taken to ensure that existing explosive detection equipment is employed to the greatest extent possible for the screening of checked baggage. It is expected that additional equipment will be installed in as timely a manner as possible, and in the interim, other systems will be used to screen baggage. The Conferees agree that everything going on board a passenger aircraft should be screened within 60 days by FAA-approved methods.

10. AIRWORTHINESS OBJECTIONS BY FAA

Senate bill

Section 102: Must consult with FAA on all matters affecting safety and operations.

House amendment

Section 106: Under Secretary cannot take an action if notified by the FAA that it would adversely affect the airworthiness of the aircraft unless the Secretary approves the action.

Conference substitute

House provision.

11. ROLE OF NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)

Senate bill

No provision.

House amendment

Section 106: In taking an action that could affect safety, Under Secretary shall solicit and give great weight to views of NTSB.

Conference substitute

The Conferees instruct that in taking actions that could affect safety, the timely views of the National Transportation Safety Board (NTSB) will be taken into consideration by the Under Secretary. The conferees wished to emphasize that the views of the NTSB should be provided in a sufficiently and timely manner so those views could be fully considered by the Under Secretary.

12. BIOLOGICAL AND CHEMICAL WEAPONS

Senate bill

Section 102(c): FAA shall develop ways to enhance the ability to detect biological and chemical weapons.

Section 106(c): DOT shall require airports to maximize the use of equipment to detect these weapons.

House bill

No provision.

Conference substitute

The Conference Report requires airports to maximize the use of equipment to detect and neutralize biological and chemical weapons, and instructs the FAA to develop ways to enhance the detection of these weapons.

13. OVERSIGHT AND COORDINATION

Senate bill

Section 103: Establishes Aviation Security Oversight Council (ASOC), chaired by DOT Secretary and composed of DOJ, DOD, Treasury, CIA, and any other agency head DOT and DOJ determine to be appropriate.

House bill

Section 112: Establishes Transportation Security Oversight Board (TSOB) chaired by DOT Secretary and composed of DOJ, DOD, Treasury, and either NSC or Homeland Security. TSOB shares intelligence, reviews emergency rules, and oversees actions of Under Secretary.

Establishes Advisory Council, composed of industry, labor, families, and others to advise Under Secretary on security matters.

Conference substitute

The Conference Report establishes the Transportation Security Oversight Board (TSOB) chaired by the Secretary of DOT and composed of DOJ, DOD, Treasury, CIA, NSC and Homeland Security. The TSOB may review and ratify or disapprove regulations

issued by the Under Secretary; facilitate the coordination of intelligence, security and law enforcement activities affecting transportation; and, perform other duties including making recommendations to the Under Secretary for use in combating threats to the integrity of the nation's transportation system.

14. RULEMAKING

Senate bill

No Rules required by DOJ for its own employees; cockpit requirements issuable without APA.

House bill

Section 101: Under Secretary can issue security rules immediately without notice and comment, DOT or OMB review, and without a cost-benefit analysis but subject to disapproval by the TSOB.

Conference substitute

House provision.

15. INSPECTOR GENERAL

Senate bill

No provision.

House bill

Section 101: TSA is subject to the Inspector General Act.

Conference substitute

The Conference report instructs that the Transportation Security Administration (TSA) will be subject to the Inspector General Act.

16. CROSS CHECKING DATA BASES

Senate bill

Section 103(a): DOT, acting through ASOC, shall try to develop a common data base with other agencies and share information about people.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to the distribution of people on the ''watch list'' of Federal law enforcement agencies.

Upgrades shall be deployed in 6 months.

A report shall be filed in 18 months.

House bill

Section 106: To the extent that the Under Secretary determines appropriate, the Under Secretary shall (1) establish procedures requiring airlines to use information from government agencies to identify people who may be a threat to civil aviation and (2) require more thorough background checks that include a review of other agency data bases.

A report is required in 6 months and annually thereafter.

Conference substitute

The Conferees have instructed the Secretary to work with the TSOB to develop a data base that will allow the cross checking of the people on ''watch lists'' of various Federal law enforcement agencies to identify individuals that may pose a risk to security in an effort to identify potential risks to civil aviation. Passenger lists should be used in conjunction with this data base to help target those individuals that pose a threat, and allow appropriate action to be taken.

17. TERRORISM REPORT

Senate bill

Section 103(b): Require reports on all terrorism. Reports to be shared with DOT.

House bill

No provision.

Conference substitute

The Conference Report requires the intelligence community to ensure that reports on terrorism are shared with the DOT.

18. STRATEGIC PLANNING

Senate bill

Section 103(c): Require intelligence agencies to establish units for strategic planning on terrorism.

House bill

No provision.

Conference substitute

The Conference Report requires intelligence agencies to establish units for strategic planning on terrorism.

19. COCKPIT SECURITY

Senate bill

Section 104: FAA shall issue a rule, without notice and comment, permitting only authorized persons to have access to the cockpit, requiring strengthening the door by installing locks and making them rigid, requiring the door to remain locked during flight except when the pilot needs to get out, and taking away the flight attendants key.

Special rules shall be issued for aircraft that do not have a door.

House bill

Section 106: To the extent the Under Secretary considers appropriate, the Under Secretary shall, after consultation with FAA, implement methods to restrict the opening of the cockpit door during flight and fortify those doors.

A report is required in 6 months and annually thereafter.

Funds are authorized to help airlines pay for this.

Conference substitute

The Conference Report prohibits access to the flight deck of passenger aircraft by anyone other than the flight crew. Flight deck doors must be strengthened and remain locked while aircraft is in flight. Video cameras may be provided to alert pilots to cabin activity in the event of a security breech occurring during the flight. These provisions apply to aircraft required to have a door between the flight deck and cabin. The Conferees also seek the redesign of cockpits to ensure the doors are secured at all times during flight. Redesign can encompass new flight deck materials, double doors to the cockpit as are used in Israel, and lavatories within the flight deck so that flight crew do not leave the flight deck. Once bathroom facilities are provided for the flight crew of passenger aircraft, the cockpit door no longer will need to be opened during flight.

The Conferees instruct the Under Secretary to take into consideration the threat to aviation and national security when developing means to secure the flight deck on commuter aircraft. Any new burdens should be appropriate for the risk.

20. AIR MARSHALS

Senate bill

Section 105: Attorney General prescribes guidelines for training and deployment of sky marshals. DOT administers the program in accordance with these guidelines:

(1) Marshals may be placed on every flight but must be placed on every flight that DOT determines to be high risk.

(2) Marshals must be deployed in 30 days.

(3) Marshals must be given a seat even if that means bumping a passenger.

(4) DOT shall work with ICAO and foreign governments to address security concerns on foreign airlines.

(5) DOT may use personnel from other agencies, including the military, as air marshals.

Section 105: Waives age requirements for retired police, military and out-of-work pilots to work as air marshals, if they meet the background and fitness qualifications.

Report required in 18 months.

House bill

Section 105: Under Secretary deploys air marshals, provides for their background checks, trains them, and requires U.S. airlines to provide seats for them at no cost.

Preference for hiring laid off airline pilots as marshals.

Marshals must be placed on selected flights.

Marshals must be given a seat even if that means bumping a passenger.

DOT shall work with foreign governments to address security concerns on international flights from the U.S.

Until the Under Secretary has all the air marshals needed, personnel from other agencies may be used, with the other agency's concurrence, as air marshals on a non-reimbursable basis.

Airlines must provide seats, on a space-available basis, to off-duty marshals flying home.

Conference substitute

The Conference Report requires that appropriately trained, supervised and equipped Federal Air Marshals (FAMs) may be deployed on every scheduled passenger flight, and must be placed on every ''high risk'' flight, which may include nonstop longhaul flights, or any other flight deemed appropriate, even if the flight is fully booked. For applicants who otherwise meet the background and fitness requirements, age restrictions may be waived to allow retired law enforcement officers, retired members of the armed forces, and members of commercial airline crews (cockpit and cabin) who have been furloughed from their positions after 9–11–01. Personnel from other agencies may be deployed, with the agency's concurrence, as FAMs until an adequate number of FAMs are in place. Additionally, agreements may be entered into allowing trained law enforcement personnel from other agencies to travel with firearms in order to assist FAMs.

The Conferees instruct the Under Secretary to follow air carrier passenger reservations and cancellation practices to the extent practicable. The Under Secretary should work cooperatively with air carriers to develop guidelines concerning reservations and cancellation for the transportation of Federal Air Marshals.

21. SCREENING

Senate bill

Section 108: Attorney General, in consultation with DOT, shall provide for screening of all passengers, property, mail, and cargo that will be carried aboard an aircraft.

Federal employees shall do screening.

Airport and airline employees shall be screened in the same way, except alternative methods may be used for security personnel.

Attorney General shall use screening technology approved by FAA.

Law enforcement personnel shall be deployed at each screening location.

At the 100 largest airports, additional police may be ordered.

Section 105(f): Report from DOT and DOJ required within 120 days on effectiveness of security screening.

Section 106: DOJ and DOT may permit operational flexibility to tailor screening needs for seasonal variations, aircraft types, and special needs of small airports.

Section 108: Attorney General may require non-hub or smaller airports to use State or local law enforcement if the screening will be equivalent to that at larger airports, the training meets Federal standards, the airport is reimbursed by funds made available by this Act, and the airport is consulted.

House bill

Section 102: Federal government is responsible for screening passengers and property on passenger aircraft that originate in the U.S.. Silent on whether screeners are to be Federal employees or private contractors.

Under Secretary shall deputize screeners to enforce Federal laws, but not to arrest people. Screeners must have common uniforms. Must be supervised by uniformed Federal employees.

Section 107: Under Secretary should consider certificating screeners and use TIP or similar technologies to measure their performance and revoke their certification if their performance is inadequate.

Section 104: Airport required to deploy law enforcement or military personnel at each screening location. Law enforcement can be either Federal or local.

Conference substitute

The Conference Report requires the Federal government to hire, train and deploy Federal screeners, Federal managers, Federal security personnel and Federal law enforcement within 1 year. The participants in this Federal security workforce will not be able to strike or engage in work stoppages, and can be fired at the discretion of the Secretary if they are not able to adequately perform their duties.

The Conferees recognize that, in order to ensure that Federal screeners are able to provide the best security possible, the Secretary must be given wide latitude to determine the terms of employment of screeners. The Conference Committee expects that, in fixing the terms and conditions of employment the Secretary shall establish benefits and conditions of employment. The Conference Committee also recognizes that, in order to hire and retain screeners, the Secretary should also ensure that screeners have access to Federal health, life insurance, and retirement benefits, as well as workers' compensation benefits. The Committee believes that screening personnel must also be given whistleblower protections so that screeners may report security conditions without fear of reprisal.

The Conference Report requires the DOT to assume existing screening company contracts as soon as possible, but no later than 90 days after enactment of this legislation. The contracts for existing screeners can be extended for up to 6 months, and the DOT would have the option to extend contracts for no longer than 3 months, if necessary, to continue screening. DOT may also authorize additional Federal law enforcement, National Guard, and other personnel immediately to address the aviation security needs of the country.

The Conferees direct the Secretary to provide a report after one year from the date of enactment certifying deployment of the Federal screeners. Two years after certification airports can opt out of the Federalization of the screener level of the Federal workforce if the Secretary determines that these facilities would continue to provide an equal or higher level of security. Companies will be barred from providing screening if they violate federal standards, are found to allow repeated failures of the system, or prove to be a security risk. The DOT will also establish a Pilot Program for 5 airports, one from each category type, to apply for the use of private contract screeners.

Within 1 year after the date of enactment of the Act, the conferees expect the Transportation Security Administration to submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.

22. CITIZENSHIP OF SECURITY FIRMS

Senate bill

No provision.

House bill

Section 104: Must be owned or controlled by a citizen of the U.S. to the extent the President determines that there are such firms.

Section 123(e): Similar sense of Congress.

Conference substitute

The Conference Report directs that U.S. companies should be used to provide screening if they are available.

23. TRAINING OF PILOTS AND FLIGHT ATTENDANTS

Senate bill

Section 105(f): Report from DOT and DOJ required within 6 months on crew training.

Section 107: DOT shall develop a mandatory airline training program for crews dealing with a hijacking. Training shall be developed in coordination with law enforcement experts.

House bill

Section 106: Under Secretary should consider updating training for dealing with hijacking that includes ways for dealing with suicidal hijackers. Report six months and annually thereafter.

Conference substitute

The Conferees have determined that detailed guidance shall be developed for a mandatory air carrier training program to assist flight crews and attendants in hijack situations. The training curriculum will be developed in consultation with Federal law enforcement agencies with expertise in dealing with these types of threat conditions.

24. HOW FLIGHT ATTENDANTS NOTIFY PILOTS OF A HIJACKING

Senate bill

Section 107: FAA shall revise procedures by which flight attendants notify pilots and implement new measures as soon as practicable.

House bill

Section 106: The Under Secretary should consider requiring the installation of switches in the cabin so that the flight attendants can discreetly notify the pilots.

Conference substitute

The Conference Report directs the Under Secretary to consider the installation of a switch or other devices to be located in the cabin for flight attendants to notify pilots in the event of a hijacking without the knowledge of passengers.

25. PROVISION OF PERSONNEL FROM OTHER AGENCIES

Senate bill

Section 105: Amends section 106(m) to allow other agencies to provide personnel to FAA.

House bill

Section 102(d): Same provision, worded differently.

Conference substitute

The Conferees call upon other agencies to provide personnel that has received the proper training for use by the FAA as Federal air marshals (FAMs) in an effort to support and supplement the FAM workforce in its early stages.

26. AIRPORT PERIMETER ACCESS SECURITY

Senate bill

Section 106: DOT may order deployment of law enforcement personnel as needed to bolster airport security by entering into an agreement with another agency to deploy Federal law enforcement at airports.

Section 106(b): FAA shall provide technical support and financial assistance to small airports to help defray security costs.

House bill

No provision.

Conference substitute

The Conferees have given the Secretary the ability to work with the airports to address potential threats at individual facilities by ordering the deployment of Federal law enforcement authorities to improve airport perimeter and access security in an effort to counter potential criminal activities. Such actions also can include providing increased security at air traffic control facilities. Additionally, the FAA Administrator will develop a plan to provide technical support to enable small- and medium-sized airports to enhance their security operations, and shall include using network digital video surveillance systems.

27. INDIVIDUALS WITH ACCESS TO SECURE AREAS OF THE AIRPORT

Senate bill

See item 21

Section 106(a): DOT, in consultation with ASOC, shall consider whether such individuals should be screened.

Section 106(d): Amend 44903(g)(2) to delete 1/31/01 deadline and beef up language on access control requirements.

Consider deployment of biometric technologies.

Establish pilot programs at 20 airports to test new technologies.

DOT shall require airlines and airports to develop security awareness programs for employees.

Section 211: Within 6 months, DOT shall recommend to airports commercially available ways to prevent access to secure areas. As part of this, DOT shall review effectiveness of biometric and other systems, focus on eliminating piggy-backing, and include a 12-month deployment strategy for currently available technology at Category X airports. Not later than 18 months, DOT shall conduct a review of reductions in unauthorized access.

House bill

Section 106: The Under Secretary shall consider imposing standards for the screening or inspection of vehicles that have access to secure areas and provide for the use of technology to verify the identity of those vehicles entering a secure area. Report after 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that all individuals, goods, property, vehicles, and other equipment seeking access to secure areas must be screened and inspected before entry. The Conference Committee instructs that prescribed requirements should provide at least the same level of protection as the screening of passengers and baggage. The Conferees, however, recognize that these requirements may make allowances for tools and equipment necessary to perform duties in secure areas. The Secretary will examine the physical configuration of individual airports, and consider the views of the TSOB to consider implementing standards to protect the integrity of secure areas.

28. BAN ON PARKING OF VEHICLES WITHIN 300 FEET OF TERMINAL

Senate bill

Section 106(b): FAA, in consultation with local law enforcement, shall reexamine the need for 300 feet restriction.

House bill

Section 121: Removes this parking ban if the airport, in consultation with local law

enforcement, certifies to DOT, after doing a threat assessment, that safeguards are in place to protect public safety.

Conference substitute

The Conferees have determined that all airports must consult with local law enforcement and inform DOT that proper safeguards are in place to ensure that parked vehicles are not a security risk. Each airport must submit views regarding its assessment of the needs of their facility.

29. CHECKED BAGGAGE

Senate bill

See item 9

Section 201(b)(1): Requirement for all baggage to be screened within 9 months.

FAA must establish within 60 days confidential goals for scanning a specific percentage of checked bags within 6 months and annual goals thereafter eventually scanning 100%.

Section 201(c) - page 85FAA shall require airlines to upgrade the bag match system. Shall establish goals within 60 days to accomplish this including interim measures to match a higher percentage of bags until bomb detectors are used to scan 100% of bags.

Confidential report to Congress in 1 year.

House bill

See item 9

Section 106: All checked baggage must be screened by December 31, 2003. All existing explosive detection equipment must be used to the maximum extent possible.

Additional explosive detection equipment must be installed as soon as possible.

In the interim, airlines must implement a bag match program.

A system must be in place as soon as possible to screen cargo transported in passenger aircraft.

Section 123(d): Sense of Congress that all checked baggage should be screened by any available means.

Conference substitute

The Conferees feel strongly that all baggage to be placed on passenger flights must be screened. Existing technology, including EDS, should be used and upgraded in an effort to ensure that all checked baggage goes through such a system. Any baggage that does not go through EDS will be required to go through some form of manual or other comparable screening system. An alternate system of screening cargo should also be established, and periodic reports issued to provide an understanding of the progress made on these efforts.

30. COMPUTER ASSISTED PASSENGER PROFILING SYSTEM (CAPPS)

Senate bill

Section 201(d): FAA shall make all passengers subject to CAPPS even if they don't check bags so that their carry-ons and person will be subject to additional security measures. Report within 3 months.

Section 211: DOT, as part of the ASCC, shall conduct a 90-day review of upgrades to CAPPS and to the distribution of people on the ''watch list'' of Federal law enforcement agencies. Upgrades shall be deployed in 6 months. A report shall be filed in 18 months.

House bill

Section 106(9): The Under Secretary should consider providing the enhanced use of CAPPS to more effectively screen passengers and carry-on baggage. Report in 6 months and annually thereafter.

Conference substitute

The Conference Report instructs that an enhanced and upgraded use of the Computer Assisted Passenger Pre-Screening System (CAPPS) must be considered to more effectively screen passengers and baggage. The Conferees also recognize that adjustments may need to be made to reflect circumstances in some areas of the U.S., including States with unique transportation needs.

31. DEPUTIZING FOR ENFORCEMENT OF FEDERAL SECURITY LAWS

Senate bill

Section 108(b): Requires Attorney General to deputize State and local law enforcement to regulate screening at non-hubs.

House bill

Private contractor employees deputized.

Conference substitute

No provision.

32. HIRING AND TRAINING OF SCREENERS

Senate bill

Section 109: DOJ, in consultation with DOT, shall establish a program for the hiring and training of screeners. Hiring qualifications shall be set in 30 days. Includes list of qualifications screeners must meet such as education and language requirements. Training plans must be developed within 60 days. Requires 40 hours of classroom training and 60 hours of on the job training. Current lists of dual use items (seemingly harmless items that could be used as a weapon) shall be part of the training. Section 104 - page 16

House bill

Under Secretary may set minimum pay for screeners. Preference shall be given to veterans in the hiring of screeners and laid off airline workers. Final rule for certification of screening companies changed from May 31, 2001 to 6 months after date of enactment. In the meantime, within 30 days of enactment, the standards in the proposed rule, such as education and language requirements, shall be in effect. All screeners must be in approved uniforms.

Conference substitute

A blend of the House and Senate provisions.

33. CITIZENSHIP OF SCREENERS

Senate bill

Section 109: Must have been a national of the U.S. for at least 5 years.

House bill

Section 104(a): Must be U.S. citizens.

Conference substitute

The Conference Report requires that all airport screeners must be citizens of the U.S.

34. STATUS OF SCREENERS

Senate bill

Section 109(d): Notwithstanding any law, the Attorney General may hire, fire, and pay screeners as he determines necessary.

House bill

Section 102: Federal supervisor can order the dismissal of any screener.

Conference substitute

The Conference Report provides the Under Secretary the authority to employ, terminate and fix the conditions of employment for the Federal screening workforce.

35. STRIKES BY SCREENERS

Senate bill

Section 109(e): Strikes prohibited pursuant to Title 5.

House bill

Section 102: Strikes prohibited.

Conference substitute

The Conference Report directs that the airport screening workforce will be prohibited from striking. The Conferees have provided the Transportation Security Administration authority to utilize existing authority provided to the FAA to develop personnel and acquisition systems. The authority gives the Administration flexibility to design its own policies and procedures and not use the FAA's system, while retaining the legal requirements under sections 40110 and 40112.

36. BACKGROUND CHECKS

Senate bill

Section 109(f): Requires background checks for current screeners and others with access to the airport.

Section 201(a): Requires background checks for current screeners and others to be completed in 9 months unless the person has had such a check in the past 5 years. Alternative checks shall be developed for those who have lived in the U.S. for less than 5 years.

House bill

Section 107: Allows smaller airports to use the same expedited procedures for criminal history background checks as the larger airports now use. (Under the 2000 Security Act these expedited procedures do not go into effect at smaller airports until 2003.)

Requires background check (including review of government data bases) for all current screeners and those with access to secure areas except for those who have already had such a check or those who are exempted by FAA rules from such checks.

Conference substitute

A blend of the House and Senate provisions.

The Conferees encourage the Under Secretary to provide channeling authority to professional organizations representing industry to FBI AFIS fingerprint databases to perform criminal history verification of aviation business employees.

37. RESEARCH AND DEVELOPMENT

Senate bill

Section 110: Amends section 44912 to require periodic reviews of threats to civil aviation and the potential for the release of biological and chemical weapons. A person shall be designated to be responsible for security research. The person shall file an annual report on research activities. A scientific advisory panel shall be established. DOT shall coordinate research with DOJ.

Section 221: Authorizes $50 million per year to research various security technologies.

House bill

Section 101: Transfers security research from FAA to the TSA. The TSA can use FAA research facilities.

Conference substitute

A modified version of the Senate provision.

38. FLIGHT SCHOOLS

Senate bill

Section 111: Regarding jet-propelled aircraft, a person shall not give flight instruction, including instruction in simulator, to an alien (or other person specified by DOT) unless DOJ issues that person a certificate of completion of the background check of the alien. Requests for the background check shall be made jointly by the alien and the flight school. Investigation must be completed in 30 days. Investigation includes fingerprint check, immigration check, and a determination of whether alien is a national security risk. Expedited procedures shall be developed for an alien seeking recurrent training. Penalties for violations shall be developed by DOT rulemaking. Flight schools shall report aliens that they train.

Section 111(c): DOT and State shall work with ICAO to improve screening of student pilots.

House bill

Section 106(13): The Under Secretary should consider requiring background checks on individuals seeking flying lessons (including simulator lessons) on aircraft weighing

more than 12,500 pounds. Report in 6 months and annually thereafter until the Under Secretary implements the checks or decides not to require them.

Conference substitute

The Conferees have determined that flight school training for aircraft with a minimum certificated weight of 12,500 pounds or more should not be allowed for any alien within the United States unless they have passed a sufficient background check. Such individuals seeking to attend flight school may begin pilot training after 45 days or upon being certified as having passed a background investigation regarding their criminal history and immigration status. A security awareness program will be developed to assist employees that work at flight schools by helping to increase their awareness of a potential threat.

39. PENALTIES

Senate bill

Section 114: Imposes criminal penalties for interfering with security personnel at a commercial service airport.

House bill

Section 116(c): Transfers the relevant civil penalty authorities from the FAA to the TSA.

Conference substitute

The Conference Report requires that an individual who disrupts the duties of security screening personnel within a commercial service airport shall be fined and/or imprisoned for up to 10 years. The use of a dangerous weapon to interfere with security screening may result in up to life imprisonment.

40. INTRASTATE AIR SERVICE

Senate bill

Section 116: DOT may grant antitrust exemptions to ensure continued viability of air service in that State.

House bill

No provision.

Conference substitute

The Conference Report instructs that DOT may grant anti-trust immunity to ensure continued viability of air service within a state. If the Secretary approves any such request, a report must be given to the relevant Senate and House Committees within six months of the approval describing what actions have been taken by the carriers receiving the exemption.

41. AIRLINE COMPUTER RESERVATION SYSTEMS

Senate bill

Section 117: DOT shall require all airlines to use the best technology to ensure that their systems are secure from unauthorized access. DOT shall submit an annual report on compliance.

House bill

No provision.

Conference substitute

Under the direction of the Conference Report airlines are required to take action that will prevent unauthorized access to computer reservation systems and the information they contain on passengers. Technology should be utilized to the greatest extent possible to ensure the integrity of these systems.

42. FEES

Senate bill

Section 118(a): Within 180 days, airlines remit a $2.50 fee per enplanement.

House bill

Section 108: Under Secretary shall impose a fee of not more than $2.50 per one-way trip. The amount of the fee shall be reasonably related to the costs of providing the screening service. In addition, a fee can be imposed directly on the airlines but it cannot be more than the airlines paid for screening services in 2000. Fees shall be credited as off-setting collections. Passengers using airports where screening services are not provided may be exempted from the fee.

Conference substitute

The Conference substitute requires a fee to be charged to cover the cost of providing the aviation security services. The fee will be based on the number of times a passenger boards a plane during the course of travel, but will be capped at $5.00 per one-way trip. Any additional funds needed will be authorized to be appropriated or may come from a fee imposed directly on the airlines.

The Secretary may waive or modify the security fee to take into account the isolation of certain communities. In determining whether to waive or modify this fee, the Secretary shall consider the costs of transportation security and the benefits of transportation security that is bestowed on those communities. The Conference substitute amends section 45301(b) of title 49, United States Code, with respect to limitations on overflight fees to (1) to make the language consistent with the new security fee language of this Act, and (2) to clarify Congressional intent with respect to the FAA costs upon which the fees can be based. Specifically, the conference substitute replaces the word ''directly'' with ''reasonably'', since the word ''directly'' has been a source of much confusion and narrow interpretation, and has been a primary cause of recurring litigation which has frustrated and delayed the FAA's imposition of the overflight fees for a number of years. Additionally, this amendment specifies that the FAA's costs upon which the fees are based are to be determined solely by the Administrator. This is to clarify that the Administrator has full authority to determine costs by appropriate means. This amendment is not intended to require revision of the fees recently promulgated by the FAA (66 FR 43680, Aug. 20. 2001) but rather, to clarify longstanding Congressional intent that the FAA expeditiously and continuously collect the fees authorized under section 45301(a) of title 49.

43. AUTHORIZATION

Senate bill

Section 118(b): Authorizes such sums for the next 3 years as may be necessary to carry out the security functions.

House bill

Section 109: Authorizes such sums as may be necessary to the TSA for operating costs and for screening services not covered by the above fee.

Authorizes $500 million for grants to airlines to fortify cockpit doors, install video monitors to view the passenger cabin, ensure continuous operation of transponder, and use of other technologies.

Conference substitute

The Conference Report authorizes the necessary spending for the cost of providing aviation security.

44. AIRPORT FUNDING

Senate bill

Section 119(a): Allows AIP and PFC funds to be used to pay security costs in FY 2002 for any cost incurred after 9/11 regardless of when it was incurred. Waives the local matching share. In deciding whether to make a discretionary AIP grant for security costs, the availability and use of non-Federal funding by the airport shall be considered.

Section 120: Authorizes such sums in 2002 to compensate airports for security costs. Costs must be documented and subject to an IG audit. DOT shall publish procedures for filing claims in 30 days.

Section 119(c): PFC requests for security funding should be expedited.

Section 119(b): For the purpose of determining AIP entitlements in FY 2003, enplanements in 2000 or 2001, whichever is higher, shall be used.

Section 201(b): Modifying terminal and baggage systems in order to install bomb detection equipment is made AIP eligible. Section 113: Allows AIP and PFC funds to be used to pay for added law enforcement costs in at a non-hub or small hub airport regardless of when the cost was incurred.

Waives the local matching share.

In FY 2002, allows AIP and PFC money to be used to pay debt service if that would prevent an airport, or privately owned terminal, from defaulting on its bond.

House bill

Section 109: Authorizes a total of $1.5 billion in 2002 and 2003 to reimburse airports for direct costs they incurred to meet new security requirements. Such sums to remain available until expended. Before getting the money, the airport must agree to meet with its concessionaires to discuss rent adjustments and provide an itemized list of costs incurred.

Conference substitute

A blend of the House and Senate provisions.

45. COMPETITION PLANS

Senate bill

No provision.

House bill

Section 113(a): Waives an airport's obligation to submit a competition plan in FY 2002 when it is seeking money to improve security.

Conference substitute

The Conference Report waives the obligation of an airport to submit a competition plan in FY '02 when seeking money to improve security.

46. REPORTING SUSPICIOUS ACTIVITIES

Senate bill

Section 121: Exempts airline employees from liability for disclosing, in good faith, suspicious activity. DOJ shall establish procedures to notify the FAA of people who may pose a risk of hijacking. Report shall be submitted in 120 days on the implementation of this notification.

House bill

No provision.

Conference substitute

The Conference Report encourages and exempts airline employees from liability for disclosing suspicious activities in response to a ''reasonably believed'' threat.

47. ARMING PILOTS

Senate bill

Section 122: National Institute of Justice shall assess non-lethal weapons for use by pilots and report to DOT in 90 days. After receiving report, DOT may authorize pilots to carry such weapons. DOT shall establish training and procedural requirements for using these weapons.

Section 125: Authorizes FAA to permit a pilot with proper training to carry a gun in the cockpit. FAA shall establish a training program. Report shall be submitted every 6 months on the effectiveness of this provision.

House bill

Section 106: DOT cannot take any action to prevent a pilot from taking a gun into the cockpit if the policy of the airline allows it and the pilot has completed a training program acceptable to the Under Secretary.

Conference substitute

A pilot is authorized to carry an approved firearm into the cockpit if approved by the Under Secretary and the air carrier, and the pilot has received proper training.

48. ISOLATED COMMUNITIES

Senate bill

Section 123: During an emergency, DOT, after consulting with the ASCC, may grant waivers on flight restrictions to allow flights carrying freight, mail, patients, and medical supplies to areas with extraordinary transportation needs given isolation of the area and if the waiver is in the public interest.

House bill

Section 120: Similar provision but worded differently.

Conference substitute

The Conference Report instructs that during an emergency DOT may grant waivers on flight restrictions to areas with extraordinary transportation needs.

49. SUPPLIES ON BOARD AIRCRAFT

Senate bill

Section 124: DOT shall ensure the safety of food and other supplies on aircraft by sealing packages, screening personnel and vehicles, etc.

House bill

See item 27

Conference substitute

The Conferees have determined that DOT should establish procedures to ensure the safety and security of on-board supplies for intrastate passenger aircraft. The Secretary will establish procedures that may increase security for the point of origin of the supplier, provide for sealed supplies, and the screening of the supplies as they enter the airport.

50. AIRMAN REGISTRY

Senate bill

Section 126: Directs FAA to modify the registry to make it more effective in combating terrorism. FAA should work with State and locals to assist in identifying those applying for or holding airmen certificates.

House bill

No provision.

Conference substitute

The Conferees direct that the FAA must take steps to make the airman registry more effective to combat terrorism by working with the appropriate authorities to assist in properly identifying persons applying for or in possession of airmen certificates.

51. PASSENGER MANIFESTS

Senate bill

No provision.

House bill

Section 111: Within 60 days, U.S. and foreign airlines on international flights to the U.S. must provide to the Under Secretary (or another agency) by electronic transmission a passenger and crew manifest with specified information.

Conference substitute

The Conference Report requires air carriers to use the Air Passenger Information System (APIS) to provide a crew and passenger manifest and related information to Customs for each flight.

52. RESULTS-BASED MANAGEMENT

Senate bill

Section 127: With 60 days, DOT shall establish acceptable performance levels for aviation security and provide Congress with an action plan clarifying the responsibilities of the government agencies involved. Each year, a performance plan shall be made available. Any contracts to implement this Act shall try to maximize the use of performance based service contracts.

House bill

Section 106(7): Consider establishing performance goals for screeners. Report after 6 months and annually thereafter until this is implemented or rejected.

Conference substitute

Modified Senate provision.

53. EMPLOYMENT REGISTER

Senate bill

Section 128(a): DOT shall establish and maintain an employment register.

House bill

No provision.

Conference substitute

No provision.

54. TRAINING FACILITIES

Senate bill

Section 128(b): DOT may use FAA training facilities to train security screeners.

House bill

No provision.

Conference substitute

The Conference Report directs the Secretary to use existing Federal training facilities, where possible, to address the training needs of security screening personnel.

55. AIRSPACE RESTRICTIONS

Senate bill

Section 129: President shall submit a report within 30 days describing any airspace restrictions that remain in place and the justification for those restrictions.

House bill

Section 119: The restrictions on Class B airspace shall cease to be in effect 10 days after enactment unless a notice is published prior to the 10th day reimposing and explaining the reasons for those restrictions.

Conference substitute

The Conferees instruct the Secretary to lift restrictions on Class B airspace under specified requirements.

56. VOLUNTEERS

Senate bill

Section 130: DOT shall carry out a program to permit police, firefighters, and paramedics to provide emergency services during flight. Exempts from liability those who help in an emergency. This does not authorize the possession of firearms.

House bill

No provision but exemption from liability seems to be covered by existing law, section 5(b) of Aviation Medical Assistance Act.

Conference substitute

The Conferees instruct the Secretary to implement a program that will allow qualified law enforcement, firefighters and emergency service technicians to assist in the event of an emergency during commercial air flights. This program will establish the credentials of volunteers, maintain their confidentiality and exempt them from liability.

57. LIMITATION ON LIABILITY

Senate bill

No provision.

House bill

Section 110: Limits liability of passenger or crew who hurts a person they, in good faith, believe was hijacking or about to hijack the plane.

Conference substitute

The Conference Report exempts passengers and crew from liability if an individual ''reasonably believed'' that a hijacking was occurring.

58. GENERAL AVIATION SECURITY

Senate bill

Section 131: FAA shall begin a security program for aircraft over 12,500 pounds within 90 days. Waivers from this requirement can be granted. A security program for smaller aircraft shall begin in 1 year. A report shall be filed in 18 months.

Aircraft may not be sold or leased to an alien unless a background check has been done or until the security programs described above are implemented.

House bill

No provision.

Conference substitute

The Conference report directs the Secretary to provide Congress a report on improving general aviation security in the United States within 3 months of enactment of the legislation.

The Conferees note that a number of issues on aviation security research merit the prompt attention of the Department of Transportation. In particular, the Conferees observe that research into providing better security with minimal disruption in the system in the area of general aviation is important.

The Conferees note that the FAA has recently designated a consortium of schools as a general aviation center of excellence and anticipates that the FAA would draw upon the expertise of these institutions in formulating a security program for general aviation.

The Conferees also note that NASA, in coordination with the DOT, is investigating technology that would facilitate remote screening of small aircraft prior to takeoff.

Such a general aviation remote screening system (GARSS) could be installed on a vehicle or mobile platform, or in a fixed facility alongside a taxiway, and would provide a pre-takeoff alert if suspicious objects or materials were detected aboard an aircraft.

The Conferees urge that the development and implementation of GARSS be pursued.

59. FUNDING FOR GENERAL AVIATION AIRPORTS

Senate bill

No provision.

House bill

Section 113(b): In FY 2002, allows non-primary airports within Class B airspace to seek AIP money for any purpose, including operational costs.

Conference substitute

Modified House position.

60. CONFORMING AMENDMENT TO IRS CODE

Senate bill

No provision.

House bill

Section 113(e): Amends Code to cross-reference this Security Act so that the money authorized by this Act out of the Trust Fund can be spent.

Conference substitute

The Conference Report amends the IRS code to cross-reference this legislation to provide for the authorization of spending from the Trust Fund.

61. TECHNICAL CORRECTIONS

Senate bill

No provision.

House bill

Section 114: Makes technical corrections to the Air Transportation Safety and System Stabilization Act.

Conference substitute

The Conference Report makes technical corrections to the Air Transportation Safety and System Stabilization Act.

62. ALCOHOL AND DRUG TESTING

Senate bill

No provision.

House bill

Section 115: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to transfer alcohol and drug testing functions from the FAA to the TSA.

63. CONFORMING AMENDMENTS

Senate bill

No provision.

House bill

Section 116: Amends existing law to account for the transfer of functions from the FAA to the TSA.

Conference substitute

The Conference Report amends existing law to account for the transfer of functions from the FAA to the TSA.

64. SAVINGS PROVISION

Senate bill

No provision.

House bill

Section 117: Ensures a smooth transfer from the FAA to the TSA.

Conference substitute

The Conference Report

House provision.

65. BUDGET SUBMISSIONS

Senate bill

No provision.

House bill

Section 118: Requires the President's budget submissions starting in 2003 to list the TSA budget separately.

Conference substitute

The Conference Report

House provision.

66. AIR AMBULANCES

Senate bill

No provision.

House bill

Section 114: Amends the Airline Stabilization Act to modify the method for distributing compensation to air ambulances.

Conference substitute

The Conference Report amends the Airline Stabilization Act to allow for a modified system of providing compensation to air tour operators and air ambulances to better address their needs after industry wide losses. It is the Conferees' position that the Stabilization Act's section 103 compensation formula language, ''revenue ton miles or any other auditable measure'' should be broadly construed and should not restrict compensation exclusively to revenue ton miles reported on previously filed DOT Form 41s. If Air, Crew, Maintenance, Insurance lessors can provide accurate and auditable records of their revenue-ton-miles during the relevant time period, then they should be eligible for compensation based under the Stabilization Act.

67. PASSENGERS WHO BOUGHT TICKETS ON BANKRUPT AIRLINES

Senate bill

No provision.

House bill

Section 123: Other airlines must honor these tickets to the extent practicable.

Conference substitute

The Conferees direct the air carriers, to the extent practicable, to honor the tickets of passengers purchased by airlines that file for bankruptcy, if the purchaser requests the use of his or her ticket within 60 days of the suspended or canceled flight, for the first 18 months after enactment of this legislation.

68. FLIGHT SERVICE STATION EMPLOYEES

Senate bill

No provision.

House bill

Section 123(a): Sense of Congress that FAA should continue negotiating in good faith with these employees.

Conference substitute

The Conference Report offers the Sense of Congress that FAA should continue negotiating in good faith with flight service station employees.

69. WAR RISK INSURANCE

Senate bill

No provision.

House bill

Section 123(b): Sense of Congress that vendors agents and subcontractors of general aviation aircraft should get war risk insurance.

Conference substitute

The Conference Report offers the Sense of Congress on the availability of war risk insurance to vendors, agents, and subcontractors of air carriers for all their domestic operations.

70. ANIMALS

Senate bill

No provision.

House bill

Section 123(c): Sense of Congress that airlines that transport mail should carry animals that the Postal Service allows to be mailed.

Conference substitute

The Conference Report offers the Sense of the House that airlines that transport mail should carry animals that the U.S. Postal Service permits to be sent in the mail.

71. CARRY-ON BAGGAGE

Senate bill

Report on carry-on baggage.

House bill

No provision.

Conference substitute

The Conference Report offers the Sense of the Congress that the FAA should continue its current restrictions on carry-on baggage of 1 bag plus 1 personal item. A backpack should be considered a personal item.

72. USPS MAIL POLICY IN ALASKA

Senate bill

No provision.

House bill

No provision.

Conference substitute

The Conferees encourage the Congress to pass legislation quickly to restructure the United States Postal Service's process of tendering non-priority bypass mail with the State of Alaska. Restructuring this program to direct more carriers to convert to 121 passenger operators will improve the safety of air transportation in Alaska and enhance the security of passengers.

73. VICTIMS COMPENSATION

Senate bill

No provision.

House bill

Title II:

Conference substitute

The Conference substitute extends the liability limitations of the Air Transportation Stabilization Act to aircraft manufacturers, State port authorities, owners and operators of airports, and persons with property interests in the World Trade Center.

These provisions limit liability under the Act to the maximum level of their insurance coverage.

Any person with a property interest in the World Trade Center, as a condition to receiving liability protection under the Act, is required to satisfy all contractual obligations to rebuild or assist in the rebuilding of the World Trade Center.

The Conference substitute also limits the liability for all claims arising from the terrorist-related attacks of September 11, 2001, brought against the City of New York to the greater of the City's insurance coverage or $350,000,000.

This limitation on damages against the City of New York, however, does not apply to any non-government or private entity that is contracted with the City.

The Conference substitute also excludes entities primarily engaged in the business of airport security from its limitation on liability.

DON YOUNG,
THOMAS PETRI,
JOHN J. DUNCAN, Jr.,
JOHN L. MICA,
VERNON J. EHLERS,
JAMES L. OBERSTAR,
WILLIAM O. LIPINSKI,
PETER DEFAZIO,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,
JOHN BREAUX,
BYRON L. DORGAN,
RON WYDEN,
JOHN MCCAIN,
TRENT LOTT,
KAY BAILEY HUTCHISON,
OLYMPIA SNOWE,
Managers on the Part of the Senate.

ANDEAN TRADE PROMOTION AND DRUG ERADICATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 289, I call up the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 289, the bill is considered read for amendment.

The text of H.R. 3009 is as follows:

H.R. 3009

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 ''Andean Trade Promotion and Drug Eradication Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to

drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiary countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT.

(a) ELIGIBILITY OF CERTAIN ARTICLES.—Section 204 of the Andean Trade Preference Act (19 U.S.C. 3203) is amended—

(1) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively; and

(2) by amending subsection (b) to read as follows:

''(b) EXCEPTIONS AND SPECIAL RULES.—

''(1) CERTAIN ARTICLES THAT ARE NOT IMPORT-SENSITIVE.—The President may proclaim duty-free treatment under this title for any of the following articles only if the article is the product of an ATPEA beneficiary country and only if the President determines that the article is not import-sensitive in the context of imports from ATPEA beneficiary countries:

''(A) Footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974.

''(B) Petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS.

''(C) Watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply.

''(D) Sugars, syrups, and molasses classified in subheadings 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS.

''(E) Handbags, luggage, flat goods, work gloves, and leather wearing apparel that—

''(i) are the product of an ATPEA beneficiary country; and

''(ii) were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

''(2) EXCLUSIONS.—Duty-free treatment under this title may not be extended to—

''(A) textiles; or

''(B) rum and tafia classified in subheading 2208.40.00 of the HTS.

''(3) APPAREL ARTICLES.—

''(A) IN GENERAL.—Apparel articles that are imported directly into the customs territory of the United States from an ATPEA beneficiary country shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels, but only if such articles are described in subparagraph (B).

''(B) COVERED ARTICLES.—The apparel articles referred to in subparagraph (A) are the following:

''(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries exclusively from any one or any combination of the following:

''(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States).

''(II) Fabrics or fabric components formed, or components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns formed in 1 or more ATPEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries) are in chief weight of llama, or alpaca.

''(III) Fabrics or yarns, without regard to where they are formed, if such fabrics or yarns are classifiable under headings of the HTS from which a change in tariff classification is allowed under the applicable rules for the good under General Note 12(t) of the HTS (except for goods classifiable under heading 6212.10 of the HTS), without regard to whether the components of such yarns or fabrics determine the tariff classification of the apparel article, except that if such yarns or fabrics are used to produce knit-to-shape components, the components must be knit-to-shape in the United States or in 1 or more ATPEA beneficiary countries.

''(ii) ADDITIONAL FABRICS.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarns as eligible for preferential treatment under clause (i)(III) if—

''(I) the President determines that such fabrics or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner;

''(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

''(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such action, and the advice obtained under subclause (II);

''(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

''(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

''(iii) APPAREL ARTICLES ASSEMBLED IN 1 OR MORE ATPEA BENEFICIARY COUNTRIES FROM REGIONAL FABRICS OR REGIONAL COMPONENTS.—(I) Subject to the limitation set forth in subclause (II), apparel articles sewn or otherwise assembled in 1 or more ATPEA beneficiary countries from fabrics or from fabric components formed or from components knit-to-shape, in 1 or more ATPEA beneficiary countries, from yarns formed in the United States or in 1 or more ATPEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPEA beneficiary countries), whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in clause (i).

''(II) The preferential treatment referred to in subclause (I) shall be extended in the 1-year period beginning December 1, 2001, and in each of the 5 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

''(III) For purposes of subclause (II), the term 'applicable percentage' means 3 percent for the 1-year period beginning December 1, 2001, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the period beginning December 1, 2005, the applicable percentage does not exceed 6 percent.

''(iv) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(v) SPECIAL RULES.—

''(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products.

''(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

''(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

''(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

''(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this subparagraph because the article contains fibers or yarns not wholly formed in the United States or in one or more ATPEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (B)(iv), the President shall consult with representatives of the ATPEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENT.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to apparel articles from an ATPEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (A) has been claimed for an 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 this clause, 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 subparagraph (A).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPEA beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall mean the period ending December 31, 2006; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (1) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (1) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows; or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

''(aa) from which the article is exported; or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (1) or (3).

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (1) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS.—In this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300-B of the NAFTA.

''(B) ATPEA BENEFICIARY COUNTRY.—The term 'ATPEA beneficiary country' means any 'beneficiary country', as defined in section 203(a)(1) of this title, which the President designates as an ATPEA beneficiary country, taking into account the criteria contained in subsections (b) and (c) of section 203 and other appropriate criteria, including the following:

''(i) Whether the beneficiary country has demonstrated a commitment to—

''(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

''(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

''(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

''(iii) The extent to which the country provides internationally recognized worker rights, including—

''(I) the right of association;

''(II) the right to organize and bargain collectively;

''(III) a prohibition on the use of any form of forced or compulsory labor;

''(IV) a minimum age for the employment of children; and

''(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

''(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

''(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

''(vii) The extent to which the country—

''(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

''(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

''(C) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(D) WTO.—The term 'WTO' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).''.

(b) CONFORMING AMENDMENTS.—(1) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(2) Section 204(a) of the Andean Trade Preference Act (19 U.S.C. 3203(a)) is amended—

(A) in paragraph (1), by inserting ''(or otherwise provided for)'' after ''eligibility''; and

(B) in paragraph (2), by striking ''subsection (a)'' and inserting ''paragraph (1)''.

SEC. 4. TERMINATION OF PREFERENTIAL TREATMENT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

''SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.

''No duty-free treatment or other preferential treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.''.

SEC. 5. TRADE BENEFITS UNDER THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended as follows:

(1) Clause (i) is amended by striking the matter preceding subclause (I) and inserting the following:

''(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the

United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—''.

(2) Clause (ii) is amended to read as follows:

''(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles cut in one or more CBTPA beneficiary countries from fabric wholly formed in the United States, or from components knit-to-shape in the United States, from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States), if such articles are sewn or otherwise assembled in one or more such countries with thread formed in the United States.''.

SEC. 6. TRADE BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended as follows:

(1) Paragraph (1) is amended—

(A) by amending the heading to read as follows:

''(1) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—''; and

(B) by amending the matter preceding subparagraph (A) to read as follows: ''Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—''.

(2) Paragraph (2) is amended to read as follows:

''(2) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States, or from components knit-to-shape in the United States, from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States) if such articles are sewn or otherwise assembled in one or more such countries with thread formed in the United States.''.

(3) Paragraph (3) is amended—

(A) in the matter preceding subparagraph (A), by inserting '', or components knit-to-shape,'' after ''from fabric wholly formed'';

(B) in subparagraph (A)(ii)—

(i) by striking ''1.5'' and inserting ''3''; and

(ii) by striking ''3.5'' and inserting ''7''; and

(C) in subparagraph (B), by amending clause (i) to read as follows:

''(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment under this paragraph shall be extended through September 30, 2004, for apparel articles wholly assembled or knit-to-shape and wholly assembled in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.''.

The SPEAKER pro tempore. Pursuant to House Resolution 289, the amendment printed in the bill is adopted.

The text of H.R. 3009, as amended, is as follows:

H.R. 3009

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 ''Andean Trade Promotion and Drug Eradication Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the Andean Trade Preference Act was enacted in 1991, it has had a positive impact on United States trade with Bolivia, Colombia, Ecuador, and Peru. Two-way trade has doubled, with the United States serving as the leading source of imports and leading export market for each of the Andean beneficiary countries. This has resulted in increased jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been a key element in the United States counter-narcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic alternatives to drug-crop production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit trade in coca.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and fragility, vulnerable to the consequences of the drug war and fierce global competition for its legitimate trade.

(4) The continuing instability in the Andean region poses a threat to the security interests of the United States and the world. This problem has been partially addressed through foreign aid, such as Plan Colombia, enacted by Congress in 2000. However, foreign aid alone is not sufficient. Enhancement of legitimate trade with the United States provides an alternative means for reviving and stabilizing the economies in the Andean region.

(5) The Andean Trade Preference Act constitutes a tangible commitment by the United States to the promotion of prosperity, stability, and democracy in the beneficiary countries.

(6) Renewal and enhancement of the Andean Trade Preference Act will bolster the confidence of domestic private enterprise and foreign investors in the economic prospects of the region, ensuring that legitimate private enterprise can be the engine of economic development and political stability in the region.

(7) Each of the Andean beneficiary countries is committed to conclude negotiation of a Free Trade Area of the Americas by the year 2005, as a means of enhancing the economic security of the region.

(8) Temporarily enhancing trade benefits for Andean beneficiary countries will promote the growth of free enterprise and economic opportunity in these countries and serve the security interests of the United States, the region, and the world.

SEC. 3. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT.

(a) ELIGIBILITY OF CERTAIN ARTICLES.—Section 204 of the Andean Trade Preference Act (19 U.S.C. 3203) is amended—

(1) by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f), respectively; and

(2) by amending subsection (b) to read as follows:

''(b) EXCEPTIONS AND SPECIAL RULES.—

''(1) CERTAIN ARTICLES THAT ARE NOT IMPORT-SENSITIVE.—The President may proclaim duty-free treatment under this title for any article described in subparagraph (A), (B), (C), or (D) that is the growth, product, or manufacture of an ATPDEA beneficiary country and that meets the requirements of this section, if the President determines that such article is not import-sensitive in the context of imports from ATPDEA beneficiary countries:

''(A) Footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974.

''(B) Petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS.

''(C) Watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply.

''(D) Handbags, luggage, flat goods, work gloves, and leather wearing apparel that were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

''(2) EXCLUSIONS.—Subject to paragraph (3), duty-free treatment under this title may not be extended to—

''(A) textiles and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

''(B) rum and tafia classified in subheading 2208.40 of the HTS; or

''(C) sugars, syrups, and sugar-containing products subject to over-quota duty rates under applicable tariff-rate quotas.

''(3) APPAREL ARTICLES.—

''(A) IN GENERAL.—Apparel articles that are imported directly into the customs territory of the United States from an ATPDEA beneficiary country shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels, but only if such articles are described in subparagraph (B).

''(B) COVERED ARTICLES.—The apparel articles referred to in subparagraph (A) are the following:

''(i) APPAREL ARTICLES ASSEMBLED FROM PRODUCTS OF THE UNITED STATES AND ATPDEA BENEFICIARY COUNTRIES OR PRODUCTS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—Apparel articles sewn or otherwise assembled in 1 or more ATPDEA beneficiary countries, or the United States, or both, exclusively from any one or any combination of the following:

''(I) Fabrics or fabric components formed, or components knit-to-shape, in the United States, from yarns formed in the United States or 1 or more ATPDEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in the United States).

''(II) Fabrics or fabric components formed or components knit-to-shape, in 1 or more ATPDEA beneficiary countries, from yarns formed in 1 or more ATPDEA beneficiary countries, if such fabrics (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPDEA beneficiary countries) or components are in chief weight of llama or alpaca.

''(III) Fabrics or yarn that is not formed in the United States or in one or more ATPDEA beneficiary countries, to the extent that apparel articles of such fabrics or yarn would be eligible for preferential treatment, without regard to the source of the fabrics or yarn, under Annex 401 of the NAFTA.

''(ii) ADDITIONAL FABRICS.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarns as eligible for preferential treatment under clause (i)(III) if—

''(I) the President determines that such fabrics or yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner;

''(II) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

''(III) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such action, and the advice obtained under subclause (II);

''(IV) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclause (III), has expired; and

''(V) the President has consulted with such committees regarding the proposed action during the period referred to in subclause (III).

''(iii) APPAREL ARTICLES ASSEMBLED IN 1 OR MORE ATPDEA BENEFICIARY COUNTRIES FROM REGIONAL FABRICS OR REGIONAL COMPONENTS.—(I) Subject to the limitation set forth in subclause (II), apparel articles sewn or otherwise assembled in 1 or more ATPDEA beneficiary countries from fabrics or from fabric components formed or from components knit-to-shape, in 1 or more ATPDEA beneficiary countries, from yarns formed in the United States or 1 or more ATPDEA beneficiary countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more ATPDEA beneficiary countries), whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in clause (i).

''(II) The preferential treatment referred to in subclause (I) shall be extended in the 1-year period beginning December 1, 2001, and in each of the 5 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

''(III) For purposes of subclause (II), the term 'applicable percentage' means 3 percent for the 1-year period beginning December 1, 2001, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the period beginning December 1, 2005, the applicable percentage does not exceed 6 percent.

''(iv) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of an ATPDEA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

''(v) SPECIAL RULES.—

''(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, 'bow buds', decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products.

''(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

''(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, 'hymo' piece, or 'sleeve header', of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

''(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

''(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this subparagraph because the article contains fibers or yarns not wholly formed in the United States or in one or more ATPDEA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good.

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (B)(iv), the President shall consult with representatives of the ATPDEA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

''(D) PENALTIES FOR TRANSSHIPMENT.—

''(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to apparel articles from an ATPDEA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

''(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the ATPDEA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

''(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (A) has been claimed for an 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 this clause, 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 subparagraph (A).

''(E) BILATERAL EMERGENCY ACTIONS.—

''(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from an ATPDEA beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

''(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

''(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

''(II) the term 'transition period' in section 4 of the Annex shall mean the period ending December 31, 2006; and

''(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the ATPDEA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

''(4) CUSTOMS PROCEDURES.—

''(A) IN GENERAL.—

''(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (1) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

''(ii) DETERMINATION.—

''(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (1) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

''(aa) has implemented and follows; or

''(bb) is making substantial progress toward implementing and following,

procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

''(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPDEA beneficiary country—

''(aa) from which the article is exported; or

''(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (1) or (3).

''(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (1) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

''(5) DEFINITIONS.—In this subsection—

''(A) ANNEX.—The term 'the Annex' means Annex 300-B of the NAFTA.

''(B) ATPDEA BENEFICIARY COUNTRY.—The term 'ATPDEA beneficiary country' means any 'beneficiary country', as defined in section 203(a)(1) of this title, which the President designates as an ATPDEA beneficiary country, taking into account the criteria contained in subsections (c) and (d) of section 203 and other appropriate criteria, including the following:

''(i) Whether the beneficiary country has demonstrated a commitment to—

''(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

''(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

''(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

''(iii) The extent to which the country provides internationally recognized worker rights, including—

''(I) the right of association;

''(II) the right to organize and bargain collectively;

''(III) a prohibition on the use of any form of forced or compulsory labor;

''(IV) a minimum age for the employment of children; and

''(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

''(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

''(v) The extent to which the country has met the counternarcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

''(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

''(vii) The extent to which the country—

''(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

''(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

''(C) NAFTA.—The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(D) WTO.—The term 'WTO' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

''(E) ATPDEA.—The term 'ATPDEA' means the Andean Trade Promotion and Drug Eradication Act.''.

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 203(e)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(e)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting ''(A)'' after ''(1)''; and

(3) by adding at the end the following:

''(B) The President may, after the requirements of paragraph (2) have been met—

''(i) withdraw or suspend the designation of any country as an ATPDEA beneficiary country, or

''(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b)(1) or (3) to any article of any country,

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 204(b)(5)(B).''.

(c) CONFORMING AMENDMENTS.—(1) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3201) is amended by inserting ''(or other preferential treatment)'' after ''treatment''.

(2) Section 204(a) of the Andean Trade Preference Act (19 U.S.C. 3203(a)) is amended—

(A) in paragraph (1), by inserting ''(or otherwise provided for)'' after ''eligibility''; and

(B) in paragraph (2), by striking ''subsection (a)'' and inserting ''paragraph (1)''.

SEC. 4. TERMINATION OF PREFERENTIAL TREATMENT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

''SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.

''No duty-free treatment or other preferential treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.''.

SEC. 5. TRADE BENEFITS UNDER THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b)(2)(A) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended as follows:

(1) Clause (i) is amended by striking the matter preceding subclause (I) and inserting the following:

''(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—''.

(2) Clause (ii) is amended to read as follows:

''(ii) OTHER APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more CBTPA beneficiary countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States).''.

(3) Clause (iii)(II) is amended to read as follows:

''(II) The amount referred to in subclause (I) is as follows:

''(aa) 290,000,000 square meter equivalents during the 1-year period beginning on October 1, 2001.

''(bb) 500,000,000 square meter equivalents during the 1-year period beginning on October 1, 2002.

''(cc) 850,000,000 square meter equivalents during the 1-year period beginning on October 1, 2003.

''(dd) 970,000,000 square meter equivalents in each succeeding 1-year period through September 30, 2008.''.

(4) Clause (iii)(IV) is amended to read as follows:

''(IV) The amount referred to in subclause (III) is as follows:

''(aa) 4,872,000 dozen during the 1-year period beginning on October 1, 2001.

''(bb) 9,000,000 dozen during the 1-year period beginning on October 1, 2002.

''(cc) 10,000,000 dozen during the 1-year period beginning on October 1, 2003.

''(dd) 12,000,000 dozen in each succeeding 1-year period through September 30, 2008.''.

(5) Section 213(b)(2)(A) of such Act is further amended by adding at the end the following new clause:

''(ix) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES FROM UNITED STATES AND CBTPA BENEFICIARY COUNTRY COMPONENTS.—Apparel articles sewn or otherwise assembled in one or more CBTPA beneficiary countries with thread formed in the United States from components cut in the United States and in one or more CBTPA beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more CBTPA beneficiary countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS).''.

SEC. 6. TRADE BENEFITS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT.

Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) is amended as follows:

(1) Paragraph (1) is amended by amending the matter preceding subparagraph (A) to read as follows:

''(1) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—''.

(2) Paragraph (2) is amended to read as follows:

''(2) OTHER APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States).''.

(3) Paragraph (3) is amended—

(A) by amending the matter preceding subparagraph (A) to read as follows:

''(3) APPAREL ARTICLES FROM REGIONAL FABRIC OR YARNS.—Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries (including fabrics not formed from yarns, if such fabrics are classified under heading 5602 or 5603 of the HTS and are wholly formed in one or more beneficiary sub-Saharan African countries), or from components knit-to-shape in one or more beneficiary sub-Saharan African countries from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, or apparel articles wholly formed on seamless knitting machines in a beneficiary sub-Saharan African country from yarns originating either in the United States or one or more beneficiary sub-Saharan African countries, subject to the following:'';

(B) in subparagraph (A)(ii)—

(i) by striking ''1.5'' and inserting ''3''; and

(ii) by striking ''3.5'' and inserting ''7''; and

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

''(B) SPECIAL RULES FOR LESSER DEVELOPED COUNTRIES.—

''(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment under this paragraph shall be extended through September 30, 2004, for apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric or the yarn used to make such articles.

''(ii) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—For purposes of clause (i), the term 'lesser developed beneficiary sub-Saharan African country' means—

''(I) a beneficiary sub-Saharan African country that had a per capita gross national product of less than $1,500 in 1998, as measured by the

International Bank for Reconstruction and Development;

''(II) Botswana; and

''(III) Namibia.''.

(4) Paragraph (4)(B) is amended by striking ''18.5'' and inserting ''21.5''.

(5) Section 112(b) of such Act is further amended by adding at the end the following new paragraph:

''(7) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES FROM UNITED STATES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY COMPONENTS.—Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from components cut in the United States and one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, or from components knit-to-shape in the United States and one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS).''.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

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

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

When we were younger and engaged in various activities, I was involved in sports, and I know on those long workouts during the summer we would be doing jumping jacks. One of the things we repeated constantly was, ''Every day in every way we're getting better and better,'' probably in the hopes that mind would overcome matter because we were not very good in terms of the team. But the belief that you can do better, I think, is important. We never said, ''Every day we're perfect.'' We were getting better.

There have been a number of discussions on this floor about the procedure, about the substance and about the way in which the House has been operating. I am here to tell you that today in every way, we are getting better and better. Are we perfect? No.

What you have in front of you is a piece of legislation sponsored by the chairman of the Committee on Ways and Means, cosponsored by the ranking member, the chairman of the Subcommittee on Trade and the ranking member of the Subcommittee on Trade. In addition to that, I want to thank our colleagues on the committee, the gentleman from Washington (Mr. MCDERMOTT) and the gentlewoman from Washington (Ms. DUNN). I especially want to underscore the contribution that the gentleman from Michigan (Mr. LEVIN) made not just on this bill, but on the Caribbean Basin bill in terms of labor rights, which we adopted to place into the Andean portion of this bill. I want to thank the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from California (Mr. ROYCE) in terms of their assistance and support on the African portion of this bill.

The fundamental premise of this bill is that we ought to trade commercial products, not drugs. To the degree that is going to be possible, we can affect the supply side of the supply-demand problem with drugs. We included the Caribbean Basin Initiative and Africa in this bill because I think it is extremely important that when we offer these regions marginal benefits under our laws that they do not think that it is taken from one area to be given to another, that in fact a rising tide can float all boats.

And so today we are pleased to bring to the floor a bipartisan bill that passed the committee on a voice vote; that although there are some concerns by some areas because whenever you talk about trade, you are talking about change and change is not only painful, but difficult. We will commit to those who believe they are disadvantaged that when the facts are presented and the case is made, we will do everything in our power to adjust the arrangement so that it contains and will be what we believe this bill is, a win-win relationship.

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

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

This agreement expires on December 4, and I rise in support of the bill. I sharply disagree with the statement made by the chairman of the Committee on Ways and Means that this bill is just a little short of being perfect. I think we have a very, very long way to go to get our House and to get our committee back to the traditional concept that trade bills ought to be done in a bipartisan way.

There are just some things that are so important that many of us believe that we ought to set aside the strong objections that we have because it would be in the best interests of trade, the best interests of the people in the Andean countries, and fulfill the commitments that the American people have to our friends in this area. But I just wonder whether it is just old-fashioned to have bills and to have hearings on these bills, to have Members be able to share their concern about the economic impact that would result as a result of passing legislation.

I do not think we should have Republican bills and Democratic bills. And I do not think there is anyone in this House that objects to having trade, because it is just abundantly clear that trade is good for the United States. Trade creates jobs here, it expands our economic base, it allows us to have stronger friends, stronger trading partners, it promotes peace; but I do not see why we should not have more dialogue, why we should not have more hearings, why all of these things have to be done in such a unilateral way and why people just have to come to the floor and vote up and down, and if anyone disagrees with a bill that has been drafted unilaterally that automatically their patriotism is being challenged.

It is not over just because we pass a bill here. There are conferences. There are differences that have to be worked out. There is no reason why a good bill has to cause people to lose their jobs, whether it is in the textile industry or whether it is in the tuna industry. And people that complain about these jobs are not just whiners and those that are opposed to trade, they are just trying to keep the people in their districts from going on welfare or from having to try to get unemployment compensation, which we cannot even get a decent bill out of our committee to do that.

We have to realize that we are at war, and war means that we have to at least appear to be bipartisan and that we cannot allow personalities and politics to have a stronger impact in what we do than having respect for each other even when we disagree. I have a lot of disagreements with what is in this bill. I have a lot of disagreements with the procedure. I have a lot of disagreements with the process, the same way I do and did with the so-called trade promotion authority bill, or fast track.

I am not going to let anyone challenge my patriotism because I disagree with the process, the procedure and the substance of those bills. Nobody should have their patriotism challenged because they have legislative disagreements. We have to try desperately hard to make certain that these real disagreements do not bubble up to be disagreements that are going to be attached to parties, because if you study this bill, there are enough things that Republicans and Democrats should be working out together rather than having egos control the agenda.

And so while I support this bill, we have commitments to our friends in Africa, in the Caribbean Basin Initiative, we have to give support to those that are fighting the drug fight. My good friend and brother, the gentleman from New York (Mr. GILMAN), and I have been around the world for decades trying to stamp out the growth and the processing of drugs. But in poor countries you have to make certain that you give them some economic opportunities to substitute for those crops of death and destruction with crops and industries that promote a positive production of goods and services.

□ 1100

So I just hope that because I have cosponsored this bill and because Democrats on the committee that have very strong objections to the way this came to the floor are voting for this bill,

that it not be perceived that the problems that we had yesterday have disappeared today. If by coming forward and supporting the progress of this bill, it means that we can expect more cooperation from the other side of the aisle in conference, and that is turning and becoming a new attitude as it relates to other trade agreements that we will participate in, then it is a good day.

I would like to point out, too, that I have not had any problem with the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade; but I might add that I am disappointed that he has not been able to play the role that he has played in past sessions of Congress in trade because we have had just as many differences of opinion, but we have found ways to work our way out of them.

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

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, the sponsor of the bill and someone who has worked long and hard in this area and frankly very fruitfully in the last few years.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act. While this is an important piece of trade legislation that supports U.S. efforts to achieve the free trade area of the Americas, FTAA, by 2005, the President also believes this bill is central to U.S. national security and our efforts to combat drug trafficking both here in the United States and in the Andean region.

H.R. 3009 will renew and expand duty free tariff treatment to our regional trading partners Bolivia, Colombia, Ecuador and Peru. The current Andean Trade Preference Program will expire on December 4 unless Congress acts.

We need this critical legislation to expand U.S. trade and to help Andean entrepreneurs find practical and profitable alternatives to cultivating crops for the production of illicit drugs. If we fail to renew APTA, we not only turn our backs on the people of Bolivia, Colombia, Ecuador, and Peru who are struggling daily to resist the lure of the drug economy, but we also will be turning our backs on our fellow Americans who are fighting drug scourge here at home and in Latin America.

Thanks in large part to the APTA's duty free tariff treatment, Peru and Bolivia in particular have succeeded in stamping out much of their illicit drug production while expanding job opportunities in trade and legitimate agriculture and rural industry. Although Colombia and Ecuador's success have been less dramatic, new strategies, including Plan Colombia, are even now being implemented to combat the drug cartels. Instead of waging a war against the drug cartels solely through military aid, APTA endeavors to target the region's poverty and the lack of job opportunities as motivation for otherwise good, productive citizens becoming involved in illicit crop cultivation and the drug trade.

Trade statistics demonstrate that over the life of the existing APTA program, two-way trade between the United States and the region is nearly doubled. When we consider the secondary effects, legitimate jobs created in the Andean region and the economic and civil stability that these jobs bring, we realize that the APTA has been a useful tool in our war against drugs.

The bill before us builds on the successful APTA program by enhancing benefits available to Andean countries interested in pursuing our objectives relating to expanded market access for U.S. exports, fair treatment for U.S. investors, and strong protections for our valuable intellectual property rights. I would say to my colleagues on the other side of the aisle that the bill also includes conditionality drafted by the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN) relating to the extent to which these countries provide internationally recognized worker rights.

Mr. Speaker, H.R. 3009 will be a valuable tool for President Bush and his team to use to undermine the powerful drug cartels and to spur our country's broader trade agenda. I urge a ''yes'' vote on H.R. 3009.

Mr. RANGEL. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan (Mr. LEVIN) for the purpose of controlling time, an outstanding member of the Committee on Ways and Means, the ranking member of the Subcommittee on Trade and one who, without his efforts, we would not have many of the trade bills that we have today.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA), my friend.

Mr. HINOJOSA. Mr. Speaker, I rise in support of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

For years, Latin American countries have struggled to strengthen their economies to ensure a better quality of life for their people. I have visited many of these countries and know firsthand the progress that has been made and the work that still needs to be done.

Since the inception of the APTA in 1981, Colombia, Bolivia, Peru, and Ecuador have worked hard to reduce their narcotics trade and to move workers into nondrug-related industries. Because of APTA, they have increased their exports to the U.S.A. by almost 80 percent and have created an estimated 140,000 jobs in their region.

This trade, however, has not been one-sided. The U.S.A. has benefited by becoming the largest exporter to the APTA countries. Two-way trade has doubled since 1991. This increase in exports has expanded job opportunities in the U.S.A. Colombia, Bolivia, Peru, and Ecuador are on the front lines in our war against narcotics, and we need to do everything we can to help them win this war. By extending this act for another 5 years, we will encourage democracy, free enterprise and economic security in the region.

I urge my colleagues to support this legislation.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa of the Committee on International Relations and someone who has worked with members on our committee to make sure that the African portion of this bill is as good as we could get it.

Mr. ROYCE. Mr. Speaker, this legislation will promote economic growth in Latin America and in Africa. It is going to promote American national security.

Last year, the African Growth and Opportunity Act was signed into law. It was bipartisan legislation. For the first time, our country stated its interests and established a meaningful policy to trade with the nations of Africa. The U.S. Government and, more importantly, the U.S. private sector have begun to treat Africa as a place to do business; and this bill will help further.

As chairman of the Subcommittee on Africa, I am pleased to report this legislation is having a profoundly positive impact on Africa. Several of the African countries that are making the market reforms required in the bill are attracting levels of foreign investment, and they are importing well beyond expectations. In these countries, desperately needed jobs are being created as more jobs are being created overall in the United States as a result. It is strengthening the rule of law in Africa.

The bolstering of the rule of law and economic reforms are good for Africa, and they are good for the U.S. U.S. exports to Africa are up since it went into effect, and there is a national security gain for us.

Yesterday, I chaired a hearing on Africa's role in the fight against global terrorism. One witness described the continent as the soft underbelly in the fight against terrorism. One thing is for sure, when people are jobless, they are more susceptible to those who would lure them into radicalism.

The bill also won us political goodwill in Africa, a valuable asset in today's world where cooperation matters more now than ever.

We are going to be doing more to promote trade with and economic development in Africa and Latin America, and I describe this legislation as a step in the right direction for our many interests in the southern hemisphere; but we better be running a sprint, not walking, in many parts of the developing world if we are going to be effectively combatting terrorism.

We need to be doing all that we can, as soon as we can, to see that large parts of the world are not mired in hopelessness. It is a tall task to change that. It will not happen overnight; but we have some tools, including this legislation, to help our interests in Africa and in the western hemisphere.

Mr. LEVIN. Mr. Speaker, I yield myself 5 minutes.

I support renewal of APTA. It will help promote economic development and growth in the Andean countries. It is the most valuable way that we can assist them and combat the grip of illegal drugs on their economies.

I also support a reasoned, balanced expansion of the products under APTA, to include textile and apparel products.

The trade issues are multi-dimensional. We must strike the right balance by taking into account the impact on other countries and very vigorously the impact on our country, our workers, our businesses.

Last year, when we passed the African and Caribbean bills, we struck an appropriate balance. We crafted a bill to build on the complementarities between the textile and apparel industry in those countries and in ours.

Regarding APTA, the committee staffs were working to craft a bill that would expand it while recognizing the multi-dimensional nature of trade. There was agreement, and I point this out, on duty free treatment for the following Andean apparel products: unlimited quantity of apparel made from U.S. fabric and made from two specialty regional fabrics, and limited quantities of apparel made from regional fabrics and yarn.

Then on short notice, the chairman of our committee called a markup. He eliminated the requirements relating to use of U.S. yarn in U.S. fabric, and he doubled the cap on apparel made from regional fabric and yarn. He proposed substantial changes in the textile and apparel caps and quotas within the Caribbean and African bills, bills which have been in place for only a year or little more, and bills where the textile and apparel provisions were reached only after long and hard negotiations. I asked at the markup what the impact of these new provisions would be on American jobs, but no one had an answer. There clearly is a need for serious re-examination of the proposed formulas in this bill for textile and apparel, both in the Andean nations and for CBI and AGOA.

There also remain outstanding questions on the implementation of the international core labor standards. One of the core aspects mentioned of this bill is that it addresses the issue of labor-market standards and trade. It has strengthened the labor market criteria previously applicable to APTA.

These provisions have particular current relevance to the situation in Colombia where large numbers of labor leaders have been murdered. The government of Colombia recently sent a letter to us describing Colombia's commitment to core labor standards and discussing in some detail programs to combat child labor and for the protection of union leaders.

Because we are now in the process of trying to complete discussions with the Colombians on implementation of these programs—by the way we need the involvement of our administration—and because of the need for further work on the proposed changes relating to apparel and textile imports, it is regrettable that the majority decided suddenly to bring up this bill with only a day or two of notice.

Because APTA expires on December 4, there is a strong argument that on balance it is better for Members who, as I do, have concerns about this bill to vote to move it along, a bill, by the way, which I have not cosponsored, and to focus on working with the Senate and any subsequent conference to address the shortcomings in this bill in its present form.

In that regard, I spoke last night with the chairman of the Finance Committee of the Senate, MAX BAUCUS. After this conversation, I was reassured that the Senate will provide a meaningful opportunity for consideration of the changes proposed in this bill that were not fully aired in our committee. Also, there will be a chance to fully analyze all parts of it before action. Such opportunity must include a weighing of all the potential impact on the economy, businesses, and workers of this Nation.

Consequently, I have decided on balance that the better course is to vote to move along this bill to the Senate. I do so with the intention to continue to be in fullest touch with colleagues in the Senate and to participate as actively as possible in any conference to ensure that the final bill remedies the problems in the bill before us; and if that does not happen, to be able to vote against the bill when it returns to the House for final action.

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

□ 1115

Mr. THOMAS. Mr. Speaker, it is my privilege and pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the committee.

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

Mr. Speaker, 10 years ago the United States made a commitment to the Andean region, and today we have an indispensable opportunity to renew that commitment. Renewing and expanding the Andean Trade Preference Act will promote broad-based economic development in the region, as well as develop viable economic alternatives to coca cultivation and cocaine production.

Beyond that, and very importantly, H.R. 3009 eliminates the U.S. tariffs on the import of tuna from Andean nations. The tariffs on tuna are among the highest and most anticonsumer anywhere in our system: 10 percent when packed in water, 35 percent when packed in oil. The irony is, the domestic industry that these tariffs allegedly protect has largely moved offshore. The only major U.S. production center remaining is in American Samoa where StarKist employs 2,700; and Thai Union, a foreign competitor, employs 2,500. It is worth noting that domestic production of tuna totals 30 million cases per year, which is only two-thirds of the U.S. demand, so we expect to import a significant amount of our tuna.

Mr. Speaker, clearly no dumping of tuna in U.S. markets will occur as a result of this legislation and no operational capacity will be shifted out of American Samoa either. The western tropical Pacific is and will remain the best tuna fishing grounds, and StarKist has made it clear that they are prepared to pick up any job losses that might result in their competitor facility.

Given these economic statistics, U.S. trade policy during the last 8 years has supported reducing tuna tariffs. Ironically, Ecuador, which is not part of NAFTA or CBI, is still facing these high tuna tariffs, whereas the participants in those agreements are not. Yet Ecuador is the only nation in all of Latin America and the Caribbean to be certified by the U.S. Department of Commerce as being in compliance, as ''dolphin safe'' and in compliance with the eastern Pacific tuna conservation measures.

Environmental groups active on the ''dolphin safe'' issues support the inclusion of this legislation. To quote the Earth Island Institute, the leading environmental group on dolphin-safe fishing, ''By reducing tuna tariffs for Ecuador, Congress can reward that country for their efforts to protect dolphins. Furthermore, by reducing tuna tariffs, Congress can provide incentives to other nations to protect marine mammals.''

Contrary to some allegations that are made here, including tuna in this bill will not adversely affect the job situation in the United States. In fact, according to the U.S. Department of Labor, the original ATPA agreement ''does not appear to have had an adverse impact on or have constituted a significant threat to U.S. employment.'' This is a win-win for us.

Mr. Speaker, I encourage all of my colleagues on both sides of the aisle to support this bill and move it forward as an important part of our commitment to our partners in Latin America.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes and 15 seconds to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in opposition to H.R. 3009, because the hemorrhaging of jobs must stop and someone has to take a stand.

I am not surprised, and I do not think anybody should be surprised, by how this bill got to the floor. The same folks who engineered this bill getting to this floor support, surrendered the Congress' authority to deal with trade matters outlined in Article I, Section 8. I did not come here to surrender my responsibilities. Read Article I, Section 8.

I join my colleagues in their concerns about Andean countries that the actual jobs and working conditions would be poor at best of those jobs created. We are giving our jobs to these countries even though 4,000 trade unionists have been murdered in the last 15 years, and 130 of them so far this year.

My district, Mr. Speaker, is probably one of the largest Peruvian American populations of any Member in the House. Some of my Andean constituents want this legislation passed to give their unemployed relatives back home jobs. However, many Peruvian Americans are the same immigrants whose jobs will be lost in my district under the provisions of this bill.

Mr. Speaker, we have set up a Catch-22 situation. We are unfairly pitting brother against brother and sister against sister, and it was tremendously outlined this morning when the gentleman from North Carolina (Mr. COBLE) pointed out very succinctly what this means. According to the Associated Press, the U.S. Trade Representative admitted at the WTO meeting that ''The United States said * * * it conceded everything it can without the approval of Congress.''

Our economy is in too much turmoil to send decent manufacturing jobs overseas, not to be replaced with wage and benefit equivalent jobs. Why do our policies allow this to happen? What do Americans get in return for giving up their jobs?

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the chairman, and I commend him for putting together a balanced product. It is not a lot of trade for the United States; it is a relatively small amount of trade with the Andean countries, but it is extremely important to the Andean countries.

As has been already talked about this morning, it gives the President the authority to grant duty-free treatment. This existing authorization has resulted in a doubling of bilateral trade between our countries in the last 10 years, dramatic improvements in living standards in countries in the Andean region; and unfortunately, this needed authorization expires on December 4. So we need to move and move quickly.

If we do not, it would essentially raise duties on $2 billion of imports from our Andean trading partners. This would send exactly the wrong message to our Andean friends who have made great strides in the last decade with regard to international drug trafficking and have also recently been strong partners with the United States with regard to terrorism.

The drug trade is something that, of course, is very important to all of us here, Mr. Speaker. We are told that practically all of the cocaine and most of the heroin that comes into the United States and is consumed here comes from the Andean region. Many of the areas' farmers turn to growing coca and opium poppy, of course the raw materials for cocaine and heroin, because they simply, given the economic problems in these countries, do not have other viable, legitimate, lawful activities. Most of these farmers would rather not be part of the odious drug trade that has so many detrimental impacts for those countries, as well as for our country, but they are left with no viable options to take care of their families.

We need to give these people other viable options. We can do that through trade. We have done that over the past 10 years. We need to continue to and expand on it.

Always, ATPA, the way the chairman has put together this bill before us today, which I think is a balanced product, is a very important way to use trade to level the playing field, as compared to other countries in the Western Hemisphere, in the Caribbean, in Central America, Mexico; and that is extremely important for these Andean countries.

Mr. Speaker, expanding trade and economic opportunities in this area will bolster regional stability, strengthen democratic institutions, and dramatically assist in our fight against drug trafficking. I strongly urge the Members to support it.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JEFFERSON).

Mr. THOMAS. Mr. Speaker, in accordance with the bipartisan nature of this bill, it is my pleasure to yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON) from our side of the aisle.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. THOMAS) for yielding me this time.

Mr. Speaker, I rise in support of this bill. I support the provision relating to the Andean Preference Act, of course the provisions to enhance worker rights, human rights, for democracy-building, for antinarcotics provisions, and to promote U.S. exports for both Latin America and the Caribbean. But I rise today to speak on behalf of the AGOA II provisions in the bill before us.

Increased international trade and investment is a key component leading to economic development and growth in sub-Saharan Africa, and economic growth is an integral element of any sub-Saharan strategy to overcome the many and severe social, health, political, environmental and other challenges.

Last year the African Growth and Opportunity Act became law, as the Trade and Development Act of 2000, and marked the historic policy which defined the trade and investment policy in this neglected region of the world. Indeed, the African Growth and Opportunity Act, or AGOA, is just over a year old and already has had remarkable results. U.S. trade with sub-Saharan Africa increased 50 percent in the year 2000.

Examples of results from the AGOA include a Government of Kenya estimate of the creation of 50,000 direct and 150,000 indirect jobs resulting from new investments; new investments in Lesotho of $120 million, four times the official development assistance for that country; investment plants for a new tuna processing facility in Ghana; and significant increases in apparel exports from countries such as Lesotho, Kenya, Madagascar and South Africa.

Clearly, AGOA has demonstrated initial success in promoting greater commercial activity between the United States and sub-Saharan Africa, has spurred and bolstered economic reform in several African countries, and has facilitated closer relations between the United States and sub-Saharan Africa. Imports from Africa are growing more quickly this year than imports from Asia, Europe or Latin America, with apparel making up most of the import growth, translating to thousands of new jobs.

I and others have traveled many times to Africa in the last year to gain a firsthand view of how the bill is operating in practice. In all, we were able to gather important information which was used to design the AGOA II legislation. While the provisions of the bill do not include all of the items that we would want in the AGOA II bill, I am pleased that the Congress and our chairman and our ranking member and others have continued to focus on the commitment to Africa and these countries.

Specifically, the AGOA II provisions amend the AGOA to clarify that preferential treatment is provided to knit-to-shape or ''wholly assembled'' apparel articles assembled in beneficiary countries; amend the AGOA to provide preferential treatment for apparel articles that are cut both in the U.S. and beneficiary countries; doubles the apparel cap for apparel made in Africa from regional fabric made with regional yarn from 3 to 7 percent over 8 years; and allow Namibia and Botswana to benefit from the ''lesser developed beneficiary sub-Saharan African country'' provisions of the act.

It also gives guidance to our administration as to how to interpret the act's provisions and provides technical assistance for capacity-building. I know that there are, though, domestic concerns regarding the narrow expansion of the apparel benefits in the bill.

It is important to note that while imports of apparel from sub-Saharan Africa increased in 2000, they still represent less than 1.5 percent of U.S. woven apparel imports and less than 1.2 percent of U.S. knit apparel imports. The AGOA program can hardly be considered a threat to domestic producers.

Drug trafficking, the AIDS pandemic, arms proliferation, terrorism, these are the real threats. Economic growth and development and job creation are powerful weapons to counter these concerns that affect the global community of which the U.S. has a leadership role.

I know that many of my colleagues have raised concerns with the House considering the bill at this time, but now is the time. These provisions are essential for African nations at this time, as African economies will likely be the hardest hit by the global economic slowdown. The U.S. has committed itself to promoting prosperity, stability, and democracy in sub-Saharan Africa, the Caribbean, and the Andean region. We cannot let our friends down in this time of great need.

I urge my colleagues' support for this bill as we strengthen our efforts to improve the operation of AGOA and improve sub-Saharan Africa utilization of the AGOA program.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, and someone who has devoted extraordinary time in the area of trade internationally, and who has been an enormous help on this bill as well.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his comments. I also wanted to commend him for his leadership in bringing this extraordinarily important piece of legislation to the floor at this time.

□ 1130

I do stand here today because of my role as chairman of the Subcommittee on Foreign Operations, Export Financing, and Related Programs, understanding the interrelationship between our foreign policy and our economic policy.

Offering the promise of greater trade with the United States to the Andean countries is a critical component of our foreign policy. The original ATPA was created to foster legitimate economic relations between the United States and the Andean region and to stimulate legitimate economic alternatives to narcotics production and trafficking in the Andean region.

The ATPA has been successful in both counts. It has helped to foster trade between the U.S. and the Andean countries, and it has nearly doubled over the last decade the trade with that region to $18 billion, to the mutual benefit of U.S. and Andean businesses, and to consumers here in the United States.

At one level, expanded trade is about consumerism. Lower tariffs means lower prices for the U.S. consumers, families, and businesses that import products from these countries. The interests of these consumers are vital. When we lower barriers to trade, we increase the quality of life for our citizens.

But at another level, ATPA is about our national security policy at home and in this hemisphere. We are fighting a drug war here in the United States and abroad. This bill helps to generate economic growth in the Andean region. Such growth is needed to stabilize these democracies and empower their societies with the means to improve their quality of life.

During consideration of our foreign operations bill, an overwhelming number of Members supported alternative development efforts by USAID and others. In the fight against drugs, ATPA is the best alternative development plan we have going.

When I visited this region last spring to look at our Andean initiative, every single official that I talked with said the single most important help we could give to the region was to renew and expand the Andean trade Preference Act and allow them to trade.

I urge my colleagues to support this bill.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to the bill and in support of the motion to recommit to be offered by the gentleman from South Carolina (Mr. SPRATT).

Step by step, I guess we could say thread by thread, I think we have unraveled the viability of textiles and apparel manufacturers in this country to operate. We have done it by making it possible, indeed encouraging, the largest manufacturers to take their manufacturing operations offshore in search of cheaper labor, and by making it impossible for small manufacturers to compete staying here because they cannot take their operations offshore. So the result is an industry that just simply cannot survive.

We have done it in the name of free trade, in the name of helping those in other countries. We have ignored the viability of businesses that employ people down the street from us in our own communities. We cannot continue to do this. This bill is yet another step in that direction.

The gentleman from Louisiana (Mr. JEFFERSON) is right, that if we look at this bill in single focus, it does not have the gigantic impact; but when we couple it with NAFTA and other free-trade agreements that have taken place, the totality gets us to a point where textiles and apparel in this country simply cannot exist. That is not a result that we should encourage or allow.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this bill is good for America, it is good for the Andes, and it is good for anyone who is concerned about more jobs and better jobs, and about the environment and labor here in America and around the world.

In the last decade, because of this new trade between America and the Andes, we have created 140,000 new jobs in the Andean region, jobs that used to be dependent on drug trafficking but now are dependent on a real economy. As a country like America knows, we have had so many in our families destroyed by drug trafficking here and at home, so every effort we can do to replace that and stem that offshore is good for us.

In Colombia, for example, we have seen the flower industry become a model industry, initiating antiviolence training programs, helping people buy new homes, leading a ''greener Colombia'' effort. These are model industries for worker rights and the environment they have never done before.

They can do more and want to have more model industries, and we hold them back, because only 10 percent of the goods from the Andes are eligible for ATPA benefits. We need to expand them, because in the end, competition is not only good for America, but it is our future, as well.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking member of our Subcommittee on Trade for yielding time to me.

Mr. Speaker, Bolivia, Ecuador, Peru, Colombia, are our neighbors to the south. They are our friends, and they are hurting.

Bolivia's economy particularly is hurting, in large part because they did exactly what we asked them to do: they eradicated the drug culture in their country. All they are asking from us now is for us to give them the opportunity to sell their legal products and produce to the United States. Products like alpaca and llama wool which we don't even produce. They have really paid an enormous cost, and they deserve this treatment under our ATPA.

Likewise, Colombia: we are sending billions of dollars through our military to wipe out the drug trade in Colombia with relatively limited success. The principal reason why it has limited success is because there is very little alternative for many of these farmers, unless we can enable them to have a competitive market in the United States for their produce and their products.

Likewise with Peru, who just elected an indigenous leader, a fine person who wants to work very closely with our country. So also is the case with Ecuador.

This bill, very importantly, includes the kind of help that Africa for generations has needed, as well as the Caribbean Basin countries. It includes very strong labor protections: the right to organize, to form unions; minimum employment age; much-improved working conditions. We passed the Africa Growth and Opportunity Act overwhelmingly, and this simply sustains it.

Mr. Speaker, this is the kind of bill that we need when the world's economy is falling into recession. We need to pull ourselves out of recession by opening up free and fair trade. Let us vote for this needed bill.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I do so to announce that the next speaker is the gentleman from Georgia (Mr. COLLINS). He is a member of the Committee on Ways and Means, and obviously, given the geographic location of his State, he is significantly involved with and concerned with textiles, from raw fiber to the production of the final product.

He, along with most of the other people in the textile belt, has suffered significantly.

The reason I took this extra time is that I wanted to make sure in the introduction that everyone understands the role that he has been playing, that is, he has looked at the way the world is and wants to work to make sure that we have a viable and useful relationship and that we do not just try to stop the world.

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

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

Mr. Speaker, yes, we are all concerned about the instability in parts of the world that we have trading partners in: Africa, the Caribbean, the Andean areas. We should be worried and concerned about them, because as trade partners, they need the wherewithal to buy our products. They need jobs to help bring stability to those areas.

But as the chairman said, I am concerned about jobs in the United States, too, in one particular area, and that is in the area of textiles, which has been suffering for some years now, based in large part on some of our trading in the past.

Mr. Speaker, this bill in no way is perfect. We understand that. The chairman has mentioned that. I remember back in the early part of this year I was in Thomaston, Georgia, meeting with the chamber of commerce and people representing agencies from the State and the Federal Government to talk about economic recovery, because the textile mill that had been in operation for 102 years made the announcement they were closing their doors, that they no longer could compete.

As I sat and listened to those who presented all these good programs to help the people who were being displaced from their jobs, I made the comment, it is great to hear these people here with these offerings, but where were they when the patient was becoming ill? I had been conversing with the people at Thomaston Mill for several years and heard they were on their way out because they could not compete.

No, this bill is not perfect. The part that bothers me is the regional content, the cloth and yarn provisions dealing with CBI in Africa, and the Andean reauthorization.

But the chairman understands this. He has stated here today that he knows this bill is not perfect. He has listened to the Representatives from the textile area, the caucus on textiles. He has heard their input. He has done some things in other areas that I think show it is evident that he has listened.

We have problems with transshipments, contraband, counterfeit material, claiming it is U.S. He has put provisions in the Customs reauthorization requiring additional people, paying for it, pertaining to textile transshipments.

He has put report language in the ATPA on rules of origin, to instruct our ambassador to go back and look at previous agreements and how we have negotiated those, and how it has made us more competitive in certain markets, particularly textile.

He is willing to increase and help in the area of the Trade Adjustment Act, so we can help with benefits for those who are displaced. We know there will be some.

In the area of currency, where we have all had problems, devaluation of currency in other areas, in other countries, for the first time, in ATPA there is legislative language that instructs the ambassador to make sure we have consultation up front in the discussions reflecting that we are going to be aware and marking what they do with their currency.

The report language requires that we talk and consult about reciprocating access so we can get our products into their market, not a one-way street.

The chairman has shown good faith, and I think he will continue to do so. The administration has shown good faith with the trade ambassador, Bob Zoellick. I think he will continue to do so.

Therefore, Mr. Speaker, I am going to vote ''yes'' on this bill; I want to move it forward. But I also am going to work with the chairman and the administration to see that we can perfect the areas that we all know are imperfect today. So I will be voting ''yes'' for that purpose, and I know that purpose will come through.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise on the Andean trade debate because I think this is one of the most important votes, one of the most important decisions that this House ever makes affecting the Andean countries in South America.

Certainly with the amendments to the Caribbean initiative and the Africa initiative, this is a very, very important trade bill.

The Andean Trade Pact was adopted in 1991. It sunseted this year so we would have a chance to review.

One of the parts that is broken in the process is essentially the flower imports from Colombia. I have spoken many times about the inequities.

We set that program up in the early 1990s because we wanted the Colombian flower growers to make sure they have a legitimate market to divert investment away from cocaine. The Colombian flower growers have done very well. They have done so well that they are now 70 percent of the American market. In fact, practically every flower we see in a supermarket in America comes from Colombia.

There has been an expense of that on the domestic side. We have lost hundreds of flower-growing small farms, small community greenhouse operations all over the United States. That is why so many Members of Congress have invested in this issue of wondering whether we ought to put the tariffs back on for Colombian flowers. Colombian flowers is big business. They can afford to pay the tariffs, the

same tariffs that are paid by other countries that import flowers. It is an equal playing field, a level playing field.

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This is the one part of the bill that never gets revisited. And obviously I voted against the rule because we did not get to bring an amendment up to the floor. And we are not going to be able to amend it at this moment. But I would hope that after 10 years of discussion, after 10 years of pointing out what the problem is, with even the Colombians admitting they are in a different situation now than they were 10 years ago, with the fact that it is not about cocaine any more. It is about a big business being able to have an exceptional break that is a detriment to our domestic market.

Mr. Speaker, I would urge my colleagues to work on trying to get the tariffs back on Andean flowers and I appreciate their concern. Thank you very much.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3009, the Andean Trade Promotion Act and Drug Eradication Act. I want to commend the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, and the gentleman from New York's (Mr. RANGEL) leadership in this initiative.

The current Andean Trade Preference Act provides duty-free treatment from a variety of U.S. imports from four Andean nations: Colombia, Peru, Bolivia and Ecuador. That program will expire in December of this year in a little over 2 weeks.

The current Andean program excludes many products that are key exports for the Andean region, such as apparel, footwear, tuna, which are essential to the region's future economic growth and development. If we fail to take this opportunity to expand legitimate trade links with this region, these opportunities are going to be lost and the ability to sustain the gains of the last decade will be diminished.

Eradication of drugs and creating jobs to increase trade go hand in hand, especially in our own western hemisphere.

The ATPA, which is now 10 years old, has played a vital role in the Andean region in the fight against illicit drugs. All of the world's cocaine comes from the Andean ridge.

In recent years more than 60% of the heroin sold or seized on our streets come from the Colombian Andes.

The minimal economic impact of ATPA pales in comparison with the annual $100 billion societal cost of these illicit drugs, and the 16,000 lost lives here each year.

Accordingly, I urge my colleagues to support H.R. 3009.

Mr. LEVIN. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. MCDERMOTT), my very distinguished colleague on the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, I appreciate the opportunity to rise in support of this bill.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Louisiana (Mr. JEFFERSON). I think he made the best case for why the part that I really am most knowledgeable about that goes to this bill is a good change.

Sub-Saharan Africa accounts for less than 1 percent of American exports and less than 2 percent of U.S. imports. It is an area where we struggle to have peace. And we cannot have justice without peace. We have to have some economic justice. We are watching the same problems in Afghanistan. We are watching them all over the world, and the whole idea of trade as a mechanism of peace is really very important.

Now, the reason we have these AGOA provisions here, there is a slight increase in the amount that they can import to the United States; but basically we are here because when we wrote the bill last year, legislators thought they knew what they were doing. We sent it over to the bureaucracy and Customs wrote the rules so that the Africans could not use the provisions to bring apparel into the United States. So part of this is simply being put in place to clarify what we did last year.

I think that if we do not do this kind of thing, we will begin spending our time and energy, we have already watched Sierra Leone, we have watched South Africa, we have watched all those countries that have had troubles, Ethiopia, all of them have had troubles; and what is needed is an economy that gives people a way to make a living, take care of their family, take care of their kids. This is essential as a part of our foreign policy. And I think that if Members do not like what we are doing in a lot of other places in the world, Members ought to be looking at trade as a way to help.

Mr. Speaker, I only would close by saying we did not deal with one of issues which is an issue we ought to be thinking about and that is the whole question of Bangladesh. Bangladesh is one of the poorest countries in the world that is being squeezed by all of the changes we have made, and you wind up with a country where women make up about 70 percent of the workforce and suddenly they will be out of work because of competition from other areas. So there is much more to be done in this trade area.

Mr. Speaker, I rise today in strong support of H.R. 3009, the Andean Trade Promotion and Drug Eradication Act.

In 1987, after serving 15 years in the Washington State legislature, I decided to leave politics. I wanted to continue in public service, however, and I joined the Foreign Service as a medical officer based in Zaire where, for a year and a half, I provided psychiatric services to Foreign Service, AID, and Peace Corps personnel in sub-Saharan Africa. I have witnessed first hand the severe social, health, political and environmental challenges the people of this region face on a daily basis. Increased international trade and investment is a key component leading to economic development and growth in sub-Saharan Africa.

Last year, the African Growth and Opportunity Act (AGOA) became law. It is the most significant U.S. policy statement to date on our commitment to assist these countries with their efforts to stimulate economic growth and development in this long-neglected region of the world. Imports from Africa are growing more quickly this year than imports from Asia, Europe, or Latin America, with apparel making up most of this import growth. This investment translates into thousands of new jobs and increased growth for many African economies. This boost comes at a critical time, as African economies are likely to be the hardest hit by the global economic slowdown.

AGOA II would: clarify that preferential treatment is provided to knit-to-shape or "wholly assembled" apparel articles assembled in beneficiary nations; provide preferential treatment for apparel articles that are cut both in the U.S. and beneficiary countries; "double" the apparel cap for apparel made in Africa from regional fabric made with regional yarn from 3 to 7 percent over eight years; and allow Namibia and Botswana to benefit from the "lesser developed beneficiary sub-Saharan African country" provision.

H.R. 3009 builds on the success of the Andean Trade Preference Act, which is set to expire on December 4, 2001, and builds on the bipartisan success of the Trade and Development Act of 2000—which was supported by an overwhelming majority of House and Senate Democrats, and signed into law by President Clinton. These efforts are critical tools in our efforts to build on our partnerships in the Andean countries, the Caribbean, and Africa, to promote democracy, and to combat illegal drug trafficking in our own Hemisphere. This bill will improve the operation of AGOA and increase sub-Saharan country utilization of the AGOA program. Moreover, the current program excludes many products that are key exports from the Andean region—such as apparel, footwear, and tuna—and are essential to the region's future economic growth and development. It is important that Congress renew the ATPA before it expires, but also to expand the program to provide trade preferences to commodities that are currently excluded.

The original ATPA was created to foster legitimate trade-based economic relations between the United States and the Andean region and stimulate legitimate economic alternatives to narcotics production and trafficking there. The ATPA has been a success on both counts, and has helped foster trade between the U.S. and the Andean region that has nearly doubled over the last decade to $18 billion to the mutual benefit of U.S. and Andean businesses. If we fail to take the opportunity to expand legitimate trade links with this region, these opportunities will be lost and the ability to sustain the gains of the past decade will be

severely diminished. This bill contains the same worker protections contained in the Trade and Development Act of 2000—these include the right to form unions, a minimum employment age, a ban on forced labor, and acceptable conditions of work—wages, hours, safety, health, the environment—as well as promoting international obligations to eliminate the worst forms of child labor. These provisions have the support of unions in Andean, Caribbean and African countries.

This bill is a grant of conditional trade benefits. Congress sets the term and conditions for expanded trade with the United States, and our trading partners must abide by them—if they do not—they will have these benefits taken away—period. Increase trade with the United States would lead to the building of new textile and apparel factories that would quickly provide jobs to thousands of rural peasants and urban workers. Jobs in these factories would pay wages at higher levels than the national average wage. They would also provide employment opportunities, particularly for women.

Throughout modern history, the pattern of economic development in every country has shown that the establishment of a viable textile and apparel industry has always been the first rung on the ladder to creating a modern, industrial economy. The pattern has also shown, that giving women employment opportunities and control over their family's finances is the best way to provide people in developing countries the economic resources to move up the economic ladder and obtain marketable education and training.

Increased trade and investment with these developing regions will continue to promote U.S. exports and create jobs here in this country. Enhancing the trade programs will continue to support democracy-building policies and reinforces the United States' commitment to promote prosperity, stability, and democracy in sub-Saharan Africa, the Caribbean and the Andean region.

I urge my colleagues to support this important bill.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the committee.

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 3009, which is a bill to extend the Andean Trade Preference Act through 2006. I want to thank the gentleman from California (Chairman THOMAS) and the gentleman from Illinois (Mr. CRANE) for their work in helping our friends in South America.

This legislation gives to the President the authority to grant duty-free treatment for certain imports from Bolivia, Ecuador, Colombia, and Peru. We know that trade is a vital part of our comprehensive strategy to fight the production and exportation of illegal drugs. But I thoroughly agree with the preceding speaker, the gentleman from Washington (Mr. MCDERMOTT), that this is a very important tactic that can be used in many different ways.

We can use trade, for example, to encourage Andean nations to pursue legitimate business activities that promote jobs and maintain economic and political stability in that region.

This legislation also includes provisions to amend the African Growth and Opportunity Act that we passed last year that helped Sub-Saharan African nations. The inclusion of preferential treatment for knit-to-shape articles, for example, a completed sweater, will help apparel companies in my part of the country, the northwest of the United States, that are now suffering from the slowdown in our economy.

It is my hope that we can address asparagus as this legislation moves forward. As the chairman is aware, Washington State has a huge asparagus industry that could be affected by increased imports from Peru. We need to find the answer to that problem.

In 1992, Peruvian asparagus imports amounted to only 4.1 percent of total United States production. In 2000, those same imports equaled 34 percent of the United States production. In 2000, asparagus production in 22,000 acres in Washington State added $51 million to the ag economy; and this represent 32 percent of national production, making Washington State the second largest producer in the Nation.

This is a vital agricultural product for my State, Washington State; and I look forward to working with the gentleman from California (Chairman THOMAS) and the subcommittee chairman, the gentleman from Illinois (Mr. CRANE), as we try to find an answer that will help growers in California and Washington and Michigan.

Nevertheless, I believe, Mr. Speaker, that we need to move forward with this measure. We need to do it now before the current agreement expires. And so I ask my colleagues to support H.R. 3009.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a very distinguished colleague.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to extend my appreciation and thanks to the chairman of the committee, as well as our senior ranking member, the gentleman from New York (Mr. RANGEL) for their willingness to see that maybe down the line in the legislative process we may work out a compromise; but at this point in time, I have to respectfully oppose the current legislation as it now states.

Mr. Speaker, my district is home to the largest tuna cannery facilities in the world. One cannery is operated by StarKist, which employs about 2,700 workers; and the other cannery is operated by Chicken of the Sea out of California, which employs about 2,500 workers. I note also to my friend from Pennsylvania, it is true, Chicken of the Sea is foreign owned, but so is Shell and British Petroleum and they are legally doing business here in our country, employing millions or even thousands of American people.

Today these companies employ, as I said earlier, 74 percent of our workforce. Approximately 85 percent of the private sector jobs in American Samoa are dependent either directly or indirectly on the tuna fishing or processing industry.

Mr. Speaker, I asked specifically StarKist and Heinz executives what financial loss StarKist would incur if canned tuna was not included in this agreement. I was told that StarKist would suffer no economic loss, other than the exception to the fact that tuna workers in Ecuador are being paid 69 cents an hour. My colleagues are probably not aware that minimum wage for cannery workers in American Samoa is only $3.20 cents an hour, which is far below even our national minimum wage.

Mr. Speaker, I submit my people do not want handouts. They want to work. Maybe of interest to my colleagues, for 40 years our leaders and our people purposefully did not want to have anything to do with the welfare program that was instituted in our country. Why? Because they did not want handouts. They want to work.

When all is said and done, Mr. Speaker, tuna processing and the fishing industry we have there is the only industry holding together the fragile economy of my district. American Samoa's only advantage in the global market place is duty-free access to the U.S. market. And what price did America Samoa pay for this trade privilege? We owe allegiance to the United States. Other countries do not.

Again, I submit I sincerely hope that we will be able to work out something that will be helpful not only to our tuna industry but as well as to assist our friends from the Andean countries.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW), a member of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

There is one part of this, and I understand the regional problems that some of the Members have with various portions of this particular bill. I think as Tip O'Neill expressed it very well, ''All politics is local.'' And they will vote according to their constituencies, and I think we all understand that. But we do have a common constituency that is suffering now, and we are getting aid and help for them in this bill, and that is the terrible problems that we are having across this country with drug abuse.

These countries, the Andean countries, they are working with us in trying to solve this problem. We need to close the vacuum that they are going to have on the economic damage that this is going to do and the job losses there. I think in all, and in the total of the bill, it is good for American workers. It is good for American business.

But there are obviously winners and losers.

Mr. Speaker, I would ask that the greater good be served and that all Members support this most important bill.

Mr. CRANE. Mr. Speaker, I have spent my career working to expand international trade. I firmly believe that free trade, economic stability and political freedom go hand-in-hand. The bill before us today will continue to encourage growth and stability in the Andean region.

That said, I would like to add that I also have concerns with Colombia's treatment of American companies and their failure, in some instances, to uphold their contractual obligations. As the author of this bill, I am pleased by the strides made both politically and economically by all of the countries in the legislation. However, given the fact that Kal Kan Foods, a major exporter of pet food to Colombia, has a large plant in my home state, I am very concerned about the effect prohibitive tariffs imposed by Colombia on pet food has on the hard working Americans in my state and across the country.

I believe it is essential for ATPA beneficiary countries to follow established WTO rules and adopt, implement and apply transparent—nondiscriminatory regulatory procedures and enforce their arbitration and court awards. These things are a condition of Colombia's benefits under current Andean trade law. To that end, I have included report language in this bill that directs the USTR to insist that the Colombian government remove all pet food from the price band system and apply 20% common external tariff on imports of pet food.

My concern on this issue is further exacerbated by reports about Colombia's failure to honor other agreements—specifically binding arbitration decisions as required under the current ATPA guidelines. The apparent disregard for the arbitration process found in the Nortel case does not appear to be an isolated incident. Other U.S. corporations like Sithe Energies, who is partnered with Exelon Corporation, find themselves in the same predicament. Resulting from arbitration, Sithe through their Colombian affiliate TermRio, was awarded approximately $61 million. Unfortunately, the Colombian government has failed to pay this award, contending that the claim is on appeal. To that end, the report accompanying the legislation includes the following statement: "The Committee urges the Government of Colombia to comply with such decisions and compensate Nortel, Sithe Energies and other U.S. corporations appropriately in order to maintain its beneficiary status under the ATPA."

The apparent failure of the Colombian Government to honor the terms of their agreements is very disconcerting. It puts at risk future foreign investment in Colombia at a particularly important moment in their history and further erodes confidence in the overall investment climate as well as the broader international business community. I strongly urge the Colombian government to move swiftly in addressing these problems, and I urge the Administration to monitor their progress.

Mr. LEVIN. Mr. Speaker, could the Chair give us the time remaining, please.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Michigan (Mr. LEVIN) has 2 minutes remaining. The gentleman from California (Mr. THOMAS) has 2½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I have about 2 minutes to reach out to not just the people on this floor, but everybody who is listening in their offices. I feel like I almost have to conjure John the Baptist to get this across.

Why are we debating a bill on the Andes when people are hurting all across this country right now today? If anything can be seen as showing the irrelevance of this Congress while people are losing their jobs all across this country, we cannot get a bill on this floor for a retail sales tax holiday. We cannot get the Travel America Now Act on this floor. But we can come in and get a bill so that drug dealers in the Andes can invest in gardening or anything else that they want to get into in order to come into this country and sell those products as well.

Do you think for a second that the drug dealers are going out of business with this bill?

We have got to come on this floor today and vote this down and demand that the Committee on Ways and Means come in here with bills that are going to address the economic problems that have happened since September 11.

All this calm discussion on this floor completely bypasses what has happened to the people in this country. All the small businesses in this country that come down here and we say we honor every day in this Congress, we are ignoring them right now. I am as hot as I can be about this because we are being ignored. I feel my heart pounding every day because I see people out of work. They cannot pay their bills in the next 60 days. They cannot make their mortgage payments. They cannot tell their kids why they cannot have clothes on their backs when they go to school, and we are talking about the Andes. We are talking about we need to move. This bill is time sensitive. What is time sensitive is whether we are responding to the needs of the people in this country, right now, post-September 11.

People from New York have to come down here and beg, beg this Congress to see whether we are going to respond to them. I do not want to hear any lectures about how the economy will recover in 3 years. I do not want to hear lectures on philosophic permutations that might take place in the overall economy.

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I want action now on behalf of the people of this country. Vote this bill down and get bills on this floor that address the economic needs of this country right this second.

Mr. THOMAS. Mr. Speaker, I yield myself the remainder of my time.

The gentleman began by invoking the name of John the Baptist. I would tell the gentleman if he would review the activity that has taken place on this floor in terms of moving legislation that would directly address the concerns that he has, this House has acted. I would suggest that he should implore the name of Tommy the Daschle if he is really looking for where the problem is in terms of not moving legislation.

This House has moved, repeatedly. We have sent product after product after product over to the United States Senate. And I know I am not supposed to mention the other body by name, and I know I am not supposed to refer to an individual by name and, therefore, I will say "the other body ain't there." They simply have not done their job.

I sympathize with the gentleman from Hawaii. I would love to have an economic recovery bill in front of the President. We did our job. I am anxious to go to conference with the product that the Senate has produced. I am anxious to rescue the Senate if they are not able to produce a product. We are ready and able to address all of the concerns that the gentleman outlined, and I would underscore the fact that we already have.

But what we have in front of us, Mr. Speaker, is a very modest bill, a modest bill that a number of people have worked on for a number of years. And all we have done is told the people of sub-Saharan Africa, we will give you, rather than 1, 3 percent market penetration. What we have said to the individuals in the Caribbean is that if you utilize our fiber and yarn to a very great extent, we will let you bring a few more products into our marketplace. And what we have said to the Andean countries is, if we could affect the demand side in this country to the degree that you have affected the supply side, it would be a significant advance in the war on drugs; but that, as gratitude, we will tell you, go pound dirt, because we are not going to offer you an opportunity to sell your goods in our country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), someone who has not looked at this from afar, but someone who has viewed this closely and firsthand.

Mr. KIRK. Mr. Speaker, I thank the gentleman for this critical piece of legislation in memory of the 5,000 Colombian policemen that have died in the battle against drugs. This is an important piece of legislation.

I applaud the gentleman for his support for U.S. national security. This

bill helps to dry up the source of money for drugs that would support terrorism after September 11.

I want to thank Chairman THOMAS, Mr. RANGEL, and Chairman CRANE, for sending the Congress a Renewal of the Andean Trade Preference Act. Eleven years ago, I served President Bush and Secretary Baker as part of the State Department handling western hemisphere affairs. In one of the bravest missions of his presidency, President Bush went to Cartagena, Colombia to stand against the Medellin cartel drug lords and with the new democracies of the Andes. As part of our commitment, I worked to craft the first Andean act to boost the legal businesses and democracies of the Andes.

Since that bipartisan landmark legislation, the Medellin cartel was crushed and trade of Andean countries shot up 80 percent. Over 140,000 jobs have been created, bolstering the economies of embattled democracies.

After September 11, the American people learned that we are fighting a new enemy: wealthy terrorists. Their wealth comes from that illegal drug trade. If we are to win this battle, we are going to use this Trade Preference Act to help the democratic governments of the region to offer their people a new way, based on trade with America.

I want to thank the governments of Bolivia, Ecuador, and Peru for their help. I want to especially highlight Colombia whose National Police Force has lost over 5,400 officers in the battle against drug lords and right-wing paramilitaries. This bill offers economic growth, democracy and human rights. I command the Ways and Means Committee and urge its adoption.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time to ask my colleagues to vote ''yes'' on H.R. 3009.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3009, the Andean Trade Promotion Act and Drug Eradication Act and I want to commend Chairman THOMAS (CA) and Representative RANGEL (NY) for their leadership in this initiative.

The current Andean Trade Preference Act provides duty free treatment for a variety of U.S. imports from the four Andean nations—Colombia, Peru, Bolivia, and Ecuador. That program expires on December 4, 2001—in a little over two weeks. Moreover, the current program excludes many products that are key exports from the Andean region—such as apparel, footwear, and tuna—that are essential to the region's future economic growth and development.

If we fail to take the opportunity to expand legitimate trade links with this region, these opportunities will be lost and the ability to sustain the gains of the past decade will be diminished. Eradication of drugs and creating jobs through increased trade go hand in hand, especially in our own Western hemisphere.

The ATPA, which is ten years old, has played a vital role in the Andean ridge in our fight against illicit drugs. All the world's's cocaine comes from the Andean ridge, and in recent years more that 60% of the heroin sold or seized on our streets comes from the Colombian Andes. The small economic impact of ATPA pales in comparison with the annual $100 billion societal cost of these illicit drugs, and the 16,000 lost lives here each year.

While I support the Andean Trade Preference Act (ATPA), as it provides a viable alternative for the growing and production of illicit drugs in the region, a large quantity of which make their way into the United States, I am concerned about H.R. 3009's labor standards. Many of my consitutents state that they would be in favor of the bill if it required adherence to these ''core'' labor standards as a precondition for receiving the benefits under the Act. By core labor standards, I refer to the International Labor Organization's 1998 Declaration of Fundamental Principles and Rights at Work: freedom of association, the right to organize and for collective bargaining and the rights to be free from child labor, forced labor and employment discrimination, which many people in the Andean Nations still face.

We will continue to monitor the reforms process in the Andean nations as we do in other parts of the world, and we will continue to pay particular attention to workers' rights. It is important that all nations respect workers' rights and the ILO's core labor standards and practices. While it is regrettable that there are violations of fundamental workers' rights in the region; we will work with the Governments comprising the Andean nations to ensure that labor standards are complied with, and those perpetrating acts of violence against workers are held accountable for their actions.

In addition to workers' rights issues, the Bill's fabric/textile provisions does not require that the apparel be ''wholly'' assembled in the Andean nation, and grants duty-free treatment to large quantities of apparel. While many feel that these provisions will cause more loss of jobs in an already devastated U.S. textile industry; I am committed to making sure that the Act in its implementation does not displace American jobs, and that there are retraining programs available for those who may suffer as a result of the ATPA.

While H.R. 3009, provides a vehicle to further eradicate the illicit narcotics trade in the Andean region, we must not lose sight of the important labor and environmental issues that the Act presents as well. We must address these issues with the same vigor and particularity as the trade agreements we seek to promote.

Ms. LEE. Mr. Speaker, I rise today in opposition to H.R. 3009. Yes, we want to promote trade, but we must also protect jobs.

I want to also express my deep disappointment for the Rules Committee not allowing Representatives MILLER and EVANS from offering their important amendment to protect trade unionists in Colombia.

I agree with my colleagues that Colombia should not be able to benefit from the trade provisions in this bill until that nation's authorities begin to investigate the deaths of at least 90% of the trade union deaths this year.

Violence against trade unionists in Colombia is the highest in the world and is growing each year. In the last 10 years, more than 1200 trade unionists have been murdered in Colombia. The ILO and UN High Commission on Human Rights have also condemned these attacks. I think the U.S. and this Congress should do what we can to stop this violence. The Miller-Evans amendment would have been a strong step forward; however, it was not allowed to be offered.

Thus, I am not able to support this bill and urge my colleagues to oppose it as well.

Mr. STARK. Mr. Speaker, I oppose H.R. 3009, the Andean Trade Expansion Bill not because I don't want to help eradicate the drug trade in the Andean region, but because this bill overlooks the importance of protecting labor rights overseas and sets up unfair trade circumstances for U.S. textile workers.

Labor activists are being assassinated and threatened in Colombia by the paramilitary organizations seeking to defend the illicit drug trade. I have joined with my colleagues in writing to the President of Colombia asking for him to investigate the various deaths of union activists who have worked diligently to try to bring fair and legal trade practices to a country whose primary export is cocaine. We have received no response and don't expect to. the U.S. is giving the Andean region duty-free status on various imports in hopes that the region will replace their drug economy with other sustainable economic alternatives. We get nothing in return, except corrupt governments that look the other way when it comes to international core labor standards. It is up to this Congress to stress the need for labor unionist protections when basic international labor rights are being violated and lives are being threatened.

The bill before us adds textiles and apparel to the list of imports that will be allowed into our country duty and quota-free. In addition to the Andean countries (Colombia, Bolivia, Ecuador and Peru) already included under the current Andean Trade Preference Act, Caribbean and sub-Saharan African countries will also be included in this duty and quota-free status for apparel. This will have a devastating affect on textile and apparel jobs here at home.

As I have already illustrated, the Colombian government has no use for international labor rights and a workers right to organize. Because of this disregard for workers rights, workers will continue to struggle in their plight of poverty toiling away in apparel factories making meager wages so that the corrupt government can take the proceeds and continue the drug trade. But it doesn't end here. The oppressed wages in the Andean countries, not to mention the Caribbean Basin and sub-Saharan Africa, will siphon off good-paying U.S. jobs to these lower-wage regions. This bill will hurt workers in the U.S. as well as workers in the various regions around the world. Clearly, labor is an inherent component of trade and must be addressed in this bill, as it must be addressed in every trade bill that confronts this Congress.

I urge my colleagues to vote no on H.R. 3009.

Mr. SMITH of Michigan. Mr. Speaker, I believe this legislation is vital to our efforts to eliminate the flow of illicit drugs into our Nation's communities. Additionally, we need to better attack terrorist organizations that use drug trade as a revenue source. While these measures are very important, I also urge the conferees on this bill to be careful not to give undue promotion to import products such as asparagus into this country that unfairly undercut American agricultural producers.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in qualified support for H.R. 3009, ''The

Andean Trade Promotion and Drug Eradication Act.'' This legislation, which extends the Andean Trade Preference Act, authorizes the President to extend trade benefits to Bolivia Ecuador, Colombia, and Peru. In addition, H.R. 3009 amends both the Caribbean Trade Partnership Act and The Africa Growth and Opportunity Act in a liberalizing way.

The legislation achieves these concurrent goals by developing a comprehensive framework of requirements and obligations. In order to receive the trade enhancements offered by this act, an eligible country must demonstrate to the President that it satisfies 7 conditions.

Countries must demonstrate commitments to WTO obligations, be an active participant toward the completion of the Free Trade Area of the Americas, provide intellectual property protection equal to minimum international standards, demonstrate a commitment to internationally recognized worker rights, eradicate child labor, and ratify and implement the Inter-American Convention Against Corruption. This legislation is a critical component of this Administration's effort to stop the illegal flow of drugs from these Andean countries.

H.R. 3009 provides a litany of criteria pertaining to eligible goods under the act. The practical effect is to promote a well regulated, yet liberalizing trade regime that deals directly with issues such as the unfair transshipment of goods to exploit tariff reductions.

At the heart of this trade philosophy is the profound notion that non trade goals, such as the eradication of illicit drug use in the U.S. and the recognition of international labor standards, can be linked to trade inducements that promote both economic and policy goals. This legislation therefore represents the recognition that comprehensive trade policy that recognizes trade externalities is a sound direction of U.S. Trade policy.

This legislation could be strengthened however, by acknowledging the additional U.S. trade priority of ensuring a safe sustainable development and in beneficiary countries so as to promote global environmental goals. By failing to recognize the importance of sustainable development to the American people, this legislation represents less a policy choice than a political one.

Thus, while I support this legislation, it seems to represent a growing divide among the voices for trade liberalization between those of use who welcome comprehensive prioritization of all factors pertaining to trade—labor, the environment, and other policy goals, with those who prefer to use U.S. trade as a carrot and stick to induce other countries to undertake U.S. priorities.

It is my sincere hope that the former position out weighs the latter in this body, and that this legislation and debate leads the way to a version of Trade Promotion Authority that all pro-trade Members of this House can be happy with.

Mr. ACEVEDO-VILÁ. Mr. Speaker, if enacted, the reduction of duties on canned tuna included in H.R. 3009 would immediately result in the loss of thousands of jobs for American workers in the tuna industry. I speak on behalf of some 600 workers in Mayaguez, hard working women, who will be without jobs soon if this bill as written is enacted into law.

A major goal of the Andean Trade Preference Act of 1991 is to promote prosperity, stability and democracy in the Andean region by providing favorable duty treatment for certain exports to the U.S. Although canned tuna is exempt from duty-free treatment, the import duty on frozen tuna loins is virtually zero. Tuna loins are exported to the U.S. for canning in Puerto Rico, California and American Samoa. The current duty structure on tuna over the past decade has created tremendous growth in the Andean Pact tuna industry. For example, over the past ten years the number of tuna factories has increased 229%, production capacity has increased 400% and exports to the U.S. have increased 567%. Clearly the current tariff structure for tuna has been a huge success for the Andean region.

I oppose reduced or duty-free treatment for canned tuna because such an action would destroy the remaining U.S. tuna industry in Puerto Rico and provide few additional benefits to the Andean region. Today the U.S. tuna industry provides more than 15,000 good jobs in economically challenged areas of our country such as Puerto Rico. If canned tuna from Andean Pact countries is provided favorable duty treatment, canned tuna will be dumped on the U.S. market destroying the U.S. industry. Ecuador and Colombia already have enough production capacity to supply the entire U.S. market and the U.S. canning industry cannot compete against labor costs of less than $0.70/hour. The risk of this dumping has already been experienced by Mexico, which recently imposed a 23 percent import duty on canned tuna products from Ecuador due to product dumping.

I do not believe that the U.S. must destroy the local economy of American Samoa and put at risk 600 jobs in Puerto Rico in an attempt to help the Andean region. To the contrary, the current tariff structure has been extremely successful in growing the Andean tuna industry while at the same time supporting important U.S. jobs. Moreover, the U.S. tuna industry has done its part to promote the Andean region.

The current tariff structure for tuna has benefited both the Andean Pact countries and the U.S. Changing it now will cause more layoffs in Puerto Rico where we have just recently suffered massive layoffs in the tuna processing industry from the closure a major plant facility. Changing the current structure would also have negative impacts on America Samoa and California in regards to job loss.

I want to thank my Democratic colleagues Congressman RANGEL and Congressman FALEOMAVAEGA for their steadfast support on this issue. I also want to recognize the support of Congressman CUNNINGHAM and Congressman TAUZIN and I remain hopeful that when and if a conference committee meets on ATPA later this year, that a compromise concerning the acceptable treatment of tuna can be realized.

Mr. ROEMER. Mr. Speaker, I rise today to voice my strong support for the ''Andean Trade Promotion Act.'' This trade legislation provides vital economic opportunity for the nations of the Andean region in South America and of sub-Saharan Africa, and for Indiana workers and businesses.

As we look for ways to stimulate our economy at home, it is important to seek free and fair trade agreements abroad. This legislation will continue to foster economic development and growth in the Andean region and in sub-Saharan Africa. The strengthening of these developing economies will bolster our economy as we seek to expand on American exports throughout the world.

I am especially encouraged by the provisions in this bill concerning issues pertinent to the African Growth and Opportunity Act (AGOA). We must continue to build on the important economic reforms and encouraging economic development that the AGOA legislation has brought to Sub-Saharan Africa. Since enactment of the bill two years ago, United States trade with sub-Saharan African nations has increased by 50%. In fact, the government of Kenya estimates that 50,000 direct and 150,000 indirect jobs have resulted from new economic investments within their country.

Clearly, there are vast economic opportunities in sub-Saharan Africa, a region with a population of 700 to 800 million people. The opportunity to trade our goods made in our factories by our workers must be exercised immediately. I believe that a strong emphasis on African economic development must also be accompanied by a continued commitment to meaningful micro-development loan programs that aim to empower the poorest people in Africa.

Mr. Speaker, the Andean Trade Promotion Act will spur continued economic growth and development in South America and sub-Saharan Africa. I will vote for this bill, and I encourage my colleagues to support this important trade legislation.

Mr. HYDE. Mr. Speaker, I rise in strong support of H.R. 3009, ''The Andean Trade Promotion and Drug Eradication Act,'' a measure to extend and enhance the Andean Trade Preference Act. Signed into law in December of 1991, this underlying legislation has been instrumental in promoting economic development and economic alternatives to coca cultivation in four Andean trading partners and allies in the war on drugs, Bolivia, Colombia, Ecuador and Peru.

It has provided improved access and duty free treatment for a wide variety of Andean exports into our market, and, according to a number of reports issued by the International Trade Commission, has helped to encourage the export of several nontraditional products, thereby raising the standard of living in rural areas in some recipient drug-producing countries.

Over the past 10 years, the Andean Trade Preference Act has played a vital role in the effort to combat the production of illicit drugs. All of the world's cocaine comes from the Andean ridge and in recent years more than 60 percent of the heroin sold or seized on our streets comes from the Colombian Andes. The success of our anti-drug efforts in these Andean countries directly affects our domestic security and the future of millions of Americans. By passing this measure today, we can bolster these efforts by creating thousands of jobs in legitimate industries and sectors that can benefit from duty-free entry into the United States.

To further enhance the effectiveness of this legislation, I would urge all the countries of the region to take all possible steps to enhance

the climate for foreign investment in their domestic markets. Particularly in regard to Colombia, I would urge the government to resolve as quickly as possible its investment dispute with TermoRio, including its major U.S. stockholder, Sithe Energies. I ask unanimous consent to insert in the RECORD recent correspondence on this dispute that was sent to the United States Trade Representative, the Honorable Robert B. Zoellick.

I would also point out that this legislation includes several important enhancements to the African Growth and Opportunity Act—promoting economic development and creating thousands of jobs in sub-Saharan Africa. The African Growth and Opportunity Act, enacted as part of the Trade and Development Act of 2000, has already promoted greater trade and investment between the U.S. and sub-Saharan Africa, boosting trade with that region by 50% last year, creating scores of new businesses and tens of thousands of new jobs from Kenya to South Africa.

I urge my colleagues to join me in supporting this measure which would further strengthen these trade and investment links, laying a solid foundation to our long-term relationship with the countries of sub-Saharan Africa and South America.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Andean Trade Promotion and Drug Eradication Act and its renewal and enhancement of the Andean Trade Preference Act (ATPA).

Additional trade spurs innovations and the development of better products while fostering competition.

The Act, with its explicit ''Trade Goods—Not Drugs'' message has fostered legitimate trade based economic relations between the U.S. and the Andean region and has stimulated legitimate economic alternatives to narcotics production and trafficking.

Trade between the U.S. and the Andean region has nearly doubled over the last decade to $18 billion to the mutual benefit of U.S. and Andean businesses.

In my home state of Virginia, we export over $50 million in products to the region.

Further progress will require an enhancement of the current programs to include an expanded range of Andean products.

It has been the policy of the United States to support the Andean Countries with foreign assistance.

However, removing barriers to trade with the U.S. is arguably more important to reviving the economic prospects of the region while helping to eradicate the narcotics menace terrorizing both the Andean Countries and the United States.

Mr. Speaker, I urge passage of the Act.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 289, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPRATT moves to recommit the bill H.R. 3009 to the Committee on Ways and Means with instructions that the Committee report back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended to read as follows:

''SEC. 208. TERMINATION OF DUTY-FREE TREATMENT.

''No duty-free treatment extended to beneficiary countries under this title shall remain in effect after December 31, 2006.''.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes in support of his motion.

Mr. SPRATT. Mr. Speaker, today, with almost no notice, the House takes up H.R. 3009. The ostensible reason is to extend the Andean Trade Preference Act. But if that were all it was about, we would voice-vote that extension in the blink of an eye.

This bill does not stop there. It goes on and, for the first time, grants duty-free, quota-free access for textile and apparel imports coming from the Andean countries. In addition to that, as if that were not enough, it gratuitously grants new trade concessions on top of those granted last year to 24 Caribbean countries and the 22 sub-Saharan African countries.

It has been said loosely on the floor here today, these are not major concessions, that they will not have terrific effects upon the textile industry. Let me tell my colleagues, this industry is reeling. Because of massive imports, job losses in textiles and apparel exceed the job losses in every other sector of our economy. When I came here, there were 2.1 million Americans working in the textile-apparel industry. Today, there are barely a million. Thus far, in this year alone, 2001, 118,000 textile and apparel workers have lost their jobs. In the past 3 months alone, 46,000 U.S. textile and apparel workers have lost their jobs.

What is the cause of these staggering job losses? It is easy. It is a flood tide of imports. In 6 years, between 1994 and 2000, the annual level of textile and apparel imports rose by $33 billion, 90 percent. The total amount of textile and apparel imports into this country last year was $77.5 billion, and it is inevitably going up this year.

This is known as a protected industry. Well, that is some protection, $77.5 billion of imports, and only a fraction of that goes back in exports. The reason for that, among other things, is that a dozen times over the last 10 to 15 years we have liberalized trade in textiles and apparel. We did it for the Caribbean, we did it for Israel, we did it for Jordan, we did it for Cambodia, we did it for sub-Saharan Africa, and, most notably of all, when we passed the World Trade Agreement, the Uruguay Round of the GATT talks, we passed something called the Agreement on Textiles and Clothing, which will phase out all quotas by the end of 2004 and cut tariffs on textile and apparel goods. And the phaseout is going on as we speak.

So what we have right now is tough enough for this industry to adjust to. It is struggling to survive. Just this week, Burlington, the largest textile manufacturer in America when I was elected to Congress, and for most of the years I have served here, Burlington petitioned for bankruptcy. That is how tough it is.

Now, there are lots of reasons to vote against this bill, but let me just say that it is not a trivial imposition on the industry. The problem is, the devil is buried in the details of the bill, the technical details of the bill. This will open the floodgates even further. Let me mention just a couple of snippets from the bill to help my colleagues understand how.

Despite claims by supporters, this bill will let Andean apparel made of fabrics formed almost anywhere in the world enter our country free of duties, free of quotas. By 2006, this bill will allow 1 billion square meters of regional fabric and apparel goods to enter this country from these four countries, duty free.

As for sub-Saharan Africa, 22 countries, the Caribbean countries, the CBI countries, 24 countries, this bill takes last year's bill, which was a liberal concession, and basically doubles the limits imposed by the law we enacted last year and allows billions of additional square meters of fabric to come in. Do not let anyone tell say that the impact will be trivial; it will be substantial.

I look at this and look at the industry and ask myself, why should the United States expand textile and apparel imports at a time when the economy is reeling, this sector of the economy is reeling, and almost being wiped out by textile and apparel imports? Why has this bill, with such potential for harm to lots of people, millions of people, been brought to the floor with such little notice for us to offer alternatives to it? Why, when we have an obvious alternative?

This motion that I am offering now, this motion to recommit, offers Congress a square choice: If Congress wants to extend the expiring Andean Trade Preference Act, we can do it simply, we can do it expeditiously, we can do it with a clean extension of the act.

That is what this motion would do, what the Senate does in its stimulus bill, and what we should do in the House: a clean extension of the Andean Trade Pact for 5 years without inflicting a blow upon an industry that is struggling to survive.

I urge a ''yes'' vote for the motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, the gentleman from South Carolina says, simply extend the Andean Pact. Simply extend it, meaning we go ahead and tell Botswana and Namibia to continue to stand in line; you do not deserve the opportunity to participate in AGOA; you do not deserve the same treatment as the other sub-Saharan African countries.

The gentleman from South Carolina says, simply extend the Andean Pact. What actually happens is, in the Caribbean, based upon legislation that we have passed, that means the United States Customs continues to tell Congress what Customs says we meant when we passed the legislation. Because contained in this legislation is the Congress telling Customs what we meant. Simply extend allows a bureaucracy to tell us what we did.

How many times have I heard people say what we ought to do is tell them what we meant? That is in this bill. Simply extending removes it.

The gentleman from South Carolina gave us a story which is poignant, in that one of the industries in his area, Burlington Industries, has announced that it has now gone bankrupt. I would invite anyone to investigate some of the major reasons why it went bankrupt. The chief economist of Burlington Industries himself said one of the reasons was because we had to gird ourselves against a hostile takeover.

Ask the shareholders and the workers if in fact they wanted the job that they talked about or they wanted the same people in the board rooms to remain? How much money was wasted in the effort to keep the board members, the same board members versus responsible decisions by that company in terms of the jobs that were currently there?

And more ironic than that, another fundamental reason that Burlington went under is because they invested $200 million in new plant and equipment. Guess where. South Carolina? No way. Mexico. They invested $200 million in Mexico, and they made a bad business decision.

Now, when are we going to say exactly what is going on? We provided benefits in previous legislation to keep this industry at home, and as soon as those benefits were passed, they left the country.

What I admire about some of the members in the Textile Caucus who are working on problems is that they are dealing with the real world, not just trying to stop the world. This motion to recommit is an example of stop the world; simply reauthorize the Andean Pact. What it says to those countries, Ecuador, Peru, Bolivia, and Colombia is, thank you very much for not growing coca, for helping us on the supply side in the war on drugs; and, in response to that, go pound dirt.

On the margin, can we let these people begin to say, we can do something else rather than returning to the cash crop that you say is slowly killing your country? I think the answer should be yes. I think if you want to tell the bureaucracy what Congress meant, if you want to let all of the sub-Saharan nations participate in the benefits of the African Growth and Opportunities Act, and especially if you want to tell our friends in the Andean region, thank you, do not look at bad business decisions and say, do not do anything. Rather, realize this is a complicated problem, we are addressing it, we are trying to move forward, but at the very least, a very modest couple of percentage points, thank you is what these people not only deserve but desperately need.

I plead with my colleagues to vote ''no'' on the motion to recommit and vote ''yes'' on H.R. 3099.

□ 1215

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 168, nays 250, not voting 15, as follows:

[Roll No. 447]

YEAS—168

Abercrombie
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barr
Barrett
Becerra
Berry
Bishop
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Carson (IN)
Castle
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Davis (IL)
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Dingell
Engel
Etheridge
Evans
Everett
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Goode
Gordon
Graham
Green (TX)
Gutierrez
Hall (TX)
Harman
Hayes
Hill
Hilliard
Hinchey
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Murtha
Myrick
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Price (NC)
Rahall
Reyes
Rivers
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Weiner
Woolsey
Wu

NAYS—250

Ackerman
Aderholt
Akin
Allen
Armey
Bachus
Baker
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Chabot
Chambliss
Clay
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Farr
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Honda
Horn
Hostettler
Houghton
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder

Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
Matsui
McCrery
McDermott
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Moran (VA)
Morella
Neal
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Payne
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rodriguez
Roemer
Rogers (MI)
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)

NOT VOTING—15

Barcia
Bono
Cubin
Flake
Hall (OH)
Hastings (FL)
Johnson, E. B.
Lantos
Meehan
Meeks (NY)
Quinn
Ros-Lehtinen
Thompson (MS)
Waxman
Young (FL)

□ 1237

Messrs. SWEENEY, BRYANT, RODRIGUEZ, Ms. HART, Mrs. WILSON, and Messrs. RYAN of Wisconsin, GALLEGLY, ACKERMAN and SCHAFFER changed their vote from ''yea'' to ''nay.''

Messrs. COYNE, GOODE, GEORGE MILLER of California, SAWYER, HILLIARD, MARKEY and Ms. JACKSON-LEE of Texas changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. 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.R. 3009, the bill just passed.

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

There was no objection.

CONFERENCE REPORT ON S. 1447, AVIATION AND TRANSPORTATION SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider a conference report to accompany the Senate bill (S. 1447) to improve aviation security, and for other purposes; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the Senate bill (S. 1447) to improve aviation security, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

□ 1245

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I am proud to bring this conference report to the full House floor today after very serious negotiations, and I would only suggest one thing that the people on this floor would just be quiet for a moment because they talked a lot during the debate on this bill. If they would sit down and listen, we might get a bill real quick. If they do not, we might take the full hour to discuss this bill. So I suggest that my colleagues sit down and be quiet.

Mr. Speaker, this is probably the best, that I know, the best security bill ever to be voted on on this House floor. The Senate, the other body, the conferees took about 98 percent of the legislation that we voted on in the House, which shows that our bill was far superior to that bill.

We did not achieve all things as all conferences are for. We did, in fact, have to compromise on issues very dear to some people's hearts, but the main thing is we have a security czar in reality that has the ability to set down rules and regulations without taking the required amount of time and also will give us the best security so people flying on American airlines will know that that plane is going to arrive safely at their destination without the opportunity of any future terrorism.

We have screeners. We will have Federal management, Federal contracting. We will have baggage screening. We will have people on the ground all through our airports to make sure that we will not have the act of 9–11 again. It is my strong belief, with the adoption of the House provisions, that this will occur and will occur very rapidly.

We will be able to, I believe, to make sure that the planes are safe that fly because the people on the Tarmac, the people that service the airplanes, the people that provide all services, including food service of the airplane, will all have to have background checks. They will have to be screened; they will have to be certified as trained; and they will have to be able to do the job as they are picked out to do so.

Every screener at the station will have to speak English. Every screener at the station will have to be American citizens. We believe this is the way it should be because this is a security problem and this Congress is addressing it today.

I am pleased to say that the gentleman from Minnesota (Mr. OBERSTAR), my good friend, has worked well with me on this legislation in the conference, offered suggestions. We did have some difficulty on the Senate side, but that is the way it usually is; but we prevailed, as I mentioned, 98 percent of the way.

I am proud to be the chairman of this committee on the committee work and as is done by this committee. This is a historic moment because, again, as I must repeat, it is the best security bill this Nation has ever had for the flying public, and I want the public to know that now and from now on and forever more that when we get on that plane, the opportunity of someone doing a dastardly deed as was done on 9–11 will not occur again. I believe they will gain the faith to be back on our airplanes, and I want them traveling as they did prior to 9–11, and I think this will allow them to do that.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 4½ minutes.

Today, we conclude consideration of the most important aviation security bill in 30 years. Since the beginning of aviation security in 1970, when President Richard Nixon signed an executive order establishing the Federal Air Marshal Service in response to repeated acts of skyjacking that were occurring at a rate of an average of one every 2 weeks, he signed that executive order on September 11, 1970. Thirty-one years later, an ominous date for us all.

With the establishment of the air marshals and 2 years later with the establishment at airport checkpoints of X-ray machines for carry-on luggage and metal detectors for passengers, we did not in the domestic United States experience a skyjacking until this past

September but once in 1991, and a minor incident it was.

Since then, aviation security has evolved through several iterations. The first was persons skyjacking aircraft. The next was placing bombs aboard aircraft, blowing up Pan Am 103, blowing up TWA on the runway at Cairo, blowing up UTU, a French airliner, over Chad in central Africa. Each time we responded with new initiatives, based on the last terrorist action.

The commission established by this House, Pan Am 103 commission, President's Commission on Aviation Security and Terrorism, on which I proudly served with our colleague John Paul Hammersmith from this body, we made numerous recommendations to vastly improve aviation security. We said in the aftermath of 103 that aviation security now will be changed forever; but we also recognized that there was a matter of political will, that is, will of the public to support more intrusion into their lives, delay as they board aircraft, and that we needed to sustain a high level of vigilance in the body politic of America and a high level of vigilance on the part of leaders of this government.

With time, just as the commission suspected, that level of vigilance eroded.

September 11 has now cast its shadow long over aviation in America, aviation in the Western world; and we are gathered here today to raise the bar of security higher than ever before, hopefully to look beyond the last tragedy, to anticipate what might next happen; and in this legislation, I believe we achieve that objective.

I want to express my great appreciation to the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, who has done an admirable job of leading us through this thicket of conflicting views, stood for principles, and we have worked successfully together; express my great appreciation to the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Oregon (Mr. DEFAZIO), who have worked together with me in a threesome that have contributed extraordinarily great ideas to improving security; to all the Members on the Democratic side of the Committee on Transportation and Infrastructure who have contributed their good thoughts and ideas to shaping the bill and who shaped the bill that we offered as a motion to recommit, most of which is reflected in the bill that is before us, the conference report that is before us today.

We bring to this body a bill that will substantially enhance security and restore airline finances more than the financial package that was passed a few days ago.

Again, I express my great gratitude and appreciation to the gentleman from Illinois (Mr. LIPINSKI), who has been a leader in the field of aviation and now in aviation security; to the gentleman from Oregon (Mr. DEFAZIO), who for 15 years has advocated many of the provisions that are included in this conference report; to the gentleman from Alaska (Mr. YOUNG), the chairman; to our colleagues in the other body. This is truly a bipartisan product.

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

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Florida (Mr. MICA), the subcommittee chairman.

Mr. MICA. Mr. Speaker, first, I want to take a minute to thank the staff on both sides of the aisle. Not only did they work through the night last night but they have worked nonstop since September 11 to try to bring some stability to our Nation's aviation system and transportation system. I am very grateful for their leadership.

I thank the chairman of the committee whose patience has been unending; his devotion to trying to get the best possible legislation, that being his only consideration. So I thank him, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) also for their valiant efforts in bringing forward this conference report.

This may not be the perfect bill, but I am telling my colleagues that it is the most significant transportation and aviation security measure to pass the Congress in its history. It not only covers airlines, it covers ports, it covers our highway transportation, our infrastructure, our ports, our pipelines, again the whole gamut of transportation and aviation systems for our country.

The first and most significant thing that we have done with this legislation is take away, and everyone's focused on aviation security since the tragic events of September 11, but we take away responsibility for aviation security from the airlines; and we make that a Federal responsibility. From the beginning, we all agreed with that. Most importantly and somehow lost in some of the debate is that we needed to have somebody in charge with the responsibility to carry out the transportation and aviation security requirements; and we have not been able to do that. We were not able in 1996, we were not able in the year 2000, and without the provisions of the House legislation that are incorporated here, we would not have that ability. And we vest that in a new transportation Deputy Under Secretary who has unprecedented ability to get in place the regulations relating to transportation and aviation security, to cut through the red tape, and again, in unprecedented fashion.

The Senate bill was a disjointed bill that was well intended. It was passed in a hurry. This has clear lines of authority.

For 6 years we have been unable to get rules for certification of baggage screeners. We have not been able to deploy the latest technology. This bill will put in our airports the latest technology that can detect weapons, that can detect explosives; and most importantly, this legislation has a sound means of transition in going from the current system to a new system and then opening this up with a comparison of both private sector operations with Federal supervision and Federal Government operations.

Finally, although we do have the title of Federal employees, these are people that can be fired or dismissed and cannot hide under civil service protection and the intransigence that we now see in our Federal workforce.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I thank the ranking member for yielding me the time. Hopefully, I will only need 2 minutes, though, and not 5 minutes.

First of all, I want to thank the gentleman from Alaska (Mr. YOUNG); the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; the gentleman from Florida (Mr. MICA); and the gentleman from Oregon (Mr. DEFAZIO); the gentleman from Tennessee (Mr. DUNCAN); the gentleman from Wisconsin (Mr. PETRI); and the gentleman from Michigan (Mr. EHLERS) for all their extraordinary hard work in drafting this outstanding conference report; and I do not just say that to say it.

These Members put in many days, weeks and hours on this legislation in this conference report. They came to the conference committee from many different points of view. Some of the differences were small, some of them were large, and some of them were very large.

□ 1300

But through cooperation, compromise, and flexibility, an excellent conference report was forged.

I would also like to thank Senator HOLLINGS, the chairman of the conference, for his steady, sure, strong leadership. Without his leadership, we might still be working on this conference report. Because of these Members and the many others working on this conference, the American flying public and American aviation will be safer and more secure than it ever has been; and the added safety and security will get Americans back in the air and the American economy back on its feet.

In closing, I would also like to thank all staff members for their many, many, many hours of hard work, without which we would not be voting on this conference report today.

This conference report is a landmark piece of legislation that I am honored to have played a very small part in.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the conference.

Mr. SENSENBRENNER. Mr. Speaker, I urge all Members to support this conference report because it contains important provisions protecting aircraft manufacturers, airport owners and operators, and persons with property interest in the World Trade Center from unlimited damages resulting from lawsuits inspired by the terrorist attacks of September 11.

Today's agreement adds significant protections to those entities not protected in the airline bailout bill. However, the protections do nothing to address the unlimited liability exposure faced by the State of New York and other entities or industries that are self-insured or not specifically listed in the bill. In contrast, my proposal as contained in the House-passed bill would have protected all potential defendants from lawsuits based on the September 11 terrorist attacks.

After we pass this legislation, other potential defendants such as jet fuel providers, architects, steel manufacturers or self-insured entities such as the State of New York and, thus, its taxpayers will still be exposed to billions of dollars in damages under New York's rules on joint and several liability. The only constraint on their being named in a lawsuit would be a sense of restraint or reasonableness on the part of trial lawyers, and I do not think we can count on that.

I have fought, and will continue fighting, for those who remain left out of the provisions limiting potentially infinite liability. I remain committed to helping everyone, deep pockets to small pockets, who becomes embroiled in litigation inspired by foreign enemies. We must not stop in our effort to do the right thing by treating everybody equally. We must not stop in our efforts to prevent trial lawyers from taking advantage of this great tragedy and, thus, becoming war profiteers.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the distinguished ranking member for yielding me time. I thank him for his work over the decades on this issue and his tutelage in bringing me along on this issue and this conference.

I want to thank the gentleman from Illinois, the ranking member of the subcommittee, again for his extraordinary efforts on this bill, and also for helping to include my concerns and my efforts. I thank the chairmen of the full committee and the subcommittee. I think we have here an extraordinary product that will serve the American people well for decades to come.

No longer are we going to try and buy security on the cheap, driven by the airlines who were fatally conflicted between keeping down costs, not overly concerning or inconveniencing passengers or their baggage, and then, as sort of an afterthought, trying to provide good security. Security in this bill comes first, and it will forever more come first without being driven by cost concerns.

It will be cost-effective. It is fiscally responsible. It will be paid for in good part by a shared burden between the airlines and the flying public. But it will not be security on the cheap. It will be the best technology, it will be better-trained and -paid people who will be alert at the screening checkpoints. It will envelop the entire airport in a new security envelope.

There are so many ways in which our airports are vulnerable today. We have been focused on the screening of passengers and baggage, and we are moving ahead dramatically and quickly with that. But there are a host of other ways that our airports are vulnerable, and this bill addresses them. It goes beyond that to address and put in place a framework for other transportation security measures; our ports, our railroads, our highways, bridges, water systems, all of those things we have seen and learned are extraordinarily vulnerable, and this will give us the means to deal with that.

So I just want to thank all those who were involved in what I believe was an extraordinary effort, and I particularly want to thank the staff, my own personal staff and the committee staff, who did work many, many hours, including through a catastrophic computer crash early this morning, and still got the bill to the floor today.

We are going to get the bill in place, and I am confident the President will sign it before the busiest travel weekend of the year so we can begin to implement measures to make flying safer for the American public.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN), another member of the conference.

Mr. DUNCAN. Mr. Speaker, I rise in support of this conference report. First, I want to commend my chairman, the gentleman from Alaska (Mr. YOUNG). This has been the first really difficult, major test of his new leadership of our committee and he passed with flying colors.

I want to commend my predecessor as chairman of the Subcommittee on Aviation, the gentleman from Florida (Mr. MICA), who has done a really outstanding job in leading this legislation through the process. I also want to compliment the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), my good friends, the ranking members, two of the finest men I know, and also say thank you to the staff, as others have done.

Mr. Speaker, unfortunately, more people are killed in 4½ months on our Nation's highways than have been killed in all U.S. aviation accidents combined since the Wright brothers flew in 1903. U.S. aviation is incredibly safe, and the general public needs to know that and hear it again and again and again. But it has become even safer since the tragic events of September 11 because of the things we are doing, and as has been pointed out by the gentleman from Alaska (Mr. YOUNG), this bill today will do more for aviation security than any bill in the history of this Nation.

It has all of the things that people have suggested and wanted: 100 percent screening of bags, strengthening of cockpit doors, air marshals on our larger flights, increased training for screeners and flight crews, more extensive background checks for everyone who has access to planes and the tarmac areas; cameras in the cabins so that pilots will know what is going on in case of anything strange happening; liability provisions for people to protect people who help out in cases of air piracy.

It makes these screeners Federal employees, but it does not give them the civil service protection that does nothing for good, dedicated employees, but serves to protect the worst of employees, because we want our best employees in these screening positions.

This bill is a good bill. It is one that will reassure the general flying public. I am proud to be a small part of it. I appreciate the chairman allowing me to be a part of the conference, and I urge passage of this outstanding legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), a vigorous advocate for this legislation and a great help.

Mr. PASCRELL. Mr. Speaker, I want to congratulate all of the Chairs and the ranking members for doing a fantastic job in keeping us together. If they did not keep us together, we would not be here today. I congratulate them all.

The American people can be assured that the status quo will not be tolerated. We are doing more today, Mr. Speaker, for the airline industry than we did several weeks ago in the stabilization package, because if people do not feel secure, they are not going to get on the planes.

In many ways, to me, this is probably the most significant legislation that we have passed in a very, very long time. No longer will our aviation system have a screener turnover of 100 or 200 or 400 percent. In one year we will have a new set of dedicated people integrated into the system who want to be working at this critical job. We will

provide these new employees a respectable salary with a real pension and health care. Another critical element of this compromise is that we will require that every checked bag be passed through an explosive detection unit.

No one is absolved of responsibility in this conference report. It is not just passengers who will pay more. I am pleased that the conference report contains language requiring the airlines to continue paying their share for security. This is a partnership we must continue.

Today, the Congress will take a vote that will impact the life of every traveler, including ourselves. This vote will be real and significant and it will have consequences in our national security. With the airline industry struggling for passengers, I know this legislation will make a difference.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the conference.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding, and I congratulate and thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their excellent work on this conference report.

We have spent a good deal of time over the last few weeks discussing whether the screeners, baggage screeners, should be Federal or contractual employees. Frankly, that is in a sense beside the point, because the major gain in the bill is that we have Federal control over the process, we have the Federal Government setting the rules, we have Federal supervision of the employees and the process, and we will have Federal guards at every checkpoint, along with a Federal supervisor. All of this ensures uniformity from airport to airport. It will ensure better performance on the part of the employees; and I think a unique feature of the bill is that we will have an opportunity to compare contractual employees to Federal employees and find out which really do a better job, if either one does.

I think another main factor in this bill, and I very much appreciate the fact that the Senate accepted the House version of the bill on this score, and that is the administrative structure. It is a clear, clean, effective administrative structure, much better than that which had been in the Senate bill before.

So we accomplished a great deal by sending this bill to conference and improving it, using both the ideas of the Senate and the House. It is now a good bill. We can assure the public that we have increased their safety while flying. We have increased the probability that we will be able to stop terrorists who try to do anything to our airplanes.

I believe it is an excellent bill. I urge my colleagues to vote for it and approve the conference report.

Mr. OBERSTAR. Mr. Speaker, I include for the RECORD at this point a summary of the aviation security conference agreement.

SUMMARY—AVIATION SECURITY CONFERENCE AGREEMENT

JURISDICTION

Airport security will be placed under the jurisdiction of a new Transportation Security Administration (TSA) in the Department of Transportation, headed by an Under Secretary of Transportation.

Under Secretary may issue emergency orders or security directives without notice and comment and without a cost-benefit analysis. For non-emergency rulemaking, federal official may waive cost-benefit requirements if such benefits cannot be quantified.

AIRPORT SECURITY SCREENERS

All passenger and property screening at all airports will be done by employees of the TSA.

The transition from the current system of contract screeners to a completely federal force will be completed within one year of the enactment of this legislation.

The TSA will develop a pilot program that will have passenger screening provided by private contractors. The program will involve a total of five airports, one in each security category of airports. The program will begin one-year from enactment (after TSA has certified it has federalized the screening function). The five airports must request participation.

Two years after the TSA certifies that all federal screeners are in place, airports will be given the option to request that the passenger screening at their facilities be done by private screeners working under contract with the Federal Government. Such companies must be U.S. owned and controlled (to the extent that the TSA determines that there are such companies)

PASSENGER SECURITY CHARGE

Federal airport security services will be financed through a passenger fee of $2.50 per enplanement, with a maximum charge of $5.00 per one-way trip.

For FY 2002–2004, the airlines will be assessed a fee equivalent to the annual amount the airlines spent, in the aggregate, on passenger screening services prior to September 11, 2001. Beginning in FY 2005, the Under Secretary will assess the fee on air carriers based on market share and other appropriate measures.

Airport may use AIP and PFC funds in FY02 to pay for O&M security expenses. A total $1.5 billion over two years (FY02–03) is authorized to reimburse airports, vendors of on-airfield services and parking lots for direct costs associated with complying with additional security measures. Airports may use AIP and PFC funds to pay debt service on bonds.

SCREENING

Passengers and Baggage—All checked baggage shall be screened by explosive detection systems (EDS) no later than December 31, 2002. Until such EDS machines are deployed in sufficient numbers all checked baggage shall be screened by one or a combination of, the following methods: (1) bag-match; (2) manual search; (3) K–9 teams (if supplemented by 1–3 above); or (4) screening by appropriate technology.

Secured Area Access—All persons, vehicles, and other equipment shall be screened or inspected before entry into a secured area. Specific requirements shall be established for such screening that will assure the same level of protection as the screening of passengers and property under the Act. Catering companies and others with regular access to secured areas must have a security program in place.

Computer Assisted Passenger Prescreening System—CAPPS shall be used to screen all passengers (not just those who check in at the ticket counter), and procedures shall be adopted to ensure that CAPPS selectees and their carry-on baggage also receive appropriate screening (previously, CAPPS only resulted in screening of checked baggage).

BACKGROUND CHECKS

Employees—All individuals (including current employees) that have access to a secured area shall undergo a background investigation, including a criminal history records check and a review of available law enforcement data bases and records of other governmental and international agencies (if available).

Flight School Trainees—Requires background checks for aliens (and other persons designated by the Under Secretary) seeking instruction in flying aircraft weighing more than 12,500 pounds. Attorney General must conduct the checks within 45 days; if such checks are not completed then individual can begin training. Once training has begun, training shall be terminated if the Attorney General determines that the individual poses a risk. Flight schools to train employees to recognize suspicious activities.

OTHER SECURITY PROVISIONS

Airfield Security—Strengthens perimeter security by increasing law enforcement presence. Technical support shall be given to small and medium airports to enhance security.

Cockpit Security—Mandates cockpit doors and locks that cannot be opened by anyone other than the flight crew, with no in-flight access, except for entrance or exit by authorized persons. Provides for the evaluation of similar measures to strengthen cockpit doors for commuter aircraft.

Arming Pilots—Pilots may carry guns in the cockpit if approved by the air carrier and the TSA, and if pilots have undergone an approved training program.

Federal Air Marshals—Air Marshals may be deployed on every passenger flight. Air Marshals subject to background checks and must be properly trained.

Enhanced Terrorism Training—Provides anti-hijack training for flight crews. Airline ticket and curbside agents must receive terrorist awareness training.

Passenger Manifests—U.S. and foreign airlines on international flights both inbound and outbound (if properly equipped) to provide to Customs by electronic transmission the passenger and crew manifests.

Parking Ban—An airport may certify to the Department of Transportation after consulting with appropriate law enforcement officials that sufficient security procedures are in place to end parking restrictions. The Department of Transportation has the right to reverse an airport's decision within a specified number of days, varying by airport size.

LIABILITY

Liability limitations extended to air carriers, aircraft manufacturers, and airport sponsors or persons having a property interest in the World Trade Center. Liability limitations do not extend to security screening

companies. Liability for the City of New York limited to insurance coverage or $350 million.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I do not even need a minute, because the fact is, all of the controversial issues have been worked out. This is a very good bill.

I do have some concern over creating a second class of Federal employees, a lower class, but I understand the context in which this bill had to be worked out. We have done it before Thanksgiving. I applaud everyone that was involved in the conference. It is a good bill. It is going to inspire confidence on the part of the American public that it is now safe to fly.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON) for the purpose of an integral colloquy.

Mr. BARTON of Texas. Mr. Speaker, I would like to enter into a colloquy with the distinguished chairman of the full committee.

I want to talk about the ability of our pilots to carry firearms in the cockpit. As I understand it, the section of the bill that deals with that is entitled ''Flight Deck Security'' and I am going to read what I think is the language:

> The pilot of a passenger aircraft operated by an air carrier, an air transportation or intrastate air transportation is authorized to carry a firearm into the cockpit if, number 1, the Under Secretary of Transportation for Transportation Security approves; number 2, the air carrier approves; number 3, the firearm is approved by the Under Secretary; and number 4, the pilot has received proper training for the use of the firearm as determined by the Secretary.

Is that the language in the pending bill?

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, that is the language that is in the bill at this time.

□ 1315

Mr. BARTON of Texas. Mr. Speaker, my concern and the pilots' concern is about qualification number two, ''the air carrier approves.'' They do not have and I do not have a problem with the air carriers being involved in the discussion about the terms of the Under Secretary of Transportation's approval and the type of the firearm and the training, but they are very concerned that an air carrier would just have the ability to just say no and not allow a pilot who was qualified under the other three sections to carry a firearm.

I would ask the gentleman what is his understanding of the ''air carrier approves.''

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. This is the language negotiated with the Senate side. It is not everything I wanted. I had 60,000 pilots sign a petition asking for permission to carry a weapon on board with proper training. I supported that. I talked about that in conference, but it was not a doable thing.

Right now, though, I have suggested that the pilots, under the negotiations, which they have to negotiate with every contract they do with the airlines, that that be part of the negotiations. I believe we will see a lot of airlines, just as United already is saying that their pilots will carry stun guns, that they can argue this with their parent companies in their negotiations.

Again, this is a compromise. It is the best I could do in this conference on this issue itself.

Mr. BARTON of Texas. Mr. Speaker, I would ask the gentleman, an air carrier could just say no under this language?

Mr. YOUNG of Alaska. Under this language, yes, the air carrier could say no.

Mr. BARTON of Texas. I want the chairman and the ranking member to know that I disapprove of that. I will work strongly to change it at the appropriate time.

Mr. YOUNG of Alaska. I will be supporting the gentleman when he works on that.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise in support of the conference committee report, and compliment the ranking member and the chairman and the others who worked on this bill.

Mr. OBERSTAR. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it truly is an achievement to obtain 100 percent screening of the checked baggage that goes into the belly of our airplanes to assure that there will be no explosives. I want to thank for that achievement the families of the Lockerbie victims who, since 1988, have been urging Congress to take this step, and specifically, Bob Monetti, who lost his son Rick in the Lockerbie bombing; George Williams, who lost his soldier son Geordie, who has done just great advocacy in the halls of this House to finally achieve this step forward. I hope they take satisfaction from that achievement.

I also would like to thank the bipartisan group that worked to make sure that we had 100 percent screening: the gentleman from Connecticut (Mr. SHAYS) on the Republican side, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from Washington (Ms. DUNN).

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO), who have been advocates of this for a long, long period of time.

I want to thank the gentleman from Alaska (Mr. YOUNG), who I hope takes some sense of achievement from this. I think he should. He listened to our concerns. I hope we some day have the same bipartisan consensus on oil or pipeline legislation that we can take some success from, as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. Speaker, the Senate passed a good bill. The House improved on it significantly, and I think this conference report makes the legislation even better.

I am particularly pleased that a time limit for inspection of all luggage, referred to by the gentleman from Washington (Mr. INSLEE), for weapons and explosives that go into the belly of the aircraft, a provision added in the House bill, has been further strengthened so all luggage will be screened by the end of the year 2002 or sooner.

Congratulations to the gentleman from Alaska (Chairman YOUNG); the gentleman from Florida (Mr. MICA); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI); and many others on both sides of the aisle.

Because of them and others in this House, the process worked well and landmark legislation will be passed. Airline passengers want their government to do everything in its power to ensure their safety when flying. This legislation brings us a giant step closer to achieving that goal.

I am proud of this House and proud to be part of this process.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would say while the distinguished gentleman from Connecticut (Mr. SHAYS) is still in the Chamber, the checking of all hold luggage by explosive detection systems has been an objective since before and especially after Pan Am 103.

It was achieved with great debate in the course of the conference. It was not an easy victory. We are appreciative of the support we have had on both sides of the aisle to get that goal.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that the American people have won today. The American people are victorious, and the American people will be able to celebrate Thanksgiving with their families with a clear mind and safe passenger miles.

Let me also say, in tribute to those who have lost their lives on September

11, we can never pay back the debt; but at least we can say that we have tried to reform our system.

Let me also say, in tribute to those who died in Pan Am 103, one of my constituents who lost her dear, beloved daughter, may she now understand that we care.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR) for his unending and unceasing leadership, the gentleman from Illinois (Mr. LIPINSKI) for his courage and leadership, and the gentleman from Oregon (Mr. DEFAZIO), and in a bipartisan way, the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) that we have come to this day.

I might say there are two points that I want to focus on very quickly.

One is the fact that we will have a federalized system. All the employees will be trained and there will be standards, and we will be able to say that the long arm, the effective arm, the strong arm, the equal opportunity arm of the government will stand in the place of securing our airports and airlines.

I do hope, however, that I can admonish those airlines and airports that may even consider, after 2 years, of opting out. I hope that today's vote will give them the courage not to opt out of a system that works. I would hope, as well, that the message goes out to the American people that we are in fact screening, as of the day that the President signs this bill, that we will be screening all checked luggage.

I would have hoped that the Justice Department would have had jurisdiction. I have legislation that will make illegal stun guns and pepper spray and knives. But I believe this is a good bill.

I cannot thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) enough; but I will say to them that they are true patriots. They have given to the American people great victory.

Mr. Speaker, the American people have won today and the terrorists have lost.

Today, I rise in support of the conference report to accompany S. 1447, the Aviation Security Act Conference Report. This legislation is a victory for the American public, who must rely upon a safe and secure airport system. I am glad that the House is passing this legislation before the Thanksgiving holidays so that travelers will have increased confidence in air travel.

Since the September 11 terrorist attacks, many Americans have expressed a fear of flying. I have been on numerous flights, where there were less than 20 passengers. This legislation is in tribute to the devastating loss of life on September 11, 2001—where we will not let the terrorists win—and those who lost their lives in the 1988 Pan Am 103 crash caused by an unchecked bag.

Although Monday's plane crash in the Rockaway neighborhood of Queens in New York City has been indicated as an accident, the public is still wary of air travel. For this reason, it is essential for Congress to adopt this conference report in order to restore the public's faith in air safety.

It still took too long and I supported the quick adoption of the Senate bill by the House—but the compromise now should be implemented quickly.

This conference report includes a number of compromises. Under the language of this conference report, the Federal Government would hire, train and manage airline security workers during a two-year period. These security workers will be Federal employees. This is absolutely necessary. During this two-year period, five U.S. airports would be able to conduct a pilot program with private security under federal supervision. After this two-year period, all airports would have the option of implementing either Federal or private security screening. It is my hope and my belief that no airport should opt out—the Federal system should simply be improved and the American people should have the confidence that the Federal Government's expertise is protecting airlines and airports.

Furthermore, this compromise is sound public policy, because the utilization of federal security workers will ensure consistency in security measures. I would expect that all the airports in the Houston area will chose to hire only Federal security workers, and keep the federal security system in place even after the two years. The Houston Airport system is too large to opt out.

I further declare my support for the following provisions of this conference report:

The creation of a new Transportation Security Administration within the Department of Transportation, although I believe the law enforcement jurisdiction of the Department of Justice should have also been included.

100 percent baggage screening to the maximum extent possible, with full explosive detection systems in place by end of 2002.

Anti-hijacking training for flight crews and reinforced cockpit doors.

A hiring preference for veterans.

I am additionally supporting federal funding to reimburse local airports for expenses they already expended on security measures since September 11, 2001.

To further promote safe air travel, I am currently drafting legislation that would make it a federal crime to carry a knife, box cutter, stun gun, pepper spray or any other cutting object on an airline. Currently, carrying such objects is only a violation of Federal Aviation Administration regulations. However, my proposed legislation would make the current FAA rule a federal law under the jurisdiction of the Department of Justice and imposing criminal penalties.

I urge all of my colleagues to support this conference report; we can do no less for the American people and we must do it now.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG), the gentleman from Florida (Chairman MICA), the gentleman from Minnesota (Mr. OBERSTAR), and my partner in support of Chicago's aviation, the gentleman from Illinois (Mr. LIPINSKI), for this bill.

The historic compromise gives the American people an aviation security bill well before Thanksgiving; and once implemented, we will have a security system even better than the Israeli system that served as a model for our bill.

I want to thank the committee especially for including two provisions that I requested.

First, under this bill, Americans will protect Americans at U.S. airports. Over 90 percent of the screeners who allowed hijackers to board at Dulles International Airport were not American citizens. Some of them were even illegal aliens. This bill requires that the Federal screeners will be United States citizens.

Also, this bill establishes a sky 911 program. Currently, a passenger dialing 911 on an air phone will get no answer; but under this bill, a passenger dialing 911 in response to someone's heart attack or hijackers will be answered by a trained professional who will find expert law enforcement or health care help. Help is now just a phone call away, and I thank the technical people in Chicago who pioneered this for the cell-phone industry to now work for air phones.

As a new member of the Subcommittee on Aviation, I am committed to aviation safety, especially at O'Hare; and I urge the adoption of this bill and thank my leaders for doing it.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. BALDACCI), a member of the Committee, and thank him for his yeoman's service in shaping this bill.

Mr. BALDACCI. Mr. Speaker, I would like to thank the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for his leadership and the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the subcommittee, for his leadership and also the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) on the majority side for bringing this legislation to the floor.

Mr. Speaker, this is much needed. It is something that should be done as soon as possible and we can begin implementing it immediately, so we can expand the confidence that flyers have in our aviation system. It is an important, integral majority of our economy; and the measures that are being put forward here are measures that are going to continue to build on that foundation that has been developed.

I want to commend those who have been involved and also point out the particular references as they matter to airports in the State of Maine. We are very pleased in terms of the latitude and also the level of expertise that is going to be there at airports throughout Maine and Portland and Bangor and Presque Isle and feel this will

greatly enhance security and the economy in Maine and the rest of the Nation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, there is one story that has not been in the papers of this country. That is the fact that the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) were not stampeded into passing a bill 3 weeks ago; but they made important changes to that bill, changes that the American people will thank them for in years to come, changes that will save lives.

The gentleman from Illinois (Mr. Kirk) mentioned that all screeners will be American citizens. I thank the gentleman from Alaska (Mr. YOUNG). That needed to be made. That change needed to be made. The press has ignored it, but I have not and the American people have not.

Two other changes:

Prior to the changes made by the House, one could walk up and they would search their grandmother's change purse, but a foreign visitor to this country could take a footlocker and could check it on an airplane, and it would not be searched.

I thank the gentleman from Alaska (Mr. YOUNG), and I thank the committee for putting in screening of baggage. That would have been a gigantic loophole.

Finally, and I have heard nothing said about this, but I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and I thank the House, because there were no provisions to secure the Tarmac. Think about that for a minute: someone could have walked up to the Atlanta Airport, as they have done on several occasions, and stolen baggage. They could have come up to those same wagons that we have all seen when we looked out of the airplanes, and they could have put baggage on that wagon; and that could have contained a bomb, and it could have been on the planes that our mothers, fathers, daughters, or wives were on.

I thank the gentleman from Alaska (Mr. YOUNG). The press has not covered that, those that have criticized the House have not covered that, but thank goodness for this House of Representatives. Thank goodness for this Committee on Transportation that did those things.

The American people may never know about those things, but we know about them and we know they will save lives. I thank the gentleman again.

Mr. OBERSTAR. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I greatly appreciate the enthusiasm of the gentleman from Alabama and his support. I would point out that perimeter security and access to the AOA, operations area, has been a requirement in law ever since the Aviation Security Act of 1990. It just has not been vigorously enforced. This legislation will provide much more vigorous enforcement.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Mr. MICA) for their hard work and for this fair and reasonable bill; and I want to compliment the leadership of the gentleman from Minnesota (Mr. OBERSTAR), who in my opinion is a real transportation guru; and to the gentleman from Illinois (Mr. LIPINSKI) for his input, and to everyone on the committee who kept us informed; and, of course, the gentleman from Oregon (Mr. DEFAZIO) for his strong voice during this entire process.

I believe we finally have a bill that will convince the American people that it is safe to fly. I am pleased that we finally passed an aviation security bill that put airport security in the hands of the Federal law enforcement officers.

I am particularly glad to see that the final bill includes the tough requirement for flight schools, including background checks for non-U.S. citizens; the terrorist-recognition training and reporting requirement for flight school personnel.

This is a win-win for the American people and should be a big boost for the Florida tourism industry, as well as the whole economy.

Now we must act to protect the safety of the entire transportation system, including ports, rail, bridges, tunnels, and maybe, after Monday's accident, more thorough safety inspections for airplanes.

We have a lot more work to do. The American people deserve it. This is a win-win for the American people.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT).

□ 1330

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

Like so many other speakers here today, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for their hard work on this bill; also, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), who I had the honor to work with on the Committee on Transportation and Infrastructure and on the Subcommittee on Aviation who always worked so hard and know so much about these issues.

I think it was clear from this conference that the House conferees took in a much stronger set of understanding of what needed to happen, not just in aviation security, but in transportation security than others who were involved in the conference.

Mr. Speaker, I will include for the RECORD a statement from the President.

He also says in words that I would like to paraphrase, words that have been said here today. We turned this over to the right people, to the Department of Transportation. We did not take one little sliver of one piece of Transportation and say it will be in the Justice Department, at the same time that the Justice Department did not want it. We turned this over to the Department of Transportation but went beyond that and created a new role in that Department for somebody to worry about all levels of transportation security; not just airports, but seaports as well as airports, railways as well as highways, pipelines.

The text of the letter referred to is as follows:

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
November 15, 2001.

STATEMENT BY THE PRESIDENT

I commend the House and Senate conferees for reaching an agreement that puts the Federal Government in charge of aviation security, making airline travel safer for the American people.

This agreement improves upon the Senate-passed legislation in several important ways, including putting responsibility for all modes of transportation security at the Department of Transportation, where it belongs. Today's agreement also gives the Federal Government the flexibility to ensure a safe transition to a new aviation security system and will ultimately offer local authorities an option to employ the highest quality workforce—public or private. In addition, the compromise will help ensure security by requiring that all screeners be U.S. citizens and by guaranteeing the screening of all checked bags.

Safety comes first. And when it comes to safety, we will set high standards and enforce them. I congratulate the conferees and look forward to signing this important legislation into law.

We are an open and free society. And to assume that, when we deal with one small section of transportation as our friends on the other side of the building did, we have dealt with transportation security, would have been a terrible assumption.

This gives us the flexibility for a much safer transition. We have the time to go from what we have today in a safe way to immediate Federal control but to have a transition that works. All screeners, as mentioned, will be U.S. citizens and eventually all bags will be screened. Those are important things. I hope that at the end of this 3-year period of time, this period of time where we basically have a new system in place with a small sample of what a combination of public and private security could provide, that at the end of this time we really cannot tell any difference.

I am hopeful that there is never any debate in this House again as to which system was safer, because we were all trying to find the safest system, the most secure system. I hope we do not have to look at any tragedy and say if our system would have been in place it would have been better. I hope we can do everything possible to work with the Secretary of Transportation, to work with our oversight committees to be sure that this bill for the first time ever provides the kind of transportation security that the Americans need and the people traveling in the United States of America deserve.

Mr. OBERSTAR. Mr. Speaker, what is the time remaining on both sides?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Minnesota (Mr. OBERSTAR) has 12 minutes and 15 seconds remaining. The gentleman from Alaska (Mr. YOUNG) has 8 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, to the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the other members of the Committee on Transportation and Infrastructure, I give my personal thanks.

Earlier when we debated this bill, I spoke of the fact that I have a niece who is a flight attendant for United Airlines. My father worked for United for 38 years. My sister works for United. My brother-in-law works for United. My airline family is personally thankful for the opportunity to be able to say that they are secure in their jobs. To all the other families of airline employees across this country, I know they are feeling as good as I am. My thanks to the committee and my colleagues, because only through the work that we do to secure the workers can we secure the passengers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise in strong support of this bill, and I want to begin by congratulating and thanking the gentleman from Alaska (Chairman YOUNG), the gentleman from Florida (Chairman MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Illinois (Mr. LIPINSKI) for the great work they have done.

This is a good compromise and a great achievement for this body and a win for the American people.

As we approach the holidays, the busiest traveling season, we have a bill that will make traveling safer. The number one priority of this body has always been the safety of Americans traveling. I am happy that this bill deals with all areas of security, not just screening. It deals with screening the baggage that is checked. It deals with those that have access to the plane, whether for cleaning or food service. And this bill allows airports to investigate the security models that are best and choose the one that works best for them, resulting in the highest level of security.

Mr. Speaker, we owe it to the American people to have the best air security in the world, and I am happy to support this bill that provides it and thanks to those who worked on it.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in strong support of this conference report, and I would like to thank and congratulate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for their really diligent work in making this happen. I particularly commend my friend, the gentleman from Iowa (Mr. GANSKE), for his courageous fight for many of the principles in this legislation.

This will not solve all of America's aviation safety problems. We have to be diligent, continue to come back to this again and again and again. But it is an example of the best this Congress has to offer, people implementing practical solutions that will be workable solutions, that will make our skies safer and our people more confident right away. This represents the best practices of those who know the most about the industry.

Again, to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), in particular, we are thankful for this work. We promise that we will stand by their sides as we implement this law and make good things happen once again in the future.

Mr. Speaker, I urge a ''yes'' vote in favor of the conference report.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DELAY), a great leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just thought it was important for me to come down to the well and congratulate not just the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Chairman MICA) for doing an incredible job on this piece of legislation, a very courageous job on this piece of legislation, but to commend the House of Representatives.

If we would have listened to some in this House, we would have sent the President a seriously flawed piece of legislation. In their haste, the other body, Mr. Speaker, passed a bill that was seriously flawed, did not even cover entire airports, for the security of entire airports; took the issue of security and put it under the Department of Justice; did not even cover the baggage in the hold of the airplanes.

So many flawed issues in the other body's bill, Mr. Speaker, that it took the courage of the chairman to stand up to what was a railroad moving through this country and stop implementing a seriously flawed system. This bill is a House bill with a few changes from the Senate. This is the House bill.

Mr. Speaker, I must congratulate the gentleman from Minnesota (Mr. OBERSTAR) because on all the issues, other than one, he was right there writing a very, very strong and important piece of legislation that we find in this conference report.

We have a real and important frame work under the Department of Transportation to create the new security administration. We get a uniform, consistent security system nationwide. We do not have the small airports being treated differently from the big airports. Everybody will be treated the same and have the same sort of security. We have the flexibility that we wanted for the President and the Secretary of Transportation to put the kind of tools necessary, including private sector security to ensure safety of the traveling public.

A very important provision that the American people instinctively know is to require every screener to be a United States citizen, something that the Senate did not seem to want to put in their bill. So I am very proud of the fact that this is basically the House bill that passed out of here a few weeks ago, a House bill that took its time to be written; and it was done right. And most importantly, covers all modes of transportation, security for all modes of transportation, not just aviation. I congratulate everyone that was involved.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to myself.

Mr. Speaker, I appreciate the very thoughtful words of the distinguished majority whip, but I must point out that the bill that the gentleman from Iowa (Mr. GANSKE) and others offered on the floor that was the product of the other body did cover screening of checked luggage and it did have a citizenship requirement. In fact, it was one of the impediments on this floor. It had a supercitizenship requirement that caused some distress for some Members of this body. But I do appreciate the observations of the distinguished majority whip.

Had the chairman and I been able to work things out without overarching influences, I think we would have had this bill on the floor 3 weeks ago. I would also like to observe, Mr. Speaker, that never have I been prouder to stand in this Chamber with a colleague than on the day we debated the security litigation with the gentleman from Iowa (Mr. GANSKE), who stood on a matter of principle.

He is of a prototype about which President Kennedy wrote in his book ''Profiles in Courage.'' It does take courage to stand against your party, against your President on a matter of principle; and because he took the stand, we are here today with an improved version of that bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I thank the chairman for yielding me time.

First, I think we ought to thank somebody who I have not heard mentioned yet and that is the Speaker of the House. I think the Speaker of the House has done a great job to help move this issue along. Next, I want to salute the passion of the gentleman from Alaska (Chairman YOUNG) and the gentleman from Florida (Mr. MICA) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI). I know how much all of them care about the safety and security of Americans flying in the skies.

This bipartisan conference bill is a great bill. My hat is off to all of these gentlemen. I hope that this bill passes this House unanimously. I want to thank President Bush for his input into moving this issue along. He will enthusiastically sign this bill.

Finally, I hope that none of us ever forget those brave passengers on United Flight 93, an airplane that was heading directly for this Capitol. Were it not for those brave passengers, we might not be standing here today.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair how much time remains?

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 9 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 1¾ minutes to myself.

Mr. Speaker, I too join the gentleman from Iowa (Mr. GANSKE) in acknowledging and with great appreciation the role of the Speaker who repeatedly brought Members together to discuss the content of an aviation security bill and pressed on both sides of the aisle his sense of urgency to get a bill through this body and through conference and to the President.

And to our minority leader, the gentleman from Missouri (Mr. GEPHARDT), who with equal passion, persistence, and fervor advocated resolution of issues. Many times he appealed to me to find common ground with the gentleman from Alaska (Chairman YOUNG). And to Senator HOLLINGS, the Chair of our House-Senate Conference, who was a tower of strength, with an unswerving commitment to principle, and to the principle of getting a bill passed, getting a conference report that would work. They together were leaders in the very best sense of the term.

Of course, again, our chairman, the gentleman from Alaska (Mr. YOUNG), who throughout with passion, with vigor, with humor, with his common sense approach brought us to this point of resolution. To the gentleman from Florida (Mr. MICA), the Chair of the Subcommittee on Aviation, who has been a quick student of aviation and from his very first year in this body sought service on the Subcommittee on Aviation, participated in the hearings, did our field trips and paid attention to the details of aviation and has proven himself a vigorous and worthy advocate for aviation. I am grateful for his leadership.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me share in the congratulations to the gentleman from Alaska (Chairman YOUNG) and, of course, the gentleman from Florida (Mr. MICA) for his leadership on this issue.

□ 1345

Let us make sure we do not do what we did with the 1990 bill, simply pass it. We need to enforce it. We need to make sure we carry out the mandates of this bill.

There is a provision to secure the cockpits, $500 million. Let us make sure we secure the cockpits. If the airlines had their way, they would put a paper clip in the lock and say it is secure. We must make certain that not only the aircraft but all perimeters are secure.

This bill was worth the couple weeks we waited. A lot of politics was made out of it. In fact, disparaging remarks were made about our side of the aisle not caring about safety. We care deeply about airline safety, passenger safety. And due to the leadership of both sides of the aisle, I can say to the American public today, as cochairman of the Congressional Travel and Tourism Caucus, we are well on our way to safer skies, a better traveling modality, and certainly a better economy for all Americans.

I congratulate the House.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1¼ minutes.

I appreciate the comments of the gentleman from Florida, with whom I have worked on travel and tourism issues. One of the reasons that the Aviation Security Act of 1990 was so long in reaching fruition is that the rules required to implement the provisions of law had to go through excruciating cost-benefit analyses.

One of the matters in which Members on our side, the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Oregon (Mr. DEFAZIO), and I were agreed upon, and on which the chairman of the full committee and chairman of the subcommittee, the gentleman from Florida (Mr. MICA), were agreed, was that cost-benefit analysis on rulemaking should be waived in matters of security.

The provisions of this legislation are very clear: The Under Secretary shall consider whether the costs are excessive in relation to the enhancement of the security the regulation will provide. The Under Secretary may waive requirements for analysis that estimate the number of lives that would be saved by regulation and the monetary value of such lives if the Under Secretary determines it is not feasible.

That kind of cost-benefit analysis has given to the FAA the unfortunate misnomer of ''tombstone mentality.'' It is not because the FAA wanted to do those analyses, it is because they had to. And we are going to take that onerous burden out of the rulemaking process and speed it up in the interest of security and saving lives.

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

Mr. YOUNG of Alaska. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 6 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank both the chairman and the ranking member for doing an extraordinary job.

I strongly support this airline security compromise, and I would also like to thank all the conferees who worked diligently to reach a compromise before the Thanksgiving holiday.

We have answered the pleas of all our constituents to pass an aviation security package that will make our skies safer. This package will restore public confidence in our aviation system. Well-trained, well-paid law enforcement officials will thoroughly screen baggage, sky marshals will be placed on flights, and cockpit doors will be fortified.

The passage of this bill will directly impact on my district. The economy of Las Vegas depends on the travel and tourism industry and the 38 million visitors who come to Las Vegas each year. Nearly 46 percent of those that come to visit Las Vegas arrive by air. We have an obligation to ensure that all travelers are safe.

Aviation security is national security. With the passage of this bill, we enhance our national security and protect all Americans. I urge all of my

colleagues to vote for the conference report.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I have appreciated the debate in terms of the committee members and those most involved in this legislation, but I heard some remarks from a couple on the other side that I felt I had to respond to in the interest of the record.

We could have had an aviation security bill much, much, much sooner. Yes, the Senate bill was not a great product, but it was passed a month ago, and this body could have acted before that or soon thereafter. We have been working 2- and 3-day weeks, really been putting in tough duty here in Washington, D.C. I have been flying back and forth across the country more than I am spending time in Washington.

We could have had a bill sooner, except for the impetus of one of the gentlemen who spoke in the well earlier about this, who was dead set against having competent, well-trained Federal employees doing the screening and security at airports. This bill provides that almost every airport in America will have those competent, well-trained Federal employees in place within 1 year, to replace the minimum wage, undertrained, and sometimes felonious employees used today to supposedly provide us with security.

We should have done it sooner. It is great we are doing it today. It is a good bill.

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

Mr. OBERSTAR. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 3½ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I just wanted to bring something to the attention of the chairman and the body that an engineer and pilot in my district suggested that we have a separate entrance for pilots and a solid bulkhead, doing away or reducing the need for security police on the plane, reducing the need to have threats of terrorists or hijackers.

So I hope this is one of the areas that the Department will be looking into, and I thank the gentleman for yielding this time to me.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 3½ minutes.

Mr. OBERSTAR. Mr. Speaker, first and foremost among the litany of thanks and appreciation should be the members of the professional staff of the Committee on Transportation and Infrastructure, who worked vigorously over the past several weeks, intensively since September 11, who gave not only weekdays, but week nights, Saturday and Sunday and Monday of this past weekend, in order to bring us to this point with care and skill in working out the language.

Often conferees get together and Members discuss principles without specific direction on how to translate those principles into the actual language, and this dedicated staff have done that. I specifically want to mention David Heymsfeld, whose shadow looms long over all aviation legislation in the last 25 years. His fingerprints are on every major piece of aviation legislation. Also Ward McCarragher, Stacie Soumbeniotis, Amy Griffith Denicore, Sheila Lockwood, Dara Schlieker, Rachel Carr, Michael McLaughlin, of the staff of the gentleman from Illinois (Mr. LIPINSKI); Kathy Weatherly, staff of the gentleman from Oregon (Mr. DEFAZIO); Lloyd Jones, who has proven a strong leader on the Republican staff; Mike Strachn, Elizabeth Megginson, Levon Boyagian, Fraser Verrusio, David Schaeffer, with whom I have worked for many, many years on aviation; Sharon Barkeloo, Adam Tsao, Cheryl McCullough, Sharon Pinkerton, and Legislative Counsels David Mendelsohn and Curt Haensel.

On the Senate side: Kevin Kayes, Moses Boyd, Sam Whitehorn, Gael Sullivan, Kerry Ates, Mark Buse, Rob Chamberlin, Mike Reynolds, Joe Mondello, David Crane, and Legislative Counsel Lloyd Ator.

Without their vigorous efforts, we could not have come to this point, especially after the computer crash this morning.

We achieve in this legislation something that has been a long-time goal of mine, of the families of the victims of Pan Am 103, establishing within the Department of Transportation at the level of the Secretary an Under Secretary for Transportation Security. When proposed, it was rejected by the administration at the time. They did not want an additional bureaucracy. Now, the wisdom of establishing it, the wisdom of our commission recommendation 11 years ago, is fulfilled in this legislation.

I introduced legislation in 1986–87 to establish an Assistant Secretary for Intermodalism in DOT. That never came to fruition. But, effectively, we have it now. And for that I thank the chairman of the full committee for realizing the significance of it, and the chairman of the Subcommittee on Aviation for understanding how important it is to elevate security for all modes of transportation to the level of the Secretary himself.

If I had my way, I would make one change in this bill, and that is to require on every airline ticket, accompanying the fee that we are going to impose for aviation security, the September 11 fund, so that never again will people forget what happened on September 11 and why we were brought to this legislation, why we are here today, and why we are doing something so substantial for the future of aviation and the future security of air travelers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

This has been an interesting hour, considering the time we put into the debate of the bill that was before us 2 weeks ago. Everybody is thanking everybody. I like that better than hollering at one another.

I again would suggest that the House did itself proud today. And I have never been prouder than now, being a House Member. And the more I am around this body, the prouder I am about the quality of the people that work here, the intelligence which they bring to this body, the diversity that they bring to this body. This is truly America. This is the House of the people.

As the gentleman from Minnesota mentioned, we have a House product. It may have a Senate name on it, it may be a Senate number, but this is truly a House product, because we had people like the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO). We may disagree on many things, but on this issue we agreed on the best security system, and today we have achieved that.

The gentleman from Minnesota also mentioned the staff, and I will not mention all the names, because I probably would forget somebody, but I will say that I am deeply proud of their work and of the time they put in, because we have had a product brought to this House that I believe is the finest piece of legislation for aviation that has ever passed.

Yes, we will continue to oversee, and we will be involved, and we will make sure this system works as we envision it working, because I truly believe the American people want that. But America has won today, this House has won today, and I am deeply proud of being chairman of this committee.

Mr. MEEHAN. Mr. Speaker, I rise today to express relief and gratitude that the Federal Government will finally take meaningful steps to shore up security at our airports and on our airplanes.

The tragic events of September 11th left the residents of Massachusetts' Fifth Congressional District—whom I am privileged to represent—all too aware of the potential price of inadequate airport and airplane security. Two flights that fateful day departed from Logan Airport in Boston, bound for destinations in California. Instead, murderous terrorists armed with knives and box cutters hijacked those planes and used them to destroy the World Trade Center. 28 individuals from or with close

connections to the Fifth Congressional District lost their lives due to these terrorist acts. Their families and friends mourn their loss and honor their memories—now and forever.

We cannot replace or restore the loss endured that day. That is our permanent tragedy. But we can bring the perpetrators to justice, and we can prevent innocent American life from being taken again by terrorists. This is our obligation to all Americans and to the memories of those who died on September 11—to put up our guard for good. It had long been evident that airport security was not being taken so seriously as it should have been. Few pieces of baggage were screened for explosives. Private security companies with poor track records were trusted with guaranteeing the safety of airplane passengers. Cockpit doors were not secure against intruders.

Thankfully, this will now change. When the House first took up airport security legislation, I was proud to vote in favor of a bill previously passed by the Senate, which would have required airport passenger and baggage screeners to be Federal employees. Unfortunately, the bill that initially passed the House rejected the Senate approach and chose instead to maintain too much of the status quo. I am very pleased that the conference report we take up today shares much more in common with the Senate approach than the original House bill. It would require, within a year of enactment, airport screeners to be Federal employees at virtually all airports in the United States. Moreover, all checked bags will be screened by X-ray equipment within 60 days of enactment, and all bags will be screened using explosive-detection equipment within a year. This is a sea change from the current approach—a change that will benefit the millions of Americans who travel by air for work and pleasure.

I do wish the bill had gone further. The bill does permit airports to request to use private screeners after three years. However, the Secretary of Transportation must find that non-federal screeners will provide an equal or higher level of security to approve any such application. It is imperative that the Secretary interpret this requirement stringently. We must not compromise the safety of American air travelers. Nonetheless, the bill is clearly a large step forward towards secure airports and airlines.

Just as the events of September 11th spurred the development of enactment of this legislation, those events explain my absence from voting today. This afternoon, there will be a memorial service in Boston's Fanueil Hall for the 131 individuals from or with close connections to Massachusetts who lost their lives in the terrorist attacks. I join Senator EDWARD M. KENNEDY and the families of these individuals in this hall of liberty to commemorate liberty's martyrs. While I wish there were no schedule conflict between the memorial service and votes on the airport security conference report, I feel strongly that my place today is with the families of the Fifth Congressional District who lost love ones on September 11th.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of the conference report to the Aviation Security Act, S. 1447. This is a good compromise reached between the House and Senate versions and it comes at a crucial time as the holiday season arrives upon us. By passing this bill we will assure Americans that we are going to do everything necessary to protect them when they fly.

For two months the Congress has debated the merits of federalization versus privatization when what we should have been doing is putting aside our differences and passed a common sense compromise between the two differing ideas. While the House was talking, Hawaii's tourism industry continued to suffer. As the Christmas travel period nears, passing this bill will help to rebound my home State's depressed economy.

Mr. Speaker, this compromise represents the willingness of the two sides to act and get this bill to the President immediately. We will have a federal security workforce at our airports, with increased safety standards. We will have a strengthening of cockpit doors to make them impenetrable and there will be more air marshals deployed on more airplanes throughout the country. Pilots and flight crews will receive a more rigorous training in dealing with hijackers. There will also be some flexibility by allowing 5 airports to conduct a pilot program for 3 years with a private contractor under strict federal oversight, pay schedules, and training regimens.

I am pleased that this bill will pass both Chambers swiftly and that the President has said he will immediately sign it into law and give people the sense of security which they have been needing for more than two months. We should have passed this bill immediately after September 11. I urge my colleagues to support the conference report.

Mr. COSTELLO. Mr. Speaker, I rise today in support of the conference report for H.R. 3150. I have said numerous times since the attacks of September 11 that the most important issue for us to address is improving aviation security. This conference is a product of much hard work by members of both bodies and parties. I am pleased that we have the opportunity to support this legislation today.

Under our current system, we have screeners who do not speak English, have received minimal to no training, and often leave to accept a higher paying job at the fast food restaurants in the airports. At many airports turn over is greater than 100 percent; at the St. Louis airport, the turn over rate is greater than 400 percent. In the weeks since the attacks, we have witnessed glaring failures of our current system, including one man clearing security with seven knives, a can of mace and a stun gun and another man boarding a plane with a gun.

For the last nine weeks, I have actively supported legislation which would make all airport screeners Federal employees. By federalizing the workforce, we can be sure that our airport security personnel are professional, well-trained, and accountable. The workers will be fairly compensated for the important task they perform. A Federal screening workforce is key in improving our aviation security.

This legislation creates an Under Secretary of Transportation Security, who will be responsible for security in all modes of Transportation. As soon as the President signs the legislation, stricter screener requirements will be in place. Within a year, all baggage screeners will be Federal employees, who work with federal law enforcement personnel stationed at the airports to improve our nation's aviation security. Federal, professional employees will restore confidence to the flying public in a way that continuing our current system of contract guards cannot.

In addition, this legislation makes other improvements to our aviation security. Among other things, it requires that all checked bags be screened by explosive detection equipment by the end of next year. It improves airport security by requiring background checks for individuals and vehicle inspections for those with access to secure areas. It increases the presence of Federal Air Marshals on flights. All of these things will make our skies safer.

Mr. Speaker, I think the conference committee has developed a good bill. I am pleased that we will use federal, rather than contract, employees to screen aviation passengers. I believe that with the passage of this legislation, we will be taking a giant step to reassure the public that our skies are safe, and putting our nation well on the road to recovery. I urge my colleagues to join me in support of this legislation.

Mr. FROST. Mr. Speaker, this conference report is a tremendous victory for the American people.

It is a comprehensive airline security bill that will put more federal air marshals on airplanes, strengthen cockpit doors and require that all baggage is screened.

But the most important fact of this bill, Mr. Speaker, is that it puts the Federal Government in charge of aviation security.

On September 11, all of us were made painfully aware that aviation security is a federal law enforcement responsibility. So this legislation replaces the failed current system—lowest-bidder private security contractors—with Federal law enforcement professionals at airports.

That, as much as anything, will go a long way toward restoring public confidence in airline safety and in America's economy.

A lot of people—Democrats, Republicans and Independents—have asked why this desperately needed reform took so long.

All of us agreed on a comprehensive approach to airline security long ago. But for the life of me, I cannot explain why a few Republican leaders spent the past two months fighting against federal law enforcement professionals at America's airports.

The bipartisan members of the conference committee deserve enormous credit for defying those few Republican leaders, and for insisting that airport security become a federal law enforcement responsibility.

Finally, the Congress is giving the American people what they deserve—a real, comprehensive airline security bill.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to support the conference report for S. 1477, the Aviation and Transportation Security Act. This new bipartisan compromise contains provisions essential to protecting our citizens, and extra security needed to ensure the integrity of our airways and reassure the traveling public of its safety. The use of a federal security force is critical to achieve this goal.

The most important element of this agreement is the federalization of airport security, effective immediately. Federal law enforcement agents will screen every passenger and

every bag. Trained employees will renew American's sense of confidence in our airlines and will spark economic growth. Restoring confidence in the air travel system will have a domino effect on the economy. When passengers feel comfortable flying, both the airline and tourism industries will also be able to begin the recovery process. Companies that were forced to lay off employees will eventually rehire workers to meet increased demand. Passenger travel at Kansas City International Airport (KCI) was off 27 percent from the previous year because of the September 11 tragedy. A study by Wilbur Smith Associates Inc. showed the Kansas City International Airport (KCI) injects $3.2 billion a year into the local economy. The payroll from these 67,400 jobs equals $1.5 billion alone. With this critical legislation, our local economy has a chance to recover.

Recent events and my own travel experience have shown that current private airport security is inconsistent and inadequate. In a two week period in October, there were 90 security breaches detected in our airports. Fortunately, incidents were averted in each situation, and this measure will assure safer skies. This compromise measure contains many other needed provisions to safeguard our skies: criminal background checks for all security employees with access to restricted areas; an expanded federal air marshal program; secure cockpit doors; antihijacking training for flight crews; and certified screeners will restore the trust of air travelers and their families.

Mr. Speaker, I support the Aviation Security Conference Report for S. 1447, and commend all who improved upon an already significant measure. The conference report will make the traveling public safer than they have ever been. I urge all of my colleagues to vote for this historic and important bill.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the Aviation Security and Transportation Conference Report which clears the way for major security increases throughout the U.S. aviation system. America has always had one of the safest aviation systems in the world, and our work today will restore that reputation.

While conference reports are about compromises, I am pleased that this conference report contains the strong aviation security provisions of S. 1447 and the Oberstar substitute. Because the conference is based on the Senate/Oberstar approach, there will be a seismic shift in the responsibility for aviation security from private contractors with poor performance records in recent years to a new federal authority, the Transportation Security Administration.

Many of my constituents are shocked that aviation security has been the responsibility of subsidiaries of European firms that have been repeatedly fined for serious violations. Overseeing these companies were the commercial airlines, many of which often are struggling to make profits. It is time to get the airlines and profit-loss considerations out of aviation security. If the aviation system is being attacked by international terrorists, my constituents believe it is the duty of the Federal Government to step in and provide protection which is not primarily based on cost concerns. With a $2.50 security fee per one-way trip, the Transportation Security Administration will be able to provide sweeping new measures and respectable salaries for airport screeners, in the range of $35–40,000. This will drastically improve recruitment, retainment, and morale.

Under the conference report, the new Transportation Security Administration will be responsible for conducting background checks on employees, developing and conducting stronger training programs, and screening all checked baggage by the end of 2002 with explosive detection equipment. The conference report provides for the expansion of the Federal Air Marshall Program to provide passengers the secure feeling of a strong last line of defense. In addition, there will be important modifications to American airplanes including: cockpit door fortification, cabin cameras, and secure transponders to communicate with air traffic control.

I firmly believe that the primary function of government is the protection of lives and property from external threats, and today I am confident that the Federal Government is performing its necessary duty. We have seen the desperate and utterly merciless nature of our enemy, and now we know what we have to do in response. Americans must feel safe in the air again. Our aviation system provides the glue holding our economy, friends, and families together. Our way of live is based on the freedom to travel, and the American people want American law enforcement to protect that freedom. Today, we have the chance to deliver. I urge my colleagues to pass the conference report and send it to the President.

Mr. KLECZKA. Mr. Speaker, I strongly support the measure before us this afternoon, the Conference Report to S. 1447, the Aviation Security bill. This legislation, which will ensure that well-trained and well-paid Federal employees are responsible for aviation safety, is clearly a victory for the safety of all Americans who fly, and a defeat for those corporate special interests who stood to profit from keeping the same old, failed security system in place.

Prior to September 11, Americans traveled freely on our nation's airplanes, relatively unconcerned about their personal safety. The chances of being a victim of a terrorist attack seemed remote to most of us, as such things seemed to only happen in the movies or in faraway places across the globe. However, the surreal image of airplanes crashing into the World Trade Center and the Pentagon left indelible imprints on the minds of millions and exposed the vulnerabilities that exist in our country's aviation security system.

Aviation security is currently handled by private companies that contract with the airlines and airports to handle security functions. These companies, such as Globe Security and Argenbright Security, have horrendous safety records, and numerous studies by the General Accounting Office and the Transportation Department show that private screeners frequently miss dangerous objects in tests of security systems. Still, private screening companies have continued to maintain that they could do a better job than higher paid and better-trained Federal employees. It is now clear that they have had their chance to prove themselves, and they have failed miserably.

Moreover, for over 30 years airline pilots, flight attendants, air traffic controllers, and countless others in the aviation industry have implored Congress to pass legislation that would hand over security to the Federal Government. Public opinion polls reflect that the American public also resoundingly supports federalization and has grown increasingly apprehensive about the safety of air travel. Many Americans have even opted not to fly at all, which as we all know has caused a crushing blow to America's airline industry.

It is now time for Congress to repair our flawed system in order to restore public confidence in the safety of air travel. Furthermore, protecting the American people from harm's way is one of the most fundamental obligations of our national government, and we must never allow the tragic events of September 11 to be repeated.

On October 11, the Senate passed an airport security bill by a vote of 100–0 that would dramatically improve aviation security through federalization. I strongly supported an identical piece of legislation introduced in the House, but, unfortunately, the Republican leadership chose to reject this version in place of an alternative bill that would keep in place the same ineffective private security screeners that we currently have.

Today, we have before us a conference report on aviation security that preserves many of the key provisions that were contained in the Senate-passed bill. Most importantly, the report allows for complete federalization of aviation security at all airports for at least 2 years, with the option (but not requirement) for airports to return to a private system after that time if they so choose. I strongly support this legislation since I am confident that airports will choose to maintain the new federal system.

The conference report also includes many other important security measures. For example, all checked baggage would be screened by explosive detection equipment by December 31, 2002. In the interim, all checked baggage would be screened by other means, including x-ray, positive passenger bag matching, or hand checking. Cockpit doors would be fortified and locked during flights, and the federal air marshal program would be greatly expanded. Finally, the report mandates that all passenger and baggage screening personnel be Federal employees within one year.

Should this conference report pass, as I expect it will, today's action by Congress will stand as a victory for all Americans who fly and will represent a triumph over special interest forces who lobbied Congress in favor of the continued use of private contractors. Our world has changed dramatically since September 11, and we must respond accordingly. I urge my colleagues to support this critical legislation.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of the Airline Security Conference report. It represents a truly bipartisan compromise that provides genuine improvements to our nation's airline security. Today's bill provides a stronger federal role to ensure proper and much-needed training and baggage security measures, increased on-board safety upgrades, and a strengthened sky marshal program. The American public deserves no less from Congress.

While I am delighted that we are voting on the conference report today, and will have a

bill signed by the President before the start of Thanksgiving week, it deeply concerns me that it has taken Congress so long to reach an agreement on this critically important legislation. Rather than doing it right the first time, some in this body pushed instead a package that fit their narrow partisan and philosophical agenda.

There will be some grandparents across the country denied the chance this year to spend the Thanksgiving holiday with their children and grandchildren because of widespread concern by the American public that our airline security falls short of the mark.

Thankfully, however, Congress will approve today's bill resulting in increased public confidence to fly home to celebrate the upcoming Christmas and Hanukkah holidays with their families. I believe strongly that by providing the changes, oversight, and flexibility included in the Airline Security Conference Report, our economy and communities will benefit along with the American public.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of the agreement reached by the members of the aviation security conference committee. In doing so, I would like to commend the Members and their staffs who did an excellent job in negotiating the points of contention in this extremely important legislation.

It is imperative that we turn airplane screeners into a professional, highly skilled, highly trained law enforcement workforce to ensure the best possible security for all airline passengers and crews. As such, I believe the conference report before us today takes significant steps to achieve that goal.

The tragic attacks of September 11, followed by the recent security lapse at Chicago's O'Hare Airport have highlighted the need for improved airport security. Federalizing the airport screeners and requiring all luggage—checked and carry on—to be screened are two critical steps that need to be taken and I applaud their inclusion in this report.

As we are now painfully aware, airport screeners are the front line in aviation security. This legislation will help transform them into a well-trained workforce capable of rising to the challenge and importance of their task.

I urge my colleagues to support this bipartisan compromise forged by hours of hard work and dedication and help ensure the safety of Americans and restore their confidence in air travel.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Aviation Security conference report.

First, I want to commend the conferees for their dedication and hard work in reaching a compromise that has broad support from the Congress and the American people. I want to especially thank the Ranking Members of the full committee and the Aviation Subcommittee, respectively, Mr. OBERSTAR and Mr. LIPINSKI for their persistence and leadership.

After the terrorist attacks of September 11, 2001, the American people were understandably reluctant to fly again. In the period immediately following the resumption of air traffic, airlines reported that load factors on their flights had plummeted, even after cutting back on the number of flights available. Airlines were also reporting millions of dollars of operating losses each day, and some were on the verge of bankruptcy. The disruption of the airline industry also threatened small businesses located at our nation's airports, such as restaurants and newsstands, who depend on heavy passenger flows through airports.

Under those conditions, Congress acted swiftly to pass the Air Transportation Safety and System Stabilization Act to provide an immediate infusion of funds for the airlines and to provide loan guarantees to ensure that the airlines regained access to capital markets. However, we all realized that passage of that legislation would be a Pyrrhic victory if Congress did not quickly enact legislation to restore the traveling public's confidence in security at our airports and in the skies. Although it has taken nearly two months, I am pleased that Congress is now finally taking that step.

The conference agreement provides the additional security that Americans have demanded by making all passenger and baggage screening at most airports in the nation a federal responsibility for at least two years. However, five airports, each of different size, will be allowed to participate in a DOT-supervised pilot program where passenger and baggage screening will be performed by private contractors. After the initial two-year period, individual airports will be given the option of requesting that screening be performed by private contractors or by local law enforcement officials. The applicants will have the benefit of the experience of the five pilot airports and still must meet or exceed baseline standards in order to have their applications to defederalize passenger and baggage screening approved by DOT.

The conference agreement also includes numerous non-controversial items, such as provision for additional air marshals, reinforcement of cockpit doors, and additional training to flight crews to better equip them to respond to hijacking situations. I am particularly pleased that the conference agreement includes two provisions regarding background checks. First, the agreement provides that criminal background checks will be required for all persons with access to secured areas of airports. This was a suggestion that I conveyed to the leadership of the Committee on behalf of DFW International Airport in my district. Certainly, we want to ensure that terrorists or other dangerous individuals do not infiltrate such sensitive areas. Second, the agreement provides that background checks be required for any foreign national seeking instruction in the operation of aircraft over 12,500 pounds and that flight school employees will be trained to recognize suspicious activities. I believe this provision adequately addresses concerns raised by constituents and other residents of the Dallas-Fort Worth Metroplex that Syrian nationals had been allowed to receive flight training at Forth Worth's Meacham Airport after the events of September 11.

Now that we have addressed the financial distress of the airlines and the security concerns of passengers, we still have one important item of unfinished business—the health and livelihoods of the more than 100,000 airline employees and others who have lost their jobs as a result of September 11. I strongly urge that provisions extending unemployment benefits and COBRA coverage be included in any economic stimulus package and hope that we can act on the legislation shortly after we return after the Thanksgiving holiday.

Mr. STARK. Mr. Speaker, S. 1447, the Conference Report on Aviation & Transportation Security Act is a victory for the American public who can rest assured that the Federal Government puts safety first. Although this urgently needed bill has taken far too long to complete its legislative course, and flawed provisions remain, it reflects a great deal of positive change in air travel safety.

The conference agreement makes the Federal Government directly responsible for all passenger and baggage screening, requiring that all screeners be Federal employees. This Federal employee requirement is a great departure from current law. Currently, airlines are responsible for the screening of airline passengers and baggage. Airlines pass this responsibility on to the lowest-bid screening contractors who pay their employees minimum wage and have widely varying employment standards. The result, as documented by the General Accounting Office and the Department of Transportation's Investigator General, is high turnover in the screener workforce and a failure of the screening process to work effectively. Unfortunately, the bill allows airports to return to private contractors for screening, three years after enactment. I would hope that if the Federal employees prove to be a successful change that Congress would revisit this provision.

The bill also requires that all baggage screeners be U.S. citizens. I would have preferred a requirement that all baggage screeners be legal permanent residents. Legal permanent residents are allowed to join our armed forces and are employed in various occupations across the U.S., including in our airports and airlines. Conditioning employment on U.S. citizenship effectively makes legal permanent residents a suspect class when they contribute to the fabric of our nation. The citizenship requirement is discriminatory and should also be revisited.

Aircraft security is significantly increased under the conference agreement by expanding the federal air marshal program; fortifying and placing access restrictions on cockpit doors; ensuring the ability to make emergency phone calls with telephones in aircraft; and providing enhanced anti-hijack training to flight crews. I believe that these new requirements, in addition to federalizing baggage screeners, provides sufficient preventive measures that airline pilots do not need guns in the cockpits. The conference agreement includes a provision to allow pilots to carry guns. I would certainly encourage my colleagues to monitor this provision closely and address it at a later time if this proves to be a threat to public safety.

I encourage my colleagues to join me in bringing aviation safety to the American people by voting yes on S. 1447.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the Aviation and Transportation Security Act conference report. Our actions today will help to make the skies the safest that they have ever been.

Since the disasters of September 11, the American public has been waiting for us to act. While I am glad that we are finally meeting their demands, we should have done so

weeks ago. There should have been no delay in responding to the safety concerns of airline passengers and airline workers. That should have been our first priority.

At long last, we now have a bill that puts the Federal Government squarely in charge of protecting aviation security, instead of leaving this awesome responsibility in the hands of private, for-profit companies like Argenbright. It ensures that we will have adequate numbers of well-trained employees who will stop armed and dangerous passengers before they can enter the boarding area or get on a plane. It requires that all checked baggage will be screened by explosive-detection equipment. It expands the Federal Air Marshall program. It requires that cockpit doors be made secure, that aircraft security be strengthened and that flight crews are trained to deal with any potential threat.

I share the belief of the overwhelming majority of Americans that safety is best put in the hands of a public law enforcement authority and Federal employees. However, I continue to be concerned that we have left the Secretary of Transportation with a great deal of discretion as to whether those new public employees will enjoy the same employment benefits and protections as other federal workers. While we agree that these federal law enforcement employees will not have the right to strike, it is my understanding that the Secretary is given the authority to determine whether they can join a union; participate in the Federal Employees Health Benefit Plan and retirement options; and be covered by non-discrimination, health and safety, and whistleblower laws. I sincerely hope that the Secretary will act to give those benefits and rights to federal screeners and security workers. We do not want those critical workers to be given second class status when it comes to employee benefits and rights. We must attract the most qualified people possible to fulfill the role of protecting the flying public. There should be no question that they deserve the same treatment as their fellow Federal employees.

With passage of this measure, we will all be able to truly declare that it is safer for America's flying public to take to the skies. I urge all of my colleagues to vote in support of this long overdue and critical legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in strong support of S. 1447, the Aviation Security Act Conference Report. This comprehensive, bi-partisan security package will better protect America's air travelers and improve security at all of our nation's airports.

This legislation strengthens Federal aviation security by doing the following: First and foremost, this legislation requires strict federal oversight of all of the nation's airline security screening, including all baggage screeners. Second, we also put into place a system that will eventually screen 100% of all bags; fortify cockpit doors; put Air Marshals on domestic flights and requires that all airport baggage screeners must be U.S. citizens. In addition, the Federal government will be required to conduct background checks on all individuals with access to secure areas of an airport.

This legislation also provides full authority to Federal officials to fire any of these employees who fail to perform their duties. And, most importantly the United States Department of Transportation assumes enforcement authority that previously rested with the airlines and the Federal Aviation Administration.

Mr. Speaker, as you well know the tragic events of September 11 have forced us to rethink all security in our country like no other time in U.S. History. Today, I am pleased that Congress, working with the President, has acted to ensure safety at our airports and in our skies. Like every American, I want to ensure we have the strongest and best possible security for airline passengers and crews. Make no mistake, on this issue there can be no compromise on safety.

Mr. BEREUTER. Mr. Speaker, this Member rises to comment on the conference report for S. 1447, the Aviation Security Act.

Clearly, the tragic events of September 11, 2001, properly focused attention on the need to improve security at our nation's airports. Without a doubt, the current system has serious flaws and the traveling public deserves better.

This Member cosponsored and strongly supported H.R. 3150, which was approved by the House on November 1, 2001. The House bill took the right approach. It would have federalized the airline security screening process and required strict, new standards governing airline security. Additionally, H.R. 3150 would have given the President needed flexibility on the issue of baggage screeners to determine which option (i.e., private, federalized, or some combination of the two) would provide the highest degree of security.

Quite simply, the House version was more responsible than the Senate bill, which was crafted hastily in the heat of the moment. This Member is disappointed that the House leadership caved-in to the Senate on the crucial issue of airport screeners. It was a very bad mistake for the House leadership to accept the federalization of screeners, as this action simply will put in place a huge new Federal bureaucracy without ensuring an increase in airport security over the House version.

Despite assurances, this Member is convinced that the system established for by this conference report will make it difficult to insist on excellence or to fire under-performing employees. It has been reported that Federal employee unions are already preparing lawsuits to remove elements of the legislation designed to facilitate the firing of employees who do not perform at acceptable standards.

The screening issue unfortunately overshadows many positive features of this legislation. Having expressed these very major concerns about the specific airport screening system being forced on the taxpayers and the American people, this Member is pleased to report that the conference report includes a number of provisions from the House-passed bill that are important improvements over the Senate bill. For example, the conference report increases the number of sky marshals, requires the fortification of cockpit doors, and mandates screening checked bags for bombs and explosives. In addition, the S. 1147 conference report creates a new Transportation Security Administration within the Department of Transportation, which would be in charge of security for airlines as well as railroads, buses, and commercial shipping.

Unfortunately, the White House's lukewarm support for the House bill also badly damaged efforts to arrive at the best solution. Now we have failed to follow the model of many European countries and the Israeli Government which have coordinated a successful national government-private sector approach. This new path will be irreversible and we'll never have an opportunity to see what might have been. As Transportation Secretary Norman Mineta and others have indicated, airports are highly unlikely to use the opt-out provision included in the conference report. Airports will have no incentive to move back to a non-Federal workforce.

The conference report also is worse, or more expensive, for travelers from some parts of the country like my home state of Nebraska, when it comes to the new fees needed to fund the new system. Under the House bill, each passenger would have paid a maximum of $5 per round-trip in new security-related user fees. The conference report imposes a fee of $2.50 per passenger for each leg of a trip, up to a maximum of $10 for a round-trip. For Nebraskans who must make a connection while flying round-trip to either coast, the fee will now be twice as much as it would have been under the House bill. Thus it discriminates against low population states in the country's Midlands. This increase would be acceptable if it accompanied a commensurate increase in security, but clearly the conference report is not an improvement over the House-passed version.

While nothing in this conference report will put in place new security features before the upcoming Thanksgiving holiday weekend, perceived psychological, editorial and public opinion pressures forced this bad compromise so that action could be completed prior to the Thanksgiving holiday. Although prompt action is needed, the artificial Thanksgiving deadline led to this flawed legislation, which will not provide needed airport security reform. Therefore, this Member believes that we may have missed the opportunity to provide real and improved airport security.

Mr. Speaker, this Member is pleased that Congress is addressing the critically important issue of aviation security, but regrets the missed opportunities which the conference report represents.

Ms. LEE. Mr. Speaker, I rise to voice my support for the Aviation and Transportation Security Act, S. 1447.

The events of September 11 have made it critical that Congress pass legislation that will ensure safe travel in our skies.

By putting well-trained, professional federal agents, including federal marshals, in charge of airport and airplane security, and by screening all baggage and cargo, we will make our skies safer, boost confidence in the airlines, and help our economy, the American people, and the country.

Earlier this week, I joined my colleagues in urging the conferees to ensure that legal permanent residents who have lived in the U.S. for 5 years, would still have their jobs protected. I am disappointed that this provision was not included and will continue to work to ensure that those legal residents who lose their jobs will receive the assistance they need.

I urge my colleagues to vote ''yes'' on the Aviation and Transportation Security Act.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the Aviation Security Conference Report. First, I would like to commend Chairman YOUNG, Ranking Member OBERSTAR, and Representatives MICA and LIPINSKI for remaining at the negotiating table, and crafting a bipartisan bill that both chambers can endorse.

I also want to applaud Leader GEPHARDT for his tireless pursuit of an airline security bill, and for making aviation security a matter of national security.

My colleagues, since the terrorist attacks of September 11, newspapers across the country have editorialized in support of federal workers at airports. Security experts have said that a federal security force is needed. And, the airlines have called for Federal help.

Today, we finally meet our responsibility to assure the public that our skies are safe. With this bill, the American people will know that second best isn't good enough, the lowest bidder isn't good enough, and a workforce with a more than 120 percent turnover rate isn't good enough.

Mr. Speaker, American families traveling to visit loved ones and friends are not the only ones who depend on the airline industry. Just take a minute to think about what would happen if people don't fly. Businesses will suffer—from the people who run coffee stands in airports to hotel operators to taxi cab drivers to travel agents. These small businesses deserve approval of this bipartisan conference report.

One of my constituents recently wrote that until the skies are secured, ''My family will not be flying. * * * We will not be flying any airplane until * * * every piece of luggage is x-rayed and the workers that screen flyers are federalized.''

Well, this bill would allow the government to immediately begin taking over control of airport screening functions, require that all baggage be checked, and expand the Federal Air Marshal Program. So let's pass this bill now and give our constituents the long-overdue good news.

We have delayed long enough. Vote ''yes,'' pass the conference report, and make travel safe and secure for all Americans.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of this conference report on H.R. 3150, the Aviation Security bill. This is a very positive and productive agreement on the issue of aviation security. I applaud President Bush and Democrats in Congress for their perseverance, but ultimately this a victory for air passengers and for the safety of all American citizens.

I have stated repeatedly in this Chamber and in my district that the existing airport security screening process is tremendously inconsistent, and is conducted by private companies who often are simply the lowest bidders.

These companies do not provide a high level of training for the low-skilled, poorly paid personnel that screen passengers and baggage, and are plagued by high turnover rates.

From the beginning of this debate I have supported legislation that would make airport security the responsibility of the government, to ensure that a highly trained, highly skilled workforce is responsible for security and the safety of passengers. National security in our airports should not be determined by the lowest bidder.

On the dividing issue of unionized labor that was interjected into this debate, I can only say that nobody checked the union cards of the firefighters, police officers, and emergency medical teams running up the stairs of the World Trade Center.

This conference report will insure that from now on, airport security will conducted by trained federal professionals. The public deserves nothing less.

Ms. LOFGREN. Mr. Speaker, I rise in support of the Aviation & Transportation Security Act. This legislation comes none to soon for the American public.

With Thanksgiving arriving, travelers and their families on the ground need to have confidence in air security that we once took for granted. This bill makes our airlines and airports safer.

New Federal agents will be hired to screen passengers and scan baggage. These workers will have the training and professionalism necessary to prevent terrorism and effectively serve as partners with law enforcement personnel.

The legislation establishes the Transportation Security Agency whose mission will be to set standards and to oversee the implementation of security standards. For the first time, the United States will have a single agency whose mission is to ensure security for all modes of transportation including water transport, rail highway, commercial aviation as well as civil aviation.

All checked baggage will be screened by explosive-detection equipment by the end of 2002. Cockpit doors will be strengthened and the Air Marshal Program will be expanded to cover more flights.

Mr. Speaker, this bill should have been completed much sooner. I regret that this legislation because an ''ideological divide'' over the issue of federalization of airport security personnel.

Breaches of security prior to and after the September 11 attacks have left little doubt that the current system of privatized screeners was broken and beyond repair. This legislation provides us with the opportunity to revamp the system, increase personnel training, and raise the standards of our workers.

Yesterday, conference committee members from each party who negotiated the compromise of the House- and Senate-approved bills—each claimed victory. Both sides worked hard to craft a compromise. I also believe the American people and security were victors.

When the President signs S. 1447 it is my sincere hope that it enactment will bring greater confidence to every airline passenger by using America's most valuable resources—its people and its technology—to lock up potential terrorists and to eliminate terrorism.

Mr. REYES. Mr. Speaker, I have said all along that we need to federalize and professionalize airport baggage screening. With Federal employees conducting the screening, we will greatly improve the quality of the screening process. Baggage screeners play a critical role in securing our airlines from terrorist attacks and are the first line of defense. The government should pay salaries commensurate with the law enforcement responsibilities of screening. This compromise is a step in the right direction and will provide uniform standards for security screeners at airports. Safe air travel is a national priority and it is critical that our screeners be held to rigid Federal standards.

I urge all of my colleagues to support this important compromise that will require almost all of the Nation's airports to put Federal employees in charge of security screening for the next 3 years. After that period of time, individual airports will have the ability to reaccess and to decide if they want to opt out of that Federal system and allow the screening to be handled by private contractors, State or local law enforcement. I predict that most will not. In addition, the bill calls for increased screening of checked bags within 60 days and that all checked bags go through explosive devise testing within a year. I strongly encourage the Department of Transportation to use new technology like SPEDS, the Small Parcel Explosive Detection System, which can detect explosives in a nonintrusive manner. Unlike conventional x-ray SPEDS can detect the difference between a bottle of wine and a bottle of liquid explosives disguised to look like a bottle of wine.

I am pleased that Congress is moving forward with this important legislation prior to the Thanksgiving Holiday weekend and believe that it is a good first step toward bringing back America's confidence in flight. I have spoken with the director of the El Paso International Airport and we agree that this measure will provide the needed security for the traveling public.

Mr. MCDERMOTT. Mr. Speaker, the airline security compromise bill is a major victory for the American people, and a crucial beginning to the recovery from the September 11 terrorist attacks. This measure will go a long way toward restoring public confidence in airline safety and shoring up our Nation's economy. I commend the members of the conference committee for providing us with an excellent bill to protect the traveling public.

Among the important components of this bill is the requirement that all checked baggage be screened. Past measures have been woefully inadequate, requiring that only a small percentage of checked baggage pass through a screening machine. This bill also provides for the development of an agency within the Department of Transportation that is responsible for all transportation security needs. This includes security on railways, busses, and passenger vessels.

Most importantly, security personnel will be required to meet a new higher standard. Virtually all airport security officers will be Federal employees. Only those security firms that meet or exceed the federal standard will be allowed to operate in our Nation's airports. No longer will the lowest bidding security firm be awarded contracts to protect travelers in this country.

It is my hope that these measures can be implemented in a fast and efficient manner.

Once again I would like to commend the members who worked hard to bring us this compromise bill and to proclaim my support for this measure.

Ms. SOLIS. Mr. Speaker, I rise today to applaud the conferees for their work on the Aviation Security conference report.

This conference report will provide the government with the ability to fully protect our citizens from another horrible attack such as the ones that occurred on September 11.

I especially want to applaud the successful efforts of the conferees in both Houses to remove the ''Super-citizenship'' clause that was present in the Senate bill.

Many of us in Congress and in minority communities throughout the country were very concerned about that provision because it allowed naturalized citizens to be treated differently than natural-born citizens.

Had the ''Super-citizenship'' provision been enacted, it would have set the first precedent for further restrictions on a portion of our U.S. citizenry.

I and many others are comforted by the fact that the conference took a fair and just stance on this issue.

I do have to acknowledge, though, that thousands of Legal Permanent Residents will lose their jobs as a result of this legislation.

This is yet another strong argument for worker relief.

We cannot purposely take jobs away from hard-working, tax-paying individuals without offering them assistance.

I hope my colleagues will join me in efforts to address the needs of screeners who, through no fault of their own, will soon be standing in the unemployment line.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 9, not voting 14, as follows:

[Roll No. 448]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Brady (TX)
Coble
Collins
Paul
Schaffer
Sessions
Shadegg
Stump
Taylor (NC)

NOT VOTING—14

Barcia
Bono
Flake
Hall (OH)
Hastings (FL)
Hinojosa
Johnson, E. B.
Lantos
Meehan
Meeks (NY)
Mollohan
Ros-Lehtinen
Thompson (MS)
Waxman

□ 1429

Mr. SNYDER changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BONO. Mr. Speaker, on rollcall No. 448 I was attending a ceremony unveiling a statue of my late husband, Sonny Bono, in Palm Springs, CA. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I was unavoidably detained from voting on rollcall votes numbered 446, 447 and 448. Had I been present, I would have voted "yea" on rollcall vote number 446, "nay" on rollcall vote number 447 and "nay" on rollcall vote number 448.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447) "An Act to improve aviation security, and for other purposes.".

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I take this time for the purpose of making an announcement.

Mr. Speaker, I am pleased to announce to our colleagues that, while we

have not completed all of our work for the day, we have a few things we will do by unanimous consent, we have had the last vote of the day; and indeed, we have had the last vote prior to the Thanksgiving recess work period.

I should advise, Mr. Speaker, if I may, Members that the House will be in session on Monday next for a pro forma session, but there will be no votes.

A few other pieces of information that may be of interest to our Members is that we do want to advise the body that we will hold a vote on trade promotion authority on December 6, a day that will live in infamy as the birthday of the Chairman of the Committee on Ways and Means.

Mr. Speaker, at this time, I do not believe there are any other scheduling announcements that I need to make unless the gentleman from Texas (Mr. FROST) has a question.

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

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I would ask the gentleman from Texas (Mr. ARMEY) when he would anticipate our first vote would be when we return.

Mr. ARMEY. I thank the gentleman for that inquiry, and Mr. Speaker, Members should be advised that we will resume business requiring votes in the House on November 27, a Tuesday; and votes will commence at 6:30 that evening.

Mr. FROST. Mr. Speaker, I would ask the gentleman when he anticipates that the House will then adjourn for the year.

Mr. ARMEY. I do appreciate the gentleman's inquiry. We are working expeditiously, of course, to close out our budget year with the appropriations bill. Obviously, the defense appropriations bill will be one of the first things we act upon when we return after the Thanksgiving work recess. We have a few other conference reports to clean up on that. We also have a very important bill to stimulate the economy, a reinsurance bill, the trade bill and others; but I could only say to the gentleman we are hoping that even as we are working through this recess period in our districts to have some of that work proceed during that time and be better able to move that work along.

So at this point I can only say we are all anxious, as I am sure the other body is, to complete that work as soon as possible. What can I say? I can say I would encourage all our Members to sing with great confidence ''I'll be Home for Christmas,'' and maybe earlier.

Mr. FROST. Mr. Speaker, I would further ask the gentleman, when we return on the 27th, will there be suspension bills that day?

Mr. ARMEY. Again, I thank the gentleman for inquiring.

Mr. Speaker, we will have a list of suspension bills. We are in the process of clearing them now; and Members will be advised of that, if not today, certainly by Monday next week in their offices.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 292) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 292

Resolved, That the following named Members, be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform: Mr. LYNCH of Massachusetts, to rank after Ms. WATSON of California.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS PRIMARY SPONSOR OF H.R. 2815

Mr. ROEMER. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the primary sponsor of H.R. 2815, a bill originally introduced by Representative SCARBOROUGH of Florida, for the purpose of adding co-sponsors and requesting reprintings under clause 7 of rule XII.

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

There was no objection.

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1196) to amend the Small Business Investment Act of 1958, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Ms. VELÁZQUEZ. Mr. Speaker, reserving the right to object, and I do not intend to object, I ask the gentleman from Illinois (Mr. MANZULLO) to explain his request.

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

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Speaker, the purpose is so that the 7(a) program and the 504 program, it will reduce fees in both those programs effective on October of next year; but the overall bill is important because it continues the SBIC programs going.

SMALL BUSINESS ADMINISTRATION,
Washington, DC, November 14, 2001.

Hon. DONALD A. MANZULLO,
Chairman, Committee on Small Business, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Congress will soon pass H.R. 2500, Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002. As you know, under the terms of the Continuing Resolution, upon enactment of H.R. 2500 its provisions will immediately take effect. That enactment will have a significant impact upon the Small Business Investment Company (SBIC) participating securities program.

Under H.R. 2500, there is no subsidy budget authority available for the participating securities program. The Committee on Appropriations removed that funding in anticipation of legislation from the Committee on Small Business to enhance the fee structure of the participating securities program. Those legislative changes would result in a zero subsidy rate for the participating securities program. This legislation was part of the Administration's budget submission to the Congress and is supported by the SBIC industry. Unfortunately, the authorizing language has not yet passed the Congress.

Absent the authorizing language the Small Business Administration will be unable to make future commitments for participating securities leverage until the authorizing language is passed. I fear that such disruption will have a chilling effect upon private sector participation in the SBIC program. There are currently 30 participating securities license applicants awaiting approval backed by approximately $600 million dollars in capital. This capital, enhanced by SBA's leverage, represents a significant potential investment in America's small businesses, an investment that could be negatively affected by the uncertainty of a suspension.

Mr. Chairman, the SBIC participating securities program has invested billions of dollars in small businesses and created thousands of jobs, and has the potential to create so many more. I urge you and your colleagues to work quickly to pass the requisite legislation to raise the fee structure in the participating securities program by 37.6 basis points and prevent the suspension of the program. The SBA stands ready to work with you on this legislation and help keep this program working for small business.

Sincerely,

HECTOR V. BARRETO,
Administrator.

Ms. VELÁZQUEZ. Mr. Speaker, further reserving the right to object, I rise in support of the amendment. Earlier this week, the Commerce, Justice and State bill sent to the President failed to provide any funding for the Small Business Investment Company program, which will force its complete shutdown.

The SBIC program has been a real partner in helping America's small businesses grow both in times of economic prosperity and in times of economic slowdown. SBICs have assisted

small business owners by investing over $15 billion in long-term debt and equity capital to more than 90,000 small businesses and by investing more than $600 million to businesses in low- and moderate-income areas. The SBICs have given such Fortune 500 companies as Intel, Federal Express, AOL, and Staples the tools they need to succeed and to become today's industry leaders.

In an effort to keep the program operating, S. 1196 will increase the fees to make up for the lack of appropriated funds, but an increase in program fees will rule out the SBIC as an option for many small businesses across this country.

A way to ensure lending options for this Nation's small businesses is to adopt the amendment under consideration. The amendment will reduce the costs of the 7(a) program which will allow for greater access to capital that small businesses, especially start-ups and those in low-income areas, need to continue serving as the engine of this economy.

I urge its adoption.

Mr. MANZULLO. Mr. Speaker, I rise in support of S. 1196, the Small Business Investment Company Amendments Act of 2001. This is a fairly straightforward bill—it will keep venture capital flowing to small businesses during this critical time in our nation's economic recovery. Right now, there are 30 participating securities license applicants awaiting approval of this bill, with $600 million private equity capital at stake.

In 1958, Congress created the SBIC program to assist small business owners in locating investment capital. The problems are still the same as they were 40 years ago, which are magnified by the collapse of many "dot.coms," the general economic slowdown, and the tragic events of September 11th. However, with other sources of private venture capital drying up, the SBIC program is becoming more and more critically important.

Last year, SBIC financed 4,600 venture capital deals, investing $5.6 billion in fast-growing small businesses. Since 1996, investing by SBIC-licensed firms accounted for about half of all venture capital deals made in the United States. Since its inception, the SBIC program has also returned $700 million directly to the U.S. Treasury. Indirectly, the SBIC program has generated millions of dollars in corporate tax revenue from companies as diverse as Federal Express, Apple Computer, Intel Corporation, America Online, Callaway Golf, and the Outback Steakhouse. They all had their start with an infusion of venture capital from SBIC-licensed firms.

The main purpose of S. 1196 is to adjust the fees charged to Participating Security SBICs from 1.0 percent to 1.38 percent. This change is necessary because both the President and Congress have agreed to eliminate funding for this program. The FY '02 Commerce/Justice/State Appropriations bill (H.R. 2500), which passed both bodies earlier this week, contained no funding for the Participating Securities SBIC program. The Debentures SBIC program already operates at zero cost to the taxpayer. If the President signs H.R. 2500 without any funding or and S. 1196, with a fee increase, does not reach his desk, then the SBIC Participating Securities program terminates. According to a letter I received from the SBA Administrator, Hector Barreto, which I include for the record, there are currently 30 participating securities license applicants awaiting approval backed by approximately $600 million dollars in capital. If S. 1196 does not pass, these and all future small business investment opportunities through the SBIC program would vanish.

H.R. 2500 also contains increased program levels for the SBIC program. S. 1196 is needed to accommodate the anticipated increased demand for venture capital financing as the private sector has withdrawn from the marketplace. The SBIC program serves best as a counter cyclical program—it is particularly needed during a downturn in our economy.

The other provisions in S. 1196 affecting the SBIC program strengthen the oversight and authority of the SBA to take action against bad actors within the program, promoting the integrity of the program, and streamline its operation.

The House amendments to S. 1196 modestly lower the fees in the other main access to capital programs of the SBA—the 7(a) General Business loan program and the 504 Certified Development Company (CDC) program. In 1995, Congress increased the fees in the programs to lower the cost to the taxpayer. Since then, the Office of Management and Budget (OMB), the Congressional Budget Office (CBO), and the General Accounting Office (GAO) have all agreed that small business borrowers and lenders have paid in far too much fees to keep the program operating at no cost to the taxpayer. In fact, CBO estimates that participants in the 7(a) program alone have overpaid the U.S. Treasury in terms of higher fees to the tune of $1.258 billion over the past nine years.

These amendments are a small beginning to rectify this problem. The fee changes include lowering the fees on 7(a) loans from between $150,000 to $250,000 to two percent. For all loans above $250,000, the fees would be three percent. This amendment eliminates the 3.5 percent fee on loans above $700,000. The annual fee would drop in half from 0.25 percent to 0.50 percent. In addition, 504 fees would be reduced in terms of both the upfront and on-going fee for the entire life of the loan.

It should be made clear that fee reductions contained in the House amendments to S. 1196 are applicable only after October 1, 2002—at the beginning of the next fiscal year. Thus, there should be no interruption in the level of service offered small business borrowers and lenders during this fiscal year. Also, these changes are subject to appropriations, which I am optimistic will be addressed when OMB makes its promised changes to the subsidy rate calculation model.

Mr. Speaker, I rise in support of S. 1196 as amended, and I urge my colleagues to support these needed changes to these programs.

Ms. Velázquez. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1196

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 "Small Business Investment Company Amendments Act of 2001".

SEC. 2. SUBSIDY FEES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking "of not more than 1 percent per year";

(B) by inserting "which amount may not exceed 1.38 percent per year, and" before "which shall be paid"; and

(C) by striking "September 30, 2000" and inserting "September 30, 2001"; and

(2) in subsection (g)(2)—

(A) by striking "of not more than 1 percent per year";

(B) by inserting "which amount may not exceed 1.38 percent per year, and" before "which shall be paid"; and

(C) by striking "September 30, 2000" and inserting "September 30, 2001".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2001.

SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking "(including disclosure in the locality most directly affected by the transaction)".

SEC. 4. PENALTIES FOR FALSE STATEMENTS.

(a) CRIMINAL PENALTIES.—Section 1014 of title 18, United States Code, is amended by inserting ", as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act" after "small business investment company".

(b) CIVIL PENALTIES.—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2)—

(i) by striking "1341;" and inserting "1341"; and

(ii) by striking "institution." and inserting "institution; or";

(C) by inserting immediately after paragraph (2) the following:

"(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a)).."; and

(D) by striking "This section shall" and inserting the following:

"(d) EFFECTIVE DATE.—This section shall".

SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

"SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

"(a) DEFINITION OF 'MANAGEMENT OFFICIAL'.—In this section, the term 'management official' means an officer, director, general partner, manager, employee, agent,

or other participant in the management or conduct of the affairs of a licensee.

''(b) REMOVAL OF MANAGEMENT OFFICIALS.—

''(1) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

''(A) such management official—

''(i) has willfully and knowingly committed any substantial violation of—

''(I) this Act;

''(II) any regulation issued under this Act; or

''(III) a cease-and-desist order which has become final; or

''(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

''(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

''(2) CONTENTS OF NOTICE.—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

''(3) HEARINGS.—

''(A) TIMING.—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

''(i) the management official, and for good cause shown; or

''(ii) the Attorney General of the United States.

''(B) CONSENT.—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

''(4) ISSUANCE OF ORDER OF REMOVAL.—

''(A) IN GENERAL.—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

''(B) EFFECTIVENESS.—An order under subparagraph (A) shall—

''(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

''(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

''(c) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

''(1) IN GENERAL.—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1)—

''(A) shall become effective upon service of notice under paragraph (1); and

''(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

''(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

''(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

''(3) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1), that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

''(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

''(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

''(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

''(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

''(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

''(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

''(1) HEARING VENUE.—Any hearing provided for in this section shall be—

''(A) held in the Federal judicial district or in the territory in which the principal office of the licensee is located, unless the party afforded the hearing consents to another place; and

''(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

''(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

''(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

''(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

''(B) upon such filing of the record, with permission of the court.

''(4) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

''(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

''(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

''(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

''(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

''(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

''(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

''(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.''.

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

''(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $250,000.

''(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $250,000.''.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: ''With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.''.

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking ''not exceed the lesser'' and inserting ''not exceed—

''(i) the lesser''; and

(C) by adding at the end the following:

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and''; and

(2) by adding at the end the following:

''(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.''.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MANZULLO:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Investment Company Amendments Act of 2001''.

SEC. 2. SUBSIDY FEES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by striking ''of not more than 1 percent per year'';

(B) by inserting ''which amount may not exceed 1.38 percent per year, and'' before ''which shall be paid''; and

(C) by striking ''September 30, 2000'' and inserting ''September 30, 2001''; and

(2) in subsection (g)(2)—

(A) by striking ''of not more than 1 percent per year'';

(B) by inserting ''which amount may not exceed 1.38 percent per year, and'' before ''which shall be paid''; and

(C) by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2001.

SEC. 3. CONFLICTS OF INTEREST.

Section 312 of the Small Business Investment Act of 1958 (15 U.S.C. 687d) is amended by striking ''(including disclosure in the locality most directly affected by the transaction)''.

SEC. 4. PENALTIES FOR FALSE STATEMENTS.

(a) CRIMINAL PENALTIES.—Section 1014 of title 18, United States Code, is amended by inserting '', as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), or the Small Business Administration in connection with any provision of that Act'' after ''small business investment company''.

(b) CIVIL PENALTIES.—Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2)—

(i) by striking ''1341;'' and inserting ''1341''; and

(ii) by striking ''institution.'' and inserting ''institution; or'';

(C) by inserting immediately after paragraph (2) the following:

''(3) section 16(a) of the Small Business Act (15 U.S.C. 645(a)).''; and

(D) by striking ''This section shall'' and inserting the following:

''(d) EFFECTIVE DATE.—This section shall''.

SEC. 5. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

Section 313 of the Small Business Investment Act of 1958 (15 U.S.C. 687e) is amended to read as follows:

''SEC. 313. REMOVAL OR SUSPENSION OF MANAGEMENT OFFICIALS.

''(a) DEFINITION OF 'MANAGEMENT OFFICIAL'.—In this section, the term 'management official' means an officer, director, general partner, manager, employee, agent, or other participant in the management or conduct of the affairs of a licensee.

''(b) REMOVAL OF MANAGEMENT OFFICIALS.—

''(1) NOTICE OF REMOVAL.—The Administrator may serve upon any management official a written notice of its intention to remove that management official whenever, in the opinion of the Administrator—

''(A) such management official—

''(i) has willfully and knowingly committed any substantial violation of—

''(I) this Act;

''(II) any regulation issued under this Act; or

''(III) a cease-and-desist order which has become final; or

''(ii) has willfully and knowingly committed or engaged in any act, omission, or practice which constitutes a substantial breach of a fiduciary duty of that person as a management official; and

''(B) the violation or breach of fiduciary duty is one involving personal dishonesty on the part of such management official.

''(2) CONTENTS OF NOTICE.—A notice of intention to remove a management official, as provided in paragraph (1), shall contain a statement of the facts constituting grounds therefor, and shall fix a time and place at which a hearing will be held thereon.

''(3) HEARINGS.—

''(A) TIMING.—A hearing described in paragraph (2) shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of notice of the hearing, unless an earlier or a later date is set by the Administrator at the request of—

''(i) the management official, and for good cause shown; or

''(ii) the Attorney General of the United States.

''(B) CONSENT.—Unless the management official shall appear at a hearing described in this paragraph in person or by a duly authorized representative, that management official shall be deemed to have consented to the issuance of an order of removal under paragraph (1).

''(4) ISSUANCE OF ORDER OF REMOVAL.—

''(A) IN GENERAL.—In the event of consent under paragraph (3)(B), or if upon the record made at a hearing described in this subsection, the Administrator finds that any of the grounds specified in the notice of removal has been established, the Administrator may issue such orders of removal from office as the Administrator deems appropriate.

''(B) EFFECTIVENESS.—An order under subparagraph (A) shall—

''(i) become effective at the expiration of 30 days after the date of service upon the subject licensee and the management official concerned (except in the case of an order issued upon consent as described in paragraph (3)(B), which shall become effective at the time specified in such order); and

''(ii) remain effective and enforceable, except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court in accordance with this section.

''(c) AUTHORITY TO SUSPEND OR PROHIBIT PARTICIPATION.—

''(1) IN GENERAL.—The Administrator may, if the Administrator deems it necessary for the protection of the licensee or the interests of the Administration, suspend from office or prohibit from further participation in any manner in the management or conduct of the affairs of the licensee, or both, any management official referred to in subsection (b)(1), by written notice to such effect served upon the management official.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1)—

''(A) shall become effective upon service of notice under paragraph (1); and

''(B) unless stayed by a court in proceedings authorized by paragraph (3), shall remain in effect—

''(i) pending the completion of the administrative proceedings pursuant to a notice of intention to remove served under subsection (b); and

''(ii) until such time as the Administrator shall dismiss the charges specified in the notice, or, if an order of removal or prohibition is issued against the management official, until the effective date of any such order.

''(3) JUDICIAL REVIEW.—Not later than 10 days after any management official has been suspended from office or prohibited from participation in the management or conduct of the affairs of a licensee, or both, under paragraph (1),

that management official may apply to the United States district court for the judicial district in which the home office of the licensee is located, or the United States District Court for the District of Columbia, for a stay of the suspension or prohibition pending the completion of the administrative proceedings pursuant to a notice of intent to remove served upon the management official under subsection (b), and such court shall have jurisdiction to stay such action.

''(d) AUTHORITY TO SUSPEND ON CRIMINAL CHARGES.—

''(1) IN GENERAL.—Whenever a management official is charged in any information, indictment, or complaint authorized by a United States attorney, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon that management official, suspend that management official from office or prohibit that management official from further participation in any manner in the management or conduct of the affairs of the licensee, or both.

''(2) EFFECTIVENESS.—A suspension or prohibition under paragraph (1) shall remain in effect until the subject information, indictment, or complaint is finally disposed of, or until terminated by the Administrator.

''(3) AUTHORITY UPON CONVICTION.—If a judgment of conviction with respect to an offense described in paragraph (1) is entered against a management official, then at such time as the judgment is not subject to further appellate review, the Administrator may issue and serve upon the management official an order removing that management official, which removal shall become effective upon service of a copy of the order upon the licensee.

''(4) AUTHORITY UPON DISMISSAL OR OTHER DISPOSITION.—A finding of not guilty or other disposition of charges described in paragraph (1) shall not preclude the Administrator from thereafter instituting proceedings to suspend or remove the management official from office, or to prohibit the management official from participation in the management or conduct of the affairs of the licensee, or both, pursuant to subsection (b) or (c).

''(e) NOTIFICATION TO LICENSEES.—Copies of each notice required to be served on a management official under this section shall also be served upon the interested licensee.

''(f) PROCEDURAL PROVISIONS; JUDICIAL REVIEW.—

''(1) HEARING VENUE.—Any hearing provided for in this section shall be—

''(A) held in the Federal judicial district or in the territory in which the principal office of the licensee is located, unless the party afforded the hearing consents to another place; and

''(B) conducted in accordance with the provisions of chapter 5 of title 5, United States Code.

''(2) ISSUANCE OF ORDERS.—After a hearing provided for in this section, and not later than 90 days after the Administrator has notified the parties that the case has been submitted for final decision, the Administrator shall render a decision in the matter (which shall include findings of fact upon which its decision is predicated), and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of this section.

''(3) AUTHORITY TO MODIFY ORDERS.—The Administrator may modify, terminate, or set aside any order issued under this section—

''(A) at any time, upon such notice, and in such manner as the Administrator deems proper, unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4)(B), and thereafter until the record in the proceeding has been filed in accordance with paragraph (4)(C); and

''(B) upon such filing of the record, with permission of the court.

''(4) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Judicial review of an order issued under this section shall be exclusively as provided in this subsection.

''(B) PETITION FOR REVIEW.—Any party to a hearing provided for in this section may obtain a review of any order issued pursuant to paragraph (2) (other than an order issued with the consent of the management official concerned, or an order issued under subsection (d)), by filing in the court of appeals of the United States for the circuit in which the principal office of the licensee is located, or in the United States Court of Appeals for the District of Columbia Circuit, not later than 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

''(C) NOTIFICATION TO ADMINISTRATION.—A copy of a petition filed under subparagraph (B) shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

''(D) COURT JURISDICTION.—Upon the filing of a petition under subparagraph (A)—

''(i) the court shall have jurisdiction, which, upon the filing of the record under subparagraph (C), shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (3)(B);

''(ii) review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code; and

''(iii) the judgment and decree of the court shall be final, except that the judgment and decree shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code.

''(E) JUDICIAL REVIEW NOT A STAY.—The commencement of proceedings for judicial review under this paragraph shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator under this section.''.

SEC. 6. REDUCTION OF FEES.

(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

''(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:

''(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $250,000.

''(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $250,000.''.

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: ''With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.''.

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking ''not exceed the lesser'' and inserting ''not exceed—

''(i) the lesser''; and

(C) by adding at the end the following:

''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and''; and

(2) by adding at the end the following:

''(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.''.

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title III or V of the Small Business Investment Act of 1958 (15 U.S.C. 697a), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.

Mr. MANZULLO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MANZULLO) is recognized for 1 hour.

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

As I stated, the purpose of the amendment is to decrease the fees of the 7(a) program and the 504 program effective October 1 of the year 2002.

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

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR USE OF ROTUNDA OF CAPITOL FOR A NATIONAL DAY OF RECONCILIATION

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 83) providing for a National Day of Reconciliation, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF ROTUNDA OF THE CAPITOL.

The rotunda of the Capitol is authorized to be used at any time on November 27, 2001, or December 4, 2001, for a National Day of Reconciliation where—

(1) the 2 Houses of Congress shall assemble in the rotunda with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance; and

(2) during this assembly, the Members of the 2 Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as—

(A) the champion of hope;

(B) the vindicator of the defenseless; and

(C) the guardian of freedom.

SEC. 2. PHYSICAL PREPARATIONS FOR THE ASSEMBLY.

Physical preparations for the assembly shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HONORING CONTINUING SERVICE AND COMMITMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE UNITS

Mr. FORBES. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 287) honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Ms. SANCHEZ. Mr. Speaker, reserving the right to object, I rise in support of House Resolution 287 offered by my colleague, the gentleman from Virginia (Mr. FORBES). House Resolution 287 honors the National Guard and Reserve units that have been called to service in support of Operation Enduring Freedom and Operation Noble Eagle.

On September 11 Americans were shocked and saddened to learn of the deadly terrorist attacks on the World Trade Center in New York City and on the Pentagon in Washington, D.C. The heroic efforts of those aboard a fourth commercial airliner foiled the terrorist attempts to potentially destroy another target in the Nation's capital.

Shock and outrage were quickly replaced with determination, and the President declared a national emergency; and on September 14, he announced the partial mobilization of nearly 50,000 National Guard and Reservists to assist in national security efforts.

Five days later, units across the country received notice that they were being called to duty. Today, over 42,000 Reservists and members of the National Guard are on call. They represent all 50 States, the District of Columbia, Puerto Rico, and Guam.

Many have been protecting our Nation's airports. Others have brought their expertise in medical supply intelligence and other important disciplines as part of Operation Enduring Freedom and Operation Noble Eagle.

Over 1.2 million citizen soldiers have committed their lives in defense to our Nation. These dedicated individuals are our neighbors, our friends, and our relatives. In California, teachers, police officers, business men and women and individuals from all walks of life have put on their uniforms to defend this Nation.

Next week, while we are with our families and friends giving thanks for the founding of this great Nation, Armed Forces personnel will be protecting all of these freedoms that we enjoy.

□ 1445

They will be separated from their families and loved ones, some may be patrolling the skies above us, some guarding our Nation's airports and seaports, some may be overseas, but they will all be doing what they do best. They will be defending the principles of this Nation, protecting us all from harm. We owe our Nation's armed forces a debt of gratitude. Let us give thanks for those who volunteer to serve our country in uniform.

Mr. Speaker, I yield to the gentleman from Virginia for the purpose of explaining the bill.

Mr. FORBES. Mr. Speaker, I am proud to rise today with the gentleman from Minnesota (Mr. KENNEDY) to offer this important resolution honoring the greatest citizen soldiers of the greatest armed forces in the world, our National Guard and Reserve.

On September 11 our Nation suffered a great tragedy. Enemies of freedom made a deliberate attack on our people, our soil, and our way of life. But those enemies were mistaken if they believed that such an attack could turn us away from the principles of liberty and freedom that we hold so dear. Our Nation will survive and we will emerge even stronger for having endured this horror. America's enemies have brought the issue of terrorism to the forefront of the American stage, and they will pay dearly for it.

We know this not only because we have the will and spirit to conduct this war against terrorism, but also because we have the best-trained, most impressive fighting force this world has seen. In the days following September 11, it was the National Guard and Reserve who were present on our streets and in our skies. They were present in our airports and on our waterways. They were deployed overseas in support of active duty units. This is not the first time we have seen these heroes in action. They are our associates and our neighbors, our friends and relatives. Yet, to many of us, their presence means so much more than it did before.

Just this morning, in fact, the National Guard was sworn in to assist in protecting the U.S. Capitol. We welcome them to our Capitol Hill family and thank them for their steadfast service.

Furthermore, reports are in that America has tracked down and eliminated the number two leader of al Qaeda. We owe this success in part to the efforts of our National Guard and Reserves. Without their aid, our regular active duty members would not have been able to effectively be both the tip of the spear and the shield of America.

We should honor our modern day Minutemen, or as our citizen soldiers stand watch over us, they remind us that since colonial times, long before the phrase ''Homeland Security'' was used, they were here to preserve liberty on the home front.

We owe the men and women who have left their families and jobs to heed this call a great deal, and I urge my colleagues to join me in supporting our National Guard and Reserve. Let every Guardsman and Reservist know that the Members of this body hold them in highest esteem.

I would like to thank the Speaker and the majority leader for bringing this resolution to the floor so promptly. Additionally, I would like to thank the gentleman from Minnesota (Mr. KENNEDY) for his strong support of our Guardsmen and Reservists, and I urge my colleagues to follow his lead and to reach out to our National Guard and Reserve units with a helpful and grateful heart.

Ms. SANCHEZ. Mr. Speaker, continuing my reservation, I yield to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I also applaud my fellow colleague, the gentleman from Virginia (Mr. FORBES), for bringing forth this resolution with me.

Since September 11, we have seen many heroes in this country. It was Napoleon who said that great soldiers are those that run towards the sounds of the guns and, indeed, we have many that have followed that description in other professions: the firemen, the police, the emergency medical professionals, as well as our fighting men and

women overseas. But we also must remember that our Guardsmen and our Reserves do just that when they sign up for duty to defend our freedoms.

We have over a million National Guard men and women and Reserve units around our country. These are citizen-soldiers, those that work with us, have children in school with us, that we worship with at church. They are people that live side by side with us, but during the weekend and when called up, they go and they work to fight for our freedoms. They do so many, many things and have done so much since September 11. We see them in our airports as we fly, as I do, back and forth, home every weekend, and they give us the comfort that they are there standing on guard and giving us the security that we seek at these times.

In our State in Minnesota, they were called on to do extra duty when we had a recent State workers strike. We had over 30,000 of them called up for active duty doing many things that are vital for our war against terrorism. I had an opportunity to visit our Camp Ripley in Minnesota and be there when our Wilmer Battalion, which has units throughout our district in Litchfield and Hutchinson and Redwood Falls as they practiced their maneuvers, and I could not have been more proud of the professionalism and the commitment that they showed. They really were there for us when we needed them.

As the gentleman from Virginia (Mr. FORBES) mentioned, they are also here helping to protect us in our Nation's Capital. It is so very appropriate that we are here with this resolution today, the day in the week that our President, George W. Bush, named National Employers Support of Guard and Reserve Week for 2001. As he said, Americans understand and appreciate the importance of our National Guard and Reserve units, but many do not know the contributions their employers make in supporting these civilian soldiers. It is appropriate that we also thank those employers that have made this Guard duty possible.

So I am honored to be here to bring this resolution together, along with the gentleman from Virginia (Mr. FORBES). I encourage all of the Members to support it, and I encourage all of our citizens, the next time they see a Guardsman, or someone in the Reserves, or someone that employs them, please tell them, ''Thank you from a grateful Nation.''

Ms. SANCHEZ. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 287

Whereas citizen-soldiers have served the United States with honor and distinction since colonial times;

Whereas the more than 1,200,000 citizen-soldiers who comprise the National Guard and Reserve components of the Armed Forces nationwide commit significant time and effort to executing their important role in the Armed Forces;

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent people from more than 80 countries were killed or injured as a result of these attacks;

Whereas on September 14, 2001, units of the Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, Air Force Reserve, Army National Guard of the United States, and Air National Guard of the United States were authorized to be activated in support of operations in response to the terrorist attacks against the United States that occurred on September 11, 2001;

Whereas 336 of such units from 49 States, the District of Columbia, and Puerto Rico have been activated in support of Operation Enduring Freedom;

Whereas on October 29, 2001, 32,686 members of such units were on active duty, including 12,391 members of the Army Reserve and Army National Guard, 4,650 members of the Naval Reserve, 373 members of the Marine Corps Reserve, 2,529 members of the Coast Guard Reserve, and 12,743 members of the Air Force Reserve and Air National Guard;

Whereas these activations represent the largest mobilization of members of the National Guard and Reserve since Operation Desert Storm in 1991;

Whereas members of the National Guard and Reserve are serving the Nation in almost every conceivable capacity, including providing airport security, medical support, and other logistical support for both civilian and military operations;

Whereas the members of these units have been ordered to active duty for a period of 365 days and are not expected to return home until October 2002 at the earliest;

Whereas these National Guard and Reserve citizen-soldiers have selflessly performed their duties during the weeks since the terrorist attacks, sacrificing time at their civilian jobs and with their families during the period of their active duty; and

Whereas these National Guard and Reserve citizen-soldiers serve a critical role as part of the mission of the Armed Forces to protect the freedom of United States citizens and the American ideals of justice, liberty, and freedom, both at home and abroad: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom;

(2) honors the sacrifices made by the families and employers of the members of those units during their time away from home;

(3) recognizes the critical importance of the National Guard and Reserve to the security of the United States; and

(4) supports providing the necessary resources to ensure the continued readiness of the National Guard and Reserve.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble offered by Mr. FORBES.

Amend the preamble to read as follows:

Whereas citizen-soldiers have served the United States with honor and distinction since colonial times;

Whereas the more than 1,200,000 citizen-soldiers who comprise the National Guard and Reserve components of the Armed Forces nationwide commit significant time and effort to executing their important role in the Armed Forces;

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent people from more than 80 countries were killed or injured as a result of these attacks;

Whereas on September 14, 2001, units of the Army Reserve, Naval Reserve, Marine Corps Reserve, Coast Guard Reserve, Air Force Reserve, Army National Guard of the United States, and Air National Guard of the United States were authorized to be activated in support of operations in response to the terrorist attacks against the United States that occurred on September 11, 2001;

Whereas more than 42,000 members of National Guard and Reserve units from all 50 States, the District of Columbia, and Puerto Rico have been ordered to active duty in support of Operation Enduring Freedom;

Whereas these activations represent the largest mobilization of members of the National Guard and Reserve since Operation Desert Storm in 1991;

Whereas members of the National Guard and Reserve are serving the Nation in almost every conceivable capacity, including providing airport security, medical support, and other logistical support for both civilian and military operations;

Whereas the members of these units have been ordered to active duty for a period of 365 days and are not expected to return home until October 2002 at the earliest;

Whereas these National Guard and Reserve citizen-soldiers have selflessly performed their duties during the weeks since the terrorist attacks, sacrificing time at their civilian jobs and with their families during the period of their active duty; and

Whereas these National Guard and Reserve citizen-soldiers serve a critical role as part of the mission of the Armed Forces to protect the freedom of United States citizens and the American ideals of justice, liberty, and freedom, both at home and abroad: Now, therefore, be it

Mr. FORBES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

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

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 287.

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

There was no objection.

ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SUPPORT THE ARMED FORCES AND CIVILIAN PERSONNEL WHO ARE ENGAGED IN THE WAR ON TERRORISM AS PART OF A UNITED EFFORT TO BE KNOWN AS OPERATION ENDURING SUPPORT

Mr. FORBES. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 284) encouraging the people of the United States to support the Armed Forces and civilian personnel who are engaged in the war on terrorism as part of a united effort to be known as Operation Enduring Support, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Ms. SANCHEZ. Mr. Speaker, reserving the right to object, under my reservation, I yield to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I am proud to support my distinguished colleague in encouraging all Americans to support the men and women who serve our Armed Forces in both uniform and civilian garb.

On September 11, our Nation suffered a great tragedy. Now, more than ever, we need to support our service personnel, the true power behind America's military might. We must give our soldiers, sailors, airmen and Marines modern weaponry with which to keep American interests secure. We must support shipbuilding, aircraft procurement and research and development. We must support the Armed Forces, not just in Operation Enduring Freedom, but in everything they do.

Equally important, we must give them our moral support. They are risking their lives and sacrificing their spirits to protect our freedom. We should all wear the proverbial yellow ribbons signifying our support of these brave heroes every day with pride.

With our support, America's Armed Forces will be able to respond to aggression any time and all the time. I urge my fellow Members to support this resolution.

Ms. SANCHEZ. Mr. Speaker, under my reservation, I rise to support House Resolution 284.

This resolution encourages Americans to support the Armed Forces and civilian personnel who are engaged in the war on terrorism as a part of a united effort to be known as Operation Enduring Freedom.

There are over 2.6 million active duty, Reserve, and National Guard personnel. Since September 14, nearly 42,000 Reservists and National Guard have been called to active duty to support Operation Enduring Freedom and Operation Noble Eagle. In addition, thousands of civilians, including those from the Department of Defense, Department of Justice, Department of State, the FBI and CIA, just to name a few, have dedicated themselves to protecting our national security interests. Air Force pilots are patrolling our skies. Coast Guard ships are patrolling our shores, and members of the National Guard are securing our airports.

State Department employees across the world are working with our allies, and the FBI and CIA are working to track down and prosecute those associated with the terrorist attacks against our United States. FDA employees are working with health providers to increase education and awareness of biological and chemical threats to our citizens, and the list goes on and on.

Since the attacks on the World Trade Center and the Pentagon, the American people have been asking, what can they do? How can they help? The bill before us encourages the American people to support the Armed Forces and the civilians participating in the war on terrorism by contributing assistance to voluntary and to charitable organizations. It also provides support and comfort to the family members of our men and women in uniform who are now, or will be, overseas during this time.

The attacks of September 11 did not rip apart the multicolored fabric of the United States. Instead, they have made us closer, stronger, and united in our determination to stand against aggression and protect the democratic principles and the freedoms that we enjoy in the United States.

Mr. Speaker, continuing my reservation, I yield to the gentleman from Idaho (Mr. OTTER) for his remarks.

□ 1500

Mr. OTTER. Mr. Speaker, I thank the gentlewoman from California for yielding to me, and my good friend, the gentleman from Virginia (Mr. FORBES), for providing me this time to bring to the attention of the House of Representatives and also to the American people Operation Enduring Support.

First, it establishes the sense of Congress that September 11 from this day forward will be known as the American Unity Day, establishing once and for all that that was the day that these evildoers of the world decided to take an attack on the United States, and when they did, they attacked not just the United States but, individually, all of the people of the United States.

The gentlewoman from California (Ms. SANCHEZ) has correctly pointed out that this calls upon all charitable organizations, all military organizations, like the VFW and like the American Legion, and all others who would take the opportunity to celebrate the return of our warriors who are now engaged in that front line battle.

But it goes further than that, Mr. Speaker. This also engages all of the American people. It was not that many years ago, probably too many that I would care to lay claim to, but I remember coming home with my uniform in 1968. It was not a happy time to be a person in uniform at that time, Mr. Speaker.

In 1968, leaving Fort Knox, Kentucky, in order to get the best price on an airline, I had to be in full dress uniform.

As I left the gates of Fort Knox, Kentucky and ventured through the town of Louisville, Kentucky, and got on that airplane and landed first in Washington, D.C., and then in Baltimore, then back to Washington, D.C., having completed my business, and then took a connecting airline from Washington, D.C. to Chicago, Illinois, Denver, Colorado, and finally, Boise, Idaho, I did not feel very safe.

In fact, I wondered to myself aloud about the active time that I spent wearing that uniform, because it was not a happy time for people in uniform in 1968, during the Vietnam conflict.

This should never happen again to anyone who is returning after the defense, after defending our country. So this calls upon all the people of the United States, every citizen, every State, every community, to celebrate the return of these warriors; if nothing else, to let these evildoers know around the world that they are not just fighting those folks on the front line; that that is not the people alone that they have to worry about, they have to worry about every citizen in this United States, because we are going to let them know that we are a whole people, and we are a united people.

There is no reflection on the past into the sixties and early seventies. In this, we are of one voice; in this, we are of one mind and one spirit, and that is the spirit of unity and the spirit of enduring support.

Ms. SANCHEZ. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 284

Whereas in response to the terrorist attacks on the United States on September 11, 2001, the United States is engaged in Operation Enduring Freedom, which will require

the men and women of the Armed Forces to engage and defeat terrorists, and which will require both military and civilian personnel to protect the Nation from further attack; and

Whereas it is imperative that the Nation support the Armed Forces and civilian personnel in such an effort: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the efforts of State and local governments, and community, religious, and charitable organizations to support the Armed Forces engaged in Operation Enduring Freedom, as well as civilian personnel who are also engaged in the war on terrorism;

(2) encourages the people of the United States to further support the Armed Forces and civilian personnel through a united effort to be known as Operation Enduring Support;

(3) encourages the people of the United States, as part of Operation Enduring Support—

(A) to support the families of Armed Forces personnel;

(B) to stage patriotic send-off and welcome-home rallies and parades; and

(C) to volunteer and contribute financial assistance to the Red Cross, the United Way, and other such organizations.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORBES:

Page 3, strike lines 1 through 3 and insert the following:

(C) to volunteer and contribute financial assistance to volunteer and charitable organizations.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 284.

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

There was no objection.

WILLIAM L. BEATTY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3093) to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I do not intend to object, and I ask the chairman of the subcommittee for an explanation of the bill.

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

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for yielding to me.

H.R. 3093 designates the Federal Building and the United States Courthouse in Alton, Illinois as the William L. Beatty Federal Building and United States Courthouse.

William L. Beatty was born in Mendota, Illinois, in 1925. He grew up in east St. Louis and graduated from Central Catholic High School. He served in the United States Army's 394th Field Artillery Batallion in Europe during the Second World War.

After returning from the war, he attended Washington University for undergraduate studies, and graduated from St. Louis University Law School in 1950. Upon graduating from law school, he passed the Illinois and Missouri bar and entered a private law practice for 18 years, including serving as municipal attorney for Granite City, and as an Assistant State's Attorney.

Judge Beatty was elected Illinois State Circuit Judge in Madison County in 1968. He served on the State Circuit Court until 1979, when President Carter appointed him to the United States District Court for the Southern District of Illinois.

While sitting on the bench, Judge Beatty was always known for crafting fair and creative sentences. He was eligible to retire from the bench in the 1992, but instead, continued to maintain a busy workload as a senior judge. Judge Beatty had a distinguished 50-year law career.

I want to commend and congratulate my colleague and the ranking member of our subcommittee, the gentleman from Illinois (Mr. COSTELLO), for bringing this important legislation forward.

Mr. COSTELLO. Mr. Speaker, continuing my reservation of objection, I thank the chairman of the subcommittee for his explanation of the bill.

Mr. Speaker, H.R. 3093 is a bill to designate the Federal Building and United States Courthouse located at 501 Bell Street, Alton, Illinois, in honor of Judge William L. Beatty.

Judge Beatty was born in Mendota, Illinois, in 1925 into a working class family. As a child, he moved with his family to east St. Louis, Illinois, where he lived until 1952.

At the age of 10, he started his first job selling Liberty Magazines and the Saturday Evening Post, earning a penny for each magazine sold. This was one of many part-time and summer jobs that he would hold prior to obtaining his law degree.

In June of 1943, Judge Beatty graduated from Central Catholic High School. Later that year, he was drafted in the Army and served his country in the 394th Field Artillery Batallion in Germany in 1944. He was discharged in 1945.

After the war, he attended Washington university as an undergraduate, and graduated from St. Louis University Law School in 1950.

After passing the Illinois and Missouri bar exams, he began private practice with George Moran, where they specialized in personal injury law. He also worked part-time as a city attorney in Granite City, Illinois.

In 1968, Judge Beatty was elected circuit judge in Madison County, Illinois, and served on the circuit bench from 1968 until 1979. He was appointed to the Federal bench by President Carter in 1979, and served the Southern District of Illinois until his death in July of this year.

Judge Beatty touched and influenced not only the lives of his colleagues and fellow attorneys, but also everyone who appeared in his courtroom. He was known for his integrity, honesty, and fairness, and his courtroom was known as a place where justice would be done.

In his personal life, he was a devoted husband and a loving father. I am privileged to have known Judge Beatty, and I am honored to sponsor this bill. It is a fitting tribute to a dedicated public servant whose career will be remembered for his fairness, consistency, and dedication, both to his job and to the area.

It is fitting and proper to honor the outstanding public service of Judge Beatty with this designation.

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

Mr. COSTELLO. I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I just want to chime in on the words of praise and accolades on the work of Judge Beatty, the work that he has done as a resident of Madison County. He did bring honor and integrity to the courts. It is a very difficult job, as we all know, and it takes a special person of high caliber to weigh law and pronounce justice.

He is well respected in the community, and I can think of no more honorable way to recognize his work than doing this. I want to thank my colleague for his efforts.

Mr. COSTELLO. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3093

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

SECTION 1. DESIGNATION OF WILLIAM L. BEATTY FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 501 Bell Street in

Alton, Illinois, shall be known and designated as the ''William L. Beatty Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the William L. Beatty Federal Building and United States Courthouse.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CRASH OF AMERICAN AIRLINES FLIGHT 587

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 272) expressing the sense of Congress regarding the crash of American Airlines Flight 587, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I do not intend to object, and I ask the chairman of the subcommittee for an explanation of the concurrent resolution.

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

Mr. COSTELLO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the gentleman for yielding to me.

Mr. Speaker, House Concurrent Resolution 272 expresses the sense of the House of Representatives regarding the tragic crash of American Airlines Flight 587.

Specifically, the resolution before the body sends its heartfelt condolences to the families, friends, and loved ones of the victims of that crash; sends its sympathies to the people of both the Dominican Republic and the Dominican community of New York City; sends its sympathies to the people of the Rockaways; and lastly, commends the heroic action of the rescue workers, volunteers, and State and local officials who responded to that crash scene.

Mr. Speaker, New York City has certainly suffered greatly since September 11. I know everyone in this body was horrified on November 12 to see on our television screens the crash of American Airlines Flight 587.

But as one Member, I was heartened as I was watching television to see that the news was reporting that the sponsor of this resolution, the gentleman from New York (Mr. WEINER), who represents this portion of New York City, was on the ground providing comfort and consolation to those affected among his constituents in what was, at least in my mind, one of the quickest responses by a Member of Congress that I have had the honor of witnessing in 7 years.

I commend the gentleman for his foresight and wisdom in submitting this resolution.

Mr. COSTELLO. Mr. Speaker, continuing to reserve the right to object, I thank the gentleman for his explanation and associate myself with his remarks.

At this time, we extend our heartfelt sympathy and condolences to all of the families, both on the flight and to those on the ground, who lost loved ones in this terrible tragedy.

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

Mr. COSTELLO. I yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding to me, and I thank both of my colleagues for their kindness and the great support this body has shown for those of us in New York since September 11.

Monsignor Martin Geraghty is the pastor of St. Francis deSales Church, right down the block from where this horrible plane crash occurred.

When he spoke recently to E.J. Dionne of the Washington Post, he said, ''You can deconstruct everything except suffering.''

We here today on the floor of the House do not seek to make sense of this horrible incident that occurred, but we do seek to express our great condolences to the 265 souls who were on board that plane, and to those folks in Rockaway who have endured so very much.

Tomorrow there will be a funeral for the Concannons, a couple that lived on East 131st Street. Sadly, it is not the first of funerals we have had recently in reaction to horrible tragedies. St. Francis deSales Church lost about 30 members of its parish, and as many as 20 of them firefighters lost on September 11.

When this horrible accident occurred on November 12, it could not, in an odd way, have happened in a better place. If we are going to have a first responder emergency that relies on the heroism of the people in the community, Rockaway is the place we want to have it.

On November 12, just like on September 11, my neighbors, people in Rockaway, retired firefighters, off-duty firefighters, police officers, port authority policemen, EMTs, ran out of their homes.

I spoke to the head of Peninsula Hospital at the end of the day, that horrible day, and I asked, how many injuries did you have? He said, we had about 40 people come through our doors. I asked if they were firefighters. He said just about every one of them were, but only a few of them were on duty. People came in in their tee shirts and jeans because they ran out of their houses to save their neighbors.

Mr. Speaker, this is a community that every day looks up to the heavens, sometimes in praise of God Almighty, but sometimes to look at the planes flying low overhead. I do not think anyone in our community will ever look at those planes overhead the same way. This has been an instance that has shaken us. As I have said before, it is almost as if it was an aftershock to an earthquake that happened on September 11.

But as horrible as the incident was, it once again reminded us in New York City and in our country of our common humanity. About as far away as one can possibly get from Belle Harbor, Queens, is the community in upper Manhattan in Washington Heights where many of the relatives of many of those flying on this plane lived.

I must confess, there is not a great deal that the people in the Dominican communities of Washington Heights have in common with the Irish, Italian, and Jewish community of Rockaway, but on November 12, we were reminded once again what is great about New York City and what is great about our country.

We come here with great hopes, with great aspirations, and we find them in New York City. When there are catastrophies like struck us on September 11 and November 12, we are reminded again what we have in common. What we have in common on this day is that families in Washington Heights and in Rockaway are going to sit down to dinner with an empty seat at the table. They are going to go to worship at Sunday mass or this Saturday at shul and they are going to mourn for those that have been lost in the last couple of months.

□ 1515

We have a common bond in this country. It is that we are common in the humanity that we have. So all of us in Rockaway send our sincere condolences to those that lost their lives on this plane. We share with those families that are still mourning September 11, and we join in paying our great thanks to those Members of this House who have shown such great support to New York City.

This is a time of national mourning, but it is a time of particular mourning to those of us in New York City.

Mr. Speaker, I will include in the RECORD not only Mr. Dionne's editorial about the Rockaways but two that were written by Michael Daly of the Daily News which capture the essence of that great community.

[From the Washington Post, Nov. 13, 2001]

UNSHAKABLE ROCKAWAY

(By E.J. Dionne, Jr.)

Our family has a love affair with a star-crossed little neighborhood at the edge of

New York City. In our house, ''Rockaway'' is a magic word.

Going to Rockaway means seeing grandma and aunts and uncles and ''the cousins.'' A passel of kids of varying ages, the cousins love playing baseball in the front yard, romping on the beach just two blocks away, or exploring what's left of the Fort Tilden gun emplacements that overlook the Atlantic Ocean. The guns were put there to fight Nazis who many feared would come across the sea during World War II. Fortunately, the Nazis never came. Now the neighborhood faces troubles no one ever imagined. The television screen Monday morning cut suddenly to a city block we know and cherish. The flames were ripping through houses and buildings two doors down from my brother-in-law's home.

We knew my mother-in-law was in church at the time of the crash—she goes to the 9 a.m. Mass every day at St. Francis de Sales, about a block from where some of the plane fragments hit. We learned, courtesy of a live interview with Mayor Rudolph Giuliani, that the church was okay. We appreciated that, Mr. Mayor. Grandma finally got through to us. She and the rest of the family were okay too.

Giuliani said he remembered the church because of the many funerals and memorial services he had attended there since Sept. 11. You see, Rockaway, and in particular the Belle Harbor section that was struck on Monday, had already suffered mightily in the World Trade Center disaster.

It's a neighborhood full of firefighters and upwardly mobile, middle-class people, so many of whom had moved across the Gil Hodges Bridge from working-class sections of Brooklyn. Many found good jobs in the financial boom of the 1990's and worked in the trade center.

To call this neighborhood old-fashioned is both true and misleading. True because the prevailing values really are old-fashioned. Misleading because everyone is acutely aware that it takes hard work and careful adjustment to keep old values alive in the year 2001.

People in Belle Harbor don't much debate a word like ''communitarian.'' They don't have to. That's just what these people are. I know from family experience that when a neighbor gets sick, whole blocks mobilize instantly. Food just shows up. Baby sitters suddenly materialize. The invitation for a drink at the Harbor Light, a friendly establishment smack in the path of Monday's devastation, comes right on time. The word gets out fast. Nobody ever asks questions. Nobody thinks about being paid back. Everybody knows the same comfort will be available for them when they need it.

Firefighters are as thick on the ground as steelworkers once were in Pittsburgh or stockbrokers still are in Brooklyn Heights. It's work that's often passed down from father to son. Few professions fit the neighborhood better: a marriage of family values with public service. Their attitude fits too—tough on the outside, romantic on the inside.

The funny thing about this neighborhood is that for all the ties of clan and ethnicity and faith—most of the neighbors we know are Irish, with a sprinkling of Italians, and Catholic—there is a kind of open welcome you don't run into everywhere. Many people who don't know the place think this is an attitude foreign to New York City. It isn't. My son loves the neighborhood because he can hit the streets and within five minutes be brought into a game of basketball or beach baseball or whatever else is going on. He's not an outsider. He's a kid, he's Brian's cousin, he's an honorary neighbor.

That's why it was so painful to watch this neighborhood in flames. Why so much trouble has come so fast to one small place I cannot explain. All I know is that it's a place that knows how to pull together and get dinner to the household down the street where no one is home to cook. Maybe it goes through hard times because it is so naturally gifted at dealing with them.

A few weeks back, I was talking with Monsignor Martin Geraghty, the pastor of St. Francis de Sales, about his neighborhood's troubles. He's a deeply thoughtful man, a neighborhood intellectual who never flaunts how smart he is. He spoke of the academic trend to deconstruct, and thus explain away, anything. *''You can deconstruct everything,'' he said, ''except suffering.''* I don't envy Monsignor Geraghty's task of explaining to the good people of this exceptional neighborhood why the inexplicable keeps happening to them.

[From the New York Daily News Nov. 13, 2001]

GRIEF RETURNS TO STREET OF HEROES

(By Michael Daly)

The routines of everyday life in Rockaway had continued after her firefighter son perished at the World Trade Center, and Gail Allen had just taken out the trash when a roaring came from above.

''I heard noise and saw something falling from the sky and saw black smoke everywhere,'' Allen recalled. ''I didn't know what happened. I didn't know what was going to happen next.''

Allen dashed into her house, where her husband and six others were sleeping.

''I just ran in screaming, 'Get out!'''' she said afterward.

She had responded just as her son, Firefighter Richard Allen, would have.

''It must be in the blood,'' she said. ''Get everybody safe. That was my immediate reaction.''

After everyone was safely down the block, she learned that an airliner had crashed across from her house on Beach 130th St. Many of her neighbors are cops and firefighters, and their terrible losses at the World Trade Center did not keep them from spilling out of their homes and racing headlong into danger.

Other off-duty firefighters arrived from Brooklyn, the Bronx, Manhattan and Long Island. Off-duty airline pilot Paul Maracina could only marvel.

''People just ran out of their houses in their pajamas, filling the streets, looking to help,'' Maracina said. ''It was fantastic to see how fast people were working together. The willingness of volunteers to leap into a raging inferno to help other people.''

Maracina had heard the plane's noise become a roar just before the crash. He knew hitting full throttle is standard procedure in the event of an engine failure.

''This wasn't a terrorist attack. This was an engine failure shadowed by Sept. 11,'' he suggested.

Around the corner, 8-year-old James Goldberg was pinning to a tree a piece of cardboard on which he had crayoned a map of the Rockaways and a message.

''NYPD, NYFD: Thank you very much.''

Goldberg announced he wants to become a firefighter when he grows up.

''Because a lot of my friends' dads are,'' he said.

He then gave an exact count.

''Thirteen are firemen,'' he said.

FRESH MEMORIES

Back on Beach 130th St., Gail Allen stood in the sunny chill wearing a turnout coat that a firefighter had loaned her. She clutched a photo of a beautiful young man in a fire helmet.

''This is my son Richie Allen,'' she said. ''He lived in Rockaway his whole life. He was 31. He went from lifeguard to fireman. He was with Ladder 15, Engine 4. We had his memorial on Friday.''

The memorial had been diagonally across the street at St. Francis de Sales, one of 12 services held there for World Trade Center victims. The pastor, Msgr. Martin Geraghty, was now off blessing bodies from among the 260 people who had been on American Airlines Flight 587 and however, many people had been killed on the ground in a community that had already lost more than 70 at the Trade Center.

Whatever yesterday's count was in Rockaway, Allen was all but certain the dead would include neighbors who had become only closer since Sept. 11.

''I'll know them. I'll know their kids. I'll be hugging them,'' Allen said.

Allen walked down the street toward her daughter's house by the beach. Somebody asked why there were so many firefighters from Rockaway.

''They start out as lifeguards,'' she said. ''Saving lives, it gets in their blood. It's inborn, I believe. It's what they do.''

Her son had been a firefighter only since May, but she had no doubt he had died following his true calling.

''It was a dream come true,'' she said.

She kept walking, the sun glinting off the ocean just ahead where her son had rescued more than a few swimmers during his years as a lifeguard. Four blocks behind her was the bay, across which you can clearly see the New York skyline and the startling absence of the two buildings where he had died helping to save thousands.

The wind gusted and the gulls wheeled overhead and Allen had difficulty grasping the monstrous unfairness of tragedy again striking this slender peninsula of selflessness and valor.

''It's hard to believe we're going to have other people in the neighborhood going through it,'' she said. ''It's hard to believe other mothers are going to hurt this way.''

A firefighter who is her husband's cousin came up and hugged her, his face blackened by smoke and soot. She turned to another firefighter who had rushed there without protective gloves.

''I have an extra set of gloves at home if you need them,'' she said.

Then Allen went up into her daughter's house in the turnout coat, the picture of the oldest of her six children in her hand.

''We're still waiting for his remains to say goodbye,'' she said.

She later would be heading into Manhattan to join the mothers and wives of other fallen firefighters in urging city officials to do all they can to recover those still lost beyond the bay at Ground Zero.

''If it's not safe, make it safe. Go slower,'' she said.

She then would return to her narrow peninsula, which will get through all its trials the Rockaway way.

''We'll get through it helping each other,'' she said.

[From the New York Daily News, Nov. 14, 2001]

SORROW BINDS A SPECIAL PLACE

(By Michael Daly)

Retired Firefighter Flip Mullen emerged from the 9 a.m. Mass at St. Francis de Sales

Church in a turnout coat frayed to holiness by years of dashing into mortal peril.

Mullen had taken off his beautifully battered helmet as he entered, and he donned it again as he returned to sun-splashed Rockaway Beach Blvd.

He looked just as he had on Sept. 11, when word of the World Trade Center attack caused him to leap out of a decade's retirement and race to where 12 people in his parish would die.

Mullen grabbed his gear again Monday, when a plane nosedived three blocks from the church. Other past and present firefighters came running just as fast as they had to the twin towers.

Five more parishioners appeared to have met death from the sky, along with the 260 poor souls on the plane. Mullen asked aloud the question that he had carried into church.

''You wonder why bad things happen to good people,'' he said.

The closeness of the knit in Rockaway was clear as he cited his familial tie to one of the victims on the ground, 24-year-old Christopher Lawler.

''His mom is my brother-in-law's kid sister,'' he said.

Mullen's next words made Lawler kin to us all. ''Just a nice, caring person.''

MOURNING ON SEPT. 11

Mullen strode off in his helmet and boots. The pastor, Msgr. Martin Geraghty, appeared shortly afterward. He allowed that even he was surprised by the faith of Rockaway when he summoned people to prayer by ringing the church bells on the evening of Sept. 11.

''I thought maybe 50 or 100 would come,'' he said. ''It was 500. The next day it was 1,000.''

Since then Geraghty had conducted 11 memorials for World Trade Center victims.

''We thought we had kind of gone through one of the stages of our grief,'' he said.

He and his parishioners would face this second tragedy just as they had the earlier one.

''The first language of consolation is nonverbal,'' he said. ''It's hugs.''

He had no doubt that the parish would meet even so dire a test of its mettle.

''We're from Rockaway,'' he said. ''We have a little salt from the ocean in us. We're salty.''

Nobody had more salt in him than young Richie Allen, who had loved to swim and fish in the ocean just a block away. He had written a poem titled simply, ''The Beach.''

My escape is the beach where I can be all alone and out of reach.
I often sit in the open on the cold, hard rocks
My thoughts circling around the hands of a cloud
I stare into the ocean blue, and see all my fantasies, plans and dreams come true.

This pure Rockaway boy's dream was to become a firefighter, and he was one for just five months when he perished at the Trade Center. Geraghty had presided over Allen's memorial last Friday, and he used images of the sea in his talk.

''Going against the tide of people coming out, helping people who have lost sight of the shore,'' Geraghty recalled.

Allen's parents, Gail and Richard, were around the corner, in front of their house on Beach 130th St. Their ocean-loving son gave the father a fishing rod for Christmas. The father was Rockaway born, but he had never been much of an angler.

''I think I'll take up fishing,'' the father now said.

A neighbor came up, looking stricken, saying she had just seen some belongings that spilled out of the plane.

''Children's clothes,'' she said. ''Flip-flops. . . .''

Flip-flops in Rockaway, meaning kids and summer and life at its best. The neighbor's voice broke, and she seemed near tears, but one of her own youngsters ran up and she caught herself.

She walked off, and another neighbor backed her car up the block. The street ahead still was blocked by emergency vehicles.

''We have some of the cockpit in the backyard and some luggage, but we're okay,'' the neighbor said.

HORRIBLE PIECE OF CATASTROPHE

Across the street, 4-year-old Kevin Otton, son of Firefighter Dennis Otton, picked up something from a strip of grass along a driveway. He went over and placed two small pieces of the plane in his mother's hand. She tapped one bit of blackened aluminum with a painted nail.

''It's scary when you think how huge an airplane is,'' Donna Blackburn-Otton said.

She then looked at her boy, who seemed already infused with a firefighter's spirit.

''He wants to be right there in the midst of helping,'' she said.

Back in front of the Allen house, Gail Allen showed a visitor a photo her fallen son took from the beach. It captured a dark sky clearing over the ocean as if cleaved by light.

''Like the gates of heaven,'' the mother said.

She was certain Firefighter Richard Allen passed through those gates and will watch over them all no matter what else may befall Rockaway.

''Thank God we have an angel on the beach,'' she said.

[From the New York Daily News, Nov. 14, 2001]

THE TIES THAT BIND THE ROCKAWAYS

(By Alex Storozynski)

In the wake of the crash of American Flight 587 this week, the nation has learned a lot about how special the Rockaways are. As one who grew up there with sand in my shoes, I know it's true. Let me tell you why.

First of all, there's something about having a roaring ocean on one side and Jamaica Bay on the other that draws people together. It makes you appreciate Mother Nature and the fragility of human life.

During some storms, the ocean and bay have even met, flooding the streets. The last time this happened was during the great nor'easter of '91 that was immortalized in ''The Perfect Storm.''

The isolation of this 10-mile-long, four-block-wide sand bar also forces you to appreciate your neighbors.

When I was growing up, the house my family lived in was the biggest on the block, so the neighborhood kids used to get together in the backyard and driveway to hold bazaars to raise money for muscular dystrophy.

Incredibly, one of the engines from Flight 587 landed in the driveway of that childhood home, setting it, a boat and the garage on fire. Luckily, the family living there escaped with only cuts and bruises.

The isolation also gives residents a unique vision of the city—literally, in some ways. As a kid looking out the window from the top floor of my house, I could watch the twin towers of the World Trade Center rise in the distance as they were constructed during the '60s and early '70s. An awesome sight—but that was New York City. We were in Rockaway.

People who visit Rockaway from ''the city'' are known as DFD—Down for the Day. Generally, you have to keep your eyes on DFDs because they often can't swim, and they don't always take all their garbage with them when leaving the beach.

Rockaway teenagers often work as Parks Department employees cleaning the beach, or they learn how to save others as lifeguards. Many continue in the rescue tradition by becoming cops and firefighters. The common experiences they have as youngsters help form lifetime friendships.

Another intense experience that helps bind the good folks of Rockaway together always has been the roar of the planes on the flight path from Kennedy Airport. When the Concorde started flying in the 1970s, teachers at local schools had to stop classes for a minute or two whenever it passed over us because it rattled windows and made lessons inaudible.

Many of my friends who heard the crash Monday said at first they thought the sound was merely from the Concorde, which recently resumed flights.

It ripped my heart apart when I realized that St. Francis de Sales Church will be holding more funerals and memorials for its neighbors. The parish has suffered incredible torment lately because so many of its members were killed in the terrorist attack on the WTC.

As the smoldering embers turn to ashes and the smell of jet fuel is wafted away by the salty ocean air, I pray that Rockaway will heal from this latest tragedy. While these days I may technically be a DFD, I still have sand in my shoes.

Mr. COSTELLO. Mr. Speaker, I thank the gentleman from New York (Mr. WEINER) for his leadership and for sponsoring this resolution.

Mr. Speaker, reserving my right to object, I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to join the gentleman from New York (Mr. WEINER) in expressing our sense of loss and pain both to the community and the Rockaways, as well as the community in the Dominican areas and throughout the City of New York.

It is somewhat even sadder to know that a community that lost so many people, then on another day saw so many people being lost right there in their community. It is the kind of thing that you cannot explain; and you do not try to ask why they happen, but they did happen.

The stories that are coming out about people who were on that flight, the stories of the American immigration and the immigration to this country. So many stories of people who came here, especially from the Dominican Republic to find a new world, a new life. And so many were involved in doing just that and were going back for whatever reason.

Interestingly enough, interestingly enough, I learned something after this tragedy that I did not know before. And that was that a lot of folks were going back to celebrate Thanksgiving in the Dominican Republic. One would ask, why celebrate Thanksgiving in the

Dominican Republic; it is an American celebration. Well, these are families who have been here so long and traveling back and forth to the point where that celebration has now become part of many, if not all, communities in the Dominican Republic.

So the same way that this weekend and this week we will be traveling to be near loved ones, some folks come from the Dominican Republic to celebrate Thanksgiving in New York and the United States, and some go back to the Dominican Republic to celebrate Thanksgiving with all of that which is ours, the trimmings of the turkey and the celebration with a little touch of rice and beans and fried bananas that make who we are as a country, that we take every tradition and add our personal touch to it.

Then there are the other stories of, for instance, the woman in my district who started to go to beauty culture school in the Dominican Republic at the age of 12. Came to the United States and saved all of her tips, saved all of her tips for 6, 7, 8 years with the intent some day of owning her own place. And on 149th Street in the Bronx, she owned her own place just 6 months ago. She was going back to her folks to tell them the story of the success she had found in this new land of opportunity and she never made it.

We also have the stories about people who came here, the man who came here and became a citizen and was going home to pick up children who now because of his citizenship could enter into the country and he was lost. And so when we honor the memories of these folks, I think we have to realize that this is a classic American story of people who came here, of people who came here to make a better life for themselves, and who either did or are in the process of doing it.

In closing, let me say as I started to say to the gentleman from New York (Mr. WEINER) before, that there is something so dramatic and yet so sad and yet so strong about the fact that in that community in the Rockaways, which also has the tradition of immigrants coming here to succeed, they became the final place for the death of so many of these people. And these communities, who probably on a daily basis had perhaps very little in common at times, certainly maybe in the homeownership style or somewhat culturally; yet, at the end of it all, the suffering of 60, 70 families in that community through the World Trade Center and then the suffering of 260 through this airplane.

I am glad this resolution is up. We join today in expressing our sympathy to all these families, and we just hope that we can now go on and help the survivors to face this tragedy.

Mr. COSTELLO. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 272

Whereas American Airlines Flight 587 en route from John F. Kennedy Airport in Queens County, New York, to Santo Domingo, Dominican Republic, crashed on the Rockaway Peninsula in Queens County, New York, on November 12, 2001;

Whereas the crash resulted in a tragic loss of life estimated at 265 individuals, including passengers, crew members, and people on the ground;

Whereas New York City has strong cultural, familial, and historic ties to the Dominican Republic;

Whereas many of the passengers of American Airlines Flight 587 were of Dominican origin and resided in the Washington Heights community, a vibrant neighborhood which is an integral part of our national cultural mosaic;

Whereas the Rockaway community has already suffered greatly as a result of the attacks on the United States of September 11, 2001, as home to the highest concentration of firefighters in New York City, many of whom lost their lives at the World Trade Center;

Whereas many Rockaway residents ignored the risks and rushed to the site of the plane crash in an effort to help;

Whereas the people of the Rockaway community have served as an inspiration through their resilience in the face of adversity and their faith in and practice of community; and

Whereas the professional emergency personnel on the ground performed valiantly limiting the devastation of this tragedy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) sends its heartfelt condolences to the families, friends, and loved ones of the victims of the crash of American Airlines Flight 587 on the Rockaway Peninsula in Queens County, New York, on November 12, 2001;

(2) sends its sympathies to the people of the Dominican Republic and to the Dominican community in New York City;

(3) sends its sympathies to the people of the Rockaway community;

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to this tragic event with courage, determination, and skill; and

(5) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the President of the Dominican Republic.

The concurrent resolution was agreed to.

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 within which to revise and extend their remarks and include extraneous material in the RECORD on H. Con. Res. 272 and H.R. 3093, the matters just considered by the House.

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

There was no objection.

APPOINTMENT OF HON. THOMAS E. PETRI TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH NOVEMBER 27, 2001

The Speaker pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 27, 2001.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

ADJOURNMENT TO MONDAY, NOVEMBER 19, 2001

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that when the House adjourns day, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

AUTHORIZING THE SPEAKER, THE MAJORITY LEADER, AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House today until Tuesday, November 27, 2001, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I again would like to continue to pay tribute and honor the fallen who perished as a result of the attacks of September 11, 2001. These individuals came from all walks of life and from around the globe. They included hundreds of dedicated firefighters who lost their lives trying to save others. These heroes and the many other innocent individuals are more than just numbers. They are people, family, employees, and friends. Again, please forgive me in advance for any mispronunciations of names.

I ask for God's blessing on the following:

Thomas McCann; Michael Desmond McCarthy; Robert Garvin McCarthy; Kevin McCarthy; Justin McCarthy; Stanley McCaskill; Katie McCloskey; Tara McCloud-Gray; Joan McConnell Cullinan; Juliana Valentine McCourt; Ruth Magdaline McCourt; Charles McCrann; Tonyell McDay; Matthew T. McDermott; Joseph P. Mcdonald; Michael Patrick McDonnell; Brian G. McDonnell; John F. McDowell, Jr.; Eamopn J. McEneaney; John Thomas McErlean, Jr.; Katherine ''Katie'' McGarry-Noack; Daniel F. McGinley; Mark McGinly; William E. McGinn; Thomas H. McGinnis; Michael Gregory McGinty; Ann McGovern; William J. McGovern; Scott Martin McGovern; Stacey S. McGowan; Francis Noel McGuinn; Thomas McGuinness; Patrick J. McGuire; Thomas McHale; Keith McHeffey; Dennis P. McHugh; Micael Edward McHugh, Jr.; Ann M. McHugh; Denis J. McHugh; Robert G. McIlvaine; Donald James McIntyre; Stephanie McKenna; Molly McKenzie; Barry J. McKeon; Darryl McKinney; Robert Carroll McLaughlin, Jr.; George P. McLaughlin; Robert Dismas McMahon; Gavin McMahon; Edmund M. McNally; Daniel McNeal; Walter Arthur McNeil; Sean Peter McNulty; Robert William McPadden; Terrence McShane; Timothy McSweeney; Martin Edward McWilliams; Rocco Medaglia; Abigail Medina; Anna Medina; Deborah Medwig; William Meehan; Damien Meehan;

Again, I have an alphabetical list that I would request all Members utilize for this coordinated effort. As more victims are identified, they will be added to this list. Please contact my office with times that fit your schedule so that we can arrange for the list to be on the floor, for your convenience, for either Special Orders or 1-minute speeches. I appreciate your assistance in this important undertaking; and again, I encourage my colleagues to join me in honoring the fallen.

HONORING THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I too want to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), and continue to read the names of those who fell in the attack on September 11.

George Merkouris Merkouris; Deborah Merrick; Raymond J. Metz, III; Jill A. Metzler; David R. Meyer; Nurul H. Miah; Shakila Miah; William Edward Micciulli; Martin P. Michelstein; Patricia E. Patti Mickley; Luis Clodoldo Revilla Mier; Ronald D. Milam; Sharon C. Milan; Peter T. Milano; Gregory Milanowycz; Corey Peter Miler; Lukasz Milewski; Douglas C. Miller, Jr.; Henry Miller, Jr.; Nicole Miller; Robert C. Miller, Jr.; Robert Alan Miller; Michael Matthew Miller; Phil Miller; Joel Miller; Benjamin Millman; Charles M. Mills; Robert Minara; William G. Minardi; Louis Joseph Minervino; Thomas Mingione; Wilbert Miraille; Domenick rcovich; Rajesh A. Mirpuri; Joseph Mistrulli; Susan Miszkowicz; Paul Mitchell; Richard Miuccio; Jeff Mladenik; Frank V. Moccia, Sr.; Louis Modafferi; Mubarak Mohammad; Boyie Mohammed; Dennis Mojica; Manuel Mojica; Kleber Molina; Manuel Molina; Fernando Jiminez Molina; Carl Molinaro; Justin J. Molisani, Jr.; Brian Patrick Monaghan; John G. Monahan; Franklin Monahan; Kristen Montanaro.

□ 1530

Craig D. Montano; Michael G. Montesi; Juan Carlos Londono Montoya; Antonio Montoya; Cheryl Ann Monyak; Thomas Moody; Sharon Moore; Krishna V. Moorthy; Laura Lee Morabito; Lynne Irene Morris; Seth A. Morris; John Morris; Stephen Morris; Christopher Morrison; Ferdinand V. Morrone; Jorge Morrone; Charlie Morrow; William David Moskal; Brian Anthony Moss; Marco Motroni, Sr.; Cynthia Motus-Wilson; Chung Mou; Iouri Mouchinski; Jude Moussa; Peter C. Moutos; Damion Mowatt; Ted Moy; Christopher Mozzillo; Stephen V. Mulderry; Richard Muldowney, Jr.

HONORING THE LIFE OF STANLEY FOSTER

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentlewoman from California (Mrs. Davis) is recognized for 5 minutes.

Mrs. DAVIS of California. Mr. Speaker, I rise to pay tribute to Stanley E. Foster, who passed away in San Diego this week. Stan Foster was a giant in our community and a dear friend to all who knew him. As one of his many friends, I mourn his passing, but I also want to take a moment to celebrate his life and share with my colleagues the inspiring story of this great American.

Stan was born in Portland, Oregon, the son of an immigrant from the Ukraine. After graduating from the University of Washington, he went into the furniture business in Portland. He moved to San Diego in 1954 and joined his in-laws' family business. He later bought a small sportswear company known as Hang Ten, which he turned into a wildly successful business and a major label known around the world.

After doing so well, Stan spent most of his life doing good. He was one of San Diego's leading philanthropists and civic leaders, involved in every aspect of our community's civic, cultural, and spiritual life. His causes were many, his influence and his impact, profound.

I had the pleasure of getting to know Stan through our shared involvement in three of his great passions: gun safety, interfaith and intercultural understanding, and the arts.

In the midst of a busy life, Stan made a long and concerted effort to stem gun violence, first as the founder of San Diegans Against Handgun Violence, and later as National Vice Chairman of Handgun Control. As a member of the California legislature, I worked closely with Stan to increase gun safety in California. He was a tireless advocate, who knew how to bring people together and how to get things done.

Stan and I also served together on the Board of the National Conference for Community and Justice, an interfaith organization dedicated to community peace and understanding. We traveled together to ''Anytown,'' NCCJ's youth camp, which brings together young people from diverse backgrounds for an intense session of training in tolerance.

In traveling to ''Anytown'' with Stan and sharing his experience, I saw how deeply he cared not only about the big issues, but also about individuals. I was always impressed by the way that this very successful businessman spent countless hours with young people, encouraging them to engage in understanding one another and the world around them.

As a long-time supporter of San Diego's Museum of Contemporary Arts, I am grateful to Stan and his wife Pauline for their Herculean efforts to establish this museum as a major cultural institution. Stan recently stated that he had not missed a MoCA fundraiser in 25 years, and I am sure that this year's event, chaired by his wife Pauline, will be remembered as a sterling tribute to his memory.

Stan Foster will be dearly missed by his devoted family and by thousands of others whose lives he touched and enriched.

BIOFUELS ENERGY INDEPENDENCE ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week, while our troops are in the field in the Middle East and Central Asia, President of the United States George Bush issued an executive order to expand the United States' Strategic Petroleum Reserve, and I emphasize the words ''petroleum reserve,'' to maximize, as the President said, long-term protection against oil supply disruptions. And again I emphasize the word ''oil.''

With all due respect to the President, at this time in our country's history, I think he is moving in exactly the wrong direction. The Strategic Petroleum Reserve's name should be changed to the Strategic Fuels Reserve. And in lieu of what is happening, we should begin to move our country in a new, nonpetroleum direction. We have to go beyond the petroleum age.

Under the President's executive order, our Energy Secretary, Spencer Abraham, was ordered to increase the current reserve from its level of 545 million barrels, because it is not filled up, to 700 million barrels, calling the reserve an important element of our Nation's energy security. Indeed, having a strategic fuels reserve is in the Nation's security interests. However, the President needs to think about moving America toward energy independence, not keeping us wedded to the petroleum age.

And let me just reference this chart. If we look back to the 1980s, the amount of petroleum that is used annually has slowly been rising. The share of petroleum that comes from foreign nations has been rising until this year, and last year we will be over half. One-fifth of it comes from the oil-producing nations of the Middle East, one-fifth; and the rest from places like Nigeria, not exactly known for its love of democracy, and other points on the globe.

I think that the President is half-right. The President is right to try to assure energy security here at home, but the way he is doing it is wrong.

Now, some Americans have gotten the right message. In fact, this week in Maryland, and I would like to enter into the RECORD a story from the Washington Post, a mom-and-pop Chevron station in Laurel, Maryland, became the first station in that State, and only the second one in the mid-Atlantic region of our country, to offer E85, a mixture of gasoline and alcohol fuel distilled from corn or other grains. They understand we have to move America beyond the petroleum age, using ethanol as one of the most important new fuels of the future.

In this article they talk about aiming to reduce petroleum consumption and greenhouse gas emissions by boosting the use of ethanol fuels; and they are selling the gasoline up there in Maryland for $1.33 a gallon and they figure, if nothing else, it will bring more consumers to the part of the business that turns a profit.

Arianna Huffington wrote a story in the L.A. Times today. She also got the right message. She has a can-do spirit for America. She basically says, ''We can all make simple adjustments to wean our country from our dependence on foreign oil.'' She says, ''In practice, what are we really being asked to do in this war as individual Americans? We are being asked to shop till we drop, we are being asked to eat out, and to visit Disneyland.

''Given our ability to play hardball with nations that harbor terrorists is going to be seriously compromised by our foreign oil habit, shouldn't we be doing everything we can to reduce that dependence starting, say,'' she says, maybe yesterday? ''America cannot go on consuming 25 percent of the world's oil while being only 5 percent of the global population.''

Then, in The New York Times this week, Thomas Friedman says the predicament the free world faces is due to oil money and the fact that we are so wedded to those systems; and, in fact, oil being the major reason for those economies of the Middle East even being able to survive.

The New York Times a month ago had an editorial and I quote, entitled ''Reconsidering Saudi Arabia. Washington's embrace of the Saudi royal family dates back to the era of Franklin Roosevelt. It has always been primarily about oil.''

And then Seymour Hersh, in the October 22 issue of The New Yorker, says the following: '''The United States is hostage to the stability of the Saudi system,' a prominent Middle Eastern oil man reported to me. 'The war was declared by bin Laden, but there are thousands of bin Ladens. The fabulous military machine America has is completely useless to the enemy you face.' ''

The article goes on, ''The Saudi regime,'' he says, '''will explode in time. If they do a similar operation in Saudi Arabia has they did in New York, the price of oil will go up to $100 a barrel, more than four times what we pay today.' ''

I commend to my colleagues our bill, H.R. 3099, which asks that the President exchange 2,100,000 barrels from the current petroleum reserve and convert it to the purchase of ethanol and biofuels in order to move America toward energy independence. It is time.

Mr. Speaker, I submit for the RECORD the article entitled ''Hoping to Fuel Demand With Supply,'' which I referred to earlier:

[From the Washington Post, Nov. 15, 2001]

HOPING TO FUEL DEMAND WITH SUPPLY

(By Anita Huslin)

For nearly a decade, state and federal governments have been buying fleets of vehicles capable of running on a cleaner-burning mixture of gasoline and ethanol.

Few of the vehicles, however, have ever had a drop in their tanks because the blend is available at just 101 fuel stations nationwide—most of them in the Midwest.

Yesterday, a mom-and-pop Chevron in Laurel became the first fuel station in Maryland and only the second in the mid-Atlantic region to offer E85, a mixture of gasoline and an alcohol fuel distilled from corn and other grains. The blend has been touted as an alternative to foreign oil and as being gentler on the environment, though the environmental claim has been debated.

Maryland Energy Administration officials hope to open E85 pumps in Annapolis, Gaithersburg and Baltimore in the next year.

At a pump festooned with red, white and blue flags, beaming auto manufacturing representatives and farmers applauded as the first state vehicle—a standard-issue white Ford Taurus—was filled with the blend of 85 percent ethanol, 15 percent gasoline.

''If you want people to use the fuel, you've got to provide the stations where they can buy it,'' said Richard F. Pecora, deputy secretary of the Maryland General Services Administration.

Aiming to reduce petroleum consumption and greenhouse gas emissions by boosting the use of alternative fuels, the federal Energy Policy Act of 1992 required that vehicles capable of running on alternative fuels make up 75 percent of state government fleets.

Under a U.S. program to encourage development of such vehicles, auto manufacturers have received credits for producing ethanol-burning cars, trucks and sport-utility vehicles. Those credits allow the companies to build more vehicles that get lower average gas mileage. But because ethanol fuel is sold in just 20 states and, consequently, many alternative fuel vehicles are burning regular gasoline, the program has actually increased pollution, a U.S. Department of Transportation draft study concluded this year.

''Given the slow rate of growth in the alternative fuel infrastructure, it does not appear likely that any energy conservation and environmental benefits will be realized through . . . 2008 unless strong financial incentives are put in place,'' the report said.

After talking for more than a year with oil companies, none of which expressed any great interest in opening an E85 pump in Maryland, officials came upon Kevin Falls' Chevron Service Center.

It's a modest two-bay repair and fuel station just up the road from Fort Meade and the National Security Administration, two federal installations with growing fleets of alternative fuel vehicles. Officials lined up a U.S. Energy Department grant that would cover the cost of installing the pump, so Falls agreed.

He is selling E85 for the same price as premium gasoline—$1.33 a gallon—and figures that if nothing else, it will bring more customers to the part of his business that turns a profit.

''The more people you get at the pump, the more jobs we get in the [repair] bays,'' Falls said. ''I figure this'll only help with that.''

Jobs are what farmers from the Maryland Grain Producers Association see in Falls's E85 pump. They tout the fuel as a way to boost demand for corn, soybeans, and other grains. ''It's going to mean money in our

pockets with an increase in grain prices,'' said Donnie Tennyson, association president.

The group is looking into building the East Coast's first ethanol production plant in Maryland, in the same way it has been done in the Midwest. There, farmers have raised money to build and operate plants that convert their corn, soybeans and other crops into ethanol, which is then mixed with gasoline and sold at service stations primarily in Illinois, Iowa and Minnesota.

Officials estimate that as many as half a million vehicles in the Washington region can run on an ethanol fuel mix. Only one other station in the region sells E85—the Navy Annex Citgo in Alexandria, near the Pentagon.

With the opening of the E85 pump in Laurel, local auto dealerships said they will begin notifying customers who have bought alternative fuel vehicles. They also said their salespeople will make the fuel option part of their pitch.

''If you have the motivation and the fuel, we have the vehicles,'' said Michael Paritee, manager of alternative fuels and government sales for General Motors. Several of its vehicles—including the 5.3-liter Suburban, Tahoe, Yukon and Yukon XLS and S–10 pickups—can run on E85.

There is some debate over the environmental benefits of E85. Advocates tout its ability to reduce carbon monoxide emissions, but opponents note that when ethanol is blended with gasoline, the fuel evaporates at a higher rate, producing smog. Environmentalists also say distilling corn starch into ethanol is an energy-intensive process, often involving coal.

Even so, local groups welcomed the opening of the Laurel pump.

''I'd like to think that 10 years from now our farmers will be growing a lot of our energy,'' said Michael Heller, of the Chesapeake Bay Foundation. ''Not just corn and barley, but warm-season grasses that can soak up nutrient pollution, then be harvested and turned into fuel.''

U.S. ENGAGED IN A TWO-FRONT WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this country is now engaged in a two-front war. In Afghanistan itself, the war in many places seems to be going well. The President, the Pentagon, our intelligence agencies and other agencies are doing their job well. We also have a second war, and that is the war on the home front. In my view, not nearly enough is being done to provide domestic security at a time when we are under attack from terrorism. We have a large number of vulnerabilities.

Two weeks ago this Congress passed a tax bill which gave $25 billion in retroactive tax cuts to the largest corporations in this country, repealing all of the taxes those corporations had paid over the past 15 years, retroactively. As a result, one corporation got $1.4 billion in a tax gift.

The Director of the Office of Management and Budget, the White House's budget arm, seemed to think we had plenty of room to afford that kind of giveaway. Yet the Office of Management and Budget, the fiscal arm of the White House, is trying to block, along with the leadership of this House, our ability to even get a vote on an effort to add $7 billion to the security on the home front, that I think we desperately need.

We are trying to add additional agents to the FBI, so they can more rapidly and effectively ferret out terrorists and protect the national interest. We are trying to provide additional resources to our public health departments around the country. We are trying to provide a number of additional areas of support. We are trying to cover more than 1 percent of our food supply that comes into this country, because only 1 percent gets inspected.

We are trying to do a lot to cover those bases, but I want to talk about one area specifically.

This chart represents a day in the life of the U.S. Customs Service. On a typical day, the U.S. Customs Service processes 1.3 million passengers, 2,642 aircraft, 50,889 trucks and containers, 355,000 vehicles, 588 ships, 65,000 entry summaries; and they perform 64 arrests, 223 other seizures, 107 narcotics seizures, and 9 currency seizures. That is part of what these people do for a living every day, all in the service of every American.

We have a serious problem because our Customs Service and our Coast Guard do not have enough people in order to secure the borders of the United States. Right now, there are 64 points of entry on the Canadian border which are not open full time. When they are closed, there are two deterrents to illegal entry: One is a little gate with a stop sign, as pictured in this picture, which says ''This port is closed. Warning, $5,000 fine for entering the United States through a closed port. Nearest open port is 70 miles east at portal on Canadian Highway 39.''

This represents our deterrent, along with this: a traffic cone. I do not think it is going to scare many terrorists who want to illegally enter the United States.

□ 1545

Yet we are being prevented from even bringing to the floor a measure to try to do something about that. We not only have problems with roads; we have problems with ports. My own major port of Duluth-Superior, for instance, is a port of access in this country.

Meanwhile, we have many ports closed; we have hour after hour backup of trucks at other points of entry that are open 24 hours a day. This backup means that many of our American industries are not able to produce fully because they cannot get the materials they need. This is just one of the many security problems we are trying to deal with; and the problem we are facing, I am sorry to say, is that the leadership of this House is preventing us from getting votes on three amendments: one to ensure that our friends in New York get the relief they were promised 2 months ago; the second to make certain that we increase the Pentagon budget in areas thought necessary; and, third, to increase our homeland security.

Mr. Speaker, I urge the leadership of this House to allow us to vote on those three amendments. They do not need to vote for them, just allow us to vote on them.

There was an amendment today offered on New York which purports to take care of those problems. With all due respect, in my view, any Member of the New York delegation who tries to walk around in public using that as a fig leaf would be arrested for indecent exposure because that amendment does virtually nothing. It gives no political cover; and it should not, because it provides no substantive improvement.

I urge the House to allow us to vote on those three amendments. This involves the national security of the United States. We should not be operating under a gag rule. We should not be relying on a traffic cone as a major deterrent on the Canadian border, and that is what we will be doing without the amendment that we want to vote on when we return.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. Con. Res. 85. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

COMPUTER SECURITY ENHANCEMENT AND RESEARCH ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, today I am introducing the Computer Security Enhancement and Research Act of 2001. This legislation will address the long-term needs in securing our Nation's information infrastructure and will strengthen the security of the non-classified computer systems of Federal agencies. The bill establishes a research and development program on computer and network security at the National Institute of Standards and Technology. It also strengthens the institute's existing responsibilities in developing best computer security practices and standards in assisting Federal

agencies to implement effective computer and network security.

Because of the September 11 tragedy, attention is now focused in an unprecedented way on increasing our security against terrorism. Our concerns include protecting critical national infrastructures. Today, security has to mean more than locking doors or guarding buildings and installing metal detectors.

In addition to physical security, virtual systems that are vital to our Nation's economy must be protected. Telecommunications and computer technologies are vulnerable to attack from far away by enemies who can remain anonymous, hidden in the vast maze of the Internet. Examples of systems that rely on computer networks include the electric power grid, rail networks, and financial transaction networks. Just as enemies are achieving a sophistication to use the most complex weapons against us, our vital computer networks have become more interconnected and more accessible and, therefore, more vulnerable via the Internet.

The vulnerability of the Internet to computer viruses, denial-of-service attacks, and defaced Web sites is well known. These widely reported events have increased in frequency over time. These attacks disrupt business and government activities sometimes resulting in significant economic recovery costs. While no catastrophic cyberattack has occurred thus far, Richard Clarke, the President's new cyberterrorism czar, has said that the Government must make cybersecurity a priority or face, in his words, the possibility of a digital Pearl Harbor.

While potentially vulnerable computer systems are largely owned and operated by the private sector, the Government has an important role in supporting the research and development activities that will provide the tools for protecting information systems. An essential component for ensuring improved information security is a vigorous and creative research program focused on the security of networked information systems. Unfortunately, witnesses at a recent Committee on Science and Technology hearing indicated that current R&D efforts fall far short of what is required.

Witnesses at that hearing noted the anemic level of funding for research on computer and network security. This lack of funding has resulted in the lack of critical mass of researchers in the field and a lack of focus on safe, incremental research projects. The witnesses advocated increased and sustained research funding from a Federal agency assigned the role to support such research on a long-term basis. To date, Federal support for computer security research has been directed at defense and intelligence needs. While this work on encryption and defense systems security protocols are absolutely vital, very little has been done on the civilian side of communications security.

The bill I am introducing explicitly addresses this gap in Federal support for computer security. My bill charges the National Institute of Standards and Technology with implementing a substantial program of research support based at institutions of higher education designed to improve the security of networked information systems. The research program is authorized for a 10-year period, growing from $25 million in the first year to $85 million in the fifth year. This may sound like a substantial amount of money, but the billions of dollars that are lost in successful computer attacks makes this paltry by comparison. Although the award would go to universities, the research projects may involve collaboration with for-profit companies that develop information security products.

The bill establishes a flexible management approach for the research program. It is based upon management style that has been used effectively by DARPA, the Defense Advanced Research Projects Agency, to spur advances in high technology fields. Specifically, management of the research program will rely on program managers who are both knowledgeable about computer security issues and needs and familiar with the research community. These program managers will be responsible for identifying and nurturing talented researchers and for generating innovative research proposals. Although program managers will have considerable freedom in managing their individual research portfolios, each will be reviewed periodically by NIST senior managers and by outside computer security experts. To ensure its relevance and continued need of this program, it will be reviewed in its fifth year for scientific merit and relevance by the National Academy of Sciences.

An expanded university-based research program will train new graduate students as well as postdoctoral research assistants, as well as attracting seasoned researchers to the field. The result will be a larger and more vibrant basic research enterprise in computer-related security fields. A separate set of awards will be available to support postdoctoral research fellowships and senior research fellowships both at universities and at NIST. The bill also increases support for ongoing, in-house computer security at NIST.

The Computer Security Enhancement and Research Act of 2001 builds on the long experience of NIST in developing computer security standards and practices by placing new responsibilities on the agency for building up the Nation's basic research enterprise in information security. By enlarging and strengthening the research enterprise, we can generate the ideas, approaches, and technologies needed to provide for future cybersecurity in an insecure world.

Mr. Speaker, I thank the staff of the Committee on Science and Technology for their assistance in drafting this legislation, as well as the strong and hard efforts of Ms. Brooke Jamison on my staff, who has worked on this issue very diligently.

CONDITIONAL ADJOURNMENT OF HOUSE AND RECESS OR ADJOURNMENT OF SENATE UNTIL TUESDAY, NOVEMBER 27, 2001

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 85) providing for conditional adjournment of the House and recess or adjournment of the Senate on Tuesday, November 27, 2001.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That when the House adjourns on the legislative day of Friday, November 16, 2001, Saturday, November 17, 2001, Monday, November 19, 2001, or Tuesday, November 20, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, November 27, 2001, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, November 16, 2001, or Saturday, November 17, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 27, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

VISIT NATION'S CAPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon not only to wish a happy holiday to my colleagues,

but to ask them this Thanksgiving to carry a message home. I ask my colleagues to ask their constituents to visit them and visit their Nation's capital.

This is one way to send a visible, powerful message to the terrorists. Let them see Americans streaming into their capital to show they simply cannot be terrorized. The city has been hurt by September 11 because September 11 continues for us. It simply has not stopped. First came September 11. But then came the shutdown of National Airport, the only airport in the United States to be shut down, and it was shut down for 3 entire weeks. Try to think of your hometown without an airport.

Then came fear of flying and then fear of anthrax. Nothing has happened in our city and in our country since September 11. The only people to be struck by anthrax are those who worked in the back room of Brentwood. Even those who opened the envelope in the Hart Building have not gotten the disease. Surely people coming to the city have nothing to fear. The closedown of the airport and the anthrax scare were a one-two punch right at the gut of the Nation's capital.

Mr. Speaker, I am not asking for funds for the Nation's capital. I am asking for Members' constituents to visit the capital of the United States.

I spoke to a student group on the Mall last Saturday, and I am speaking to a group of teachers and principals this Saturday from around the country. No student should graduate from high school without coming to the Nation's capital, and yet there have been cancellation after cancellation of student tours.

□ 1600

The capital needs your help. In the D.C. Subcommittee we learned that double-digit unemployment may be predicted here, 10,000 small businesses hanging on, half of our hotel and restaurant workers out of work. This is heartbreaking because the Nation's capital was doing so well coming out of a control board period. But now we are on the front line of the homeland war.

Of course, we need a targeted stimulus for the Nation's capital like New York got, but we are not asking for that this afternoon. We are asking you to help us let the free market do it. Bring the tourists back. Remind your constituents that your capital is open for business and you want to see them in your offices, you want to see them and begin to have the same kind of dialogue with them that you had before September 11.

Tell them to visit, not to cancel. Tell them there are bargains here now, bargains there will not be here a year from now. Of course, tours are not available in the Capitol and I very much regret that. But we are coming up to the point where tours once again will be available. In any case, they can come and sit in the gallery, they can come to your office and they can come and walk around the Capitol on their own.

This is not the time for Americans to turn their back on their own capital. A war in our homeland is the time precisely to come to the capital. As a little girl growing up during World War II, this capital was crowded with people from all over the United States, people in the service, civilians. It was a bustle of activity. It needs to be a bustle of activity today not only because the capital needs the capital that people would bring in the form of funds, but it needs the bustle of activity in order to help the country return to normalcy.

Members going home to their constituents can lead the way. If they hear from you, the leader in your district, that it is safe to come to Washington, you can help wipe away fear of anthrax, and especially fear of flying now that we have passed the airline security bill so proudly here this afternoon. When you come back, bring some of your constituents with you to the Nation's capital.

Happy Thanksgiving.

IN OPPOSITION TO ANDEAN TRADE ACT'S TUNA PROVISIONS

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I could not help but feel it necessary to take this special order with the hope that my colleagues in the House, as well as the American people, can appreciate my concerns about the provisions of a certain piece of legislation that was just recently passed by this Chamber. This is in reference to H.R. 3009, the Andean Trade Agreement bill.

Mr. Speaker, the current trade policy with regards to canned tuna has provided significant benefits to certain Latin America countries, namely, Bolivia, Colombia, Peru, as well as Ecuador, while maintaining an industrial tuna processing base in the United States. Since the enactment of the Andean Trade Agreement 10 years ago, the number of tuna factories in that region, the Andean region in South America, has actually increased by 229 percent. Production capacity now is up 400 percent. Direct employment is up by 257 percent. U.S. exports have grown from about $15 million to $100 million annually.

In addition, the U.S. tuna industry has invested well over $30 million in new facilities and vessels. However, I must repeat, extending this agreement by providing duty-free treatment to canned tuna from our Andean friends and countries there in Latin America, especially Ecuador, in my humble opinion, Mr. Speaker, will practically destroy the entire U.S. tuna industry.

I have heard the argument that Congress has included canned tuna both in the Caribbean Basin Initiative, as well as NAFTA, and some have questioned why are we not doing the same for Ecuador and the Andean region. The simple answer is that no other country that has been extended this benefit has the potential to literally wipe out and destroy the entire U.S. tuna industry.

Mr. Speaker, Ecuador alone has a production capacity equivalent to 2,250 tons per day. Using a 5-day workweek, this equates to a production capacity equivalent to 48.6 million cases per year. Using a 6-day workweek, Ecuador's production capacity will be equivalent to 58.5 million cases per year.

To put this in perspective, U.S. consumption is at 45.3 million cases per year. In short, Ecuador could produce enough canned tuna to flood the U.S. market. Brand names like Chicken of the Sea and Bumble Bee, brand names that Americans have come to trust, in my opinion will be eliminated from the grocery shelves. It is even questionable whether tuna from Ecuador is dolphin-safe. So serious are these issues that Mexico now even levies a 24 percent duty, last year, on canned tuna exported from Ecuador.

Mr. Speaker, it is also important to note that Ecuador levies a 20 percent duty on imported tuna from the United States.

I am all for free trade, but I am also for fair trade. The fact of the matter is, more than 10,000 jobs in American Samoa, Puerto Rico and California will be lost if H.R. 3009 passes in its current form. Why? Because the minimum wage rate for cannery workers in Ecuador is 69 cents per hour, Mr. Speaker, which in my humble opinion brings us to the real issue of this legislation.

Mr. Speaker, H.J. Heinz Corporation, the parent company of StarKist Tuna Company, has lobbied aggressively for the inclusion of canned tuna in the Andean Trade Agreement. But it must be made clear that StarKist Tuna Company is the only U.S. tuna processor that supports duty-free treatment for canned tuna exported from Ecuador. Put another way, StarKist is the only U.S. tuna processor willing, in my opinion, to sell out American workers in exchange for 69-cent-per-hour wages that StarKist now pays its tuna workers in Ecuador.

As you know now, Mr. Speaker, American Samoa is the home of the largest tuna cannery facility in the world. One facility, currently operated by StarKist, a subsidiary of Heinz Corporation, employs about 2,700 workers. The other facility is operated by Chicken of the Sea of California and currently employs about 2,500 workers. Together, these two companies employ

more than 74 percent of my district's workforce in the private sector. Approximately 85 percent of the private sector jobs in my district are dependent, either directly or indirectly, upon the tuna fishing and processing industry. As Malcolm Stockwell, the former vice president of StarKist Seafood, recently testified before a Senate committee, ''A decrease in production or departure of one or both of the existing tuna processors in American Samoa could devastate the local economy, resulting in massive unemployment and insurmountable financial problems.''

The CEO of Chicken of the Sea has already noted that if the Andean Trade Agreement includes duty-free treatment of canned tuna, its operations in American Samoa will be forced to lay off over 1,000 cannery workers, and that is just for starters. StarKist has testified that if Ecuador is given the same trade preference as the U.S. territory of American Samoa, its production would almost immediately shift to low labor cost areas like Ecuador.

Mr. Speaker, I specifically asked StarKist and Heinz executives what financial loss StarKist would incur if canned tuna was not included in the Andean Trade Agreement. I was told that StarKist would suffer no economic loss. In other words, StarKist is the only one who is pushing for this because of the low labor costs among Andean countries.

I wish to note that the minimum wage in American Samoa is at $3.20 per hour, which is, by far, way below even our own national minimum wage structure. It reminds me of the words offered by the late Senator Borah from Idaho when the issue of fair labor standards was debated in the Congress as far back as 1937.

Senator Borah said, ''I look upon a minimum wage such as will afford a decent living as a part of a sound national policy. I would abolish a wage scale below a decent standard of living just as I would abolish slavery. If it disturbed business, it would be the price we must pay for good citizens. I take the position that a man who employs another must pay him sufficient to enable the one employed to live.''

Senator Pepper from Florida then asked the Senator, ''What if he cannot afford to pay it?''

Senator Borah responded, ''If he cannot afford to pay it, then he should close up the business. No business has a right to coin the very lifeblood of workmen into dollars and cents. Every man or woman who is worthy of hire is entitled to sufficient compensation to maintain a decent standard of living. I insist that American industry can pay its employees enough to enable them to live.''

Quite frankly, Mr. Speaker, I agree with Senator Borah. StarKist, like any other industry, should pay its employees proper wages. That was one of the big issues in the 1930s when the question of labor minimum wages was debated in the Congress. The fear was that if some kind of a minimum wage standard would be established, there would be chaos in the business industry, especially in those days in the South, which was always looked upon as an area of low labor costs, 10 to 12 cents an hour for a 10-hour workday, even among children at the time, I suppose. What they found out is that when they did establish a minimum wage standard since the 1930s, there was tremendous economic growth in the economy.

When all is said and done, Mr. Speaker, tuna processing is the only industry holding together the economy of my district. American Samoa's only advantage in the global marketplace is duty-free access to the U.S. market. What price has American Samoa paid to have U.S. trade privileges, I ask.

As a Territory of the United States, our men and women have paid the ultimate sacrifice in military service to our Nation. American Samoa pledges its allegiance to the United States. Ecuador and other Latin American countries do not. American Samoa has been the backbone of StarKist sales. The Andean countries have not. In the past 25 years, StarKist and Chicken of the Sea have exported almost $6 billion worth of canned tuna from American Samoa to the United States. Thanks to American Samoa, StarKist is now the number one brand of tuna in the world today.

Mr. Speaker, why is it that StarKist and the parent company Heinz Corporation are pushing to allow tuna imports to come to the United States duty-free from the Andean countries and yet are opposed by two other major tuna processing centers here in the United States and even by the entire U.S. tuna fishing fleet here in our country?

At a recent hearing, a StarKist official testified, ''StarKist will continue to sell and can tuna. However, the history of tuna canning in the U.S. and Puerto Rico has demonstrated quite clearly that StarKist will also take whatever action is required to remain cost competitive.'' Is this why StarKist and Heinz Corporation are such strong supporters of the trade agreement that the entire U.S. tuna industry opposes? At 69 cents per hour for wages earned for cannery workers in Ecuador, I can understand why StarKist is pushing for passage of this legislation.

Mr. Speaker, the U.S. International Trade Commission conducted section 201 and section 332 investigations in 1984, 1986, 1990 and 1992 to determine if canned tuna was an import-sensitive product. In each case they overwhelmingly concluded that canned tuna is an import-sensitive product. The facts that made canned tuna an import-sensitive product in the ITC studies still apply today. With the advent of canned tuna from low-wage countries, retail pricing of canned tuna, when adjusted for inflation, has dropped by 53 percent between 1980 and 2000.

Canned tuna represents a tremendous value versus other sources of canned protein. In May of 2000, light meat tuna retail prices were 10 cents per ounce while albacore retail tuna prices were 23 cents per ounce. Competitive proteins were significantly more expensive. That is, canned chicken was selling at 40 cents per ounce, canned turkey at 40 cents per ounce, Spam at 33 cents per ounce and corned beef was selling at 20 cents per ounce.

Due to the intense competitive environment caused by low-cost foreign imports, retail prices of canned tuna in the U.S. are the lowest among all developed nations of the world. The comparison includes Australia, Canada, France, Germany, Italy, Spain and the United Kingdom.

U.S. tuna processors face significant wage disparities when compared with foreign tuna processors. Average hourly wages in the U.S. processing facilities in California, Puerto Rico and American Samoa are approximately $11, $6.50 and $3.20, respectively.

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Average hourly labor rates in the key exporting countries of Thailand and Ecuador are approximately 60 cents and 69 cents per hour respectively.

It should also be noted, Mr. Speaker, that tuna processors in foreign nations are not required to abide by the same health, welfare, safety, regulatory, conservation or even environmental standards imposed upon U.S. tuna processors. In addition, they often receive government and other financial subsidies that provide an unfair economic advantage.

The quantity of tuna imports measured in kilograms between 1990 and the year 2000 has increased by 20.3 percent. Within this number, canned tuna imports have increased by 10 percent, while imports of frozen tuna loins have increased by 67.3 percent.

Specifically, Mr. Speaker, as it relates to Ecuador and Colombia in 1990 before the U.S.-Andean trade agreement was enacted, Ecuador and Colombia tuna exports to the United States represented only 2.6 percent of total U.S. tuna imports. In other words, in 1990 the total value of tuna that was imported from tuna loins and canned loins from these two countries was at $9.7 million.

In the year 2000, after 10 years of the Andean trade agreement in force, Ecuador and Colombia tuna exports to the U.S. represents now 23.3 percent of the total U.S. tuna imports. This represents a 796.2 percent increase, Mr. Speaker, over 10 years and an annualized rate of growth of 24.5 percent.

Mr. Speaker, these increases in exports have been enabled by a tremendous expansion of Ecuadorian and Colombian tuna processing and fishing industries. As I stated earlier, factories are now increased from 7 to 23 percent. Annual production capacity has increased from 108 million cases per ton to 500 million tons. Direct employment has increased from 3,500 employees now to 12,500 employees or an increase of 257 percent. The fleet, which was nonexistent 10 years ago, now represents the second largest tuna fishing fleet in the eastern tropical Pacific, right below Mexico. The Ecuadorian fleet now catches more than 35 percent of the total tuna landed out of the east tropical Pacific.

As imports have increased, U.S. production volumes have declined because trade benefits provided to foreign nations make it difficult for U.S. processing facilities to compete.

For example, in 1990, four of the five tuna processing facilities in Puerto Rico have closed. Once the largest employer in Puerto Rico, with more than 15,000 jobs in 1990, Bumble Bee now operates the last processing facility in Puerto Rico with less than 1,000 workers.

Bumble Bee has stated that they will close their Puerto Rico factory within 6 months if tuna is included in the ATPA. The key reason is the hourly labor rate differential of $6.50 an hour in Puerto Rico versus 69 cents an hour in Ecuador. That is obvious.

Chicken of the Sea has closed their tuna processing facility in Terminal Island in California, while Bumble Bee still operates its Santa Fe Springs plant in California. Total employment has dropped from 1,000 now to a mere 300.

Bumble Bee has stated that if tuna is included in APTA, they will shift at least half of their California production to Ecuador within 12 months, resulting in the loss of more than 100 jobs. This will probably lead to the full closure of their California factory within 2 years.

My district has not lost either of the two tuna processing facilities yet, operated by both Chicken of the Sea and StarKist, Mr. Speaker. However, in Department of Labor wage hearings over the past 10 years, both Chicken of the Sea and StarKist have stated emphatically that any increase in wage rates will increase in the shift of production to lower-wage countries.

Based on these testimonies, a total hourly wage increase since 1990 has been approximately 20 cents per hour, which to me personally, Mr. Speaker, is an insult, much less than the increase in the U.S. minimum wage over the same period of time. The minimum wage in Samoa is less than half that of the U.S. despite American Samoa being a U.S. territory. American Samoa recognizes that any decreases in tuna sector employment can decimate their fragile economy where the tuna industry represents 88 percent of private sector employment.

I do not know, Mr. Speaker, how would you describe the disparity in wage rates, whether or not 69 cents per hour in Ecuador would be considered cheap labor or slave labor. I sometimes have a very difficult time distinguishing between the two standards.

Chicken of the Sea has stated that if tuna is included in APTA, they will shift about half of their workers in American Samoa to Ecuador within 12 months; and like I said, that is just the beginning.

Concerning our tuna fishing fleet, this is one of the other great concerns that I have concerning this legislation, Mr. Speaker.

In 1990, the U.S. tuna fishing fleet was the dominant fleet in the world, allowing the U.S. to exert leadership in international conservation efforts. The U.S. fleet developed the eastern tropical Pacific fishing grounds and then developed the western tropical fishing grounds where they operate today.

In the year 2000, the U.S. tuna fishing fleet now has been surpassed by Taiwan, Spain, South Korea, Mexico, Ecuador, Venezuela, Japan, and France; and we are no longer the dominant fishing nation that we once were.

U.S. tuna boat owners are disadvantaged, as they are required to abide by strict safety, personal liability, regulatory and environmental and conservation standards that are vigorously enforced by the U.S. Department of Commerce National Marine Fisheries Service and the U.S. Coast Guard. These standards are not observed by foreign-flag vessels and are not even enforced by their respective governments.

Mr. Speaker, as an example, between 1997 and the year 2000, Ecuadorian- and Colombian-flag tuna fishing vessels incurred more than 900 violations of Inter-American Tropical Tuna Commission regulations, with the acronym of IATTC. The IATTC is a multilateral organization that establishes fishing regulations in the eastern tropical Pacific Ocean. While the IATTC reports violations, the flag countries of the violating vessels are to take enforcement action. To date, of the 900 violations only three, only three have been resolved.

The U.S. State Department, which represents the U.S. and the IATTC, is well aware of these violations and has the authority to impose a U.S. embargo on fishery products from Ecuador and Colombia to force compliance with international conservation regulation. However, and unfortunately, Mr. Speaker, they have not yet taken any action.

Mr. Speaker, if tuna is included in the APTA, the eastern tropical Pacific fishing grounds will become more valuable. However, the U.S. tuna fishing fleet, which developed this fishery in the 1960s and the 1970s, cannot return to the ETP, as Mexico, Ecuador and Venezuela have systematically taken up all available fishing licenses and quotas.

If tuna is included in the APTA, employment in my own district in tuna processing facilities will be reduced, the U.S. fleet will lose their largest market for selling their catch, and they will become competitively disadvantaged versus all other international fleets.

All of the major U.S. tuna boat owners have stated that if tuna is included in this bill, they will immediately begin the process of divesting their ownership positions in their vessels worth hundreds of millions of dollars, and the vessels will ultimately move to foreign ownership.

As the vessels move to foreign ownership, Mr. Speaker, the U.S. would lose its voice in multinational conservation efforts.

Mr. Speaker, the U.S. tuna processing and fishing industry has supported the objectives of the Andean trade agreement for the past 10 years despite the fact that canned tuna was excluded from the actual agreement. To ensure the survival of the U.S. tuna processing and fishing industry, and to recognize the support they have provided for the Andean pact nations, I would certainly hope that the U.S. Congress would continue to exclude canned tuna from the provisions of this bill.

Mr. Speaker, excluding canned tuna from APTA will not negatively impact the economies of Ecuador and Colombia, I can assure. In fact, Bumble Bee, which has a $30 million tuna processing facility with more than 1,200 employees in Ecuador, will continue to invest and grow in that region.

Excluding canned tuna from APTA will support more than 10,000 U.S. tuna processing and fishing jobs in California, Puerto Rico, American Samoa, and the entire U.S. tuna fishing fleet whose jobs will be at risk, obviously.

Excluding canned tuna from the APTA will support my district's economy where some 85 to 88 percent of the private sector employment is provided by the tuna industry.

Exclusion of canned tuna for the APTA will support the U.S. tuna fishing fleet of approximately 50 vessels, as I have stated earlier, out of American Samoa and supply the U.S. canneries while giving the U.S. a strong voice, hopefully, in multinational fisheries conservation.

Mr. Speaker, the U.S. represents the largest market for canned tuna consumption in the world. It is estimated that the U.S. represents 28 percent of that global consumption.

Canned tuna is consumed by 96 percent of U.S. households.

Canned tuna represents the number three item in U.S. grocery stores based on dollar sales per linear foot per shelf space.

Three U.S. brands, Bumble Bee, StarKist and Chicken of the Sea, represent more than 85 percent of U.S. tuna consumption.

I would like to share with my colleagues some interesting facts to consider. Bumble Bee Seafoods, Incorporated, is a U.S. corporation headquartered in San Diego, California, with revenues of approximately $750 million and employment of approximately 5,000 people.

Bumble Bee is a wholly owned subsidiary of ConAgra Foods, a U.S. corporation headquartered in Omaha, Nebraska, with annual revenues of approximately $27 billion and employment of approximately 80,000 workers, almost all of which is in the United States. ConAgra is the second largest retail food company in the United States and the largest food service provider.

Bumble Bee is the number two brand of canned tuna in the United States with a 27 percent branded market share. Within canned tuna, Bumble Bee has the number one position in albacore and the number two position in light meat.

Bumble Bee is the leading brand of canned seafood with number or two positions in salmon, shrimp, crab, sardines, and other canned seafood varieties.

Bumble Bee operates tuna, shrimp and surimi processing facilities in California, Puerto Rico, Louisiana, Minnesota, Ecuador, Fiji, and even Trinidad.

Bumble Bee is the largest buyer of canned salmon in the world and the largest customer of U.S.-owned processing locations in the State of Alaska.

Bumble Bee sources raw material from U.S. fishing vessels harvesting tuna, salmon, pollock, whiting, shrimp and other fish species in the major oceans of the world.

Mr. Speaker, I want to personally thank again the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the gentleman from New York (Mr. RANGEL), our senior ranking member, for their offered assistance to continue our efforts to formulate some resolution to my concerns relative to the U.S. tuna industry.

I would be remiss if I did not also express my personal thanks and appreciation especially to my colleague and friend, the gentleman from California (Mr. CUNNINGHAM), without whom we would not have gone this far to find a solution hopefully to the needs of our workers and the entire U.S. tuna industry.

I also want to thank Mr. Dennis Mussell, the CEO of Chicken of the Seafood Company, and Mr. Chris Lischewski, the CEO of Bumble Bee Seafood, and Mr. Julius Zolezzi and Paul Crampe who represented some 50 boat owners and who make up the entire U.S. tuna fishing fleet through the United Tuna Cooperative.

Mr. Speaker, I do not mind that we work with our colleagues to address the social and economic needs of our friends in the Andean region. We have been doing this now for the past 10 years since the Andean trade agreement was enacted.

My only concern, Mr. Speaker, is that our national policy also now is to sacrifice the entire U.S. tuna industry in order to accommodate the economic needs of our friends from Ecuador, Bolivia, Peru and Colombia. I hope not, Mr. Speaker. I sincerely hope not.

One of the issues or reasons why we are trying to do crop substitution in helping these Andean countries was to lessen the drug trafficking going on coming from Latin America into our country. I recall one of the previous presidents of the Republic of Colombia made a very interesting observation. He said if there was not so much consumption and demand by Americans maybe there would not be a supply or a need to have a supply of drugs coming from Latin America.

So I look forward to continuing consultations with our House colleagues, as well as with the Members of the House when this bill will be further reviewed, I hope, in conference.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CRANE, following the remarks of Mr. SHAW during debate on H.R. 3009.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today on account of illness.

Mrs. BONO (at the request of Mr. ARMEY) for today on account of attending the dedication of a statue to her late husband, Sonny Bono, in Palm Springs, California.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BAIRD) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006; to the Committee on Government Reform in addition to the Committee on the Judiciary for a period to be subsequently determine by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1270. An act to designate the United States Courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan; to the Committee on International Relations.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Government Reform.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

H.J. Res. 74. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on November 16, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 2330. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2500. Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.J. Res. 74. Making further continuing appropriations for the fiscal year 2002, and for other purposes.

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ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, November 19, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4594. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1116] received November 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4595. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; Tennessee and Memphis-Shelby County [TN-T5–2001–04; FRL–7103–2] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4596. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan for Montana; Revisions to the Missoula City-Council Air Pollution Control Program [MT–001–0039a & MT–001–0041a; FRL–7086–3] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4597. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Arizona Department of Environmental Quality [FRL–7100–4] received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4598. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Mexico (Transmittal No. DTC 155–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of technical data and defense services sold under a contract to the Republic of Korea (Transmittal No. DTC 137–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4600. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Kingdom (Transmittal No. DTC 138–01), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4601. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with South Korea (Transmittal No. DTC 153–01), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Turkey (Transmittal No. DTC 125–01), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan (Transmittal No. DTC 120–01), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4604. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany, the Netherlands, and Spain (Transmittal No. DTC 114–01), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4605. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Qualifications and Preliminary Proposals for Training and Outreach Coordination Support to the Chesapeake Bay Program—received November 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr YOUNG of Alaska: Committee of Conference. Conference report on S. 1447. An Act to improve aviation security, and for other purposes (Rept. 107–296). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. H.R. 2581. A bill to provide authority to control exports, and for other purposes, with an amendment; referred to the Committees on Agriculture, Armed Services, Energy and Commerce, Judiciary, Ways and Means, and Intelligence (Permanent) for a period ending not later than December 7, 2001, for consideration of such provisions of the bill and amendment as fall within the respective jurisdiction of those committees pursuant to clauses 1 and 11 of rule X (Rept. 107–297, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2062. Referral to the Committee on the Judiciary extended for a period ending not later than December 7, 2001.

H.R. 2581. Referral to the Committee on Rules extended for a period ending not later than December 7, 2001.

H.R. 2768. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 7, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE (for himself, Mr. BERRY, Mr. WAMP, Mr. ROEMER, Mr. COOKSEY, Mr. MCDERMOTT, Mr. QUINN, Mr. ANDREWS, Mr. GRAHAM, Mr. BOSWELL, Mr. LEACH, Mrs. ROUKEMA, Mr. KING, Mr. WELDON of Florida, Mr. SHAYS, Mrs. MORELLA, Mr. DOOLEY of California, Mr. SANDLIN, and Mr. SABO):

H.R. 3310. A bill to improve the ability of the United States to prepare for and respond to a biological threat or attack; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 3311. A bill to prohibit the unauthorized possession of a cutting instrument, chemical spray, or an electric weapon in an aircraft or on the premises of an airport; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mr. RANGEL, Mr. CRANE, Mr. FOLEY, Mr. SHIMKUS, and Mrs. BIGGERT):

H.R. 3312. A bill to amend the Internal Revenue Code of 1986 to eliminate foreign base company shipping income from foreign base company income; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3313. A bill to protect small businesses from increased tariffs and other retaliatory actions taken by the United States during a trade dispute; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3314. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 3315. A bill to improve the solvency of the Social Security Program, and for other purposes; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. MATHESON, Mr. UDALL of Colorado, and Mr. HONDA):

H.R. 3316. A bill to amend the National Institute of Standards and Technology Act to establish research programs to improve the security of networked information systems, to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Science.

By Ms. BALDWIN (for herself, Ms. WOOLSEY, Mr. KLECZKA, Mr. BARRETT, Mr. MATSUI, Mr. FRANK, Mrs. MINK of Hawaii, Ms. LEE, Ms. KILPATRICK, Ms. SCHAKOWSKY, Mr. HILLIARD, Mr. EVANS, Mrs. MCCARTHY of New York, and Mr. ALLEN):

H.R. 3317. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of self-administered drugs that, when used as a replacement for covered drugs, result in overall cost savings to the program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Mr. MCHUGH, Mr. HINCHEY, Mr. SCHROCK, Mr. WEINER, Mr. FORBES, Mr. FROST, Mr. UDALL of New Mexico, Mr. MURTHA, and Mr. FILNER):

H.R. 3318. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2002; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. CHABOT, Mr. CRANE, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GOODE, Ms. HART, Mr. HOSTETTLER, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. LARGENT, Mr. LEWIS of Kentucky, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. SHADEGG, Mr. SOUDER, Mr. TAYLOR of North Carolina, and Mr. WELDON of Florida):

H.R. 3319. A bill to amend the Revised Statutes of the United States to limit the recovery of attorneys' fees in certain civil rights cases; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mrs. THURMAN, and Mrs. JOHNSON of Connecticut):

H.R. 3320. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by taxing the income portion of such payments at capital gains rates; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. FARR of California, Mrs. BONO, Mrs. CAPITO, Ms. BERKLEY, Mrs. CHRISTENSEN, and Mr. GILMAN):

H.R. 3321. A bill to authorize the Secretary of Commerce to make grants to States for advertising that stimulates economic activity by promoting travel and tourism; to the Committee on Energy and Commerce.

By Mr. HANSEN:

H.R. 3322. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Resources.

By Mr. HOBSON (for himself, Mr. SAWYER, Mr. STARK, Ms. PRYCE of Ohio, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. BLUNT, Mrs. JOHNSON of Connecticut, Mr. UPTON, Mr. THOMAS, Mr. MCDERMOTT, Mr. BACHUS, Mr. RANGEL, Mr. TIBERI, Mr. OSE, Mr. REGULA, Mr. LATOURETTE, Mr. GREENWOOD, Mr. WHITFIELD, Mrs. THURMAN, Mr. STRICKLAND, Mr. PORTMAN, and Mr. BECERRA):

H.R. 3323. A bill to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. RANGEL, Mr. FOLEY, and Mr. GARY G. MILLER of California):

H.R. 3324. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3325. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3326. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3327. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Mr. WYNN, Ms. BROWN of Florida, Mr. FARR of California, Mr. FROST, Ms. WATERS, Ms. WOOLSEY, Ms. LEE, Ms. PELOSI, Mr. CROWLEY, and Mr. BACA):

H.R. 3328. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 3329. A bill to require country of origin labeling of raw agricultural forms of ginseng, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. BIGGERT, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Mrs. THURMAN, Mrs. JONES of Ohio, Ms. HARMAN, Ms. SOLIS, Mrs. MEEK of Florida, Mrs. MALONEY of New York, Ms. BALDWIN, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Ms. LEE, Ms. NORTON, Mrs. BONO, Ms. ROS-LEHTINEN, Mrs. NAPOLITANO, Mrs. NORTHUP, Mrs. CAPITO, Mrs. CUBIN, Mrs. KELLY, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mrs. WILSON, Ms. HART, and Mrs. MORELLA):

H.R. 3330. A bill to authorize the provision of educational and health care assistance to the women and children of Afghanistan; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. BLAGOJEVICH, Mr. RUSH, Mr. EVANS, Mr. FROST, Mrs. MCCARTHY of New York, and Mr. SANDERS):

H.R. 3331. A bill to amend titles XVIII and XIX of the Social Security Act to impose requirements with respect to staffing in nursing facilities receiving payments under the Medicare or Medicaid Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. MATSUI):

H.R. 3332. A bill to amend the Social Security Act to provide greater equity and efficiency to the Social Security Administration's payment system for representation of claimants, and for other purposes; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. ISTOOK, Mr. NORWOOD, Mr. PAUL, Mr. DEAL of Georgia, Mr. BARTLETT of Maryland, Mr. KING, Mr. TANCREDO, Mr. SHOWS, and Mr. GOODE):

H.R. 3333. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. HANSEN, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. HOLT, Mr. GILCHREST, Mr. UNDERWOOD, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ANDREWS, Mr. BACA, Mr. BALDACCI, Mr. BECERRA, Mr. BERMAN, Mr. BERRY, Mrs. BONO, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BUYER, Mr. CALVERT, Mr. CANNON, Mrs. CAPPS, Mr. CARSON of Oklahoma, Mr. CASTLE, Mr. CHAMBLISS, Mr. CONDIT, Mr. COX, Mr. CRAMER, Mrs. CUBIN, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. DEFAZIO, Ms. DELAURO, Mr. DINGELL, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DOYLE, Mr. DREIER, Mr. DUNCAN, Ms. ESHOO, Mr.

FALEOMAVAEGA, Mr. FARR of California, Mr. FERGUSON, Mr. FILNER, Mr. FLAKE, Mr. FLETCHER, Mr. FORD, Mr. FROST, Mr. GALLEGLY, Mr. GIBBONS, Mr. GOODE, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HALL of Ohio, Ms. HARMAN, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HOLDEN, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. ISSA, Mr. JONES of North Carolina, Mr. KILDEE, Mr. KIND, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. LUCAS of Oklahoma, Mr. MARKEY, Mr. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINNIS, Ms. MCKINNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Ms. MILLENDER-MCDONALD, Mr. MCKEON, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NORWOOD, Mr. ORTIZ, Mr. OSBORNE, Mr. OSE, Mr. OTTER, Mr. PHELPS, Mr. PICKERING, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. POMBO, Mr. PETERSON of Pennsylvania, Mr. PETERSON of Minnesota, Mr. RADANOVICH, Mr. REHBERG, Mr. ROHRABACHER, Mr. ROSS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Mr. SCHAFFER, Mr. SCHIFF, Mr. SHERMAN, Mr. SIMPSON, Mr. SMITH of Washington, Ms. SOLIS, Mr. SOUDER, Mr. STARK, Mr. STENHOLM, Mr. TANCREDO, Mr. TANNER, Mrs. TAUSCHER, Mr. TAUZIN, Mr. THOMAS, Mr. THORNBERRY, Mr. TOWNS, Mr. TURNER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WU):

H.R. 3334. A bill to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 3335. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 3336. A bill to amend the Public Health Service Act to establish a program to provide screenings and treatment for cancer to minority and other populations served by health centers under section 330 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Mrs. MORELLA, Mr. WYNN, Mr. HOYER, and Mr. FILNER):

H.R. 3337. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; to the Committee on Government Reform.

By Mr. WEINER (for himself, Mr. RANGEL, and Mr. MEEKS of New York):

H. Con. Res. 272. Concurrent resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587.; to the Committee on Transportation and Infrastructure. considered and agreed to.

By Mr. ROHRABACHER (for himself and Mr. GILMAN):

H. Con. Res. 273. Concurrent resolution reaffirming the special relationship between the United States and the Republic of the Philippines; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Ms. JACKSON-LEE of Texas, Mr. WYNN, Ms. MCKINNEY, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. OWENS, Mr. CAPUANO, Mr. TOWNS, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. CLAY, Mr. BISHOP, Mr. PAYNE, Ms. KILPATRICK, Mr. RUSH, Ms. WATSON, Mr. SCOTT, Mr. CLYBURN, Ms. LEE, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. HILLIARD, Ms. NORTON, Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. FORD, Mr. JEFFERSON, Mr. CONYERS, Mrs. JONES of Ohio, Mr. WATT of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BLAGOJEVICH):

H. Con. Res. 274. Concurrent resolution congratulating JET Magazine on its 50th anniversary and honoring its founder, John H. Johnson, for his outstanding contribution to journalism; to the Committee on Government Reform.

By Mr. HANSEN:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds; to the Committee on Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. SANDERS, Mr. KING, Mr. KENNEDY of Minnesota, and Mr. MATHESON):

H. Con. Res. 276. Concurrent resolution expressing the sense of Congress that donations solicited by charitable organizations for the victims of the terrorist attacks against the United States that occurred on September 11, 2001, should be used exclusively for the benefit of such victims; to the Committee on Transportation and Infrastructure.

By Mr. FROST:

H. Res. 292. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. WEINER.
H.R. 61: Mr. JACKSON of Illinois.
H.R. 68: Ms. BALDWIN and Mr. DIAZ-BALART.
H.R. 179: Mr. FOSSELLA.
H.R. 218: Mr. BARTON of Texas.
H.R. 303: Ms. ROS-LEHTINEN.
H.R. 424: Mr. REHBERG.
H.R. 488: Mr. DAVIS of Illinois.
H.R. 665: Mr. GONZALEZ.
H.R. 782: Ms. SOLIS.
H.R. 783: Mr. FILNER and Mr. MANZULLO.
H.R. 876: Mr. LANGEVIN and Ms. HOOLEY of Oregon.
H.R. 951: Mr. BERMAN, Ms. HARMAN, Mr. FROST, and Mr. WAXMAN.
H.R. 990: Ms. CARSON of Indiana.
H.R. 1004: Mr. HOYER.
H.R. 1169: Mr. SESSIONS.
H.R. 1178: Ms. MCCOLLUM.
H.R. 1186: Ms. HOOLEY of Oregon and Ms. CARSON of Indiana.
H.R. 1238: Mr. WAMP.
H.R. 1296: Mr. NETHERCUTT and Mr. LANGEVIN.
H.R. 1297: Mr. ISRAEL.
H.R. 1360: Mr. HINCHEY.
H.R. 1410: Ms. CARSON of Indiana.
H.R. 1475: Mr. GONZALEZ.
H.R. 1494: Mr. LUTHER.
H.R. 1510: Mr. WATT of North Carolina, Mr. STUMP, Mr. PETERSON of Minnesota, Mr. FORBES, and Mr. GOODLATTE.
H.R. 1587: Mr. DAVIS of Florida.
H.R. 1596: Mr. PLATTS.
H.R. 1598: Ms. SANCHEZ.
H.R. 1605: Mr. ROGERS of Kentucky.
H.R. 1718: Ms. HARMAN.
H.R. 1759: Mr. SMITH of New Jersey.
H.R. 1774: Ms. ROYBAL-ALLARD.
H.R. 1786: Mr. MCGOVERN.
H.R. 1839: Mr. BLUNT.
H.R. 1930: Mr. GREEN of Texas.
H.R. 1996: Mr. STARK and Mr. DAVIS of Illinois.
H.R. 2088: Mr. BLUNT and Mr. KIRK.
H.R. 2117: Ms. BALDWIN and Mr. MATSUI.
H.R. 2138: Mr. KANJORSKI.
H.R. 2148: Mr. KUCINICH.
H.R. 2156: Mr. WHITFIELD.
H.R. 2166: Ms. MCKINNEY.
H.R. 2220: Mr. CLAY.
H.R. 2239: Mrs. MORELLA.
H.R. 2327: Mr. FLETCHER.
H.R. 2341: Mr. KNOLLENBERG, Mr. COBLE, and Mr. ISAKSON.
H.R. 2357: Mr. GREEN of Wisconsin, Mrs. JO ANN DAVIS of Virginia, and Mr. WALSH.
H.R. 2374: Mr. FORBES.
H.R. 2420: Mr. WU.
H.R. 2610: Mr. MATSUI.
H.R. 2623: Mr. FILNER.
H.R. 2638: Ms. BALDWIN.
H.R. 2695: Mr. GILLMOR.
H.R. 2722: Mr. LUCAS of Kentucky, Mr. PASCRELL, and Mr. GILLMOR.
H.R. 2723: Mr. OLVER, Mr. ACEVEDO-VILA, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. MASCARA, Mr. ABERCROMBIE, Ms. WOOLSEY, Ms. RIVERS, Mr. BERMAN, and Mr. RAHALL.
H.R. 2735: Mr. GEORGE MILLER of California.
H.R. 2775: Mr. CONYERS.
H.R. 2788: Mr. MATSUI.
H.R. 2820: Mr. KUCINICH and Mr. KANJORSKI.
H.R. 2829: Mr. OSBORNE.
H.R. 2837: Mr. KUCINICH.
H.R. 2894: Mr. WU.
H.R. 2964: Mr. BAKER.
H.R. 2970: Mr. MANZULLO and Mr. JENKINS.
H.R. 2999: Ms. DEGETTE.
H.R. 3007: Ms. KAPTUR.
H.R. 3041: Mr. LANGEVIN, Mr. TOM DAVIS of Virginia, Mr. SESSIONS, Mr. BURTON of Indiana, and Mr. MORAN of Virginia.
H.R. 3046: Mrs. JO ANN DAVIS of Virginia, Mr. GEKAS, and Mr. KANJORSKI.
H.R. 3054: Mr. COOKSEY and Mr. GONZALEZ.
H.R. 3058: Mr. SHERMAN and Mr. PRICE of North Carolina.
H.R. 3074: Mr. REHBERG.
H.R. 3076: Mr. REHBERG.
H.R. 3101: Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. CARSON of Oklahoma, and Mr. SHERMAN.
H.R. 3113: Mr. MCGOVERN, Mr. FRANK, Mr. MATSUI, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, Mr. JACKSON of Illinois, and Mr. BROWN of Ohio.
H.R. 3131: Ms. HART and Mr. WAXMAN.
H.R. 3139: Mrs. THURMAN.
H.R. 3163: Mr. BACA, Mrs. LOWEY, and Mr. MORAN of Virginia.

H.R. 3164: Mr. SKELTON.
H.R. 3168: Mr. SWEENEY.
H.R. 3175: Ms. NORTON.
H.R. 3176: Mr. MOORE and Mr. FERGUSON.
H.R. 3178: Mr. CALVERT, Mrs. BIGGERT, Mr. CLEMENT, Mr. SIMMONS, and Mr. COSTELLO.
H.R. 3185: Mrs. LOWEY, Mr. FROST, Mr. ETHERIDGE, Mr. FRANK, and Mr. WELLER.
H.R. 3192: Mr. GRUCCI, Mr. MCNULTY, Mr. GILCHREST, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. FORBES, Mr. BILIRAKIS, Mr. SHAYS, Mr. GOODLATTE, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. BRADY of Texas, Mr. MCDERMOTT, Mr. MORAN of Virginia, Ms. BROWN of Florida, Mr. HILLIARD, Mr. CONYERS, Mr. LEWIS of Georgia, and Ms. MCKINNEY.
H.R. 3193: Mr. BERMAN, Ms. BROWN of Florida, Ms. PRYCE of Ohio, Ms. SCHAKOWSKY, Ms. ESHOO, Ms. BALDWIN, Ms. LEE, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Ms. NORTON, Mrs. THURMAN, Ms. PELOSI, and Ms. HART.
H.R. 3215: Mr. PICKERING, Mr. AKIN, Mr. BASS, Mr. WICKER, Mrs. NORTHUP, Mr. JEFF MILLER of Florida, Mr. CRENSHAW, Mr. MCINNIS, Mr. BARTLETT of Maryland, Mrs. ROUKEMA, Mr. PETERSON of Minnesota, Mr. HORN, Mr. HERGER, Mr. MANZULLO, Mr. JONES of North Carolina, Mr. THOMAS, Mr. QUINN, Mr. WALDEN of Oregon, Mr. NORWOOD, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mrs. CAPITO, Mr. MCKEON, Mr. GILMAN, Mr. BOEHNER, Mr. DIAZ-BALART, Mrs. NAPOLITANO, Mr. WALSH, Mr. GUTKNECHT, Mr. HAYNES, Mr. GRUCCI, Mr. ISAKSON, Mr. SCHROCK, Mrs. MYRICK, Mr. YOUNG of Alaska, Mr. RYUN of Kansas, Mr. KING, Mr. GILLMOR, Mr. SOUDER, Mr. WATTS of Oklahoma, Mr. WATKINS, Mr. SMITH of New Jersey, Mr. BERRY, Mr. HOBSON, Mr. HYDE, and Mr. CUNNINGHAM.
H.R. 3217: Mr. FALEOMAVAEGA, Mr. BACA, and Mr. KUCINICH.
H.R. 3229: Mr. TANCREDO, Mr. DOOLITTLE, Mr. LIPINSKI, Mr. LANTOS, Mr. WELDON of Florida, Mr. SHOWS, Mr. ADERHOLT, Mr. SCHROCK, Mr. CALVERT, Mr. SMITH of Texas, Mr. ROHRABACHER, and Mr. DEAL of Georgia.
H.R. 3230: Mr. TOM DAVIS of Viginia and Mr. FROST.
H.R. 3238: Ms. DELAURO.
H.R. 3239: Mr. WHITFIELD, Mr. HAYWORTH, Mr. WELLER, and Mr. CRANE.
H.R. 3244: Mr. BISHOP, Mr. TAFICANT, Mr. BORSKI, Ms. JACKSON-LEE of Texas, Mr. KANJORSKI, Mr. SAXTON, Mr. KUCINICH, Mr. FORD, Mr. LANGEVIN, Mr. CANTOR, Mr. MATHESON, Mr. LAMPSON, and Mr. PRICE of North Carolina.
H.R. 3245: Mr. HASTINGS of Florida and Mr. KELLER.
H.R. 3254: Mr. WELDON of Florida.
H.R. 3267: Mr. HASTINGS of Florida, Mr. SANDERS, Mr. BRADY of Pennsylvania, Mr. FROST, Ms. DELAURO, Mr. FRANK, and Mr. BARRETT.
H.R. 3278: Mr. FOLEY and Mr. MATSUI.
H.R. 3289: Mr. MARKEY and Mr. FILNER.
H.R. 3294: Mr. GRUCCI, Mr. FALEOMAVAEGA and Mr. BACA.
H.R. 3308: Ms. MILLENDER-MCDONALD.
H.J. Res. 54: Mr. RYUN of Kansas.
H.J. Res. 66: Mr. LINDER.
H. Con. Res. 177: Mr. CAPUANO, Mr. HILLIARD, Mr. GREEN of Texas, and Mrs. TAUSCHER.
H. Con. Res. 232: Mr. HASTINGS of Florida, Mr. REYES, Mr. SAXTON, Mr. HONDA, Ms. ROYBAL-ALLARD, and Mr. SIMMONS.
H. Con. Res. 249: Mr. BILIRAKIS.
H. Con. Res. 253: Ms. MILLENDER-MCDONALD, Mr. KANJORSKI, and Mr. BLUMENAUER.
H. Con. Res. 260: Mr. MCDERMOTT.
H. Con. Res. 267: Mr. SIMMONS.
H. Res. 106: Ms. BALDWIN, Mr. MORAN of Virginia, Ms. WATERS, Mr. LEVIN, and Ms. SOLIS.
H. Res. 284: Mr. FILNER, Mr. FORBES, Mr. BURR of North Carolina, Mr. CANTOR, and Mr. SENSENBRENNER.
H. Res. 287: Mr. KERNS, Mr. SCHROCK, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. FRELINGHUYSEN, Mr. MCNULTY, Mr. FROST, Mr. GOODE, and Mrs. JO ANN DAVIS of Virginia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4. Tuesday, November 13, 2001, by Mr. CUNNINGHAM on House Resolution 271, was signed by the following Members: Randy ''Duke'' Cunningham, Zach Wamp, Roscoe G. Bartlett, Christopher Shays, Robin Hayes, Scott McInnis, Howard P. ''Buck'' McKeon, Ken Calvert, Dave Camp, Ron Lewis, Jim Gibbons, James V. Hansen, Thomas G. Tancredo, Patrick J. Toomey, Henry E. Brown, Jr., Dan Burton, John E. Peterson, Virgil H. Goode, Jr., and James C. Greenwood.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. TURNER on House Resolution 203: Stephen F. Lynch.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 150TH ANNIVERSARY OF ST. MARY'S CHURCH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GILMAN. Mr. Speaker, in the book of Proverbs 22:28, it is said, "Do not remove the ancient landmark that your ancestors set up."

In this spirit, I am gratified to be able to join the parish of the Immaculate Conception (St. Mary's Church) and the city of Port Jervis in marking the 150th anniversary of the establishment of the parish on December 9th.

In our modern world, it is important to recognize those landmarks of our communities, particularly those which are dedicated to the betterment of our neighborhoods, our community, and our entire society.

For 150 years, St. Mary's Church has stood as a beacon to the wary souls who, in looking for friendship, understanding, and forgiveness, have turned. This parish has been a cornerstone of our river city and a symbol of the fortitude of our Port Jervis community.

Along with the many friends of this distinguished parish, I am pleased to extend my congratulations and gratitude to the parish of the Immaculate Conception on their 150th anniversary. May the parish stand and grow and continue to grow for many years to come.

CONGRATULATING OUR CAPITOL POLICE AND ALL THE CAPITOL HILL WORKERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. CUNNINGHAM. Mr. Speaker, I want to take a brief moment of our time today to give my hearty thanks to the U.S. Capitol Police and all the other people who work with us and protect us day in and day out.

Since the tragic events of September 11th, the U.S. Capitol has been the center of threats both physical and biological. Our Capitol Police have seen their overtime and workloads grow two and three times what they were before the tragedy. We depend now more then ever on their hard work and commitment to our safety.

But this pace is overwhelming and could, in time, seriously damage moral. As a former fighter pilot, I am well aware of the impact the increased operations tempo during the 1990's had on the U.S. military. Repeatedly, our nation's military men and women were asked to serve longer and longer tours away from their families. This continued pressure led to record retirements and gaps in manpower that we are still working to replace today.

Our Capitol Police are now facing similar demands. While we work to give them the tools and resources they need, we should take a moment to give them our thanks for their commitment to protecting the people who visit and work on Capitol Hill.

However, it isn't just the Capitol Police who are looking out for us. All over Capitol Hill there are people working for us everyday. From our personal office staff to committee staffs, from the janitors, mailroom clerks, and parking security staff. All over Capitol Hill there are people who come to work everyday and face the threat of just working in the Capitol, but they face it bravely and stand defiantly to keep us running. I am reminded just how committed the people are each morning as I drive to work. As long as I have been here Tommy Maggio, a parking security officer in the Rayburn garage, always greets me with the same smile and commitment to duty. He had done this job for 29 years regardless of the circumstances or threats facing Congress and America. All the people like Tommy keep Congress up and running. These hard working Americans will keep us moving forward through tragedy.

TRIBUTE TO MOUNT PISGAH BAPTIST TEMPLE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to the Mount Pisgah Baptist Temple located in the Sixth District of New Jersey that is celebrating its 100th anniversary.

Throughout its long history, the Mount Pisgah Baptist Temple has served its community under the leadership of only six pastors. Located in Asbury Park, New Jersey, Mount Pisgah has made its mark on the surrounding communities. Mount Pisgah is at the forefront of religious service through its wonderful preaching and teaching ministry. Additionally, Mount Pisgah has served as a center for feeding and providing clothing for the poor.

Through its weekly Bible Study and Prayer Services on Sunday mornings and Wednesday evenings, it has provided Christian education training to people of all ages. To help the youth of the community, Mount Pisgah provides after school tutoring services.

"Let Brotherly Love Continue . . ." Hebrews 13:1, serves as the mission statement for this neighborhood based worship center. Their main objective is to "Spread the Good News" by loving, sharing, and caring for others.

On this day, we celebrate the hundred auspicious years that the Mount Pisgah Baptist Temple has stood as a symbol of spiritual unity, of which we should all be proud. I applaud their desire to continue their mission of serving God, as well as the community, with love and devotion to all.

RICHARD M. ROMLEY, OUTSTANDING DISABLED VETERAN OF THE YEAR

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. STUMP. Mr. Speaker, November 11 is the day the nation has set aside to honor and remember its war veterans. On this day, we pay tribute to all our defenders of freedom. The Disabled American Veterans (DAV) recently named one of these distinguished veterans, Richard M. Romley, the nation's Outstanding Disabled Veteran of the Year. In conjunction with this recognition, the Lois Pope Foundation awarded Mr. Romley its prestigious LIFE's Presidential Unsung Hero Award. The awards recognize a disabled veteran's individual achievement.

Like many of his generation, he and his best friend enlisted in the Marine Corps. An accomplished and decorated soldier, Rick Romley's promising military career was cut short by a land mine that took both his legs. Following his recovery and rehabilitation, Rick enrolled at Arizona State University, graduating with honors and a degree in business management. For five years he owned and operated his own business. Wanting a career change, he sold his business and enrolled again at Arizona State University to obtain his Juris Doctorate. With his law degree in hand, he again pursued a career in public service and is now serving his fourth term as Maricopa County Attorney, the fourth largest county in the nation.

Never letting his disability stand in his way, Rick Romley is a nationally recognized leader in criminal and juvenile justice and drug trafficking. He has testified before Congress on violent crime, addressed national organizations, and was under consideration for appointment as the nation's Drug Czar. In addition, he has received a number of awards in recognition of his public service including the National Leadership Award presented by the Community Anti-Drug Coalition of America.

As the nation remembers its veterans, Vietnam veteran Rick Romley's service to Arizona and the country are worthy of recognition. He has an unfailing dedication to improving the quality of life within his community. While the journey has not come easily, Rick has proven that perseverance and hard work are the measures of success. While many choose to serve their nation, all too few take on the uniform of our armed services and make the special sacrifices only they and their families can truly appreciate. Rich joins the continuous, unbroken line of patriots that have served this

nation from its inception to the present. On this Veterans Day, I join with the nation in saluting his accomplishment and leadership.

WORLD PEACE PRIZE FOR ANNETTE LU, VICE PRESIDENT OF TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GILMAN. Mr. Speaker, on December 9, 2001 in Taipei, Taiwan Vice President Annette Lu will be awarded the World Peace Prize by the World Peace Prize Awarding Council. The World Peace Prize Awarding Council, is a non-profit association under the leadership of Dr. Han Min Su, who founded the Council in cooperation with the late Hon. Robert Leggett, then a Senior Member of the U.S. Congress, and a Korean War veteran.

The Council today has some 50,000 members, mainly Korean evangelicals and their ministers. The Council consists of an international board of judges, bringing experienced and dedicated individuals from many countries; including: Dr. Asher Naim from Israel, Dr. Mohamed Cholkamy from Egypt, Dr. Carlito Puno from the Philippines, Dr. Bhupatary Oza from India, and Dr. Shiu Loon Kong from Hong Kong. Under their guidance, the Council has sought to recognize individuals from around the world who have undertaken extraordinary efforts in order to advance peace and stability in their respective regions.

Appropriately, Vice President Annette Lu, is the first to receive this Award from the ROC, and she joins a group of distinguished recipients of the Council's Peace Prize Award. Among earlier honorees have been former President Ronald Reagan, President Hosni Mubarak of Egypt, the Hon. Itzhack Rabin, Premier of Israel, Dr. Syngman Rhee, former President of the Republic of Korea, the Hon. Daniel Akaka, U.S. Senator, Lt. Gen. Herman Keck, Jr. Retired Superintendent of the U.S. Chaplains Association, and Emomali Rahnonov, President of Tajikistan. Each of these has received the World Peace Prize Award for activities that have contributed to peace in the world.

Typical of the type of accomplishments Vice President Lu has sought to achieve is the recently concluded 2001 Global Peace Assembly, which was held in Taipei, Taiwan this summer. This assembly coincided with the anniversary of the ending of World War II, and brought together such Nobel Peace Laureates as: Hon. Betty Williams from Northern Ireland, H.E. Lech Walesa from Poland, H.E. Oscararias Sanchez from Costa Rica, H.E. Fredrik DeKlerk from South Africa, Hon. Joseph Rotblat from the United Kingdom, and Hon. Jody Williams from the United States. During this assembly, these participants joined with the people of Taiwan to declare their firm commitment to pursuing avenues of space in seeking to resolve long-standing disputes in the region. This included a commitment to pursuing national security with defensive characteristics as well as pro-active dialogue in cross-strait relations. The Global Peace Assembly was an outstanding success in forwarding the cause of peace and cooperation in this important region of the world, and in helping to prevent tensions across the Taiwan Strait.

Vice President Lu is the first woman to receive this award, which is entirely fitting, because she has worked tirelessly on behalf of women's rights in the Republic of China. She stimulated the growth of Taiwan's feminist movement, as well as crusading for greater democracy in the ROC, for which she paid a price. If that was the first time she received international attention for her effects on behalf of freedom and democracy, it has not been the last. That event marked the beginning of a trail which saw her political party, the Democratic Peoples Party, rise to prominence, in no small part due to her activities, first as an effective opposition to the Kuomintang and finally as leaders of the first new, democratically elected Chinese government. And it made her the vice president of the Republic of China.

Along the way, this graduate of Harvard Law School has been a practicing attorney and has served with distinction as a Member of the Legislative Yuan. Prior to her election to the Vice Presidency she won election as Magistrate of Taoyuan County. If anything, that task is probably more difficult than being Vice President, in that she has consistently and vigorously sought to end corruption and to make Taoyuan County a good place in which to invest and to live.

Throughout here career, Annette Lu has fought for women's rights, peace, and stability in the Republic of China and abroad. In these troubled times, even before the atrocities of 9–11, the world has needed and now more than ever needs to take whatever strides it can on behalf of democracy and freedom. Taiwan has joined the World Trade Organization, a positive step for the Republic of China on Taiwan. In these troubled times, it is appropriate for lovers of democracy to recognize those who work hard to advance it, for to do so is to advance the cause of peace in a time of great strife and a heightened risk to the freedom—loving peoples of the world. In this spirit the World Peace Prize Awarding Council honored Vice President Lu with the World Peace Price and we heartfelt commend them for their initiative.

RECOGNIZING THE NAPA VALLEY VINTNERS ASSOCIATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the Napa Valley Vintners Association for its years of dedication to the people of Napa Valley.

Established in 1943, The Napa Valley Vintners Association began as an association of 195 wineries dedicated to the art and practice of winemaking. For more than 50 years the Association has maintained a sense of partnership, priding itself on helping to make Napa Valley the premier wine-growing region in the world.

However, their pride and excellence in winemaking is equaled by the dedication they have for the community of Napa Valley. Over the last 20 years, the Napa Valley Vintners Association has donated more than $20 million to community ventures to advance projects in health care, housing and youth organizations. They have given over $4 million to the Queen of the Valley Hospital Foundation alone, and are considered by the Foundation to be a key reason why the hospital can provide state-of-the-art medical care throughout Northern California.

Because of the generosity of the Vintners Association, Queen of the Valley Hospital has been able to build two new nursing towers, purchase two linear accelerators, renovate the Emergency Center and Critical Care Unit, and acquire state-of-the-art cancer diagnostic equipment. They have also donated to the Queen's Care for the Poor Programs. Recently, the Hospital was able to acquire a Vascular Laboratory, a light speed CT scanner, a new Radiology and Fluoroscopy Room and renovate their Maternity Center. Such support has helped to make Queen of the Valley Hospital one of the best small hospitals in the United States.

The benefits of the strong partnership between the Napa Valley Vintners Association and the Queen of the Valley Hospital are evident. Many members of the Association have served on the Hospital's Board of Trustees. These members include prominent figures in the wine industry such as Brother Timothy Deiner, Robert Mondavi, Michael Mondavi, Louis Martini, Carolyn Martini, Jack Cakebread, Jay Courley, Dennis Groth, Marc Mondavi, Julie Johnson-Williams, Tom Shelton, Janet Trefethen, Ed Farver, Otto Beringer, Walter Klenz, Marilouise Kornell, Bruce Markham and Thomas May.

Mr. Speaker, the wealth of generosity the Napa Valley Vintners Association has bestowed upon the Napa community is abundant. At this time, when our sense of community is heightened, I ask that we honor and recognize the tremendous dedication the Napa Valley Vintners Association has shown the citizens of Napa Valley and our country.

CA–22 HONORING CARNZU CLARK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to a woman who has dedicated so much of her time and effort to the citizens and organizations of the community of Santa Barbara, California, Ms. Carnzu Clark. In appreciation of all her efforts, the Anti-Defamation League will pay tribute to Ms. Clark on Sunday, November 18, 2001 by honoring her with the ''Distinguished Community Service Award''.

Before moving to Santa Barbara in 1967, Ms. Clark began her career in public service by working for the United States government. She became involved in a Senate Committee's investigation of violations of agricultural laborer's rights in California, and later served

with federal health, welfare and education agencies that sought to lessen the impact of World War II on communities throughout the United States. From 1943 to 1947 Ms. Clark served with the United Nations Relief and Rehabilitation Administration in Washington, D.C., and then contributed her services to the Displaced Persons Programs in the U.S. Zone of Germany.

After moving to Santa Barbara, Ms. Clark immediately began contributing to numerous community organizations. She has served as president of the UN Association, as well as on the boards of Direct Relief, Planned Parenthood, League of Women Voters, NAACP, UCSB Music Affiliates, the Santa Barbara Music Club, the Youth Symphony, and the Student Aid and Pillsbury Committees of the Santa Barbara Foundation. Ms. Clark has additionally found time to serve on the Fund for Santa Barbara's first grants committee, and donates her time as a Botanic Garden docent. She is also a supporter of the Family Service Agency, the Transition House, Girls Inc., Girl Scouts of Tres Condados, Casa Serena's Oliver House, and the Women's Economic Ventures. Indeed, it is difficult to imagine Santa Barbara without Carnzu Clark's presence!

I am so pleased to be able to honor Ms. Clark, as she is truly a unique individual She is justly deserving of the ADL's Distinguished Community Service award, and I am so proud to represent a citizen of her caliber in Congress.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, November 15, 2001, I was unable to cast my floor vote on rollcall number 444. That vote was on Suspending the Rules and Passing as Amended H.R. 2887, the Best Pharmaceuticals for Children Act.

Had I been present for the vote, and having weighed the voices of support from people and institutions I respect, including the Childrens Hospital of Los Angeles, I would have voted ''aye'' on rollcall vote 444.

IN HONOR OF CAPTAIN ROBERT DUNCAN

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of my district's leaders in aviation. After twenty-one years of service, Captain Robert Duncan (USN, Ret.) will let his term as Commissioner of the Williamson County Airport Authority expire at the end of the year.

Through involvement with the Illinois Public Airports Associations and the American Association of Airport Executives, Captain Duncan has been an active member of the board throughout his tenure. Captain Duncan consistently dedicated his time and effort toward the growth and development of Williamson County Regional Airport. Captain Duncan's efforts have contributed to the maintenance and promotion of the region's commercial air service, as well as the expansion of the airport business park. His work also aided the overall development of the airport into a facility which now creates an annual economic impact of over ten million dollars.

It is with this, Mr. Speaker, that I say congratulations to Captain Duncan on his retirement. Due to his hard work and years of service, it is clear that Captain Duncan is a true asset to Southern Illinois.

IN SUPPORT OF THE WESTFIELD WORKS WONDERS DAY IN ENFIELD, CONNECTICUT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize the citizens and businesses in my district who take part in the ''Westfield Works Wonders'' program.

For the past four years, the Westfield Shoppingtown in Enfield, Connecticut, has joined with her sister facilities in Meriden, Trumbull and Milford to raise funds to help Connecticut's schools, hopsitals and charities. The efforts of thousands of volunteers have resulted in more than $1.2 million in funds for Connecticut's worthy institutions.

For a $5 ticket price, participants get to attend an after hours shopping event to kick off the holiday season. Their tickets entitle them to special discounts, in-store promotions, major prize giveaways, entertainment, refreshments, free photos with Santa and complementary gift-wrapping.

Most of all, ticket-holders and volunteers alike all know that their contribution and participation in this event helps to strengthen their neighborhoods and bring people together in the Holiday spirit. It is for this reason that November 18th is recognized ''Westfield Works Wonders Day'' in Enfield, Connecticut.

RECOGNIZING RON VARGAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Ron Vargas for receiving the Friends of Agricultural Extension Farm Advisor Award.

Ron is the Madera County Farm Advisor and County Director. The award is to honor his work in the area of Cotton Weed Management. He and his fellow investigator, Tulare County Farm Advisor Steve Wright, began a research program in 1989 to develop a method to control nightshade through the use of methane sodium. The results of their research allowed growers to significantly reduce their hand hoeing costs.

Vargas has done a great deal of research on herbicides. This research includes cotton's tolerance to a DuPont broadleaf herbicide and an evaluation of Transgenic Herbicide Tolerant cotton varieties. Vargas is currently focusing his research on the integration of herbicide tolerant cottons, as well as traditional herbicides, into a conservation tillage system. His early findings have shown a significant cost reduction for cotton farmers. His findings are particularly important to the California cotton industry in today's economically challenged environment.

Mr. Speaker, I congratulae Ron Vargas for his Farm Advisor Award presented by the Friends of Agriculture Extension. I urge my colleagues to join me in wishing Ron Vargas many more years of continued success.

DECLARATION OF OFFICIAL ENGLISH ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. STUMP. Mr. Speaker, I rise today to reintroduce the Declaration of Official Language Act, legislation I have introduced in the past two Congresses. This legislation establishes English as the official language of the U.S. government, requires that naturalization ceremonies be conducted solely in English, repeals the federal bilingual education requirements and repeals bilingual voting requirements.

Mr. Speaker, unfortunately, the previous administration advanced policies contributing to our nation's growing language problem. One of the most glaring examples is that under the Clinton Administration the Immigration and Naturalization Service held its first mass naturalization ceremony conducted in a language other than English. Only Congressional and public outcry prevented far more citizenship ceremonies segregated by language choice.

Perhaps the most egregious of the Clinton Administration's language policies was the issuance of Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' Executive Order 13166 potentially requires every recipient of federal funds to provide a translation into any language spoken anywhere in the world, currently 6,800 languages, at a moment's notice.

Broken down, this means that every state, county, and municipal government, any university or college, and anyone that accepts federal money could face a costly ''language discrimination'' lawsuit at any moment. This burdensome executive order imposes a costly mandate on federal agencies and the potential cost to the American public is frankly astronomical.

While America has been enriched by the contributions of people from all over the world, no one benefits if we cannot communicate with one another. One nation, united by a common language, is a gift that should not be taken for granted. However, in the United States, it is now possible for a person to vote,

apply for welfare, and to demand official government documents and translation services without learning a word of English.

Mr. Speaker, poll after poll consistently suggests that Americans support English as America's official language. The Declaration of Official Language Act is intended to restore the place of English in our government, our voting booths and our public schools.

Mr. Speaker, I urge my colleagues to support this common sense legislation.

LEGISLATION TO DESIGNATE THE RICH GUADAGNO VISITORS CENTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to introduce legislation to honor the memory of one of my constituents who perished on United Flight 93, Richard J. Guadagno. Rich was the manager of the Humboldt Bay National Wildlife Refuge and devoted his life to the preservation of wildlife. This legislation will designate the Headquarters and Visitors Center of the Humboldt Bay National Wildlife Refuge as the Richard J. Guadagno Headquarters and Visitors Center.

As we know, the passengers aboard Flight 93 undoubtedly saved hundreds, if not thousands, of lives by thwarting the disastrous intent of the terrorists. Rich had a law enforcement background that would have aided him in his convictions and his desire to prevent an even greater tragedy. All Americans, especially those of us who work at the U.S. Capitol, have these brave individuals to thank for preventing further terror on September 11th, 2001.

Rich was also a hero to all those who care about wildlife and the environment. Rich began a career in public service as a biologist at the New Jersey Fish and Game Department and the Great Swamp National Wildlife Refuge. Before joining the Humboldt Bay National Wildlife Refuge, he worked at the Prime Hook National Wildlife Refuge in Delaware, Supawna Meadows National Refuge in New Jersey, and the Baskett Slough and Ankeny National Wildlife Refuges in Oregon.

Colleagues in the Fish and Wildlife Service consistently commended his courage and dedication to conservation and protecting biological diversity. As refuge manager at the Humboldt Bay National Wildlife Refuge, he led with a vision that his colleagues embraced and admired. He always kept the best interests of the refuge at heart, and he enthusiastically worked to improve the condition of the refuge.

When Rich boarded Flight 93, he was leaving Newark, New Jersey after visiting his family and his grandmother on her 100th birthday. His memory will live on in the proud hearts and minds of his family and friends. All Americans will join his girlfriend, Diqui LaPenta, his sister Lori Guadagno, his parents Jerry and Beatrice Guadagno in remembering Rich as a true hero.

Mr. Speaker, Richard Guadagno worked his entire life to make the better place for all of us. He was truly a great American. Please join me in passing this legislation, so that Rich Guadagno and his tremendous successes in life will always be remembered.

HONORING NATALIE AND RAYMOND MYERSON

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to two extraordinary citizens of the Santa Barbara community, Natalie and Raymond Myerson. On November 18, 2001, the Anti-Defamation League will honor this district couple with the ''Distinguished Community Service Award''.

I cannot think of another couple that would be more deserving recipients of this honored award than the Myersons. Individually, they have each contributed so much to the Santa Barbara community, and as a couple it is almost inconceivable how much they have accomplished.

Since moving to Santa Barbara in 1973, the Myerson immediately became involved with the community. For the past 27 years, Mrs. Myerson has been a member of the Distinguished Member Award of the Santa Barbara Music Club, which she is presently the chair of. In addition, she is extremely active in Hillel, AIPAC, Hadassah and the American Jewish Committee, and has served as the co-president of the Santa Barbara County Arts Commission for the last three years. Mrs. Myerson is also a member of the League of Women Voters and the Santa Barbara Museum of Natural History League, and is an honorary member of the Santa Barbara Symphony Board.

Raymond Myerson has also demonstrated his leadership characteristics in various organizations throughout Santa Barbara. Having served as a board member and treasurer of the Santa Barbara Museum of Natural History for the past 20 years, he has subsequently become an honorary trustee. He has also dedicated 15 years to being the treasurer and a board member for the Recording for the Blind and Dyslexic. Additionally, he has been the treasurer and a board member for the University of California, Santa Barbara Affiliates for 12 years, and is currently chairman of the Affiliates ''Economic Forum Funding Fellowship'' in the Graduate School of Economics. He is a member of the Chancellor's Council at UCSB, the President's Council at Santa Barbara City College, and the Ventura County and Santa Barbara County Committees on Foreign Relations.

In addition, Mr. Myerson is a past board member of UCSB Hillel, an active member of AIPAC, a member of the President's Council of the American Jewish Committee, a member of B'nai Brith, and an active supporter of the Santa Barbara Jewish Federation.

The Myersons have been invaluable to the Santa Barbara community, and I would like to acknowledge them for their outstanding accomplishments. It is my greatest pleasure to honor this extraordinary couple, and I am so pleased to represent citizens of their caliber in Washington, D.C.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Thursday, November 15, 2001, I was unable to cast my floor vote on rollcall numbers 441, 442, 443, and 445. The votes I missed include rollcall vote 441 on Agreeing to the Amendments to H.R. 2269; rollcall vote 442 on Passage of H.R. 2269; rollcall vote 443 on Suspending the Rules and Agreeing to H. Con. Res. 228; and rollcall vote 445 on Suspending the Rules and Agreeing to H. Con. Res. 239.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 441 and 443, and ''nay'' on rollcall votes 442 and 445.

IN HONOR OF MARION AND HERRIN'S AMERICAN LEGION BASEBALL TEAM NOVEMBER 16, 2001

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PHELPS. Mr. Speaker, today I rise to recognize one of the baseball teams in my district. The combined American Legion baseball team of Marion and Herrin, Illinois recently posted their second consecutive 25th District baseball championship. They finished with a 25–13 record and also won the Murphysboro ''Apple City'' Classic Tournament.

The team is coached by Greg Haub, with assistance from Andrew Manzo and Robert Morrel. The rest of the team includes Wyatt Churillo, Brandon Duty, Brian Jakubco, Chris Bluc, Ryan Holland, Brad Norman, Drew Wilkins, Brian Chaney, Brian Churillo, Dane Dalton, Ben Hart, Travis Morgan, Josh Pritchett, Tony Rinella, Chase Rudolph, and Tony Steams. The team trainer is Roy Hicks.

It is with this, Mr. Speaker, that I say congratulations to the American Legion baseball team of Marion and Herrin, Illinois. Due to their hard work and team effort, they have proven beyond a doubt that they are deserving of the 25th District baseball championship.

INTRODUCTION OF LEGISLATION TO CLARIFY THE ELIGIBILITY OF CERTAIN EXPENSES FOR THE LOW-INCOME HOUSING TAX CREDIT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am introducing legislation to clarify the standards for determining basis of property for purposes of calculating the amount of low-income housing tax credits for which that property may be eligible. I am proud to be joined

in this effort by Reps. CHARLES RANGEL, MARK FOLEY, and GARY MILLER.

A year ago, I called my colleagues' attention to the fact that the Internal Revenue Service, in a series of technical advice memoranda, had taken a very restrictive view of what items were includible in basis for purposes of allocating low-income housing tax credits. At that time, I noted that this would have an adverse impact on the ability of states to target affordable housing to those who need it the most.

It was also troubling to me that after 16 years during which the Treasury Department had failed to issue regulations or provide any other guidance on this issue, the first pronouncement was in a series of technical advice memoranda. TAMs are not official guidance, reviewed by the Treasury Department, but merely IRS legal opinions provided to an IRS agent during an audit. They are not citable in court proceedings because they are not official guidance. However, in absence of official guidance, I was concerned that these TAMs would be taken as an official government position. In fact, that is exactly what has happened, as investors in tax credit properties have required that any properties in which they invest must meet the standards set forth in the TAMs.

It is important to note that the Treasury Department agreed that this was an issue worthy of review and placed it on this year's Treasury Department/Internal Revenue Service business plan. I understand that there may be some guidance in the pipeline on one of the items addressed by the TAMs, but there does not seem to be much progress on a full review of the impact of the positions taken in the TAMs on the policy goals of the low-income housing tax credit program.

It is important to understand that this legislation will not increase the number of low-income housing tax credits available. The maximum amount of credits that states may allocate to developers of affordable housing properties is set by the Internal Revenue Code. Thanks to legislation that we enacted last year, that amount available to each state will increase next year to $1.75 times the state's population. That is a hard cap on the revenue impact. Since the unmet demand for affordable housing is many times greater than what can be built with the help of the credit, our legislation should not affect revenues. In fact, the only way for this legislation to have a revenue impact is if the legislation makes it easier for the states to use the credits we intend for them to have under present law.

What this legislation does, however, is very important. To understand its importance, it may be useful to have a little background on how the low-income housing tax credit works. In economic terms, the credit is equity financing which replaces a portion of debt that would otherwise be necessary to finance a property. By replacing debt, credits work to reduce interest costs. This allows a property to be rented at lower rates than otherwise would be the case.

States allocate credits to individual properties based on criteria provided in the Internal Revenue Code and additional criteria they establish to provide affordable housing that closely matches the needs of the state's population. A state, thus, has a strong incentive not to allocate more credits to a property than necessary, because, if it did, it would have fewer credits to allocate to other properties.

In addition, the amount of credits a state may allocate to a particular property is limited by the Internal Revenue Code. The limit is determined as percentage of the basis of a property. The basis is, generally speaking, the costs of constructing a building that is part of an affordable housing project. The percentage is 9 percent for a new building that is not otherwise federally subsidized, and 4 percent for existing buildings and new buildings that receive other federal subsidies. Thus, the smaller the basis is, the fewer the credits that may be allocated.

The problem is that the TAMs take the position that certain construction costs should not be included in basis. The effect of this position is to make a large number of affordable housing properties financially infeasible and weaken the economics of those that still pass minimum underwriting requirements. The loss of equity would affect most severely properties that serve the lowest income tenants, provide higher levels of service or operate in high cost areas. The reason for this is simply that reducing the amount of credits does not reduce the development costs. It merely removes a source of financing, forcing either higher rents or lower quality construction.

In many cases the largest item that would be excluded from eligible basis under the TAMs are impact fees. These fees, covering a wide range of infrastructure improvements including, sewer lines, schools, roads, are imposed because of the ''impact'' of construction of the improvements on the land and would not be incurred if the land remained undeveloped. Certainly, whether or not they are includible in basis for the purpose of calculating the amount of tax credit, these costs will be incurred and will impact the economics of the property. This legislation will clarify that these costs are includible in eligible basis.

Other items that would be severely restricted or excluded from eligible basis under the interpretations expressed in the TAMs are site preparation costs, development fees, professional fees related to developing the property, and construction financing costs. The legislation we are introducing today will clarify that any cost incurred in preparing a site which is reasonably related to the development of a qualified low income housing property, any reasonable fee paid to the developer, any professional fee relating to an item includible in basis, and any cost of financing attributable to construction of the building is includible in basis for the purpose of calculating the maximum amount of credit a state may allocate to a low-income housing property.

The intent of these clarifications is simply to codify common industry practice before the issuance of the TAMs. Not only will the legislation allow the low-income tax credit program to provide better quality housing at lower rental rates than would be possible if the positions taken in the TAMs are followed, but clarification will help simplify administration of the credit by giving both taxpayers and the Internal Revenue Service a clearer statement of the standards that apply in calculating credit amounts.

Our economy is not doing as well as we thought it was a year ago when I first spoke about this issue. We are going to need even more affordable housing than we thought last year. We should be proud that we increased the amount of low-income housing tax credits that will be available to help finance this housing. What we need to do now is to make sure that these credits are used as efficiently as possible to provide housing for those who need it the most. The legislation we are introducing today will help achieve that goal.

TRIBUTE TO THE PRESBYTERIAN CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. PALLONE. Mr. Speaker, I would like to call to the attention of my colleagues, the 275th Anniversary of the Presbyterian Church in New Brunswick, New Jersey.

The tradition of this historic and noble church has lasted the test of time in its service to its denomination community, state and nation. The church has served Governors, NJ and U.S. Supreme Court Justices, as well as many patriots and leaders in our war for independence.

For the past 275 years, New Brunswick Presbyterian Church has served its community and its people seven days a week, 365 days a year. It is being commended today for not only serving their common interest but also opening their church up to others through such programs as meals on wheels campaign and child development centers.

The church is a landmark in the city of New Brunswick and is an incredible asset to the people of its congregation and beyond.

Today I ask my colleagues to congratulate not only the New Brunswick Presbyterian Church but also the entire community of New Brunswick for 275 years of religious service.

HONORING TONY VALTIERRA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Tony Valtierra for receiving the President's Award presented by the Central California Hispanic Chamber of Commerce. This award pays tribute to Mr. Valtierra's involvement in the Hispanic business community. Mr. Valtierra's active involvement has made him a role model for the members of his local community.

Tony Valtierra descends from Mexican parents and grew up in Southern California. At a young age he met Mr. Herb Goffstein who became his mentor. Due to the close relationship that developed between them, he followed Herb in his move to Atlanta, Georgia. Once there, he worked with Hanes and the Coca-Cola Company in various Olympic venues during the 1996 Olympic Games. From there he followed Herb back to the Central Valley, where Herb and Mr. Valtierra started A-Champion Advertising Specialties and where Tony

fell in love with Fresno and its people. He is proud to make Fresno his home, as Fresno has been very good to him.

Mr. Speaker, I rise to recognize Tony Valtierra for his commitment to improving the lives of people in the community. I urge my colleagues to join me in wishing Mr. Valtierra many more years of continued success.

THANKS WOODBINE

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. CUNNINGHAM. Mr. Speaker, I want to take a brief moment of our time today to give my hearty thanks to the people at Woodbine Rehabilitation and Healthcare Center.

Woodbine is a 307 bed healthcare center, located near Old Town Alexandria, providing long and short-term healthcare and a full range of rehabilitation therapies. It is at Woodbine where I found myself after my recent knee replacement surgery.

The people of Woodbine cared for me as if I was a member of the family. I could not have asked for better care while I was there. I want to thank Dianne Defusco, the Director of Admissions, and all the people who took their time to care for me and look after me while I was there.

My family and I are all grateful for their hard work and commitment.

PAYING TRIBUTE TO EDWARD ASWAD

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to Edward M. Aswad, Photographer & Author, as he will be inducted in a star ceremony in the Binghamton Sidewalk of Fame.

This recognition honors the professionalism, integrity, and artistic vision that Ed has demonstrated throughout his years in the photography business and his talent and success as an author. Ed calls his camera ''a passport to many facets of life.''

Ed received his first camera as a child living on Cypress Street in Binghamton, NY. Since that time his life has been entwined with photography. During military service from 1954 through 1958 he received intensive training and opportunities in the art of photography working in the headquarters of the United States Army Signal Corps.

He earned recognition and promotions as a photographer/correspondent, recording events of military, government and civil importance. His work has been featured in military publications, court records, and civilian newspapers both in the United States and overseas.

Ed received a letter of commendation for serving above and beyond the call of duty on a burning ship docked in Honolulu, Hawaii. He entered the hold of the ship with a cadre of firefighters who were removing vats of kerosene before the fuel could explode. He spent three days and two nights on the premises recording the crisis, and was cited for his dedication, professionalism and award-winning photographs.

Upon discharge from the United States Army, he returned to the Triple Cities and began his professional career as an industrial photographer for General Electric in Johnson City. During eleven years with this company, Ed received numerous professional awards. In 1969, Ed became a partner in Carriage House Photography, where he expanded his reputation for technical and artistic abilities.

His recording of buildings, now gone, and of the current use of these sites, his views of parks, rivers, events, and the people whose lives shape our area, have made his photographs synonymous with Broome County. His work is prized and featured in local businesses, the Broome County Chamber of Commerce, civil and government releases, and is in use as background sets on local television stations.

Mr. Speaker, I am delighted to salute Ed for his many years of devotion to the art of photography. Ed is a most deserving honoree of the Star.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. KAPTUR. Mr. Speaker, I would like to thank our Chairman JIM WALSH and our Ranking Member ALAN MOLLOHAN and all the staff that assisted in crafting this bill VA–HUD FY02 Appropriations bill. Faced with the allocation provided to the subcommittee, I believe the bill before us is a good and balanced product, which I support and plan to vote for today. The allocation, however, was simply inadequate to take care of our veterans and their truly pressing needs. All around our country veterans wait too long for doctors appointments, are disabled by substance abuse and mental illness, far too many are homeless, and surely it is nothing less than a crisis that a backlog of more than 500,000 claims for compensation and pension benefits are pending before the VA today.

I am, however, happy to note that this report does provide an important first step toward ensuring that veterans suffering from schizophrenia have greater access to new and vitally important atypical anti-psychotic medications. Under the provision, a physician's practice of prescribing atypical anti-psychotic medications must not be used as performance indicators when evaluating the physician's work. The provision also clarifies and reiterates the policy that physicians are to use their best clinical judgment when choosing these critical anti-psychotic medications.

The Environmental Protection Agency (EPA) is provided with $7.9 billion —$74 million than the FY01 funding and $587 million more than requested. The measure provides full funding for EPA enforcement activities and staff. I am pleased that changes were made from the House bill that would have significantly reduced EPA enforcement staff and shifted more enforcement duties to states.

The Department of Housing & Urban Development (HUD) is funded at a level of $30.1 billion—$1.7billion more than FY01 appropriations, but $433 million less than requested. It includes funding for 25,900 new Section 8 rental vouchers to provide housing assistance to additional families. There were increases in the Conference report for housing programs for the elderly, disabled, and persons with AIDS.

I am disappointed that the Conference did not provide the Senate's appropriation of $300 million for HUD's Public Housing Drug Elimination Grant Program. This program fits several of the U.S. Department of Housing and Urban Development's main strategic goals: improving quality of life, promoting economic vitality, and keeping communities and neighborhoods safe. Housing authorities are specifically required to develop, in cooperation with local police, plans that ensure safety and crime prevention. Crime statistics show that crime has dropped nation wide and especially in our cities and public housing facilities since this program was created. I again am very disappointed that his program has been eliminated, with no clear replacement that is accessible to localities.

The National Credit Union Administration provides $1 million for the Community Development Revolving Loan Fund for loans to community development credit unions. Of this amount $350,000 is provided for technical assistance to low income and community development credit unions. Technical assistance grants are available to low-income designated credit unions and those credit unions that expand service to low-income communities or investment areas. The purpose of these awards is to strengthen these credit unions by funding the following activities: improved technology and service delivery systems; economic development; consumer and entrepreneurial education; micro-enterprise business development; employment opportunities for through community business development; and credit union infrastructure and staff development.

Once again, I appreciate the hard work behind this bill but am deeply concerned that as we prepare to honor veterans on Veterans Day that an inadequate allocation will prevents us from providing this nation's defenders and protectors of liberty with the services and benefits they deserve.

RECOGNIZING PUBLIC SAFETY INDIVIDUALS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LAMPSON. Mr. Speaker, the tragedies that befell our country on September 11th

claimed many lives and caused our Nation great pain. These tragedies have given us a strong reminder and renewed our understanding of what extraordinary work our public safety professionals do on a daily basis. These men and women symbolize bravery and courage, two of the founding pillars that laid the framework for our great Nation.

As they proved on September 11th, our public service professionals are a lifeline to those whose lives are in danger. They are the brave souls who risk life and limb to save our own, and for that we are eternally grateful. They are the rock we lean on when it seems like things are caving in. They are quite simply heroes.

In keeping with honoring those who symbolize bravery and courage, I rise to recognize the public safety professionals from across the 9th Congressional District of Texas. Their professionalism, dedication and strong work ethic make me extremely proud to call myself a Southeast Texan. Words cannot express the gratitude that 1, along with my fellow Texans, share for the work that our uniformed officers do.

And as I rise to recognize our public safety individuals, we must never lose sight of how critical they are, not only in times of need, but in our everyday lives, Let us today reaffirm our support and commitment to all of the Nation's law enforcement officers, firefighters, emergency medical technicians and all other uniformed professionals as they selflessly serve their communities.

EVERYONE A SOLDIER

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to recognize a well-written essay by a constituent of mine, Silvio Laccetti of Fairview, New Jersey. Mr Laccetti is a professor of humanities at Stevens Hoboken Institute of Technology where he is developing leadership programs. I ask that the text of his essay, "Everyone a Soldier," be entered into the CONGRESSIONAL RECORD so that all Americans may read his words. In the post-September 11 world, Mr. Laccetti captures the new reality that all Americans are in a sense, "soldiers". My hope is that Mr. Laccetti's piece helps us to gain an even greater appreciation for our freedom and our country.

EVERYONE A SOLDIER

(By Silvio Laccetti)

It may not always have been well observed, but for the last two centuries the wartime line between civilian and military personnel was pretty clear. Not any more.

In the 21st century, with wars fought against agents of terror, there is no clear distinction between a combatant and a noncombatant. Hijacked planes attack office towers. Anthrax arrives in postal envelopes. The government periodically issues high-alert warnings, suggesting imminent danger.

In America today, there is a sense that anything can happen to anyone at anytime. Everyone's a target, so everyone must be a soldier.

If we are all soldiers, what then are the "weapons" we carry? What will get us through these wars and how will traits that are especially American help us triumph?

First, we have to be fit. The old catchphrase "stick to your guns" applies in this case. For today's American, it means to focus anew under stress. So, go to your work, go to play, honor your obligations and dream about a better future as soldiers always have. And let's become inspired and energized to do the best we can ever do in our daily roles. Recall Dan Rather's own response to terrorism—a desire to produce the best journalism he has ever done. After the initial shock of 9/11, America seems now to be undergoing a resurgence of excellence. Excellence is a fitness that never fails.

Love of freedom and creativity stored in our arsenals of democracy will also empower each of us in our battle against terrorism. As Paul McCartney sang out in his original song dedicated at the Concert for New York, we will fight for our right to live in freedom. And in that fight we will employ the kind of creativity few soldiers or armies ever get to enjoy. When things are snafu'ed, the individual soldier finds a solution on his or her own. Witness the creativity of the heroes on Flight 93 who prevented another attack by giving their own lives. Acts of heroism, great and small, will mark the vigilance and determination of a free people. Freedom and creativity are the ordnance of our Free Americans.

All soldiers need leaders and to have faith in them. We've been blessed with great ones in this crisis. Mayor Giuliani and President Bush have been extraordinary. Others, like Colin Powell and Donald Rumsfeld have demonstrated reassuring leadership. But because we are in the unique situation of everyone a soldier, we must assume self-leadership. Each American must motivate himself/herself to take command of their fears and hesitation. This means we must get on with life, today and tomorrow, and look for God's presence in the trenches. Self-leadership is always a good thing. If you are forever in fear and uncertainty, you already live in terror.

America. Land of the Free and the Home of the Brave. We will lead lives undaunted and cling to the heritage and ideals that guide America in the war against terror. In this war, everyone is a soldier.

FAST TRACK AND ANY FREE TRADE LEGISLATION MUST REFLECT THE NEEDS OF RURAL AMERICA

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. SHOWS. Mr. Speaker, the House may soon vote on fast track legislation, to swiftly move another massive free trade bill through this body.

Mr. Speaker, I am not opposed to free trade.

In fact, I support any trade measures that increase production and commerce in our country, and create new jobs for our people.

But I am reminded of the old saying that goes: "Fool me once, shame on you. Fool me twice, shame on me!"

I am concerned that any future trade agreement could have devastating consequences similar to those of NAFTA.

Since NAFTA was implemented in 1994, many American manufacturing plants shut down when they took their business elsewhere to take advantage of pitifully low wages and tax environmental laws.

They left thousands of dedicated American workers in the lurch and forced local small businesses to close.

Many of these plants are located in rural areas. Small rural towns depend on the success of one plant. If that factory closes, it destroys the economy of the town, or even an entire county. Workers have no place else to find work.

In rural areas, when a factory shuts down, there are no jobs to be re-trained for! Once-vibrant American communities become ghost towns.

In Mississippi, walk down the main streets in places like Prentiss, or Mendenhall, or Monticello, or my hometown of Bassfield, and you will see what I mean.

NAFTA took away jobs and tore communities apart. We must be mindful of the similar unintended consequences of any future free trade agreements, and not repeat this calamity.

We must protect the people and communities that might otherwise lose jobs if we do not build-in protections for them. We must not turn people into simple statistics. We should not leave any community behind in the name of progress.

Future trade agreements need to address the needs of rural America. I stand ready to work with advocates of Fast Track and other trade agreements if we know they reflect these needs.

But if they don't, Mr. Speaker, I can assure you that my colleagues from rural America and I won't be footed again!

DENNIS KOONS: BANKING ON THE FUTURE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor my close and longtime friend Dennis Koons as he prepares to end the chapter of his life as Chief Executive Officer of the Michigan Association of Realtors. Dennis has led many battles during his tenure, but in doing so he has always equally earned the respect and friendship of those on his side as well as those with other viewpoints.

I have known Dennis since our early days as staff members in the State Legislature and it comes as no surprise that his organizational and leadership skills have been instrumental both in his success and in the success of the Michigan Association of Realtors. Dennis has guided this 26,000-member statewide trade association with a steady hand and an eye to the future. His efforts to develop long-range strategic planning will provide untold benefits for the association for years to come.

Dennis has worked hard over the past six years to identify achievable goals and to put the full force and influence of the organization's membership to work in advocating for

legislative initiatives to improve the business climate for realtors throughout the state of Michigan. His achievements include drafting the Land Conservation Plat, which set the standard for land use discussions in Lansing, and writing the Detroit Title Report for Governor John Engler in an effort to help revitalize the thousands of vacant land parcels in the city of Detroit.

However, the workplace is not the only place to which Dennis has spread his involvement and enthusiasm for quality. He has done significant work on behalf of many boards and associations, including Michigan Habitat for Humanity, the People and Land Advisory Board and the Board of Directors for the Employers' Unemployment Compensation Council. His wife, Linda, and children, Brian and Kevin, also deserve credit for providing the love and support so necessary to his professional success and to his dedication to volunteer efforts in the community.

Finally, Mr. Speaker, I wish to applaud Dennis Koons for his years of commitment to the Michigan Association of Realtors and to the state of Michigan, both professionally and outside of the office. He has served his profession and his community well, and he will be sorely missed by his friends and coworkers. I ask my colleagues to join me in congratulating Dennis and in wishing him the very best in his new position leading the Michigan Bankers Association.

TRIBUTE TO WILLIAM F. HIZNAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. TRAFICANT. Mr. Speaker, as the Representative of the citizens of the 17th Congressional District of Ohio, it brings me great pleasure to pay tribute to William F. Hiznay, as he receives the rank of Eagle Scout.

Ryan is a member of Boy Scout Troop #44 in Poland. He is not only an outstanding young man and dedicated Eagle Scout, but he is also a dedicated student at Youngstown State University majoring in Engineering.

I join with the citizens of my district in saluting William F. Hiznay, and I wish him the best of luck in all his future endeavors.

HONORING THE GRAND OPENING OF THE AS-SIDDIQ INSTITUTE AND MOSQUE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. KILDEE. Mr. Speaker, I rise today to honor the work of Shaykh Muhammad Hisham Kabbani and recognize the grand opening of the As-Siddiq Institute and Mosque. The Institute will be opened to the public at a ceremony to be held on November 18th in Burton, Michigan.

Shaykh Kabbani has worked tirelessly to build bridges of understanding between Muslims and persons of other faiths. He has endeavored to provide insight into the beauty and peace of Islam. As a nationally recognized spokesperson, Shaykh Kabbani has been interviewed by various news media and has advised the political leadership of our country. He has brought a warmhearted perspective of Islam to thousands of persons who had had no previous exposure to the religion. Shaykh Kabbani commands the respect of elected officials at every level of government. President Bush invited him to the prayer service at the National Cathedral on September 14th where he joined with our nation's leaders and clergy of many faiths in petitioning Allah (swt) to bless the United States.

In keeping with Shaykh Kabbani's commitment to promote mainstream Muslim values and traditional Islamic teachings of religious tolerance, and condemnation of terrorism, he is opening the As-Siddiq Institute and Mosque for the public. The Institute will house an outreach center, research library, adult learning center, community meeting place and center for interfaith cooperation. The center will serve as a resource for both Muslims and non-Muslims alike to learn the tenets of Islam—moderation, tolerance, peace and justice. I am pleased that Shaykh Kabbani chose to locate this center of education and worship in my Congressional district.

Housed in a former Episcopal Church, the building will remain a house of worship with the opening of the Mosque. Many Islamic communities around the world, including those in the republics of the former Soviet Union, have donated artifacts and handwritten Korans to grace the Mosque. The faithful will be able to draw inspiration from these symbols of their faith handed down through the generations.

Stressing the common religious heritage of Muslims, Christians and Jews, Shaykh Kabbani will be joined at the opening ceremony by Cardinal Adam Maida, Roman Catholic Archdiocese of Detroit, Rabbi James Michaels of Temple Beth Israel, Reverend George L. Cleaves of St. Christopher's Episcopal Church and many other guests of honor.

Mr. Speaker, I ask the House of Representatives to join me in asking that God continue to bless Shaykh Muhammad Hisham Kabbani and the As-Siddiq Institute and Mosque as they carry on the work bringing spirituality and dignity to all persons.

CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. PICKERING. Mr. Speaker, I rise to express my strong support of language in the Commerce, Justice, State Appropriations Conference Report for FY 2002 directing the Department of Justice to fund the building of a jail facility for the Mississippi Band of Choctaw Indians. I would like to thank Chairman WOLF and Ranking Member SERRANO for including language in the conference report to address the law enforcement needs of the Choctaws.

It has taken the Tribe over 4 years to reach the point of obtaining funding after the Congress directed the Department of Justice to fund the design phase of the detention facility in the FY 1998 Commerce, Justice, State Conference Report. The Choctaws have encountered many obstacles as they sought to satisfy both the Bureau of Indian Affairs and the Justice Department through compliance with their varying jurisdictions, regulations, and interpretations of law enforcement for Indian tribes. These delays have resulted in a deterioration of law enforcement, disrespect for the tribal courts and an escalation in the costs of the facility. Further delay will only exacerbate these problems. The Choctaw Tribe is firm in its view that detention is essential to the maintenance of law and order on the Choctaw Reservation. The detention facility currently being used was built in 1973 by the Bureau of Indian Affairs as a temporary holding facility designed to hold 18 prisoners for up to 72 hours. Today, an average of 33 offenders are being held daily. Due to the lack of space, only the most serious and repeat offenders are incarcerated to serve time, The lack of space has also hindered the courts and law enforcement officials because judges have to rely on "deferred sentencing." Simply put, the current facility is inadequate to meet existing needs, not to mention the projected law enforcement needs of the Tribe and its growing population.

I would also like to point out that two studies performed in 1992 found the facility to be "not fit for human habitation" and "structurally flawed and essentially inoperable." The first study was completed in October 1992 by the National Institute of Corrections, U.S. Department of Justice. The second was completed in December 1992 by the U.S. Public Health Services, Office of Engineering Services, in New York, New York. Tribal funds were used to correct the most egregious life safety code violations and to renovate a small portion of the facility to house more juveniles. Yet with these and other continuing efforts, the current facility still poses a threat to inmates, staff, and the public.

To ensure the Choctaws can exercise fully and fairly its sovereign responsibility to protect all people and property on its reservation, they have sought funding from the U.S. Department of Justice for construction of a new jail facility to house both adults and juvenile offenders. The conference language will allow the Department of Justice to expedite the allocation of FY 2002 funds to the Choctaws so construction on the new detention facility can begin as soon as possible.

The Mississippi Choctaws have worked tirelessly to preserve the integrity of the Tribe's law enforcement services on the reservation, despite the lack of an appropriate detention facility. I am pleased that my colleagues on the Appropriations Committee have recognized the great need to fund this important project. I look forward to working with the Mississippi Choctaws and the Department of Justice to ensure the Tribe's law enforcement needs are addressed.

RECOGNIZING ''BIG DADDY'' DON GARLITS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. STEARNS. Mr. Speaker, I rise today to recognize an American from Marion County, Florida who embodies the competitive spirit. ''Big Daddy'' Don Garlits is the undisputed king of World Championship Drag Racing. Just four months shy of his 70th birthday, Garlits broke the 300 mph speed barrier reaffirming his stature as the No. 1 driver in National Hot Rod Association history. He is a true testament to the indomitable American spirit, and with that said Mr. Speaker, I submit to the CONGRESSIONAL RECORD the highlights of ''Big Daddy'' Don Garlits' career as excerpted from the Daily Sun newspaper of November 12, 2001.

MARION COUNTY LEGEND VOTED TOP DRIVER IN NHRA'S FIRST 50 YEARS OF DRAG RACING

After a successful career, most men who turn 69 usually take life a little easier, enjoying an occasional afternoon nap, a leisurely round of golf and maybe a cold beer on the lanai.

But then most men wouldn't dream of strapping into an 8,000 horsepower missile and catapulting themselves down a narrow, quarter-mile strip of asphalt in less than five seconds.

That's because most men are not racers, because racers really never retire. They just wait for the next opportunity to race. Just ask ''Big Daddy'' Don Garlits.

Garlits, a native of Tampa who now resides in Marion County, is the undisputed king of drag racing. He's won 144 national races, 17 world championships and every major honor that exists in the sport. And he's not finished. In his backyard garage, Don built ''Swamp Rat One,'' the first in a series of 34 all black rail style racecars.

''Swamp Rat One remains today as my favorite race car of all time. It had 750 horsepower and cost me $1000 to build,'' Garlits said.

He started racing the car in 1956 and a year later set his first world's record, pushing the car to a top speed of 176.40 mph in 8.79 seconds. In 1958, man and machine won their first national championship.

In 1963, Garlits drove the second generation Swamp Rat to a win at the NHRA Winternationals in Pomona, California. This victory established Big Daddy as a major player in professional drag racing.

With wife Pat and daughters Gay Lyn and Donna by his side, Garlits dominated the sport for nearly three decades, developing innovative technology, setting speed records and enduring several major crashes.

In the early 1970's, Garlits once again made history. It wasn't another speed record, but rather the design of Swamp Rat 14, the world's first successful rear engined dragster.

''I think that's my legacy, I really do,'' Garlits explained. ''I had so much opposition, everybody was against it. I took the car to Long Beach and the promoter didn't want me to run it. He told me every rear-engined car that ever went down his track crashed and he didn't want Don Garlits getting killed at his race track.''

The car went on to carry Big Daddy to another major championship and the rear-engine concept became the standard of the Top Fuel category.

Garlits achieved another of his personal goals in 1984, when he and his family opened the Museum of Drag Racing adjacent to his Marion County home. The sprawling complex on County Road 484 has grown to include an impressive display of nearly 17 race cars in addition to a collection of 70 classic and antique cars.

The complex also includes a race garage where Garlits is painstakingly building the newest and fastest Swamp Rat. He will race in next February at the NHRA Winternationals in Pomona, the site of his first major win.

''At the moment of launch, the motor will deliver 8,000 horsepower—roughly a thousand horsepower per cylinder,'' Garlits explained. ''It's really amazing, considering Swamp Rat One needed all eight cylinders to produce 750 horsepower.''

He expects the new state-of-the-art top fuel dragster to reach speeds in excess of 330 miles per hour in about four and a half seconds. Despite the high speeds, Garlits feels this Swamp Rat is the safest ever built.

''The first few generations of cars were just big motors, seats and fuel tanks strapped onto a couple of chassis rails. They didn't have near the safety technology used in today's cars,'' he explained.

Garlits believes new technology will continue to move forward and future race cars will be much faster and much safer than the current models.

''We are being limited by new rules, not by technology and I agree with that,'' he said. ''Most current drag strips are too short and too narrow to accommodate the kind of speeds that technology is capable of producing. We're just at the tip of the iceberg in terms of what is technologically possible.''

Like a scene out of one of the Back to the Future movies, a slight smile crossed Big Daddy's face as he talked about the future. Because he intends to be a part of it. That's how racers think.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber when roll call vote 422 was taken. I want the record to show that had I been present in this chamber I would have voted ''nay'' on this rollcall vote.

INTRODUCTION OF THE COMPUTER SECURITY ENHANCEMENT AND RESEARCH ACT OF 2001

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BAIRD. Mr. Speaker, today I am introducing the Computer Security Enhancement and Research Act of 2001. This legislation will address long-term needs in securing the nation's information infrastructure as well as strengthening the security of the non-classified computer systems of federal agencies. The bill establishes a research and development program on computer and network security at the National Institute of Standards and Technology. It also strengthens the Institute's existing responsibilities in developing best computer security practices and standards and in assisting federal agencies to implement effective computer and network security.

Because of September 11th, attention is focused in an unprecedented way on increasing our security against terrorism. Our concerns include protecting critical national infrastructures. Today, security has to mean more than locking doors or guarding buildings and installing metal detectors. In addition to physical security, virtual systems that are vital to the Nation's economy must be protected. Telecommunications and computer technologies are vulnerable to attack from far away by enemies who can remain anonymous, hidden in the vast maze of the Internet. Examples of systems that rely on computer networks include the electric power grid, rail networks, and financial transaction networks. Just as enemies are achieving a sophistication to use the most complex weapons against us, our vital computer networks have become more interconnected and more accessible via the Internet.

The vulnerability of the Internet to computer viruses, denial of service attacks, and defaced web sites is well known. These widely reported events have increased in frequency over time. These attacks disrupt business and government activities sometimes resulting in significant recovery costs. While no catastrophic cyber attack has occurred thus far, Richard Clarke, the President's new cyber-terrorism czar, has said that the government must make cybersecurity a priority or face the possibility of a ''digital Pearl Harbor''.

While potentially vulnerable computer systems are largely owned and operated by the private sector, the government has an important role in supporting the research and development activities that will provide the tools for protecting information systems. An essential component for ensuring improved information security is a vigorous and creative basic research effort focused on the security of networked information systems. Unfortunately, witnesses at a recent Science Committee hearing indicated that current R&D efforts fall far short of what's required.

Witnesses at the hearing noted the anemic level of funding for research on computer and network security. This lack of funding has resulted in the lack of a critical mass of researchers in this field and a focus on safe, incremental research projects. The witnesses advocated increased and sustained research funding from a federal agency assigned the role to support such research on a long-term basis. To date, Federal support for computer security research has been directed as defense and intelligence needs. While this work on encryption and defense systems security protocols is absolutely vital, very little has been done on the civilian side of communications security.

The bill I'm introducing explicitly addresses this gap in Federal support for computer security. My bill charges the National Institute of Standards and Technology (NIST) with implementing a substantial program of research

support based at institutions of higher education designed to improve the security of networked information systems. This research program is authorized for a 10-year period, growing from $25 million in the 1st year to $85 million by the 5th year. Although awards are to universities, the research projects may involve collaborations with for-profit companies that develop information security products.

The bill establishes a flexible management approach for the research program. It is based upon a management style that has been used effectively by the Defense Advanced Research Projects Agency to spur advances in high technology fields. Specifically, management of the research program will rely on program managers who are both knowledgeable about computer security issues and needs and familiar with the research community. These program managers will be responsible for identifying and nurturing talented researchers and for generating innovative research proposals. Although program managers will have considerable freedom in managing their individual research portfolios, each will be reviewed periodically by NIST senior managers and by outside computer security experts. To ensure its relevance and continued need, the overall research program will be reviewed in its 5th year for scientific merit and relevance by the National Academy of Sciences.

An expanded university-based research program will train new graduate students and post-doctoral research assistants, as well as attracting seasoned researchers to the field. The result will be a larger and more vibrant basic research enterprise in computer-related security fields. A separate set of awards will be available to support post-doctoral research fellowships and senior research fellowships both at universities and at NIST. The bill also increases support for on-going, in-house computer security research at NIST.

The Computer Security Enhancement and Research Act of 2001 builds on the long experience of NIST in developing computer security standards and practices by placing new responsibilities on the agency for building up the nation's basic research enterprise in information security. By enlarging and strengthening the research enterprise we can generate the ideas and approaches needed to provide for future cyber security in an insecure world.

HARRY & IKE, THE PARTNERSHIP THAT REMADE THE POSTWAR WORLD—A HISTORY LESSON FOR ALL TO ENJOY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LIPINSKI. Mr. Speaker, I rise tonight to recommend a new book by Chicago Sun Times political editor Steve Neal, entitled Harry & Ike The Partnership That Remade the Postwar World. Mr. Neal is a trained historian and an experienced political journalist. Mr. Neal's fascinating insight and careful attention to detail bring these two extraordinary figures in American history, Presidents Harry S. Truman and Dwight D. Eisenhower, to life. I found this book to be a highly readable history of the relationship of two great Americans.

Dr. Henry Kissinger said, "Harry & Ike sheds important new light on a relationship founded on friendship and a similar heritage, bitterly shattered by politics and reknit by mutual respect at the end of their lives. Drawing on their letters, diaries and memoirs and on personal recollections of associates, Neal gives us fascinating insights into these two 'giants that saved the West.'"

Former Senator Bob Dole stated that, "Harry & Ike is a fair, balanced, and compelling study of two great American presidents. Steve Neal brings both men vividly to life and does justice to his subjects."

This is a book that you will find interesting, informative and enjoyable. Read it, Harry & Ike, by Steve Neal. You won't be sorry; you'd be educated.

REGARDING NOBEL LAUREATE DR. LEE HARTWELL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to recognize and honor Dr. Lee Hartwell, the 2001 Nobel Prize winner in the field of medicine.

Each year the Nobel Prize for Medicine is awarded to those who have made important discoveries within the domain of physiology or medicine with the greatest benefit on mankind. I would like to take this opportunity to congratulate the 2001 award winner Dr. Lee Hartwell, President and Director of the Fred Hutchinson Cancer Research Center located in Washington state. I'm proud that innovative research, like that done by Dr. Hartwell, is being conducted in my home state.

Dr. Lee Hartwell, a pioneering geneticist, was awarded the Nobel Prize for Medicine for his discoveries concerning control of the cell cycle. For three decades Dr. Hartwell has conducted research on cell division and has identified molecules that regulate cell division. It's this kind of knowledge that is key to understanding how cancer cells mutate and developing approaches to reverse or prevent that mutation.

With an estimated 24,800 new cancer cases in Washington state alone this year, it's clear that many people will benefit from the hard-work and commitment of Dr. Hartwell.

Thank you for this opportunity to recognize Dr. Hartwell. His discoveries have tremendous implications for life saving cancer therapies and will have an impact on cancer patients and their families for generations to come.

IN HONOR OF BEN TRAINA UPON HIS RETIREMENT FROM 8 YEARS ON LOMITA CITY COUNCIL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Ms. HARMAN. Mr. Speaker, I rise today in honor of my constituent and good friend, Ben Traina, who retires this month from the Lomita City Council after years of exceptional service to his community, including two terms as Mayor.

I have known Ben since I first ran for Congress in 1992. Ben was often my host in the City of Lomita, a small town in the true sense of the phrase, nestled in the hustle and bustle of the South Bay of Los Angeles. Ben barely knew me then, but he enthusiastically escorted me to small coffees and community events so that I could meet the residents of his city. We had a great time.

Since then, we have worked closely together on an issue that is a high priority for me. The Lomita Little League is the cornerstone of the Lomita community. Virtually every kid in Lomita plays in the Little League, and the parents are great fans. Baseball is simply what the town does on Saturdays.

For years, the League played on otherwise unusable Navy property, but had to renegotiate the agreement annually. The uncertainty was hard on the community. It was reluctant to make investments in vital capital improvements—such as a new clubhouse and functioning restrooms—or making the infield free of bad hops.

Ben and I worked hard together to develop a system that would serve the League's interest better yet comply with Navy regulations on land use. After months of meetings with Navy personnel, Ben and I negotiated a ten-year license agreement, beginning in 1995, under which the League would be able to use the land for its primary mission—playing baseball.

But a problem remained: the League also needed a way to raise money. For years it had been selling Christmas trees on the lot as its primary source of revenue. But the Navy objected to the procedures for selling the trees and for the past several years, those sales were stopped.

Once again, Ben and I launched a months-long process to re-negotiate the terms of the license agreement and convince the Navy that the League should be able to do its fund-raising. With the help of Assistant Secretary of the Navy, H.T. Johnson, I am happy to report that the Traina-Harman partnership has prevailed, and the Christmas tree sale was approved just in time for this year's Christmas season.

Mr. Speaker, I will miss working with Ben in his capacity as an elected official. But I know we will continue to work together to preserve the ability of Lomita kids and families to enjoy the spirit of baseball.

I am proud of Ben's efforts, and I join the citizens of Lomita in thanking him for exceptional service and wishing him well.

BEST PHARMACEUTICALS FOR CHILDREN ACT

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2887, the Best Pharmaceuticals for Children Act. I urge my colleagues to join in supporting this important measure.

This legislation reauthorizes the pediatric exclusivity provision provided for in the Food and Drug Administration Modernization Act of 1997, which expires at the end of this calendar year. This legislation reauthorizes the provision through fiscal year 2007.

The bill directs the Secretary of HHS to create an annual list of approved drugs for which: (1) There is an approved or pending new drug application and (2) additional pediatric safety and effectiveness studies are needed. It further instructs the Secretary to award contracts to entities that have the appropriate experience for conducting clinical trials of such drugs.

The legislation also amends the Federal Food, Drug, and Cosmetic Act to: (1) Eliminate the user fee waiver for pediatric supplements to a human drug application; (2) provide priority status for pediatric supplements; (3) include neonates within the definition of pediatric studies; (4) provide for dissemination of pediatric supplement information; and (5) set forth requirements for the additional six-month exclusivity period for new or already-marketed pediatric drugs. Additionally, it amends title IV of the Public Health Service Act to direct the Secretary to establish the Foundation for Pediatric Research to support research on drugs lacking exclusivity for which pediatric studies are needed.

Finally, the bill directs the Secretary to: (1) Establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs, which shall coordinate all FDA pediatric activities; and (2) contract with the Institute of Medicine to review federal regulations, reports, and support for research involving children, with particular attention to issues of compensation, informed consent, and risk/benefits assessments in terms of research versus therapeutic treatment.

Mr. Speaker, the pediatric exclusivity provision that was established in the FDA Modernization Act of 1997 has been overwhelmingly successful in generating clinical studies for the pediatric population in its 5 years of existence. According to the FDA, in the 6 years prior to the enactment of this provision, there were a total of six studies on the pediatric population at the request of the FDA, the 4 years since enactment have seen 197 requests to conduct more than 400 studies.

These studies are an invaluable tool in determining the safety and efficacy of newly approved drugs on the pediatric population. With the large number of drugs being approved each year, it is imperative that we have a working knowledge of the effects these medicines will have on our children's health and well-being. This bill will advance this purpose, and for that I urge my colleagues to support its adoption.

ALAN JACKSON MEMORIALIZES THOSE LOST

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. COLLINS. Mr. Speaker, on September 11th, 2001 our nation suffered a cataclysmic attack of unprecedented proportion. More than 6,000 Americans lost their lives in less than 1 hour's time.

In the two months following that tragic day, our citizens have struggled for ways to accept and deal with such a horrific loss. We have held candlelight vigils, all night prayer groups, talked of memorials and rebuilding. We have launched a major military campaign to seek justice for those victims.

But one young man, whose name is known to many of this body and many of the American people, has found a way to genuinely memorialize those victims and that day in song.

Alan Jackson was born in Newnan, Georgia in 1958. Since that time he has grown into one of the nation's most loved Country Music stars. Some have called him the conscience of Nashville for his actions and the type of music he makes.

On November 7th at the Country Music Awards, Alan sang a song he wrote, which more than any other that I have heard, expressed the wide range of emotions experienced on September 11, 2001. I would like to read those lyrics to you now.

WHERE WERE YOU (WHEN THE WORLD STOPPED TURNING)

(By Alan Jackson)

Where were you when the world stop turning on that September day
Were you in the yard with your wife and children
Or working on some stage in L.A.
Did you stand there in shock at the sight of that black smoke
Rising against that blue sky
Did you shout out in anger, in fear for your neighbor
Or did you just sit down and cry
Did you weep for the children who lost their dear loved ones
And pray for the ones who don't know
Did you rejoice for the people who walked from the rubble
And sob for the ones left below
Did you burst out in pride for the red, white and blue
And the heroes who died just doin' what they do
Did you look up to heaven for some kind of answer
And look at yourself and what really matters

I'm just a singer of simple songs
I'm not a real political man
I watch CNN but I'm not sure I could
Tell you the difference in Iraq and Iran
But I know Jesus and I talk to God
And I remember this from when I was young
Faith, hope and love are some good things He gave us
And the greatest is love

Where were you when the world stop turning on that September day
Teaching a class full of innocent children
Or driving down some cold interstate
Did you feel guilty 'cause you're a survivor
In a crowded room did you feel alone
Did you call up your mother and tell her you loved her
Did you dust off that bible at home
Did you open your eyes, hope it never happened
And you close your eyes and not go to sleep
Did you notice the sunset the first time in ages
Or speak to some stranger on the street
Did you lay down at night and think of tomorrow
Go out and buy you a gun
Did you turn off that violent old movie you're watchin'
And turn on ''I Love Lucy'' reruns
Did you go to a church and hold hands with some strangers
Stand in line and give your own blood
Did you just stay home and cling tight to your family
Thank God you had somebody to love

I would like to take this opportunity to commend and congratulate my former constituent, a great American who has used his gifts as a songwriter and performer to lift the American spirit in this great pursuit for justice. Alan Jackson has crafted a thoughtful memorial to the victims of September 11th and serves as an example of how all Americans can help heal our nation from the wounds we suffered on that tragic day. Thank you Alan, for helping us to remember those we lost and for helping to keep their memory alive.

HONORING DR. THADDEUS SZEWCZYK FOR HIS 50 YEARS OF DEDICATED WORK TO THE CAUSE OF RETROLENTAL FIBROPLASIA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Dr. Thaddeus Szewczyk of Belleville, Illinois who 50 years ago discovered the cause of retrolental fribroplasia.

During the 1930's, retrolental fibroplasia, a disease causing permanent, total blindness, affected premature babies placed in incubators in hospital nurseries. This disease became rampant in industrialized countries during the 1940's and 1950's, causing blindness in thousands of children. Twenty percent of all newly born premature babies were affected and doctors feared that within a few years, most premature babies born in the United States would be blind. Then, in December, 1951, Dr. Szewczyk, working at Christian Welfare Hospital in East St. Louis, Illinois, suggested that misuse of oxygen was the cause of retrolental fibroplasia and careful control of oxygen might control this disease. His findings were published in prestigious medical journals, including The American Journal of Ophthalmology. Because of the massive increase in incubator usage, this discovery prevented a tidal wave of blindness in baby-boomer babies.

Dr. Szewczyk has had a distinguished career and as a result, has received several awards and honors. In 1976, he received the International Leslie-Dana Gold Medal from the St. Louis Society for the Blind. In addition, the National Polish-American organization recognized him for this brilliant, medical discovery. Furthermore, the Illinois House of Representatives recently passed a resolution honoring Dr. Szewczyk for 50 years of dedication and hard work on retrolental fibroplasia.

Dr. Szewczyk was the first of four children born to Stanley and Genevieve Szewczyk. He

served as a doctor in the army during World War II, spending many months on the island of Attu and Germany. Dr. Szewczyk has worked as an eye specialist, in partnership with his brother Edward, in Southern Illinois for over 30 years. Today, he and his wife of 57 years, Loretta, reside in Belleville, Illinois.

Mr. Speaker, I know my colleagues join me in honoring this extraordinary individual, for his commitment to retrolental fibroplasia and his amazing discovery that saved many children from a life of permanent, total blindness.

UPON INTRODUCTION OF THE LIFETIME ANNUITY PAYOUT ACT

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. ENGLISH. Mr. Speaker, today Representative KAREN THURMAN and I will introduce legislation that takes a key step toward addressing an issue of fundamental importance to our nation's retirees.

Achieving a stable retirement income is a challenge being faced by a growing number of Americans. Today's retirement savings will become retirement spending that will have to last 20, 25, even 30 years or more. Yet America's personal savings rate has declined over the last decade from 5 percent to less than I percent. In the meantime, Social Security, the traditional safety net for retirees, will be under significant strain in the decades to come as America's retired population doubles. These challenges underscore the importance of Americans personally managing their retirement savings.

The legislation we are introducing, The Lifetime Annuity Payout (LAP) act, encourages people to use an annuity to provide retirement income. An annuity is a retirement tool that offers a steady stream of income for life—much like Social Security. The proposal calls for annuity payouts to be taxed at capital gains rates instead of ordinary income rates if the owner of an individual annuity elects lifetime payments from his or her contract.

The challenges for retirees are quite real. Actuarial predictions estimate one-fifth of today's 35-year-olds who reach retirement age can expect to live into their 90s. Yet current financial planning models and tax laws often encourage retirees to spend down their assets by the time they reach their 80s. Americans need to receive a substantial portion of their retirement income in a guaranteed stream of income they can never outlive.

Traditional pension plans, where the employers assumed all the investment risks and guaranteed workers lifetime income in retirement, are declining. Defined contribution plans are on the rise, but these plans do not always guarantee retirement income for life. Annuities allow retirees to convert all or a portion of their savings into a steady stream of lifetime retirement income.

That is why The Lifetime Annuity Payout Act is sound public policy. It provides an incentive for people to use an annuity to ensure their hard-earned savings last throughout retirement, no matter how long they live.

This proposal is an important step in bringing our nation's retirement system in line with 21st century challenges. Like any solid retirement plan, our reform efforts must be comprehensive. They should account for accumulated funds in pensions, IRAs, 401(k)s, and other qualified plans. They need to help retirees manage their savings to last a lifetime.

Mr. Speaker, this Congress has already taken great strides to reform America's private pension system. The bill we introduce today complements previous efforts to encourage accumulation in qualified plans. The Lifetime Annuity Payout Act will help Americans manage those accumulated funds to provide for a stable standard of living in retirement.

PERSONAL EXPLANATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mrs. MINK of Hawaii. Mr. Speaker, on November 13 and 14, 2001, 1 was unavoidably detained and was not present for rollcall votes 436 through 440. Had I been present, I would have voted "yea" on rollcall No. 436, "yea" on rollcall No. 437, "yea" on rollcall No. 438, "yea" on rollcall No. 439, and "yea" on rollcall No. 440.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2001

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing legislation to help restore and preserve our nation's treasured veterans' memorials.

The freedom we enjoy in the United States has not just been given to us. Men and women have made great sacrifices, some with their lives, to protect our way of life. We have erected memorials to honor these soldiers, sailors, and aviators and their valiant deeds. Unfortunately many of these expressions of our gratitude don't receive the care they deserve. These memorials may not be as large as those on the National Mall or Arlington National Cemetery but they are just as important. My bill would provide grants to rehabilitate those memorials that have fallen into disrepair. The grants would be distributed from a Veterans' Memorial Restoration Fund that would be administered by the Secretary of Veterans' Affairs. With the additional resources provided by this fund we would be able to revive those veterans' memorials on public lands to their original splendor.

People should know the hallowed ground where departed veterans have been laid to rest. These are the most important memorials, where families go to reflect on the lives of their loved ones who have passed on. This bill would make veterans' cemeteries eligible for supplemental guide signs placed on any federally aided highway.

Also, this bill would make sure that people who willfully desecrate a veterans' memorial on public land could be fined or put in jail, and they would be subject to civil penalties to cover the cost of repairing damages.

Mr. Speaker, as we honor America's men and women in uniform now fighting in Afghanistan to protect our freedom we cannot forget those who have protected us before. We can do this by making sure memorials to their memory do not fall into disrepair. This bill will help to ensure that our veterans are not forgotten.

For the benefit of my colleagues I have attached a fact sheet that outlines the bill.

FACT SHEET: ''VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT''

''VETERANS' MEMORIAL RESTORATION FUND''

Creates a fund to cover the costs associated with the repairs or restoration of veterans' memorials. These funds are also to cover the costs of continued maintenance and upkeep of veterans' memorials.

The funds made available in this account are to be in addition to other monies designated by the Treasury to be used for repair and maintenance of veterans' memorials.

The funds would be distributed to individuals or entities that are responsible for the upkeep of a veterans' memorial through Federal grants. (The Secretary of Veterans' Affairs would determine the criteria for how the grants are to be awarded.)

(There is not a specified amount of money designated for the fund. The fund would be augmented by donations. Also, money collected as a civil penalty from willful damage to memorials would go into the fund.)

DESECRATION OF VETERANS' MEMORIALS

Persons who willfully damage a veterans' memorial on public property can be imprisoned up to 10 years and fined (the fine amount is not defined in this legislation). If the damage does not exceed $1000 then the defendant cannot be imprisoned for more than one year.

Whoever willfully damages a memorial will be subject to civil penalties in an amount equal to the cost of repairing the damage.

HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES

A veterans cemetery will be eligible for a supplemental guide sign placed on any highway that receives Federal monies.

TALIBAN'S TREATMENT OF WOMEN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to speak out against the Taliban's treatment of women and in support of H. RES. 281. There are no adequate words to describe the atrocities committed by the Taliban against women since 1996.

The Taliban has denied women the right to work or go to school, to laugh, or to speak above a whisper. Women cannot see physicians who aren't female and they can't practice medicine, which effectively denies women the right to healthcare. Women can't wear shoes that click when they walk or wear white

socks. And they can't leave their homes without a male relative, even to go to the market to buy food for their starving children. Worse when women disobey these outrageous edicts they are often brutally and publicly beaten, flogged, stoned or even murdered.

But we do a disservice to the public and to ourselves if we view the treatment of women in Afghanistan as strictly a women's rights issue or a human rights issue. Women's participation in Afghan society is essential to its economic health. When the Taliban forbade women from working outside the home, Afghanistan lost 74% of its schoolteachers, 60% of its university professors, the vast majority of its nurses, 40% of its doctors, half of its university students, and 30% of its government workers. So, it is no surprise that the Afghan economy collapsed as soon as the Taliban took control. As in every country in the world, Afghanistan's very stability depends on the labor and skills of women.

The Afghan culture fomented terrorism because Afghanistan has no economic power—its people are poor and desperate and angry. And tragically, some are channeling that anger at the West. Killing Bid Laden and his Al Quaeda associates may stem the next round of terror, but it will not result in a sustainable peace. Peace is only possible in Afghanistan if its economy, infrastructure and government recover and become strong enough to provide for its people. And women are not peripheral to that recovery effort—they are central.

The Taliban understood that in order to impose a totalitarian regime on Afghanistan, they first had to remove the women. It is imperative that we understand that in order to eliminate that totalitarian regime, we have to restore to women their rightful, and indispensable role in society.

I urge my colleagues to join me in categorically condemning the Taliban's treatment of women, and affirming the importance of women to the reconstruction of Afghanistan by passing H. Res. 281.

AIDS FOUNDATION OF CHICAGO FIVE-YEAR HIV/AIDS HOUSING PLAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Ms. SCHAKOWSKY. Mr. Speaker, while affordable housing is a national problem, it is particularly serious for persons who also face significant health care problems. I would like to draw my colleagues' attention to an important new study and set of recommendations on this issue prepared by the AIDS Foundation of Chicago.

Recognizing the importance of stable housing to the health and well being of people living with HIV/AIDS, the AIDS Foundation of Chicago (AFC) has published the Five-Year Chicago Area HIV/AIDS Housing Plan. The plan is the result of an intensive year-long community planning process that drew on input from more than 50 agencies, 100 AIDS housing professionals, and 500 consumers of AIDS housing services. AIDS Housing of Washington also served as a consultant to the project.

The plan describes HIV/AIDS housing services and unmet needs across the nine-county Chicago metropolitan area. The plan examines how housing services are distributed to people living with HIV/AIDS who are facing crises or instability in their housing, Finally, the plan offers policy and programmatic recommendations for eliminating the AIDS housing crisis in metropolitan Chicago. The AIDS Foundation of Chicago, together with its many partners in this project, has designed the plan so that it can be used by housing providers as they budget and plan for the future and by philanthropists and government officials working to allocate resources to support stable health and housing. Finally, the plan will be a critical tool in educating a wider audience about the importance of housing to HIV health care and about the crisis in affordable housing that is affecting the Chicago region as a whole.

The Five-Year Chicago Area HIV/AIDS Housing Plan is an updated version of a similar five-year plan that was first published in 1995. That plan, like this year's plan, was the result of an AFC-led collaborative effort by key stakeholders in the Chicago metropolitan area. Many of the strategies mapped out in the original plan were adopted across the region and have led to greater efficiencies in the development and distribution of AIDS housing services, improving housing opportunities for significant numbers of people living with HIV/AIDS.

Unfortunately, despite expanded and improved housing services for people living with HIV/AIDS in the Chicago metropolitan area, the major finding of the new plan is that the need for housing assistance among people with HIV/AIDS continues to outpace available resources. In fact, more than 5,000 individuals with HIV/AIDS in the Chicago metropolitan area are left without access to needed AIDS housing services each year—a factor which contributes to the high rate of homelessness experienced by people living with HIV/AIDS.

As the HIV/AIDS epidemic continues to grow in the United States and affordable housing becomes more and more scarce, Chicago's plan should be used as a model for metropolitan regions facing overlapping crises in HIV/AIDS and housing. Such plans not only map out the particular challenges facing communities struggling with overlapping HIV/AIDS and affordable housing crises, the very processes used to develop such plans help pave the way for the collaborative efforts that are required for implementing the best practices recommended by the plans.

I want to congratulate the AIDS Foundation of Chicago for its leadership in preparing the five-year plan and for its continued commitment to addressing the needs of people living with HIV/AIDS. Established in 1985 to provide central leadership in the fight against the epidemic, the AIDS Foundation of Chicago is an invaluable resource to our community and to the nation. It promotes sound HIV/AIDS public policy, funds HIV/AIDS prevention and care projects, and, through its 135-member Service Providers Council, helps to coordinate the delivery of essential HIV/AIDS services. As an advocate and by empowering individuals living with HIV/AIDS to participate in public policy debates, it provides an important voice that we should listen to carefully.

FIVE-YEAR CHICAGO AREA HIV/AIDS HOUSING PLAN—NOVEMBER 2001

Recognizing the importance of housing stability for the health and well being of people with HIV/AIDS, the AIDS Foundation of Chicago (AFC) has published the Five-Year Chicago Area HIV/AIDS Housing Plan. The plan, which is the result of an intensive and year-long community planning process, describes HIV/AIDS housing services and unmet needs across the nine-county Chicago metropolitan area. In addition, the plan examines the distribution of services responding to the housing needs of people with HIV/AIDS, and offers a series of recommendations aimed at eliminating the AIDS housing crisis in metropolitan Chicago, through targeted service expansion and policy reforms.

The plan's Ad-Hoc Steering Committee and the Housing Committee of AFC's Service Providers Council were instrumental in the creation of the plan, providing critical information, direction, and oversight to the community planning process. For the plan's data analysis and recommendations, AFC drew on input from more than 50 agencies, 100 AIDS housing professionals, and 500 consumers of AIDS housing services. AFC commissioned AIDS Housing of Washington, a national AIDS housing consulting agency, to serve as a consultant to the process.

In 1995, AFC conducted the region's first AIDS housing planning process and published the Chicago EMA Five-Year HIV/AIDS Housing Plan. Recommendations from the 1995 plan led to greater efficiencies in the distribution and development of AIDS housing services, which ultimately resulted in greater numbers of people being served. The 2001 plan updates the housing inventory and needs assessment from the previous plan, measures the progress made in AIDS housing services since 1995, and presents emerging trends in the provision of HIV/AIDS housing services.

Among the most important findings described in the 2001 plan is the growing, unmet need for housing assistance among people with HIV/AIDS in metropolitan Chicago. The report shows that, despite steady gains in the availability of AIDS housing services, the need for assistance continues to outpace available resources, leaving more than 5,000 individuals with HIV/AIDS homeless or at risk of homelessness each year. Lack of safe and affordable housing has dire consequences for people with HIV/AIDS, whose survival can depend, quite literally, on having a stable place to live. Stable housing promotes adherence to complex HIV medication regimens that often have special dietary requirements and can induce debilitating side effects. People who are homeless or at risk of homelessness are more likely to fall out of regular medical care and experience greater difficulties adhering to their medication regimens. For those disabled by AIDS, the hardships of living on the streets or in substandard housing puts tremendous strain on already severely compromised immune systems.

FACTORS CONTRIBUTING TO THE AIDS HOUSING CRISIS

The Five-Year Chicago Area HIV/AIDS Housing Plan documents several factors contributing to the AIDS housing crisis in metropolitan Chicago:

More people are living with HIV/AIDS than ever before. A steady number of people become newly infected with HIV each year, and the number of AIDS-related deaths has declined as a result of more effective medications. This much applauded trend means

that greater numbers of people are in need of housing and other support services, for longer periods of time.

Housing instability is directly related to a person's struggle to maintain a living wage. For many individuals, HIV/AIDS affects their ability to work and keep steady income. For others, poverty and other health problems force them into homelessness or put them dangerously at risk of evictions or foreclosures. Among people with HIV/AIDS surveyed for the plan, more than half reported incomes below the federal poverty level and over one-third reported being homeless at some point in their lives. Participants of AFC's survey and other local surveys report insufficient income as a leading contributor to housing instability.

The region's affordable housing crisis contributes to housing instability among people with HIV/AIDS. Studies show that there are 245,000 low-income renters and 115,000 low-cost rental units in the Chicago area, leaving two low-income renters for every unit of affordable housing. Rents in the Chicago area are rising faster than the national average, and demolitions and redevelopment projects are depleting the region's stock of affordable housing, including thousands of government-subsided housing units.

Government funding for AIDS housing assistance and services has not kept pace with community needs. Unless extended, state and federal subsidized housing programs expiring in the next five years will leave thousands of previously affordable apartments subject to market-rate rents. In addition, decreased federal funding for subsidized housing vouchers, more commonly known as Section 8, has so severely restricted the program that prospective aid recipients are turned away or told to wait several years in order to enroll.

LESSONS FOR PLANNERS AND PROVIDERS OF AIDS HOUSING SERVICES

The plan draws on input from people with HIV/AIDS, AIDS advocates, and service providers to assess the effectiveness of the AIDS housing service system in metropolitan Chicago. The following are recommended strategies for improvements:

Expand AIDS housing and support services across the region for men and women who are poor, chemically dependent, mentally ill, or recently released from correctional facilities. In its analysis, the plan identifies trends among new cases of HIV/AIDS that signal emerging issues for the AIDS housing service system. In particular, the plan found that the system is ill prepared to serve clients with chemical dependency, mental illness, and histories of incarceration. In addition, a disproportionate number of women, people of color, and people living in poverty are affected by HIV/AIDS, These demographic trends are resulting in service gaps along the housing continuum of care, and require additional resources to address them. The plan's consumer survey and other local surveys provide crucial guidance in designing services appropriate to meet clients' needs.

Expand services in areas of high need to combat geographic disparities that persist in the availability of AIDS housing services. The most dramatic increases in numbers of new AIDS housing units since 1995 have taken place on the south and west sides of Chicago and in DuPage, Lake, and Will counties, where no AIDS-specific housing services existed previously. However, geographic disparities among certain types of housing services still exist.

Make an ongoing commitment to community planning and assessment to inform the use of scarce AIDS housing resources. Service providers and other stakeholders identified a lack of ongoing planning across the AIDS housing service system. They recommend that coordination of AIDS housing services across funding streams be increased to avoid limiting potential innovations and efficiencies in the provision of client services. Cross-collaboration between services funded by the Housing Opportunities for People with AIDS (HOPWA), the Ryan White CARE Act, and other sources was specifically identified as crucial to maximize available AIDS housing resources. Increased collaboration between AIDS service providers and correctional health, public aid, and substance abuse treatment providers was also identified as a pressing need.

RECOMMENDATIONS FOR POLICYMAKERS

The plan calls on federal, state, and local lawmakers to expand government support for AIDS housing services. In particular, the plan calls for increased funding for: State and federal short-term rental assistance programs designed to promote housing stability by assisting individuals to meet a short-term financial crisis, such as unmet healthcare, utility, housing-related costs, or temporary job displacement; Federal transitional housing services for those who have been recently released from correctional institutions, hospitals, and treatment facilities; Long-term subsidized permanent housing with off-site supportive services for those capable of living independently, but on fixed incomes; Local, state, and federal programs designed to stimulate development of affordable housing and auxiliary support services.

HOW TO ACCESS AND USE THE PLAN

AFC and members of its Housing Committee will use the plan to advocate for increased public and private spending on housing services and expanded community involvement in the planning and organization of AIDS housing services. AFC and Housing Committee members will pursue strategies to implement each of the plan's recommendations and will carefully monitor and assess progress meeting these goals.

The plan is a rich resource of information for service providers, policymakers, and service planners about the need for and availability of AIDS housing services. Extensive feedback from HIV-positive people on service needs and preferences provides an especially important perspective for AIDS service providers. The plan is an excellent resource for policymakers and students about the continuum of housing services established to respond to the needs of people with HIV/AIDS.

The plan is available for download at AFC's website: www.aidschicago.org. Sections of the plan are also available separately. To receive a printed version of the plan, contact AFC Housing Manager Norma Samame at 312–922–2322 ext. 504 or at nsamame@aidschicago.org.

ABOUT THE AIDS FOUNDATION OF CHICAGO

Established in 1985 to provide central leadership in the fight against the epidemic, the AIDS Foundation of Chicago promotes sound HIV/AIDS public policy, funds HIV/AIDS prevention and care projects, and, through its 135-member Service Providers Council, helps to coordinate the delivery of essential HIV/AIDS services.

SENSE OF CONGRESS THAT MEN AND WOMEN OF UNITED STATES POSTAL SERVICE HAVE DONE AN OUTSTANDING JOB OF DELIVERING THE MAIL DURING THIS TIME OF NATIONAL EMERGENCY

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Con. Res. 257 and to honor the outstanding service provided by the men and women of the United States Postal Service since the terrorist attacks of September 11. I wish to express special appreciation for all postal workers and their dedication to the mission of the Postal Service during this time of national crisis. Even as our homeland was besieged by terrorist attacks and devastating tragedy the United States mail service continued.

United States Postal Service workers are the unsung heroes of this nation. Come rain, snow, sleet, and now the threat of anthrax exposure our mail continues to be delivered with minimal interruption. Two postal workers have given their lives, four workers have contracted inhalation anthrax, and another three have contracted cutaneous anthrax and still our U.S. mail delivery continues. Who would have ever thought that these conscientious postal workers who were committed to doing their jobs would be front line warriors in this war against terrorism?

It is our duty in the Congress to ensure the safety and well being of these courageous and patriotic postal workers, just as we ensure the safety and well being of other federal employees.

As a nation we must salute the fine work of our postal workers and not take for granted their commitment to the mission of our United States Postal Service.

NORTHERN BORDER SECURITY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BALDACCI. Mr. Speaker, today I join a number of my colleagues in urging President Bush to address the severe shortage of inspectors along the Northern Border. This shortage is detrimental to individuals and businesses that operate across the border, and leaves our nation vulnerable to terrorist attacks.

The Northern Border is currently not secure. There are too many understaffed and unmanned points of entry to maintain security. While there are 128 points of entry along the Northern Border, only 64 are staffed 24 hours a day. When unmanned, many are "secured" simply by placing cones or signs in the road. That is hardly an adequate deterrent.

Although the Northern Border accounts for a little more than 40 percent of the points of entry into the United States, only 14 percent of

Customs agents are currently assigned there. Clearly we need to increase the number of Customs agents and deploy significantly more resources on the U.S./Canadian Border.

While I am very concerned about security, I also know the impact that unmanned border crossings are having on business. Closed crossing points mean that trucks have to travel far out of their way to cross. The reduced numbers of open points of entry means longer lines, inconveniencing those crossing for business or pleasure.

I will be supporting an effort by Representative OBEY to add $145 million to the Defense Appropriations/Supplemental bill to fulfill the U.S. Customs Service's emergency request for an additional 800 border security guards in the wake of the September 11 tragedy. It is unconscionable that we would not meet this need to ensure security along the Northern Border and provide Americans with the service they need to be able to conduct cross-border business and visits.

CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Mr. BOEHLERT Mr. Speaker, I rise today in support of the FY 02 Commerce-Justice-State Appropriations Conference Report. As chairman of the House Science Committee, I have jurisdiction over authorizing many pieces of this bill, including National Oceanic and Atmospheric Administration (NOAA), the National Institute of Standards and Technology (NIST), and the Technology Administration.

All in all, this is a solid bill and I want to thank Chairman WOLF, Ranking Member SERRANO and their staff for their hard work and willingness to work with me and my staff.

I am particularly pleased with the level of funding provided for environmental conservation and education programs within NOAA. I am also pleased that this bill funds the Advanced Technology Program at NIST. That program is especially important today, in these difficult economic times, when the private sector is less willing to invest in new technology.

I am disappointed, though, that this bill doesn't more closely reflect the funding provided for some programs in the original House mark. For example, there are several programs at NIST that improve computer security and the protection of our nation's critical infrastructure that are especially important today as our nation faces the threat of terrorism. But while those programs were funded in the House bill, they have been cut in this one.

This bill provides $3.25 billion for NOAA, which Is about $200 million more than last year and about $200 million above the President's request. A total of nearly $440 million of that goes for the Ocean, Coastal and Waterway Conservation Programs. These funds are critical because, today, our nation's coasts are more Important, and yet they are more threatened than ever before.

One area of major concern for the Science Committee is climate change. I am pleased this bill provides $150 million for climate change research and activities, including nearly $8 million for the ARGO project. The ARGO float project is an international effort to provide researchers with critical information and lead to the better understanding of the role of oceans in climate. It also includes $70 million as NOAA's contribution to the U.S. Global Change Research Program.

The bill provides $15 million desperately needed for critical computer upgrades at NOAA and new supercomputer capabilities for the National Weather Service and for climate research. The bill also provides full funding for the new polar satellite program (NPOESS). These efforts will give our scientists and weather forecasters the tools to improve predictions and forecasts, which have a tremendous impact on our nation's economy and future.

And finally, I'd like to say a word about improving education, one of my main goals since becoming chairman. I want to thank Mr. WOLF and Mr. SERRANO for fully funding the many important education and outreach programs in NOAA. Specifically, the bill fully funds the Sea Grant program, which links world-class university research with outreach and extension efforts and puts science to practical use. I am encouraged by the Committee's continued support of the JASON project that brings marine science right to our nation's classrooms through real-time computer connections.

This bill is a good bill. It's a product of hard and dedicated work, and I urge my colleagues to support it. I look forward to continuing to work with the Chairman and Ranking member of the appropriations subcommittee to make sure that all the agencies in this bill continue their work on behalf of the American people.

RESERVISTS EDUCATION PROTECTION ACT OF 2001

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2001

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of H.R. 3240, the Reservists Education Protection Act.

Up to 10,000 of the 50,000 reservists recently called to active duty by President Bush as a result of the September 11th attacks against the United States would lose educational assistance entitlement if they are forced to disenroll from school.

In order to ensure that these reservists do not lose their education assistance entitlement, H.R. 3240 restores VA education benefits to veterans in reserve components who are using the Montgomery GI Bill earned by prior active duty. In addition, regular active duty servicemembers and veteran reservists who are transferred to a new duty station or assignment will also be covered under H.R. 3240.

This bill will allow the servicemember to regain time to attend school by adding their mobilized tour of duty, plus four months, to the 10 years that they already have to use their MGIB benefit.

I am an original cosponsor of this important legislation, which is similar to relief that Congress provided to servicemembers during the Persian Gulf War. I believe that Congress should again provide relief for the men and women who have been mobilized to help defend our country and ensure that these reservists are allowed to take full advantage of their education benefits.

This week has been dedicated to honoring our nation's veterans of past wars. Today, with those veterans in our minds and hearts, let us also honor the mobilized reservists who this very instant are fighting here and abroad to defend liberty and freedom by passing H.R. 3240.

KOFI ANNAN AND UNITED NATIONS ARE STAINED WITH BLOOD

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Ms. MCKINNEY. Mr. Speaker, now I think I've just about seen and heard everything: Kofi Annan and the United Nations being announced as joint recipients of this year's Nobel Peace Prize. I'm not saying there wasn't a time in the UN's history when it wasn't deserved. What I'm saying is I don't believe it's deserved right now. Instead, I believe that to award the UN and Kofi Annan now amounts to an insult to the millions that have died at the hands of the United Nations in recent years.

Mr. Speaker, Kofi Annan and the United Nations are stained with the blood of millions of dead people.

Let me tell you about some of their recent failures.

Let me start with their greatest failure—Rwanda. The 1994 Rwandan genocide must amount to one of the greatest humanitarian failures of any generation. Kofi Annan was the Director of UN Peacekeeping based in New York and was personally responsible for the UN Peace Keeping force in Rwanda. The now famous informant Jean Pierre had warned Dallaire and the UN leadership of the coming mass slaughter but his information was cavalierly dismissed. Tragically, as had been predicted, Rwanda exploded into an orgy of violence the likes of which the last century had never seen. At the end of 100 days an estimated 1,000,000 Rwandan men, women, and children had been bludgeoned, macheted, and axed to death. The daily death rate was five times that of the Nazi industrial death camps. Instead of reinforcing the UN contingent in Kigali, the UN actually ordered the withdrawal of their troops. It was then that the killing in Kigali exploded. Of course, the US bears much of the blame for the UN's inaction.

And now the much-celebrated International Tribunal for Rwanda has become yet another UN bureaucratic disaster. Repeated UN investigations have found widespread mismanagement, wastage, incompetence, and corruption. The Tribunal has prosecuted a fraction of the Rwandan genocide suspects it holds in custody. It has even been criticized by its own

Appeal Court of prosecutorial incompetence and failing to observe elementary due process considerations. Sadly, the Tribunal, which should have brought justice to the region, has instead become another multi-million dollar UN boondoggle. Srebrenica, a name now associated with one of the worst crimes in Europe since WWII or as Judge Riad of the ICTY described it, ''. . . a place where thousands of men were executed, hundreds buried alive, men and women mutilated and slaughtered, children killed before their mother's eyes, and a grandfather was forced to eat the liver of his own grandson.'' These are truly scenes from hell written on the darkest pages of human history. The UN created a safe haven in Srebrenica and encouraged civilians to enter en masse so as to be under UN military protection. Only one condition applied—entry into the UN safe haven required Muslim fighters to surrender their weapons. This they did, hoping that if ever the need arose they would get them back. They were to be sorely disappointed on that score.

When it became apparent that General Mladic was separating the men from the women and then killing them in the nearby fields, the Dutch UN troops began pleading for UN military support. But, just like Rwanda, the UN leadership once again became paralyzed and failed. They dithered over air strikes, they refused to send in troops to help the beleaguered Dutch and in the end, just as with Rwanda, the UN withdrew their troops. This permitted General Mladic to remove an estimated 5,000–8,000 Muslims from in and around the UN compound in Potocari and slaughter them.

To this day the United Nations and no UN official has ever been held criminally or civilly liable, let alone even publicly admonished, for their massive failures in Srebrenica. All the families of the thousands of victims can do now is pick up the pieces of their broken families and attempt to restart their lives.

Mr. Speaker, sadly there is more.

East Timor. In late August 1999, the UN and now Secretary General Annan, called for elections on the small island country of East Timor despite disturbing evidence that hard line elements in the Indonesian military were preparing to cause wide spread public disorder so as to disrupt the elections. The UN failed to provide adequate protection for the civilian population. Dili was burnt to the ground and East Timor was engulfed in violence. After weeks of killing and millions of dollars of damage, the Australian government sent in ground troops to restore order to East Timor; but by then, it was too late to save East Timor from UN bungling.

Sierra Leone. So bad was the UN's conduct in Sierra Leone in June 2000 that their long time supporter and friend, Medicins Sans Frontieres, felt compelled to speak out and complain. MSF complained bitterly that the UN troops fled a RUF attack on the Sierra Leonean town of Kabala.

In so doing MSF said that the UN had failed its mandate to protect civilian populations, many of whom were sick women and malnourished children in the MSF hospital.

Cambodia. There is now mounting evidence that UN Peacekeeping troops actually caused an explosion of AIDS in Cambodia in 1992. In January of this year Richard Holbrooke, the then US Ambassador to the UN, launched an unprecedented attack upon the UN during his last UTN address saying ''. . . it would be the cruelest of ironies if people who had come to end war . . . were spreading the most deadly of diseases . . . it will kill more people and undermine more societies than even the most critical conflicts we discuss here.'' And despite Ambassador Holbrooke's warnings there are concerns that right now in East Timor UN staff could be causing yet another AIDS epidemic. Some things just never seem to change.

Mr. Speaker, let me put it squarely on the record. I believe in the UN. I believe that our country should support the UN. But I do not think that we should blindly lend our support in the face of massive negligence.

I think answers to these questions beg to be asked:

After such repeated UN failures to act upon knowledge of impending humanitarian disasters, what forgiveness?

After such repeated UN failures to discharge their sacred duties, what accountability?

After such ongoing complicity by the UN in repeated slaughters, what punishment?

PERSONAL EXPLANATION

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. HILL of Indiana. Mr. Speaker, on October 16, 2001, due to a momentary failure of the House bells system, I missed one vote on the House floor.

Had I been present, I would have voted ''yes'' on roll call vote 393 to pass H.R. 2217, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

HATE CRIMES IN AMERICA

SPEECH OF

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2001

Ms. RIVERS. Mr. Speaker, I rise today to out against hate crimes. Following the events of September 11, there has been a sharp increase in hate crimes against Muslim and Arab Americans across the country. Some reports indicate that as many as 400 incidents have occurred in the past two months, six of which have resulted in death. This exponential increase in bias based violence is deplorable.

In my home state of Michigan, there have been numerous hate based incidents including assaults, vandalism, threats, harassment and discrimination. Michigan is home to thousands of Muslim and Arab Americans who have proven to be great assets to their respective communities and to the state. I am disheartened that any of my fellow Michigan citizens have been wrongly associated with the acts of a few criminals.

Mr. Speaker, while we as a nation consider the possibility of further terrorist attacks, it is imperative that we not forget that fear and violence exists right in our local communities. We must not ignore the fact that citizens in our communities are being targeted because of their faith or appearance. Hate is not an American value.

I recall President Harry S. Truman who said ''Intense feelings often obscure the truth.'' We cannot allow the horrible events of September 11 to do so.

RETIREMENT SECURITY ADVICE ACT OF 2001

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2001

Mr. LAFALCE. Mr. Speaker, I rise in opposition to H.R. 2269, the ''Retirement Security Advice Act of 2001,'' as reported by the Committees on Education and the Workforce and Ways and Means.

Before explaining the reasons for my opposition, I want to first commend the Committees for recognizing the need for better education, professional investment advice and financial choice for tens of millions of our citizens who now participate directly in our financial markets—in unprecedented numbers—through their pension plans.

Nevertheless, I must oppose the bill in its present form because it would remove and reduce fundamental anti-conflicts of interest protections in the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986. This bill would expose pension plan participants to the same conflicts of interest, and potential for abuse, that investors are facing elsewhere in the securities markets. The dot.com speculative bubble, fueled largely by the recommendations of firms with multiple conflicts of interest, enticed millions of normally cautious and conservative investors—as well as pension plan participants—to roll the dice with their investments and retirement savings and come out losers.

We know now that this boom was based in considerable part on egregious and sometimes biased accounting irregularities, phony financial statements, and self-interested recommendations from investment banking and other financial services firms. The full magnitude of the violations of law and trust by investment professionals will not be known until the Securities and Exchange Commission completes the many investigations now underway, private litigation is completed, and Congress continues its oversight of industry excesses and regulatory breakdowns. But this much is known now—investors have seen trillions of dollars in savings vaporize. In human terms, the toll is immeasurable—retirements postponed, vacations cancelled, and weddings and educations delayed.

By lowering the anti-conflict of interest safeguards in current law that have protected employees and retirees since 1974, I am afraid that H.R. 2269 may well open the door to similar problems for pension plan participant.

ERISA has proved remarkably effective in protecting pension benefits for America's private sector employees as well as the integrity of privately managed benefit plans. This is particularly true for ''defined benefit plans'' that were the norm in 1974. Since then, particularly in recent years, there has been a dramatic shift toward ''defined contribution'' plans in which workers and their employers contribute to individual accounts, and within a range determined by the pension plan sponsor, choose how to invest that money.

An estimated 42 million employees now participate in defined contribution plans. This means the employees, not the employer, assume a high degree of responsibility for managing their funds. Retirement aspirations and plans depend largely on the prudence and wisdom of their investment decisions. Too often, individual plan participants do not fully understand the investment risks and rely heavily on others for advice, often to their financial detriment. The decline and volatility of the stock market, particularly the precipitous decline in the technology sector, has eroded the value of even the most professionally managed mutual funds. And everyone with a 401(k) retirement account, as well as Federal employees participating in the common stock fund of the Thrift Savings Plan, have seen the value of their accounts plummet by as much as 25 per cent or even more.

H.R. 2269 is intended to address the real need of employees and workers for better investment advice and services. Unfortunately, the bill goes too far in attempting to accomplish this goal. By weakening ERISA's safeguards against conflicts of interest, this bill would remove some of the oldest, most effective and prophylactic protections ever enacted by Congress to protect employees and their retirement savings. H.R. 2269 would allow benefit plans to contract with one firm to both manage participant's investment funds and to provide those same participants with personalized investment advice. In other words, it would permit conflicted investment advice—which is now prohibited by ERISA—and substitute a disclosure regime, similar to the Federal securities laws.

I find this feature of the bill very troublesome. Disclosure is inadequate. The Financial Services Committee held numerous hearings earlier this year on the shortcomings of disclosure as an investor protection device in the area of financial analysts. Regrettably, as even the SEC and many industry leaders have concluded, disclosure is more often used to conceal or obfuscate the existence of conflicts rather than to alert or forewarn consumers. In June, the Committee began examining the very important question of whether investors are receiving unbiased research from securities analysts employed by full service investment banking firms. We learned that investors have become victims of recommendations of analysts who have apparent and direct conflicts of interest relating to their investment advice.

While apparently permitted by the SEC and the securities laws, boilerplate and tedious disclosures concerning conflicts leave investors often unaware of the various economic and strategic interests that the investment bank and the analyst have that can fundamentally undermine the integrity and quality of analysts' research. (The disclosure of these conflicts is often general, inconspicuous and even unintelligible. In addition, current conflict disclosure rules do not even reach analysts touting various stocks on CNBC or CNN.)

Recognizing the magnitude of the problem, as well as the inadequacies of the current disclosure framework, several major investment banking firms acted aggressively to protect investors as well as attempt to restore the confidence of their customers in the quality and objectivity of their financial analysis. For example, Merrill Lynch and Credit Suisse First Boston banned their analysts from owning stock in companies they cover. And Prudential Securities actually exited the investment banking business and is using its lack of conflicts as a marketing tool to attract retail brokerage business.

In my view, disclosure requirements, although positive, are still woefully inadequate to confront the systemic conflicts of analysts that necessarily taint advice, skew the market and ultimately harm investors. I continue to believe SEC rulemaking and direct SEC regulation is required to protect investors from serious conflicts of interest. And I am disappointed that new SEC Chairman Pitt, speaking to a securities industry trade association last week, said ''I don't think there is any inherent need for a prohibition against an analyst owning stock'' and then expressed his ''confidence that Wall Street firms will come up with solutions that are in the best interests of investors.''

I don't think Wall Street firms are the best protectors of investors or other consumers or pension plan participants. History—recent history, not ancient history—teaches us otherwise.

I agree with the premise of H.R. 2269 that investors, including employees participating in defined contribution plans, need better information, investment advice and alternatives. But I believe they need them from objective, qualified and independent sources. Fortunately, it is already available in the marketplace without opening a Pandora's box to serious conflicts of interest by eroding ERISA's prohibited transactions safeguards. And there has been no showing to the contrary—there is a highly competitive and diverse market providing independent services to pension plan sponsors and participants.

I do not question the motives of the many financial services firms that are interested in providing additional levels of service to pension plan participants and, therefore, support H.R. 2269. I only question why they support this radical approach when it is possible to develop a more measured approach that will continue important existing protections for plan participants and avoid some of the very serious conflict issues that are undermining the reputation of many financial services firms, angering customers and attracting the attention of regulators and policymakers.

An alternative will be offered during this debate that will attempt to achieve a better balance of several important policy goals—more information and choice for plan participants from independent and professional sources and preservation of essential existing protections against conflicts of interest. I should note that this is the approach favored by groups that actually serve and represent workers and plan participants—AARP, AFL–CIO, Consumer Federation and the Pension Rights Center.

TRIBUTE TO DR. LEE HARTWELL

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. NETHERCUTT. Mr. Speaker, I rise to pay tribute to Dr. Lee Hartwell, president and director of the Fred Hutchinson Cancer Research Center in Seattle, Washington. On October 8, 2001, Dr. Hartwell was awarded the 2001 Nobel Prize in Physiology or Medicine.

Dr. Hartwell is a pioneer in the biomedical research community and Washington State is proud to have his leadership. Thirty years of diligent research to understand cell division and the cell cycle has led to this significant accomplishment. Dr. Hartwell's work now forms the basis of our understanding on how cells divide and of the molecular basis of cancer.

I am confident that his findings will result in more effective cancer treatments and eventually save lives. His accomplishments in this area remind us in Congress that federal support for basic biomedical research must remain on the forefront of our National agenda.

We have always known Dr. Hartwell to be a leader for the biomedical research community in the Pacific Northwest. Now, the world knows what a true visionary we have in our state.

ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENT ACT 2001

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. MATSUI. Mr. Speaker, I am pleased today to join with Congressman CLAY SHAW, the Chairman of the Subcommittee on Social Security, to introduce legislation regarding the fees owed to attorneys who represent disability claimants before the Social Security Administration (SSA). Our Subcommittee has held a number of hearings on the attorney fee process and this bill would make several needed changes to this system that would improve the attorney payment system and thereby expand access to professional representation among disability claimants.

Under current law, when an attorney successfully represents a Social Security disability claimant and that claimant is entitled to past-due benefits, SSA retains a portion of those past-due benefits in order to pay the attorney for the services he or she provided. Specifically, SSA withholds and pays directly to the attorney 25 percent of past-due benefits, not to exceed a cap of $4,000. (Under an alternative procedure, SSA approves a fee for which an attorney submits a petition detailing the specific charges, but in such cases the fee that is paid directly to the attorney by SSA out of past-due benefits cannot exceed the lesser

of 25 percent of the past-due benefits or $4,000.) This system of direct-payment, which is only available to attorneys representing applicants for Social Security disability insurance benefits, helps to promote access to representation by assuring that attorneys receive payment for their services while protecting beneficiaries by capping allowed fees.

Professional representatation is a valuable—and indeed vital—service. The disability determination process is complex. Claimants without professional legal representation appear to be far less likely to receive the benefits to which they are entitled. For example, in 2000, 63.6 percent of claimants represented by an attorney, but only 40.1 percent of those without one, were awarded benefits at the hearing level.

This legislation makes three important changes to the attorney-fee system:

It raises the cap on the allowed fee to $5,200. Although SSA has regulatory authority to increase the $4,000 cap, it has failed to exercise this authority and delayed raising the cap for too long. This legislation would statutorily adjust the cap for inflation since 1991.

It extends the direct-payment system to attorneys representing claimants for Supplemental Security Income. Without direct fee payment, SSI claimants are often unable to obtain needed legal representation, as there is no way for attorneys to be assured of payment for their services. Such claimants are often particularly in need of professional assistance, as they have no other sources of income to fall back on should their claim for disability be wrongly denied.

It caps the processing fee deducted from the attorney's payment at $100. Since the adoption of the processing fee in the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170), our Subcommittee has conducted two hearings on the long delays involved in paying attorney fees. We have had some success in speeding up payment, but there remains much room for improvement. It is only fair to cap the processing fee if SSA cannot assure timely payment of fees. Hopefully, this cap, in combination with the other provisions of the bill, will also mitigate the loss of experienced representatives from the disability bar, who have been forced to close their practices as a result of delays in fee payments and the imposition of the processing fee.

In closing, I look forward to working with Chairman SHAW on this piece of legislation in the same bipartisan manner that characterized our successful efforts on the Work Incentives Improvement Act, the repeal of the retirement earnings test, and our ongoing efforts to protect the security and privacy of Social Security numbers. With this sort of collaboration, I am certain that we can pass this bill as well, thereby improving the fairness of the attorney-fee payment system and, more importantly, ensuring that disability claimants have qualified and reliable attorneys to whom they can turn for assistance.

TRIBUTE TO RIVERSIDE-BROOKFIELD AND JOLIET CATHOLIC HIGH SCHOOL FOOTBALL TEAMS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the remarkable young men of Riverside-Brookfield and Joliet Catholic high school football teams, who faced off during the Class 5A quarterfinal for one of the most exciting games of the season.

Before a standing room only crowd, Joliet Catholic scored on each of its five first half possessions, scoring 35 points on 47 running plays and one pass. Riverside-Brookfield marched down the field twice in a combined 34 seconds before going into halftime. Late in the fourth quarter, Joliet Catholic went up 56–44 with 2:07 left in regulation; however, Riverside-Brookfield answered with a 30-yard touchdown pass with just 51 seconds remaining. After recovering an onside kick at Catholic's 47-yard line, Riverside-Brookfield was stopped first up the middle and then with a broken pass in the end zone.

The quarterfinal showcased two of the top talents in Illinois, Tim Brasic and J.R. Zwierzynski. Orchestrating Riverside-Brookfield's five receiver offensive set, Brasic completed 24-of-48 passes for a playoff record of 571 yards and 7 touchdowns. Brasic's record-breaking season included 4,622 passing yards and 485 attempts, 58 touchdowns and 700 yards rushing. Brasic's performance earned him a spot on the 2001 All-Chicago Area team, and Player of the Year honors. Brasic's career honors include 7,888 passing yards, 953 attempts, and 87 touchdowns.

On the opposite side of the field, J.R. Zwierzynski of Joliet Catholic rushed for 312 yards and five touchdowns on 43 carries. Leading the two time defending state champion Hilltoppers, one of the most consistently dominating teams in Illinois winning 38 out of their last 39 games, Zwierzynski is the lone repeat selection from last year's All-Chicago Area football team.

Riverside-Brookfield and Joliet Catholic, and their leaders Tim Brasic and J.R. Zwierzynski demonstrated talent and sportsmanship in their quarterfinal match up and throughout the 2001 season. I whole-heartedly congratulate the teams, coaching staff, and schools and wish them all the best in the future.

INTRODUCTION OF THE ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENT ACT OF 2001

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. SHAW. Mr. Speaker, today I am introducing legislation that, if enacted, would update and improve the fee payment system to attorneys who represent Social Security Disability Insurance claimants as well as Supplemental Security Income claimants.

As many of you know, filing for Social Security benefits—especially disability benefits—is so complicated that many claimants must hire attorneys to guide them through the process.

Attorneys who represent Social Security claimants may choose to receive their fees directly from the Social Security Administration. Under this option, the agency deducts the fee from the claimant's past-due benefits and forwards it to the attorney. Prior to last year, taxpayers picked up the tab for the agency's costs of processing, withholding, and forwarding this fee to the attorney.

The Ticket to Work and Work Incentives Improvement Act changed that. Many people on both sides of the aisle agreed that having lawyers—not taxpayers—pay for Social Security's processing of their paychecks was the right thing to do. The law also required the General Accounting Office to examine a number of issues relating to the agency's processing of attorney fees.

In a hearing held in May of this year, the Ways and Means Subcommittee on Social Security examined the current state of service delivery to claimants and their representatives, the findings of the GAO study about the costs of administering the attorney fee, the feasibility and advisability of two types of fee assessments, the potential for assessments to reduce applicants' access to representation, the feasibility of linking fee assessments to the timeliness of payment to attorneys, and the advisability of extending attorney fee disbursement to the Supplemental Security Income program.

During the hearing, the Subcommittee learned that despite improvement in the timeliness of the Social Security Administration's processing of attorney fees, there are a number of viable process improvements that can be implemented to ensure the best possible service delivery to claimants and their attorneys. That is why, I, along with Ranking Member MATSUI, are introducing the Attorney Fee Payment System Improvement Act of 2001.

This legislation improves the attorney fee payment process in a number of ways. First, it would increase the current fee cap (which limits fees under fee agreements to 25 percent of past-due benefits or $4,000) from $4,000 to $5,200. The new cap increase represents the first time the cap has been raised in ten years.

Second, the 6.3 percent assessment on an attorney's approved fee will be subject to a cap of $100 to help ensure enough attorneys remain available to represent claimants before the Social Security Administration.

Third, the bill would improve Supplemental Security Income applicants' access to representation. Because there is no direct payment of attorneys' fees in SSI cases, many attorneys cannot collect a fee from a successful client, and as a result choose not to represent those applying for SSI. The disability application process is just as complex and just as difficult to navigate, whether an individual is applying for Social Security disability benefits or SSI benefits. This provision will help ensure that all claimants have equal access to representation.

Individuals with disabilities rely on Social Security disability and/or SSI benefits for life-sustaining income. We must do all we can to ensure their efforts to obtain benefits are supported, not hampered. Enactment of this bill

will help. I urge all Members to co-sponsor this important legislation.

THE RESTORE ACCESS TO FOREIGN TRADE ACT OF 2001

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. WELLER. Mr. Speaker, today, I am pleased to introduce the Restore Access to Foreign Trade Act of 2001, the (RAFT Act), on behalf of myself and my colleagues; Mr. RANGEL, Mr. CRANE, Mr. FOLEY, Mr. SHIMKUS and Mrs. BIGGERT.

The RAFT Act reverses tax law that has nearly destroyed our great maritime system by excluding shipping income from Subpart F, a section of the Internal Revenue Code affecting the taxation of income of U.S. controlled foreign corporations (CFC).

Prior to 1976, income earned by CFCs from U.S. owned foreign shipping operations was not treated as Subpart F income, and was subject to taxation only when repatriated, or brought back into the United States. The Tax Reform Act of 1975 eliminated this deferral, except for foreign shipping income reinvested in certain qualified shipping investments. The 1986 Tax Act repealed the reinvestment exception, subjecting foreign shipping income earned by CFCs to current taxation under Subpart F.

While the issue may sound complicated, the consequences are simple: the U.S.-owned liner container trade has seen its market share drop from nearly 22 percent in 1994 to just three percent in 1999. Thousands of jobs across America have been lost. This decline is dangerous from both an economic and national security standpoint—loss of an economically important industry and our country's inability to rely on the availability of a U.S. fleet in times of national security crises.

Mr. Speaker, at this critical time, national security concerns are uppermost in our minds. The immediate availability of U.S.-owned vessels in times of national security crises is a key component of the U.S. government's defense programs.

The anti-competitive impact of Subpart F will continue to erode the U.S. owned fleet and will ultimately result in an international marketplace that has no American participation.

Our trading partners have actively pursued tax policies designed to encourage and increase their shipping industry. The U.S. Government needs to work towards the same goal. We must not allow the tax code to penalize U.S. companies in the current economic environment.

I ask my colleagues to support this important legislation.

THE ROLE OF RUSSIA AND THE CASPIAN IN ENSURING ENERGY SECURITY

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. COX. Mr. Speaker, I rise to point out that while the attention of the world is now rightly focused on Afghanistan and the war against terrorism, we should not forget that a large part of the oil and gas consumed by the United States and the rest of the industrialized world comes from the conflict-ridden Middle East. In addition to the need to address the issue of energy independence through new domestic sources of supply, conservation and the development of renewable energy resources, we need to be thinking about the best possible way of protecting the security of alternative sources of oil and gas outside the United States. For example, the Caspian Sea region has substantial resources, and that source of supply is important to us.

Akezhan Kazhegeldin, an economist, a businessman and a former prime minister of oil rich Kazakhstan, has written a very thoughtful article on this subject that appeared in the Russian publication Vremya Novostei on October 15, 2001. In his article, Dr. Kazhegeldin states that oil and gas from Kazakhstan and the other energy producing nations bordering on the Caspian Sea could provide an important backup source of energy, complementing what now comes from the Persian Gulf countries. In addition, referring to the debate surrounding the route of a future pipeline carrying Caspian oil to consuming countries, Dr. Kazhegeldin asserts that there is no reason for the West and Russia to be at loggerheads on the pipeline issue now that the Cold War is over. He goes on to describe how the West and Russia could, in his view, work together on a pipeline solution that would benefit everyone.

I commend this article to my colleagues, and I ask unanimous consent that the full text of the article be printed at this point in the RECORD.

GLOBAL ARC OF STABILITY—THE WAY RUSSIA AND THE CASPIAN CAN MAKE THE WORLD STABLE

The September 11 tragic events and launching of the Afghan campaign, seen as the first stage in ''the global war against terror'', have changed the world dramatically. Protection of peaceful citizens from possible terror acts appears as just a tip of the huge pyramid of new problems. We are facing an acute and more global problem, the problem of ensuring the industrial world's economic safety.

The supply of the developed nations' energy, above all, oil and gas, is a critical and vulnerable element in the world's economic relations. A great part of the developed oil fields are concentrated in the highly insecure and conflict-ridden Middle Eastern region, which makes the threat of oil blockade and energy crisis for the industrial countries, the main oil and gas consumers, a perpetual nightmare. Unpredictable dictators are no less dangerous than terrorist groups. Should the interests of both in the region coincide, the rest of the world would find itself in an impasse.

Even if everything goes very well and the antiterrorist campaign ends quickly, the community of industrial countries will have to make sure that the threat of energy blackmail is ruled out in principle. In the global energy system, it is necessary to use reserve and back-up methods in order to ensure safety. Caspian oil reserves can play a major role here.

For the past decade, politicians and journalists have been debating about the problem of Caspian oil perhaps more heatedly than the industry professionals. It has almost been made into a stake in the new Great Game, the U.S-Russian rivalry over the control of the region and its riches. This confrontation has become the legacy of the old ''bloc'' model of the world. Wayne Merry, a former U.S. State Department and Pentagon official, now a senior associate at the American Foreign Policy Council in Washington, describes its sources: ''. . . Washington concentrated its efforts on one great strategic project to assure US primacy in the region. . . . The idea was to bypass existing pipelines in Russia, squeeze out Iran, bring energy supplies from the Caspian region to a transhipment point in a NATO country, and thereby assure the independent futures of the producing and transit countries.''

Understandably, Moscow clearly saw the threat to its interests and resisted U.S. plans. However, both sides played their parts by force of habit, without their usual passion. The reason is that the interests of Russia and the West (not only the U.S.) in the region are actually not conflicting. Some regional leaders tried to artificially keep alive the conflict between them as they hoped to secure foreign support for their authoritarian regimes.

Now that many old patterns have been left behind in the 20th century for good, the common interests of the industrial and democratic countries allow them to work out joint approaches to ensure their energy independence. Owing to this, Kazakhstan, Azerbaijan and Turkmenistan have a historic opportunity to become stable partners of both Russia and the West, and to be integrated into the world economy.

Naturally, this integration should entail bringing their political systems in line with the international democratic and market economy standards. ''A glance at other post-colonial regions in Africa and Asia shows that the first generation of 'Big Man' leaders often does as much harm to their countries as did the departing imperial powers, creating a painful legacy for future generations to sort out,'' concludes Wayne Merry. ''American long-term interests in Central Asia are best served by seeking to engage tomorrow's leaders and assuring that, when the region's energy reserves do become important to the outside world, these leaders will look to the United States as a friend and not as yet another external exploiter.''

Setting aside the controversial definition of the Central Asian countries as post-colonial ones, one should admit that the time when the region's energy reserves do become important to the outside world is nearing. Though geological exploration of the Caspian shelf is far from being completed, and many experts are not inclined to share the fanciful expectations of ''dozens of new Kuwaits'', it is clear that the region's oil and gas reserves are extremely large. However, energy projects can't become global automatically, thanks only to rich oilfields. Stable export routes are required to deliver oil and gas to the global markets. Even all the reserves of the Caspian states put together

won't make the Caspian project global. It is necessary to select and develop the routes to transport oil and gas to the global markets—to the consumers in Europe, U.S., and Asian countries.

The most politically and economically viable option is to transport the Caspian ''big oil'' up to the north, into Russia and further on into Eastern and Western Europe, to the consumers and transshipment ports. Economically, this option seems much more attractive, since the construction is to take place on a plain, in populated areas with a developed infrastructure. Russia's European region has enough qualified manpower and electricity for oil pumping. Russian plants produce pipes and other equipment. Stability in Russia and the neighboring countries guarantees safety of the route and its uninterrupted operation.

If chosen, the Russian option would mean turning the energy flow from south to north. It will permit the in-depth integration of Russia and Central Asia into a united Europe and simultaneously charge Europe and Russia with a common political mission of ensuring energy independence for the industrial countries. It will allow oil-producing countries of the Caspian region to play a major role in the global energy market. Russia, Kazakhstan, Azerbaijan, and—in the long term, Turkmenistan, could, along with the North Sea oil producing countries, become a real alternative to OPEC and get significant political benefits.

The main advantage of the northern export route for Caspian oil consists in the availability of a branched pipeline network in Russia. It is much easier and cheaper to improve and develop the existing system than to construct a new one. I mean the pipelines owned by the Transneft company and the recently constructed CPC line from Western Kazakhstan to the Black Sea. The CPC alone cannot provide exporters with access to the global market. For natural reasons, the Bosphorus and Dardanelles have a limited carrying capacity. The Black Sea ecosystem is vulnerable, as this sea is warm and almost closed. Turkey has already announced its intention to limit the number of giant tankers passing through its straits. Instead of forcing Turkey to agree by means of political pressure, we should respect its fundamental interests and seek other solutions in addition to the CPC capacities.

The pipeline would enable Russia to solve several of its specific problems. For instance, to strengthen the special status of the Kaliningrad region as Russia's outpost in Western Europe. If the pipeline goes via the Kaliningrad region, the region could not only solve some of its economic problems, but also get additional security guarantees in case of NATO's expansion to the East. A place of its own in the EU economy would be the best guarantee for the region.

In any case, with any combination of routes, Russia would be the main player in a Caspian-European project. Moreover, Russia should initiate its realization. Technological and economic calculations will give optimal solutions. However, political will and vision are still primary considerations. History teaches us that it is they rather than mathematical and economic calculations that have brought into existence such giant projects as the Suez and Panama Canals that formed the global markets of those days.

PERSIAN GULF IN THE BARENTS SEA

Looking into the future and putting aside the required political decisions, I would like to stress that the Russian route could give an incredibly promising opportunity of opening up global markets for Eurasian oil and gas. This opportunity includes building an oil-carrier port in the Murmansk region on the Barents Sea. The non-freezing, deep-sea port would become the gateway to the global market for Caspian, Siberian and, prospectively, for Timanoperchersk oil as well, as the northern oil will require outlets to world markets. In the Murmansk region, some former military ports can reportedly be used right now by tankers. From there, they can quickly and safely reach not only Western European ports, but also the U.S. and Canada's eastern coast.

If gas-liquefying installations are built there, it would be hard to imagine a more natural route for a pipeline which will transport gas from the Russian polar regions and the Arctic Ocean's shelf.

In addition to the oil pipeline, a parallel gas pipeline should be built to provide Kazakh and Turkmen gas access to global markets that will not compete with the existing Russian gas routes to Western Europe. Constructing gas and oil pipelines simultaneously will make it possible to significantly cut capital expenditures and make transportation for long distances economically viable. By the way, the length of this route can be compared to the gas export line running from Tyumen's north to Western Europe.

Today's situation on the gas market is such that the Central Asian countries will long sit on their riches waiting for investors hindered by the lack of access to global markets. I am speaking not only about the Turkmen gas. The share of gas in the Caspian hydrocarbon reserves can be much higher than those suggested by the most optimistic forecasts. On the one hand, Caspian gas should be available when the industrial world needs it badly. On the other hand, Caspian gas won't be a rival for Russian gas and a source of contention between Russia and its neighbors in Central Asia.

Where the two huge pipelines ran side by side, where a joint exploitation system exists, one will naturally expect to have a transcontinental highway and info-highway—a powerful communication line originating from Europe and going further to the south.

These prospects are both exciting and distant. However, they should be taken into account when addressing today's problems. No doubt, the global economy does have enough investment resources for such a large-scale project. The U.S. Congress has given $40 billion for primary measures to safeguard national security. Much less investment is needed to ensure energy security of the industrial states. Especially as it is much more reasonable and profitable to invest in crisis prevention than in recovering from them.

A pipeline bridge between the Caspian region and Western Europe, Central Asia and the world's oceans will help solve the problem of the globalization of Eurasian energy resources. It could become a basis for an ''arc of stability'' in Europe. It not only shifts the so-called arc of tension running close to Russia from the Balkans via the Caucasus, Central Asia, Iran, and Afghanistan, but will also exclude the Caspian states—the critical link—from this chain. When involved in the global economy, these countries could turn into strongholds of stability in a part of Asia that today poses major threats to the world.

RECOGNIZING MAJOR VICTOR BADAMI FOR HIS HEROISM AT THE PENTAGON FOLLOWING THE SEPTEMBER 11TH ATTACKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. GILMAN. Mr. Speaker, I rise today to share with my fellow colleagues another story of heroism on September 11th and to honor Major Victor Badami, one of my appointees to the U.S. Military Academy at West Point.

As we are all too well aware, on September 11, Osama bin Laden and his Al-Qaeda terrorist network perpetrated a barbaric assault on our Nation, attacking our military and economic symbols in New York and Virginia, taking the lives of thousands of innocent American lives in the World Trade Center and at the Pentagon.

We have all heard the stories of many who rose to that crisis, unselfishly placing their lives on the line to save others. I am proud to honor another hero, to thank, and to recognize, Major Victor Badami, United States Army. Major Badami's office was directly in the path of destruction at the Pentagon. Even though his office was on fire and filling with smoke, he made certain that his office was emptied. But his service did not end there. Major Badami assisted a civilian who was organizing an effort to move several barrels of flame retardant from the hanger to the other side of the walkway, for use by firemen. This area was within the blast area and chemical flames were burning nearby with intense heat. He was going the first to volunteer and fought through those horrific conditions until the end.

But his service was still not done. Major Badami then volunteered for stretcher duty to carry out the injured from the building and remained in the area until his detail was dismissed. As set forth in his soldier's medal, Major Badami's heroic acts are ''a testament of his bravery and reflect great credit upon himself and the United States Army,'' and are indicative of the compassion and sense of duty so proudly displayed in the American spirit.

Mr. Speaker, U.S. educator, Paul Zweig, once wrote, ''By hero, we tend to mean a heightened man who, more than other men, possesses qualities of courage, loyalty, resourcefulness, charisma, above all, selflessness. He is an example of right behavior; the sort of man who risks his life to protect his society's values, sacrificing his personal needs for those of the community.''

In this spirit, I invite my colleagues to honor and thank Major Victor Badami for his courage, loyalty, and selflessness in a moment when, like never before, his nation needed a hero.

RINGGOLD HIGH SCHOOL

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. MASCARA. Mr. Speaker, I rise to express my gratitude to the students and faculty

of Ringgold High School in Monongahela, Pennsylvania.

The families of the September 11th attack victims need to know that people all across this Nation are with them during their time of mourning. Hundreds of Ringgold students have signed a huge banner articulating their thoughts and prayers. I am forwarding to President Bush a wonderful open letter they sent to the families of the victims of September 11, 2001, that accompanied the banner. I would like to now submit that letter to the RECORD.

RINGGOLD SCHOOL DISTRICT,
RINGGOLD HIGH SCHOOL,
Monongahela, Pennsylvania.

To the Families of the Victims of September 11, 2001:

It is with heavy hearts that the students and staff of Ringgold High School, Monongahela PA, extend our condolences.

What can any of us say in these moments that seem to be beyond words? How can we speak to those who mourn? The truth is that we are Ringgold need not say much at all. Emily Dickinson once wrote ''There is a hush in a home on the morning after death, a silence that would be violated by too many words''.

We are with you in our silence with thoughts and prayers. We must all keep hope. Hope to keep living amid desperation, knowing that there is love, and trusting in tomorrow. We meet good people all of the time but in the rush of life we sometimes do not recognize them and look closely enough to realize how their goodness also offers us a sign of what we can yet become ourselves.

As Americans we will not stand-alone. Our combined strength will assure that freedom and justice will prevail.

Again we extend our deepest condolences to the Families of the Victims of September 11, 2001.

Sincerely,

GINA SASKO.
President, Student Government.
MATT WUJCIK,
President, Senior Class.
MIKE BASSI,
President, Junior Class.
MIKE WILSON,
President, Sophomore Class
LORI BARTLEY,
Student Activities Director.
SHIRLEY M. CULYBA,
Principal.

Thank you students and staff of Ringgold High. I speak for this Congress in saying that we appreciate your thoughts.

TRIBUTE TO MICHAEL J. DOOLEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BORSKI. Mr. Speaker, I rise today in honor of Michael J. Dooley, a life-long friend to myself and Philadelphia, upon his retirement.

Mr. Dooley will retire as a Carpenters Union Official where he served his Local 454 Piledrivers Union and Metropolitan Regional Council of Carpenters in Philadelphia for thirty-three years. This man, born and raised in Philadelphia, Pennsylvania, received his schooling from distinguished Philadelphia establishments and used his education and experience to accomplish remarkable feats for fellow union workers.

Mike attended Saint Joseph's Preparatory School and graduated from Drexel University with a degree in Construction Management. He continued his education receiving a Master's Degree from Temple University in Vocational Education. Immediately after his studies, he began work in his Local Union as an Apprentice, climbing to Journeyman status, then Apprentice Teacher, then finally elected Business Manager of the Piledrivers Union in 1979. He served in this esteemed position for twenty-two years.

During these past twenty-two years, Mike has been the Delegate representing his Union in Building Trade Councils. He has also been a Labor Trustee for the Carpenters Health and Welfare Fund and the Carpenters Joint Apprenticeship Committee.

This man, more importantly, negotiated the first ever Seven-Year Agreement for a Building Trades contract in the nation. Mr. Dooley sculpted his fellow union members into a focused, united, and vigorous body.

With all of his accomplishments, Mike still maintains the greatest modesty. There are show horses and work horses, and Mike has been the man to always pull more than his weight in work and accomplishes his tasks without asking for a thank you. The number of people he has assisted—myself included—quietly throughout the years may never be known, but is surely massive in number. Mike will head into retirement in the next month, accompanied by Lynn his wife of twenty-eight years.

Mr. Speaker, I would like to mention that Mike Dooley served his community and neighbors honestly and fully throughout his life. I salute him and thank him for his friendship.

THE NEXT PHASE OF THE WAR ON TERRORISM

HON. DOUG BEREUTER

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2001

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the November 15, 2001, editorial from the Lincoln Journal-Star entitled ''Importance of peacekeeping is now clearer.'' The editorial rightly endorses continued U.S. engagement in Afghanistan as the Taliban quickly retreats, encourages the construction of a multi-ethnic administrative structure in Afghanistan, and accurately recognizes the complexities of these endeavors.

IMPORTANCE OF PEACEKEEPING IS NOW CLEARER

The sudden urgency to set up a provisional government in Afghanistan shows the need for Americans to support the use of American forces in peacekeeping roles.

That support has been granted grudgingly in the past in places such as Bosnia and Kosovo, with plenty of detractors yapping that American lives should not be put at stake unless America's strategic interests faced imminent threat.

That argument is no longer convincing in the wake of Sept. 11. It's now apparent that Americans no longer can blithely assume that it doesn't matter what happens in poor, obscure, violence-wracked countries halfway around the globe. The world is now so interconnected by air travel, the Internet and satellite communication that isolation is no longer a realistic option.

There are limits, naturally, on how often the United States can take on a peacekeeping role and how large that role should be. But when it comes to Afghanistan, there really should be no argument. Keeping the peace in Afghanistan would be a formidable undertaking in any circumstances. Under the existing circumstances it will be even more difficult. The startling retreat of the Taliban from Kabul complicates matters for the United States and the rest of its coalition. It has not yet destroyed al-Qaeda. It has not yet captured or killed Osama bin Laden. Now it faces additional responsibilities during formation of a provisional government to fill the vacuum left by the retreating Taliban.

As quickly as possible the United Nations should send in international experts—the work probably will require thousands—to set up some sort of administrative structure for the portion of the country now outside control of the Taliban. It is crucial that the administrative structure include the eventual participation of all the country's ethnic groups, including the Tajik, Hazara and Uzbek tribes in the Northern Alliance, as well as the Pashtun ethnic group in the south, which is represented only minimally in the alliance.

As complex as that undertaking will be, the task of assembling an international peacekeeping force will be even more difficult. Preferably the force would include troops from Muslim countries such as Turkey, which has a reasonably well-trained military. American military forces still will be preoccupied by the search for bin Laden and al-Qaeda members, but the United States should not shirk peacekeeping duties, particularly in providing logistical support.

And Americans should be willing to continue in supporting roles in the peacekeeping effort long after bin Laden is killed or captured and the al-Qaeda network has been smoked out. America's strategic interests must now be defined more broadly and perceptively than in the past.