

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 10, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 33, not voting 31, as follows:

[Roll No. 485]

YEAS—369

Abercrombie	Deutsch	Jackson-Lee
Aderholt	Diaz-Balart	(TX)
Allen	Dicks	Jenkins
Andrews	Dingell	John
Armey	Doggett	Johnson (CT)
Baca	Doolittle	Johnson (IL)
Bachus	Doyle	Johnson, E. B.
Baird	Dreier	Jones (OH)
Baker	Duncan	Kanjorski
Baldacci	Dunn	Kaptur
Baldwin	Edwards	Keller
Barcia	Ehlers	Kelly
Barrett	Emerson	Kennedy (MN)
Bartlett	Engel	Kennedy (RI)
Bass	English	Kerns
Becerra	Eshoo	Kildee
Bentsen	Etheridge	Kilpatrick
Bereuter	Evans	Kind (WI)
Berkley	Everett	King (NY)
Berry	Farr	Kingston
Biggert	Fattah	Kirk
Bilirakis	Ferguson	Kleczka
Bishop	Filner	Knollenberg
Blumenauer	Fletcher	Kucinich
Blunt	Foley	LaFalce
Boehlert	Forbes	LaHood
Boehner	Ford	Lampson
Bonilla	Frank	Langevin
Bonior	Frost	Lantos
Bono	Galleghy	Larsen (WA)
Boozman	Ganske	Larson (CT)
Borski	Gekas	Latham
Boswell	Gibbons	LaTourette
Boucher	Gilchrest	Leach
Boyd	Gillmor	Lee
Brady (PA)	Gilman	Levin
Brady (TX)	Goode	Lewis (CA)
Brown (FL)	Goodlatte	Lewis (GA)
Brown (OH)	Gordon	Lewis (KY)
Brown (SC)	Goss	Linder
Bryant	Graham	Lipinski
Burr	Graves	LoBiondo
Burton	Green (TX)	Loftgren
Buyer	Green (WI)	Lowey
Callahan	Greenwood	Lucas (KY)
Calvert	Grucci	Lucas (OK)
Camp	Gutierrez	Lynch
Cannon	Gutknecht	Maloney (NY)
Cantor	Hall (OH)	Manzullo
Capito	Hall (TX)	Markey
Capps	Hansen	Mascara
Cardin	Harman	Matheson
Carson (IN)	Hart	McCarthy (MO)
Carson (OK)	Hastings (FL)	McCarthy (NY)
Castle	Hastings (WA)	McCullum
Chambliss	Hayes	McCrery
Clay	Hayworth	McDermott
Clayton	Hill	McGovern
Clement	Hilleary	McHugh
Clyburn	Hilliard	McInnis
Coble	Hinchey	McIntyre
Collins	Hinojosa	McKinney
Combest	Hobson	McNulty
Condit	Hoefel	Meehan
Conyers	Holden	Meek (FL)
Cooksey	Holt	Meeks (NY)
Costello	Honda	Menendez
Coyne	Hooley	Mica
Cramer	Horn	Millender-
Crane	Houghton	McDonald
Crenshaw	Hoyer	Miller, Gary
Cummings	Hulshof	Miller, George
Cunningham	Hunter	Miller, Jeff
Davis (CA)	Hyde	Mink
Davis (FL)	Inslee	Mollohan
Davis (IL)	Isakson	Moore
Davis, Jo Ann	Israel	Moran (KS)
Davis, Tom	Issa	Moran (VA)
DeFazio	Istook	Morella
DeGette	Jackson (IL)	Murtha

Nadler	Rodriguez	Stump
Napolitano	Roemer	Stupak
Neal	Rogers (KY)	Sweeney
Nethercutt	Rogers (MI)	Tanner
Ney	Ros-Lehtinen	Tauscher
Northup	Rothman	Tazin
Nussle	Roukema	Terry
Oberstar	Royal-Ballard	Thompson (CA)
Obe	Rush	Thompson (MS)
Ortiz	Ryan (WI)	Thornberry
Osborne	Ryun (KS)	Thune
Ose	Sabot	Thurman
Owens	Sanchez	Tierney
Oxley	Sanders	Toomey
Pallone	Sandlin	Towns
Pascarella	Sawyer	Traficant
Pastor	Saxton	Turner
Payne	Schakowsky	Udall (CO)
Pelosi	Schrook	Upton
Peterson (MN)	Scott	Velazquez
Peterson (PA)	Serrano	Visclosky
Petri	Shaw	Vitter
Phelps	Sherman	Walden
Pickering	Sherwood	Waters
Platts	Shimkus	Watkins (OK)
Pombo	Shows	Watson (CA)
Pomeroy	Shuster	Watt (NC)
Portman	Simmons	Watts (OK)
Price (NC)	Smith	Waxman
Pryce (OH)	Smith (TX)	Weiner
Putnam	Smith (WA)	Weldon (PA)
Quinn	Rahall	Whitfield
Rahall	Ramstad	Wicker
Rangel	Rangel	Wilson
Regula	Snyder	Wexler
Rehberg	Solis	Woolsey
Reyes	Spratt	Wu
Reynolds	Stark	Wynn
Rivers	Stearns	Young (FL)

NAYS—33

Akin	Johnson, Sam	Schaffer
Ballenger	Jones (NC)	Sensenbrenner
Chabot	Kolbe	Shadegg
Cox	Largent	Shays
DeLay	Miller, Dan	Smith (MI)
DeMint	Myrick	Stenholm
Flake	Paul	Sununu
Frelinghuysen	Pence	Tancredo
Freel	Pitts	Taylor (MS)
Herger	Rohrabacher	Taylor (NC)
Hoekstra	Royce	Weldon (FL)

NOT VOTING—31

Ackerman	Dooley	Radanovich
Barr	Ehrlich	Riley
Barton	Fossella	Sessions
Berman	Gephardt	Souder
Blagojevich	Gonzalez	Tiahrt
Capuano	Granger	Tiberi
Crowley	Hostettler	Walsh
Cubin	Jefferson	Wamp
Culberson	Luther	Young (AK)
Deal	Maloney (CT)	
Delahunt	Matsui	

□ 1932

Mr. DELAY changed his vote from “yea” to “nay.”

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 253**

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Con. Res. 253.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

**REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2107**

Mr. BECERRA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2107.

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

There was no objection.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

**DEPARTMENT OF TRANSPORTATION POLICY RESPONSIBILITY REALIGNMENT ACT**

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3441) to amend title 49, United States Code, to realign the policy responsibility in the Department of Transportation, and for other purposes.

The Clerk read as follows:

H.R. 3441

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

**SECTION 1. REALIGNMENT OF POLICY RESPONSIBILITY IN THE DEPARTMENT OF TRANSPORTATION.**

(a) Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (g);

(2) by inserting a new subsection (d) as follows:

“(d) The Department has an Under Secretary of Transportation for Policy appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall provide leadership in the development of policy for the Department, supervise the policy activities of Assistant Secretaries with primary responsibility for aviation, international, and other transportation policy development and carry out other powers and duties prescribed by the Secretary. The Under Secretary acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant.”; and

(3) in subsection (e) by striking “Secretary and the Deputy Secretary” each place it appears in the last sentence and inserting “Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy”.

(b) Section 102 of title 49, United States Code, is further amended by striking subsection (g), as redesignated by subsection (a)(1), on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy under section 102(d), as added by subsection (a)(2).

**SEC. 2. ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.**

Section 102(e) of title 49, United States Code, is amended by striking “4 Assistant

Secretaries" and inserting "5 Assistant Secretaries".

**SEC. 3. POSITIONS IN EXECUTIVE SERVICE.**

(a) Section 5314 of title 5, United States Code, is amended by inserting before

"Administrator of the National Highway Traffic Safety Administration." the following:

"Under Secretary of Transportation for Policy."

(b) Section 5315 of title 5, United States Code, is amended by striking

"Assistant Secretaries of Transportation (4)." and inserting the following:

"Assistant Secretaries of Transportation (5)." .

(c) Effective on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy under section 102(d) of title 49, United States Code, as added by section 1(a)(2) of this Act, section 5316 of title 5, United States Code, is amended by striking "Associate Deputy Secretary, Department of Transportation."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 3441 realigns transportation policy responsibility within the Department of Transportation and was requested by the Department. As the Department of Transportation reorganizes and refocuses its efforts to ensure America's transportation security, it is important that it is able to develop policy across transportation modes.

Under the current organization of the Department, policy development is spread over three offices within the Department of Transportation. This results in a fragmented approach to policy development. The purpose of this bill is to provide a seamless, long-range and strategic approach to development of policy in DOT by establishing a new Under Secretary for Transportation Policy, who will be appointed by the President and confirmed by the Senate.

In order to ensure better communication with the public and the press, the bill will also create an Assistant Secretary for Public Affairs. This will round out the management team for the Secretary to allow for better management of the Department.

This bipartisan bill, Mr. Speaker, is also strongly supported by the Department of Transportation. Transportation policy is too important to be undertaken in a haphazard manner in this day when transportation has become so essential to our economic well-being. Proper lines of authority and communication are vital to the continued operation of the Department.

For that reason, I strongly support this bill. I urge my colleagues to do the same.

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

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

I rise in strong support of H.R. 3441, the Department of Transportation Policy Responsibility Realignment Act.

The most important provision in this bill creates a new position in DOT of Under Secretary of Transportation for Policy. The person selected for this important position will be the third-ranking executive in the Department and will be responsible for coordinating the Department's domestic and international policies for all modes of transportation. This type of coordination is the very reason the Department was formed. We certainly should have an official responsible for integrating and coordinating all transportation policy, and developing intermodal transportation.

I am pleased that the administration has announced that if this legislation is passed its nominee will be Jeffrey Shane. Mr. Shane has a long and distinguished career in transportation and was the Department's Assistant Secretary for Policy and International Affairs in the George H. Bush administration. He is superbly qualified for this position, and we are extremely fortunate that he has been willing to give up a successful law practice to return to the government.

I am also pleased that Secretary Mineta has asked Mr. Shane to rebuild the Department's policy staff, especially the aviation policy staff, which has been drastically reduced in recent years. Secretary Mineta has directed Mr. Shane to develop "a world class think tank" at DOT. I enthusiastically support this objective and look forward to working with Mr. Shane on all issues of transportation policy.

I urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat on the Committee on Transportation and Infrastructure, who has distinguished himself in so many ways in keeping the committee moving forward in the 21st century.

Mr. OBERSTAR. I thank the gentleman for those kind words and for yielding me the time.

Mr. Speaker, I am delighted the leadership of the committee has moved quickly to bring this bill to the House floor. I strongly support the initiative to create a new position of Under Secretary for Transportation Policy. It will help this Department to carry out its very significant and far-reaching responsibilities to develop integrated domestic and international transportation policies.

I have had the good fortune of being present at the creation of the Department of Transportation in 1966 when I was administrative assistant to my predecessor in Congress, John Blatnik, who then was chairman of the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations. He was asked by then President Lyndon Johnson to manage and bring to the House

floor legislation to create a Department of Transportation, out of recognition that what we had was a fragmentation, a great diversity of modes of transportation, each with their own stovepipe means of operation but without a single overarching transportation policy.

It was President Johnson's objective to bring all these entities together in one new department that would be able to deal with transportation as an entity. We did that. It took quite some effort to bring together modal administrations that for years had operated on auto pilot, without any coordination, without interaction among them. The first Secretary of Transportation, Alan Boyd, took to the task with great vigor and enthusiasm and his successors have done the same. It has taken well over 30 years to craft a spirit of transportation within the Department.

In the passage of ISTEA, we brought this concept of a Department of Transportation with a culture of transportation to its, I think, logical conclusion. The Intermodal Surface Transportation Efficiency Act really culminated years of effort of creating a transportation spirit and policy and need for intermodal communication within the Department, culminated all in one piece of legislation. It was an extraordinary step forward in the history of transportation in America.

The new Under Secretary will be the third-ranking official in the Department. He will manage all Department-wide offices dealing with policy and with intermodal transportation to develop comprehensive, sound and interrelated transportation policies. I might say that 16 years ago I introduced the first legislation to create a position of under secretary for intermodalism in the Department of Transportation, and it is now coming to be.

Both because the position has been created and because of the person who has been nominated to fill that position, Jeffrey N. Shane, I would say that never in the 35-year history of the Department has a person been named for a position at DOT with better or more appropriate credentials than Jeff Shane, with the sole exception of the current Secretary of Transportation, Norm Mineta.

Jeff comes to this position with the sweep of intellect, with the personal and professional integrity, and with more than 3 decades of professional experience in the Department of State and the Department of Transportation on international aviation trade and policy matters, qualities that will enable him to take command of the duties of the office on which he is about to enter with clarity of purpose, with alacrity and, best of all, without a learning curve.

□ 1945

My experience with Jeff Shane dates back to well over a decade and a half, to his service at State and DOT in both the Ronald Reagan and George H. Bush

administrations. I worked with him extensively on international aviation passenger and cargo trade matters, as well as domestic aviation matters, in my capacity then as chairman of the Subcommittee on Investigations and Oversight and Aviation authorizing subcommittee.

I found Jeff Shane always to be the very model of intellectual integrity; thoroughly knowledgeable on a wide range of issues on which he was called to testify before our committee, well-informed, and, very importantly, a consistently vigilant, vigorous advocate for U.S. aviation interests and a skillful negotiator.

Jeff was the architect of our government's original Open Skies policy to promote competition in our bilateral aviation trade agreements. Under this policy, a great many competitive agreements were negotiated during the first Bush administration, and the Clinton administration continued the policy with great success. The result has been that aviation trade markets in passenger and cargo, in which we once had 30 percent of market share, we now have 60 to 70 percent of market share and are the dominant aviation trade partner.

Jeff Shane's experience extends well beyond aviation to other modes of transportation, as exemplified by a discussion he and I had shortly after the enactment of ISTEA in 1991. Jeff said, "This is one of the most extraordinary, innovative transportation measures ever enacted. It has had the exceptionally beneficial effect of causing all of us at the Assistant Secretary-Policy level to come together, share our thoughts, understand each other's mode of transportation better and to begin thinking, as well as acting, intermodally, something we have long needed to do in this department."

That is an extraordinary observation and admission to make on the part of a policy person in any department, and that reflects the candor with which Jeff approaches his service in the public sector.

Secretary Mineta has said to me several times that he would like Jeff Shane to work to upgrade the department's policy office, and, as he put it, make it a "world-class think tank." We need that. We need that kind of support at the policy level of the Department of Transportation.

Two years ago, I met with Jeff Shane and Charlie Hunnicutt, who had held the Assistant Secretary position during the Clinton Administration, to explore means of upgrading the Department's aviation policy staff, a staff that deals with the most important issues in the department in negotiating international aviation rights for our airlines, providing expert advice to the Department of Justice when the department is considering airline mergers, and carrying out the department's regulatory responsibilities, including predatory practices, computer reservation systems and adequate competition in Internet ticket sales.

It is deplorable that over the past 15 years, the DOT aviation staff has been eroded by budget cutting decisions. The staff has decreased from 166 at the time of the Civil Aeronautics Board sunset in 1985, to fewer than 100 today. Furthermore, as many as half of the staff could well retire in the next few years.

It was a great tribute to Jeff Shane that in his career outside of government, he was concerned about the quality of government service among those who continued in the department. He and I took many opportunities over the past few years to raise awareness on the Hill and within the aviation community of the critical importance of this unique staff, and it is so encouraging to me that Secretary Mineta has recognized the problem and is giving Jeff Shane a mandate to correct it. I can think of no one better to do this, no one better qualified to attract the staff, to inspire that staff and to keep them interested and motivated, than Jeff Shane.

In these perilous post-September 11 times and in the aftermath of enactment of our most recent aviation and transportation security law, DOT needs at the policy level a person with Jeff Shane's experience, intellectual capacity, honesty and openness to new ideas, as well as energy to pursue and implement innovation. Jeff Shane's reentry into public service will produce better transportation policy decisions, to the great benefit of the Nation's economy and to all who use our transportation systems, as well as to the benefit of the Department of Transportation.

This new position is long overdue, much needed, and will serve our country and our transportation policy well. After all, transportation does represent 11 percent of our Nation's gross domestic product. That is \$1.1 trillion, an impact that we must nurture and strengthen, and this legislation will help do that.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time just to say that one of the treasures and great assets of not only the Committee on Transportation and Infrastructure, but the Congress is the gentleman from Minnesota (Mr. OBERSTAR). The remarks that the gentleman just made, going through the entire history of the Department of Transportation, indicate why we rely on him so heavily, and why our committee continues to prosper in a very bipartisan way.

It is thanks to his efforts that I continue to learn from him.

I urge passage of the bill.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3441.

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

A motion to reconsider was laid on the table.

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NAMING MEMBER AS MAJORITY MANAGER OF TIME ON H.R. 3442, NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE PLAN FOR ACTION PRESIDENTIAL COMMISSION ACT OF 2001

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. LATOURETTE) be allowed to manage the floor time on H.R. 3442.

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

There was no objection.

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NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE PLAN FOR ACTION PRESIDENTIAL COMMISSION ACT OF 2001

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3442) to establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes.

The Clerk read as follows:

H.R. 3442

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001".

**SEC. 2. ESTABLISHMENT OF COMMISSION.**

(a) IN GENERAL.—There is established the National Museum of African American History and Culture Plan for Action Presidential Commission (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of not more than 23 members appointed as follows:

(1) The President shall appoint 7 voting members.

(2) The Speaker of the House of Representatives and the Senate Majority Leader shall each appoint 6 voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives and the Senate Majority Leader shall each appoint 2 additional nonvoting members.

(c) QUALIFICATIONS.—Members of the Commission shall be chosen from the following professional groups:

(1) Professional museum associations, including the Association of African American Museums and African American Museum Cultural Complex, Inc.

(2) Academic institutions and groups committed to the research and study of African