The Senate met at 1 p.m. and was called to order by the Hon. CARL LEVIN, a Senator from the State of Michigan.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:
Almighty God, who has made politics a high calling, we praise You for calling the women and men of this Senate to the sacred opportunity of developing and passing legislation to meet the needs of this Nation You have blessed so abundantly. As the Senators return from recess, renew their sense of mission, reignite their passion for patriotism, and remind them of their dependence on You. Be with them in the demanding month ahead. Give them an extra measure of endurance as they strive for excellence and unity as they work together for what’s best for America.

We praise You for the caring friendships we develop as we work together as a Senate family. Today, we ask for comfort and courage for our Sergeant at Arms, Al Lenhardt, whose mother, Mary Catherine, recently graduated to heaven. And we ask for Your healing and hope for his sister, Michelle, who is undergoing cancer treatment. Thank You for hearing our prayers for each other. Bless our families and loved ones. You are our Lord, our Saviour, Healer, Comforter, and Friend. Amen.

PLEDGE OF ALLEGIANCE
The Honorable CARL LEVIN 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 PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:
To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

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

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE
Mr. REID. Mr. President, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States is now in the Senate, having come from the House. Senator BYRD and Senator COCHRAN, who will manage this bill today, will be here at 2 o’clock to present their opening statements. We hope Senators who have amendments will be in a position to offer those.

Senator BYRD and Senator STEVENS, the two managers of the bill, have suggested we have a cutoff time for the offering of amendments tomorrow. We will work toward that goal after conferring more with the two managers of the bill.

Concerning this very important legislation, we need to move to it, as we will, and also move through it as quickly as we can.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT
This week sometime we will also be able to deliberate on S. 625, the Local Law Enforcement Enhancement Act, which is commonly referred to as the hate crimes bill. Senate consideration of this legislation is much needed and really long overdue. It demonstrates once again, I believe, the change that has taken place in this body since Senator DASCHLE took over as majority leader. We are moving this legislation for that fact alone. We would not be on this legislation but for the fact that Senator DASCHLE is the majority leader.

The present law does not respond to hate crimes motivated by a person’s gender, sexual orientation, or disability. In fact, one of these characteristics, sexual orientation, is the third leading motivation behind hate crimes. By now everyone has heard of some of the most egregious cases of hate
crimes, national in scope. Happening just a few years ago, the one we still talk about is Matthew Shepard, a very small man in stature. He was a student at the University of Wyoming. He was gay. He was severely beaten and left for dead, simply because of his being gay.

James Byrd, Jr., an African-American man, was dragged to his death behind a pickup truck in Texas. This man was walking home, simply walking on the street, when these evil people grabbed him, beat him, tied him to the back of a pickup, and dragged him through the streets while he was still alive.

Unfortunately, these appalling tragedies were not isolated events. Incidents continue to be reported all over this country. Nevada is a small State population-wise—big in area—but even in the State of Nevada we have witnessed acts of hatred. A 20-year-old man from Las Vegas struck a Japanese-American girl in the head with a hammer, beat him, and threw him into a pond. The same man then went to his mother's home on fire in Carson City and wrote the words “principles to continue to prevail.”

The principles upon which our diverse country was founded were not even a war at home and a war abroad. This country was founded on the principles of liberty and justice for all. When perpetrators of hate crimes target anyone, they erode people’s sense of security and self-worth and confidence in our system. This country was founded on the principle that there should be liberty and justice for all. When perpetrators of hate crimes target anyone, they are really targeting against all of us and the principles upon which our country was founded. We need those principles to continue to prevail.

MORNING BUSINESS
The ACTING President pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

RECESS
Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 1:09 p.m., recessed until 2:01 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING President pro tempore. The Senator from Nevada.
Mr. REID. Mr. President, it is my understanding the supplemental appropriations bill has been received from the House. Is this the appropriate time to report this bill?

The ACTING President pro tempore. Will the Senator withhold for one moment.

CONCLUSION OF MORNING BUSINESS
The ACTING President pro tempore. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002
The ACTING President pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 3775, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING President pro tempore. Under the previous order, the text of S. 2551 is inserted in lieu thereof and considered as original text.

The Senator from Nevada.
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.

Mr. BYRD. 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.

Mr. BYRD. Mr. President, in September of 1862, in a sun-drenched cornfield near the Mason-Dixon Line, a devastation called Antietam happened. Twelve thousand young Americans on each side perished. Antietam is a name forever soaked in blood. It has come to symbolize the tragic nature of a domestic conflict called the Civil War—or the War Between the States.

Now this Nation is challenged once again by war on our own shores. Another tragic loss of life on another sunny morning in the September of another century has recalled for us the special trauma of war on our homeland. This war, which is a war of violence, on our own land has roots in a cultural clash of worldwide proportions. It is, at once, a war at home and a war abroad.

While we must fight on both fronts, these are conflicts of a very different nature. The brave men and women who serve in our military volunteer for that duty. They have the unquestioned support of the American people and, through the American people, of their Government. Yet the technology which is the envy of the world. Our military personnel accept and understand the discipline imposed on them while they serve for the cause of freedom. The weapons of destruction can be easily adapted to cause death and destruction, fear and panic. At home, our technology is deficient, with outdated computers in key government agencies unable to easily transmit vital information back and forth. In April and May, the Appropriations Committee heard testimony that indicate that our adversaries could cripple the U.S. economy without great difficulty or enormous cost. Yet we do not know much more. We do not know where this new shadowy enemy will strike, or when.

Within the past few weeks, the concern seems to have grown. The Vice President has warned that a strike is “almost certain.” Secretary of Defense Donald Rumsfeld has stated that it is inevitable that terrorists will acquire the capability of mass destruction. Secretary of State Colin Powell has warned that “terrorists are trying every way they can” to get nuclear, chemical, or biological weapons. Security has been tightened around New York City landmarks. The FBI has warned that sites such as the Statue of Liberty and Brooklyn Bridge, might be attacked.

With all of these warnings in mind, and with a realization of the many gaps in our homeland security network, the men and women of this Congress have an obligation to take immediate steps to protect American lives and to try to prevent future tragedies such as the one we witnessed last September.

After several days of hearings by the Senate Appropriations Committee on the urgent supplemental request for defense and homeland security, what emerges is a picture of a nation confronted. While united in the goal of fighting terrorism, we are conflicted. While united in the goal of fighting terrorism, we are conflicted. While united in the goal of fighting terrorism, we are conflicted.
must be executed by layers of bureaucracy responding to hundreds, if not thousands, of vulnerabilities.

When the North wrestled the South for the soul of this Nation in the 19th century, America stood at a crossroads. Today, we now, transcendent and solid leadership was essential to our ultimate success.

In the 1860s, this Nation was blessed, as it often has been in its brief history, with a gifted leader, able to quiet the squabbling generals and calm the bureaucratic struggles that threatened to consume his single-minded effort to preserve the Nation and restore the peace. Abraham Lincoln was a giant. He saved the Nation.

But what we as leaders are now faced with may well be without parallel in U.S. history. I say that because the events surrounding September 11 have underscored a revolutionary blurring of the lines between domestic danger and international danger for our people. We can no longer be confident, in a large and prosperous country, confident that we need not fear foreign attack. True, our military might on the battlefield is the envy of the world, but the enemy now warred on us, and works among us.

He is here. He crosses our borders with relative ease. He boards our airplanes. He rides our trains and hides in our ships. No longer is the enemy only planes. He rides our trains and hides in our streets. He boards our air-craft, and he boards our ships. No longer is the enemy only planes. He rides our trains and hides in our ports. He rides our trains and hides in our seaports. It is our single greatest vulnerability, and we have not yet made much progress towards addressing in this country.” We heard from several witnesses to this need.

To take steps to address this danger, the committee has provided $606 million for homeland security efforts. This funding would expedite vulnerability assessments at our Nation's ports. It would expand the number of port strike teams trained to respond to biological, chemical, and radiological incidents. It would fund new maritime safety and security teams and purchase homeland security response boats, and it would expand surface and aviation assets, as well as the shore facilities to support them.

Two hundred million dollars is included for port security grants. Fifty seven million dollars is provided to the Customs Service to improve cargo container inspections overseas, and $28 million is included to improve our technology on inspecting cargo containers.

We cannot ignore looming gaps in our homeland security efforts. These gaps were exposed by those hearings. The committee listened. The committee has acted. The committee is going to do something about the problems that were brought to our attention by the witnesses who came before the Senate Appropriations Committee.

That is why this legislation provides $387 million for bioterrorism, including funds to improve our toxicology and infectious disease lab capacity at the Centers for Disease Control. The committee, the Senate Appropriations Committee, is responding to the needs of the country as expressed by the men and women who appeared recently before the Senate Appropriations Committee in those very important hearings. Congress has approved a $2 billion bioterrorism response authorization bill. This funding will move us toward meeting that bill's goal.

The supplemental bill provides $200 million for security at our new nuclear weapons facilities and nuclear labs. The bill provides $154 million for cybersecurity with a special emphasis on helping the private sector defend itself from attack.

Another $200 million is in the legislation to improve the ability for first responders to talk with each other. Currently, too many local police and fire departments have radio systems that are incompatible. They simply cannot talk with each other when responding to a crisis.

The Appropriations Committee has included funding for the National Institute of Standards and Technology to establish uniform standards for interoperable equipment. We had several witnesses who testified to the need for such.

Recently, the Brookings Institution released a report criticizing the administration's homeland defense strategy. One of the report's authors, Michael O'Hanlon, stated that the threat posed by terrorists using cargo containers entering our seaports “may be our single greatest vulnerability, and the administration has not yet made much progress towards addressing in this country.” We heard from several witnesses to this need.

The legislation before the Senate today, which totals $31 billion, fully funds the $34 billion request for defense programs. It provides over $8.3 billion for homeland defense programs. It provides $5.5 billion to augment the Federal response to New York City in response to events of September 11. It also provides $1 billion for the Pelli grant shortfall. It includes $417 million for veterans' medical care. In addition, the bill includes $1.1 billion of mandatory spending for the Veterans Compensation and Pension Program.

One of the report's primary goals was that we need to do more and that we need to do more now. They also stressed the need for better Federal coordination and clearer standards for such efforts as securing our ports and making sure we have interoperable systems that will allow our first responders to communicate with each other.

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

MORNING BUSINESS

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

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

ADDITIONAL STATEMENTS

CONGRATULATIONS TO JUDE LILLY

• Mr. SMITH of New Hampshire. Mr. President, today I congratulate Mrs. Jude Lilly for receiving the Wildwood Programs Volunteer of the Year Award.

Jude has worked for Wildwood programs for more than fourteen years. In that time she has selflessly dedicated herself to help enable children and adults with neurologically-based learning disabilities, autism, and other developmental disorders to lead independent, productive, and fulfilling lives.

The presentation of this award recognizes Jude for all that she does outside of the office as a volunteer. Two years ago she began the Pet Therapy Program. The program involves disabled young adults taking dogs to nursing homes to visit with senior citizens. As the creator of the program, Jude has created a means by which these young adults can give back to their community. The program brings immense value to all parties involved as they benefit from the time they spend with one another.

Jude’s hard work is a tribute to her profession. Her ability, dedication, and desire to serve all members of the community is commendable. It is an honor and a privilege for me to congratulate her for receiving this award.

TRIBUTE TO RADIO HOST MIKE MARTEL

• Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Major Maurice Dinnerman for his service in the United States Armed Forces. The Major’s bravery and dedication to this country are examples of his exemplary character and worthiness for recognition.

For his outstanding service in the Army, from January 10, 1942 until February 4, 1946, Major Dinnerman will be receiving the Asiatic-Pacific Campaign Medal with one bronze star, World War II Victory Medal, Philippine Liberation Ribbon, and Honorable Service Lapel Button. It is doubtless that without the efforts of men like Major Dinnerman Americans would be living a vastly different life. The dedication and heroism displayed is a small indication of the character of this man. We, as a nation, are indebted to Major Dinnerman. We enjoy many freedoms and an enriching life because of the sacrifices he made. It is seldom that we take the time to honor these forgotten heroes. America is what it is today because of the bravery of this man.

VETERAN MAJOR MAURICE DINNERMAN RECEIVES HONORS

• Mr. SMITH of New Hampshire. Mr. President, today I honor the ingenuity of the ten member biology team from Moultonborough Academy upon winning the national portion of a three-part competition in the “Future Car Congress” event.

The direction these students are taking is exactly what is needed to ensure the conservation of our environment. These new forms of fuel that are being developed will be in high demand in the near future.

These 10 bright students are following and perhaps even forging the future of fuel technology. The pressing issues that face us as a civilization will be drastically and positively affected by the advancements from young people like these. It is a wonderful thing to see students working so diligently on projects that have the potential to benefit all of humanity. I commend these young people on a great accomplishment and encourage them to continue in their pursuit of a better technology.

It is an honor representing Michelle Merritt, Jackie Carr, Kristen Berry, Christine Adamczyk, Sarah Nelson, MaryAnn Remson, Jeff Pelligrino, Bryan Burbank, Casey Doyle, Katelyn Adams, and teacher Dave Severance in the U.S. Senate.

STUDENTS OF MOULTONBOROUGH ACADEMY

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Then there is in the bill $125 million for border security, including resources for Immigration and Naturalization Service facilities on the borders of the Nation, and for deploying the system for rapid response criminal background checks.

The bill provides $100 million for nuclear nonproliferation programs. The bill provides $265 million for airport security, including $100 million to help airports meet the new Federal standards for airport security.

The bill before the Senate provides $200 million to the U.S. Department of Agriculture for food safety labs, additional food inspectors, and for vulnerability assessments for rural water systems.

The bill before the Senate provides $100 million for the EPA to complete vulnerability assessments on the security of our water systems.

The bill before the Senate today provides $286 million for other homeland defense items such as Secret Service efforts against cybercrime, OFAT counterterrorism efforts, and funds for the Justice Department to develop an integrated information system.

The bill fully funds the President’s $4.4 billion request for the new transportation security administration.

The bill includes $1.95 billion for international programs. We have included $200 million for Israel and $50 million for disaster assistance for the Palestinians.

The legislation contains $1.069 billion for nonemergency programs, with offsets to pay for them. The major items include $450 million for election reform grants, $100 million for the global AIDS trust fund, and $75 million for WIC. The bill also provides $110 million for flood relief and $55 million for Amtrak repairs and security.

I could go on, but Senators and the American people already know we are vulnerable, and in many instances they know where we are vulnerable: Anthrax, smallpox, dirty bombs, border security, nuclear accidents, powerplants, cyber-security, food safety, airport security, drinking water.

So we do understand the gaps in our security structures. If we know where those gaps are, we can be sure terrorists know where they are.

Many decisions, large and small, lie ahead. One thing is certain: We cannot afford delay. So I urge Senators to afford delay. So I urge Senators to address our shortfalls, and protect American lives.

The assistant legislative clerk proposes to dispense with the quorum call. The clerk will call the roll.

I yield the floor and suggest the adjournment of morning business to a period not to exceed 10 minutes each. Senators allowed to speak therein for a period of 30 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for an hour not to exceed 10 minutes each.
It is my distinct honor and privilege to thank and commend Major Maurice Dinnerman on his many accomplishments in serving the U.S. Army.

VETERAN JAMES COSTA HONORED FOR SERVICE

- Mr. SMITH of New Hampshire. Mr. President, today I pay a very deserved tribute to Veteran James Costa for his service in the U.S. Army. The courage and bravery shown in the face of battle exemplify the spirit of a true American hero.

James Costa entered the service in July of 1943 and fought in the Asiatic Pacific Theater where he was wounded in the line of duty by Japanese rifle fire while sweeping caves. His heroic service was concluded in January of 1946 at the conclusion of the war. The freedom Costa gave while defending his country is commendable and worthy of praise. It is doubtful that the sacrifices he made changed the outcome of the war and the future of the world.

Veteran Costa received many awards while serving in the Armed Forces including a Combat Infantry Badge, Purple Heart, Bronze Star, American Defense Service Medal, Asiatic-Pacific Campaign, World War II Victory Medal, Sharpshooter Badge with Rifle, and Good Conduct Badge to name just a few. Although many years removed from service, Costa still remains active in the support of his fellow comrades as seen by his life membership in the Disabled American Veterans, Veterans of Foreign Wars, and past Commander of Post 31 Penacook American Legion.

I commend Veteran James Costa on his selfless service in the United States Army and on his bravery during a Japanese attack in which he was wounded. America is indebted to you and your family. It is truly an honor to serve you in the U.S. Senate.

VETERAN PHILIP J. PLOURDE RECEIVES HONORS

- Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to Philip J. Plourde, a veteran of the United States Armed Forces. His outstanding service is what has provided Americans with the freedom we now enjoy.

While serving in the U.S. Army, Mr. Plourde received a certificate of recognition during World War II and the Korean War. His dedication to the freedom and protection of our nation deserves the praise of every person in the U.S. Giving of himself for the benefit of those he never met is only an indication of his exemplary character. It is seldom that we take the time to thank and honor those who serve us. Without the heroism and selflessness of Plourde and others like him Americans would be living very differently today. We live today because of his service then. The time is long past to individually honor this man.

I commend Mr. Philip J. Plourde on his many achievements in receiving the Good Conduct Medal, Sharpshooter Badge with Carbine, and Marksmen Badge with Rifle. Thank you Mr. Plourde, with heartfelt appreciation for your personal sacrifice in the U.S. Armed Services.

It is a great honor to represent you in the U.S. Senate.

VETERAN JOSEPH EDWARD SCHULLERY RECEIVES HONORS

- Mr. SMITH of New Hampshire. Mr. President, today I honor Staff Sergeant Joseph Edward Schullery for his bravery and sacrifice of his own life in the Pacific Theater. His offering of life is more than anyone can ask of another human being.

Making the ultimate sacrifice to die for his country Staff Sergeant Schullery is a man worthy of the greatest honor. Serving from October 6, 1941 to July 11, 1945, Staff Sergeant Schullery’s spirit will be receiving a place in one of the few尊者 Service of the Armed Forces, American Battle Monuments, and a list of casualties on behalf of her fallen brother.

The outstanding conduct and character Staff Sergeant Schullery displayed in Purple Heart, Good Conduct Medal, American Defense Service Medal, Asiatic-Pacific Campaign Medal with one bronze service star, World War II Victory Medal, and Honorable Service Lapel Button. There is no doubt in my mind that Americans would be living a vastly different life had it not been for men like Staff Sergeant Schullery. The nation honors and thanks this man for making a positive impact on the lives of so many Americans. It is doubtful that the suffering he endured was purely for our gain.

It is my honor to have the privilege to commend and thank Staff Sergeant Joseph Schullery for his outstanding sacrifice on behalf of all Americans.

NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

- Mr. SMITH of New Hampshire. Mr. President, today I pay tribute to the outstanding successes of the recipients of the New Hampshire Excellence in Education Awards. This annual event, which began in 1994, recognizes the hard work of teachers from throughout the State.

This serves as one of the largest ceremonies acknowledging the positive differences these professionals are making in the lives of students. Praised worthy public schools, programs, and educators are used as incentives for others. These individuals demonstrate their worthiness in six areas: curriculum, teaching/learning process, student achievement, community/parent involvement, leadership/decision-making, and climate.

Teachers with these qualities are exactly what is needed to guide our youth today. With the attitude and hard work brought to the table by these individuals I am confident that they will provide the best education possible lending to a spectacular future for our children. It is an honor and privilege to serve these individuals in the United States Senate.

I commend the following recipients:
- Art Educator of the Year—Trina Wick-Patnaude; NH Business Education Association Achievement Award—Patricia Tucker; Middle School Principal of the Year—Linda Raines; Elementary School Principal of the Year—Kenneth Williams; Assistant Principal of the Year—Carol Mack; NH Teacher of the Year—Nancy B. Molver; NH Technology Education Association Teacher of the Year—Mark Romano; NH Technology Education Assoc. Program Excellence Award—Hudson Memorial School; NH Association of World Languages Teacher of Excellence Award—Peter L. Lalliberte; NH School Nurse of the Year—Maureen Krustapetus; Treat Award—Katharine R. Morgan; Volunteer of the Year—Staff Sergeant Schullery; American Battle Monuments, and a list of casualties on behalf of her fallen brother.

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It is my honor to have the privilege to commend and thank Staff Sergeant Joseph Schullery for his outstanding sacrifice on behalf of all Americans.
TRIBUTE TO 20 YEARS OF MILITARY SERVICE

• Mr. MILLER. Mr. President, I rise to recognize Lieutenant Colonel Elizabeth A. Judge, U.S. Marine Corps, on her upcoming retirement from active duty. Upon her retirement on August 31, 2002, Lieutenant Colonel Judge will have served our great Nation and the Marine Corps for more than 20 years.

Lieutenant Colonel Judge is a career public affairs officer, and is known as the preeminent expert within her field. She has been assigned to various locations, bases, and stations in the United States, and overseas, to include her extended tour as the 31st Commandant’s personal public affairs officer. Most recently, she served as the deputy director of public affairs for the entire Marine Corps, a position normally filled by a full-bird colonel. Lieutenant Colonel Judge’s straightforward, no-nonsense approach and uncanny media instincts are renowned throughout the Headquarters Marine Corps Staff, and the Department of Defense public affairs office. No one doubts that her efforts over the years have been instrumental in helping the news media and the public to better understand the Marine Corps’ roles and missions. Although she would be too humble to make this claim, Lieutenant Colonel Judge should justifiably receive a degree of credit for the positive image the Corps enjoys today.

The Marine Corps will sorely miss Lieutenant Colonel Judge’s unrivaled professional knowledge and superior work ethic. Her steadfast dedication to Corps and country is uncompromising and impressive, and her unique talents will not be easily replaced.

I wish Betsy and her husband, Marine Lieutenant Colonel Joseph Judge, all the best as they embark on a new life chapter, Semper Fidelis.

MESSAGES FROM THE HOUSE

Under the authority of the Senate of January 3, 2001, the Secretary of the Senate, 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. 4782. An act to extend the authority of the Export-Import Bank until June 14, 2002. Under the authority of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on May 29, 2002.

At 1:04 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. 4775. An act making supplemental appropriations from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

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-7209. A communication from the Regulatory Specialist, Executive Secretariat, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Trust Management Reform: Probate of Indian Trust Estates” (RIN1060-AA78) received on May 22, 2002; to the Committee on Indian Affairs.

EC-7210. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “West Virginia Regulatory Program” (WV-594-FOR) received on May 23, 2002; to the Committee on Energy and Natural Resources.

EC-7211. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Annual Wiretap Report for 2001; to the Committee on the Judiciary.

EC-7212. A communication from the Administrator, Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tobacco Inspection: Mandatory Grading” (Doc. No. T3-02-11) received on May 23, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7213. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fludioxolide; Re-establishment of Tolerance for Emergency Exemptions” (FRL7176-6) received on May 23, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7214. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the 2001 annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other offerings of securities upon the issuance of such securities by Treasury; to the Committee on Banking, Housing, and Urban Affairs.

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-7215. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to any significant modification to the auction rules, the auction of United States Treasury obligations; to the Committee on Banking, Housing, and Urban Affairs.

EC-7216. A communication from the Deputy Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Sanctions: Balkans: Additional Transactions” (RIN1257–AH07) received on May 24, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7217. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the 2001 annual report to provide that no government securities broker or dealer may receive any advantage, favorable treatment, or other benefit in connection with the purchase upon issuance of securities issued by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC-7218. A communication from the Assistant Secretary for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Chorizanthe pungens var. pungens (Monterey Spineflower)” (RIN1808–AH04) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7219. A communication from the Assistant Secretary for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Chorizanthe robusta var. hartwegii (Scouts Valley Spineflower)” (RIN1808–AH02) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7220. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled “Fiscal Year 2003 Chesapeake Bay Program Activity Grants”; to the Committee on Environment and Public Works.

EC-7221. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definitions and Record-keeping of Provisions” (FRL7210-1) received on May 23, 2002; to the Committee on Environment and Public Works.

EC-7222. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans and/or Incentive Program; State of Nebraska” (FRL7218-2) received on May 23, 2002; to the Committee on Environment and Public Works.

EC-7223. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Illinois” (FRL7212-9) received on May 23, 2002; to the Committee on Environment and Public Works.

EC-7224. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Kanawha River
of S. 191, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 210

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 210, a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred for violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes.

S. 225

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 225, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 229

At the request of Mr. CORZINE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 229, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2490

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mrs. MURRAY) was added as a cosponsor of S. 2490, 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. 2570

At the request of Mr. REID, the names of the Senator from Minnesota (Mr. WELSTONE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2574

At the request of Mr. SCHUMER and Mr. WELSTONE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2574, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2576

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2576, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. RES. 185

At the request of Mr. ALLARD, the names of the Senator from Wyoming (Mr. ENSINN) and the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 248

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 248, A resolution concerning the rise of anti-Semitism in Europe.

S. RES. 275

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 275, a resolution expressing the sense of the Senate that the United States should renew its commitment to the welfare of the world’s mothers and children by increasing funding for basic child survival and maternal health programs of the United States Agency for International Development, and for other purposes.

S. CON. RES. 130

At the request of Ms. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 130, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

AMENDMENT NO. 3459

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3459 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 2574. A bill to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek county to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

S. 2574

Mr. ALLARD. Mr. President, 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:

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

Section 5(c)(2) of the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 (Public Law 103–253; 107 Stat. 677) is amended by striking ‘‘the date 10 years after the date of enactment of this Act’’ and by inserting ‘‘May 19, 2015’’.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3549. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 3550. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3549. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:
SA 3550. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, between lines 2 and 3, insert the following:

Sec. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, $6,000,000 shall be available for the Air National Guard for information operations, information assurance operations, and training for such operations.

SA 3551. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, between lines 2 and 3, insert the following:

Sec. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, $6,000,000 shall be available for the Air National Guard for information operations, information assurance operations, and training for such operations.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Roger Cockrell and Scott Burnison, Appropriations Committee detailees from the U.S. Corps of Engineers and the Department of Energy, respectively, be granted privileges of the floor for the duration of the consideration of the bill now before the Senate.

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

ANDEAN TRADE PREFERENCE ACT

On May 23rd, the Senate amended and passed H.R. 3009, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3009) entitled “An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.”, 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 “Trade Act of 2002”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Trade Adjustment Assistance.

(2) DIVISION B.—Bipartisan Trade Promotion Authority.


(4) DIVISION D.—Extension of Certain Preferential Trade Treatment and Other Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRADE ADJUSTMENT ASSISTANCE

Sec. 101. Short title.

TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Sec. 112. Displaced worker self-employment training pilot program.

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 201. Establishment of program.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 301. Purpose.
Sec. 302. Trade adjustment assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 401. Trade adjustment assistance for farmers.

TITLE V—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 501. Trade adjustment assistance for fishermen.

TITLE VI—HEALTH CARE COVERAGE OPTIONS FOR WORKERS ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Sec. 601. Trade adjustment assistance health insurance credit.
Sec. 602. Advance payment of trade adjustment assistance health insurance credit.
Sec. 603. Health insurance coverage for eligible individuals.

TITLE VII—CONFORMING AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Conformity amendments.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

Sec. 801. Savings provisions.
Sec. 802. Effective date.

TITLE IX—REVENUE PROVISIONS

Sec. 901. Custom user fees.

TITLE X—MISCELLANEOUS PROVISIONS

Sec. 1001. Country of origin labeling of fish and shellfish products.
Sec. 1002. Sugar policy.

TITLE XI—CUSTOMS REAUTHORIZATION

Sec. 1101. Short title.

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER CUSTOMS OPERATIONS

Sec. 1111. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 1112. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.
Sec. 1113. Compliance with performance plan requirements.

CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

Sec. 1121. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 1131. Additional Customs Service officers for United States-Canada border.
Sec. 1132. Study and report relating to personnel practices of the Customs Service.
Sec. 1133. Study and report relating to accounting and auditing procedures of the Customs Service.
Sec. 1134. Establishment and implementation of cost accounting system; reports.
Sec. 1135. Study and report relating to timeliness of prospective rulings.
Sec. 1136. Study and report relating to customs user fees.
Sec. 1137. Authorization of appropriations for Customs staffing.

CHAPTER 4—EXTENSION OF CERTAIN EXPORTforcement requirements.
Sec. 1141. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
Sec. 1142. Mandatory advanced electronic information for cargo and passengers.

Sec. 1143. Border search authority for certain contraband in outbound mail.
Sec. 1144. Authorization of appropriations for reestablishment of Customs operations in New York City.

CHAPTER 5—TEXTILE TRANSPORTMENT PROVISIONS

Sec. 1151. GAO audit of textile transshipment monitoring by Customs Service.
Sec. 1152. Authorization of appropriations for textile transshipment enforcement operations.


Subtitle B—Office of the United States Trade Representative

Sec. 1161. Authorization of appropriations.

Subtitle C—United States International Trade Commission

Sec. 1171. Authorization of appropriations.

Subtitle D—Other Trade Provisions

Sec. 1181. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
Sec. 1182. Regulatory audit procedures.
Subtitle E—Sense of Senate

Sec. 1191. Sense of Senate.

DIVISION B—BIPARTISAN TRADE PROMOTION AUTHORITY

TITLE XXI—TRADE PROMOTION AUTHORITY

Sec. 2001. Short title; findings.
Sec. 2006. Treatment of certain trade agreements for which negotiations have already begun.
Sec. 2007. Congressional Oversight Group.
Sec. 2008. Additional implementation and enforcement requirements.
Sec. 2009. Committee staff.
Sec. 2110. Conforming amendments.
Sec. 2111. Report on impact of trade promotion authority.
Sec. 2112. Identification of small business advocates at WTO.
Sec. 2113. Definitions.

DIVISION C—ANDEAN TRADE PREFERENCE ACT

TITLE XXX—ANDEAN TRADE PREFERENCE

Sec. 3001. Short title; findings.
Sec. 3002. Temporary provisions.
Sec. 3003. Termination.

TITLE XXXII—MISCELLANEOUS TRADE BENEFITS

Sec. 3201. Wool provisions.
Sec. 3202. Duty suspension on wool.
Sec. 3203. Ceiling fans.
Sec. 3204. Certain steam or other vapor generating boilers used in nuclear facilities.

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

Sec. 4001. Generalized system of preferences.
Sec. 4002. Amendments to generalised system of preferences.

TITLE XLII—OTHER PROVISIONS

Sec. 4201. Transparency in NAFTA tribunals.
Sec. 4202. Expression of solidarity with Israel in its fight against terrorism.
Sec. 4203. Limitation on use of certain revenue.
Sec. 4204. Sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.
Sec. 4205. No appropriations.
DIVISION A—TRADE ADJUSTMENT ASSISTANCE

SEC. 101. SHORT TITLE.
This division may be cited as the ‘‘Trade Adjustment Assistance Reform Act of 2002.’’

TITLE II—ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 111. ADJUSTMENT ASSISTANCE FOR WORKERS.

SEC. 211. DEFINITIONS.
‘‘In this chapter—

‘‘(1) ADDITIONAL COMPENSATION.—The term ‘additional compensation’ has the meaning given that term in section 253(3) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

‘‘(2) ADVERSELY AFFECTED EMPLOYMENT.—The term ‘adversely affected employment’ means employment in a firm or appropriate subdivision of a firm, if workers of that firm or subdivision are eligible to apply for adjustment assistance under this chapter.

‘‘(3) ADVERSELY AFFECTED WORKER.—

‘‘(A) IN GENERAL.—The term ‘adversely affected worker’ means a worker who is a member of a group of workers certified by the Secretary under section 221(a)(1) as eligible for trade adjustment assistance.

‘‘(B) ADVERSELY AFFECTED SECONDARY WORKER.—The term ‘adversely affected worker’ includes a worker who is a member of a group of workers employed at a downstream producer or a supplier, that is certified by the Secretary under section 231(a)(2) as eligible for trade adjustment assistance.

‘‘(4) AVERAGE WEEKLY HOURS.—The term ‘average weekly hours’ means the average hours worked by a worker (excluding overtime) in the employment from which the worker has been or claims to have been separated in the 52 weeks (excluding weeks during which the worker was on leave for purposes of vacation, sickness, maternity, military service, or any other employer-authorized leave) preceding the week specified in paragraph (5)(B)(ii).

‘‘(5) AVERAGE WEEKLY WAGE.—

‘‘(A) IN GENERAL.—The term ‘average weekly wage’ means 1/52 of the total wages paid to an individual in the high quarter.

‘‘(B) PURPOSES OF COMPUTING THE AVERAGE WEEKLY WAGE—

‘‘(i) the term ‘high quarter’ means the quarter in which the individual’s total wages were highest among the last 5 completed calendar quarters immediately preceding the quarter in which occurs the week with respect to which the computation is made; and

‘‘(ii) the term ‘week’ means the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary.

‘‘(6) BENEFIT PERIOD.—The term ‘benefit period’ means, with respect to an individual, the following:

‘‘(A) STATE LAW.—The benefit year and any ensuing period, as determined under applicable State law, during which the individual is eligible for regular compensation, additional compensation, or supplemental compensation.

‘‘(B) FEDERAL LAW.—The equivalent to the benefit year and ensuing period provided for under the applicable Federal unemployment insurance law.

‘‘(7) BENEFIT YEAR.—The term ‘benefit year’ has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

‘‘(8) CONTRIBUTED IMPORTANTLY.—The term ‘contributed importantly’ means a cause that is important but not necessarily more important than any other cause.

‘‘(9) COOPERATING STATE.—The term ‘cooperating State’ means any State that has entered into an agreement with the Secretary under section 222.

‘‘(10) CUSTOMIZED TRAINING.—The term ‘customized training’ means training that is designed to meet the special requirements of an employer (including a group of employers) and that is conducted with a commitment by the employer to employ an individual on successful completion of the training.

‘‘(11) DOWNSTREAM PRODUCER.—The term ‘downstream producer’ means a firm that performs additional production processes for a firm or division, including a firm that performs final assembly or finishing, directly for another firm (or subdivision), for articles that were a basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm, if the certification of eligibility under section 231(a)(1) is based, at least in part, on imports, or, a shift in production to, Canada or Mexico.


‘‘(13) JOB SEARCH WORKSHOP.—The term ‘job search workshop’ means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques, and sources for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

‘‘(14) JOB SEARCH PROGRAM.—The term ‘job search program’ means a job search workshop or job finding club.

‘‘(15) JOB SEARCH WORKSHOP.—The term ‘job search workshop’ means a short (1- to 3-day) seminar, covering subjects such as labor market information, résumé writing, interviewing techniques and sources for finding job openings, that is designed to provide participants with knowledge that will enable the participants to find jobs.

‘‘(16) ON-THE-JOB TRAINING.—The term ‘on-the-job training’ has the same meaning as that term has in section 101(31) of the Workforce Investment Act of 1998.

‘‘(17) PARTIAL SEPARATION.—A partial separation occurred or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary, under this chapter and the procedures and deadlines for applying for those benefits and of the worker’s potential eligibility for assistance with health care coverage through the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986; and

‘‘(18) REGULAR COMPENSATION.—The term ‘regular compensation’ has the meaning given that term in section 265(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

‘‘(19) REGULAR STATE UNEMPLOYMENT.—The term ‘regular State unemployment’ means unemployment insurance benefits other than an extension of unemployment insurance by a State using its own funds beyond the 26-week period mandated by law or any other extension of insurance benefits of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

‘‘(20) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor.

‘‘(21) STATE.—The term ‘State’ includes each State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

‘‘(22) STATE AGENCY.—The term ‘State agency’ means the agency of the State that administers the State law.

‘‘(23) STATE LAW.—The term ‘State law’ means the unemployment insurance law of the State approved by the Secretary under section 3304 of the Internal Revenue Code.

‘‘(24) SUPPLIER.—The term ‘supplier’ means a firm that produces and supplies directly to another firm (or subdivision) component parts for articles that were the basis for a certification of eligibility under section 231(a)(1) of a group of workers employed by such other firm.

‘‘(25) TOTAL SEPARATION.—The term ‘total separation’ means the layoff or severance of an individual from employment with a firm in which or in a subdivision of which, adversely affected employment existed.

‘‘(26) UNEMPLOYMENT INSURANCE.—The term ‘unemployment insurance’ means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85 of title 5, United States Code, and the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

‘‘(27) WEEK.—Except as provided in paragraph S(B)(ii), the term ‘week’ means a week as defined in the applicable State law.

‘‘(28) WEEK OF UNEMPLOYMENT.—The term ‘week of unemployment’ means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

‘‘(29) WORKER.—The term ‘worker’ means an individual employed in an employment situation which or in a subdivision of which, adversely affected employment existed.”
organizations approved by the Secretary to ef-
fected into under this section shall provide the
of section 112(b) of the Workforce Investment
section shall provide that the State
—
(1) APPROVAL OF TRAINING PROVIDERS .—The Secretary shall—
program under the Workforce Investment
through the performance measurement system established by the Secretary under section 224.
(2) the cooperating State shall—
(2)cooperating State shall—
(v) the effectiveness of individual approved
(2) M ONITORING .—Monitoring by each State
(1) PROGRAM PERFORMANCE .—The Secretary shall establish an effective performance measuring system to evaluate the following:
(4) COORDINATION OF WORKFORCE INVESTMENT ACTIVITIES .—In order to promote the coordination of Workforce Investment Act activities in each State with activities carried out under this chapter, each agreement entered into under this section shall provide that the Secretary shall submit to the Secretary, in such form as the Secretary may require, the description and information described in paragraphs (6) and (14) of section 235(c)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 282(b) (8) and (14)).
(d) REVIEW OF STATE DETERMINATIONS.—
(1) IN GENERAL .—A determination by a co-
(2) APPEAL .—A review undertaken by a co-
(1) reemployment rates;
(2) the extent to which the adjustment of
(3) EFFECT ON UNEMPLOYMENT INSURANCE.
(2) EFFECT ON UNEMPLOYMENT INSURANCE .—Each agreement entered into under this section shall provide that unemployment insurance otherwise payable to any adversely affected worker will not be lessened for any week by reason of any right to payments under this chapter.
(3) PROGRAM PARTICIPATION DATA.—
(3) PROGRAM PARTICIPATION DATA .—(A) the number of workers receiving benefits and the type of benefits being received; (B) the number of workers enrolled in, and the duration of, training by major types of training;
(4) MONITORING.—By each State of internal control measures with respect to per-
(2) STATE REPORTS.—Pursuant to regulations prescribed by the Secretary, each State shall submit to the Secretary a report that details its participation in the programs established under this chapter, and that contains the data necessary to allow the Secretary to submit the report required under paragraph (1).
(3) PUBLICATION.—The Secretary shall make available to each State, and other public and private organizations as determined by the Secretary, the data gathered and evaluated through the performance measurement system established under paragraph (1).
(1) DATA COLLECTION; EVALUATIONS; REPORTS.—
(1) data other to evaluate how individual States are implementing the requirements of this title,
(2) PARTICIPANT OUTCOMES.—
(2) FINALITY OF DETERMINATION.
(3) the extent to which the adjustment of
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(3) DATA COLLECTION; EVALUATIONS; REPORTS .—
(2) M ONITORING.—The Secretary shall arrange, under regulations prescribed by the Secretary, for the performance of all necessary functions under this chapter, including providing a hearing for any worker whose application for payment is denied.
(3) EFFECT ON UNEMPLOYMENT INSURANCE .—
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(3) EFFECT ON UNEMPLOYMENT INSURANCE .—
(1) data other to evaluate how individual States are implementing the requirements of this title,
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into a trade agreement under section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002, the President shall provide the Secretary with details of the agreement as it exists at that time. The Secretary shall prepare an agreement and submit the agreement described in subsection (b). Between the time the President instructs the Secretary to prepare the agreement under this section and the time the President submits the agreement to Congress, the President shall keep the Secretary current with respect to the details of the agreement.

(b) Agreement.—Not later than 90 calendar days after the President enters into the agreement, the Secretary shall submit to the President, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, a report assessing the likely impact of the agreement on employment in the United States economy as a whole and in specific industrial sectors, including the extent of worker dislocations likely to result from implementation of the agreement. The report shall include an estimate of the financial and administrative resources necessary to provide trade adjustment assistance to all potentially adversely affected workers.

‘‘Subchapter B—Certifications

SEC. 231. CERTIFICATION AS ADVERSELY AFFECTED WORKERS.

(a) Eligibility for Certification.—

(1) General.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as adversely affected workers and eligible for trade adjustment assistance benefits under this chapter if a significant number or proportion of the workers in the firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

(A) the sales or production, or both, of such firm or subdivision have decreased absolutely;

(B) the volume or imports of articles like or directly competitive with articles produced by that firm or subdivision have increased; and

(C) the increase in the value or volume of imports described in clause (ii) contributed importantly to the workers—

(i) to the threat of separation or threat of separation;

(ii) to the threatened to become totally or partially separated, or are threatened to become totally or partially separated.

(2) Adversely Affected Secondary Workers.—A group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) shall be certified as adversely affected and eligible for trade adjustment assistance benefits under this chapter if a significant number or proportion of the workers in the firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

(A) the sales or production, or both, of such firm or subdivision have decreased absolutely;

(B) the volume or imports of articles like or directly competitive with articles produced by that firm or subdivision have increased; and

(C) a loss of business by the workers’ firm with the firm (or subdivision) described in sub-

paragraph (B) contributed importantly to the workers’ separation or threat of separation de-
termined under subparagraph (A).

(2) SPECIAL RULE FOR SECONDARY WORKERS.—Notwithstanding paragraph (2), the Secretary may, pursuant to standards established by the Secretary and for good cause shown, certify as eligible for trade adjustment assistance benefits under this chapter, a group of workers who meet the requirements for certification as adversely affected secondary workers in paragraph (2), except that the Secretary has not received a petition under paragraph (1) on behalf of workers at a firm to which the petitioning workers’ firm is a supplier or downstream producer as defined in section 221 (11) and (24).

(4) SUPPLEMENTAL TRADE ADJUSTMENT ASSISTANCE.—(A) Oil and Natural Gas Producers.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas.

(B) Oil and Natural Gas Imports.—For purposes of this section, any firm, or appropriate subdivision of a firm, that engages in exploration or drilling for oil or natural gas, or produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.

(C) Taconite.—For purposes of this section, taconite pellets produced in the United States shall be considered to be an article that is like or directly competitive with imports of semifinished steel slab.

(5) Petitions.—(A) General.—A petition for certification of eligibility for trade adjustment assistance under this chapter for a group of adversely affected workers shall be filed simultaneously with the Secretary and the Governor of the State in which the firm or subdivision of the firm employing the workers is located.

(B) Persons Who May File Petition.—A petition under subsection (A) may be filed by any of the following:

(A) Workers.—A group of workers (including workers in an agricultural firm or subdivision of an agricultural firm).

(B) Worker Representatives.—The certified or recognized union or other duly appointed representative of the workers.

(C) Worker Adjustment and Retraining Notification.—Any entity to which notice of a plant closing or mass layoff must be given under section 2102(b) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102).

(D) Other.—Employers of workers described in subparagraph (A), one-stop operators or one-stop partners, and the employer of a firm or subdivision of a firm, and State employment agencies, on behalf of the workers.

(6) Request to Initiate Certification.—The President, or the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives (by resolution), may petition the Secretary to initiate a certification process under this chapter to determine the eligibility for trade adjustment assistance of a group of workers.

(7) Actions by Governor.—

(A) Cooperating State.—Upon receipt of a petition, the Governor of a cooperating State shall ensure that the requirements of the agreement entered into under section 222 are met.

(B) Other States.—Upon receipt of a petition, the Governor of a State that has not entered into an agreement or section 222 shall coordinate closely with the Secretary to ensure that workers covered by a petition are—

(i) provided with access to all available services, including rapid response activities under section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864);

(ii) informed of the workers’ (and individual member of the workers’ family) potential eligibility for—

(i) medical assistance under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.);

(ii) child health assistance under the State child health insurance programs established under title XXI of that Act (42 U.S.C. 1397aa et seq.);

(iii) child care services for which assistance is available under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.);

(iv) the trade adjustment assistance health insurance credit under section 6429 of the Internal Revenue Code of 1986 and health care coverage assistance under funds made available to the State to carry out section 112 (Section 112(f)) of the Workforce Investment Act of 1998; and

(v) other Federal and State funded health care, child care, transportation, and assistance programs that the workers may be eligible for; and

(vi) provided with information regarding how to apply for the assistance, services, and programs described in clause (i).

(C) Actions by Secretary.—

(1) In General.—As soon as possible after the date on which a petition is filed under subsection (b), the Secretary shall determine whether the petitioning group meets the requirements of subsection (a), and if warranted, shall issue a certification of eligibility for trade adjustment assistance pursuant to this subchapter. In making the determination, the Secretary shall consult with all appropriate State and local partners together with the reasons for making that determination.

(2) Publication of Determination.—Upon making a determination under paragraph (1), the Secretary shall promptly publish a summary of the determination in the Federal Register together with the reasons for making that determination.

(3) Date Specified in Certification.—Each certification made under this subsection shall specify the date on which the total or partial separation began or threatened to begin with respect to a group of certified workers.

(4) Projected Training Needs.—The Secretary shall inform the State Workforce Investment Board or equivalent agency, and other public or private agencies, institutions, employers, and labor organizations, as appropriate, of each certification issued under section 231 and of projections, if available, of the need for training under section 240 as a result of that certification.

(4) Scope of Certification.—

(1) In General.—A certification issued under subsection (a) shall cover adversely affected workers whose total or partial separation occurred not more than 1 year prior to the date on which the petition was filed under subsection (b).

(D) Termination of Certification.—(1) In General.—If the Secretary determines, with respect to any certification of eligibility, that workers separated from a firm or subdivision covered by a certification of eligibility are no longer adversely affected workers, the Secretary shall terminate the certification.

(2) Publication of Termination.—The Secretary shall promptly publish in the Federal Register together with the reasons for making that determination.

(E) Extension of Certification.—Any determination made under paragraph (1) shall apply only to total or partial separations occurring after the termination specified by that determination.

SEC. 232. BENEFIT INFORMATION TO WORKERS.

(a) In General.—The Secretary shall, in accordance with the provisions of section 222 or
222, as appropriate, provide prompt and full information to adversely affected workers covered by a certification issued under section 231(c), including information regarding—

(1) the certification, training, and other employment services available under this chapter; and

(2) petition and application procedures under this chapter.

(3) appropriate filing dates for the allowances, training, and services available under this chapter; and

(4) procedures for applying for and receiving all other Federal benefits and services available to separated workers during a period of unemployment.

(5) ASSISTANCE TO GROUPS OF WORKERS.—

(A) IN GENERAL.—The Secretary shall provide any necessary assistance to enable groups of workers to prepare petitions or applications for program benefits.

(B) ASSISTANCE FROM STATES.—The Secretary shall ensure that cooperating States fully comply with the agreements entered into under section 222 and shall periodically review that compliance.

(C) NOTICE.—

(I) IN GENERAL.—Not later than 15 days after a certification is issued under section 231 (or as soon as practicable after separation), the Secretary shall provide written notice of the benefits available under this chapter to each worker whom the Secretary has reason to believe is covered by the certification.

(II) PUBLICATION OF NOTICE.—The Secretary shall publish notices of the benefits available under this chapter to workers covered by each certification made under section 231 in newspapers of general circulation in the areas in which those workers reside.

(3) NOTICE TO OTHER PARTIES AFFECTED BY THESE PROVISIONS REGARDING HEALTH ASSISTANCE.—The Secretary shall notify each provider of health care coverage made available under section 7527 of the Internal Revenue Code of 1986 of the availability of health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002 and of the termination of the election period for COBRA continuation coverage for certain workers under section 693 of that Act.

*Subchapter C—Program Benefits*

**PART I—GENERAL PROVISIONS**

**SEC. 234. ELIGIBILITY ASSISTANCE**

"Workers covered by a certification issued by the Secretary under section 231 shall be eligible for the following:

(1) Trade adjustment allowances as described in section 235 through 238.

(2) Employment services as described in section 239.

(3) Training as described in section 240.

(4) Job search allowances as described in section 241.

(5) Relocation allowances as described in section 242.

(6) Supportive services and wage insurance as described in section 243.

(7) Health care coverage assistance under title VI of the Trade Adjustment Assistance Reform Act of 2002.

*PART II—TRADE ADJUSTMENT ALLOWANCES**

**SEC. 235. QUALIFYING REQUIREMENTS FOR WORKERS**

(a) IN GENERAL.—Payment of a trade adjustment allowance shall be made to an adversely affected worker covered by a certification under section 231 who files an application for the allowance, is unemployed, and begins more than 60 days after the date on which the petition that resulted in the certification was filed under section 231, if the following conditions are met:

(1) TIME OF TOTAL OR PARTIAL SEPARATION FROM EMPLOYMENT.—The adversely affected worker's total or partial separation before the worker's application under this chapter occurred—

(a) within the period specified in either section 231(a) or section 231(d) as the time of separation, as the case may be; and

(b) before the expiration of the 2-year period beginning on the date on which the certification under section 231 was issued; and

(c) before the expiration of (if any) determined pursuant to section 231(e).

(b) EMPLOYMENT REQUIRED.—

(A) In general.—An adversely affected worker who is entitled to, or would be entitled to, a certification issued under section 231(c), in addition to any other allowances the worker received or may receive, may issue a written statement to an adversely affected worker covered by a certification under this chapter stating that the worker was entitled to, or would be entitled to, a certification if the worker enrolled not later than 45 days after the later of the dates specified in subparagraph (A) or (B), and the Secretary determines that the certification would be available to the worker.

(B) UNAVAILABILITY OF DATA.—If data with respect to weeks of employment with a firm are not available, the Secretary shall establish an equivalent amount of employment computed under regulations prescribed by the Secretary.

(C) WEEK OF EMPLOYMENT.—For the purposes of this paragraph any week shall be treated as a week of employment at wages of $30 or more, if an adversely affected worker—

(i) is on employer-authorized leave for purposes of the worker; had an injury, or maternity, or inactive duty training or active duty for training in the Armed Forces of the United States; or

(ii) does not work because of a disability that is compensable under a worker's compensation law or plan of a State or the United States;

(iii) had employment interrupted in order to serve as a full-time representative of a labor organization in that firm or subdivision; or

(iv) is on call-up for purposes of active duty in a reserve status in the Armed Forces of the United States, provided that active duty is ‘Federal service’ as defined in section 8521(a)(1) of title 5, United States Code.

(D) EXCEPTIONS.—

(i) In the case of weeks described in clause (i) or (iii) of subparagraph (C), or both, not more than 7 weeks may be treated as weeks of employment under subparagraph (C).

(ii) In the case of weeks described in clause (ii) or (iv) of subparagraph (C), not more than 26 weeks may be treated as weeks of employment under subparagraph (C).

(2) UNEMPLOYMENT COMPENSATION.—The adversely affected worker meets all of the following requirements:

(A) ENTITLEMENT TO UNEMPLOYMENT INSURANCE.—The worker was entitled to (or would be entitled to if the worker applied for) unemployment insurance for a week within the benefit period.

(B) EXHAUSTION OF UNEMPLOYMENT INSURANCE.—The worker has exhausted all rights to any regular State unemployment insurance to which the worker was entitled (or would be entitled) for any regular State unemployment insurance.

(C) NO UNEXPIRED WAITING PERIOD.—The worker does not have an unexpired waiting period applicable to the worker for any unemployment insurance.

(D) EXTENDED UNEMPLOYMENT COMPENSATION.—The adversely affected worker, with respect to a week of unemployment, would not be disqualified for extended compensation payable under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) for the week as it pertains to the worker and job search requirements in section 202(a)(3) of that Act.

(3) TRAINING.—The adversely affected worker is not enrolled in a training program approved by the Secretary under section 240(a), and the enrollment occurred not later than the latest of the periods described in subparagraph (A), (B), or (C).

(A) 16 WEEKS.—The worker enrolled not later than the last day of the 16th week after the worker was last regularly employed and meets the requirements of paragraphs (a) and (b).

(B) 8 WEEKS.—The worker enrolled not later than the last day of the 8th week after the worker was last regularly employed and the Secretary issues a certification covering the worker.

(C) EXTENUATING CIRCUMSTANCES.—Notwithstanding subparagraphs (A) and (B), the adversely affected worker is eligible for trade adjustment assistance if the worker enrolled not later than 45 days after the later of the dates specified in subparagraph (A) or (B), and the Secretary determines that the certification would be available if the worker so applied.

(D) FAILURE TO PARTICIPATE IN TRAINING.—

(I) IN GENERAL.—Until the adversely affected worker begins or resumes participation in a training program approved under section 240(a), no trade adjustment allowance may be paid under subsection (a) to an adversely affected worker for any week or any succeeding week in which—

(1) the Secretary determines that—

(A) the adversely affected worker—

(i) has failed to begin participation in a training program before completing the training program; and

(ii) there is no justifiable cause for the failure or cessation; or

(B) the waiver issued to that worker under subsection (c)(1) is revoked under subsection (c)(2).

(ii) EXCEPTION.—The provisions of subsection (a)(5) and paragraph (1) shall not apply with respect to any week of unemployment that begins before the first week following the week in which the certification is issued under section 231.

(E) WAIVERS OF TRAINING REQUIREMENTS.—

(I) ISSUANCE OF WAIVERS.—The Secretary may issue a written statement to an adversely affected worker waiving the requirement to be enrolled in training described in subsection (a) if the Secretary determines that the training requirement is not feasible or appropriate for the worker, because of I or more of the following reasons:

(A) RECALL.—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

(B) MARKETABLE SKILLS.—The worker possesses marketable skills for suitable employment (as determined pursuant to an assessment of the worker, which may include the profiling system under section 309(c) of the Social Security Act (42 U.S.C. 509(c)), carried out in accordance with guidelines issued by the Secretary) and there is a reasonable expectation of employment with equivalent wages in the foreseeable future.

(C) RETIREMENT.—The worker is within 2 years of meeting all requirements for entitlement to retirement.

(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefore) or

(ii) a private pension sponsored by an employer or labor organization.

(D) HEALTH.—The worker is unable to participate in training due to health of the worker, except that a waiver under this subparagraph shall not be construed to exempt a worker from requirements relating to the availability for work, active search for work, or receipt of unemployment compensation.

(E) ENROLLMENT UNAVAILABLE.—The first available enrollment date for the approved training program under paragraph (1) shall be the first date after the date of the determination made under this paragraph, or, if later, there are extenuating
covenants for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary.

(F) TRAINING NOT AVAILABLE.—Training approved by the Secretary is not available in an amount necessary for training approved by the Secretary for either governmental agencies or private sources (which may include area vocational education schools, as defined in sections 230(a) and 235(c)(2) of the Carl D. Perkins Vocational and Technical Education Act of 1990 (20 U.S.C. 2302), and employers), no training that is suitable for the worker is available at a reasonable cost, or on which the worker would be entitled (determined without regard to any disqualification under section 235(b)) to a trade adjustment allowance if the training were to be provided in the period covered by any certification, unless the Secretary determines that the costs of training to which the worker would be entitled if the worker applied for such program are not reasonably available.

(2) DURATION OF WAIVERS.

(A) IN GENERAL.—A waiver issued under paragraph (1) shall be effective for not more than 6 months after the date on which the waiver is issued, unless the Secretary determines otherwise.

(B) REVOCATION.—The Secretary shall revoke a waiver issued under paragraph (1) if the Secretary determines that the basis of a waiver is no longer applicable to the worker.

(3) AMENDMENTS UNDER SECTION 222.—

(A) ISSUANCE BY COOPERATING STATES.—Pursuant to an agreement under section 222, the Secretary may issue a cooperating State to issue waivers as described in paragraph (1).

(B) SUBMISSION OF STATEMENTS.—An agreement under section 222 shall include a requirement that the cooperating State submit to the Secretary the written statements provided under paragraph (1) and a statement of the reasons for the issuance of such waiver.

SEC. 236. WEEKLY AMOUNTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the trade adjustment allowance payable to an adversely affected worker for a week of total unemployment may be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker’s first exhaustion of unemployment insurance (as determined for purposes of section 235(a)(3)(B)) reduced (but not below zero) by—

(1) any training allowance deductible under subsection (c); and

(2) any income that is deductible from unemployment insurance under the disqualification provisions of the applicable State law or Federal law.

(b) ADJUSTMENT FOR WORKERS RECEIVING TRAINING.—

(1) IN GENERAL.—Any adversely affected worker is entitled to a trade adjustment allowance and who is receiving training approved by the Secretary, shall receive for each week in which the worker is undergoing that training, a trade adjustment allowance in an amount (computed for such week) equal to the greater of—

(A) the amount computed under subsection (a); or

(B) the amount of any weekly allowance for that training to which the worker would be entitled under any other Federal law for the training of workers, if the worker applied for that allowance.

(2) ALLOWANCE PAID IN LIEU OF.—Any trade adjustment allowance calculated under paragraph (1) shall be paid in lieu of any training allowance to which the worker would be entitled under any other Federal law.

(3) COORDINATION WITH UNEMPLOYMENT INSURANCE.—Any week in which a worker undergoing training approved by the Secretary receives payments from unemployment insurance shall be subtracted from the total number of weeks for which a worker may receive trade adjustment allowances under this chapter.

(c) ADJUSTMENT FOR WORKERS RECEIVING ALLOWANCES UNDER OTHER FEDERAL LAW.—

(1) REDUCTION IN WEEKS FOR WHICH ALLOWANCE WILL BE PAID.—If a training allowance under any Federal law (other than this Act) is paid to an adversely affected worker for any week of total unemployment preceding the week in which the worker would be entitled (determined without regard to any disqualification under section 235(b)) to a trade adjustment allowance if the training were to be provided in the period covered by any certification, the number of weeks of total unemployment shall be deducted from the total number of weeks of trade adjustment allowance otherwise payable to that worker under section 237.

(2) PAYMENT OF ALLOWANCE.—If the trade adjustment allowance is less than the amount of the trade adjustment allowance to which the worker would be entitled if the worker applied for the trade adjustment allowance, the worker shall receive, when the worker applies for a trade adjustment allowance and is determined to be entitled to the allowance, a trade adjustment allowance for that week equal to the difference between the training allowance and the trade adjustment allowance computed under subsection (b).

SEC. 237. LIMITATIONS ON TRADE ADJUSTMENT ALLOWANCES.

(a) AMOUNT PAYABLE.—The maximum amount of any trade adjustment allowance payable to an adversely affected worker, with respect to the period covered by any certification, shall be the product of 104 multiplied by the trade adjustment allowance payable to the worker for any week of total unemployment (as determined under section 236) reduced by the total sum of the regular State unemployment insurance to which the worker was entitled (or would have been entitled if the worker had applied for unemployment insurance) in the worker’s first benefit period described in section 235(a)(3)(B).

(b) DURATION OF PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a trade adjustment allowance shall not be paid for any week occurring after the close of the 104-week period that begins with the first week following the week in which the adversely affected worker was most recently totally separated.

(2) SPECIAL RULES.—

(A) BREAK IN TRAINING.—For purposes of this chapter, a break in training is treated as participating in a training program approved by the Secretary under section 240(a) during any week that is part of a break in training that does not exceed 30 days if—

(i) the worker was participating in a training program approved under section 240(a) before the beginning of the break in training; and

(ii) the break is provided under the training program.

(B) ON-THE-JOB TRAINING.—No trade adjustment allowance shall be paid to a worker under this chapter for any week during which the worker is receiving on-the-job training, except that a trade adjustment allowance shall be paid if a worker was enrolled in a non-paid compensated training program.

(C) SMALL BUSINESS ADMINISTRATION PILOT PROGRAM.—An adversely affected worker who is participating in a self-employment training program established by the Director of the Small Business Administration pursuant to section 102 of the Trade Adjustment Assistance Reform Act of 2002, shall not be ineligible to receive benefits under this chapter.

(D) ADDITIONAL WEEKS FOR REEMPLOYMENT.—Notwithstanding any other provision of law, an adversely affected worker is entitled to an additional 26 weeks of unemployment insurance payable to the worker under this chapter.

(2) EXTENDED BENEFITS PERIOD.—For the purpose of this section the term ‘‘extended benefit period’’ has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 238. APPLICATION OF STATE LAWS.

(a) IN GENERAL.—Except where inconsistent with the provisions of this Act or any other provision of law determined to be applicable with respect to an extended benefit period, the number of weeks of extended benefits that the worker would, but for this subsection, be entitled to in that extended benefit period shall not be reduced by the number of weeks for which the worker was entitled, during that benefit year, to trade adjustment allowances under this part.

(b) DURATION OF APPLICATION.—The State law determined to be applicable with respect to a separation of an adversely affected worker shall remain applicable for purposes of subsection (a), with respect to a separation until the worker becomes entitled to unemployment insurance under another State law (whether or not the worker has filed a claim for that insurance).

PART III—EMPLOYMENT SERVICES, TRAINING, AND OTHER ALLOWANCES

SEC. 239. EMPLOYMENT SERVICES.

The Secretary shall, in accordance with section 232, as well as by reason of any reasonable effort to secure for adversely affected workers covered by a certification under section 231, counseling, testing, placement, and other services provided for under any other Federal law.

SEC. 240. TRAINING.

(a) APPROVED TRAINING PROGRAMS.—

(1) IN GENERAL.—The Secretary shall approve training programs that include—

(A) on-the-job training or customized training;

(B) any employment or training activity provided through a one-stop delivery system under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2861 et seq.); or

(C) any training program (other than a training program described in paragraph (i)) for which all, or any portion, of the costs of training the worker is paid.

(2) SMALL BUSINESS ADMINISTRATION PILOT PROGRAM.—An adversely affected worker who is participating in a self-employment training program established by the Director of the Small Business Administration pursuant to section 102 of the Trade Adjustment Assistance Reform Act of 2002, shall not be ineligible to receive benefits under this chapter.

(3) ADDITIONAL WEEKS FOR REEMPLOYMENT.—Notwithstanding any other provision of law, an adversely affected worker is entitled to an additional 26 weeks of unemployment insurance payable to the worker under this chapter.

(b) DURATION OF APPLICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or any other provision of law determined to be applicable with respect to an extended benefit period, the number of weeks of extended benefits that the worker would, but for this subsection, be entitled to in that extended benefit period shall not be reduced by the number of weeks for which the worker was entitled, during that benefit year, to trade adjustment allowances under this part.

(c) EXTENDED BENEFITS PERIOD.—For the purpose of this section the term ‘‘extended benefit period’’ has the same meaning given that term in the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 241. TRAINING.

Authorizing the Secretary of the Treasury to issue regulations to carry out the provisions of this Act.
(2) Training agreements.—Before approving any training to which subsection (f)(1)(C) may apply, the Secretary may require that the adversely affected worker enter into an agreement that the Secretary under which the Secretary will not be required to pay under subsection (b) the portion of the costs of the training that the worker has reason to believe will be paid under any other program, or from wages paid under the program, or by the source, described in clause (i) or (ii) of subsection (f)(1)(C).

(3) Limitation on approvals.—The Secretary shall not approve a training program if all of the following apply:

(A) Payment by plan.—Any portion of the costs of the training program are paid under any nongovernmental plan or program.

(B) Right to obtain.—The adversely affected worker has a right to obtain training or funds from a plan or program.

(C) Reimbursement.—The plan or program requires the worker to reimburse the plan or program from funds provided under this chapter, or from wages paid under the training program, for any portion of the costs of that training program paid under the plan or program.

(b) Payment of Training Costs.—

(1) In general.—Subject to paragraph (2), in the case of an approval of a training program under subsection (a), the Secretary shall pay the costs of training approved by the Secretary not later than 6 months after the date on which the certification that covers the worker is issued or the Secretary determines that one of the following applied:

(A) Funding was not available at the time at which the adversely affected worker was required to enter training under paragraph (1).

(B) The adversely affected worker was covered by a waiver issued under section 235(c).

(C) Excessive Payment Insurance Not Required.—The Secretary may approve training, and pay the costs thereof, for an adversely affected worker who is a member of a group certified under section 231 at any time after the date on which the group is certified, without regard to whether the worker has exhausted all rights to any unemployment insurance to which the worker is entitled.

(D) Supplemental Assistance.—

(i) In general.—Subject to paragraphs (2) and (3), if a training program approved by the Secretary under subsection (a) in facilities that are not within commuting distance of a worker’s regular place of employment, the Secretary may authorize supplemental assistance to defray reasonable transportation and subsistence expenses for separate maintenance.

(ii) Transportation expenses.—The Secretary may not authorize payments for travel expenses exceeding the prevailing mileage rate authorized under the Federal travel regulations.

(iii) Subsistence expenses.—The Secretary may not authorize payments for subsistence that exceed the lesser of—

(A) the actual diem expenses for subsistence of the worker; or

(B) an amount equal to 50 percent of the prevailing diem allowance rate authorized under Federal travel regulations.

(f) Special provisions; limitations.—

(1) Limitation on making payments.—If the costs of training an adversely affected worker are paid by the Secretary under subsection (b), no other payment for those training costs may be made under any other provision of Federal law.

(2) No payment of reimbursable costs.—

No payment for the costs of approved training may be made under subsection (b) if those costs—

(i) have already been paid under any other provision of Federal law; or

(ii) are reimbursable under any other provision of Federal law and a portion of those costs has already been paid under that other provision of Federal law.

(c) No payment of costs paid elsewhere.—The Secretary is not required to pay the costs of any training approved under subsection (b) if those costs are paid under any Federal or State program other than this chapter.
“(1) In General.—An adversely affected worker covered by a certification issued under section 231 may file an application with the Secretary for payment of a job search allowance.

(2) AMOUNT OF ALLOWANCE.—The relocation allowance granted to a worker under subsection (a) includes—

(1) 90 percent of the reasonable and necessary expenses (including, but not limited to, subsistence and transportation expenses at levels not exceeding those allowable under section 240(e) specified in regulations prescribed by the Secretary, and the wages received by the worker, the worker’s family, and household effects; and

(2) a lump sum equivalent to 3 times the worker’s expected weekly wage, up to a maximum payment of $1,250.

(c) LIMITATIONS.—A relocation allowance may not be granted to a worker unless—

(1) the relocation occurs within 182 days after the filing of the application for relocation assistance; or

(2) the relocation occurs within 182 days after the conclusion of training, if the worker entered a training program approved by the Secretary under section 224(a).

SEC. 234. SUPPORTIVE SERVICES; WAGE INSURANCE PROGRAM.

(a) SUPPORTIVE SERVICES.—

(1) APPLICATION.—

(A) IN GENERAL.—The State may, on behalf of any adversely affected worker or group of workers covered by a certification issued under section 231—

(i) file an application with the Secretary for services under section 173 of the Workforce Investment Act of 1998 (relating to National Emergency Grants); and

(ii) provide other services under title I of the Workforce Investment Act of 1998.

(B) SERVICES.—The services available under this paragraph include transportation, child care, and other services necessary to enable a worker to participate in activities authorized under this chapter.

(c) EXCEPTION.—Notwithstanding subparagraph (A), a worker receiving payments under this subsection on the date described in subparagraph (A) shall retain such payments for as long as the worker meets the eligibility requirements of this subsection.

(d) STUDIES OF ASSISTANCE AVAILABLE TO ECONOMICALLY DISTRESSED WORKERS.—

(1) STUDY BY THE GENERAL ACCOUNTING OFFICE.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of all assistance provided by the Federal Government for workers facing job loss and economic distress.

(B) REPORT.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Comptroller General shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under subparagraph (A). The report shall include a description of—

(i) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

(ii) eligibility requirements for each of the programs; and

(iii) procedures for applying for and receiving benefits and services under each of the programs.

(C) DISTRIBUTION OF GAO REPORT.—The report described in subparagraph (B) shall be distributed to all one-stop partners authorized under the Workforce Investment Act of 1998.

(d) WAGE INSURANCE PROGRAM.—

(1) IN GENERAL.—Each State shall conduct a study of its assistance programs for workers facing job loss and economic distress.

(2) STUDY BY THE COMPTROLLER GENERAL.—

(A) IN GENERAL.—Each State may conduct a study of its assistance programs for workers facing job loss and economic distress.

(B) GRANTS.—The Comptroller General may award to each State a grant, not to exceed $5,000,000, to enable the State to conduct the study described in subparagraph (A). Each study conducted under this paragraph shall be concluded not later than 2 years after the date of enactment of this Act.

(C) REPORT.—Not later than 1 year after the date of the grant, each State that receives a study shall—

(i) complete the study conducted under this subsection;

(ii) submit a report of the study to the Comptroller General; and

(iii) among the reports submitted by all States, provide to the Comptroller General a report that includes a description of—

(I) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

(II) eligibility requirements for each of the programs; and

(III) procedures for applying for and receiving benefits and services under each of the programs.

(d) STUDIES OF ASSISTANCE AVAILABLE TO ECONOMICALLY DISTRESSED WORKERS.—

(1) STUDY BY THE GENERAL ACCOUNTING OFFICE.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of all assistance provided by the Federal Government for workers facing job loss and economic distress.

(B) REPORT.—Not later than 1 year after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Comptroller General shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under subparagraph (A). The report shall include a description of—

(i) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

(ii) eligibility requirements for each of the programs; and

(iii) procedures for applying for and receiving benefits and services under each of the programs.

(C) DISTRIBUTION OF GAO REPORT.—The report described in subparagraph (B) shall be distributed to all one-stop partners authorized under the Workforce Investment Act of 1998.

(d) WAGE INSURANCE PROGRAM.—

(1) IN GENERAL.—Each State shall conduct a study of its assistance programs for workers facing job loss and economic distress.

(2) STUDY BY THE COMPTROLLER GENERAL.—

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(B) GRANTS.—The Comptroller General may award to each State a grant, not to exceed $5,000,000, to enable the State to conduct the study described in subparagraph (A). Each study conducted under this paragraph shall be concluded not later than 2 years after the date of enactment of this Act.

(C) REPORT.—Not later than 1 year after the date of the grant, each State that receives a study shall—

(i) complete the study conducted under this subsection;

(ii) submit a report of the study to the Comptroller General; and

(iii) among the reports submitted by all States, provide to the Comptroller General a report that includes a description of—

(I) all Federal programs designed to assist workers facing job loss and economic distress, including all benefits and services;

(II) eligibility requirements for each of the programs; and

(III) procedures for applying for and receiving benefits and services under each of the programs.
grant under subparagraph (B) shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the report described in subparagraph (A).

"(D) DISTRIBUTION OF STATE REPORTS.—A report prepared by a State under this paragraph shall be distributed to all the one-stop partners in the State.

"Subchapter D—Payment and Enforcement Provisions

SEC. 244. PAYMENTS TO STATES. 

(a) IN GENERAL.—The Secretary, from time to time, shall certify to the Secretary of the Treasury for payment to each cooperating State, the sums necessary to enable that State as agent of the United States to make payments provided for by this subchapter.

"(b) LIMITATION ON USE OF FUNDS.—

"(1) IN GENERAL.—All money paid to a cooperating State under this section shall be used solely for the purposes for which it is paid.

"(2) RETURN OF FUNDS NOT SO USED.—Money paid that is not used for the purpose for which it is paid under subsection (a) shall be returned to the Secretary of the Treasury at the time specified in the agreement entered into under section 222.

"(c) SURETY BOND.—Any agreement under section 222 may require any officer or employee of the cooperating State certifying payments or disbursing funds under the agreement or otherwise participating in the performance of the agreement to bind to the United States in an amount the Secretary deems necessary, and may provide for the payment of the cost of that bond from funds for carrying out the purposes of this chapter.

SEC. 245. LIABILITIES OF CERTIFYING AND DISBURSING OFFICERS. 

"(a) LIABILITY OF CERTIFYING OFFICIALS.—No person appointed by the Secretary, or designated pursuant to an agreement entered into under section 222, as a certifying officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment certified by that person under this chapter.

"(b) LIABILITY OF DISBURSING OFFICERS.—No disbursing officer, in the absence of gross negligence or intent to defraud the United States, shall be liable with respect to any payment by that officer under this chapter if the payment was being certified by a certifying officer designated according to subsection (a).

SEC. 246. FRAUD AND RECOVERY OF OVERPAYMENTS. 

"(a) IN GENERAL.—

"(1) OVERPAYMENT.—If a cooperating State, the Secretary, or a court of competent jurisdiction determines that any person has received any payment under this chapter to which the person was not entitled, including a payment referred to in subsection (b), that person shall be liable to repay that amount to the cooperating State or the Secretary, as the case may be.

"(2) EXCEPTION.—The cooperating State or the Secretary may waive repayment if the cooperating State or the Secretary determines, in accordance with guidelines prescribed by the Secretary, that all of the following apply:

"(A) NO FAULT.—The payment was made without fault on the part of the person.

"(B) REPAYMENT CONTRARY TO EQUITY.—Requiring repayment would be contrary to equity and good conscience.

"(3) PROCEDURE FOR RECOVERY.—

"(A) RECOVERY FROM OTHER ALLOWANCES AUTHORIZED.—Unless an overpayment is otherwise recovered or waived under paragraph (2), the cooperating State or the Secretary shall recover the overpayment by deductions from any sums payable to that person under this chapter, under any Federal unemployment compensation law administered by the cooperating State or the Secretary, or under any other Federal law administered by the cooperating State or the Secretary that provides for the payment of assistance or an allowance with respect to unemployment.

"(B) RECOVERY FROM STATE ALLOWANCES AUTHORIZED.—In addition to any other provision of Federal or State law, the Secretary may require a cooperating State to recover any overpayment under this chapter by deduction from any other unemployment compensation payments to that person under State law, except that no single deduction under this paragraph shall exceed 50 percent of the amount otherwise payable.

"(b) INELIGIBILITY FOR PAYMENTS.—Any person, in addition to any other penalty provided by law, shall be ineligible for any further payments under this chapter if a cooperating State, the Secretary, or a court of competent jurisdiction determines that one of the following applies:

"(1) FALSE STATEMENT.—The person knowingly made, or caused another to make, a false statement of a material fact, and as a result of the false statement or representation, the person received any payment under this chapter to which the person was not entitled.

"(2) FAILURE TO DISCLOSE.—The person knowingly failed, or caused another to fail, to disclose a material fact, and as a result of the non-disclosure, the person received any payment under this chapter to which the person was not entitled.

"(3) HEARING.—Except for overpayments determined under subparagraph (c), the Secretary shall, before determining that any person has received an overpayment under this chapter, give that person an opportunity for a fair hearing.

"(4) RECUPERATION.-—The person knows or is informed, or cause another to come to know or be informed, of any overpayment under this chapter to which the person was not entitled, and

"(5) DISQUALIFICATION.—Except for overpayments determined under subparagraph (d), the Secretary shall, before determining that any person has received an overpayment under this chapter to which the person was not entitled, give that person an opportunity for a fair hearing.

"(c) TRAINING ASSISTANCE.—The Program shall include, at a minimum, training in—

"(1) pre-business startup planning;

"(2) awareness of basic credit practices and credit requirements; and

"(3) developing business plans, financial packages, and credit applications.

"(d) OUTREACH.—The Program shall include outreach to adversely affected workers and counseling and lending partners of the Small Business Administration.

"(e) REPORTS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, the Administrator shall submit quarterly reports to the Committee on Finance and the Committee on Small Business and Entrepreneurship, each such report to be submitted pursuant to an agreement entered into under this section.

"(f) EFFECTIVE DATE.—The Program shall terminate 3 years after the date of final publication of guidelines under subsection (f).

TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 201. REAUTHORIZATION OF PROGRAM. 

(a) IN GENERAL.—Section 256(b) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended to read as follows:

"(B) There are appropriated to the Secretary $16,000,000 for each of fiscal years 2002 through 2007, to carry out the Secretary’s functions under this section in connection with furnishing adjustment assistance to firms. Amounts appropriated under this subsection shall remain available until expended.

"(B) ELIGIBILITY CRITERIA.—Section 231(c) of chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 231(c)) is amended—

"(1) by amending paragraph (1) to read as follows:

"(I) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, and that either—

"(I)(i) sales or production, or both, of the firm have decreased absolutely, or

"(I)(ii) sales or production, or both, of the firm have decreased absolutely, or

"(II) increases in the value or volume of imports of articles like or directly competitive with articles which are produced by such firm constitute a significant cause of the worker separation, or threat thereof, and to such decline in sales or production; or
“(b) a shift in production by the workers’ firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by that firm or subdivision contractually or otherwise. (5) The workers’ separation or threat of separation.”; and
(2) in paragraph (2), by striking “paragraph (1)(C)” and inserting “paragraph (1)(B)”.

TITLE III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 301. PURPOSE.
The purpose of this title is to assist communities with economic adjustment through the integration of technical and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 302. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.
Chapter IV of title II of the Trade Act of 1974 (19 U.S.C. 2571 et seq.) is amended to read as follows:

“CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

“SEC. 301. DEFINITIONS.

“* * *

“Title III— TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 272. OFFICE OF COMMUNITY TRADE ADJUSTMENT.

“(a) ESTABLISHMENT.—Within 6 months of the date of enactment of the Trade Adjustment Assistance Act of 2002, there shall be established in the Office of Economic Adjustment of the Economic Development Administration of the Department of Commerce an Office of Community Trade Adjustment.

“(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities described in this section.

“(c) COORDINATION OF FEDERAL RESPONSE.—The Office shall—

“(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

“(2) establish an easily accessible, one-stop clearinghouse for States and eligible communities to obtain information regarding economic development assistance available under Federal law;

“(3) coordinate the Federal response to an eligible community—

“(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

“(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

“(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning community economic adjustment;

“(D) by identifying and strengthening existing agency mechanisms designed to assist communities in economic adjustment and workforce reemployment;

“(E) by applying consistent policies, practices, and procedures in the administration of Federal programs that most affect the adjustment of communities adversely impacted by an increase in imports or a shift in production;

“(F) by creating, maintaining, and using a uniform economic database to analyze community adjustment activities; and

“(G) by assigning a community economic adjustment advisor to work with each eligible community;

“(4) provide comprehensive technical assistance to any eligible community in the efforts of that community to recover from trade adjustment; and

“(5) identify serious economic problems in the community that result from an increase in imports or shift in production;

“(6) identify and coordinate groups and organizations significantly affected by the economic adjustment;

“(7) organize a Community Economic Development Coordinating Committee;

“(8) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

“(9) diversify and strengthen the community economy; and

“(10) develop a community-based strategic plan to address workforce dislocation and economic development;

“(11) establish specific criteria for submission and evaluation of a strategic plan submitted under section 276(d);

“(12) administer the grant programs established under sections 276 and 277; and

“(13) establish an interagency Trade Adjustment Assistance Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, the Office of the United States Trade Representative, and the National Economic Council.

“(d) WORKING GROUP.—The working group established under subsection (c)(7) shall examine other options for addressing trade impacts on communities, such as:

“(1) seeking legislative language directing the Foreign-Trade Zone Program (‘‘FTZ’’) Board to expedite consideration of FTZ applications from communities or businesses that have been found eligible for trade adjustment assistance.

“(2) seeking legislative language to make new markets tax credits available in communities impacted by trade.

“(3) seeking legislative language to make work opportunity tax credits available for hiring unemployed workers who are certified eligible for trade adjustment assistance.

“(4) examining ways to assist trade impacted rural communities and industries take advantage of the Department of Agriculture’s rural development program.

“SEC. 273. NOTIFICATION AND CERTIFICATION AS AN ELIGIBLE COMMUNITY.

“(a) NOTIFICATION.—The Secretary of Labor, not later than 15 days after making a determination that a group of workers is eligible for trade adjustment assistance under section 231, shall notify the Governor of the State in which the community in which the worker’s firm is located and the Director, of the Secretary’s determination.

“(b) CERTIFICATION.—Not later than 30 days after notification by the Secretary of Labor described in subsection (a), the Director shall certify as eligible for assistance under this chapter a community in which both of the following conditions applies:

“(1) NUMBER OF JOB LOSSES.—The Director finds that—

“(A) in an urban community, at least 500 workers have been certified to receive assistance under section 231; or

“(B) in a rural community, at least 300 workers have been certified to receive assistance under section 231 in the most recent 36-month period preceding the date of certification under this section for which data are available; or

“(2) PERCENT OF WORKFORCE UNEMPLOYED.—The Director finds that the unemployment rate for the community is at least 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available.

“(c) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Not later than 15 days after the Director certifies a community as eligible under subsection (b), the Director shall notify the community—

“(1) of its determination under subsection (b);

“(2) of the provisions of this chapter;

“(3) how to access the clearinghouse established under section 272(c)(2); and

“(4) how to obtain technical assistance provided under section 272(c)(2).

“SEC. 274. COMMUNITY ECONOMIC DEVELOPMENT COORDINATING COMMITTEE.

“(a) ESTABLISHMENT.—In order to provide for comprehensive benefits under this chapter, each eligible community shall establish a Community Economic Development Coordinating Committee certified by the Director as meeting the requirements of subsection (b).

“(b) COMPOSITION OF THE COMMITTEE.—

“(1) LOCAL PARTICIPATION.—The Community Economic Development Coordinating Committee established by an eligible community under section (a) shall include representatives of those groups significantly affected by economic dislocation, such as local, regional, tribal, and State governments, regional councils of governments and economic development, and business, labor, education, health, religious, and other community-based organizations.

“(2) FEDERAL PARTICIPATION.—Pursuant to section 275(b)(3), the community economic adjustment advisor, assigned by the Director to assist an eligible community, shall serve as an ex officio member of the Community Economic Development Coordinating Committee, and shall participate in the activities of the Committee and other Federal agencies on that Committee as necessary.

“(3) EXISTING ORGANIZATION.—An eligible community may designate an existing organization in that community as the Community Economic Development Coordinating Committee if
that organization meets the requirements of paragraph (1) for the purposes of this chapter.

(c) Duties.—The Community Economic Development Coordinating Committee shall:

(1) assess the severity of the community economic adjustment required as a result of the increase in imports or shift in production;

(2) facilitate a dialogue between concerned interests in the community, represent the impacted community, and ensure interests in the community are involved in the development and implementation of a strategic plan, including applying for any grant available under this chapter to develop or implement the strategic plan, and be an eligible recipient for funding for economic adjustment for that community.

SEC. 275. COMMUNITY ECONOMIC ADJUSTMENT ADVISORS.

(a) In General.—Pursuant to section 272(c)(3)(G), the Director shall assign a community economic adjustment advisor to each eligible community.

(b) Duties.—The community economic adjustment advisor shall:

(1) provide technical assistance to the eligible community, assist in the development and implementation of a strategic plan, including applying for any grant available under this chapter to develop or implement the strategic plan;

(2) at the local and regional level, coordinate the response of all Federal agencies offering assistance to the eligible community;

(3) serve as an ex officio member of the Community Economic Development Coordinating Committee established by an eligible community under section 274;

(4) act as liaison between the Community Economic Development Coordinating Committee established by the eligible community and other Federal agencies that offer assistance to eligible communities, including the Department of Agriculture, the Department of Defense, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Treasury, the National Economic Council, and other offices or agencies of the Department of Commerce;

(5) report regularly to the Director regarding the progress of development activities in the community to which the community economic adjustment advisor is assigned; and

(6) perform other duties as directed by the Secretary.

SEC. 276. STRATEGIC PLANS.

(a) In General.—With the assistance of the community economic adjustment advisor, an eligible community may develop a strategic plan for community economic adjustment and diversification.

(b) Requirements for Strategic Plan.—A strategic plan shall contain, at a minimum, the following:

(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used, the anticipated management structure of the Community Economic Development Coordinating Committee, and the community economic adjustment and diversification required as a result of the increase in imports or shift in production;

(2) A description of, and a plan to accomplish, the projects to be undertaken by the eligible community;

(3) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

(4) A description of any alternative development plans that were considered, particularly less costly alternatives, and why those plans were rejected in favor of the proposed plan.

(5) A description of any additional steps the eligible community will take to achieve economic adjustment and diversification, including how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

(6) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

(7) A description of the occupational and workforce conditions in the eligible community, including but not limited to existing levels of workforce skills and competencies, and educational programs available for workforce training and future employment needs.

(8) A description of how the plan will adapt to changing markets, business cycles, and other variables.

(9) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

SEC. 277. GRANTS FOR ECONOMIC DEVELOPMENT.

(a) In General.—The Director, upon receipt of an application from a Community Economic Development Coordinating Committee on behalf of an eligible community, shall award a grant to that community to be used to develop the strategic plan.

(b) Amount.—The amount of a grant made under paragraph (1) shall be determined by the Secretary, but not more than 10 percent of the cost of the project and shall be submitted to the Director for evaluation and approval.

(c) Establishment of Funding Pool.—The Secretary, upon receiving application for a grant, shall establish a funding pool for job creation and diversification for the purpose of applying for any grant available under this chapter to develop or implement the strategic plan.

SEC. 278. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce, for the period beginning on October 1, 2002, and ending September 30, 2007, such sums as may be necessary to carry out the purposes of this chapter.

SEC. 279. GENERAL PROVISIONS.

(a) Report by the Director.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, and annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report regarding the programs established under this title.

(b) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter.

(c) Supplement Not Supplant.—Funds appropriated under this chapter shall be used to supplement and not supplant Federal, State, and local public funds expended to provide economic development assistance for communities.

TITLE IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 401. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) In General.—A petition for a certification under section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 7301 et seq.) is amended by adding at the end the following new chapter:

CHAPTER 6—ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 291. DEFINITIONS.

In this chapter:

(1) AGRICULTURAL COMMODITY.—The term ‘‘agricultural commodity’’ means any agricultural commodity (including livestock), except fish as defined in section 2901 of this Act, in its raw or natural state.

(2) AGRICULTURAL COMMODITY PRODUCER.—The term ‘‘agricultural commodity producer’’ has the same meaning as described by regulations promulgated under section 1001(1) of the Food Security Act of 1985 (7 U.S.C. 7301(5)). The term does not include any person described in section 2901 of this Act.

(3) CONTRIBUTED IMPORTANTLY.—The term ‘‘contributed importantly’’ means a cause which is important but not necessarily more important than any other cause.

(4) DUTY AUTHORIZED REPRESENTATIVE.—The term ‘‘duty authorized representative’’ means an authorized representative of agricultural commodity producers.

(5) NATIONAL AVERAGE PRICE.—The term ‘‘national average price’’ means the national average price in the United States of such agricultural commodity with respect to which a petition was filed, as described by regulations promulgated under section 1001(1) of the Food Security Act of 1985 (7 U.S.C. 7301(5)). The term does not include any person described in section 2901 of this Act.

(6) SECRETARY.—The ‘‘Secretary’’ means the Secretary of Agriculture.

SEC. 292. PETITIONS; GROUP ELIGIBILITY.

(a) In General.—A petition for a certification of eligibility to apply for adjustment assistance under this chapter shall be submitted by the Secretary by a group of agricultural commodity producers or by their duly authorized...
representative. Upon receipt of the petition, the Secretary shall promptly publish notice in the Federal Register that the Secretary has received the petition and initiated an investigation.

(b) The petition or the attorney or any other person found by the Secretary to have a substantial interest in the proceedings, submits not later than 10 days after the date of the Secretary’s publication under subsection (a) a request for a hearing, the Secretary shall provide for a public hearing and afford such interested persons an opportunity to be present, to produce evidence, and to be heard.

(c) Group Eligibility Requirements.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

(1) that the national average price for the agricultural commodity, or a class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 80 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year; and

(2) that increases in imports of articles like or directly competitive with the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is less than 8 percent of the average of the national average price for such agricultural commodity, or such class of goods, for the 5 marketing years preceding the most recent marketing year.

(d) Special Rule for Qualified Subsequent Years.—In any case in which a group of agricultural commodity producers certified as eligible under section 293 shall be eligible to apply for assistance under this chapter in any qualified year after the year the group first certified, if the Secretary determines that—

(1) the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

(2) the requirements of subsection (c)(2) are met

(e) Determination of Qualified Year and Commodity.—In this chapter:

(1) Qualified Year.—The term ‘qualified year’ with respect to a group of agricultural commodity producers certified as eligible under section 293, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (d) of this section.

(2) Classes of Goods within a Commodity.—In any case in which there are separate classes of goods under this chapter, the Secretary shall treat each class as a separate commodity in determining group eligibility, the national average price, and level of imports for purposes of section 296.

SEC. 293. DETERMINATIONS BY SECRETARY OF AGRICULTURE.

(a) In General.—As soon as practicable after the date on which a petition is filed under section 292, the Secretary shall determine whether the petitioning group meets the requirements of section 292 of this chapter and the petition may be, and shall, if the group meets the requirements, issue a certification of eligibility to apply for assistance under this chapter covering agricultural commodity producers in any group that meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

(b) Certification.—Upon making a determination on a petition, the Secretary shall promptly publish a summary of the determination in the Federal Register, together with the Secretary’s reasons for making each determination.

(c) Termination of Certification.—Whenever the Secretary determines, with respect to any certification of eligibility under this chapter, that the decline in price for the agricultural commodity covered by the certification is no longer attributable to the conditions described in section 292 of this chapter, the Secretary shall terminate such certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary’s reasons for making such determination.

SEC. 294. STUDY BY SECRETARY OF AGRICULTURE WHEN INTERNATIONAL TRADE COMMISSION BEGINS INVESTIGATION.

(a) In General.—Whenever the International Trade Commission (referred to as the ‘Commission’) begins an investigation under section 202 with respect to an agricultural commodity, the Commission shall immediately notify the Secretary. Upon receipt of the notification, the Secretary shall immediately conduct a study of—

(1) the number of agricultural commodity producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter, and

(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

(b) Requirements.—Within 15 days after the date on which the Commission makes its report under section 202(f), the Secretary shall submit a report to the President setting forth the findings of the study conducted under subsection (a).

(c) Termination of Certification.—If the Secretary determines that the national average price determined under this chapter in any qualified year after the year in which the group first certified, if the Secretary determines that—

(1) that the national average price for the agricultural commodity, or class of goods within the agricultural commodity, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the producer adjusted gross income of the producer exceeds $2,500,000.

(b) Certification.—To comply with the limitation under subparagraph (A), an individual or entity shall provide to the Secretary—

(1) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income of the producer does not exceed $2,500,000; or

(ii) information and documentation regarding the adjusted gross income of the producer through other procedures established by the Secretary.

(c) Definitions.—In this subsection:

(1) ADJUSTED GROSS INCOME.—The term ‘adjusted gross income’ means adjusted gross income of an agricultural commodity producer—

(i) as defined in section 62 of the Internal Revenue Code of 1986 and implemented in accordance with procedures established by the Secretary; and

(ii) that is earned directly or indirectly from all agricultural and nonagricultural sources of an individual or entity for a fiscal or corresponding crop year.

(2) EFFECTIVE ADJUSTED GROSS INCOME.—(I) In general.—The term ‘average adjusted gross income’ means the average adjusted gross income of a producer for each of the 3 preceding taxable years.

(II) Effective adjusted gross income.—In the case of a producer that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the producer with an effective adjusted gross income for the applicable year.

(d) Amount of Cash Benefits.—

(1) In General.—Subject to the provisions of section 298, an adversely affected agricultural commodity producer described in subsection (a) of this section shall be eligible to apply under this chapter in an amount equal to the product of—

(A) one-half of the difference between the average adjusted gross income of the agricultural commodity producer covered by the application described in subsection (a) of this section, and the average adjusted gross income of the producer for the most recent marketing year, and

(i) the national average price of the agricultural commodity for the most recent marketing year, and

(B) the amount of the agricultural commodity produced by the agricultural commodity producer described in subsection (a) of this section for the most recent marketing year.

(2) Special Rule for Subsequent Qualified Years.—In any case in which the amount of the agricultural commodity produced by the agricultural commodity producer described in subsection (a) of this section for the most recent marketing year is less than the producer’s net farm income for the latest year in which no adjustment assistance was received by the producer under this chapter, the Secretary shall determine that—

(i) the national average price of the agricultural commodity for the most recent marketing year, and

(ii) the amount of the agricultural commodity produced by the agricultural commodity producer described in subsection (a) of this section for the most recent marketing year, and

(iii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected agricultural commodity shall be available to the producer, including yield and marketing improvements.
SEC. 297. FRAUD AND RECOVERY OF OVERPAYMENTS.

(a) IN GENERAL.—

(1) REPAYMENT.—If the Secretary, or a court of competent jurisdiction, determines that any person has received any payment under this chapter to which the person was not entitled, such person shall be liable to repay such amount with interest, and, except that the Secretary may waive such repayment if the Secretary determines, in accordance with guidelines prescribed by the Secretary, that—

(A) the person made a substantial mistake or error, and such person has received any payment under this chapter to which the person was not entitled; or

(B) requiring such repayment would be contrary to equity and good conscience.

(b) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

(c) NOTICE AND DETERMINATION.—

(1) NOTICE.—Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this subsection unless the Secretary promptly causes notice of such determination and an opportunity for a fair hearing thereon has been given to the person concerned, and the determination has become final.

(2) PAYMENT TO TREASURY.—Any amount recovered under this section shall be returned to the Treasury of the United States.

(d) PENALTIES.—Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Department of Agriculture not to exceed $90,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date of enactment of this Act.

SEC. 501. TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

(a) IN GENERAL.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), as amended by title IV of this Act, is amended by adding at the end of the following provisions:

"CHAPTER VII—ADJUSTMENT ASSISTANCE FOR FISHERMEN

SEC. 299. DEFINITIONS.

In this chapter—

(1) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISHERY PRODUCER.—The terms ‘‘commercial fishing’’, ‘‘fish’’, ‘‘fishery’’, ‘‘fishing’’, ‘‘fishing vessel’’, ‘‘person’’, and ‘‘United States fishery producer’’ have the same meanings as such terms have in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(2) PRODUCER.—The term ‘‘producer’’ means any person who—

(A) is engaged in commercial fishing; or

(B) is a United States fishery producer.

(3) CONTRIBUTED IMPORTANTLY.—

(A) IN GENERAL.—The term ‘‘contributed importantly’’ means a cause which is important but not necessarily more important than any other cause.

(B) DETERMINATION OF CONTRIBUTED IMPORTANTLY.—The determination of whether imports of articles like or directly competitive with a fish caught through commercial fishing or processed by a United States fish processor with respect to which a petition under this chapter was filed contributed importantly to a decline in the price of the fish shall be made by the Secretary.

(C) DULY AUTHORIZED REPRESENTATIVE.—The term ‘‘duly authorized representative’’ means an association of producers.

(D) NATIONAL AVERAGE PRICE.—The term ‘‘national average price’’ means the national average price paid to producers for fish in a marketing year as determined by the Secretary.

(7) TRADE ADJUSTMENT ASSISTANCE CENTER.—The term ‘‘Trade Adjustment Assistance Center’’ shall have the same meaning as such term in section 253.

SEC. 299A. DETERMINATION OF ELIGIBILITY.

(a) IN GENERAL.—As soon as practicable after the date on which a petition is filed under section 299A, but in any event not later than 40 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of section 299A, and shall certify a group of producers as eligible for assistance under this chapter.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

The Secretary shall conduct a study of international trade and make a determination whether the petitioning group meets the requirements. Each certification shall specify the date on which eligibility under this chapter begins.

(c) TERMINATION OF CERTIFICATION.—Whenever the Secretary determines, with respect to any enunciated determination of eligibility under this chapter, that the decline in price for the fish covered by the certification is no longer attributable to the conditions described in section 299A, the Secretary shall terminate the certification and promptly cause notice of such termination to be published in the Federal Register, together with the Secretary’s reasons for making such determination.

"SEC. 299D. STUDY BY SECRETARY WHEN INTERNATIONAL TRADE COMMISSION RECOMMENDS INVESTIGATION.

(a) IN GENERAL.—As soon as practicable after the date on which a petition is filed under section 299A, but in any event not later than 30 days after such date, the Commission shall immediately notify the Secretary of the investigation. Upon receipt of the notification, the Secretary shall promptly conduct a study of—

(1) the number of producers producing a like or directly competitive agricultural commodity who have been or are likely to be certified as eligible for adjustment assistance under this chapter; and

(2) the extent to which the adjustment of such producers to the import competition may be facilitated through the use of existing programs.

SEC. 299E. COMMODITY TRAFFIC ADJUSTMENT.

(a) IN GENERAL.—If in any year, the amount appropriated under this chapter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date of enactment of this Act.

(c) SPECIAL RULE FOR QUALIFIED SUBSEQUENT YEARS.—A group of producers certified as eligible under section 299B shall be eligible to apply for adjustment assistance under this chapter in any qualified year after the year the group is first certified, if the Secretary determines that—

(i) the national average price for the fish, or class of fish, produced by the group for the most recent marketing year for which the national average price is available is equal to or less than the price determined under subsection (c)(1); and

(2) the requirements of subsection (c)(2) are met.

(d) DETERMINATION OF QUALIFIED YEAR AND COMMODITY.—In this chapter—

(1) QUALIFIED YEAR.—The term ‘‘qualified year’’, with respect to a group of producers certified as eligible under section 299B, means each consecutive year after the year in which the group is certified that the Secretary makes the determination under subsection (c) or (d), as the case may be.

(2) CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of fish, the Secretary shall treat each class as a separate commodity in determining the qualified year and the national average price, and level of imports under this section and section 299E.
The overcapitalization of any fishery.

and including yield and marketing improvements;

section with respect to the adversely affected fish,

formation and technical assistance that will as-

or agent from a Trade Adjustment Assistance

average of the national average price of the fish

section (a) that was produced by the producer

CASH BENEFITS.—The maximum amount of cash benefits a

shall have a summary of it published in the Fed-

eral Register.

shall promptly make the report pub-

lished of information about the overcapita-

and shall have a summary of it published in the Fed-

eral Register.

“SEC. 299D. BENEFIT INFORMATION TO PRO-

DUCERS.

“(a) IN GENERAL.—The Secretary shall pro-

vide full information to producers about the benefits, the services available under this title and

about the petition and application procedures, and the appropriate filing dates, for such allow-

ances, and shall include a determination and issue a certification of eligibility under section 299B,

if the following conditions are met:

(1) The producer submits to the Secretary sufficient information to establish the amount of

fish covered by the application filed under sub-

section (a) that was produced by the producer in the most recent year.

(2) The producer certifies that the producer has not received cash benefits under any provi-

sion of this title other than this chapter.

(3) The producer’s net fishing or processing income (as determined by the Secretary) for the most recent year is less than the producer’s net fishing or processing income for the latest year in which no adjustment assistance was received by the producer under this chapter.

(4) The producer certifies that—

(A) the producer has met with an employee or agent from a Trade Adjustment Assistance Center to obtain, at no cost to the producer, information and technical assistance that will assist the producer in adjusting to import competi-

tion with respect to the adversely affected fish, including—

(’’i) information regarding the feasibility and desirability of substituting 1 or more alternative fish for the adversely affected fish;

(’’ii) technical assistance that will improve the competitiveness of the production and marketing of the adversely affected fish by the producer, including yield and marketing improvements; and

(’’iii) none of the benefits will be used to purchase, lease, finance, or acquire any new fishing vessel, add capacity to an existing vessel, or otherwise add to the overcapitalization of any fishery.

(b) AMOUNT OF CASH BENEFITS.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

(b) EFFECTIVE DATE.—The amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

TITLE VI—HEALTH CARE COVERAGE

OPtIONS FOR WORKERS ELIGIBLE FOR

TRADE ADJUSTMENT ASSISTANCE

SEC. 601. TRADE ADJUSTMENT ASSISTANCE

HEALTH INSURANCE CREDIT.

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Subsection (b) of section 65 of the Internal Revenue Code of 1986 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

SEC. 6429. TRADE ADJUSTMENT ASSISTANCE

HEALTH INSURANCE CREDIT.

(a) In General.—If an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 70 percent of the amount paid during the tax-

able year for coverage for the taxpayer, the tax-

payer’s spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

(b) ELIGIBLE COVERAGE MONTH.—For purposes of this section—

(1) I N GENERAL.—The term ‘‘eligible coverage month’’ means any month if, as of the first day of such month,

(A) the taxpayer is an eligible individual,

(B) the taxpayer is covered by qualified health insurance,

(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

(D) the taxpayer does not have other specified coverage.

(2) SPECIAL RULES.—

(A) JOINT RETURNS.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

(B) EXCLUSION OF MONTHS IN WHICH INDIVIDUAL IS IMPRISONED.—If an individual is imprisoned during any month, such individual shall be treated as not having satisfied such requirements.

(C) EXCLUSION OF MONTHS IN WHICH INDIVIDUAL IS A FEDERAL, STATE, OR LOCAL GOVERNMENT OFFICIAL.—If an individual is a Federal, State, or local government official during any month, such individual shall be treated as not having satisfied such requirements.

(1) In General.—I N GENERAL.

(2) RECOVERY OF OVERPAYMENT.—Unless an overpayment is otherwise recovered, or waived under paragraph (1), the Secretary shall recover the overpayment by deductions from any sums payable to such person under this chapter.

(3) FALSE STATEMENT.—A person shall, in addition to any other penalty provided by law, be ineligibility for any further payments under this chapter—

(1) if the Secretary, or a court of competent jurisdiction, determines that the person that—

(A) knowingly has made, or caused another to make, a false statement or representation of a material fact; or

(B) knowingly has failed, or caused another to fail, to disclose a material fact; and

(2) as a result of such false statement or rep-

resentation, or of such nondisclosure, such per-

son has received any payment under this chap-

ter to which the person was not entitled.

(4) NOTICE AND DETERMINATION.—Except for overpayments determined by a court of competent jurisdiction, due to any error or omission made by the Secretary or to a person, whether by negligence, reliance on an incorrect statement or representation of a material fact, or improper classification of a taxpayer, the Secretary shall issue a determination and a notice of such determination to the person concerned.

SEC. 299F. FRAUD AND RECOVERY OF OVERPAY-

MENTS.

SEC. 299G. AUTHORIZATION OF APPROPRIA-

TIONS.

(a) In General.—There are authorized to be appropriated and there are appropriated to the Depart-

ment of Commerce not to exceed $10,000,000 for each of the fiscal years 2002 through 2007 to carry out the purposes of this chapter.

(b) PROPORTIONATE REDUCTION.—If in any year, the amount appropriated under this chap-

ter is insufficient to meet the requirements for adjustment assistance payable under this chapter, the amount of assistance payable under this chapter shall be reduced proportionately.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 299F. FRAUD AND RECOVERY OF OVERPAY-

MENTS.

SEC. 601. TRADE ADJUSTMENT ASSISTANCE

HEALTH INSURANCE CREDIT.

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SEC. 6590T. RETURNS RELATING TO TRADE ADJUSTMENT ASSISTANCE HEALTH INSURANCE CREDIT.

(a) Requirement of Reporting.—Every person—

(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d), and

(2) who claims reimbursement for an advance credit amount, shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such reimbursement is claimed.

(b) Form and Manner of Returns.—A return is described in this subsection if such return—

(1) is in such form as the Secretary may prescribe, and

(2) contains—

(A) the name, address, and TIN of each individual referred to in subsection (a),

(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

(C) the manner of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under subpart C of part IV of subchapter A of chapter 1,

(D) other such information as the Secretary may prescribe.

(c) Statements to Be Furnished to Individuals With Respect to Which Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

(d) Advance Credit Amount.—For purposes of this section, the term ‘advance credit amount’ means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.

SEC. 6629. Trade adjustment assistance health insurance credit.

(a) General Rule.—The Secretary shall establish a program for making payments on behalf of eligible individuals (as defined in section 6429(c)) to providers of qualified health insurance for such individuals for whom a qualified health insurance credit eligibility certificate is in effect.

(b) Qualified Health Insurance Credit Eligibility Certificate.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by a designated local agency (as defined in section 6429(d)(11)) (or by any other entity designated by the Secretary) which—

(1) certifies that the individual was an eligible individual (as defined in section 6429(c)) as of the first day of the calendar month and

(2) provides such other information as the Secretary may require for purposes of this section.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(e) Penalties.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 7527. Advance Payment of Trade Adjustment Assistance Health Insurance Credit.

(a) General Rule.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

SEC. 1928. Trade adjustment assistance health insurance credit.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(c) Criminal Penalty for Fraud.—

(1) In General.—Subchapter B of chapter 77 of the Internal Revenue Code of 1986 (relating to other offenses) is amended by adding at the end the following:

SEC. 7276. Penalties for Offenses Relating to Trade Adjustment Assistance Health Insurance Credit.

(a) General Rule.—The Secretary shall impose a civil penalty of not more than $10,000, or imprisonment not more than 1 year, or both, on any person who knowingly misuses Department of the Treasury names, symbols, titles, or initials to convey the false impression of association with, or approval or endorsement by, the Department of the Treasury of any insurance products or group health coverage in connection with the credit for trade adjustment assistance health insurance under subpart C of part IV of subchapter A of chapter 1; with intent to cause loss to any person, or to deprive the United States or any other individual of any right under any provision of law, or for any other offense, and

(b) Effective Date.—The amendments made by this section shall apply to 2002.
SEC. 602. HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS.

(a) ELIGIBILITY FOR GRANTS.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a) (1)) is amended by—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3) by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(4) from funds appropriated under section 174(c)(5)(A)—

(1) to a State to provide the assistance described in subsection (f) to any eligible worker (as defined in subsection (h)(4)(B)); and

(2) to provide the assistance described in subsection (g) to any eligible worker (as defined in subsection (g)(5)).”;

(b) USE OF FUNDS FOR HEALTH INSURANCE COVERAGE.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

“(f) HEALTH INSURANCE COVERAGE ASSISTANCE FOR ELIGIBLE WORKERS.—

“(1) IN GENERAL.—Funds made available to a State under paragraph (4)(A) of subsection (a) may be used by the State for the following:

“(A) HEALTH INSURANCE COVERAGE.—To assist an eligible worker (as defined in paragraph (4)(B)) in enrolling in health insurance coverage through—

(i) COBRA continuation coverage;

(ii) State-based continuation coverage provided by the State under a State law that requires such coverage even though the coverage would not otherwise be required under the provisions of law referred to in paragraph (4)(A); and

(iii) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in health insurance coverage offered through a qualified State high risk pool or other comparable State-based health insurance coverage alternative;

(iv) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in a State-based health insurance program that is comparable to the health insurance program offered for State employees;

(v) the enrollment of the eligible worker and the eligible worker’s spouse and dependents in the health insurance program offered for State employees;

(vi) a direct payment arrangement entered into by the State and a group health plan (including a self-insured plan as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), an issuer of health insurance coverage, an administrator or sponsor of such plan, or the eligible worker’s spouse and dependents;

(vii) the enrollment of the eligible worker who was enrolled in individual health insurance coverage during the 6-month period that ends on the date on which the worker became unemployed, enrollment in such individual health insurance coverage.

“(B) ESTABLISHMENT OF HEALTH INSURANCE COVERAGE MECHANISMS.—To establish or administer a mechanism to—

(i) qualify to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

(ii) does not have other specified coverage; and

(iii) is not imprisoned under Federal, State, or local authority.

“(C) OTHER SPECIFIED COVERAGE.—With respect to any individual, the term ‘other specified coverage’ means—

“(I) SUBSIDIZED COVERAGE.—

“(i) IN GENERAL.—Such individual is covered under any health insurance coverage under which at least 50 percent of the cost of coverage (determined under section 2527 of the Internal Revenue Code of 1986) is paid or incurred by an employer (or former employer) of the individual or the individual’s spouse.

“(ii) TREATMENT OF CAFETTERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of subclause (I), the cost of benefits which are chosen under a cafeteria plan (as defined in section 125(d) of such Code), or provided under a flexible spending or similar arrangement, of such an employer, and which are not includible in gross income under section 106 of such Code, shall be treated as borne by such employer.

“(II) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

(i) is entitled to benefits under part B of title XVII of the Social Security Act; or is entitled under part B of such title, or

(ii) is enrolled in the program under title XIX or XXI of such Act (other than under section 1928).

“(III) CERTAIN OTHER COVERAGE.—Such individual—

(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code;

(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code; or

(iii) is eligible for benefits under the Indian Health Care Improvement Act.

Such term does not include coverage under a qualified long-term care insurance contract (as defined in section 7702B(b)(1) of the Internal Revenue Code of 1986).

“(D) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a)), section 6017(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(b)(1)), and section 601(b)(2) of the Internal Revenue Code of 1986.

“(E) HEALTH INSURANCE COVERAGE.—The term ‘health insurance coverage’ has the meaning given in section 2791(b)(1) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(1)) (other than insurance if substantially all of its coverage is of excepted benefits described in section 2791(c) of such Act (42 U.S.C. 300gg-91(c))).

“(F) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term ‘individual health insurance coverage’ means health insurance coverage offered to individuals other than in connection with a group health plan. Such term does not include Federal- or State-based health insurance coverage.

“(G) QUALIFIED STATE HIGH RISK POOL.—The term ‘qualified State high risk pool’ has the meaning given that term in section 2791(c)(2) of the Public Health Service Act.

“(H) STANDARD LOSS RATIO.—The term ‘standard loss ratio’, with respect to the pool of insured individuals under coverage described in clause (iii), is determined through (vii) of subparagraph (A) for a year, means—

(i) the amount of claims incurred with respect to the pool of insured individuals in each such year, divided by

(ii) the premiums paid for enrollment in each such coverage for such year.
(a) IN GENERAL.—Funds made available to a State under paragraph (4)(B) of subsection (a) may be used to provide health care coverage and may be used by the State to provide assistance in obtaining health care coverage for an eligible worker with such funds, the following rules shall apply:

(1) In general.—Funds made available to a State under paragraph (4)(B) of subsection (a) (as so in effect) to carry out subsection (a)(4)(B) are available to carry out subsection (a)(4)(B) of this title of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002 (section 230(2)).

(2) Availability of funds.—

(A) In general.—Funds made available under section 174(c)(1)(B) to carry out subsection (a)(4)(B) of this title of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as so in effect) are available to carry out subsection (a)(4)(B) of this title of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002 (section 230(2)).

(B) Exception.—Notwithstanding paragraph (1)(A) for each fiscal year 2002; and

(C) Coordination.—The Comptroller General shall:

(i) not later than 15 days after the date on which the Secretary receives a completed application from a State, notify the State of the determination of the Secretary with respect to the approval or disapproval of such application;

(ii) in the case of a State application that is disapproved by the Secretary, provide technical assistance to the State, in a timely manner, to enable the State to submit an approved application; and

(iii) develop procedures to expedite the provision of funds to States with approved applications.

(b) Availability and distribution of funds.—The Secretary shall ensure that funds made available under title 174(c)(1)(B) to carry out subsection (a)(4)(B) are available to States throughout the period described in section 174(c)(1)(B).

(c) Definition of eligible worker.—In this subsection, the term ‘eligible worker’ means an individual who is a member of a group of workers certified as eligible to apply for trade adjustment assistance benefits under chapter 2, 3, or 4 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) before the date that is 60 days after the date the individual meets the eligibility requirements of that chapter, if on or before September 30, 2007, the worker is—

(1) certified as eligible for trade adjustment assistance benefits under section 230(1); and

(2) otherwise eligible to receive trade adjustment assistance benefits under section 230(2).
CHAPTER 3—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 251. Petitions and determinations.
Sec. 252. Approval of adjustment proposals.
Sec. 253. Technical assistance.
Sec. 254. Financial assistance.
Sec. 255. Conditions for financial assistance.
Sec. 256. Delegation of functions to Small Business Administration; authorization of appropriations.
Sec. 257. Certification of financial assistance.
Sec. 258. Protective provisions.
Sec. 259. Penalties.
Sec. 260. Suits.
Sec. 261. Definition of firm.
Sec. 262. Regulations.
Sec. 264. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
Sec. 265. Assistance to industries.

CHAPTER 4—COMMUNITY ECONOMIC ADJUSTMENT

Sec. 271. Definitions.
Sec. 272. Office of Community Trade Adjustment.
Sec. 273. Notification and certification as an eligible community.
Sec. 274. Community Economic Development Program.
Sec. 275. Community economic adjustment advisors.
Sec. 276. Strategic plans.
Sec. 277. Grants for economic development.
Sec. 278. Authorization of appropriations.
Sec. 279. General provisions.

CHAPTER 5—ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 281. Definitions.
Sec. 282. Petition to establish eligibility.
Sec. 283. Determinations by Secretary of Agriculture.
Sec. 284. Study by Secretary of Agriculture when International Trade Commission begins investigation.
Sec. 285. Benefit information to agricultural commodity producers.
Sec. 286. Qualifying requirements for agricultural commodity producers.
Sec. 287. Fraud and recovery of overpayments.
Sec. 288. Authorization of appropriations.

Sec. 289. Definitions.
Sec. 290A. Petitions: group eligibility.
Sec. 290B. Determinations by Secretary.
Sec. 290C. Study by Secretary when International Trade Commission begins investigation.
Sec. 290D. Benefit information to producers.
Sec. 290E. Qualifying requirements for producers.
Sec. 290F. Fraud and recovery of overpayments.
Sec. 290G. Authorization of appropriations.

HIGHLIGHTS OF CONTENTS

Sec. 224. Data collection; evaluations; reports.
Sec. 225. Study by Secretary of Labor when International Trade Commission begins investigation.
Sec. 226. Report by Secretary of Labor on likely impact of trade agreements.

CHAPTER 4—PAYMENT AND ENFORCEMENT PROVISIONS

Sec. 224. Payments to States.
Sec. 225. Liabilities of certifying and disbursing officers.
Sec. 226. Fraud and recovery of overpayments.
Sec. 227. Criminal penalties.
Sec. 228. Authorization of appropriations.
Sec. 229. Regulations.
Sec. 230. Procedural powers.

CHAPTER 5—TRADE ADJUSTMENT ASSISTANCE FOR FISHERMEN

Sec. 292. Petitions and determinations.
Sec. 293. Determinations by Secretary.
Sec. 294. Study by Secretary of Commerce when International Trade Commission begins investigation.
Sec. 295. Benefit information to fisheries.
Sec. 296. Qualifying requirements for fishermen.
Sec. 297. Fraud and recovery of overpayments.
Sec. 298. Authorization of appropriations.

Sec. 299. Definitions.
Sec. 299A. Qualifying requirements for fishermen. (B) CHAPTE...
such Act and inserting ‘‘under section 231 of the Trade Act of 1974, a final determination of the Secretary of Commerce under section 251 of that Act, a final determination of the Secretary of Agriculture under section 299B of the Trade Act of 1974 or a final determination of the Secretary of Commerce under section 299B of that Act’’.

(b) AMENDMENT TO THE FOOD STAMP ACT OF 1977.—Section 6(o)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)(1)(B)) is amended by striking ‘‘section 236’’ and inserting ‘‘section 240’’.

TITLE VIII—SAVINGS PROVISIONS AND EFFECTIVE DATE

SEC. 801. SAVINGS PROVISIONS.

(a) PROCEEDINGS NOT AFFECTED.—

(1) IN GENERAL.—The provisions of this division shall not affect any suit commenced before October 1, 2001, and in all those suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this division had not been enacted.

(b) SUITS NOT AFFECTED.—The provisions of this division shall not affect any suit commenced after October 1, 2001, and all those suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this division had been enacted.

(c) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Government, or by or against any individual in the official capacity of that individual as an officer of the Federal Government, shall be abate by reason of enactment of this Act.

SEC. 802. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in sections 801(b), 801(b), and 701(b)(2)(B), titles II and subsections (a) and (d) of this section, the amendments made by this division shall apply to—

(1) petitions for certification filed under chapter 2 of the Trade Act of 1974 on or after the date that is 90 days after the date of enactment of this Act; and

(2) certifications for assistance under chapter 2 of the Trade Act of 1974 issued on or after the date that is 90 days after the date of enactment of this Act.

(b) WORKERS CERTIFIED AS ELIGIBLE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a), a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under chapter 2 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on such date, if on or before such date, the worker—

(1) was certified as eligible for trade adjustment assistance benefits under such chapter as in effect on such date, and

(2) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on such date.

(c) NO PROVISION BECAME ELIGIBLE DURING QUALIFIED PERIOD.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including sections 201 through 208 of the Trade Act of 1974, any worker who would have been eligible to receive trade adjustment assistance or other benefits under chapter 2 of title II of the Trade Act if 1974 during the qualified period if such chapter 2 had been in effect during such period, shall be eligible to receive trade adjustment assistance and other benefits under such chapter 2 as in effect on September 30, 2001, for any week during the qualified period for which the worker meets the eligibility requirements of such chapter 2 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection, the term ‘‘qualified period’’ means the period beginning on January 1, 2002 and ending on the date that is 90 days after the date of enactment of this Act.

(d) ADJUSTMENT FOR FIRMS.—

(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of law, including section 205 of the Trade Act of 1974, and except as provided in paragraph (2) any firm that would have been eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974 during the qualified period if such chapter 3 had been in effect during such period, shall be eligible to receive adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on September 30, 2001, for any week during the qualified period for which the firm meets the eligibility requirements of such chapter 3 as in effect on September 30, 2001.

(2) QUALIFIED PERIOD.—For purposes of this subsection—

(A) the term ‘‘qualified period’’ means the period beginning on October 1, 2001 and ending on the date that is 90 days after the date of enactment of this Act.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to carry out this section within 1 year after the date of enactment of this Act.

(2) PARTNERSHIPS WITH STATES.—In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States that have the enforcement infrastructure necessary to carry out this section.

(h) ILLUSTRATION.—This section shall apply to the retail sale of a covered commodity beginning on the date that is 180 days after the date of enactment of this Act.

TITLE IX—REVENUE PROVISIONS

SEC. 901. CUSTOM USER FEES.


SEC. 902. SUGAR POLICY.

(a) FINDINGS.—Congress finds that—

(1) the tariff-rate quotas imposed on imports of sugar, syrups and sugar-containing products under chapters 17, 18, 19, and 21 of the Harmonized Tariff Schedule of the United States are an essential element of United States sugar policy;

(2) circumvention of the tariff-rate quotas will, if unchecked, make it impossible to achieve the objectives of United States sugar policy;

(3) the tariff-rate quotas have been circumvented frequently, defeating the purposes of United States sugar policy and disrupting the United States market for sweeteners, injury to domestic growers, refiners, and processors of sugar, and adversely affecting legitimate users of such products;

(4) it is essential to United States sugar policy that the tariff-rate quotas be enforced and that deceptive practices be prevented, including the importation of products with no commercial use and failure to disclose all relevant information to the United States Customs Service; and

(5) unless action is taken to prevent circumvention, the tariff-rate quotas will continue and will ultimately destroy United States sugar policy.

(b) POLICY.—It is the policy of the United States to maintain the integrity of the tariff-rate quotas on sugars, syrups, and sugar-containing products by stopping circumvention as soon as it is discovered and taking appropriate enforcement action.

(c) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the covered commodity at the final point of sale to consumers.

(2) Labeled Commodities.—If the covered commodity is already individually labeled for retail sale, the retailer shall not be required to provide any additional information to comply with this section.

(d) AUDIT.—The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable accounting record for the United States Customs Service; and the Secretary to ensure compliance with the regulations promulgated under subsection (g).

(e) INFORMATION.—Any person engaged in the business of supplying a covered commodity to a retailer shall provide information to the retailer indicating the country of origin of the covered commodity.

(1) IN GENERAL.—

(2) IN GENERAL.—Each Federal agency having jurisdiction over retailers of covered commodities shall, at such time as the necessary regulations are promulgated under the Tariff-Act Procedures Act, adopt measures intended to ensure that the requirements of this section are followed by affected retailers.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to carry out this section within 1 year after the date of enactment of this Act.

(2) PARTNERSHIPS WITH STATES.—In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States that have the enforcement infrastructure necessary to carry out this section.

(h) ILLUSTRATION.—This section shall apply to the retail sale of a covered commodity beginning on the date that is 180 days after the date of enactment of this Act.

SEC. 1002. SUGAR POLICY.

(a) FINDINGS.—Congress finds that—

(1) the tariff-rate quotas imposed on imports of sugar, syrups and sugar-containing products under chapters 17, 18, 19, and 21 of the Harmonized Tariff Schedule of the United States are an essential element of United States sugar policy;

(2) it is essential to United States sugar policy that the tariff-rate quotas be enforced and that deceptive practices be prevented, including the importation of products with no commercial use and failure to disclose all relevant information to the United States Customs Service; and

(3) unless action is taken to prevent circumvention, the tariff-rate quotas will continue and will ultimately destroy United States sugar policy.

(b) POLICY.—It is the policy of the United States to maintain the integrity of the tariff-rate quotas on sugars, syrups, and sugar-containing products by stopping circumvention as soon as it is discovered and taking appropriate enforcement action.
used for animal feed or for run, not be affected by any action taken pursuant to this Act.

(c) IDENTIFICATION OF IMPORTS.—

(1) IDENTIFICATION.—Not later than 30 days after the date of enactment of this Act, and on a regular basis thereafter, the Secretary of Agriculture shall—

(A) identify imports of articles that are circumventing the tariff-rate quotas on sugars, or sugar-containing products imposed under chapter 17, 18, 19, or 21 of the Harmonized Tariff Schedule of the United States; and

(B) report to the President the articles found to be circumventing the tariff-rate quotas.

(2) ACTION BY PRESIDENT.—Upon receiving the report from the Secretary of Agriculture, the President shall, by proclamation, include any article identified by the Secretary in the appropriate tariff-rate quota provision of the Harmonized Tariff Schedule.

TITLE XI—CUSTOMS REAUTHORIZATION

SEC. 1101. SHORT TITLE. This title may be cited as the “Customs Border Security Act of 2002”.

Subtitle A—United States Customs Service

CHAPTER 1—DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL AND COMMERCIAL OPERATIONS

SEC. 1111. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs procedural Reform and Simplification Act of 1990 (19 U.S.C. 2075(b)(1)) is amended—

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

‘‘(A) $866,512,000 for fiscal year 2003;’’.

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

‘‘(B) $131,181,000 for fiscal year 2000;’’.

(b) COMMERCIAL OPERATIONS.—Section 301(b)(2) of the Customs procedural Reform and Simplification Act of 1990 (19 U.S.C. 2075(b)(2)) is amended—

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

‘‘(i) $1,503,482,000 for fiscal year 2003;’’.

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

‘‘(ii) $1,645,009,000 for fiscal year 2004;’’

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs procedural Reform and Simplification Act of 1990 (19 U.S.C. 2075(b)(3)) is amended—

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

‘‘(A) $181,860,000 for fiscal year 2003;’’.

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

‘‘(B) $186,370,000 for fiscal year 2004.’’.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs procedural Reform and Simplification Act of 1990 (19 U.S.C. 2075(b)(1)) (as added by section 1111(a)) is amended—

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

‘‘(A) $3,600,000 for 4 1–MeV pallet x-ray systems.’’

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

‘‘(B) $250,000 for 5 portable contraband detection kits to be distributed among ports where the current allocations are inadequate.’’

(3) in subparagraph (C) to read as follows:

‘‘(C) $2,450,000 for 25 ultrasonic container inspection units.’’

(4) in subparagraph (D) to read as follows:

‘‘(D) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals.’’

(5) in subparagraph (E) to read as follows:

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

SEC. 1112. CONTROLLED AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, THE UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2004.—Of the amounts made available for fiscal year 2004 under section 301(b)(1)(A) of the Customs procedural Reform and Simplification Act of 1990 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, $300,000 shall be available until expended for the purchase of 20 portable truck x-ray systems.

(b) FISCAL YEAR 2005.—Of the amounts made available for fiscal year 2005 under section 301(b)(1)(A) of the Customs procedural Reform and Simplification Act of 1990 (19 U.S.C. 2075(b)(1)(A)), as amended by section 1111(a) of this title, $400,000 shall be available until expended for the purchase of 20 portable truck x-ray systems.

(c) IDENTIFICATION OF IMPORTS.—The Commissioner of Customs shall, by proclamation, include any article identified by the Secretary in the appropriate tariff-rate quota provision of the Harmonized Tariff Schedule.
CHAPTER 2—CHILD CYBER-SMUGGLING CENTER OF THE CUSTOMS SERVICE

SEC. 1121. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service $10,000,000 for fiscal year 2003 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

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

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 1131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES- CANADA BORDER.

Of the amount made available for fiscal year 2003 under paragraphs (1) and (2)(A) of section 301(b) of the Tariff Act of 1930 (19 U.S.C. 2072(b)), as amended by section 1111 of this title, $25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

SEC. 1132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

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

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

SEC. 1133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

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

(b) In conducting the study, the Commissioner—

(1) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 522(b) of title 5, United States Code; and section 1965 of title 18, United States Code; and

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

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

SEC. 1134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

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

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

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

SEC. 1135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

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

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

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

SEC. 1136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 1301(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 5801(a)), is appropriate.

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

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

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

SEC. 1137. AUTHORIZATION OF APPROPRIATIONS FOR CUSTOMS STAFFING.

There are authorized to be appropriated to the Department of Treasury such sums as may be necessary to provide an increase in the annual rate of basic pay—

(1) for all journeyman Customs inspectors and employees of the Customs Service, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an overview of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over- view of the collective bargaining process and impact of the collective bargaining process, including an over-
owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations of the United States Postal Service.

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

(1) full name;
(2) date of birth and citizenship;
(3) gender;
(4) telephone number and country of issuance; and
(5) United States visa number or resident alien card number, as applicable.

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

"(t) the term "land, air, or vessel carrier" means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.

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

SEC. 1144. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 352 the following:

"SEC. 353. EXAMINATION OF OUTBOUND MAIL.

"(a) EXAMINATION.—

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

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

(A) Section 3516 of title 31, United States Code (relating to reporting on exporting and importing monetary instruments).

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


(D) The Export Administration Act of 1965 (50 U.S.C. App. 2401 et seq.).

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


(G) The mechanism in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

(H) The mechanism subject to any other law enforced by the Customs Service.

(2) LIMITATION.—No person acting under the authority of paragraph (1) may, except upon the written authorization of the Secretary of State, regulate, control, prohibit, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

(A) a search warrant has been issued pursuant to rule 41 of the Federal Rules of Criminal Procedure; or

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

(3) SEARCH OF MAIL SEALED AGAINST INSPECTION.

(a) IN GENERAL.—The provisions of this section shall apply to such foreign mail unless the Secretary of State certifies to the Congress, pursuant to subsection (b), that the provisions of this section are consistent with international law and any international obligation of the United States.

(b) CERTIFICATION BY SECRETARY.—Not later than 3 months after the date of enactment of this section, the Secretary of State shall determine whether the application of section 583 of the Tariff Act of 1930 to foreign mail transmitted by the United States that is imported or exported by the United States Postal Service is being handled in a manner consistent with international law and any international obligation of the United States.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) CERTIFICATION WITH RESPECT TO FOREIGN MAIL.—The provisions of section 583 of the Tariff Act of 1930 shall not apply to foreign mail unless the Secretary of State certifies to Congress, pursuant to subsection (b), that the provisions of such section 583 are consistent with international law and any international obligation of the United States.

(d) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 1151. GAO AUDIT OF TEXTILE TRANSSHIPMENT PROVISIONS

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

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

SEC. 1152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations pursuant to the authorization of appropriations for the Customs Service $9,500,000 for fiscal year 2001.

(2) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1), amounts are authorized to be made available for the following purposes:

(A) COMMERCIAL SPECIALISTS.—$1,153,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support investigations, detention and exclusion and 1 additional Customs special agent to assist the Customs Service in the identification of textile transshipment enforcement.

(B) INVESTIGATORS.—At least $1,000,000 for 10 investigators to be assigned to New York City to conduct enforcement operations and carry out other enforcement activities.

(C) INVESTIGATORS.—At least $1,000,000 for investigations in New York City to conduct enforcement activities and field investigations.

SEC. 1164. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations, including the establishment of a new Customs Service facility in New York, New York, such sums as may be necessary for fiscal year 2003.
S4914
CONGRESSIONAL RECORD—SENATE June 3, 2002

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

(4) INTERNATIONAL TRADE SPECIALISTS.—$226,000 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to developing and implementing new anti-transshipment systems.

(3) CUSTOMS PRACTITIONERS.—$151,000 for 2 data reconciliation analysts to review apparel shipments.

(1) SPECIAL AGENTS.—$200,000 for 2 special agents to be assigned to Customs headquarters to be able to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

(2) OFFICE OF THE CHIEF COUNSEL.—$176,500 for the following:

(a) COUNSELORS TO UNITED STATES IMPORTERS.—$60,000 for outreach efforts to United States importers.

(b) CUSTOMS ATTACHES.—$3,000,000 for the following:

(1) OFFICE IN ROME, ITALY, TO ADDRESS THE TRADE ISSUES IN THE GEOGRAPHIC REGION.—$250,000 for (a) office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(2) OFFICE IN MEXICO TO ADDRESS THE TRADE ISSUES IN THE GEOGRAPHIC REGION.—$1,500,000 for the following:

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2003 for the salaries and expenses of 2 additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until September 30, 2003.

Subtitle B—Office of the United States Trade Representative

SEC. 1161. AUTHORIZATION OF APPROPRIATIONS.

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

(1) in subparagraph (A)—

(i) by striking the words “not exceeding” and inserting “not to exceed”;

(ii) by striking clause (ii), and

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

(b) EFFECTIVE DATE.—Paragraph (a) shall be effective upon the date of enactment of this Act.

Subsection B—Trade Promotion Authority

TITLE XXI—Trade Promotion Authority

SEC. 2101. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Bipartisan Trade Promotion Authority Act of 2002.”

(b) FINDINGS.—Congress makes the following findings:

(1) The expansion of international trade is vital to the national security of the United States. Trade is critical to the economic growth and strength of the United States and to its leadership in the world. Stable trading relationships promote security and prosperity. Trade agreements today serve the same purposes that security pacts played during the Cold War, binding nations together through a series of mutual rights and obligations. Leadership by the United States in international trade fosters open markets, democracy, and peace throughout the world.

(2) The national security of the United States depends on its economic strength, which in turn is founded upon a vibrant and growing industrial base. Trade expansion has been the engine of economic growth. Trade agreements maximize opportunities for the creation of jobs and building blocks of the economy of the United States, such as information technology, telecommunications and other leading technologies, basic industrial equipment and supplies, agriculture, environmental technology, and intellectual property. Trade will create new opportunities for the United States and preserve the unparalleled strength of the United States in economic, political, and military affairs. The United States, secured by expanding trade and economic opportunities, will meet the challenges of the twenty-first century.

(3) Support for continued trade expansion requires that dispute settlement procedures under international trade agreements not add to or diminish the rights and obligations contained in such agreements. Nevertheless, in several cases, dispute settlement panels and the WTO Appellate Body have added to obligations and diminished rights and obligations contained in such agreements.
(A) given insufficient deference to the expertise and fact-finding of the Department of Commerce and the United States International Trade Commission;

(B) imposing an obligation concerning the causal relationship between increased imports into the United States and serious injury to domestic industry necessary to support a safeguard, different from the obligation set forth in the applicable WTO Agreement;

(C) imposed an obligation concerning the exclusion from safeguards measures of products imported from countries party to a free trade agreement that is different from the obligation set forth in the applicable WTO Agreement;

(D) imposed obligations on the Department of Commerce with respect to the use of facts available in antidumping investigations that are different from the obligation set forth in the applicable WTO Agreements; and

(E) accorded insufficient deference to the Department of Commerce’s methodology for adjusting countervailing duties following the privatization of a subsidized foreign producer.

SEC. 2102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES—The negotiating objectives of the United States for agreements subject to the provisions of section 2103 are—

(1) T R A D E B A R R I E R S A N D D I S T O R T I O N S .—(A) to expand competitive market opportunities, and provide for the protection and preservation of the environment and enforce international means of doing so, while optimizing the use of the world’s resources.

(2) to foster economic growth, raise living standards, and promote full employment in the United States and to enhance the global economy;

(3) to further strengthen the system of international trading disciplines and procedures, including dispute settlement;

(4) to expand market opportunities, and provide for the promotion of worker rights and the rights of children consistent with core labor standards of the International Labor Organization, as defined in section 2113(2) and an understanding of the relationship between trade and worker rights;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world’s resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization, as defined in section 2113(2) and international standards and promote full employment in the United States and to enhance the global economy;

(b) P R I N C I P A L T R A D E N E G O T I A T I N G O B J E C T I V E S —

(1) T R A D E B A R R I E R S A N D D I S T O R T I O N S .—(A) to achieve increased transparency and open market opportunities, and provide for the reduction or elimination of trade barriers that disproportionately impact small business.

(b) P R I N C I P A L T R A D E N E G O T I A T I N G O B J E C T I V E S —

(1) T R A D E B A R R I E R S A N D D I S T O R T I O N S .—The principal negotiating objectives of the United States regarding trade barriers and other trade distortions are—

(A) to expand competitive market opportunities for United States exports including motor vehicles and vehicle parts and to obtain fair and proper conditions of trade by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, with particular attention to categories covered in section 111(b) of the Uruguay Round Agreement Act (19 U.S.C. 3521(b)).
(B) to require that proposed regulations be based on sound science, cost-benefit analysis, risk assessment, or other objective evidence;
(C) to establish consultative mechanisms among various branches of government to promote increased transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes; and
(D) to achieve the elimination of government measures such as price controls and reference pricing which discriminate against United States products.
(9) ELECTRONIC COMMERCE.—The principal negotiating objectives of the United States with respect to electronic commerce are—
(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization apply to electronic commerce;
(B) to ensure that—
(1) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and
(2) the classification of such goods and services ensures the most liberal trade treatment possible;
(C) to ensure that governments refrain from implementing trade-related measures that impede electronic commerce;
(D) where legitimate policy objectives require domestic regulations that affect electronic commerce, such regulations must be non-discriminatory, transparent, and promote an open market environment; and
(E) to extend the principles of the World Trade Organization on duties on electronic transmissions.
(10) RECIPROCAL TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities and agricultural markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—
(i) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—
(1) giving priority to those products that are subject to significantly higher tariffs or subsidy regressions in foreign countries;
(2) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;
(ii) reducing tariffs to levels that are the same or lower than those in the United States—
(v) developing disciplines for domestic support programs that production that is in excess of domestic food security needs is sold at world prices;
(vi) eliminating Government policies that create price-depressing surpluses;
(vii) eliminating state trading enterprises whenever possible;
(viii) strengthening, clarifying, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities on market access issues; the development of the United States, particularly with respect to import-sensitive products, including—
(I) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises; the development of the United States, particularly with respect to import-sensitive products, including—
(II) unjustified restrictions or commercial policies and practices that distort domestic agriculture, the United States Trade Representative, and the United States agricultural industry;
(III) measures such as price controls and reference pricing, which distort market access in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value-added commodities by—
(vi) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—
(4) giving priority to those products that are subject to significantly higher tariffs or subsidy regressions in foreign countries;
(5) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;
(6) reducing tariffs to levels that are the same or lower than those in the United States—
(1) giving priority to those products that are subject to significantly higher tariffs or subsidy regressions in foreign countries;
(2) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;
(3) reducing tariffs to levels that are the same or lower than those in the United States—
(1) giving priority to those products that are subject to significantly higher tariffs or subsidy regressions in foreign countries;
(2) providing reasonable adjustment periods for United States import-sensitive products, in close consultation with the Congress on such products before initiating tariff reduction negotiations;
(7) maintaining bona fide food assistance programs and preserving United States market development and export credit programs, and
(vii) striving to complete a general multilateral round in the World Trade Organization by January 1, 1999, and to make meaningful market liberalization commitments in agriculture.
(11) TRADE AGREEMENTS.—The principal negotiating objective regarding human rights and democracy is to negotiate trade agreements that require parties to those agreements to—
(A) to ensure that a party to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement,
(B) to seek to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;
(C) to reduce or eliminate government practices or policies that unduly threaten sustainable development;
(F) to expand market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services; and
(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade.
(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to negotiate trade agreements that require parties to those agreements to—
(A) to ensure that a party to a trade agreement to which the United States is already a party, such as the North American Free Trade Agreement and the United States-Canada Free Trade Agreement,
to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is subject to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while avoiding or reducing the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(14) BORDER TAXES.—The principal negotiating objectives of the United States regarding border taxes is to obtain a revision of the WTO agreement described in section 132 of that Act to address—

(a) the effects of border taxes on United States markets to the detriment of the United States;

(b) lower effective rates of protection for the United States, or elimination of import duties, of those in the United States, or elimination of any tax or other charges that decrease market opportunities for United States exports to those markets;

(c) the effects of border taxes on United States market access opportunities or distort trade and apparel markets to the detriment of the United States;

(d) the effects of border taxes on United States exports to those markets; and

(e) the effects of border taxes on United States market access opportunities or distort trade and apparel markets to the detriment of the United States.

(15) WTO EXTENDED NEGOTIATIONS.—The principal negotiating objectives of the United States regarding the trade-related aspects of the WTO agreement set forth in section 133(c) of the Uruguay Round Agreements Act (19 U.S.C. 3535(c)) and regarding rules of origin are the conclusion of an agreement described in section 132 of that Act (19 U.S.C. 3532).

(16) TEXTILE NEGOTIATIONS.—

(A) IN GENERAL.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles is to obtain competitive opportunities for United States exports of textiles and apparel;

(B) SCOPE OF OBJECTIVE.—The negotiating objectives set forth in subparagraph (A) apply with respect to trade in textile and apparel articles to be addressed in any trade agreement entered into under section 2103 (a) or (b), including any trade agreement entered under section 2103 (a) or (b) that is in addition to or trade agreement to which the United States is already a party.

(17) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the trade-related aspects of the worst forms of child labor are—

(A) to prevent distortions from the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international trade;

(B) to prevent unfair and illegitimate competition based upon the worst forms of child labor, in whole or in part, in the production of goods for export in international trade; and

(C) to provide for the prevention of the worst forms of child labor, especially in the conduct of international trade.

(18) PROMOTION OF CERTAIN PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) seek greater cooperation between the WTO and the ILO;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 2113(2)), and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(3) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the content and operation of such mechanisms;

(4) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 of November 16, 1999 and the relevant guidelines, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such reviews;

(5) review the impact of future trade agreements on the United States employment, modeled in accordance with Executive Order 13141 of November 16, 1999 and the relevant guidelines, including the impact on job security, the level of compensation of new jobs, and existing jobs, the displacement of employment, and the regional distribution of the impact of the agreement; and

(6) prepare, in consultation with the international trade agreements and alternative models of employment analysis, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on such review, and make that report available to the public.

(19) REQUEST FOR REPORTS TO THE SENATE.—Upon the enactment of this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor report of good faith negotiation with the United States if needed;

(20) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor report of good faith negotiation with the United States if needed;

(B) to seek enforcement mechanisms; and

(21) report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement;

(22) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unannounced changes in the trade laws or policies of any country engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

The report required under paragraph (11) shall include all trade laws, regulations, and other provisions affecting trade and investment agreements, consistent with Executive Order 12459 of December 12, 1989, and report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the impact on job security, the level of compensation of new jobs and existing jobs, the displacement of employment, and the regional distribution of the impact of the agreement resulting from the trade agreement.

(23) CONCILIATION.—The President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement;

(24) seek to establish consultative mechanisms among parties to trade agreements to examine the trade consequences of significant and unannounced changes in the trade laws or policies of any country engaged in a pattern of manipulating its currency to promote a competitive advantage in international trade.

(25) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor report of good faith negotiation with the United States if needed.

(26) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor report of good faith negotiation with the United States if needed.

(27) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor report of good faith negotiation with the United States if needed.

(28) in connection with any trade negotiations entered into under this Act, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a meaningful labor report of good faith negotiation with the United States if needed.
policy and negotiations appointed under section 161 of the Trade Act of 1974 (19 U.S.C. 2211), the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Coordinator of the Congressional Oversight Group convened under section 2107; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consults closely and on a timely basis (including immediately before initiating an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY ROUND AGREEMENTS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its obligations under the Uruguay Round Agreements.

SEC. 2103. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(I) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the levels of other antidumping burdens or restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement with such country under this subsection.

(A) A trade agreement may be entered into trade agreements with foreign countries before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty-free or duty-free trade, or

(iii) such additional duties, as the President determines to be required or appropriate to carry out any such trade agreement.

The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem) on the date of the enactment of this Act to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the national duty below that applicable under the Uruguay Round Agreements, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(3) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for a article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President if an industry of articles that may be exempted from staging under this subparagraph.

(4) ROUNDDING.—If the President determines that such action will simplify the computation of rates under this paragraph, the President may round any annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) one-half of 1 percent ad valorem.

(5) OTHER UTILITY OF DUTY REDUCTION THAT MAY NOT BE PROCLAIMED BY REASON OF PARAGRAPH (2) MAY TAKE EFFECT ONLY IF A PROVISION AUTHORIZING SUCH REDUCTION IS INCLUDED WITHIN AN IMPROVEMENT IN AWARD SECTION 2105 AND THAT BILL IS ENACTED INTO LAW.

(6) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (2)(A), (2)(C), and (3) through (5), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act, the President may proclaim a modification of any duty or staging rate reduction forth in Schedule XX, as defined in section 202(5) of that Act, if the United States agrees to such modification or staged rate reduction in a negotiation for the liberalization or harmonization of duties under the auspices of the World Trade Organization.

(7) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS AND ADJUSTMENTS.—Nothing in this subchapter shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NON-TARIFF BARRIERS.—

(I) IN GENERAL.—

(A) DETERMINATION BY PRESIDENT.—Whenever the President determines that—

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy; or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect, and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in clause (i)(C).

(B) AGREEMENT TO REDUCE OR ELIMINATE CERTAIN DISTORTION.—The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A), or

(ii) the prohibition of, or limitation on, the imposition of, such barrier or other distortion.

(C) TIME PERIOD.—The President may enter into a trade agreement under this paragraph before—

(i) June 1, 2005; or

(ii) June 1, 2007, if trade authorities procedures are extended under subsection (c).

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in section 2102 (a) and (b) and the President satisfies the conditions set forth in section 2104.

(3) BILLS QUALIFYING FOR TRADE AUTHORITY PROCEDURES.—

(A) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of section 151 of the Trade Act of 1974 (in this title referred to as "trade authority procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an "implementing bill".

(B) PROVISIONS DESCRIBED.—The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this chapter and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, provisions, necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(4) LIMITATIONS ON TRADE AUTHORITY PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Act of 1974 (trade authority procedures) shall not apply to any provision in an implementing bill being considered by the Senate that modifies or amends, or requires a modification of, any law of the United States that provides safeguards from unfair foreign trade practices to United States businesses or workers, including—

(i) protection from countervailing and anti-dumping duties (title VII of the Tariff Act of 1930; 19 U.S.C. 1671 et seq.);

(ii) protection from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or


(B) POINT OF ORDER IN SENATE.—

(I) IN GENERAL.—When the Senate is considering a trade agreement or an implementing bill, a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and the point of order is sustained by the Majority Leader of the Senate, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(II) WAIVERS AND APPEALS.—

(I) WAIVERS.—Before the Presiding Officer rules on a point of order described in clause (i), and such point of order may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of a majority of the Members of the Senate, duly chosen and sworn.

(II) APPEALS.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless a majority of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(III) DEBATE.—Debate on a motion to waive under subsection (I) or on an appeal of the ruling of the Presiding Officer under subsection (II) shall be limited to 1 hour. The time shall be equally divided between the minority leader and the majority leader, or their designees.

(C) PROCEDURES FOR CONGRESSIONAL TRADE AUTHORITY PROCEDURES.—

(I) IN GENERAL.—Except as provided in section 2106, the trade authorities procedures apply to implementing bills submitted with respect to
trade agreements entered into under subsection (b) before July 1, 2005; and
(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to agreements entered into under subsection (b) after June 30, 2005, and before July 1, 2007, if (and only if)—
(i) in general—requests such extension under paragraph (2); and
(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 30, 2005.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills submitted under subsection (b), the President shall submit to the Congress, not later than March 1, 2005, a written report that contains a request for such extension, together with—
(1) a description of all trade agreements that have been negotiated under subsection (b) and the estimated schedule for submitting such agreements to the Congress for approval;
(2) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and
(3) a statement of the reasons why the extension is requested under the negotiations.

(3) OTHER REPORTS TO CONGRESS.—
(A) REPORT BY THE ADVISORY COMMITTEE.—The President promptly informs the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the President’s decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2005, a written report that contains—
(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and
(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) REPORT BY ITC.—The President shall promptly inform the International Trade Commission of the President’s intention to enter into the negotiations and set forth therein the date on which the President decides to seek an extension requested under paragraph (2).

(4) STATEMENT OF REPORTS.—The reports submitted to the Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—
(A) DEFINITION.—For purposes of paragraph (1), the term ‘extension disapproval resolution’ means a bill, introduced in either House of Congress, the sole matter after the resolving clause of which is as follows: ‘That the President disapproves the request of the President for an extension, under section 2013(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to an agreement entered into under section 2013(b) of that Act after June 30, 2005.’

(B) TREATMENT DESCRIBED IN PARAGRAPH (A)—
(i) may be introduced in either House of the Congress of the United States by any Member of such House;
(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means, and, in addition, to the Committee on Rules;
(C) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—The provisions of section 152 (d) and (e) of the Omnibus Trade and Budget Revitalization Act of 1993 (22 U.S.C. 2252), as added by this Act, and (d) and (e) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) LIMITATION ON ORDER FOR DISAPPROVAL.—
(i) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance;
(ii) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means; and, in addition, by the Committee on Rules; or
(iii) either House to consider an extension disapproval resolution after June 30, 2005.

(6) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral trade agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, and environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 2102(b).
(c) Negotiations Regarding Textiles.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall consult with the Committee on Ways and Means of the House of Representatives and with the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions and recommendations described in the report required under section 2102(c)(9). In the event that the Chairman and ranking member of the Committees, or the President disagrees with respect to one or more conclusions, the report shall contain the separate views of the Chairman and ranking member.

(d) Advisory Committee Reports.—The report required under section 135(c)(1) of the Trade Act of 1974 regarding any trade agreement entered into under section 2103(a) or (b) of the Trade Act of 1974 shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress, a description of those changes to existing law; and

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(e) The implementing bill is enacted into law.

(f) Supporting Information.—The supporting information required under paragraph (2)(C)(iii) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action would achieve the applicable purposes, policies, and objectives of this title; and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);—

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce;

(IV) how the implementing bill meets the standards set forth in section 2102(b)(3); and

(V) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);—

(VI) in the event that the reports described in section 2102(b)(3) and (C) and (D) contain any findings that the proposed amendments are inconsistent with the purposes, policies, and objectives described in section 2102(c)(9), an explanation as to why the President believes such findings to be incorrect.

(3) Reciprocal Benefits.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 2103(b) does not receive benefits under the agreement unless the country is subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) Disclosure of Commitments.—Any agreement or other understanding with a foreign government or governments (whether oral or written) that—

(A) relates to a trade agreement with respect to which Congress enacts implementing legislation under trade authorities procedures, and

(B) is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress, shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) Limitations on Trade Authorities Procedures.—

(1) For Lack of Notice or Consultations.—

(A) In General.—The trade authorities procedures shall not apply to any implementing bill and proposed administrative action with respect to any trade agreements entered into under section 2103(b) if during the 60-day period beginning on
the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreements or agreements, the other House shall have, under the provisions of law affected by a trade agreement, compliance with the negotiated provisions and terms and the status of the applicable negotiations, beginning as soon as practicable after the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide, for other than the trade agreements provided in section 2106(c) with respect to which the President has not notified or consulted in accordance with section 2107(b), (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) and (II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements.

(II) in the Senate (a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairman and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, the President shall meet with the congressional oversight group at all critical periods during the negotiations, including at negotiation sites; and (d) the congressional oversight group, with respect to the procedures supersede other rules only to the extent that they are inconsistent with such other rules; and (E) the rules or procedures of Congress, including any applicable rules of the House of Representatives and the Senate, and the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, and to the same extent as any other rule of that House.

SEC. 2106. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN TRADE AGREEMENTS.—(1) The negotiations for the implementation of the WTO, unless the Secretary of Commerce, or other applicable negotiating parties, or the United States Trade Representative, in accordance with the Bipartisan Trade Promotion Authority Act of 2002 with respect to a trade agreement or trade agreements, or (2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, and to the same extent as any other rule of that House.

(II) in the Senate

(a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairmen and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, and the Chairperson of the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide, for other than the trade agreements provided in section 2106(c) with respect to which the President has not notified or consulted in accordance with section 2107(b), (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) and (II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements.

(II) in the Senate (a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairmen and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, and the Chairperson of the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide, for other than the trade agreements provided in section 2106(c) with respect to which the President has not notified or consulted in accordance with section 2107(b), (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) and (II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements.

(II) in the Senate (a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairmen and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, and the Chairperson of the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide, for other than the trade agreements provided in section 2106(c) with respect to which the President has not notified or consulted in accordance with section 2107(b), (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) and (II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements.

(II) in the Senate (a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairmen and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, and the Chairperson of the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide, for other than the trade agreements provided in section 2106(c) with respect to which the President has not notified or consulted in accordance with section 2107(b), (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) and (II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements.

(II) in the Senate (a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairmen and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, and the Chairperson of the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall provide, for other than the trade agreements provided in section 2106(c) with respect to which the President has not notified or consulted in accordance with section 2107(b), (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (d) and (e)) and (II) guidelines under section 2107(b) have not been developed or met with respect to the negotiations, agreement, or agreements.

(II) in the Senate (a) the chairman and ranking Member of the Committee on Finance and 3 additional members of the same political party. (b) The chairmen and ranking member, or their designees, of the committees of the Senate with jurisdiction over provisions of law affected by a trade agreement, or any trade agreement to which this title applies. (c) The congressional oversight group, and the Chairperson of the Congress, the congressional oversight group established under this section, and the applicable committees and the congressional oversight group described in paragraphs (2)(A) and (2)(B) shall be convened by the President as official advisers to the United States Trade Representative in the negotiations on the trade agreements, or any trade agreement to which this title applies. Each member of the Congress shall be afforded an opportunity to make such recommendations as may be necessary from time to time.
SEC. 2108. ADDITIONAL IMPLEMENTATION AND ENFORCEMENT REQUIREMENTS.

(a) In general.—At the time the President submits to the Congress the final text of an agreement pursuant to section 2105(a)(C), the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border personnel requirements.—A description of additional personnel required at borders, including a list of additional customs and agricultural inspectors.

(2) Agency staffing requirements.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Custom infrastructure requirements.—A description of the additional equipment and facilities needed by the United States Customs Service.

(4) Impact on state and local government.—An analysis of the impact of the implementation of the trade agreement will have on State and local governments as a result of increases in trade.

(5) Cost analysis.—An analysis of the costs associated with the items listed in paragraphs (1) through (4).

(b) Budget submission.—The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

SEC. 2109. COMMITTEE STAFF.

The group of trade promotion authority under this title is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 2107 will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activity.

SEC. 2110. ADJUSTMENTS.

(a) In General.—Title I of the Trade Act of 1974 (19 U.S.C. 2111 et seq.) is amended as follows:

(1) IMPLEMENTING BILL.—

(A) Section 151(b)(1) (19 U.S.C. 2191(b)(1)) is amended by striking “section 1102(a)(1) of the Omnibus Trade and Competitiveness Act of 1988,” and inserting “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002,” and

(B) in subsection (b), by striking “section 1102(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002,” and inserting “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002.”

(b) ADVISORY INTERNATIONAL TRADE COMMISSION.—Section 131 (19 U.S.C. 2515) is amended—

(1) in subsection (a)—

(i) in paragraph (1), by striking “section 123 of this Act or section 1102 (a) or (c) of the Omnibus Trade and Competitiveness Act of 1988,” and inserting “section 2103(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002,” and

(ii) in paragraph (2), by striking “section 1102 (b) or (c) of the Omnibus Trade and Competitiveness Act of 1988,” and inserting “section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002;” and

(2) in subsection (b), by striking “section 1102(a)(1) of the Omnibus Trade and Competitiveness Act of 1988,” and inserting “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002,” and

(c) in subsection (c), by striking “section 1102 of the Omnibus Trade and Competitiveness Act of 1988,” and inserting “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002.”

(3) ADVISORY FROM PRIVATE AND PUBLIC SECTORS.—Section 133 (19 U.S.C. 2153) is amended—


(B) in subsection (e)(1)—

(i) by striking “section 1102 of the Omnibus Trade and Competitiveness Act of 1988” and inserting “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002;” and

(ii) by striking “not later than the date on which the President notifies the Congress under section 1102(a)(1) of such Act of 1988 of his intention to enter into that agreement” and inserting “not later than the date that is 30 days after the date on which the President notifies the Congress under section 5(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002 of the President’s intention to enter into that agreement;” and

(C) in subsection (e)(2), by striking “section 1101 of the Omnibus Trade and Competitiveness Act of 1988” and inserting “section 2102 of the Bipartisan Trade Promotion Authority Act of 2002.”

(4) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) (19 U.S.C. 2212(a)) is amended by striking “or under section 1102 of the Omnibus Trade and Competitiveness Act of 1988” and inserting “or under section 2102 of the Bipartisan Trade Promotion Authority Act of 2002.”

(b) APPLICATION OF CERTAIN PROVISIONS.

For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2115, 2116, and 2117),—

(1) any trade agreement entered into under section 2103 shall be treated as an agreement entered into under section 101 or 102, as appropriate, of the Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 2103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974.

SEC. 2111. REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.

(a) In general.—Not later than 1 year after the date of enactment of this Act, the International Trade Commission shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the economic impact of the United States of the trade agreements described in this section.

(b) AGREEMENTS.—The trade agreements described in this subsection are—

(1) The United States-Israel Free Trade Agreement.

(2) The United States-Canada Free Trade Agreement.

(3) The North American Free Trade Agreement.

(4) The Uruguay Round Agreements.

(5) The Tokyo Round of Multilateral Trade Negotiations.

SEC. 2112. IDENTIFICATION OF SMALL BUSINESS ADVOCATE AT WTO.

(a) In general.—The United States Trade Representative shall publish a report on the identification of a small business advocate at the World Trade Organization Secretariat to examine the impact of WTO agreements on the interests of small and medium-sized enterprises, address the concerns of small- and medium-sized enterprises, and recommend ways to address those interests in trade negotiations involving the World Trade Organization.

(b) ASSISTANT TRADE REPRESENTATIVE.—The Assistant United States Trade Representative for Industry and Telecommunications shall be responsible for ensuring that the interests of small business are considered in all trade negotiations in accordance with the objective described in section 202(a)(8). It is the sense of Congress that the small business functions should be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small business.

(c) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the United States Trade Representative shall prepare and submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the steps taken by the United States Trade Representative to pursue the identification of a small business advocate at the World Trade Organization.

SEC. 2113. DEFINITIONS.

In this title:

(A) AGREEMENT ON AGRICULTURE.—The term "Agreement on Agriculture" means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 2431(d)(2)).

(B) CORE LABOR STANDARDS.—The term "core labor standards" means—

(A) the right of association;

(B) the right to organize and bargain collectively;

(C) a prohibition on the use of any form of forced or compulsory labor;

(D) a minimum age for the employment of children; and

(E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(3) GATT 1994.—The term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3801).

(4) ILO.—The term "ILO" means the International Labor Organization.

(5) IMPORT SENSITIVE AGRICULTURAL PRODUCTS.—The term "import sensitive agricultural product" means an agricultural product with respect to which, as a result of the Uruguay Round Agreements—

(A) the rate of duty was the subject of tariff reductions by the United States, and pursuant to such Agreements, was reduced on January 1, 1995, to a rate which was not less than 9.7 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) became subject to a tariff-rate quota on or after January 1, 1995.

(6) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.
DIVISION C—ANDEN TRADE PREFERENCE ACT

TITLE XXXI—ANDEN TRADE PREFERENCE

SEC. 3101. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Andean Trade Preference Expansion Act.”

(b) 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 trade expanded jobs and expanded export opportunities in both the United States and the Andean region.

(2) The Andean Trade Preference Act has been successful in the United States counternarcotics strategy in the Andean region, promoting export diversification and broad-based economic development that provides sustainable economic growth and reduces drug production, strengthening the legitimate economies of Andean countries and creating viable alternatives to illicit drug activity.

(3) Notwithstanding the success of the Andean Trade Preference Act, the Andean region remains threatened by political and economic instability and 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 receiving 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. 3102. TEMPORARY PROVISIONS.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 2303(b)) is amended to read as follows:

“(b) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under subsection (a) applies to—

“(A) textile 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) footware not designated at the time of the effective date of this title as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974;

“(C) tuna, prepared or preserved in any manner, in airtight containers;

“(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

“(E) 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 rate of duty on such product is equal to or lower than 20 percent and the watch is not designated as a ‘luxury watch’; or

“(F) articles to which reduced rates of duty apply under subsection (c);

“(G) sugars, syrups, and sugar containing products subject to tariff-rate quotas;

“(H) rum and rafia classified in subheading 2208.40 of the HTS;

“(I) yarns and fabric components formed, or components knitted-to-shape, in the United States, from yarns wholly formed in the United States and fabric components formed in the United States that are used in the production of such articles of that producer or entity that are entered during the preceding 1-year period that are used in the production of such articles of that producer or entity that are entered during the preceding 1-year period; and

“(II) development of procedure to ensure compliance.—The United States Customs Service shall develop and implement methods and procedures to ensure compliance with the requirement set forth in clause (II). If the Customs Service finds that a producer or entity controlling production has not satisfied such requirement, then the property described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during the succeeding 1-year period. The aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity that are entered during the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

“(I) DEVELOPMENT OF PROCEDURE TO ENSURE COMPLIANCE.—The United States Customs Service shall develop and implement methods and procedures to ensure compliance with the requirement set forth in clause (II). If the Customs Service finds that a producer or entity controlling production has not satisfied such requirement, then the property described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during the succeeding 1-year period. The aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity that are entered during the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

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“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.

“(J) FABRIC COMPONENTS KNITTED-TO-SHAPE and YARN.—(I) In general.—At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under clause (ii) of subparagraph (A) that is not widely available in commercial quantities in the United States in commercial quantities in a timely manner.
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 strips, zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

‘‘(bb) In the case of an article described in clause (i) of this subparagraph, sewing thread shall not be ineligible for such treatment under this subclause.

‘‘(ii) CERTAIN INTERLININGS.—(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 this subparagraph (aa) include only a chest type plate, ‘hypto’ piece, or ‘sleeve header’, of woven or woift-inserted warp knit construction and of coarse animal hair or man-made filaments.

‘‘(cc) The treatment described in this subparagraph shall terminate if the President makes a determination that United States manufacturers are producing interlinings in the United States in commercial quantities.

‘‘(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains yarns not wholly formed in the United States or in 1 or more ATPEA beneficiary countries shall be ineligible for such eligibility if the total weight of all such yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

‘‘(iv) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article contains yarn that is classifiable under subheading 5402.30.90, 5402.61.90, 5402.68.90, 5402.80.90, 5402.91.00, or 5402.92.00 of the HTS; or

‘‘(v) FINDINGS AND TRIMMINGS.—An article otherwise eligible for preferential treatment under clause (ii) of this subparagraph (A) that is classifiable under subheading 9802.00.80 or 9802.00.90 of the HTS; or

‘‘(vi) DE MINIMIS RULE.—An article otherwise eligible for preferential treatment under clause (ii) of this subparagraph (A) shall not be ineligible for such treatment because the article contains certain 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 article.

‘‘(b) Eligible yarns. —An article containing yarns not wholly formed in the United States in commercial quantities.

‘‘(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains yarns not wholly formed in the United States or in 1 or more ATPEA beneficiary countries shall be ineligible for such eligibility if the total weight of all such yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

‘‘(b) Eligible yarns. —An article containing yarns not wholly formed in the United States in commercial quantities.

‘‘(b) Eligible yarns. —An article containing yarns not wholly formed in the United States in commercial quantities.
“(4) CUSTOMS PROCEDURES.—

(A) IN GENERAL.—

(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall follow customs procedures and practices in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with the determinations promulgated by the Secretary of the Treasury.

(ii) DETERMINATION.—

(A) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, the Secretary 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 paragraph 5 of the NAFTA.

(B) COUNTRY DESCRIBED.—A country is described in this subclause if it is an ATPEA beneficiary country—

(i) in which the article is exported; or

(ii) in which materials used in the production of the article originate; or

(iii) in which the article or such materials undergo production that contributes substantially to the article as a whole.

(C) 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 (2) 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 under the NAFTA.

(D) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each ATPEA beneficiary country—

(i) has cooperated fully with the United States, consistent with its domestic laws and practices, in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

(iii) has penalized the individuals and entities involved in such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from occurring in that third country.

The Trade Representative shall submit to Congress, not later than October 1, 2002, a report on the study conducted under this subparagraph.

(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) ANNEX.—The term ‘‘Annex 4-B’’ of the NAFTA means Annex 4-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 the Andean Trade Preference Act (19 U.S.C. 3202(a)) (or other preferential treatment or other provision for special treatment), as an ATPEA beneficiary country.

(ii) the NAFTA, as defined in section 101(d)(17) of the Uruguay Round Agreements Act (or other preferential treatment)

(iii) the extension of preferential treatment or other provision for special treatment, as described in section 203(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(a)) (or other preferential treatment), as an ATPEA beneficiary country.

(C) ATPEA ORIGINATING GOOD.—

(i) IN GENERAL.—The term ‘‘ATPEA originating good’’ means any article that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to an ATPEA beneficiary country for purposes of this subsection—

(I) no country other than the United States and an ATPEA beneficiary country may be treated as being a party to the NAFTA; and

(ii) any reference to a party shall be deemed to refer to an ATPEA beneficiary country or to the United States and one or more ATPEA beneficiary countries.

(D) TRANSITION PERIOD.—The term ‘‘transition period’’ means any period during which the President determines that the results of a general review of beneficiary countries is deemed to refer to an ATPEA beneficiary country, the period that begins on September 30, 2001, and ends on the earlier of—

(i) February 28, 2006, or (ii) the date on which the FTA or another free trade agreement that makes substantial progress in achieving the negotiating objectives.

(E) Free Trade Area of the Americas.—The term ‘‘FTA’’ means the Free Trade Area of the Americas.

(F) The ANDREAN TRADE PREFERENCE EXPANSION ACT.—Section 203(e) of the Andean Trade Preference Act (19 U.S.C. 3202(e)) is amended by—

(i) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ‘‘in order to qualify for the preferential treatment or other provision for special treatment’’ before the semicolon; and

(C) by adding at the end the following:

(B) The President may, after the requirements of paragraph (2) have been met—

(i) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) or (3) to any article of any country; or

(ii) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) or (3) to any article of any country; or

(iii) withdraw, suspend, or limit the application of preferential treatment under section 204(b) (2) or (3) if such Certificate of Origin is made under subparagraph (A) of clause (ii) has penalized the individuals and entities involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

(iv) whether the country has implemented its relevant procedures and requirements under section 204(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.

(c) REPORTING REQUIREMENTS.—Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended to read as follows:

(1) IN GENERAL.—Not later than December 31, 2002, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

(A) with respect to subsections (c) and (d), the results of a general review of beneficiary countries based on the considerations described in subsections (c) and (d); and

(B) the performance of each beneficiary country or ATPEA beneficiary country, as the case may be, under the criteria set forth in section 204(a)(5)(B).

(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 204(a)(5)(B).

(F) CONFORMING AMENDMENTS.—

(A) Section 202 of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)) is amended by inserting ‘‘or other preferential treatment’’ after ‘‘treatment’’.

(B) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)) is amended by inserting ‘‘or otherwise provided for’’ after ‘‘eligibility’’.

(C) Section 204(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)) is amended by inserting ‘‘or other preferential treatment’’ after ‘‘duty-free treatment’’.

(2) DEFINITIONS.—Section 203(a) of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)) is amended by adding at the end the following:

(4) The term ‘‘NAFTA’’ means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.
The terms ‘WT’ and ‘WTO member’ have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 301).

(a) Definitions for Review—

(1) In General.—Not later than 120 days after the date of enactment of this Act, the President shall promulgate regulations regarding the review of countries and categories under the Andean Trade Preference Act, consistent with section 203(e) of such Act, as amended by this title.

(2) Content of Regulations.—The regulations shall be similar to the regulations regarding eligibility under the Generalized System of Preferences, as amended, and shall include procedures for requesting withdrawal, suspension, or limitations of preferential duty treatment under the Act, conducting reviews of such requests, and implementing the results of the reviews.

SEC. 3103. TERMINATION.

(a) In General.—Section 208(b) of the Andean Trade Preference Act (19 U.S.C. 3206(b)) is amended by inserting

(“(b) TERMINATION OF PREFERENTIAL TREATMENT.—No preferential duty treatment extended to beneficiary countries under this Act shall remain in effect after February 28, 2006.”).

(b) Retroactive Application for Certain Liquidations and Reliquidations—

(1) In General.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), the entry—

(A) of any article to which duty-free treatment (or preferential treatment) under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) would have applied if the entry had been made on December 4, 2001, and

(B) that was made after December 4, 2001, and before the date of the enactment of this Act, and

(C) to which duty-free treatment (or preferential treatment) applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(2) Entry.—As used in this subsection, the term ‘entry’ includes a withdrawal from warehouse for consumption.

(3) Requests.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry, except that a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service to determine the amount refundable.

(a) TITLES XXXI—MISCELLANEOUS TRADE BENEFITS

SEC. 3201. WOOL PROVISIONS.

(a) SHORT TITLE.—This section may be cited as the ‘Wool Manufacturer Payment Clarification and Technical Corrections Act’.

(b) Clarification of Temporary Duty Suspension.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by inserting ‘average’ before ‘diameters’.

(c) Payments to Manufacturers of Certain Wool Products—

(1) PAYMENTS.—Section 505 of the Trade and Development Act of 2000 (Public Law 106-200; 114 Stat. 303) is amended as follows:

(A) First Paragraph.—Amended by—

(i) by striking “In each of the calendar years” and

(ii) by striking “For each of the calendar years”;

and

(iii) by striking “for a refund of duties” and all that follows through the end of the subsection and inserting “for a payment equal to an amount determined pursuant to subsection (d)(1)”.

(B) Subsection (b) is amended to read as follows:

“(b) MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool fabric of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).”.

“(c) WOOL FIBER AND WOOL TOP.—

(1) MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).”.

“(d) Amount Determined Pursuant to Subsection (c).—

(1) IN GENERAL.—Each annual payment to a manufacturer described in subsection (c)(1) who, according to the records of the Customs Service as of September 11, 2001, is eligible for a payment equal to an amount determined by multiplying $30,124,000 by a fraction—

(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by the manufacturer making the claim, and

(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by all the manufacturers described in subsection (c)(1).

(2) MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).”.

“(e) WOOL FABRIC OF IMPORTED WOOL FIBER OR WOOL TOP.—

(1) MANUFACTURERS.—For each of the calendar years 2000, 2001, and 2002, a manufacturer of imported wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a payment equal to an amount determined pursuant to subsection (d)(3).”.

“(f) Payment to Nonimporting Manufacturers.—

(1) IN GENERAL.—Each annual payment to a nonimporting manufacturer described in subsection (b)(2) shall be in an amount equal to one-third of the amount determined by multiplying $597,000 by a fraction—

(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by the nonimporting manufacturer making the claim, and

(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2).

(2) Letters of Intent.—Except for the nonimporting manufacturers described in subsections (b)(2) and (c)(2) who may make claims under this section by virtue of the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, only manufacturers who, according to the records of the Customs Service, filed with the Customs Service before September 11, 2001, letters of intent to establish eligibility to be claimants are eligible to make a claim for a payment under this section.

“AMOUNT ATTRIBUTABLE TO PURCHASES BY NONIMPORTING MANUFACTURERS.—

(A) Amount Attributable.—For purposes of paragraphs (2)(C) and (3)(C), the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by a nonimporting manufacturer shall be the amount the nonimporting manufacturer paid on eligible wool products in calendar year 1999 as evidenced by invoices. The nonimporting manufacturer shall make such calculation and submit the resulting amount to the Customs Service. For purposes of paragraph (2)(C), the Customs Service shall find the dollar equivalent of the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

(B) Eligible Wool Products.—For purposes of subparagraph (A), the term ‘eligible wool products’ refers to imported wool yarn or wool fabric described in subsection (b)(2).

“(C) Nonimporting Manufacturers.—Each annual payment to a nonimporting manufacturer described in subsection (b)(2) shall be in an amount equal to one-third of the amount determined by multiplying $597,000 by a fraction—

(i) the denominator of which is the total amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by the nonimporting manufacturer making the claim, and

(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2)

“(D) Periods of Intent.—Except for the nonimporting manufacturers described in subsections (b)(2) and (c)(2) who may make claims under this section by virtue of the enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act, only manufacturers who, according to the records of the Customs Service, filed with the Customs Service before September 11, 2001, letters of intent to establish eligibility to be claimants are eligible to make a claim for a payment under this section.

“AMOUNT ATTRIBUTABLE.—For purposes of paragraphs (2)(C) and (3)(C), the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by a nonimporting manufacturer shall be the amount the nonimporting manufacturer paid on eligible wool products in calendar year 1999 as evidenced by invoices. The nonimporting manufacturer shall make such calculation and submit the resulting amount to the Customs Service. For purposes of paragraph (2)(C), the Customs Service shall find the dollar equivalent of the amount attributable to the purchases of imported eligible wool products in calendar year 1999 by the nonimporting manufacturer making the claim, and

“(iii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by all the nonimporting manufacturers described in subsection (b)(2).

“(A) Importing Manufacturers.—Each annual payment to an importing manufacturer described in subsection (b)(1) shall be in an amount equal to one-third of the amount determined by multiplying $597,000 by a fraction—

(i) the numerator of which is the amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by the importing manufacturer making the claim, and

(ii) the denominator of which is the total amount attributable to the purchases of imported eligible wool products imported in calendar year 1999 by all the importing manufacturers described in subsection (b)(2).
upon which the calculation is based for a period of five years beginning on the date the affidavit is submitted to the Customs Service.

"(B) ELIGIBLE WOOL PRODUCT.—For purposes of subsection (a) (1)(A), (1)(B), (2)(A), and (3)(A), the amount attributable to the duties paid by a manufacturer shall be the amount shown on the records of the Customs Service as of September 11, 2001, under this section as then in effect.

"(C) SCHEDULE OF PAYMENTS: REALLOCATIONS.—

"(1) SCHEDULE.—Of the payments described in paragraphs (1), (2)(A), and (3)(A), the Customs Service shall make the first installment on or before April 15, 2002, of the payment such manufacturer would have received.

"(2) REALLOCATIONS.—In the event that a manufacturer that would have received payment under subparagraph (A) or (C) of paragraph (1), (2), or (3) ceases to be qualified as such a manufacturer, the amounts otherwise payable to the remaining manufacturer shall be increased on a pro rata basis by the amount of the payment such manufacturer would have received.

"(D) REFERENCE.—For purposes of paragraphs (1)(A) and (6), the records of the Customs Service as of September 11, 2001 are the records of the Wool Duty Unit of the Customs Service on September 11, 2001, as adjusted by the Customs Service to the extent necessary to carry out this section. The amounts so adjusted are not subject to amendment.

"(e) AFFIDAVITS BY MANUFACTURERS.—

"(1) AFFIDAVIT REQUIRED.—A manufacturer may request payment under this section for calendar year 2000, 2001, or 2002, as the case may be, unless that manufacturer has submitted to the Customs Service for that calendar year a signed affidavit that attests that, during that calendar year, the affiant was a manufacturer in the United States described in subsection (a), (b), or (c).

"(2) TIMING.—An affidavit under paragraph (1) shall be valid—

"(A) in the case of a manufacturer described in paragraph (1), (2)(A), or (3)(A) of subsection (a), after January 1, 2001, only if the affidavit is postmarked no later than March 1, 2003.

"(f) OFFSETS.—Notwithstanding any other provision of this section, any amount otherwise payable to a manufacturer in calendar year 2001 and, where applicable, in calendar years 2002 and 2003, shall be reduced by the amount of any payment received by that manufacturer under this section before enactment of the Wool Manufacturer Payment Clarification and Technical Corrections Act.

"(g) DEFINITION.—For purposes of this section, the manufacturer is the party that owns—

"(1) imported worsted wool fabric, of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States, at the time the fabric is cut and sewn in the United States into men’s or boys’ suits, suit-

"(h) APPICLATION.—The provisions of this section shall apply to ceiling fans described in subsection (a) that are entered, or withdrawn from warehouse for consumption—

"(1) on or after the date that is 15 days after the date of enactment of this Act; and

"(2) before July 30, 2002.

"(i) EFFECTIVE DATE.—The amendment made by subsection (a)(2)(B) applies to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2002.

"(j) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 and any amendment made by paragraph (4), the entry of any article—

"(A) that was made on or after January 1, 2002, and

"(B) to which duty-free treatment would have applied if the amendment made by this section had been in effect on the date of such entry, shall be liquidated or reiquidified as if such duty-free treatment applied, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

"(k) ENTRY.—As used in this subsection, the term 'entry' includes a withdrawal from warehouse for consumption.

"(l) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request for liquidation or reliquidation is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

"(A) to locate the entry; or

"(B) to reconstruct the entry if it cannot be located.

"(m) TITLE D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND OTHER PROVISIONS

SEC. 4101. GENERALIZED SYSTEM OF PREFERENCES

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (26 U.S.C. 2465) is amended by striking “September 30, 2001” and inserting “December 31, 2006”.

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

"(n) TITLE E—ENTRY OF CERTAIN ARTICLES—Notwithstanding section 514 of the Tariff Act of 1930 or
any other provision of law, and subject to para- 
graph (2), the entry—
(1) if an article to which duty-free treatment under title V of the Trade Act of 1974 would have been extended if the entry had been made on Sep- tember 30, 2001; and
(2) if it was made after September 30, 2001, and before the date of enactment of this Act; and
(iii) to which duty-free treatment under title V of that Act did not apply.

shall be treated as reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) Entry.—In this subsection, the term “entry” includes a withdrawal from warehouse for consumption.

(2) Requests.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—
(A) to locate the entry; or
(B) to reconstruct the entry if it cannot be located.

SEC. 4102. EXPRESSION OF SOLIDARITY WITH ISRAEL IN ITS FIGHT AGAINST TERRORISM.

(a) Findings.—Congress makes the following findings:
(1) The United States and Israel are now en- gaged in a common struggle against terrorism and are on the frontlines of a conflict that must be won to protect the United States and the world from the scourge of terrorism.
(2) On November 21, 2001, Secretary of State Colin Powell said, “We're fighting a battle and we'll be victorious. The terrorists know that they are going to lose. They're already losing.”

(b) Sense of Congress.—The Congress—
(1) supports the President in his efforts to deepen the friendship between the American and Russian peoples;
(2) further supports the policy objectives of the President mentioned in this section with re- spect to the Russian Federation;
(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and
(4) looks forward to learning the results of the President’s discussions with President Putin and other representatives of the Russian government and Russian society.

SEC. 4203. LIMITATION ON USE OF CERTAIN REV- ENUE.

Notwithstanding any other provision of this Act, no direct appropriation may be made under this Act.

THE CALENDAR

Mr. Reid. Mr. President, I ask unanimous consent it be in order to con- sider the following calendar items en bloc and the Senate proceed to their consideration: Calendar No. 397, H.R. 3789; Calendar No. 392, S. 193; Calendar No. 395, H.R. 1366; Calendar No. 399, H.R. 4486; Calendar No. 396, H.R. 1374; Calendar No. 398, H.R. 3960; the bills be read three times passed, and on the Senate’s part to consider the same en bloc, without any intervening action or debate, and consideration of these items appear separately in the RECORD.

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

TENO RONCALIO POST OFFICE BUILDING

The bill (H.R. 3789) to designate the facility of the United States Postal Service located at 3829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

JOHN A. "JACK" SHEA POST OFFICE BUILDING

The bill (S. 193) to designate the fac- ility of the United States Postal Service located at 201 Main Street, Lake
Placid, New York, as the "John A. "Jack" Shea Post Office Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

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

SECTION 1. JOHN A. "JACK" SHEA POST OFFICE.

(A) DESIGNATION.—The facility of the United States Postal Service located at 201 Main Street in Lake Placid, New York, shall be known and designated as the "John A. "Jack" Shea Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the John A. "Jack" Shea Post Office Building.

HECTOR G. GODINEZ POST OFFICE BUILDING

The bill (H.R. 1366) to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building," was considered, ordered to a third reading, the third time, and passed.

CLARENCE B. CRAFT POST OFFICE BUILDING

The bill (H.R. 4486) to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

PHILIP E. RUPPE POST OFFICE BUILDING

The bill (H.R. 1374) to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

JOSEPH W. WESTMORELAND POST OFFICE BUILDING

The bill (H.R. 3960) to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MEASURES INDEFINITELY POSTPONED

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, June 4; 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 resume consideration of H.R. 4775; further, the Senate recess from 12:30 to 2:15 tomorrow for the weekly party conferences.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 previous order. There being no objection, the Senate, at 3 p.m., adjourned until Tuesday, June 4, 2002, at 10 a.m.
SENNATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 4, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JUNE 5

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Steven Robert Blunt, of Florida, to be a Federal Maritime Commissioner.

Energy and Natural Resources

Business meeting to consider pending calendar business.

10 a.m.

Environment and Public Works

To hold hearings on S. 1586, to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of the Atomic Energy Commission.

Appropriations

Defense Subcommittee

To hold hearings to examine issues surrounding service academy superintendents.

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine Federal responses to lead based paint poisoning.

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

JUNE 6

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Individual with Disabilities Education Act, focusing on accountability.

10 a.m.

Environment and Public Works

Clean Air, Wetlands, and Climate Change Subcommittee

To hold hearings on wetlands, focusing on the impacts of the revisions to the Clean Water Act regulatory definitions of “fill material” and “discharge of fill material.”

SD–406

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold oversight hearings to examine capital investments in Indian country.

SD–538

Appropriations

Intelligence Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the U.S. Forest Service, Department of Agriculture.

SD–116

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

SD–407, Capitol

11:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor.

SD–192

2 p.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR–418

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine penalties for white collar offenses.

SD–226

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for repayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such repayment; S. 1386, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 1824/H.R. 2638, to authorize payments to certain Lake Havasu Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S. 1999, to reauthorize the Mini Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico.

SD–366

Intelligence

To hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

SD–407, Capitol

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine difficulties and solutions concerning nonproliferation disputes and export controls between Russia and China.

SD–342

JUNE 7

9:30 a.m.

Joint Economic Committee

To hold hearings to examine employment-unemployment situation for May.

1334, Longworth Building

10 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine cruise missiles and unmanned aerial vehicle threats to the United States.

SD–192

JUNE 11

11:30 a.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the government of the District of Columbia, focusing on the Anacostia Waterfront Initiative.

SD–192

10 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine cruise missiles and unmanned aerial vehicle threats to the United States.

SD–342

JUNE 12

9:30 a.m.

Governmental Affairs

To hold hearings to examine the status of childhood vaccines.

SD–342

10 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Interior.

SD–124

JUNE 13
HIGHLIGHTS
See Résumé of Congressional Activity.

Senate

Chamber Action
Routine Proceedings, pages S4883–S4929

Measures Introduced: One bill was introduced, as follows: S. 2574.

Measures Reported:

Reported on Wednesday, May 29, during the adjournment:


S. 1991, To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, with an amendment in the nature of a substitute. (S. Rept. No. 107–157)

S. Res. 263, congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States, with an amendment in the nature of a substitute.

S. Res. 272, expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly, with an amendment in the nature of a substitute.

Reported today:

S. Res. 252, expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives, with an amendment in the nature of a substitute and with an amended preamble.

Measures Passed:

Teno Roncalio Post Office Building: Senate passed H.R. 3789, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building", clearing the measure for the President.

John A. "Jack" Shea Post Office Building: Senate passed S. 1983, to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building".

Hector G. Godinez Post Office Building: Senate passed H.R. 1366, to designate the United States Postal Service building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building", clearing the measure for the President.

Clarence B. Craft Post Office Building: Senate passed H.R. 4486, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building", clearing the measure for the President.

Philip E. Ruppe Post Office Building: Senate passed H.R. 1374, to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building", clearing the measure for the President.

Joseph W. Westmoreland Post Office Building: Senate passed H.R. 3960, to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building", clearing the measure for the President.

Supplemental Appropriations Act: Senate began consideration of H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2551, Senate companion measure, as original text.
A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Tuesday, June 4, 2002.

Measures Indefinitely Postponed:

**Teno Roncalio Post Office Building**: S. 1970, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building”.

**Hector G. Godinez Post Office Building**: S. 2217, to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building”.

**Clarence B. Craft Post Office Building**: S. 2433, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building”.

Messages From the House:

Measures Placed on Calendar:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Privilege of the Floor:

Text of H.R. 3009, as Previously Passed:

Adjournment: Senate met at 1 p.m., and adjourned at 3 p.m., until 10 a.m., on Tuesday, June 4, 2002.

**Committee Meetings**

No committee meetings were held.

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**House of Representatives**

**Chamber Action**

The House was not in session today. Pursuant to the provisions of S. Con. Res. 118, providing for a conditional recess or adjournment of the Senate and a conditional adjournment of the House of Representatives, the House stands adjourned until 2 p.m. on Tuesday, June 4, 2002.

**Committee Meetings**

No Committee meetings were held.

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**NEW PUBLIC LAWS**

(For last listing of Public Laws, see DAILY DIGEST of May 22, 2002, p. D534)

H.R. 4592, to name the chapel located in the national cemetery in Los Angeles, California, as the “Bob Hope Veterans Chapel”. Signed on May 29, 2002. (Public Law 107–183)

H.R. 4608, to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the ‘Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center’. Signed on May 29, 2002. (Public Law 107–184)


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**CONGRESSIONAL PROGRAM AHEAD**

Week of June 4 through June 8, 2002

**Senate Chamber**

On Tuesday, Senate will continue consideration of H.R. 4775, Supplemental Appropriations.

During the balance of the week, Senate will continue consideration of H.R. 4775, Supplemental Appropriations, and S. 625, Hate Crimes bill, and any other cleared legislative and executive business.

**Senate Committees**

(Committee meetings are open unless otherwise indicated)

**Committee on Appropriations**: June 4, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine cancer research and prevention issues, 9:30 a.m., SH–216.

June 5, Subcommittee on Defense, to hold hearings to examine issues surrounding service academy superintendents, 10 a.m., SD–192.

June 6, Subcommittee on Interior, to resume hearings on proposed budget estimates for fiscal year 2003 for the
U.S. Forest Service, Department of Agriculture, 10 a.m., SD–116.

June 6, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor, 11:30 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: June 5, Subcommittee on Housing and Transportation, to hold oversight hearings to examine Federal responses to lead based paint poisoning, 2:30 p.m., SD–538.

June 6, Subcommittee on Financial Institutions, to hold oversight hearings to examine capital investments in Indian country, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: June 5, to hold hearings on the nomination of Steven Robert Blust, of Florida, to be a Federal Maritime Commissioner, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: June 4, to hold hearings on the nomination of Kyle E. McSlarrow, of Virginia, to be Deputy Secretary of Energy, 9:45 a.m., SD–366.

June 5, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–366.

June 6, Subcommittee on Water and Power, to hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S.2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; S.1585, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S.1824/H.R. 2828, to authorize payments to certain Lama Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project’s irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S.1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S.1999, to reauthorize the Mni Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, 2:30 p.m., SD–366.

Committee on Environment and Public Works: June 4, to hold hearings on the Kennedy Center, focusing on the proposed Kennedy Center plaza project, 9 a.m., SD–406.

June 4, Full Committee, business meeting to consider S.1917, to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century, 12:30 p.m., S–216, Capitol.

June 5, Full Committee, to hold hearings on S.1586, to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees; and S.1746, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities, 10 a.m., SD–406.

June 6, Subcommittee on Clean Air, Wetlands, and Climate Change, to hold hearings on wetlands, focusing on the impacts of the revisions to the Clean Water Act regulatory definitions of “fill material” and “discharge of fill material.”, 10 a.m., SD–406.

Committee on Finance: June 4, to hold hearings to examine small business and rural economic development, 2:30 p.m., SD–215.

Committee on Governmental Affairs: June 4, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the structure, scope, and effectiveness of U.S. food aid programs, including the role of surplus commodities, and the impact of changes under consideration, 2 p.m., SD–342.

June 6, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine difficulties and solutions concerning nonproliferation disputes and export controls between Russia and China, 2:30 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: June 6, to hold hearings to examine the Individuals with Disabilities Education Act, focusing on accountability, 9:30 a.m., SD–450.

Committee on Indian Affairs: June 4, to hold hearings to examine issues surrounding sacred sites, 10 a.m., SR–485.

Select Committee on Intelligence: June 4, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

June 5, Full Committee, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

June 6, Full Committee, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

June 6, Full Committee, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

Committee on the Judiciary: June 6, to hold oversight hearings on counter-terrorism issues, 9:30 a.m., SH–216.

June 6, Subcommittee on Crime and Drugs, to hold hearings to examine penalties for white collar offenses, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: June 6, business meeting to mark up pending calendar business, 2 p.m., SR–418.

House Chamber

Monday, the House was not in session.

Tuesday, consideration of Suspensions:

(1) H.R. 4073, Microenterprise for Self-Reliance Act Foreign Assistance Act Amendments;
(2) H.R. 4466, National Transportation Safety Board Reauthorization Act;
(3) H.R. 3983, Maritime Transportation Antiterrorism Act of 2002;
(4) H.R. 4800, Repeal of Sunset Provisions for the Expansion of Adoption Credit and Assistance Programs;
(5) H.R. 4823, Repeal of Sunset Provisions Pertaining to the Federal Income Tax Exclusion for Restitution Received by Nazi Victims; and

Wednesday and Thursday, consideration of H.R. 4628, FY 2003 Intelligence Authorization Act (Subject to a Rule);
S. 1572, Export-Import Bank Reauthorization Act Conference Report (Subject to a Rule); and
H.R. 2143, Permanent Death Tax Repeal Act of 2002 (Subject to a Rule).

Friday, no votes are expected.

House Committees

Committee on Agriculture, June 6, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing on Public Safety Concerns and Forest Management Hurdles in the Black Hills National Forest, 1 p.m., 1300 Longworth.

Committee on Appropriations, June 5, Subcommittee on Defense, executive, on the Crusader, 1:30 p.m., H–140 Capitol.

June 5, Subcommittee on the District of Columbia, on Fiscal Year 2003 District of Columbia Budget, 1:30 p.m., 2362 Rayburn.

Committee on Armed Services, June 6, Special Oversight Panel on Terrorism, hearing on the question “Are Yasser Arafat and the Palestinian Authority Credible Partners for Peace?” 8:30 a.m., 2212 Rayburn.

Committee on the Budget, June 5, hearing on International Perspectives on Common Fiscal Issues, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, June 6, Subcommittee on Education, hearing on “Learning Disabilities and Early Intervention Strategies: How to Reform the Special Education Referral and Identification Process;” 10 a.m., 2175 Rayburn.


June 5, Subcommittee on Energy and Air Quality, hearing entitled “Clean Air Act Implementation: Experience of State and Local Regulators,” 2 p.m., 2123 Rayburn.


June 6, Subcommittee on Health, hearing entitled “The National Institutes of Health: Investing in Research to Prevent and Cure Disease;” 10 a.m., 2322 Rayburn.

June 6, Subcommittee on Oversight and Investigations, hearing entitled “DOE’s FreedomCAR: Hurdles, Benchmarks for Progress, and Role in Energy Policy,” 10 a.m., 2123 Rayburn.


June 6, Subcommittee on National Security, Veterans’ Affairs, and International Relations, hearing on “Counterterrorism: Improving the Federal Response;” 10 a.m., 2154 Rayburn.

June 7, Subcommittee on Technology and Procurement Policy, hearing entitled “Coordinated Information Sharing and Homeland Security Technology,” 10 a.m., 2154 Rayburn.

Committee on International Relations, June 5, hearing on Following the Danforth Report: Defining the Next Step on the Path to Peace in Sudan, 10:15 a.m., 2172 Rayburn.

June 6, Subcommittee on International Operations and Human Rights, hearing on An Assessment of Cuba Broadcasting—The Voice of Freedom, 10:30 a.m., 2172 Rayburn.

June 6, Subcommittee on the Middle East and South Asia, hearing on The Current Crisis in South Asia, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, June 4, Subcommittee on Crime, hearing and markup of H.R. 4598, Homeland Security Information Sharing Act, 4 p.m., 2237 Rayburn.


June 5, Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on “DRM: The Consumer Benefits of Today’s Digital Rights Management Solutions;” 2 p.m., 2141 Rayburn.

June 6, full Committee, to continue markup of H.R. 3215, Combating Illegal Gambling Reform and Modernization Act; and to mark up the following bills: H.R. 1452, Family Reunification Act of 2001; H.R. 4623, Child Obscenity and Pornography Prevention Act of 2002; H.R. 4477, Sex Tourism Prohibition Improvement
Act of 2002; and H.R. 4679, Lifetime Consequences for Sex Offenders Act of 2002, 10 a.m., 2141 Rayburn.

Committee on Resources, June 5, hearing on the following bills: H.R. 3048, Russian River Land Act; H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans; and H.R. 4734, Alaska Federal Lands Management Demonstration Project Act, 11 a.m., 1334 Longworth.

June 5, Subcommittee on Water and Power, to mark up H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project; and to hold a hearing on the following bills: H.R. 2202, Lower Yellowstone Reclamation Projects Conveyance Act; and H.R. 3223, Jicarilla Apache Reservation Rural Water System Act, 2 p.m., 1334 Longworth.

June 6, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 3815, Presidential Historic Site Study Act; H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002; and H.R. 4620, America’s Wilderness Protection Act, 2 p.m., 1334 Longworth.

Committee on Rules, June 4, to consider the Conference Report to accompany S. 1372, Export-Import Reauthorization Act of 2002, 5 p.m., H–313 Capitol.

Committee on Small Business, June 6, Subcommittee on Regulatory Reform and Oversight and the Subcommittee on Workforce, Empowerment, and Government Programs, joint hearing on The Cost of Regulations to Small Business, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, June 5, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on U.S. General Services Administration’s Fiscal Year 2003 Capital Investment and Leasing Program, 10 a.m., 2167 Rayburn.

June 6, Subcommittee on Railroads, hearing on Recent Derailments and Railroad Safety, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, June 6, Subcommittee on Benefits, hearing on the status of the VA’s implementation of the VA Claims Processing Task Force’s recommendations, and the potential for a greater VA/Veterans Service Organization “partnership,” 10 a.m., 334 Cannon.

Committee on Ways and Means, June 6, hearing on Corporate Inversions, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, June 5, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Future Imagery Architecture, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Meetings: June 4, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

Joint Meetings: June 5, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

Joint Meetings: June 6, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., S–407, Capitol.

Joint Meetings: June 6, Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 2:30 p.m., S–407, Capitol.

Joint Meetings: June 7, to hold hearings to examine employment-unemployment situation for May, 9:30 a.m., 1334, Longworth Building.
Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

<table>
<thead>
<tr>
<th>January 23 through May 31, 2002</th>
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<td>Days in session</td>
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<td>Congressional Record:</td>
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<td>Public bills enacted into law</td>
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<td>Special reports</td>
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<td>Measures pending on calendar</td>
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<td>Quorum calls</td>
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<tr>
<td>Yea-and-nay votes</td>
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<tr>
<td>Recorded votes</td>
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<tr>
<td>Bills vetoed</td>
</tr>
<tr>
<td>Vetoes overridden</td>
</tr>
</tbody>
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*These figures include all measures reported, even if there was no accompanying report. A total of 24 reports have been filed in the Senate, a total of _____ reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

<table>
<thead>
<tr>
<th>January 23 through May 31, 2002</th>
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<tr>
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<tr>
<td>Civilian Nominations, totaling 405 (including 166 nominations carried over from the First Session), disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
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<tr>
<td>Withdrawn</td>
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<tr>
<td>Other Civilian Nominations, totaling 1,122 (including 535 nominations carried over from the First Session), disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
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<td>Air Force nominations, totaling 3,387 (including 4 nominations carried over from the First Session), disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
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<tr>
<td>Army Nominations, totaling 1,358 (including 53 nominations carried over from the First Session), disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
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<td>Navy Nominations, totaling 1,152, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
</tr>
<tr>
<td>Marine Corps Nominations, totaling 1,722 (including 33 nominations carried over from the First Session), disposed of as follows:</td>
</tr>
<tr>
<td>Confirmed</td>
</tr>
<tr>
<td>Unconfirmed</td>
</tr>
</tbody>
</table>

Summary

Total Nominations carried over from the First Session ................................. 791
Total Nominations Received this Session ................................................. 8,355
Total Confirmed ...................................................................................... 6,956
Total Unconfirmed ................................................................................... 2,186
Total Withdrawn ....................................................................................... 4
Total Returned to the White House ......................................................... 0
Next Meeting of the SENATE
10 a.m., Tuesday, June 4

Senate Chamber
Program for Tuesday: Senate will continue consideration of H.R. 4775, Supplemental Appropriations Act. (Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, June 4

House Chamber
Program for Tuesday: Consideration of Suspensions:
(1) H.R. 4073, Microenterprise for Self-Reliance Act; Foreign Assistance Act Amendments;
(2) H.R. 4466, National Transportation Safety Board Reauthorization Act;
(3) H.R. 3983, Maritime Transportation Antiterrorism Act of 2002;
(4) H.R. 4800, Repeal of Sunset Provisions for the Expansion of Adoption Credit and Assistance Programs;
(5) H.R. 4823, Repeal of Sunset Provisions Pertaining to the Federal Income Tax Exclusion for Restitution Received by Nazi Victims; and