

(3) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this Act.

#### SEC. 10. SAVINGS CLAUSE.

Any action taken by the Assistant Attorney General or the Commission, or any failure of the Assistant Attorney General or the Commission to take action, under this Act shall not bar any proceeding or any action with respect to any agreement between a brand name drug company and a generic drug applicant at any time under any other provision of law, nor shall any filing under this Act constitute or create a presumption of any violation of any antitrust or competition laws.

#### SEC. 11. EFFECTIVE DATE.

This Act shall—  
(1) take effect 30 days after the date of enactment of this Act; and  
(2) shall apply to agreements described in section 5 that are entered into 30 days after the date of enactment of this Act.

### CONSUMER PRODUCT SAFETY ACT AMENDMENT

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 727 and that the Senate proceed to its consideration.

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

The legislative clerk read as follows:

A bill (H.R. 727) to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be in the RECORD.

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

The bill (H.R. 727) was read the third time and passed.

### CHILD SAFETY ENHANCEMENT ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5504.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5504) to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5504) was read the third time and passed.

### FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING AND DEVELOPMENT ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 697, S. 2951, a bill to authorize appropriations for the Federal Aviation Administration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2951) to authorize appropriations for the Federal Aviation Administration, and for other purposes.

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

Mr. REID. I understand Senators ROCKEFELLER, HOLLINGS, MCCAIN, and HUTCHISON of Texas have an amendment at the desk, and I ask that the amendment be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 4966) was agreed to, as follows:

#### AMENDMENT NO. 4966

(Purpose: To include the House of Representatives Committee on Science as a recipient of each of all the required reports, and to make other minor changes)

On page 3, beginning in line 21, strike "Transportation and" and insert "Transportation,".

On page 3, line 23, strike "Infrastructure," and insert "Infrastructure, and the House of Representatives Committee on Science,".

On page 4, strike lines 18 through 23, and insert the following:

The Federal Aviation Administration Administrator shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of concrete and asphalt airfield pavements to aid in the development of safer, more cost-effective, and more durable airfield pavements.

On page 5, beginning in line 22, strike "Transportation and" and insert "Transportation,".

On page 5, line 24, strike "Infrastructure," and insert "Infrastructure, and the House of Representatives Committee on Science,".

On page 8, strike lines 9 through 13, and insert the following:

(b) REPORT.—A report containing the results of the assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Science not later than 1 year after the date of enactment of this Act.

The bill (S. 2951), as amended, was read the third time and passed, as follows:

S. 2951

*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 "Federal Aviation Administration Research, Engineering, and Development Act of 2002".

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a semicolon; and  
(3) by adding at the end the following:

"(9) for fiscal year 2003, \$261,000,000, including—

"(A) \$211,000,000 to improve aviation safety;

"(B) \$18,000,000 to improve the efficiency of the air traffic control system;

"(C) \$16,000,000 to reduce the environmental impact of aviation; and

"(D) \$16,000,000 to improve the efficiency of mission support;

"(10) for fiscal year 2004, \$274,000,000, including—

"(A) \$221,000,000 to improve aviation safety;

"(B) \$19,000,000 to improve the efficiency of the air traffic control system;

"(C) \$17,000,000 to reduce the environmental impact of aviation; and

"(D) \$17,000,000 to improve the efficiency of mission support; and

"(11) for fiscal year 2005, \$287,000,000, including—

"(A) \$231,000,000 to improve aviation safety;

"(B) \$20,000,000 to improve the efficiency of the air traffic control system;

"(C) \$18,000,000 to reduce the environmental impact of aviation; and

"(D) \$18,000,000 to improve the efficiency of mission support."

#### SEC. 3. COORDINATION OF NATIONAL AVIATION SAFETY AND SECURITY RESEARCH PROGRAMS.

(a) DEVELOPMENT OF PLAN.—Not later than June 30, 2003, the National Aeronautics and Space Administration Administrator, the Federal Aviation Administration Administrator, and the Under Secretary of Transportation for Security shall prepare and transmit an updated integrated civil aviation research and development plan to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Science.

(b) CONTENTS.—The updated integrated civil aviation research and development plan shall include—

(1) identification of the respective aviation research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration, the Federal Aviation Administration, and the Transportation Security Administration; and

(2) review of steps they could take to facilitate the transfer and adoption of new technologies in an operational environment, including consideration of increasing the exchange of research staff, providing greater details on funding at the project level in joint plans, and providing for greater use of technology readiness in program plans and budgets to help frame the maturity of new technologies and determine when they can be implemented.

#### SEC. 4. RESEARCH PROGRAM TO IMPROVE AIR- FIELD PAVEMENTS.

The Federal Aviation Administration Administrator shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of concrete and asphalt airfield pavements to aid in the development of safer, more cost-effective, and more durable airfield pavements. The Administrator may use grants or cooperative agreements in carrying out this section. Nothing in this section requires the Administrator to prioritize

an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

#### SEC. 5. ENSURING APPROPRIATE STANDARDS FOR AIRFIELD PAVEMENTS.

(a) IN GENERAL.—The Federal Aviation Administration Administrator shall review and determine whether the Federal Aviation Administration's standards used to determine the appropriate thickness for asphalt and concrete airfield pavements are in accordance with the Federal Aviation Administration's standard 20-year-life requirement using the most up-to-date available information on the life of airfield pavements. If the Administrator determines that such standards are not in accordance with that requirement, the Administrator shall make appropriate adjustments to the Federal Aviation Administration's standards for airfield pavements.

(b) REPORT.—Within 1 year after the date of enactment of this Act, the Administrator shall report the results of the review conducted under subsection (a) and the adjustments, if any, made on the basis of that review to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Science.

#### SEC. 6. AIR TRAFFIC MANAGEMENT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) OBJECTIVE.—The Federal Aviation Administration Administrator, in coordination with the National Aeronautics and Space Administration Administrator, shall participate in a national initiative with the objective of defining and developing an air traffic management system designed to meet national long-term aviation security, safety, and capacity needs. The initiative should result in a multiagency blueprint for acquisition and implementation of an air traffic management system that would—

(1) build upon current air traffic management and infrastructure initiatives;

(2) improve the security, safety, quality, and affordability of aviation services;

(3) utilize a system of systems approach;

(4) develop a highly integrated, secure common information network to enable common situational awareness for all appropriate system users; and

(5) ensure seamless global operations for system users.

(b) IMPLEMENTATION.—In implementing subsection (a), the Federal Aviation Administration Administrator, in coordination with the National Aeronautics and Space Administration Administrator, shall work with other appropriate Government agencies and industry to—

(1) develop system performance requirements;

(2) determine an optimal operational concept and system architecture to meet such requirements;

(3) utilize new modeling, simulation, and analysis tools to quantify and validate system performance and benefits;

(4) ensure the readiness of enabling technologies; and

(5) develop a transition plan for successful implementation into the National Airspace System.

#### SEC. 7. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Federal Aviation Administration Administrator shall enter into an arrangement with the National Research Council for an assessment of the Federal Aviation Administration's proposed wake turbulence research and development program. The assessment shall address—

(1) research and development goals and objectives;

(2) research and development objectives that should be part of Federal Aviation Administration's proposed program;

(3) proposed research and development program's ability to achieve the goals and objectives of the Federal Aviation Administration, and of the National Research Council, the schedule, and the level of resources needed; and

(4) the roles other Federal agencies, such as National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, should play in wake turbulence research and development, and coordination of these efforts.

(b) REPORT.—A report containing the results of the assessment shall be provided to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Science not later than 1 year after the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Aviation Administration Administrator for fiscal year 2003, \$500,000 to carry out this section.

#### SEC. 8. DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS.

The Federal Aviation Administration may conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs to manufacturers for the certification of new products.

#### SEC. 9. CABIN AIR QUALITY RESEARCH PROGRAM.

In accordance with the recommendation of the National Academy of Sciences in its report entitled "The Airliner Cabin Environment and the Health of Passengers and Crew", the Federal Aviation Administration may establish a research program to answer questions about cabin air quality of aircraft.

#### SEC. 10. RESEARCH TO IMPROVE CAPACITY AND REDUCE DELAYS.

The Administrator may include, as part of the Federal Aviation Administration research program, a systematic review and assessment of the specific causes of airport delay at the 31 airports identified in the Airport Benchmarking Study, on an airport-by-airport basis.

#### DIRECTING LAND CONVEYANCE TO CHATHAM COUNTY, GEORGIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 615, H.R. 2595.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2595) to direct the Secretary of the Army to convey a parcel of land to Chatham County, Georgia.

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

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 2595) was read the third time and passed.

#### SOCIAL SECURITY PROGRAM PROTECTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration and the Senate proceed to the consideration of H.R. 4070.

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

A bill (H.R. 4070) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

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

Mr. BAUCUS. Mr. President, I rise today to urge my colleagues to support the Senate version of H.R. 4070, the "Social Security Program Protection Act of 2002." H.R. 4070 is bipartisan legislation developed by Ways and Means Social Security Subcommittee Chairman SHAW and ranking member MATSUI. H.R. 4070 passed the House unanimously by a vote of 425 to 0. In keeping with the bipartisan tradition of the Senate Finance Committee and with the bipartisan origins of this legislation, Senator GRASSLEY and I have worked together to further refine this legislation for Senate consideration.

The House-passed version of H.R. 4070 makes a number of important changes to the Social Security and Supplemental Security Income, SSI, programs. These changes will accomplish a number of important goals: they will enhance the financial security of some of the most vulnerable beneficiaries of these programs, increase protections to seniors from deceptive practices by individuals in the private sector, improve program integrity, thereby saving money for the Social Security and Medicare Trust Funds and taxpayers, and reduce disincentives to employment for disabled individuals.

One of the most important results of this legislation will be to enhance the financial security of the almost 7 million Social Security and SSI beneficiaries who are not capable of managing their own financial affairs due to advanced age or disability. The Social Security Administration, SSA, currently appoints individuals or organizations to act as "representative payees" for such beneficiaries. Most of these representative payees perform their roles conscientiously. However, some do not. Indeed, there have even been instances of terrible abuse in this program.

It is imperative that Congress take action to guard vulnerable seniors and disabled individuals from such abuse. This legislation increases requirements for SSA to provide restitution to beneficiaries when representative payees defraud the beneficiaries of their benefits. The legislation also tightens the qualifications for representative payees, increases oversight of the program, and imposes stricter penalties on those who violate their responsibilities.