

route out of poverty. This legislation, which increases assistance through microenterprise organizations, is a step in the right direction to expanding this successful program.

Microenterprise is an economically sound method of fighting poverty. In developing countries, the rate of repayment of well established microenterprise programs ranges from 95 to 99 percent. Due to a system of peer support used in many microenterprise models, repayment rates are high as borrowers are responsible for each other's success to ensure that every member of their group is able to pay back their loans. With support to grow and become efficient, microenterprise programs in developing countries need less grant money, can utilize loan and loan guarantees, and eventually get linked into the formal financial system. Microenterprise organizations have been able to cover 100 percent of operational costs with the interest income generated by the loans.

Women greatly benefit from the microenterprise organizations. Most of the 1.2 billion people living on less than a dollar a day are women. Women are often responsible for the upbringing of the world's children. Poverty may result in the physical and social underdevelopment of their children. Experience shows that women are good credit risk. Many women invest their income toward the well being of their families. Simultaneously, women themselves benefit from the higher social status they achieve within the home when they are able to provide income. The Women's Empowerment Program in Nepal, for example, conducted a study that showed an average of 89,000 out of 130,000 or 68 percent of women in its program experienced an increase in their decision making roles in the areas of family planning, children's marriage, buying and selling property, and sending their daughters to school, all areas of decision making traditionally dominated by men.

Mr. Speaker, in many developing countries, the self employed comprise more than 50 percent of the labor force. Access to small amounts of credit with reasonable interest rates allows poor people to move from tiny initial income generating activities to small microenterprises. In most cases, microenterprise programs offer a combination of services and resources to their clients including savings facilities, training, networking, and peer support. In this way, microenterprise allows families to work to end their own poverty with dignity.

I urge my colleagues to support this measure.

Mr. ROEMER. Mr. Speaker, last week U.S. Treasury Secretary Paul O'Neill and Irish rock star Bono on a tour of Africa called attention to the need for international development to alleviate world poverty and suffering. As their trip demonstrated, impoverished communities in the Third World will benefit greatly from an increase in U.S. foreign aid funding toward programs that can maintain stable accountability measures.

Now more than ever, Congress must achieve a bipartisan compromise in enacting new and innovative foreign aid programs that effectively meet the needs of impoverished people throughout the world. Microenterprise, the lending of very small loans to the world's poorest people that serve to start and expand small business typically in amounts as low as \$100, is a U.S. foreign aid program that fosters hope and opportunity, and counters the

fear and desperation that is exploited among the masses of unemployed and impoverished people around the world by terrorist organizations like al-Qaeda. The war on terrorism will not be won by satellites and soldiers alone; our arsenal must include humanitarian assistance that promotes freedom and opportunity for the world's poorest people. Undeniably, microenterprise programs fulfill this role in the developing world.

Mr. Speaker, today I rise to voice my strong support for H.R. 4073, a bipartisan bill that increases funding for microenterprise programs. This important legislation ensures that our investment in the world's small business owners is well-spent. Specifically, this legislation calls for targeting at least half of all microenterprise resources to the world's poorest people and provides greater accountability measures that ensure effective poverty-targeting.

Take for example the story of Violet Mutoto of Uganda. Violet, a mother of four young children, lives and works out of her small house in the tiny hamlet of Mooni, Uganda. Her mud dwelling contains no plumbing; yet she pays roughly \$18 a month in rent. Out of the front of her home, Violet operates a rudimentary store. Since receiving her first loan of \$43 from the international development organization, Freedom from Hunger, Violet has been able to pay her rent and expand her stock of supplies in her store. Now she sells cooking oils, cheese, salt, sugar, malaria pills, and other items. The diversified stock of supplies has increased her business and has afforded her the opportunity to end her older children to school. After repaying her first loan, Violet was able to assume second and third loans to begin accumulating a savings account.

H.R. 4073 is the product of a bipartisan effort to create effective foreign aid. Earlier this year, my colleague and friend, AMO HOUGHTON of New York, and I introduced H.R. 4209, the "Promoting Self-Reliance for the World's Poorest People Act of 2002." This bill called for three essential mandates: (1) increasing U.S. investment in microenterprise globally; (2) ensuring that at least half of these resources reach the poorest people, especially poor women; and (3) creating poverty assessment tools ensuring that microcredit loans reach the poorest people.

Working closely with our colleagues of the International Relations Committee and particularly with the gentleman from New Jersey, CHRIS SMITH, we were able to forge a strong compromise microenterprise bill. This legislation, H.R. 4073, thoughtfully addresses key microenterprise poverty issues and, accordingly, was passed unanimously by the committee in May. The Smith Roemer microenterprise bill, increases funding for Microenterprise programs from \$155 million to \$175 million in FY 2003 and to \$200 million in FY 2004 in the Foreign Operations budget.

I would like to thank the International Relations Committee Chairman, Mr. HYDE, and Ranking Member, Mr. LANTOS, and their respective committee staff members, Peter Smith and Nisha Desai, for their leadership on this bill. I would also like to thank Representatives AMO HOUGHTON, CHRIS SMITH, DONALD PAYNE, BEN GILMAN, and my other colleagues who lent their support and expertise to the formulation of the final bill.

Mr. Speaker, in conclusion, I strongly encourage my colleagues to vote for H.R. 4073 this afternoon. Today, Congress has the op-

portunity to support a foreign aid program that equips the world's poorest people with the tools to empower themselves. Microenterprise organizations such as Freedom from Hunger provide these vital empowerment tools in the form of tiny microcredit loans. As the story of Violet Mutoto demonstrates, by devoting greater resources to effective humanitarian programs, U.S. foreign aid can provide hope and empowerment to the world's poorest people and demonstrate that the United States is committed to spreading the rewards that can grow in a free-enterprise system.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4073, important legislation that increases assistance for the poorest people in developing countries under microenterprise assistance programs.

This legislation focuses on the lending of very small foreign loans to start businesses in highly impoverished areas. A recent World Bank report indicates that approximately 1.3 billion worldwide live on less than \$1 a day. When targeted properly and effectively, such foreign assistance can help stop poverty, disease, and other serious threats to international communities. H.R. 4073 increases current funding to \$175 million in fiscal year 2003, and \$200 million in fiscal year 2004 in the Foreign Operations budget.

More importantly, microcredit provides a valuable and much-needed resource to many of our allies and their citizens, an important and vital goal for the United States. Here today, we have the chance to show our support for promising small business efforts worldwide, and the positive impact such enterprises have within their nations. Microcredit currently reaches 30 million people, 19 million of whom are among the very poor and live in extreme poverty. H.R. 4073 builds on efforts to prevent these tragic circumstances by ensuring a stronger loan support system, along with the funds to help international business growth efforts to succeed.

As this program is already in place and is a proven success, I encourage my colleagues to join me in support of this bill. Working with the Administration and my colleagues in the House, I look forward to enacting thoughtful loan assistance legislation and battling global poverty and suffering.

For all these reasons, Mr. Speaker, I urge my colleagues to join me in support for H.R. 4073, to support business development efforts on a global scale, and to help build new communities worldwide.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4073, as amended.

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

A motion to reconsider was laid on the table.

#### NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2002

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4466) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004 and 2005, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4466

*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 Transportation Safety Board Reauthorization Act of 2002".

#### TITLE I—NTSB REAUTHORIZATION

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2003–2005.—Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by striking "such sums to" and inserting the following: "\$73,325,000 for fiscal year 2003, \$84,999,000 for fiscal year 2004, and \$89,687,000 for fiscal year 2005. Such sums shall".

(b) EMERGENCY FUND.—Section 1118(b) of such title is amended by striking the second sentence and inserting the following: "In addition, there are authorized to be appropriated such sums as may be necessary to increase the fund to, and maintain the fund at, a level of not to exceed \$6,000,000.".

(c) NTSB ACADEMY.—Section 1118 of such title is amended by adding at the end the following:

"(c) ACADEMY.—There are authorized to be appropriated to the Board for necessary expenses of the National Transportation Safety Board Academy, not otherwise provided for, \$3,347,000 for fiscal year 2003, \$4,896,000 for fiscal year 2004, and \$4,995,000 for fiscal year 2005. Such sums shall remain available until expended."

##### SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION AND PUBLICATION.

Section 1119 of title 49, United States Code, is amended by adding at the end the following:

"(c) APPEALS.—

"(1) NOTIFICATION OF RIGHTS.—In any case in which an employee of the Board determines that an occurrence associated with the operation of an aircraft constitutes an accident, the employee shall notify the owner or operator of that aircraft of the right to appeal that determination to the Board.

"(2) PROCEDURE.—The Board shall establish and publish the procedures for appeals under this subsection.

"(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply in the case of an accident that results in a loss of life."

##### SEC. 103. SECRETARY OF TRANSPORTATION'S RESPONSES TO SAFETY RECOMMENDATIONS.

Section 1135(d) of title 49, United States Code, is amended to read as follows:

"(d) REPORTING REQUIREMENTS.—

"(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each significant safety recommendation made by the Board to the Secretary (or to an Administration within the Department). The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

"(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary's report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary's failure to submit the required report.

"(3) SIGNIFICANT SAFETY RECOMMENDATION DEFINED.—For the purposes of this subsection, the term 'significant safety recommendation' means a recommendation included in the Board's 'most wanted list'.

"(4) TERMINATION.—This subsection shall cease to be in effect after the report required to be filed on February 1, 2007, is filed."

##### SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—Section 1136 of title 49, United States Code, is amended by adding at the end the following:

"(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

"(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

"(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident."

(b) REVISION OF MOU.—Not later than 1 year after the date of enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and title II and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

##### SEC. 105. TECHNICAL AMENDMENTS.

Section 1131(a)(2) of title 49, United States Code, is amended by moving subparagraphs (B) and (C) 4 ems to the left.

##### SEC. 106. ADVERSE EFFECTS OF CARRY-ON BAGGAGE.

(a) STUDY.—The National Transportation Safety Board shall conduct a study to identify the adverse effects, including passenger injuries or other safety problems, associated with carry-on baggage stored in overhead bins aboard passenger aircraft and sufficient ways to deal with such problems.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study.

#### TITLE II—RAILROAD FAMILY ASSISTANCE

##### SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 1138. Assistance to families of passengers involved in rail passenger accidents

"(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

"(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

"(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

"(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

"(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

"(2) communicating with the families of passengers involved in the accident as to the roles of—

"(A) the organization designated for an accident under subsection (a)(2);

"(B) Government agencies; and

"(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

"(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

"(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

"(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

"(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

"(4) To arrange a suitable memorial service, in consultation with the families.

"(d) PASSENGER LISTS.—

"(1) REQUESTS FOR PASSENGER LISTS.—

"(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

"(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in

the accident a list described in subparagraph (A).

“(2) **USE OF INFORMATION.**—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

“(e) **CONTINUING RESPONSIBILITIES OF THE BOARD.**—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

“(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

“(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

“(f) **USE OF RAIL PASSENGER CARRIER RESOURCES.**—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

“(g) **PROHIBITED ACTIONS.**—

“(1) **ACTIONS TO IMPEDE THE BOARD.**—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

“(2) **UNSOLICITED COMMUNICATIONS.**—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

“(3) **PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.**—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

“(h) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **RAIL PASSENGER ACCIDENT.**—The term ‘rail passenger accident’ means any rail passenger disaster occurring in the provision of—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

“(2) **RAIL PASSENGER CARRIER.**—The term ‘rail passenger carrier’ means a rail carrier providing—

“(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

“(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

“(3) **PASSENGER.**—The term ‘passenger’ includes—

“(A) an employee of a rail passenger carrier aboard a train;

“(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

“(C) any other person injured or killed in the accident.

“(i) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(j) **RELINQUISHMENT OF INVESTIGATIVE PRIORITY.**—

“(1) **GENERAL RULE.**—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

“(2) **BOARD ASSISTANCE.**—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.”

(b) **CONFORMING AMENDMENT.**—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger accidents.”

**SEC. 202. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.**

(a) **IN GENERAL.**—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 251—FAMILY ASSISTANCE**

**“Sec.**

**“25101.** Plans to address needs of families of passengers involved in rail passenger accidents.

**“§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents**

**“(a) SUBMISSION OF PLANS.**—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

**“(b) CONTENTS OF PLANS.**—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

**“(1)** A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

**“(2)** A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

**“(3)** An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

**“(4)** An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

**“(5)** An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

**“(6)** An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

**“(7)** An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

**“(8)** An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

**“(9)** An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

**“(10)** An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

**“(11)** An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

**“(12)** An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

**“(13)** An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

**“(14)** An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

**“(15)** An assurance that, upon request of the family of a passenger, the rail passenger

carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

“(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

“(d) DEFINITIONS.—In this section—

“(1) the terms ‘rail passenger accident’ and ‘rail passenger carrier’ have the meanings such terms have in section 1138 of this title; and

“(2) the term ‘passenger’ means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.”.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

“251. FAMILY ASSISTANCE ..... 25101”.

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

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

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

Mr. Speaker, I am pleased to rise this afternoon in support of H.R. 4466. This legislation is the National Transportation Safety Board Reauthorization Act of 2002. It is necessary from time to time to reauthorize agencies, and it is our responsibility as the Subcommittee on Aviation of the Committee on Transportation and Infrastructure to reauthorize this agency, which this bill does, through the year 2005.

The National Transportation Safety Board is a relatively small agency; however, it has a large and significant mission. Its responsibility is to determine the probable cause of traffic and transportation accidents and also to promote transportation safety.

To fulfill this important mission, the NTSB investigates accidents, and, based on those investigations, makes safety recommendations to Federal, State and local government agencies. The NTSB also advises the transportation industry regarding actions that should be taken to prevent accidents.

The NTSB, I must say, has an absolutely outstanding reputation for its work, its professionalism, its independence, and the manner in which it conducts its transportation accident investigations.

The NTSB, however, has no authority to require implementation of its rec-

ommendations. While it has an excellent track record in working with agencies to ensure that its recommendations are implemented, some of the important safety recommendations remain open for years, and this is one of the changes that our committee wanted to make as we reauthorized this important agency.

One of the problems, again, is we have not had these recommendations closed. They have been open for years. For example, the NTSB's recommendation to improve airport runway safety, their recommendations have been on the NTSB's most wanted list of safety improvements each year since the inception of the list in 1990.

Also on the most wanted list is the Board's recommendation to reduce fuel tank flammability. This important recommendation was issued in December of 1996 after the terrible tragedy of TWA Flight 800. Over five years later, this recommendation is still in the category of “open.” While we cannot expect instant results on such complex and complicated issues and investigations, neither can we afford to wait five to 10 years or more to address important aviation safety problems.

To address this problem, this reauthorization legislation, H.R. 4466, requires that the Secretary of Transportation submit an annual report to the Congress, and that report must include the regulatory status of each recommendation made by the NTSB to the Secretary of Transportation that is included in the NTSB's most wanted list of safety improvements. We would expect the Secretary's report to state not only whether the Secretary agrees with the recommendation, but, more importantly, what actions are necessary to implement the recommendations, including target dates for these specific actions.

The most wanted list is important because it is established by the NTSB each year and it is reviewed and considered in an open session. The list represents the Board's best judgment regarding which of its recommendations should in fact be expedited. This new provision will bring, we feel, needed attention to those recommendations that will have the very greatest impact on transportation safety. It will also encourage the timely implementation of those recommendations. I strongly support this provision, as well as other statutory changes that we have included in this reauthorization of the NTSB.

Mr. Speaker, I want to thank Chairman Marion Blakey and the entire NTSB for their tireless effort to improve our transportation safety. I want to thank the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation; and our full committee chairman, the gentleman from Alaska (Mr. YOUNG), for their work and cooperation in bringing this important reauthorization forward in a bipartisan and timely manner.

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

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

Mr. Speaker, I rise in support of H.R. 4466, the reauthorization of the National Transportation Safety Board. The gentleman from Florida (Chairman MICA) has articulated already in very detailed and, I think, very thoughtful fashion much of the splendid work that the NTSB accomplishes year in and year out. But we are here today in support of legislation to advance the cause of the Nation's premier transportation investigative agency; not only the Nation's premier investigative agency in the arena of transportation, but for the entire world, for the NTSB has served as a model for other countries to develop similar independent transportation investigative agencies, and particularly investigative agencies in the field of aviation.

The NTSB Board and their professional staff, career staff, have traveled throughout the world to help other countries establish, organize, write the legislative, charter and launch similar independent safety board investigative entities. It behooves us to always do our utmost through the legislative process and through the appropriations to keep the NTSB in the forefront of transportation safety.

Since we last authorized the board in the year 2000, it has investigated 6,240 aviation accidents, 112 highway accidents, 62 railroad accidents, 28 pipeline and hazardous material accidents, 17 marine accidents, and issued a total of 652 safety recommendations. It has played a major role in helping other nations do their investigations, such as recently with the China Air tragedy.

To maintain that role, we have to assure that NTSB will continually have the personnel and the funding it needs to undertake increasingly complex accident investigations. It seems that as our technology progresses in both aviation and surface transportation, as well as maritime transportation, the accidents that result become more complex, more challenging to investigate and more difficult to understand. For that purpose, the NTSB has realized that it too has needed to stay ahead of the state of the art, and recently broke ground for a new training academy to house the teaching of state-of-the-art investigative techniques for transportation accidents. The funding that we provide in this legislation will help the NTSB to provide the personnel and the resources for those personnel at headquarters, as well as at the academy, with the \$247.7 million authorization over the next three years.

□ 1500

The bill also authorizes an increase in the size of the emergency fund for NTSB from \$2 million to \$6 million to cover the ever-increasing costs of these increasingly complex accident investigations that the board must undertake.

One of the core functions is to assist families of passengers who have been victims of an aviation accident. In previous legislation, when the presiding officer who has just left the Chair, the gentleman from Illinois (Mr. LAHOOD), was on our Committee on Transportation and Infrastructure, he led the way to extend the authority of the NTSB to help the families of accident victims. We have extended that authority in this legislation to families of rail accident victims.

Title II of the bill incorporates the provisions of the Rail Passenger Disaster Family Assistance Act, requiring that interstate passenger railroads submit to the Secretary of Transportation and to the Chair of the NTSB a plan to address the needs of the families of passengers involving any railroad accident involving major loss of life.

The plan must address publication of a toll-free number to handle calls from family members, procedures for developing passenger lists, the process for notifying family members, and other provisions we need not detail at this time.

One element of the legislation that I think is particularly important is a prohibition against unsolicited communication by attorneys until at least 45 days following an accident. This is a matter that had unanimous support within our committee.

In times of tragedy, the families of victims are particularly vulnerable to unscrupulous persons who inevitably want to prey upon family loss. The bill will make that kind of shameless behavior illegal. It will give rail passengers the same protections as those we provided for airline passengers. We provided this same protection a few years ago in NTSB reauthorization.

Another provision for protection of families is that in accidents caused by intentional criminal acts, in the year 2000 the Congress authorized the transfer of investigative priorities for such cases from the NTSB to the Federal Bureau of Investigation to avoid the confusion that results in a case where there are overlapping factors, as occurred in TWA 800. It was not clear at the outset whether this was a classic aviation accident or whether it was an incident caused by a terrorist act.

The FBI at first treated it as a criminal act, and there was confusion as to who had authority. We attempted to clarify that authority and transferred the investigative priority from NTSB to the FBI for cases in which there is an intentional criminal act, but there was no mechanism to transfer the responsibility for family affairs from the NTSB to the FBI. Following the events of September 11, the NTSB concluded that when the FBI gets investigative responsibility for an aircraft accident, family affairs responsibilities should transfer as well. So this legislation makes that transfer of authority in both aviation and rail accidents.

It addresses another matter of significant importance, and that is the

notoriously slow response by other modal entities in the Department of Transportation to the NTSB safety recommendations. It was a matter of great concern when I chaired the Subcommittee on Aviation, and the gentleman from Florida (Chairman MICA) has articulated that concern just previously in his statement.

There should be no delay. The Department of Transportation and other modal agencies should respond promptly. This bill requires DOT to report annually on the regulatory status of significant safety recommendations made by the NTSB, regardless of the year in which the recommendation was made. That will enable us in the Congress, on behalf of the public, to keep better tabs on the progress the sister agencies in DOT are making in response to these very important safety recommendations.

This is a critically important piece of legislation. The NTSB does not get public attention until a board member or an investigator is standing in front of a camera crew at the site of a tragedy, responding methodically, thoughtfully, and objectively to endless reporter questions about this tragedy and how it occurred and what will be the future of safety in surface or air transportation. We must give the board all the resources it needs to continue to do its job impassively, objectively, and effectively.

I express my great appreciation to the chairman, the gentleman from Florida (Mr. MICA), for the work he has done; to our ranking member, the gentleman from Illinois (Mr. LIPINSKI); and to my good friend, the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); and also to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Railroads; and to our colleague, the gentleman from Tennessee (Mr. CLEMENT).

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

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

In support of this bill, I would like to relay to my colleagues my personal experience with the National Transportation Safety Board. Last week, there was a train wreck in Pottersville, Michigan, in my congressional district. Thirty-five of the 58 cars of the Canadian National Train going through Pottersville were derailed; and, of course, the question that is asked of legislators is why did it happen and what are the health and safety issues.

So I called the National Transportation Safety Board. It was interesting, all of the information they had. They knew that the track was manufactured in 1976, that it was laid in 1977, that certain portions of the track were welded at the factory, and how much welding was on site. They were ex-

tremely helpful investigating and analyzing and sharing some of the information that was available in that Pottersville train wreck.

I think we are all somewhat concerned with the additional visibility of train wrecks that we have seen in Florida, in California, in Detroit, and last week in Pottersville, Michigan. It was an extremely nervous situation in Pottersville because of the 35 derailed cars. There were nine tankers of propane and two tankers of sulphuric acid. So it was an immediate concern to the community; 2,200 individuals were evicted from their homes, all wondering about safety, why it happened and if it might happen again.

I just would like to commend the NTSB and the Federal Railroad Administration, the community, our first responders and Rick Jones, the county sheriff, for all having the kind of cooperation that minimized risk and now has totally eliminated any danger or any health problems; I also commend Canadian National, who was very, very quick to be on the spot to minimize any health hazards, and agreeing to pay for damages caused by that railroad accident.

I would summarize in saying that probably the National Transportation Safety Board might even need more support as we prepare for the future challenges of rail safety.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to associate myself with the words of the last speaker. We in Baltimore had a train derailment not very long ago, and I had an opportunity to arrive at the scene not long after that derailment. When I got there, the National Transportation Safety Board was already present and doing an outstanding job.

The NTSB is charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation: railroad, highway, marine pipeline.

Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents and thousands of surface transportation accidents. It is now recognized as one of the world's premier accident investigative agencies.

Although the NTSB has no regulatory or enforcement empowers, we increasingly rely on it in our efforts to prevent accidents and ensure the safety of all the traveling citizens. Heightened security is obviously a national priority, especially now. Therefore, our reliance on the NTSB in determining the probable cause of transportation accidents has greatly increased.

I had the opportunity to see it again in my district, and I think the amazing thing was the time that these ladies and gentlemen took in painstaking details. They had to work under some

very difficult circumstances when several trains derailed inside a tunnel; and it was very, very clear to us in Baltimore, we waited with bated breath for information coming from them.

Although we had other people working at the scene, and our local people were working and working very hard, it was the NTSB that clearly was taking the lead in helping us to try to figure out how do we go along slowly; do we have hazardous materials.

So while we are still waiting for a final determination, the fact is, they were very helpful to us all along the way.

So often, what happens in circumstances is that we take so much for granted when we have an organization like the National Transportation Safety Board and just assume they are always going to be there, that they have enough money, that everything is going to be okay, and that we are not going to need them.

The fact is that these things do happen. No one would have guessed that in the middle of Baltimore's downtown area, right at the stadium site, our two stadium sites, we would have had this incident happen, which basically closed down our downtown for several days. But thank God that the NTSB was there.

Therefore, I stand with the gentleman from Florida (Chairman MICA) and certainly our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and all the members of our Committee on Transportation and Infrastructure in supporting this very, very important reauthorization.

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

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

Mr. Speaker, I am pleased today, on behalf of the gentleman from Alaska (Chairman YOUNG), chairman of the full Committee on Transportation and Infrastructure, to bring to the floor for reauthorization the National Transportation Safety Board legislation. It is vital, as we have heard from the previous speakers, to continue the good work, the professionalism, and the investigative authority to this agency.

It is also a pleasure for me to help reauthorize a rather lean, well-run Federal agency that does, again, an excellent job with a limited number of staff.

With those remarks, Mr. Speaker, I am also pleased to compliment Marion Blakey, who has assumed the chairmanship last year of this important investigative arm of our government, and also compliment her on the outstanding job she has done in communicating with me since her taking office. This has continued from the horrible events of November 12, when the American airliner crashed in Long Island, through the very serious and fatal accident we had in my district in Florida involving the Amtrak auto train. So I thank the Chair of this agency for her cooperation, and I thank those involved with the agency for their work.

Finally, again, I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Illinois (Mr. LIPINSKI), and the gentleman from Alaska (Mr. YOUNG) for their bipartisan effort to move H.R. 4466 for reauthorization of the NTSB to the floor.

Mr. CLEMENT. Mr. Speaker, I rise today in strong support of H.R. 4466, the National Transportation Safety Board (NTSB) Reauthorization Act of 2002. In addition to the many positive attributes already mentioned by my colleagues regarding the NTSB and their excellent service to our country, I want to particularly note the provisions in H.R. 4466 included from the Rail Passenger Disaster Family Assistance Act. These provisions allow the NTSB to provide needed assistance to the families of victims of catastrophic railroad accidents, similar to the role that the NTSB already plays in aviation accidents. Additionally, it requires intercity passenger railroads to submit a plan to the Secretary of Transportation and the Chairman of the NTSB to address the needs of families of passengers involved in accidents resulting in major loss of life. The plan must include procedures for notifying family members, developing passenger lists, and coordinating information to family members regarding an accident.

By passing this bill, we send the message that the safety of our transportation system is of the utmost importance to our citizens and Nation. I urge the adoption of this piece of legislation and extend my compliments to Chairman YOUNG, Chairman MICA, and Ranking Member OBERSTAR for their good work on this important bill.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4466, as amended.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 4466, as amended.

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

There was no objection.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1515

#### HOLOCAUST RESTITUTION TAX FAIRNESS ACT OF 2002

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

The Clerk read as follows:

H.R. 4823

*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 "Holocaust Restitution Tax Fairness Act of 2002".

#### SEC. 2. REPEAL OF APPLICABILITY OF SUNSET OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001 WITH RESPECT TO EXCLUSION FROM FEDERAL INCOME TAX FOR RESTITUTION RECEIVED BY VICTIMS OF NAZI REGIME.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

"(c) EXCEPTION.—Subsection (a) shall not apply to section 803 (relating to no federal income tax on restitution received by victims of the Nazi regime or their heirs or estates)."

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

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

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

(Mr. SHAW asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. SHAW. Mr. Speaker, I am honored to be the sponsor of this important piece of legislation, H.R. 4823, the Holocaust Restitution Tax Fairness Act. It exempts Holocaust survivors from taxation any restitution claims they received for the crimes committed against them by Nazi Germany.

The bill permanently extends a provision of The Economic Growth and Tax Reconciliation Act that makes such claims tax-free. Like the rest of the tax cut signed into law by President Bush last year, this provision sunsets in 2010. Today we are taking action to provide that for as long as the victims and their heirs receive Holocaust-related claims, they will be tax-free.

In recent years settlement agreements worth billions of dollars for Holocaust survivors have been reached. Although no amount of money could ever compensate the victims of the Holocaust for the crimes committed against them, it would be wrong for the United States Tax Code to treat these modest settlements as some sort of financial windfall. Current estimates are that there will be 88,000 Holocaust survivors in 2010 when the tax cuts sunset, many of whom reside in my South Florida district. Congress should be prepared to give these survivors the security of at least knowing that their settlement claims will not be subject to the hands of the Internal Revenue Service.

Mr. Speaker, it is as simple as this: When something is stolen from you,