

“(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

NATIONAL RECORDING PRESERVATION ACT OF 2000

DASCHLE (AND OTHERS) AMENDMENT NO. 4341

Mr. STEVENS (for Mr. DASCHLE (for himself, Mr. LEAHY, and Mr. WYDEN)) proposed an amendment to the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes; as follows:

In section 101, insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), strike “10 years” and insert “25 years”.

In section 102(a)(3), insert “and collections of sound recordings” after “recordings”.

In section 102(b), insert “or collection of sound recordings” after “recording”.

In section 103(a), insert “or collection of sound recordings” after “recording” each place it appears.

In section 103(b)(1), insert “or collection of sound recordings” after “sound recording”.

In section 103(b)(4), insert “or collection of sound recordings” after “sound recording” the first place it appears.

In section 103(c), insert “or collection of sound recordings” after “sound recording”.

In section 103(c), strike “recording,” and insert “recording or collection.”

In section 104(a), insert “(including electronic access)” after “reasonable access”.

In the heading for section 122(d)(2), insert “OR ORGANIZATION” after “ORGANIZATION”.

In section 124(a)(1), insert “and collections of sound recordings” after “recordings” the first place it appears.

Add at the end of section 124 the following new subsection:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation’s recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Insert after section 125 the following new section:

SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations de-

scribed in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Redesignate section 133 as section 134 and insert after section 132 the following new section:

SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

DASCHLE AMENDMENT NO. 4342

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill (H.R. 4846) supra; as follows:

Amend the title to read as follows: “A Bill to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.”

HONORING SCULPTOR KORCZAK ZIOLKOWSKI

On October 24, 2000, the Senate amended and passed S. Res. 371, as follows:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux leader Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korczak Ziolkowski’s marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World’s Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas in his invitation letter to Korczak Ziolkowski, Chief Henry Standing Bear wrote: “My fellow chiefs and I would like the white man to know that the red man has great heroes, too.”;

Whereas in 1939, Korczak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas in 1941, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave Sioux leader Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculpting career aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, to honor the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the largest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak’s wife Ruth, the Ziolkowski family, and the Crazy Horse Memorial Foundation have continued to work on the Memorial and to continue the dream of Korczak Ziolkowski and Chief Henry Standing Bear; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

Resolved, That

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private sources and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens’ Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski and the Crazy Horse Memorial for the 20th anniversary of his death, October 20, 2002.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2440).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2440) entitled “An Act to amend title 49, United States Code, to improve airport security”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Airport Security Improvement Act of 2000”.

SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) APPLICATION OF EXPANDED PROGRAM.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator’s efforts to utilize the program described in subsection (a).

(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines

that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) CHANGES IN EXISTING REQUIREMENTS.—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “, as the Administrator decides it is necessary to ensure air transportation security.”;

(2) in subparagraph (D) by striking “as a screener” and inserting “in the position for which the individual applied”; and

(3) by adding at the end the following:

“(E) CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.—

“(i) IN GENERAL.—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

“(ii) SPECIAL TRANSITION RULE.—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

“(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

“(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

“(iii) EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

“(iv) EFFECTIVE DATE.—This subparagraph shall take effect—

“(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

“(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

“(F) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph.”.

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting “(or found not guilty by reason of insanity)” after “convicted”;

(2) in clause (xi) by inserting “or felony unarmed” after “armed”;

(3) by striking “or” at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

“(xiii) a felony involving a threat;

“(xiv) a felony involving—

“(I) willful destruction of property;

“(II) importation or manufacture of a controlled substance;

“(III) burglary;

“(IV) theft;

“(V) dishonesty, fraud, or misrepresentation;

“(VI) possession or distribution of stolen property;

“(VII) aggravated assault;

“(VIII) bribery; and

“(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or”;

(5) in clause (xv) (as so redesignated) by striking “clauses (i)–(xii) of this paragraph” and inserting “clauses (i) through (xiv)”.

SEC. 3. IMPROVED TRAINING.

(a) TRAINING STANDARDS FOR SCREENERS.—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

“(e) TRAINING STANDARDS FOR SCREENERS.—

“(1) ISSUANCE OF FINAL RULE.—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator shall issue a final rule on the certification of screening companies.

“(2) CLASSROOM INSTRUCTION.—

“(A) IN GENERAL.—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

“(B) CLASSROOM EQUIVALENCY.—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

“(3) ON-THE-JOB TRAINING.—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

“(A) complete 40 hours of on-the-job training as a security screener; and

“(B) successfully complete an on-the-job training examination prescribed by the Administrator.”.

(b) COMPUTER-BASED TRAINING FACILITIES.—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

“(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.”.

SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

“(1) ENFORCEMENT.—

“(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

“(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a

process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

“(2) IMPROVEMENTS.—The Administrator shall—

“(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

“(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

“(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

“(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

“(E) improve and better administer the Administrator’s security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

“(F) improve the execution of the Administrator’s quality control program by January 31, 2001; and

“(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.”.

SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

“(C) MANUAL PROCESS.—

“(i) IN GENERAL.—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

“(ii) LIMITATION ON STATUTORY CONSTRUCTION.—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

“(iii) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment.”.

SEC. 7. AIRPORT NOISE STUDY.

(a) IN GENERAL.—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

(1) in the section heading by striking “GENERAL ACCOUNTING OFFICE”;

(2) in subsection (a) by striking “Comptroller General of the United States shall” and inserting “Secretary shall enter into an agreement with the National Academy of Sciences to”;

(3) in subsection (b)—

(A) by striking “Comptroller General” and inserting “National Academy of Sciences”;

(B) by striking paragraph (1);

(C) by adding “and” at the end of paragraph (4);

(D) by striking “; and” at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

“(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.”.

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is amended by striking item relating to section 745 and inserting the following:

“Sec. 745. Airport noise study.”.

SEC. 8. TECHNICAL AMENDMENTS.

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking “15” and inserting “18”.

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking “40126” each place it appears and inserting “40128”;

(2) in section 804(b) by striking “40126(e)(4)” and inserting “40128(f)”;

(3) in section 806 by striking “40126” and inserting “40128”.

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation).”;

(2) by adding at the end the following:

“(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States.”.

SEC. 9. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall

take effect 30 days after the date of enactment of this Act.

Mrs. HUTCHISON. I ask unanimous consent the Senate agree to the amendment of the House.

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

Mrs. HUTCHISON. Mr. President, we have just passed the Aviation Security Improvement Act of 2000. I am very pleased that we have been able, in a very bipartisan way, to pass this bill. I would like to just talk a little bit about how we came to pass the Aviation Security Act of 2000.

Thanks to Senator SLADE GORTON, the chairman of the Aviation Subcommittee, I was able to chair a hearing in which we heard from the FAA, particularly Admiral Flynn, about the state of our airport security. “What is the state of our airport security?” we asked. We wanted to know if we were doing everything we could to give our traveling public the most security possible.

Admiral Flynn did a report and shared that with the Members of the Senate who came to the hearing. Every single Senator who attended the hearing became a cosponsor of the bill that we have just passed because there were some areas that we could clearly see needed to be made more strict, more stringent, just to make sure that we take every single measure we can to make our airports totally secure. Not that they are not, but there were some areas in which we could do better.

So after the hearing and because of the outstanding testimony of Admiral Flynn of the FAA, we did put together a bill that was quite bipartisan. Chairman JOHN MCCAIN of the Commerce Committee came together with Chairman SLADE GORTON of the Aviation Subcommittee. Senators HOLLINGS, INOUE, BRYAN, and ROCKEFELLER all became immediate cosponsors of the bill. With that bipartisan group, we were able to make the changes that have been passed by the House and now will go to the President.

Six hundred million travelers will pass through U.S. airports. Their safety depends on the soundness of the inspection points and the checkpoints, and we all have been through those monitors and we know how important it is that we have the best equipment and the best trained technicians to make sure we do not have any kind of firearms or explosives of any kind going into our airplanes.

So we were able to pass this bill. I just want to make a couple of the points that are important in the bill.

First, today, a person who has a lapse in employment history—whether it would be a year, 18 months, 2 years—would have a criminal background check done before they could be hired to be an airport baggage screener.

Under the bill that we are passing today, there will be a criminal history record check on every person who becomes a baggage screener.

Secondly, we looked at the airport training requirements for airport bag-

gage screeners. We found that in the most industrialized countries there is a minimum of 40 hours of required training before a person can become a baggage screener, but in America the standard is 8 hours.

The committee and the Congress believe we need to have more hours of required training and a test for baggage screeners. That will happen because of the bill we have just passed.

Third, the security procedures in sensitive areas, such as the air traffic control towers, will be beefed up. And there will be prescribed security protocols and sanctions for people who violate those protocols.

And fourth, the new generation of explosive detection systems will be utilized at a higher rate because of the bill we have passed today.

I think we have done a very good job. I am very pleased that we had such a bipartisan effort on this piece of legislation. It could not have happened without the House and the Senate working together and so many people who did come into the negotiations on this bill. The leadership of our chairman, JOHN MCCAIN, and our subcommittee chairman, SLADE GORTON, were essential, along with Senators HOLLINGS, INOUE, BRYAN, and ROCKEFELLER.

I also thank the staff who worked so hard. As you know, many times Senators have 10 things that are being asked of them at any one time. Without very good staff work, this would not have passed. So I especially thank my Commerce Committee staff legislative aid, Joe Mondello, who did yeoman service in making sure the bill got through committee and worked out all the little things that came up that could have unraveled the bill and did not. On Senator MCCAIN’s staff, Mike Reynolds, and Rob Chamberlin, who also did terrific work in making sure we got this expeditiously through the committee in the last hours of the session, because we did not want to wait 60 days before we could bring this back next year. It is too important.

The air traveling public deserve to have the very best airport security. That is what this bill will allow. I believe the President will sign the bill. I urge him to do so.

Thank you, Mr. President.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 106-173, announces the following appointments to the Abraham Lincoln Bicentennial Commission: The Senator from Kentucky (Mr. BUNNING), and Dr. Gabor S. Boritt, of Pennsylvania.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 3137.