

victims of September 11th from having their compensation decided by a federal bankruptcy court.

This bill also protects the city of New York, its police department, and its fire department—all of which have conducted themselves so valiantly. This measure is supported by elected leaders in New York, as well as New York congressional members from both sides of the aisle (Mr. NADLER excluded).

Mayor Giuliani, in a letter supporting the bill, noted that "The measure that Chairman YOUNG will bring to the floor will contain a manager's amendment that would provide New York with much needed relief from potential liability arising out of the attacks on the World Trade Center on September 11, 2001. Any substitute would fail to provide the City the fiscal protection it needs from potentially limitless lawsuits. . . . Passage of Chairman YOUNG's bill would solve one large part of the City's potential liability exposure, and help ensure steady progress toward utilizing our resources to address critical fiscal matters."

Governor Pataki has written "I can only underscore the importance of passage for not only the manager's amendment and the bill, but also the defeat of any substitute amendment scheduled to be offered. . . . H.R. 3150 with the manager's amendment will free the city of New York and the Port Authority of under burdens which could seriously slow or even derail those rebuilding efforts."

New York is our nation's center of commerce, and it thrives on the flow of capital. By passing the Manager's Amendment today, we can prevent the prospect of unlimited liability damage awards from turning New York from the nation's financial capital into a business graveyard. Last month, Congress appropriately placed limits on the potential liability of the airlines in order to keep planes in the air. That's current law. Given that there is a finite amount of funds available for victims from any airline found liable, the question becomes: Does the House want more money to go to trial lawyers, or to victims? It's that simple. The more money lawyers get from a limited source of funds, the less victims get. Let's stand solidly behind the victims today and pass the Manager's Amendment.

Mr. PAUL. Mr. Chairman, I must oppose H.R. 3150, the Airport Security Federalization Act. As the short title of the bill suggests, this legislation is a bureaucracy-laden approach. While the approach of this legislation is marginally preferable to the complete federalization of the workforce being offered by the House Minority, the bill is otherwise strikingly similar to the Senate's approach. Regrettably, I think portions of the manager's amendment actually make the legislation worse. For example, the depuritization of private security forces is clearly a step in the wrong direction.

I have offered an alternate bill which would accomplish security goals without expanding the federal government. My bill would not create new federal spending nor new federal bureaucracies.

Mr. Chairman, the bill before us, while a slight improvement over the Senate version, is still a step in the wrong direction. By authorizing a new airline ticket tax, by creating new federal mandates and bureaucracies, and by subsidizing the airline industry to the tune of another \$3 billion, this bill creates a costly expense that the American people cannot afford. We appropriated \$40 billion in the wake of

September 11, and I supported that measure as legitimate compensation for individuals and companies harmed by the failure of the federal government to provide national defense. Soon thereafter we made another \$15 billion available to the airlines, and now we have a House bill that further victimizes the taxpayers by making them pay for another \$3 billion worth of subsidies to the airline industry.

We need to stop this spending spree. I oppose this new taxation and spending, as well as the steps taken in this bill, the substitute, and unfortunately in the manager's amendment as well. Each of these items moves further down the road of nationalizing air travel in this country and, as such, must be rejected.

Mr. CONYERS. Mr. Chairman, I rise in strong opposition to the manager's amendment and in support of the Democratic Substitute.

Airport security is a legitimate federal responsibility. Just as we protect our borders, guard against smuggling, and protect against illegal drugs, we must also protect our citizens against terrorists who board our planes and travel our skies with guns, knives, and bombs.

However, the Manager's amendment does not accomplish this. Instead, this amendment expands the provision that we already passed, limiting liability for airlines that were used by terrorists on September 11, 2001 and applies that provision to "any person liable for any damages arising out of the hijacking." This would limit the liability of everyone, including an airport security company that allowed terrorists to get on a plane with box cutters.

Even worse, the liability provisions go far beyond the protections included in the airline bailout bill we passed in September. This is because the amendment totally bans punitive damages, eliminates prejudgment interest, mandates collateral source, and limits victims' attorneys' fees. All of this was done without the benefit of a single hearing or any consideration by the Judiciary Committee. And all of this harms the victims.

Members should know that these provisions are far more extreme than the liability relief requested by the supposed beneficiaries of the provisions—the owners of the World Trade Center and the airplane manufacturers. This amendment is too broad, benefits the wrongdoers, and would have a number of harmful and unintended consequences for victims of terrorism. Please vote no on the manager's amendment and support the Democratic Substitute. Passing this manager's amendment constitutes special interest legislating at its worst. It is wrong and I urge the Members to reject it.

SECURE TRANSPORTATION FOR AMERICA ACT

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 3150, the Secure Transportation for America Act introduced by Representative DON YOUNG (R-AK). This legislation is an important part of our ongoing efforts in Congress to ensure the safety and well-being of all Americans who travel by air as it makes substantial, long overdue improvements to our nation's aviation security system.

H.R. 3150 ensures maximum safety for passengers and airline crews through a series of comprehensive security measures. First and foremost, this bill puts the Federal Government in complete charge of adopting and im-

plementing strict passenger and baggage screening standards. This responsibility will be given to a new Transportation Security Administration within the Department of Transportation and will be headed by a new Under Secretary. While H.R. 3150 does not strictly call for airport screeners and baggage checkers to be federal employees, it gives the Administration the flexibility to choose either a Federal or private workforce. This discretion ensures that we have a security system that is both professional and efficient.

I am also pleased that at the request of Representative MIKE FERGUSON (R-NJ) and myself, we had included in this legislation two important security provisions. One calls for complete background checks for all airport screeners and employees who have access to restricted areas of our airports. The second establishes a system to screen all passenger baggage. I am thankful to Chairman YOUNG and the House Transportation and Infrastructure Committee for including these two important measures in this bill. In addition, this legislation strengthens cockpit doors and deploys Federal Air Marshals on domestic flights.

Mr. Chairman, as you well know the tragic events of September 11th have forced us to rethink all security in our country like no other time in history. I am pleased that Congress has already acted by giving President Bush \$3 billion to address immediate aviation security needs. By passing H.R. 3150, we put the Federal Government in charge of aviation security, thus ensuring that safety both at our airports and in our skies remains paramount. Make no mistake, on this issue there can be no compromise on safety.

Mr. DELAHUNT. Mr. Chairman, from those first tragic moments on September 11, two things were immediately clear.

First, fundamental, systemic changes have to be made in airline security.

And second, Americans responded with enormous heroism. Every Member of this House has noted that this remarkable courage saved lives and reaffirmed our national spirit.

Within hours, we saw Iron Workers clearing tons of rubble at Ground Zero with cranes, bulldozers and by hand. Round-the-clock emergency care from medical professionals. Teamsters trucking in rescue supplies from across the country.

All members of labor unions. Many continue to work up to this very moment to honor the memory of the hundreds of union firefighters, union police officers, union paramedics, and union maintenance workers who died trying to help others. To honor the memory of the 1000 sisters and brothers—representing 24 unions—who perished that day.

From the pilots and flight attendants who lost their lives on September 11, to the postal workers who were the first to fall victim to bioterrorism on our shores. These are genuine American heroes.

They work hard and proud. Each day. For us.

Which is why it is so unthinkable that unions are now under attack in this debate.

We all agree about the urgent need to upgrade airport security. There is consensus about how to do it, and how to pay for it. Nearly 30 years ago, the airlines themselves testified before Congress that the only way to seriously combat hijacking threat was with federalized airport security.

Apparently, the only real dispute today is over the possibility that taking these steps to protect public safety might also require hiring unionized federal labor.

To those whose vision about public safety is blurred by hostility to unions, all I can say is: get over it.

The men and women of organized labor have swept our floors and served our meals. Mined our coal and built our jet fighters. Staffed our emergency rooms and taught our children.

They have made us great and they have made us good. Organized labor gave us the weekend. The middle class. The American dream. The vitality that makes us special among the family of nations.

If we're at war, let's fight it with our best troops. If we want safe skies, the worst thing we can do is scapegoat those who have risked life and limb to keep our homeland secure.

I urge my colleagues to support the bipartisan alternative.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3150 is as follows:

H.R. 3150

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

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Secure Transportation for America Act of 2001”.

(b) **AMENDMENTS TO TITLE 49, UNITED STATES CODE.**—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) **TABLE OF CONTENTS.**—

Sec. 1. Short title; amendments to title 49, United States Code; table of contents.
Sec. 2. Transportation Security Administration.
Sec. 3. Screening of passengers and property.
Sec. 4. Security programs.
Sec. 5. Employment standards and training.
Sec. 6. Deployment of Federal air marshals.
Sec. 7. Enhanced security measures.
Sec. 8. Criminal history record check for screeners and others.
Sec. 9. Passenger and baggage screening fee.
Sec. 10. Authorizations of appropriations.
Sec. 11. Limitation on liability for acts to thwart criminal violence or aircraft piracy.
Sec. 12. Passenger manifests.
Sec. 13. Transportation security oversight board.
Sec. 14. Airport improvement programs.
Sec. 15. Technical correction.
Sec. 16. Alcohol and controlled substance testing.
Sec. 17. Conforming amendments to subtitle VII.
Sec. 18. Savings provision.
Sec. 19. Budget submissions.
Sec. 20. Aircraft operations in enhanced class B airspace.
Sec. 21. Waivers for certain isolated communities.
Sec. 22. Assessments of threats to airports.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) **IN GENERAL.**—Chapter 1 is amended by adding at the end the following:

“§ 114. Transportation Security Administration

“(a) **IN GENERAL.**—The Transportation Security Administration shall be an administration of the Department of Transportation.

“(b) **UNDER SECRETARY.**—

“(1) **APPOINTMENT.**—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) **QUALIFICATIONS.**—The Under Secretary must—

“(A) be a citizen of the United States; and

“(B) have experience in a field directly related to transportation or security.

“(3) **TERM.**—The term of office of an individual appointed as the Under Secretary shall be 5 years.

“(c) **LIMITATION ON PECUNIARY INTERESTS.**—

The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

“(d) **FUNCTIONS.**—

“(1) **IN GENERAL.**—The Under Secretary shall be responsible for security in all modes of transportation, including—

“(A) carrying out chapter 449 relating to civil aviation security; and

“(B) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

“(2) **SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.**—Not later than 3 months after the date of enactment of this section, the Under Secretary shall assume civil aviation security functions and responsibilities under chapter 449 in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

“(3) **ASSIGNMENT OF CONTRACTS.**—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function, before the Under Secretary assumes responsibility of such function.

“(e) **ADDITIONAL DUTIES AND POWERS.**—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

“(1) receive, assess, and distribute intelligence information related to transportation security;

“(2) assess threats to transportation;

“(3) develop policies, strategies, and plans for dealing with threats to transportation security;

“(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

“(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

“(6) supervise all airport security and screening services using Federal uniformed personnel;

“(7) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 4493;

“(8) enforce security-related regulations and requirements;

“(9) identify and undertake research and development activities necessary to enhance transportation security;

“(10) inspect, maintain, and test security facilities, equipment, and systems;

“(11) ensure the adequacy of security measures for the transportation of cargo;

“(12) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

“(13) perform background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

“(14) develop standards for the hiring and retention of security screening personnel;

“(15) train and test security screening personnel; and

“(16) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

“(f) **ACQUISITIONS.**—

“(1) **IN GENERAL.**—The Under Secretary is authorized—

“(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

“(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

“(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire maintain and operate equipment for these facilities;

“(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

“(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

“(2) **TITLE.**—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

“(g) **TRANSFERS OF FUNDS.**—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

“(h) **REGULATIONS.**—

“(1) **IN GENERAL.**—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

“(2) **EMERGENCY PROCEDURES.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an

opportunity for comment and without prior approval of the Secretary.

“(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall be subject to disapproval by the Transportation Security Oversight Board established under section 44951. Any regulation or security directive issued under this paragraph shall remain effective until disapproved by the Board or rescinded by the Under Secretary.

“(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—

“(1) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

“(2) AUTHORITY OF AGENCY HEADS.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

“(j) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate.

“(k) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.

“(l) AUTHORITY OF INSPECTOR GENERAL.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

“114. Transportation Security Administration.”.

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“The Under Secretary of Transportation for Security”.

(d) PERSONNEL OF OTHER AGENCIES.—The last sentence of section 106(m) is amended by inserting “personnel and” before “supplies and equipment”.

(e) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 is amended—

(1) in subsection (a) by striking “Administrator of the Federal Aviation Administration” and inserting “Under Secretary of Transportation for Security”; and

(2) in subsections (b) and (c) by striking “Administrator” each place it appears and inserting “Under Secretary”.

(f) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

(2) in the second sentence of section 44913(a)(1) by striking “of the Administration” and inserting “of the Transportation Security Administration”;

(3) in section 44916(a)—

(A) in the first sentence by striking “Administrator” and inserting “Under Secretary of Transportation for Security”; and

(B) in the second sentence by striking “Administration” and inserting “Transportation Security Administration”;

(4) in each of sections 44933(a) and 44934(b) by striking “Assistant Administrator for Civil Aviation Security” and inserting “Under Secretary”;

(5) in section 44934(b)(1) by striking “Assistant Administrator” and inserting “Under Secretary”;

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking “Administrator” each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting “Under Secretary”;

(8) by striking “Administrator’s” each place it appears in such chapter and inserting “Under Secretary’s”; and

(9) by striking “of the Federal Aviation Administration” each place it appears in such chapter (except in section 44936(f)) and inserting “of Transportation for Security”.

SEC. 3. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a) by striking “a weapon-detecting” and all that follows through the period at the end of the second sentence and inserting “persons and procedures acceptable to the Under Secretary (or the Administrator before responsibilities under this subsection are assumed by the Under Secretary).”; and

(2) by adding at the end the following:

“(d) ASSUMPTION OF SCREENING FUNCTION BY UNDER SECRETARY.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intra-state air transportation that, on the date of enactment of this subsection, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier shall be assumed by the Under Secretary.

“(e) SUPERVISION OF SCREENING.—All screening of passengers and property at airports under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

“(f) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.”.

SEC. 4. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “a law enforcement presence” and inserting “a law enforcement or military presence”; and

(B) by inserting after “at each of those airports” the following: “and at each location at those airports where passengers are screened”; and

(2) in paragraph (2)(C)(i) by striking “shall issue an amendment to air carrier security programs to require” and inserting “shall require”.

SEC. 5. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting “, personnel who screen passengers and property,” after “air carrier personnel”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

“(6) a requirement that all personnel who screen passengers and property be citizens of the United States;

“(7) minimum compensation levels, when appropriate; and

“(8) a preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.”.

(b) FINAL RULES ESTABLISHING TRAINING STANDARDS FOR SCREETERS.—Section 44935(e)(1) is amended by striking “May 31, 2001” and inserting “6 months after the date of enactment of the Secure Transportation for America Act of 2001”.

(c) EMPLOYMENT STANDARDS FOR SCREETERS; UNIFORMS.—Section 44935 is amended by adding at the end the following:

“(g) TRAINING FOR ALL SCREETERS, SUPERVISORS, AND INSTRUCTORS.—

“(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

“(2) ON-THE-JOB PORTION OF SCREETER’S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo may be loaded aboard aircraft without further inspection.

“(3) EFFECT OF SCREETER’S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.

“(h) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901 to be attired in a uniform, approved by the Under Secretary, while on duty.”.

(d) INTERIM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—In the period beginning 30 days after the date of enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a “screener”):

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo to passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

“§ 44917. Deployment of Federal air marshals

“(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

“(1) provide for deployment of Federal air marshals on selected passenger flights of air carriers in air transportation or intrastate air transportation;

“(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

“(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey; and

“(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal.

“(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to

address security concerns on passenger flights in foreign air transportation.

“(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

SEC. 7. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

“§ 44918. Enhanced security measures

“(a) IN GENERAL.—To the extent the Under Secretary of Transportation for Security determines appropriate, the Under Secretary shall take the following actions:

“(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for pilots and other members of the flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

“(2) After consultation with the Administrator, develop and implement methods to—

“(A) restrict the opening of a cockpit door during a flight;

“(B) fortify cockpit doors to deny access from the cabin to the cockpit;

“(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

“(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

“(3) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

“(4) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

“(5) Provide for the use of voice stress analysis or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

“(6) Develop standards and procedures for the issuance, renewal, and revocation of a certificate of qualification for individuals who screen passengers and property at an airport.

“(7) Provide for the use of threat image projection or similar devices to test individuals described in paragraph (6) and establish procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

“(8) In consultation with air carriers and other government agencies, establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft.

“(9) Provide for the enhanced use of computer profiling to more effectively screen passengers and property that will be carried in the cabin of an aircraft.

“(10) Provide for the use of electronic technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

“(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews

to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

“(13) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

“(14) Enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals.

“(15) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government and international agencies to help determine whether the person may be a threat to civil aviation.

“(b) AIRWORTHINESS OBJECTIONS BY FAA.—

“(1) IN GENERAL.—The Under Secretary shall not take an action under subsection (a) if the Administrator notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

“(2) REVIEW BY SECRETARY.—Notwithstanding paragraph (1), the Under Secretary may take an action under subsection (a), after receiving a notification concerning the action from the Administrator under paragraph (1), if the Secretary of Transportation subsequently approves the action.

“(c) VIEW OF NTSB.—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give great weight to the views of the National Transportation Safety Board.

“(d) PROPERTY SECURITY PROGRAM.—

“(1) ESTABLISHMENT.—The Under Secretary shall develop and implement a program to ensure the security of all property carried on passenger aircraft by either mandating that such property is screened, by ensuring that no checked baggage is carried on the aircraft unless the passenger who checks the baggage is aboard the aircraft, or by such other methods that the Under Secretary considers to be effective.

“(2) USE OF SCREENING EQUIPMENT.—The Under Secretary shall ensure that equipment installed at airports to screen checked baggage is used to the maximum extent possible.

“(e) LIMITATION ON CERTAIN ACTIONS.—The Secretary of Transportation shall not take any action to prevent a pilot of an air carrier from taking a firearm into the cockpit of the aircraft if the policy of the air carrier permits its pilots to be armed and the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

“(f) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter until the Under Secretary determines whether or not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security, and on the progress the Under Secretary is making in carrying out subsection (d).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

“44918. Enhanced security measures.”.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—
(A) in the section heading by striking “**Re-ports**” and inserting “**Report**”; and

(B) by striking “(a) TRANSPORTATION SECURITY.” and all that follows through “(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator” and inserting “The Under Secretary of Transportation for Security”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

“44938. Report.”.

SEC. 8. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary (or the Administrator of the Federal Aviation Administration before the transfer of civil aviation security responsibilities to the Under Secretary) approves of such early implementation and if the airport operator, air carriers, and certified screening companies amend their security programs to conform those programs to the requirements of this subparagraph.”; and

(2) in paragraph (2)—

(A) by striking “or airport operator” and inserting “airport operator, or certificated screening company”; and

(B) by adding at the end the following: “In this paragraph, the term ‘certificated screening company’ means a screening company to which the Under Secretary has issued a screening company certificate authorizing the screening company to provide security screening.”.

SEC. 9. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

“§ 44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs shall be limited to the salaries and benefits of screening personnel and their direct supervisors, training of screening personnel, and acquisition, operation, and maintenance of equipment used by screening personnel and shall be determined by the Under Secretary.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that such fee is insufficient to pay for the costs of the screening of passengers and property pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected from such fee.

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed,

in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 on a 1-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

“(2) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

“(3) LIMITATION ON COLLECTION.—No fee may be collected under this section, except to the extent that expenditure of such fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(e) ADMINISTRATION OF FEES.—

“(1) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

“(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier providing the transportation described in subsection (a)(1).

“(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

“(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

“(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

(c) EXEMPTIONS.—Section 44915 is amended by striking “and 44936” and inserting “44936, and 44939”.

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

“§ 44940. Authorizations of appropriations

“(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

“(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated \$500,000,000 for the Secretary of Transportation to make grants to air carriers to—

“(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

“(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

“(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

“(4) provide for the use of other innovative technologies to enhance aircraft security.

“(c) AIRPORT SECURITY.—There is authorized to be appropriated \$1,500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

“44940. Authorizations of appropriations.”.

SEC. 11. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

“(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.”.

SEC. 12. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

“(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Under Secretary of Transportation for Security shall require each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States to provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in subsection (b).

“(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

“(A) The full name of each passenger and crew member.

“(B) The date of birth and citizenship of each passenger and crew member.

“(C) The sex of each passenger and crew member.

“(D) The passport number and country of issuance of each passenger and crew member if required for travel.

“(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

“(F) The passenger name record of each passenger.

“(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

“(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Under Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Under Secretary prescribes.

“(4) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—The Under Secretary may require by regulation that a passenger and crew manifest required for a flight under paragraph (1) be transmitted directly to the head of another Federal agency.”.

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

§44951. Transportation Security Oversight Board

“(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

“(A) The Secretary of Transportation (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The Secretary of the Treasury (or the Secretary’s designee).

“(D) The Secretary of Defense (or the Secretary’s designee).

“(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

“(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) DUTIES.—The Board shall—

“(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(2) within 30 days after the date of issuance of such regulation or directive;

“(2) share intelligence information with the Under Secretary;

“(3) review—

“(A) plans for transportation security;

“(B) standards established for performance of airport security screening personnel;

“(C) compensation being paid to airport security screening personnel;

“(D) procurement of security equipment;

“(E) selection, performance, and compensation of senior executives in the Transportation Security Administration;

“(F) waivers granted by the Under Secretary under section 21 of the Secure Transportation for America Act of 2001 and may ratify or disapprove such waivers; and

“(G) budget requests of the Under Secretary; and

“(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

“(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

“(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

§44952. Advisory council

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall

establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

“(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, screening companies, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

“(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

“(d) ADMINISTRATIVE MATTERS.—

“(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

“(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

“(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

“(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

§44951. Transportation Security Oversight Board.

§44952. Advisory council.”.

SEC. 14. AIRPORT IMPROVEMENT PROGRAMS.

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.”.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

“(J) hiring, training, compensating, or reimbursing for law enforcement personnel at a non-hub or small hub airport (as defined in section 41731).

“(K) in fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

“(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.”.

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 47110(b)(2) is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by inserting after the semicolon at the end of the subparagraph (C)(iii) “or”; and

(3) by inserting at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3) without regard to the date of execution of a grant agreement under this subchapter.”.

(d) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) 100 percent for a project described in subparagraphs (J), (K), or (L) of section 47102(3).”.

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting “or the Secure Transportation for America Act of 2001” after “21st Century”.

SEC. 15. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107-42) is amended by striking “February 1, 2001” and inserting “February 1, 2002”.

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting “in the interest of air commerce or national security” before “to carry out foreign policy”.

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking “representatives” and inserting “representations”.

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking “contract personnel” each place it appears and inserting “personnel”;

(2) by striking “contract employee” each place it appears and inserting “employee”;

(3) in section 45106(c) by striking “contract employees” and inserting “employees”;

(4) by inserting after section 45106 the following:

§45107. Transportation Security Administration

“(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their

employers instead of by air carriers and foreign air carriers.

“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

“45107. Transportation Security Administration”.

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after “(or” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(2) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(3) in section 46101(a)(2) by striking “of Transportation or the” and inserting “, Under Secretary, or”;

(4) in section 46102(b) by striking “and the Administrator” and inserting “, the Under Secretary, and the Administrator”;

(5) in section 46102(c) by striking “and Administrator” each place it appears and inserting “, Under Secretary, and Administrator”;

(6) in each of sections 46102(d) and 46104(b) by inserting “the Under Secretary,” after “Secretary,”;

(7) in the heading to section 46106 by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”.

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after “(or” the following:

“the Under Secretary of Transportation for Security with respect to security duties and

powers designated to be carried out by the Under Secretary or”; and

(B) by striking “or Administrator” and inserting “, Under Secretary, or Administrator”; and

(2) in subsection (d)—

(A) by inserting after “The” the following: “Under Secretary of Transportation for Security or the”;

(B) by striking “Administration” the second place it appears and inserting “Transportation Security Administration or Federal Aviation Administration, as the case may be.”; and

(C) by striking “the Administrator decides” and inserting “the Under Secretary or Administrator, as the case may be, decides”.

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking “, chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909.”;

(B) by inserting after the first sentence the following: “The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.”; and

(C) by inserting “Under Secretary or” before “Administrator shall”;

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking “Administrator” each place it appears and inserting “Under Secretary or Administrator”;

(3) in section 46301(d)(8) by striking “Administrator” and inserting “Under Secretary, Administrator.”;

(4) in section 46301(h)(2) by inserting after “(or” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(5) in section 46303(c)(2) by inserting “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”;

(6) in section 46311—

(A) by inserting after “Transportation,” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary.”;

(B) by inserting after “Secretary,” each place it appears the following: “Under Secretary.”;

(C) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(7) in each of sections 46313 and 46316 by inserting after “(or” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”; and

(8) in section 46505(d)(2) by inserting “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

SEC. 18. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—

Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer

thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term “Act” includes the amendments made by this Act.

SEC. 19. BUDGET SUBMISSIONS.

The President’s budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 20. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 21. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40102 of title 49, United States Code) for reasons of national security by any government agency, the Under Secretary of Transportation for Security may grant a waiver from such restrictions for the carriage of cargo, mail, patients, and emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more than 200 miles, from a hub airport (as defined in section 41731 of such title).

(b) REVIEW AND DISAPPROVAL.—Any grant of a waiver by the Under Secretary under this section shall be subject to review and disapproval by the Transportation Security Oversight Board.

(c) LIMITATIONS.—The Board may impose reasonable limitations on any waiver granted under this section.

SEC. 22. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 4904 is amended by adding at the end the following:

“(d) PASSENGER VEHICLES.—

“(1) THREAT ASSESSMENT.—An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

“(2) REMOVAL OF CERTAIN RESTRICTIONS.—If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.”.

The CHAIRMAN. No amendment is in order except those printed in House Re-

port 107-264 or otherwise specified in House Resolution 274. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

It is now in order to consider amendment No. 1 printed in House Report 107-264.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

Page 1, line 6, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

In the table of contents after line 8, strike the item relating to section 15 and insert the following:

Sec. 15. Technical corrections.

Page 2, before line 9, insert the following:

TITLE I—AVIATION SECURITY

Redesignate sections 2 through 22 of the bill as sections 101 through 121, respectively.

Conform the table of contents of the bill, accordingly.

Page 13, line 17, strike “(1) in subsection (a) by striking” and inserting the following:

- (1) in subsection (a)—
- (A) by striking “a cabin of”; and
- (B) by striking

Page 14, line 2, strike “The responsibility” and insert the following:

“(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

“(2) ADDITIONAL SCREENING AUTHORITY.—

The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

Page 14, line 20, strike the closing quotation marks and the final period and insert the following:

“(g) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall depelize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.”.

Page 15, after line 24, insert the following:

“(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

Page 16, line 1, strike “(7)” and insert “(8)”.

Page 16, line 2, strike “and”.

Page 16, line 3, strike “(8)” and insert “(9)”.

Page 16, line 7, strike both periods and the closing quotation marks and insert “; and” and the following:

“(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.”.

Page 16, lines 11 and 12, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

Page 16, line 20, strike “pursuant” and insert “pursuant to”.

Page 19, line 22, strike “and”.

Page 20, line 2, strike the period and insert “; and” and the following:

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Page 21, line 14, strike “and”.

Page 21, line 20, strike the period and insert a semicolon and the following:

“(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal’s home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

“(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

Page 22, line 3, after “consultation with” insert “and concurrence of”.

Page 22, before line 10, insert the following:

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

“(E) availability pay—

“(i) received by a criminal investigator under section 5545a of this title; or

“(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation.”.

Page 24, line 1, strike “Provide” and insert “Establish performance goals for individuals described in paragraph (6)”, and insert “such individuals.”.

Page 26, after line 2, insert the following:

“(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

“(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

“(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

“(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the

Under Secretary or the air carrier, including imposing additional charges by the air carrier.

“(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

Page 26, strike line 19 and all that follows through line 7 on page 27 and insert the following:

“(d) PROPERTY SECURITY PROGRAM.—

“(1) CHECKED BAGGAGE.—

“(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

“(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

“(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

“(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

“(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as possible after the date of enactment of this paragraph.

Page 29, line 10, strike “and” and insert the following:

(2) by adding at the end of paragraph (1) the following:

“(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations.”; and

Page 29, line 11, strike “(2)” and insert “(3)”.

Page 34, strike line 23 and all that follows through line 4 on page 35 and insert the following:

“(C) AIRPORT SECURITY.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of \$1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

“(2) CONDITIONS.—Before providing financial assistance to an airport operator with

funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

“(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

“(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.”.

Page 36, line 9, strike “subsection (b)” and insert “paragraph (2)”.

Page 39, lines 16 and 17, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

Page 43, line 22, after “sponsor” insert “or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor”.

Page 44, beginning on line 25, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

Page 45, after line 15, insert the following:

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

“(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

“(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the \$4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

“(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.”.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

“41722. Requirement to honor passenger tickets of other carriers

“Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.”.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“41722. Requirement to honor passenger tickets of other carriers.”.

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the

Air Transportation Safety and System Stabilization Act (Public Law 107-42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

“SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.”;

(2) by amending subsection (a) to read as follows:

“(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.”;

(3) in subsection (b), by adding at the end the following new paragraphs:

“(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

“(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party’s liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

“(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

“(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

“(5) ATTORNEYS’ FEES.—Reasonable attorneys’ fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in

excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.”;

(4) by amending subsection (c) to read as follows:

“(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

“(1) hijacks any aircraft or commits any terrorist act; or

“(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act.”; and

(5) by adding at the end the following new subsections:

“(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

“(e) STATE DEFINED.—In this section, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.”.

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not know why I should read this explanation, it was read before, if anybody was listening; but the manager’s amendment consists of a number of provisions that Members have requested in order to improve our bill.

Some of these amendments clarify existing language in the bill to ensure that we truly have a better system of security for the traveling public. Others are intended to provide additional assistance to those who suffered substantial increased costs due to Federal security mandates since September 11.

We change the title of the bill to better reflect the fact that this bill federalizes the airport screening process, and want to make that clear.

The new title of this bill is “Airport Security Federalization Act.”

The manager’s amendment provides much-needed assistance to airports to meet their increased security expenses by authorizing \$1.5 billion to cover increased security costs into FY 2003.

The amendment authorizes the Under Secretary to deputize screeners as Federal transportation security agents and ensure that such agents operate under common standards, badges, uniforms, and insignias.

We increase the requirements for retroactive background checks for screeners and airport employees.

The amendment strengthens existing language in the bill on the screeners who check baggage and sets a deadline for screening of all baggage for December 31, 2003.

The amendment addresses compensation for air marshals and ensures that they will be able to travel back to their homes without charge when they leave active duty status.

This is a good amendment. This amendment has been discussed and greatly improves the bill.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to speak very briefly on the victims’ compensation portion of the amendment, better titled “Limits on Victims’ Compensation.” This liability section includes a lot of tort reform provisions not considered by the Committee on the Judiciary, and there are a number of unanswered questions that hopefully would be resolved had it been considered by the Committee on the Judiciary.

For example, to qualify for relief, and that is it limits loss to insurance coverage, to qualify for that kind of relief from liability, the defendant must show the damages arise out of the hijacking and subsequent crashes on September 11. The question, of course, is what does “arise out of” mean?

If you are in a breach-of-contract suit in state court in California and alleging that the goods were not delivered or were slow to deliver and that might have been caused by the September 11 crash and the subsequent failure of people to move, does that count as arising out of the crashes?

Why should we reward people for not having insurance? If two cases are identical and one person has insurance, they can recover. In the next case, the person does not have insurance or is self-insured, no recovery. That is obviously not fair.

How do deductibles work? If you have \$1 million coverage and \$10,000 deductible, what happens to a \$9,000 claim? Do you lose it because it is not covered by insurance? When we had the airline relief bill, we provided specific help to specific defendants, knowing the kinds of cases; and we knew their insurance coverage. That is not the case here.

There are other provisions, like the attorney’s fees provision where you assume that the person is charging a contingent percentage fee. They may be charging a flat fee. Also the collateral source rules.

These provisions have not been considered by the Committee on the Judiciary.

They have nothing to do with security; and, therefore, the manager’s amendment ought to be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I am a bit puzzled hearing my colleague on the Committee on the Judiciary, the gentleman from Virginia (Mr. SCOTT), say that this bill ought to be delayed so that the Committee on the Judiciary can consider contingent liability issues. We have heard from the other side again and again that we ought to send the substitute amendment to the President tonight so that the people can have protection, and yet my colleague from the Committee on the Judiciary wants us to spend some time looking at contingent liability provisions.

The manager’s amendment is important to complete the job we failed to do in passing the airline liability bill. That bill capped air carriers’ liability at the limit of their insurance, so we have protected United Airlines and American Airlines and the security firms that screened the passengers that got on the planes that were hijacked, which have been included in the definition of air carriers by two Federal Court decisions; but we did not give the same type of contingent liability protection to Boeing, the manufacturer of the plane, to Pratt and Whitney and General Electric, the manufacturers of the engines, the Port Authority of New York and New Jersey, which is a quasi-public corporation, the lessee of the World Trade Center, the fire department and police departments of the City of New York, and anybody else that might have contingent liability.

What the manager’s amendment provision does is to close the loop. If we do not close the loop, none of the entities I have talked about, particularly the private sector entities, are going to be able to borrow money. So unless the manager’s amendment is passed, you are not going to be able to see Boeing and General Electric and Pratt and Whitney and the wallboard manufacturer of the walls in the 105th floor of the World Trade Center be able to keep themselves in business, because no bank will lend them money because of contingent liability issues.

So if the manager’s amendment goes down because of the arguments the gentleman from Virginia (Mr. SCOTT) has advanced, then I guess American airlines, and that is small “a” American airlines, not the corporation, are going to be flying Air Buses with Rolls Royce engines simply because we are not going to have American manufacturers in the international civil aviation market.

This provision of the manager’s amendment is strongly endorsed both by Governor Pataki and Mayor Giuliani, who feel it is necessary to protect the State, the city, and the

Port Authority from lawsuits; and I think that this is reasonable, to give corporations and entities besides the airlines the same type of protection that we gave air carriers in the airline liability bill.

The manager's amendment should be passed. I thank the gentleman from Alaska for including it in his amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise in opposition to the so-called airport security bill that my Republican colleagues have finally brought to the floor, and support the Oberstar-Ganske bipartisan substitute. This bill is weeks late. In ignoring the bipartisan efforts of our colleagues in the Senate, we are delaying the much-needed restructuring of our Nation's airport security. We are continuing the risk for the American flying public by simply going to conference committee for we do not know how long.

We have seen the results of not taking security at our airports seriously. Since the terrorist attacks of September 11, security has been increased at airports across America; but we need to professionalize it.

We continue to hear reports of passengers carrying weapons on planes, convicted felons serving as security screeners, and unauthorized personnel being allowed access to secure areas. It is time for the Federal Government to step in. We have resources that neither the air carriers nor the current security contractors possess. We need Federal air marshals, expanded anti-hijacking training for flight crews, fortified cockpit doors, X-ray inspection of all carry-on and checked bags.

It is clear that the current system of contracting out this law enforcement function to the lowest bidder has created a workforce that suffers from high turnover, low pay and low morale. Congress should take this opportunity to create a professional, highly skilled, well-trained Federal law enforcement workforce.

We do not want to privatize our Capitol Police, the U.S. Customs, the FBI, or the Border Patrol. They are law enforcement; and that is what law enforcement functions are, and that is what this is.

To close, the comments that the only thing Democrats want to do is use Federal employees so they can be union members, I could not have heard it better yesterday from airline pilot that said the heroes of September 11 were union members: the airline pilots, the flight attendants, the New York police and firefighters. A free and strong union movement is vital to our Nation, if it is a public and police function at our airports.

I urge my colleagues to vote now for the safety of the American public.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the ranking member for yielding me time and also for the leadership he has shown on this very important issue.

As a member of the Subcommittee on Aviation, it became very apparent to all of us that we are lacking in this particular area. This is not a question of more Federal employees or less Federal employees or private contractors. There is a problem in the system.

The argument that was advanced earlier was, well, because there is a problem of communication of Federal law enforcement agencies, we do not want to add to that problem of Federal coordination of law enforcement agencies. I totally reject that. If we are going to be able to make sure that the screeners on the front lines of security have the latest information about terrorists and suspected terrorists, they need to be Federal employees, Federal law enforcement personnel, so they have the information from the Justice Department which this legislation authorizes the Attorney General to be able to promulgate the rules and regulations. They need to be in the Federal loop. The appointment of Tom Ridge as Homeland Security Czar was meant to demand that coordination. We should not accept anything else but coordination of the FBI, the intelligence agencies, and all Federal law enforcement.

The other issue that needs to be federalized is the uniform security. Different airlines in our hearings had different procedures what to look at. One looks at this, one looks at something else. We need uniform Federal standards, and we need to advance and upgrade these positions if we are going to encourage the public to fly again and feel the security of flying again.

This is not a question of more Federal employees or private contractors. It is based on the hearings the subcommittee held, the testimony that was taken. There are gaping holes in the system.

This has been approved overwhelmingly in the Senate, bipartisanly, and bipartisanly in this Congress. I totally reject the arguments that are being made that it can be done better with what we have now in dressing it up.

Mr. Chairman, I ask my colleagues to stand together, to unite around this legislation and to get them into the airports where they belong.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding. I was discussing earlier today that this is not a time to cast any doubt or any suggestion on the honesty and integrity of individuals who have come to this floor with different opinions. But I want to thank, as I said earlier, the leadership

of the Committee on Transportation and Infrastructure for allowing us this debate on this very important issue.

I would have preferred standing in this well 3 weeks ago, 4 weeks ago, almost a month ago. I would have preferred not standing at all, or having to deliberate on this legislation and or having to reflect on September 11, 2001. But we are here today because that tragedy occurred. As I mentioned to the distinguished gentleman from Minnesota (Mr. OBERSTAR), we are also here because Pan Am 103 occurred December 1988. A plane full of happy individuals leaving the European continent, coming home for the holidays, flight attendants, pilots, families, students, all looking forward to the Christmas holiday.

□ 1715

And over Lockerbie, Scotland, that plane blew up because of a bomb placed in an unsecured checked bag. If we do anything today, we should pass this bill so that it could be on the President's desk this evening. The reason is, for once in this Nation, for the first time, we will be able to tell the American people that every single bag that gets on the airplane, checked luggage, will be screened and analyzed. We will have Federal air marshals; and rather than a paper-thin cockpit door, we will have an enforced cockpit door. We will also have the ability to say "no room at the inn" for anyone who comes in with a \$25,000 check and says, I want to be a pilot in the United States of America, and we do not know their background or why they came here to this country.

There are many tragic things that happened on September 11, 2001. Our borders were not as secure as they should have been. We did not have the tracking ability to track those who came in legally, but over stayed their visas; and then we did not have reinforced cockpit doors. But we must do the right thing today and correct what we can do today—federalize airline security. Do what the American people deserve—provider security for the airlines to provide safe airways for the American people now!

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

(Mr. BALLENGER asked and was given permission to revise and extend his remarks.)

Mr. BALLENGER. Mr. Chairman, lack of experience in times of decision can easily lead to mistakes. I would imagine that the largest number of employees most Members of Congress have ever employed is their staff here in Washington and back in their districts. As employers, Members of Congress are called on to make hiring, firing and fringe benefit decisions for their staffs. They are involved in hiring, firing, evaluating, and eliminating weak or unsatisfactory employees. These decisions can be made without government advice or instructional guidelines.

Now, let us just imagine that we federalize all congressional employees. They would immediately gain all the benefits of civil service, which would then require us to hire, pay, and advance employees according to government regulations; and by the way, we could not fire them without a major just-cause hearing, which we would probably lose. Everything would have to be done according to prescribed rules. In other words, we would no longer control the operation of our offices, good or bad.

In the case of a Member, we are talking about 15 or 20 employees; but suppose we are talking about Federal aviation safety. We are talking about 31,000 employees who deem their jobs by government hiring and would not have to be efficient, polite or qualified. Under the control of the FAA, the Justice Department or whatever agency, can we imagine how long it would take to get such an operation started? Probably a year or two. Does that sound about right?

Stop and think about how efficient any government operation is. Can we replace the FAA or the INS or Internal Revenue Service or even change their operating system when it becomes out of date? We tried, but to no avail. Remember the reduction to government employees under President Clinton? Those reductions were nearly all Armed Forces. He could not touch civilian employees.

By the way, over 40 of the Senators who voted for the Senate version now confess they would never have supported it if their leadership had given them another choice.

Vote to allow private airport security operation overseen by the Federal Government. Vote for President Bush's choice.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Once again, the Chair would remind Members not to speculate on the intent of Members of the other body.

Mr. OBERSTAR. Mr. Chairman, could the Chair enlighten us on the time remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 2 minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. OBERSTAR. And under the procedure of the House, does our side have the right to close?

The CHAIRMAN. That is correct.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, I thought the one who offers the amendment has the right to close.

The CHAIRMAN. The gentleman normally would be correct; but under this particular amendment, under clause 3(c) of rule XVII, the minority manager has the right to close.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, again, I will try to set the record straight. The gentleman from Maine who spoke earlier talked about the need to establish some type of an exchange of information; and it is true, the Senate bill does establish that. However, it does not provide that the information go to the airlines. The airlines are the only ones that have the passenger list. In their haste to pass this legislation, the other body left out the provision to require a passenger list from foreign carriers; and in today's paper, it looks like those in the other body are trying to correct that deficiency.

The gentlewoman from Texas talked about cockpit doors and air marshals. The President has already ordered that. That is under way; it is in all of the pieces of legislation. In fact, the cockpit doors, Secretary Mineta told me, in all major aircraft will be in by November 7 and air marshals are being put in place every day.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) and his colleague for offering the Senate bill. I rise in support of it.

Unlike some of my colleagues, I have overseen more than 300 employees and many of them were law enforcement officers. Unlike many of my colleagues, my father worked for the airlines, my sister works for the airlines, my niece works for the airlines, my brother-in-law works for the airlines; and this bill is very important to my family and the American public.

I rise because I believe that airline security must be an honorable position, just like police officers, just like fire marshals, just like everyone else who does a law enforcement job. Let us elevate them to the level of honor that they deserve so that the American people will believe that their safety is covered. Let us elevate them to the position of a Federal employee doing a law enforcement job with law enforcement equipment and honored by this Nation's public.

Mr. Chairman, I rise in support of the legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me.

I want to use this time to point out one area of the Senate bill which will soon be offered as a substitute which I feel to be somewhat incredible, and I would doubt that the Members on the other side are really, really aware of its inclusions. One of the provisions in that bill requires that the screener will

have to have been a national of the United States as defined in section 1012(22) of the Immigration and Nationality Act contained in U.S.C. 1101(a)(22) for a minimum of 5 consecutive years.

Now, I would ask, has anybody looked up that section to see exactly what that provides?

Mr. Chairman, that provides that in many instances that a citizen is defined as a national in that section, that we may be setting up a system of second-class citizens. This is clearly wrong. It is nowhere in the United States Code, and it should not be tolerated by this House.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members in regard to references to the other body that the Chair previous admonitions are still valid.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remaining time.

I hope people are listening to what the gentleman from Florida (Mr. SHAW) had to say. We are setting up an unconstitutional thing of two-tiered citizenry. I hope we understand what that does. It means one can be a citizen, but one cannot work unless they have been a citizen for 5 years. They have already gone through the process and held up their hand, but they cannot work under that bill.

Mr. Chairman, I urge the passage of my bill. It is appropriate. It is the right thing to do. It makes the original bill, the base bill, better. It is a bill that, as I say, should be passed.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself the remaining time.

In response to the last commentary about the provision referring to citizenship, there are two types of nationals: citizens of the United States who are both citizens and nationals, and nationals of American Samoa and Swains Island, who owe an allegiance to the United States. The term "national" does not encompass aliens. It is intended to be broad to encompass those I have just mentioned.

Now, our substitute, which the gentleman from Iowa (Mr. GANSKE) and I offered on a bipartisan basis, has been characterized as being disruptive, creates a disruptive transition. But the maximum disruptive transition is right here in the manager's substitute providing that any private security firm be owned and controlled by a citizen of the United States to the extent the President determines that their firm is owned and controlled by such citizens. That is going to create a huge disruption of having to terminate all the contracts that now exist, because they are controlled by a foreign company.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 202, not voting 7, as follows:

[Roll No. 421]

AYES—223

Aderholt	Green (WI)	Peterson (PA)	Clay	Kanjorski	Pastor
Akin	Greenwood	Petri	Clayton	Kaptur	Paul
Armey	Grucci	Pickering	Clement	Kennedy (RI)	Payne
Bachus	Gutknecht	Pitts	Clyburn	Kildee	Pelosi
Baker	Hall (TX)	Platts	Condit	Kilpatrick	Phelps
Barr	Hansen	Pombo	Costello	Kind (WI)	Pomeroy
Bartlett	Harman	Portman	Conyers	Klepczka	Price (NC)
Barton	Hart	Doggett	Costello	Kucinich	Rahall
Bass	Hastings (WA)	Putnam	DeFazio	LaFalce	Ramstad
Bereuter	Hayes	Doyle	Leach	Lampson	Rangel
Biggert	Hayworth	Edwards	DeLauro	Davis (CA)	Langevin
Bilirakis	Radanovich	Engel	Deutsch	Davis (FL)	Lantos
Blunt	Hefley	Eshoo	Dingell	Davis (IL)	Rivers
Boehlert	Herger	Rehberg	Doggett	Davis (GT)	Rodriguez
Boehner	Hilleary	Etheridge	Dooley	Leach	Roemer
Bonilla	Hobson	Riley	Doyle	Lee	Ross
Bono	Hoekstra	Rogers (KY)	Edwards	Levin	Rothman
Brady (TX)	Horn	Rogers (MI)	Maloney (CT)	Lewis (GA)	Royal-Allard
Brown (SC)	Hostettler	Rohrabacher	Engel	Lipinski	Rush
Bryant	Houghton	Ros-Lehtinen	Eshoo	Maloney (NY)	Sabu
Burr	Hulshof	Roukema	Rehberg	Malone (NY)	Schakowsky
Burton	Hunter	Roukema	Etheridge	Markley	Schiff
Buyer	Hyde	Royce	Riley	Mascara	Scott
Callahan	Inslee	Ryan (WI)	Doyle	Matheson	Serrano
Calvert	Isakson	Gephhardt	Edwards	Farr	Sherman
Camp	Issa	Ryan (KS)	Maloney (CT)	Matsui	Shows
Cannon	Istook	Gonzalez	Malone (NY)	McCarthy (MO)	Skelton
Cantor	Jenkins	Gordon	Malone (NY)	McCarthy (NY)	McCullum
Capito	Johnson (CT)	Shadegg	Hill	McDermott	Slaughter
Castle	Johnson (IL)	Shaw	Hilliard	McDermott	Smith (WA)
Chabot	Johnson, Sam	Shays	Hinchey	Frost	Smith (WA)
Chambliss	Jones (NC)	Sherwood	Hinchey	McGovern	Snyder
Coble	Keller	Shimkus	Hinojosa	McIntyre	Solis
Collins	Kelly	Shuster	Hoeffel	McKinney	Spratt
Combest	Kennedy (MN)	Simmons	Holden	McNulty	Stark
Cooksey	Kerns	Simpson	Holt	Meehan	Stenholm
Cox	King (NY)	Skeen	Honda	Meek (FL)	Strickland
Cramer	Kingston	Smith (MI)	Hooley	Ganske	Meeks (NY)
Crane	Kirk	Smith (NJ)	Hoyer	Gutierrez	Stupak
Crenshaw	Knollenberg	Smith (TX)	Hoyer	Hall (OH)	Menendez
Culberson	Kolbe	Souder	Jackson (IL)	Hastings (FL)	Millender-Hill
Cunningham	LaHood	Stearns	Jackson-Lee	Hill	McDonald
Davis, Jo Ann	Largent	Stump	Jackson-Lee	Hilliard	Miller, George
Davis, Tom	Larsen (WA)	Sununu	Jackson-Lee	Hinchey	Mink
Deal	Latham	Sweeney	Jackson-Lee	Hinojosa	Mollohan
DeLay	LaTourette	Tancredo	Jackson-Lee	Hoeffel	Moore
DeMint	Lewis (CA)	Tauzin	Jackson-Lee	Holden	Moran (VA)
Diaz-Balart	Lewis (KY)	Taylor (MS)	Jackson-Lee	Holt	Morella
Dicks	Linder	Taylor (NC)	Jackson-Lee	Honda	Udall (NM)
Doolittle	LoBiondo	Terry	Jackson-Lee	Hooley	Udall (NM)
Dreier	Lucas (KY)	Thomas	Jackson-Lee	Hoyer	Udall (NM)
Duncan	Lucas (OK)	Thornberry	Jackson-Lee	Jackson (IL)	Udall (CO)
Ehlers	Lucas (OK)	Thune	Jackson-Lee	Jackson-Lee	Udall (CO)
Ehrlich	McCrery	Tiaht	Jackson-Lee	Jackson-Lee	Udall (CO)
Emerson	McHugh	Tiberi	Jackson-Lee	Jackson-Lee	Udall (CO)
English	McInnis	Toomey	Jackson-Lee	Jackson-Lee	Udall (CO)
Everett	McKeon	Traficant	Jackson-Lee	Jackson-Lee	Udall (CO)
Ferguson	Mica	Upton	Jackson-Lee	Jackson-Lee	Udall (CO)
Fletcher	Miller, Dan	Vitter	Jackson-Lee	Jackson-Lee	Udall (CO)
Foley	Miller, Gary	Walden	Jackson-Lee	Jackson-Lee	Udall (CO)
Forbes	Miller, Jeff	Walsh	Jackson-Lee	Jackson-Lee	Udall (CO)
Fossella	Moran (KS)	Wamp	Jackson-Lee	Jackson-Lee	Udall (CO)
Frelighuysen	Myrick	Watkins (OK)	Jackson-Lee	Jackson-Lee	Udall (CO)
Gallegly	Nethercutt	Watts (OK)	Jackson-Lee	Jackson-Lee	Udall (CO)
Gekas	Ney	Weldon (FL)	Jackson-Lee	Jackson-Lee	Udall (CO)
Gibbons	Northup	Weldon (PA)	Jackson-Lee	Jackson-Lee	Udall (CO)
Gilchrest	Norwood	Weller	Jackson-Lee	Jackson-Lee	Udall (CO)
Gilmor	Nussle	Whitfield	Jackson-Lee	Jackson-Lee	Udall (CO)
Gilman	Ortiz	Wicker	Jackson-Lee	Jackson-Lee	Udall (CO)
Goode	Osborne	Wilson	Jackson-Lee	Jackson-Lee	Udall (CO)
Goodlatte	Ose	Wolf	Jackson-Lee	Jackson-Lee	Udall (CO)
Goss	Otter	Young (AK)	Jackson-Lee	Jackson-Lee	Udall (CO)
Graham	Oxley	Young (FL)	Jackson-Lee	Jackson-Lee	Udall (CO)
Granger	Pence	Peterson (MN)	Jackson-Lee	Jackson-Lee	Udall (CO)

NOES—202

Abercrombie	Becerra	Boucher
Ackerman	Bentsen	Boyd
Allen	Berman	Brady (PA)
Andrews	Berry	Brown (FL)
Baca	Bishop	Brown (OH)
Baird	Blagojevich	Capps
Baldacci	Blumenauer	Capuano
Baldwin	Bonior	Cardin
Barcia	Borski	Carson (IN)
Barrett	Boswell	Carson (OK)

CONGRESSIONAL RECORD—HOUSE

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Aviation Security Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Findings.

Sec. 102. Transportation security function.

Sec. 103. Aviation Security Coordination Council.

Sec. 104. Improved flight deck integrity measures.

Sec. 105. Deployment of Federal air marshals.

Sec. 106. Improved airport perimeter access security.

Sec. 107. Enhanced anti-hijacking training for flight crews.

Sec. 108. Passenger and property screening.

Sec. 109. Training and employment of security screening personnel.

Sec. 110. Research and development.

Sec. 111. Flight school security.

Sec. 112. Report to Congress on security.

Sec. 113. General aviation and air charters.

Sec. 114. Increased penalties for interference with security personnel.

Sec. 115. Security-related study by FAA.

Sec. 116. Air transportation arrangements in certain States.

Sec. 117. Airline computer reservation systems.

Sec. 118. Security funding.

Sec. 119. Increased funding flexibility for aviation security.

Sec. 120. Authorization of funds for reimbursement of airports for security mandates.

Sec. 121. Encouraging airline employees to report suspicious activities.

Sec. 122. Less-than-lethal weaponry for flight deck crews.

Sec. 123. Mail and freight waivers.

Sec. 124. Safety and security of on-board supplies.

Sec. 125. Flight deck security.

Sec. 126. Amendments to airmen registry authority.

Sec. 127. Results-based management.

Sec. 128. Use of facilities.

Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.

Sec. 130. Voluntary provision of emergency services during commercial flights.

Sec. 131. Enhanced security for aircraft.

Sec. 132. Implementation of certain detection technologies.

Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.

Sec. 134. Definitions.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

Mr. TAYLOR of Mississippi and Ms. HARMAN changed their votes from “no” to “aye.”

Mr. ISRAEL changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BALLENGER. Mr. Chairman, on rollcall No. 421, I am not recorded. Had I been present, I would have voted “aye.”

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 107-264.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN: The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in House Report No. 107-264 offered by Mr. OBERSTAR of Minnesota:

TITLE I—AVIATION SECURITY**SEC. 101. FINDINGS.**

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

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

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

“(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

“(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

“(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

“(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

“(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

“(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

“(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

“(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

“(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

“(C) To establish uniform national standards and practices for transportation during a national emergency.

“(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

“(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

“(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

“(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

“(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).”.

(b) ATTORNEY GENERAL RESPONSIBILITIES.—

The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking “x-ray” in paragraph (4);
(2) by striking “and” at the end of paragraph (4);

(3) by striking “passengers.” in paragraph (5) and inserting “passengers;”; and

(4) by adding at the end the following:
“(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

“(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.”.

(d) TRANSITION.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) IN GENERAL.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

“(f) AVIATION SECURITY COORDINATION COUNCIL.—

“(1) IN GENERAL.—There is established an Aviation Security Coordination Council.

“(2) FUNCTION.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

“(3) CHAIR.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

“(4) MEMBERSHIP.—The members of the Council are:

“(A) The Secretary of Transportation, or the Secretary's designee.

“(B) The Attorney General, or the Attorney General's designee.

“(C) The Secretary of Defense, or the Secretary's designee.

“(D) The Secretary of the Treasury, or the Secretary's designee.

“(E) The Director of the Central Intelligence Agency, or the Director's designee.

“(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

“(g) CROSS-CHECKING DATA BASE INFORMATION.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

“(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

“(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

“(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.”.

(b) POLICIES AND PROCEDURES.—Section 44911(b) of title 49, United States Code, is amended by striking “international”.

(c) STRATEGIC PLANNING.—Section 44911(c) of title 49, United States Code, is amended by striking “consider placing” and inserting “place”.

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) DEPLOYMENT.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “With”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

“(2) The Secretary—

“(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

“(B) shall place them on every such flight determined by the Secretary to present high security risks.

“(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.”.

(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49,

United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) INTERIM MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) REPORTS.—

(1) IN GENERAL.—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) RECOMMENDATIONS.—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking “supplies and” and inserting “supplies, personnel, services, and”.

(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

“(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

“(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and

other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

“(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.”.

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall re-examine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

“(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.”.

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking “weaknesses by January 31, 2001;” in subparagraph (A) and inserting “weaknesses;”;

(2) by striking subparagraph (D) and inserting the following:

“(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;”;

(3) by striking “program by January 31, 2001;” in subparagraph (F) and inserting “program;”; and

(4) by striking subparagraph (G) and inserting the following:

“(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.”.

(e) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

“(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.”.

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation

shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

“§ 44901. Screening passengers, individuals with access to secure areas, and property

“(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

“(b) DEPLOYMENT OF ARMED PERSONNEL.—

“(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

“(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are

available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

“(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

“(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

“(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

“(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

“(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

“(D) the Attorney General has consulted the airport sponsor.

“(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

“(A) the types of aircraft that use the airport;

“(B) seasonal variations in air traffic and types of aircraft that use the airport; or

“(C) other factors that warrant modification of otherwise applicable security requirements.

“(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

“(A) may provide or require additional security measures;

“(B) may conduct random security inspections; and

“(C) may provide assistance to enhance airport security at that airport.

“(d) MANUAL PROCESS.—

“(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

“(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

“(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of un-

derstanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.”

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking “purpose of” in subsection (b)(1)(A) and inserting “purposes of (i)”; and

(2) by striking “transportation;” in subsection (b)(1)(A) and inserting “transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;”;

(3) by striking “NOT FEDERAL RESPONSIBILITY” in the heading of subsection (b)(3)(b);

(4) by striking “shall not be responsible for providing” in subsection (b)(3)(B) and inserting “may provide”; and

(5) by striking “flight.” in subsection (c)(2) and inserting “flight and security screening functions under section 44901(c) of title 49, United States Code.”;

(6) by striking “General” in subsection (e) and inserting “General, in consultation with the Secretary of Transportation;”; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

“(e) SECURITY SCREENERS.—

“(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

“(2) HIRING.—

“(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

“(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

“(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

“(iii) to have passed an examination for recent consumption of a controlled substance;

“(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

“(v) to meet such other qualifications as the Attorney General may establish.

“(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

“(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

“(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

“(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

“(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

“(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

“(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

“(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

“(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

“(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

“(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

“(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

“(C) The individual shall be able to read, speak, and write English well enough to—

“(i) carry out written and oral instructions regarding the proper performance of screening duties;

“(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

“(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

“(iv) write incident reports and statements and log entries into security records in the English language.

“(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

“(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-

job portion of training to perform functions if that individual—

“(A) is closely supervised; and

“(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

“(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

“(4) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

“(A) continues to meet all qualifications and standards required to perform a screening function;

“(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

“(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

“(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

“(g) TRAINING.—

“(1) USE OF OTHER AGENCIES.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

“(2) TRAINING PLAN.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

“(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

“(B) has completed 60 hours of on-the-job instruction; and

“(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

“(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

“(h) TECHNOLOGICAL TRAINING.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.”

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting “as a security screener under section 44935(e) or a position” after “a position”.

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting “the Attorney General,” after “subsection,” in paragraph (1); and

(B) by striking “An” in paragraph (3) and inserting “The Attorney General, an”.

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended by inserting “or” before “will” in subsection (a)(1)(B)(i).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking “complete an intensive review of” and inserting “periodically review”;

(2) by striking “commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;” in subparagraph (B) and inserting “aircraft in air transportation;” and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

“(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;”

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

“(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

“(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

“(i) progress made in engineering, research, and development with respect to security technology;

“(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

“(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.”.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

“(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

“(ii) the disruption of civil aviation service, including by cyber attack.”.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

“(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

“(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

“(i) the development and testing of effective explosive detection systems;

“(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

“(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

“(iv) other scientific and technical areas the Administrator considers appropriate.

“(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

“(3) The Administrator shall organize the advisory panel into teams capable of under-

taking the review of policies and technologies upon request.

“(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.”.

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

“(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.”.

SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

“§ 44939. Training to operate jet-propelled aircraft

“(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

“(b) INVESTIGATION.—

“(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

“(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

“(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

“(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

“(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

“(B) A determination of the status of the alien under the immigration laws of the United States.

“(C) A determination of whether the alien or individual presents a national security risk to the United States.

“(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

“(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

“(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

“(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

“(1) each alien to whom such training is provided; and

“(2) every other individual to whom such training is provided as the Secretary may require.

“(f) ALIEN DEFINED.—In this section, the term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44939. Training to operate jet-propelled aircraft.”.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

“§ 46503. Interference with security screening personnel

“An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator’s findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via

electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee

on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

SEC. 118. SECURITY FUNDING.

(a) USER FEE FOR SECURITY SERVICES.

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

“§ 48114. User fee for security services charge

“(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

“(b) AMOUNT OF FEE.—Air carriers shall remit \$2.50 for each passenger enplanement.

“(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

“48114. User fee for security services”.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

“CHAPTER 483. AVIATION SECURITY FUNDING.

“Sec.

“48301. Aviation security funding

“§ 48301. Aviation security funding

“There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.”.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

“483. Aviation Security Funding 48301”.

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.—

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.”.

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking “or” in subparagraph (B);

(B) by inserting “or” after “executed;” in subparagraph (C); and

(C) by adding at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;”.

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

“(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.”.

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking “and” in paragraph (3);

(B) by striking “47134.” in paragraph (4) and inserting “47134; and”; and

(C) by adding at the end the following:

“(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).”.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport

operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

“§ 44940. Immunity for reporting suspicious activities

“(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer, shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

“(b) APPLICATION.—Subsection (a) shall not apply to—

“(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

“(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

“§ 44941. Sharing security risk information

“The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.”.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

“44940. Immunity for reporting suspicious activities.

“44941. Sharing security risk information.”.

SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

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

“(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

“(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the Na-

tional Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

“(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

“(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

“(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.”.

SEC. 123. MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SEC. 125. FLIGHT DECK SECURITY

(a) SHORT TITLE.—This section may be cited as the “Flight Deck Security Act of 2001”.

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the

United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking “pilots” and inserting “airmen”; and

(B) by striking the period and inserting “and related to combating acts of terrorism.”; and

(2) by adding at the end, the following new paragraphs:

“(3) For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

“(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.”.

SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

“§ 44942. Performance Goals and Objectives**“(a) SHORT TERM TRANSITION.—**

“(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

“(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

“(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

“(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

“(b) LONG-TERM RESULTS-BASED MANAGEMENT.—**“(1) PERFORMANCE PLAN AND REPORT.—**

“(A) PERFORMANCE PLAN.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPR), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

“(ii) In addition to meeting the requirements of GPR, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

“(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

“(B) PERFORMANCE REPORT.—(i) Each year, consistent with the requirements of GPR, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

“(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a non-public appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

“§ 44943. Performance Management System

“(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

“(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

“(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

“(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

“(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

“(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

“(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

“(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

“(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

“(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.”.

SEC. 128. USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.**(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—**

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

“§ 44944. Exemption of volunteers from liability

“(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

“(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44944. Exemption of volunteers from liability.”.

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.**(a) SECURITY FOR LARGER AIRCRAFT.—**

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this

Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term “alien” has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

SEC. 134. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall de-

ploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking “and” at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting “; and”; and

(C) by inserting after clause (ix) the following new clause:

“(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.”

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including

checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

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

“(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

“(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

“(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

“(B) review the effectiveness of increased surveillance at access points;

“(C) review the effectiveness of card- or keypad-based access systems;

“(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

“(E) specifically target the elimination of the “piggy-backing” phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

“(2) 90-DAY REVIEW.—

“(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

“(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

“(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the “watch list” for any Federal law enforcement agencies who could present an aviation security threat.

“(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of “watch list” information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Account-

ing Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

“(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and “smart” cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.”.

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional \$50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of

the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated \$20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I would like to express my great appreciation and admiration to the Chair for the even-handed manner in which the Chair has conducted the debates, keeping Members aware of the proper decorum and proper procedure. The Chair has endeavored to maintain order.

The Chamber now is assuming a spirit very much akin to that which prevails in most of the airports across this country, a hushed atmosphere, a feeling of apprehension, feeling of uncertainty as passengers move through the airport to the gate. We now move with some sense of apprehension of where the future of aviation lies. Within the hour we will decide.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, the Republican leadership thinks they can dress up the people who work for these private companies in fancy uniforms and put badges on them and that will make people think they are federalized. They think they can change the name of the bill and put federalization in the title and that fixes its flaws.

Listen to what USA Today said, and I quote: “House GOP leaders insist on

protecting failed screening firms." That is the bottom line.

We have Federal officers at our national borders. We have Federal officers protecting the President. We have Federal officers protecting us here in the Capitol, and that is the right way to do it.

The most important role of the Federal Government is to protect its people; but the Republican leadership is saying we need Federal officers to protect us here in Washington, but the flying public can have their security sold off to the lowest bidder, and that is outrageous.

The American public deserves the same quality of protection we receive; and I keep hearing these complaints about unionization and government employees, and personally I am sick of it. Who do my colleagues think risked their lives on September 11? Firefighters; police officers; first responders; pilots; flight attendants; government workers; many; union workers; almost all. They were heroes. Heroes. Shame on anyone who says that union workers or government workers cannot be trusted.

I will tell my colleagues who cannot be trusted: the companies who will cut every corner to save a dime so they can come in with the lowest bid.

We need to regain the confidence of the flying public, and there is only one way to do that: get rid of the system we have today, get profit motives out, put safety incentives in, and federalize our airport security. It is what we Democrats propose in the substitute. It is what the American people are demanding. It is what they deserve so we never, ever again have a tragedy like September 11.

The CHAIRMAN. Does the gentleman from Florida (Mr. MICA) seek the time in opposition?

Mr. MICA. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida is recognized for 30 minutes.

Mr. MICA. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I ask my colleagues to reject the Democrat leadership bill, among other reasons because it discriminates against American citizens who are naturalized if they have not been citizens of the United States for 5 years. It creates a category of second-class American citizens, and we should not be creating second-class citizens in this body. We should reject that bill.

They try to do it surreptitiously. They try to hide their discrimination, but it is discrimination nonetheless. If we go to page 29 of their bill, they do not call it citizen. They say one has to be a national of the United States. Then they go to a section of the law, 8 U.S.C. 1101(a)(22), for at least 5 years. Let us go to that law. A person has to either be a citizen of the United States, or they have to be a person who, though not a citizen, owes permanent allegiance.

What does that mean? I quote from the case that defined that statute: "Status as a national of the United States owing permanent allegiance can be created only by legislative or other action of the Federal Government that is not acquired by mere assertion of allegiance."

□ 1800

So citizenship for 5 years, surreptitiously brought before this House, is what that law does, and they want us to create a second class citizenship tier in this country. Do not discriminate against citizens by nationalization. Reject the Democrat leadership bill and let us get on and vote for a decent piece of legislation this evening.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

My colleagues cannot have it both ways. First our bipartisan bill was criticized because it did not deal with citizenship. Now it is too restrictive on citizenship. In fact, nationals covers citizens of the United States, or citizens and nationals, and nationals of American Samoa and Swains Island under the law.

Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from Minnesota (Mr. OBERSTAR).

I am proud to rise today in support of the Oberstar substitute to the Aviation Security Bill and urge all of my colleagues to support this sensible amendment.

A everyone in this chamber knows, three weeks ago, the other body passed sensible bill to strengthen airline security by unanimous vote. It is our turn in the House of Representatives to do the same.

The horrific events of September 11th changed our world forever. Today we have a chance to address the aviation security issues that were so tragically brought to our attention that day. We cannot wait any longer to act.

My colleague from Minnesota has crafted a substitute that will address our most critical aviation needs in a thorough and prudent fashion. It places responsibility for aviation security with the Federal Government so that we have guaranteed that professional law enforcement agents are in charge of securing our airplanes. It strengthens baggage screening, background checks, cockpit security, and flight school training checks, as well as several other important provisions.

I strongly support this substitute, and hope that my colleagues will pass this bill, so that we may expeditiously send it to President's desk.

I urge all my colleagues to support the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the distinguished ranking member for yielding me this time, and I rise in strong support of the Oberstar

amendment, which is the same text of the bill the Senate passed unanimously over 3 weeks ago.

It has been some 7 weeks since security at three of our major airports was breached, resulting in the hijacking of four planes and the tragic events that unfolded on September 11. Following the attacks, the Committee on Transportation and Infrastructure worked swiftly, in a bipartisan way, to pass a relief package for airlines, which I supported. But I said then and I believe now that no amount of money will stabilize the aviation industry over the long term unless we restore the confidence of the American flying public, and that means getting security right, and that means today.

Families need to feel safe in order to buy tickets to go see grandma for Thanksgiving and business travelers should feel confident to return to the skies to help our slowing economy. Mr. Chairman, restoring confidence means restructuring our current system to establish a seamless network of security that has national standards and national accountability. This amendment does that, and, if passed, would avoid a conference with the Senate and could be signed into law by the President tomorrow.

Recent polls indicate that, like national security, over 80 percent of the American people believe that airport security should be a function of the Federal Government. The Senate, including 49 Republican Senators, have chosen to put the safety of the American flying public above partisan politics. The House leadership should allow their Members to do the same.

Mr. Chairman, I urge my colleagues to vote "yes" on the Oberstar amendment and send the President this bill tomorrow. The American people are waiting.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Idaho (Mr. SIMPSON), also a member of our Subcommittee on Aviation.

Mr. SIMPSON. Mr. Chairman, it has been said the first casualty of any war is the truth. After listening to some of the rhetoric today on this floor, much of it embarrassingly irresponsible rhetoric, truth truly has been wounded today.

Anyone listening to this debate would think that there are only two options, the Oberstar amendment, which would Federalize the employees and, therefore, we would have a secure airport system; or leaving everything as it existed prior to September 11, as if the underlying bill did nothing to improve security. The fact is the underlying bill improves security.

My colleagues show us statistics about the turnover rate of screeners and about the pay rates of screeners, and so forth, as if that would be the case if we were to use private contractors in appropriate places. I can tell my colleagues that I live next to the

Idaho National Engineering Laboratory, the lead nuclear engineering laboratory in the Nation. Guess what? They have private contractors doing the security there, and they do a fantastic job. I would dare anyone to try to get on the grounds of the National Engineering Laboratory.

Let me tell my colleagues what this bill does not do, what the Oberstar amendment does not do. First of all, it slows down the hiring of new screeners and air marshals. It gives 9 months to hire new screeners and air marshals. The Young-Mica bill makes that happen in 3 months. We need security as quickly as possible, not a year from now, not 9 months from now. Hopefully quicker than 3 months from now, but we do it much quicker in our bill.

Oberstar does not give the Under Secretary authority to expedite rulemaking. It takes an average of 3.8 years to write a rule in the Department of Transportation. How quickly do my colleagues think we will have those rules written in order to improve security at our airports if we do not have expedited rulemaking, which the Oberstar amendment does not have?

Lastly, the Oberstar substitute allows the Attorney General to waive all laws applicable to employees. Not just the civil service laws, the substitute waives the veterans preference, labor laws, worker safety laws, civil rights laws, and worker protection laws. The Young-Mica bill takes a more targeted approach by assuring worker performance without waiving all of the employment laws.

I urge my colleagues to vote against the Oberstar substitute and support the underlying bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to simply point out the reality of the pending committee language. Not later than 3 months the Under Secretary shall assume civil aviation security and functions with a schedule to be developed by the Secretary of Transportation. It does not say anything that the gentleman referred to.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, I rise in support of the Oberstar bipartisan substitute.

Mr. Chairman, earlier this year I voted against the airline bailout bill. I voted against it not because I didn't think that we needed to take steps to insure the viability of our airline industry, but because that flawed piece of legislation didn't address the most important concern of all for the airlines—safety. If we want to revitalize the airline industry we have to get people back on the planes. We cannot do this unless we reassure them about the security of the airlines. It is clear that people do not feel safe flying. Just today, we received information that Delta Airlines has lost \$295 million and United has lost \$1.16 billion. If we really want to help out the airline industry, we have

to make sure these losses don't continue. Yet here we are more than 50 days after the events of September 11 and we have just started to discuss the very real concern of aviation security here in the House of Representatives.

To both prevent future attacks, and to restore the public's confidence in flying we must take steps to improve the way security is undertaken at our airports and in our airplanes. We cannot just make suggestions and hope that the same security companies that have committed gross violations of current law do a better job in the future. This is a very real problem and it demands a real solution.

We need to change existing law, and we must take steps to improve cockpit security, to limit access to the cockpit and to strengthen cockpit doors. We need to improve the training of flight crews and pilots to deal with potential hijacking attempts. We need to conduct background checks on all employees with access to secure areas as well as those seeking flying lessons on large aircraft or flight simulators. We need to screen 100 percent of all checked bags at our airports. The technology exists right now to perform this basic task, yet it still isn't being done.

Most importantly, we need to professionalize this industry to make sure the job is done right. The companies responsible for aviation security right now cannot be trusted to obey current laws. They're hiring felons and illegal immigrants and are failing to conduct the background checks required under current law. Current screeners are missing an unacceptable number of threat objects in tests conducted by the FAA. We cannot leave the same failing companies in charge of this important task and expect the results to change. We must professionalize this industry, and to do so we must federalize it.

I urge a "yes" vote on the Oberstar-Ganske substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes and 20 seconds to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this amendment in the nature of a substitute, and I want to commend both the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. GANSKE) for their bipartisan approach and steadfast leadership on this very important issue.

Now, I must admit that both these bills are constructive. They deal with baggage claims, including baggage check claims being screened, including further security measures for secure areas at airports. I will not go into all of that. They are good. But, clearly, the Oberstar-Ganske bill is far superior when we get to the responsibility of security at the airports, and I want to stress this.

We continue to hear stories and disturbing reports about the inefficiency and ineffective security at our airports, even since September 11. The stories go on and on, including loaded firearms on a plane just this past week. The point is that we have to start thinking outside the box, as this bill does.

The system has serious gaps in it and serious holes and it is time that we do Ganske-Oberstar, the bipartisan bill, because it acknowledges that it is a function of Federal law enforcement that has to be enacted at the airports.

Mr. Chairman, we rely on the Federal Government to guard our borders, the Border Patrol; to police our coasts and coastways, the Coast Guard; national parks, the Park Police; and even for Members and visitors at the U.S. Capitol, the U.S. Capitol Police. So this is not an extraordinary thing that we are doing, as critics of this proposal have said.

We need all of this. We are very late in action, and we cannot let it stall any longer. I might make the point that in the Senate this bill was passed on a bipartisan basis. This is not a partisan thing. It was passed in the Senate with the support of TRENT LOTT and 48 other Republicans. Let us protect our people and our Nation.

Mr. Chairman, I rise in strong support of the amendment in the nature of a substitute offered by the gentleman from Minnesota. I want to thank Mr. OBERSTAR and Mr. GANSKE for their steadfast leadership on this critically important issue. I also would like to commend Chairman DON YOUNG of the Transportation Committee for his commitment to protecting the American people.

I believe the House is being asked to choose between two constructive proposals that address issues we should have addressed years ago:

Both bills would expand the federal air marshal program;

Both bills require aircraft cockpit doors be strengthened and other cockpit and cabin security measures be implemented;

Both bills would establish further security measures for secure areas of airports;

Both bills require that armed federal law enforcement officers be placed at all screening stations;

Both bills establish strict employment, training and performance standards for screening personnel, with screeners being prohibited from striking and subject to firing for poor work performance.

Both bills require all baggage—including checked baggage—be screened;

Both bills mandate that background checks be performed on foreign nationals and others seeking flying lessons at U.S. flight schools;

However, on the key issue of ultimate responsibility for security, the Ganske-Oberstar amendment is bipartisan and superior.

Mr. Chairman, every Member of this House climbs on an airplane at one of our airports with regularity. Each and every one of us has horror stories about security lapses they witnessed.

Since September 11, we continue to hear and read stories about disturbing reports about the inefficiencies and ineffectiveness of the security at our airports. Passengers are still carrying loaded firearms on a plane. Private security firms employing felons. Passengers walking around security checkpoints. Security personnel falling asleep at their posts. The uneven-ness of security procedures from airport to airport. The list goes on and on.

One thing can be said for terrorists—they are resourceful. Not many people thought before September 11 that airliners could do so

much damage to America. But the terrorists did.

Not many people thought four flights could be hijacked simultaneously. But the terrorists did.

It's time we started thinking outside of the box. Clearly, the system we have in place today has serious holes. It's time to change the culture at airports. It's time to acknowledge that this is a function of law enforcement—federal law enforcement—with all the weight, experience, and know-how that brings with it. Ganske/Oberstar the bipartisan bill does this.

It's time to upgrade the training, the pay, the working conditions, and the supervision of those who provide this essential security screening.

With all due respect to Secretary Mineta and the hardworking people at the Transportation Department, it's time to turn this function over to a law enforcement arm of the United States government.

Then, if there are failures, we know exactly where to point the finger. And frankly, the American people will look right at us . . . as they should.

Mr. Chairman, we rely on the federal government to guard our borders (Border Patrol), police our coasts and waterways (Coast Guard), to protect our National Parks (Park Police), to ensure the security of this Capitol, our Members and our visitors (U.S. Capitol Police).

Our war-fighting duties fall to the federal government. My Colleagues, we are at war! And we should not fall back on the same old system with the same old people to ensure security of our skies.

Mr. Chairman, as we stand here today, we are very late. The murderous attacks on the World Trade Center, the Pentagon and unknown targets in the Washington area—attacks where the weapons of choice were four fuel-laden commercial airliners—occurred nearly seven weeks ago. Since that time, we have seen Americans come to consider flying as a travel means of last resort. We have heard the Attorney-General and the FBI issue two warnings of imminent terrorist attack.

We are very late. The American people want action. The American people deserve action.

Passage of the Oberstar amendment means this legislation goes right to the President's desk. This weekend we heard Chief of Staff Andy Card indicate that the President will sign this bill—the same bill that was approved by the Senate 100–0. The same bill that was supported by Trent Lott and 48 other Republicans.

My Colleagues, time is wasting. Pass the Oberstar-Ganske amendment. Send this bill to the President. Protect the American people and protect them now! Protect our Nation.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), chairman of the House Subcommittee on Civil Service.

Mr. WELDON of Florida. Mr. Chairman, I had legal counsel review the legislation we are debating right now at the Subcommittee on Civil Service. The way this amendment is drafted it exempts these new Federal employees from the Veterans Preference Act, the civil rights laws, the Rehabilitation Act, the Age Discrimination Act, merit

principles, family and medical leave, Federal labor-management relations statutes, the Fair Labor Standards Act, and the whistleblower protections.

If a Republican brought an amendment calling for the creation of a new Federal workforce that is going to be larger than the workforce at the Department of Labor, larger than the workforce at three other Cabinet level agencies and tried to exempt them from all these Federal laws, my Democrat colleagues would be up in arms. The unions would be going berserk. I am amazed that this amendment has been crafted this way.

Now, I assume my colleagues are expecting the Attorney General to voluntarily apply all these protections. I would just like to point out that the debate is not between doing nothing and my colleagues' proposal. The debate is between the Oberstar amendment and I think a very, very good proposal that is modeled on the European experience, where they have tried to federalize their workforce.

Let me just close out by quoting from a Washington Post survey of Federal employees. Only 30 percent of Federal employees, and my father was a retired Federal employee, believe the Federal Government does an effective job disciplining poor performing employees.

I think what the American people want is the most effective protections that we can put forward, and this proposal creates some federalization of the security forces. To federalize all of them, and in this fashion, in this amendment, baffles me. Vote against this thing.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

Mr. STRICKLAND. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Chairman, I rise today to engage my distinguished colleague from Minnesota in a colloquy to clarify one section of this bill, section 108, relating to the screening of passengers and property.

Am I correct in my understanding that section 108 only applies to the screening of passengers and property that will be placed aboard passenger aircraft?

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I would advise the gentleman that his understanding is correct.

Mr. STRICKLAND. I thank the gentleman for that clarification, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there is a lot of, if my colleagues will forgive me, flying on the vote on the Oberstar substitute. It is as if one wing said passenger safety

and the other wing said economic recovery.

On September 11, we paid a very high price in human lives when planes went down. Since then we have been paying the price in jobs and empty airline seats. The planes are up, but 20 percent of the passenger loads is down and 40 percent of the revenue is down. Unless we help people conquer the new fear of flying, more planes will be grounded and more jobs lost.

September 11 taught us that we must not have one standard of personal safety in the air and another standard on the ground. The average American has just one question for us this evening, and that is are we doing everything humanly possible to maximize safe air travel. Sadly, not with the Republican bill.

We cannot make government accountable for the people's safety by cloaking a private employee in red, white and blue. If it quacks like a contractor it cannot walk like a law enforcement officer. There is only one way to have one system of care and accountability coast to coast and that is with one Federal employer.

My good Republican friends are fond of saying that the only indispensable function of government is national security. For heaven's sake, do not cop out on national security in the air for the American people. Support the bipartisan Senate bill and substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST), one of our senior members on the Committee on Transportation and Infrastructure.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I will say to the gentlewoman from the District of Columbia, having spent weeks looking into this issue, not as a Republican, not as a Democrat, but as someone who wants both wings to say passenger safety, someone who truly believes that it is keen that the Federal Government has responsibility for the safety and security of American citizens, that I also truly believe it is the responsibility of the Federal Government to provide security at our Nation's airports.

Now, why are we here today and not 3 weeks ago? Because it took the committee time. It took myself visiting the Port of Baltimore, BWI Airport, our bridges, and all those vulnerable areas in our State, which includes nuclear power plants, which includes Federal buildings, and includes a whole array of other things. So this bill, in my judgment, after talking to the Coast Guard, the CIA, the FBI, Customs, INS, airport security, State police, you name it, it is my considered judgment, after listening to them, that the Federal Government needs to be responsible in this case for airport security.

□ 1815

What does that mean? That means that we want to make sure that behind

every screener is a Federal agent. In some cases every screener will be a Federal employee, a Federal agent; and in some cases the baggage handlers will also be in that category. But be sure that every bag is going to be screened. The Federal Government will provide security for this system in the same manner that the Federal marshals provide security for our nuclear power plants.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, both of my older brothers are competent, experienced master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters; another brother is a former aircraft fighter pilot who flew A-7s off the USS *Enterprise*. Today he is a 757 captain with a major airline. What we do today holds an added personal significance for me and my family.

After the jets and planes went back into the sky following the horrific tragedy of September 11, he and his wife, who is a flight attendant, courageously did their jobs. They, like many other air crews, braved flight despite the fact that serious flaws in aircraft security remained. We can change that today. The pilots and air crews, like the police, fire and emergency "first responders" at ground zero are heroes. We owe them a tremendous debt of gratitude, admiration, and respect.

There is no doubt in my mind whatsoever that on both sides of the aisle and both sides of the approach to ensuring aviation safety, Members are fully committed to protecting every flight crew and passenger in America. To suggest otherwise is demagoguery. I assume goodwill on both sides.

The current aviation security system is broken big time. The private sector system that we have had in the past, and I would submit, even with federal "supervision" going forward is likely to be less than the optimum. The Private Sector may not be up to the challenge of dealing with the new magnitude of terrorist threats that America faces. When it comes to the overriding and paramount interest of protecting American lives and our national security, I believe we can and must count on a professionally trained and maintained workforce. Neither bill is a panacea. Neither bill guarantees success; but highly trained Federal employees give us the best shot. I would point out that at the Department of Defense, at our borders with the Custom Service and with the Border Patrol, we count on them to provide that kind of protection. The job of protecting 96,000 miles of land, sea and air at our borders, and more than 300 ports of entry is entrusted each day to dedicated employees of the U.S. Customs Service.

Mr. Chairman, I support the Oberstar-Ganske Competing Amendment. It is the best of the two proposals.

Mr. Chairman, both of my older brothers are competent, experienced, master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters. Another brother is a former aircraft carrier fighter pilot who flew A-7s off the U.S.S. *Enterprise*. Today, he is a 757 captain with a major airline.

So what we do here today holds an added personal significance and meaning for me and my family.

After jets and planes went back into the sky following the horrific tragedy of September 11th, he—and his wife, who is a flight attendant—courageously did their jobs. They—like many of their air crew colleagues—braved flight despite the fact that serious safety flaws remained. We can change that today. The pilots and aircrews—like the police, fire, and emergency responders at ground zero—are heroes. We owe them a great debt of gratitude, admiration and respect.

There is no doubt in my mind whatsoever that both sides of the aisle, and both sides of the approach to ensuring aviation safety, are fully committed and eager to protect every flight crew and passenger in America.

To suggest otherwise is pure demagoguery. I assume good will on both sides.

The Oberstar-Ganske amendment, which I have cosponsored as H.R. 3165, is a comprehensive attempt to improve our nation's airline security. We cannot allow any of the past deficiencies in the screening of passengers and property to continue. The past problems with unstructured and mostly private aviation security systems now in place at our airports must be scrapped, replaced, and repaired.

The current system is broken. Unfortunately, the private security systems have not in the past, and certainly cannot now be expected to deal with the new magnitude of terrorist threats America faces. Everyday brings news of some new incident where somebody with a box cutter, knife, or gun manages to walk onto an airplane. Last week, a man flying out of New Orleans International Airport boarded a Boeing 737 with a loaded handgun in his briefcase. He went right through airport security undetected. Why can't we just admit that while the private sector does many things well, they are just not up the task of airport security? How many more guns have to get onto aircraft before we face reality?

When it comes to the overriding and paramount interests of protecting American lives and our national security, I believe that we can trust and count on federal workers. They have proven themselves at the Defense Department, and at our borders with the Customs Service and the Border Patrol. We don't contract these jobs out because they are too important to leave in the hands of the private sector. The job of protecting 96,000 miles of U.S. land, air, and sea borders and more than 300 ports of entry is entrusted each day to the 20,000 dedicated employees of the U.S. Customs Service. The job of protecting our own security right here in our offices and on this House floor is performed by the very capable and dedicated federal employees of the Capitol Police Force.

I ask my colleagues this question: if private security firms are so great, why not go with private security firms at the Customs Service or the Capitol Police Force? Maybe we should

privatize the Secret Service protection of the President while we are at it. Why should Congress and the President be protected by federal employees, while the rest of the country's security is provided by often poorly paid, poorly trained "rent-a-cop" outfits?

Airport security is a national law enforcement function and cannot be subject to cost-cutting measures that have fostered the poor standards that have contributed to serious security lapses.

The Oberstar-Ganske amendment would do more than just federalize the mission of bag screeners and airline security personnel. It would significantly expand the Federal Air Marshals program and provide for the mandatory training of flight and cabin crews to deal with aircraft threat conditions. It authorizes \$50 million annually over the next five years for research in security technologies and \$20 million for the FAA to issue research grants. This amendment also allows the Department of Justice to determine whether federal or state and local law enforcement personnel should be employed at our smaller airports. The amendment requires stringent background checks for current employees that have access to secure areas at airports. The bill also would allow the pilot, co-pilot, or flight engineer to carry firearms after the successful completion of a comprehensive training program; it would require the strengthening of cockpit doors and locks; and it includes provisions that would call for criminal history and background checks for students seeking flight training on certain classes of airports.

The public's confidence in air travel, badly shaken by the September 11th attacks and events afterward, must be restored. The Oberstar Amendment will accomplish this goal. It will assist in the stabilization and recovery of our airlines and related industries. This amendment will provide the level of security the American people deserve. Mr. Chairman, we cannot continue with a system that could again put our national security and the lives of Americans at risk.

Mr. MICA. Mr. Chairman, I yield myself 10 seconds just in response.

Mr. Chairman, we have 323 INS inspectors at the Canadian border, but we will have 31,000 Federal screening agents.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me quote Ronald Reagan: "Too often character assassination has replaced debate in principle here in Washington. Destroy someone's reputation, and you do not have to talk about what he or she stands for."

I have not heard one Republican on my side of the aisle talk about keeping the status quo. Each and every one of us has family that fly on airplanes, and we are concerned about their safety. But if one listens to the other side of the aisle, we are not interested in employing top-notch people. Indeed, we are.

Mr. Chairman, in Palm Beach County, I would like to be able, with the President's direction, to hire the Palm Beach County Sheriff's Department, uniformed law enforcement agents, FOP and PBA members. I like the

union, and I like supporting unionized police and firefighters. They could be on the job in a matter of weeks. They could be given the authority to do that. We are not suggesting to keep these little groups of people who are now working the airports. That is inadequate. That is unacceptable. The Young-Mica bill does not allow for that.

Let us not cloud the debate about one side not being concerned about passenger safety and the other side ramping up. I have heard Members praise the Border Patrol, and they are doing an outstanding job; but somehow there are 7 million illegals in this country that got through our borders.

The terrorist who struck the World Trade Center was here on an overstayed visa, the job of INS. They did not find him and remove him.

I have a pestilence in Florida, citrus canker, that is supposed to be stopped by the USDA inspection teams at our ports; but I have millions of dollars of damage of our crops because we did not stop it, all by Federal employees. I think we can do better. Do not say it is a panacea for safety.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Chairman, it is imperative that we pass an aviation security package today that will make the skies safer. If the images of September 11 have taught us anything, it is that aviation security is national security. Restoring the public's confidence in aviation safety and getting people back in the planes are extremely important to Las Vegas and other cities that depend on tourism. In Las Vegas, hotel occupancy fell to 40 percent, and 240 conventions canceled after the attacks. Nearly 15,000 workers have been laid off from our hospitality industry alone.

The longer it takes to implement effective security measures in our airports, the longer people will stay out of the air and the longer people will stay away from our tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

The Senate passed this aviation security bill unanimously, 100 to zero. It is time that the House answers the call of our constituents who are demanding airline security by passing this Democratic substitute.

One role of the federal government that we can all agree on is that the government has a responsibility to ensure our national security. We would never privatize our military or our Border Control agents. Yet we still contract out our aviation security to the lowest bidder.

Airport screeners are the front line of law enforcement in our airports. The current system of contracting out to the lowest bidder is unacceptable and irresponsible. Private companies pay their employees minimum wage, hire employees without conducting background checks and provide their employees minimal training.

What we need are federal officers at baggage screening checkpoints who have the benefit of experience, rigorous training, and access to integrated law enforcement government databases.

Mr. MICA. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. WAMP).

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Chairman, this is not a partisan issue, even though it is divided close to partisan lines. As a matter of fact, one of my most distinguished constituents is a man named Jim Hall, who served for 6 years as the chairman of the National Transportation Safety Board under President Clinton. He actually is the foremost authority on airline security in the country, and earlier this week he wrote an editorial in support of the flexibility to contract out the security in the airports.

Mr. Chairman, I include for the RECORD his editorial, but I also want to read a portion. He says, "While there are persuasive arguments being made on both sides of this issue, I believe that private sector contractors are fully capable of handling the job if there is a system of government oversight that will provide adequate levels of funding to put in place the newest technology and to implement a positive bag-match program. It also must ensure high levels of preemployment screening, ongoing training and, most important, accountability.

"There are many examples of the effective uses of private contractors in high security areas. The Nuclear Regulatory Commission, for example, allows the use of private security personnel to safeguard the Nation's nuclear reactors, materials and waste facilities. This approach succeeds because private contractors operate under an oversight system that holds them to high professional standards and does not force bargain basement competitive bidding.

"The point is that the litmus test on the best way to increase aviation security should not be on whether airport screeners are Federal employees. Rather, it should be on which system has the best chance of succeeding and guaranteeing security over the long run."

Mr. Chairman, he knows this issue as well as anybody, and he knows that the best system is the system in Great Britain. He recommends that system.

The referenced article is as follows:

HOW TO IMPROVE U.S. AIR SECURITY

(By Jim Hall)

A very important debate is taking place in Congress on the issue of strengthening commercial aviation security. Unfortunately, much of it is centered on the question of whether pre-board screening organizations at the nation's airports should be completely federalized.

While the sometimes partisan debate over federalizing airport screeners is well-intended, it has in my view focused on the wrong subject. The main focus should not be on whether screeners should be government employees or private contract workers, but

rather on what caused the problem in the first place.

The inadequacies of our aviation security screening are the result of a deeply flawed system caused by the collective failure of the government and the airlines to provide a structure that is adequately funded and contains provisions for accountability.

These problems cannot be explained simply by pointing a finger at private-sector screening personnel. Rather, they are the result of the government—at the urging of the airlines—leaving the responsibility up to the individual airports and airlines, which in turn demand private bid packages that force contractors to pay hourly wages barely competitive with fast-food hamburger chains.

As a member of the White House Commission on Aviation Safety and Security during my tenure as chairman of the National Transportation Safety Board, I toured and studied airport-security programs at several domestic and international airports. It was apparent then, as it has become painfully so now, that the American system was woefully inadequate.

A multitude of recommendations were made to begin improving the safety of our air transportation system, including increasing the professionalism of passenger screeners. Although some have been implemented, more work needs to be done.

As part of the multifaceted response to the Sept. 11 tragedies, the Senate has approved legislation that would make preboard screeners federal employees. The House of Representatives, meanwhile, is preparing to debate the status of screeners as part of its version of aviation-security legislation. Many House conservatives and moderates are opposed to staffing passenger-screening posts with a new cadre of federal workers.

While there are persuasive arguments being made on both sides of this issue, I believe that private-sector contractors are fully capable of handling the job if there is a system of government oversight that will provide adequate levels of funding to put in place the newest technology and to implement a positive bag-match program. It also must ensure high levels of pre-employment screening, ongoing training and, most important, accountability.

There are many examples of the effective uses of private contractors in high security areas. The Nuclear Regulatory Commission, for example, allows the use of private security personnel to safeguard the nation's nuclear reactors, materials and waste facilities. This approach succeeds because private contractors operate under an oversight system that holds them to high professional standards and does not force bargain basement competitive bidding. The point is that the litmus test on the best way to increase aviation security should not be on whether airport screeners are federal employees. Rather, it should be on which system has the best chance of succeeding and guaranteeing security over the long run. Only through a systemwide approach can we ensure the timely implementation of technology and the highest level of security for all Americans.

I believe the solution lies in a public-private partnership that puts together the advantages of both. The best model for this can be found in the United Kingdom. Under the British system, either private-sector contractors or airport personnel perform pre-board passenger screening under strict government oversight. They are held to very high standards. The system works.

Regardless of what Congress decides on this particular issue, it ultimately must address the aviation-security system as a whole. The responsibility for implementing this new system and ensuring that new regulatory standards are met should be placed in

the new Office of Domestic Security, where clean lines of accountability could be established. It should not be buried within the multilayered bureaucracies found in the departments of justice and transportation. Additionally, I believe an independent board or agency that would function much like the NTSB should be created that would serve as an integral part of a new system of checks and balances. It in essence would be a watchdog on behalf of the American public regarding aviation security.

The U.S. aviation safety system has been a model for the world because of the hard work of FAA regulators and the dedicated employees of the NTSB, who continually monitor the system through investigations of accidents and incidents. The independent safety board has never been afraid to speak out to protect the interest of the traveling public. There needs to be a similar independent voice to ensure that those responsible for aviation security are held accountable.

As it deliberates, Congress needs to remember that the system failed—not individuals. If a new security system, such as the one I have described, is implemented, concerns regarding private-sector passenger screeners will be moot. The time for decisive action is now. It is imperative for Congress to make the systemic changes that are needed, not only to address the problems of the past, but also to create a model of security that is strong enough—and flexible enough—to keep us safe and to rebuild confidence in the future.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Chairman, we, the Members of the House, have an opportunity to make a rather easy decision this evening. We must decide to make airline travel safe for the people of the Nation. We must support the Democratic substitute and restore the confidence of our citizens to ride airplanes.

The Aviation Security Act will eliminate the irresponsible private contractors who win the lowest-bid contracts for providing screening services at our airports. These contractors have failed the basic job of keeping our airlines safe for flight.

Further, this bill will ensure all planes are retrofitted to secure the cockpits and to protect the pilots and passengers from hijackers.

In addition, we must purchase the equipment to screen all baggage and all packages that are placed in the belly of each and every airplane. This bill will place more air marshals on our planes. These are simple safety measures that must be enacted.

Mr. Chairman, what is wrong with us? What has taken us so long to make the flying public safe? Members, do not let history record the horrible details of the September 11 disaster, and further record that Members of Congress were not unified enough, not wise enough to pass good public policy.

Mr. MICA. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Chairman, we owe the American people the most safe and secure air system in the world. We owe them a fair debate. This debate has been focused on the current system, but the Young-Mica bill rejects the current system.

Under the current system, responsibility for security is with airlines and private contractors. Under the Young-Mica bill, it is with the Federal Government.

Under the current system, training is with the airlines and private contractors. Under the Young-Mica bill, it must be done by the Federal Government.

Under the current system, the testing of the competency of screeners probably is not done at all; but when it is done, it is done by the airlines and private contractors. The Young-Mica bill rejects that, and testing must be done by the Federal Government.

The current system says compensation is set by the airlines and the private contractors. Under the Young-Mica bill, it is set by the Federal Government.

Under the current system, the power to fire or discipline employees rests with the airlines and private contractors. Under the Young-Mica bill, that is rejected.

Any Member who debates this issue based on the current system is making a tragic mistake. The Young-Mica bill replaces that.

Mr. Chairman, I have the greatest respect for the gentleman from Minnesota (Mr. OBERSTAR), but the substitute is not his. The substitute is the Senate bill identically; and, although sincere, it is flawed. It is weaker in six ways than the current bill before us, the improved House bill.

First, it treats small and large airports differently. That is one of the very mistakes that was exploited by those who came in on September 11.

Second, it has a weaker baggage screening provision. That is because we revised it later. The simple truth is the House bill improves upon the Senate bill; and, therefore, it improves upon the substitute because the substitute is the Senate bill.

Third, the substitute allows noncitizens to be screeners. Again, the House bill written after that, the Young-Mica bill, improves on that and says no noncitizens can be screeners.

Fourth, it is implemented slower. The substitute is implemented slower than the Young-Mica bill. The substitute is implemented in 9 months. The Young-Mica bill must be implemented in 3 months, and it has expedited rulemaking.

Fifth, the substitute splits the jurisdiction for security between the Department of Justice and the Department of Transportation. We can debate who ought to have this authority, but it should not be split.

Last, the substitute discriminates against people from small towns by making them pay twice the fee. Defeat

the substitute. Let us go to conference. We owe the American people and the victims of September 11 the best possible bill and nothing less.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I support the Democratic substitute in the interest of the American people.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

□ 1830

Mr. BOSWELL. Mr. Chairman, as for the comments made about not knowing what is in the bill, the gentleman from Iowa (Mr. GANSKE) came to me about 4 weeks ago. The Senate passed it 3 weeks ago. We know what is in the bill. Let us not say that. My two Senators voted for it. Come to think of it, so did every one of yours here. They voted for it 100 percent. Let us pass this bill, let us get something to the President and let us get on about the business of providing security. I do not care if you go to Omaha, if you go to Kansas City, if you go to Des Moines, you go to Chicago, places I have been, the American people want security and they are saying do it, do it now, let us not delay any longer. Federalize it.

Let us have confidence. Let us get the job done. Let us have standardization and do the job right. Support the Oberstar-Ganske amendment, please.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, we share the same goal here this evening. The question is how we best improve our aviation security. So let us ask some questions about what will actually make passengers safer. Will airline passengers be safer if the responsibility for airline security is confusingly split between the Department of Transportation and the Department of Justice, meaning Transportation to be responsible for some safety aspects and Justice for others as is the case with the substitute amendment before us? I know this is not the gentleman from Minnesota's approach, but this is what is before us. This is the Senate bill.

This lack of accountability will lead, in my view, to confusion, to finger pointing. Would passengers be safer if smaller airports received a different and lower level of protection than larger airports as is true with the substitute before us? Again, this is the Senate bill. I am not saying it is the gentleman from Minnesota's bill, but

that is before us. Would airline passengers be safer if their baggage was screened by a Federal employee who if found to be incompetent would be more difficult to discipline, to fire as they would be under the substitute amendment before us?

I have heard a lot of talk about the need to act quickly so let me ask this question. Would we be better off with a bill that does not have expedited procedures to move more quickly? My answer would be no.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bipartisan substitute. More than a month ago, this Congress acted expeditiously to provide financial relief to the airlines in order to help them withstand the crushing blow that they took September 11 and to make sure they did not go into bankruptcy. That, however, has not caused people to get back on the planes. Passengers will not fly until they feel the plane is safe. If the system we have in place now continues, they might not ever fly at the rates again. Even since all the talk about the increasing safety and security, the checkers that we have have already missed a loaded gun that was in a briefcase for a passenger. The turnover with these private companies is so high that even training is inadequate because there is no time. It is constant training.

Mr. Chairman, I rise in support of the bipartisan Oberstar-Lipinski-Ganske substitute amendment.

More than a month ago, this Congress acted expeditiously to provide financial relief to the airlines in order to help them withstand the crushing blow that they took in the September 11 attacks. However, we all knew that helping the airlines to avoid imminent bankruptcy would only be a pyrrhic victory if we did not act further to re-establish an environment that enables the airline industry to prosper in the long term. Airline passengers have still not returned because many do not have full confidence in security at our nation's airports.

The recent revelation that Argenbright Corp., which handles security at 46 of our nation's largest airports, continues to violate the terms of its probation by hiring criminally convicted baggage screens, certainly does little to allay those fears. The American people are now demanding a level of security at our nation's airports that simply cannot be provided by private contractors who insist on hiring minimum-wage, ill-trained workers. America is now in a state of war against terrorism. At the front lines of this conflict are security personnel who screen passengers and luggage. This is a national security matter and a fundamental responsibility of the federal government. Just as we depend on professional pilots to bomb Taliban positions and professional troops in our special forces to perform surveillance operations in Afghanistan itself, we must have a professional police force at airports to ensure

that terrorists do not succeed in inflicting harm to airline passengers.

The Young-Mica bill merely continues the status quo. The Oberstar-Lipinski-DeFazio bill is the only bill being considered today that addresses the fundamental flaws in the way we handle airport security. Moreover, it is the exact text as the bill which passed unanimously in the Senate. Every Senator—from the most conservative to the most progressive—voted for it. They understand what the American people are demanding. I hope enough of my colleagues in the House will understand that as well. I ask my colleagues to vote for Oberstar-Lipinski-DeFazio language and against the Young-Mica language.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 1/4 minutes to the gentleman from Michigan (Mr. EHLERS), one of the senior members on the Subcommittee on Aviation.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to get past the politics of this issue for a moment because most of the discussion has been about whether or not this workforce should be federalized. I really do not think that is the big issue here. Federalization is something that can be resolved later, because both bills allow federalized employees. The Senate bill requires it. In other words, the Oberstar bill requires it. The House bill allows it and gives a choice to the administration. I think it is very important to remember that.

That is not really the issue here. I do not know why everyone is spending all that time on it. I think it is very important to look at just what is important here and look at writing good law. That is what we are supposed to worry about. I think if you look at it very carefully, you will clearly see that the House bill is a better bill, in a number of different ways.

We have already heard the comments of the gentleman from Florida (Mr. WELDON), who reviewed the laws that the Attorney General could ignore under the Senate bill, which is the Democratic substitute: The Veterans Preference Act, civil rights law, Rehabilitation Act, age discrimination in employment, merit principles, Family and Medical Leave Act. These were all very hard-fought issues over the years and we are suddenly going to throw them out in the substitute. That is not writing good law.

The House bill is carefully drafted after consideration, hearings, study, consultation. The Senate bill gives the appearance at least of being hastily drafted. All of us here know that sometimes one House, one body in this Congress will do that. They will hastily draft a bill, send it over to the other side and say, "We'll clean it up in conference." This substitute has to be cleaned up in conference, but the way it is written it will not go to conference. We need a bill to go to conference so we can write good law.

The House bill provides for good administration of the system. The Senate

bill, I tried to diagram this and it is almost impossible to diagram the administration of the law under the Oberstar amendment. DOT has a Deputy Secretary for Security with very little responsibility. Then the Secretary of Transportation comes in with quite a bit of responsibility. The Attorney General gets involved and it is hard to even know where to draw the lines between the two because their relationship is not clearly specified. The FAA Administrator comes in and, of all things, the Attorney General, which administers law, provides the guidelines for all the air marshals whereas the FAA Administrator, which is not used to supervising Federal law enforcement, has to supervise the air marshals. It is exactly the opposite of the way it should be.

This substitute is poor law. Do not vote for this substitute. Vote for the House bill, send it to conference and together with the Senate we can write good law.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to remind Members once again that remarks in debate may dwell on the content of the Senate version of this bill, but they must not characterize the manner in which it was composed or those who composed it in the Senate.

Mr. OBERSTAR. I thank the Chair for again insisting on the decorum of the debate in this body.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. I thank the gentleman for yielding me this time.

Mr. Chairman, America deserves a decent airline security bill. Since September 11, we have been overrun by representatives of these private security firms. This is what they have told us:

"It's true we've done a lousy job. We've done a terrible job. It's true, we've broken laws. It's true, we've been fined millions of dollars. It's true, we have falsified records.

"But," they said, "if you'll just pay us a lot more money, we'll do a better job. That is all we need is a lot more money."

It reminds me of the time that my neighbor Miss Alice hired Good Doc to cut a tree down in her yard. Good Doc came and he looked at that tree and he said, "Miss Alice, I'll cut that tree down for \$25."

She said, "That's fine, Doc, that's a good deal."

He said, "But for \$50, I'll guarantee it doesn't fall on your house."

We are about to pass a law that lets the tree fall on our house. The American people deserve a good airline security bill. Let us pass one.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the full Committee on Transportation and Infrastructure and also a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, I have been listening all day and I have heard a reoccurring theme. It seems that my friends on the other side of the aisle are more concerned about who signs the check than they are about who checks the bags.

We ought to get back to what is important here. We have come together on a lot of things. We have recognized the problems together. We understand that the companies are not up to standard. You are right. We have talked about it, both sides of the aisle. We understand that the system needs improvement, needs Federal involvement. You are right. We understand that the Federal Government ought to get involved and set the standards and the Federal Government ought to be involved in testing and the Federal Government ought to be involved in training and the Federal Government ought to be involved in accountability and oversight. We agree on these things, all of these things.

What we did, what this chairman did, Young-Mica, they talked to the folks who are on the front lines of terrorism every day for the last 20 years in the airline industry. And they said, "United States of America, don't make the same mistake that we did. Federalize, don't nationalize. If you want all of those things, if you want all of that accountability, if you want safe airplanes in the sky, follow our lead."

This bill follows their lead. As a former FBI agent, I can tell you, I want safe airlines. I want my wife, who travels on business, to be safe. I want my family to be safe. You ought to set all of the politics aside. I would urge my colleagues on the other side of the aisle, for the safety of America, for the viability of these airlines, set your arguments aside, stop worrying about who signs the check and start worrying about who checks the bag.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, when it comes to the check being signed by the lowest bidder, I must worry.

The fact is that we are at a critical juncture in our attempt to protect our Nation. We have been entrusted by the American people to make crucial decisions that will affect and protect their lives. The American people expect for us to get it right.

It is time to acknowledge the fact that private sector management of our Nation's aviation system has miserably failed us. By refusing to take the appropriate action to correct the problem, we run the risk of experiencing a repeat of September 11 and the risk of abusing the trust of the American people. The appropriate action is federalization of our aviation security system.

There have been accusations that support of federalization is an attempt to bolster Federal employee unions.

Our accusers have forgotten that the majority of the brave Americans who were hailed as heroes on September 11 are union members and have gone beyond the call of duty. I believe federalized airport security personnel would provide the same high standard of service.

Let us put politics aside and pass the bipartisan substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Minnesota (Mr. KENNEDY), one of the distinguished members of our Subcommittee on Aviation.

(Mr. KENNEDY of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Chairman, September 11 was a call to action to strengthen our security. Today, we have a chance to respond to a bipartisan request from our President and our Democratic Secretary of Transportation to pass legislation that focuses on security and nothing else. The American people deserve nothing less. The President and Secretary have asked us to follow a proven path that has long been successful in Europe and in Israel, and we should.

The Young-Mica bill expands Federal air marshals, strengthens cockpits, allows pilots to protect themselves and, therefore, the plane, strengthens the screening of checked bags, federalizes supervision of bag screening, federalizes background checks and training of baggage screeners, and federalizes assuring the qualifications and performance of baggage screeners. But it does more, more than the alternative bill. It expedites rule-making. We have been waiting 5½ years for better, more comprehensive Federal rules on baggage screening. We cannot wait any longer. It also deals with all areas of aviation security, not just baggage screening, including those that are providing food service and cleaning services in the airplanes and comprehensive security in the airports.

We need to support our President, we need to support our Secretary of Transportation and pass the comprehensive Young-Mica bill. We owe America nothing less.

□ 1845

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 1 minute to the distinguished gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, some Republicans falsely claim that the Ganske-Oberstar bill lacks substantive aviation security technology provisions. They are wrong. The Ganske-Oberstar bill has an entire title dedicated to improving aviation security technology.

This title calls on rapidly deploying and fully utilizing viable security technologies. The title calls upon the FAA to implement technology-driven changes to our aviation security system in the short term, including the

plan to deploy security-enhancing technologies such as biometrics, database integration, smart cards, and other promising new applications that are available even right now.

The Ganske-Oberstar bill looks to the long-term as well, calling for new and substantial investments into FAA's R&D program. The bill doubles the budget for the FAA's Technology Center and increases spending on accelerated research and deployment of technologies for detection of non-metallic weapons and cargo screening.

Let us make sure that our aviation security policy is backed up by balanced, bipartisan thinking, not posturing and rhetoric. Support the Ganske-Oberstar bill.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, again we are reminded about the horrible events of September 11. We watched as a Nation with horror and as air travelers, we watched with some fear and trepidation. We watched as the President of the United States acted swiftly to request that every airline in America abstain from flying for a few days until they could determine how serious the threat was and what could be done to correct it.

It was not but a few days, and the President and his team made the corrections in airline security, put in the new personnel, put in the supervision, put in the regulations, put in the requirements, put in the Federal marshals; and I will have to say, and I do not think there is anyone that can doubt it, there is not a person who gets on an airplane in America today who does not do so under unprecedent conditions of safety. Every bit of that increased safety with which we fly today is a result of the actions of the President of the United States and his executive team.

The President of the United States very soon thereafter made it very clear that he knew what he needed to make this Nation secure, and he called upon Congress to enact the law that would give him the power and the authority to administer the airways of this country in a safe fashion.

This Congress stood here just a few days after that horrible tragedy, and we voted our confidence in this President to assign military operations, to assign people to the fields of danger across this globe, to deploy the FBI, to deploy the CIA, to deploy all the agencies of this government in the Nation's security. Yet on this one issue, on this one issue alone, we have those who would defy the President and say, no, Mr. President, we cannot leave airline security to your administration, even in the face of the existing security provided by his actions and his actions alone. No, Mr. President, you must do it our way.

What we have here in the base bill is a bill that says we resolve, Mr. President, to make the Nation safe, and we resolve to give you the authority and the discretion to do this job right.

What we have in the form of the substitute is a bill that says no, Mr. President, you must do it our way, and a bill that says that, Mr. President, despite the fact that there has not been to this date a single action by a single Member of Congress that has made one single passenger safer in America.

I think our path of responsibility is very clear: reject the substitute; reject this intrusion of Federal Congressional mandate. Put your confidence in the plan of the President. Give the President the ability, the authority, and the endorsement to do what is necessary to keep our children safe in the air.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, that was a very compelling appeal by the distinguished majority leader, but I would just point out to my colleagues that the committee bill does not trust the President either, because it is filled with mandates, while at the same time they ask for flexibility.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, I stand to give you a bulletin from the City of New York, from my home community of Queens, New York. As we speak, Concourse A, Terminal 8 at JFK Airport has just been closed. It has been closed because the screeners at American Airlines when a magnetometer broke down decided to just wave the people through.

They waved enough people through, until the FAA found out about it. The FAA, by the way, for those who have not noticed, is a Federal agency that hires Federal employees. The screeners are not. The FAA closed down the whole terminal. Presently, five planeloads of people thinking they were going to their destinations across America are being off-loaded off of all those planes because they are now considered unsanitized and have to go through the screening process that some of them should have gone through to begin with.

This points out exactly the problem that we have: poorly trained, inconsistently trained, nonpublic, non-Federal employees, doing screening by any rules they deem necessary, without any supervision.

Think of what you would do if you passed what you are looking to pass.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE), a member of the Subcommittee on Aviation.

Mr. THUNE. Mr. Chairman, the whole objective of this discussion and debate is how do we make the skies as safe as is humanly possible. Now, under the logic that has been employed by the other side tonight, those who are

favoring the Democrat substitute, there is only one way to do that, with Federal employees. And yet the Democrat substitute only applies that logic to 142 airports.

Mr. Chairman, do you know, there are 461 commercial airports in this country? That means almost 70 percent of the airports in this country are not going to have Federal employees working there, which, under the logic that has been employed here this evening by the other side, means that those airports are going to have a substandard level of safety applied.

I do not think that is what you mean to do here, but that is in fact what is implied by the Democrat substitute; 142 airports would have Federal employees, the remaining 319 would have local law enforcement.

Now, the police chief in Pierre, South Dakota, is pretty busy. I do not know that he has time to go stand at the airport. But what you have essentially said this evening is it is Federal employees or not.

This legislation, the Mica-Young bill, makes it possible for the administration to use their discretion to determine whether Federal employees are the best way to keep the skies safe, or whether there is another way to do it.

Let us allow them to have that discretion, not mandate, and not say to those other 319 airports that you are going to be less safe than the 142 big ones.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the dean of the House, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I thank my dear friend from Minnesota for yielding me this time.

Mr. Chairman, it is astonishing for me to see so many frequent fliers assembled in one place seeking to have the status quo continue. I would remind my Republican friends that more people were killed in the events of September 11 than at D-Day or Pearl Harbor. This is a serious matter. I would also note that Secretary Mineta has made this observation: he says that an unacceptable number of deficiencies continue to occur.

Argenbright and others have had a number of problems before, during, and since the 11th. They have falsified records, they have been convicted, they have been fined \$1.5 million. They have subsequently found that they have continued the same violations and are now up for violation of probation. They have allowed everything from guns to box openers to knives to move through the checkpoints.

How is it that we can say that we should continue the status quo, allowing the same kind of rent-a-cops to commit the same kind of outrages in terms of security? Let us get rid of them for good and put somebody in that is going to do the job right.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, as was stated by my colleague from South Dakota, the substitute amendment focuses primarily on larger airports, 142 of them.

I represent a rural district that has only small Class IV airports, none of the 142 larger ones. These smaller airports are not subject to a uniform set of security standards under the substitute amendment.

This is precisely what our problem is today, we have no uniform standards. The Young-Mica bill sets uniform standards for all airports, not just a select number.

On September 11, the most prominent of the 19 hijackers boarded a plane at a smaller airport, flew to Boston, hijacked a plane and crashed it into the World Trade Center. Hijackers will enter the airport system at the weakest points, quite likely a small, relatively unsecured airport. Under the substitute, once past the security check point, a passenger can move freely throughout the system. The Young-Mica bill closes this loophole. Every airport manager in my district supports the House bill for the above reasons.

Mr. OBERSTAR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mr. Chairman, we have the best military in the world, the best law enforcement agencies and the best firefighters.

All of these are government-run organizations that successfully protect the public.

And the public deserves the government's full protection and commitment at our nation's airports.

Our airport security system is tragically and fatally flawed.

We don't need to patch it up.

We don't need to continue the status quo.

Some have attacked federalization of airport security because it could potentially create a union.

Those who make this argument forget that roughly 400 union members died at the World Trade Center.

These union members and their union-member colleagues who survived helped save up to 20,000 lives.

Even the administration wants the other side to stop attacking public employees in this debate.

Working men and women aren't the problem. And tweaking the existing system isn't the solution. Like the military—protection of air travel should be done by federal employees.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, today I wish to thank my colleagues for addressing the important issue of airline security, and I urge passage of legislation that will provide the strongest safeguards to those who fly our Nation's airways.

Because tourism is Rhode Island's second largest industry, my constituents have been particularly affected by the slow-down in air travel since September 11. I have heard the concerns of airline employees and passengers, hotel workers, rental car companies, travel agents and restaurant owners; and we can all agree that Congress must restore confidence in air travel in order to boost our Nation's flagging economy.

Three weeks ago the Senate, both Republicans and Democrats joining in a bipartisan spirit, unanimously passed an airline security bill, the bill offered today as a substitute to H.R. 3150. The House and Senate bills have many points in common and both recognize the need to improve the structural security of our planes, place Federal air marshals on flights, and provide airports with the best technology.

Mr. Chairman, I urge passage of the substitute offered today by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in opposition to the Democrat substitute to the Young-Mica bill.

Mr. Chairman, I respect and appreciate the motivations of my colleagues and friends on the other side of the aisle; but the truth is, Mr. Chairman, that their bill looks good on the outside, but on the inside is full of a history of failure and cost lives.

□ 1900

Now, much has been made that this substitute passed the Senate by a 100 to zero vote, and that is true. Despite widespread and vocal reservations about the ineffectiveness of addressing airport security with a vast new Federal bureaucracy, the Senate voted and, to borrow a phrase, headed for the hills. So the task, Mr. Chairman, has fallen to us to craft a bill that achieves airport security.

President Bush's vision creates standards, the oversight, and the flexibility that builds on history to make our airports safe. Say "no" to a hollow political victory tonight; say "yes" to real airport security for our families and our constituents.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURU).

Ms. DELAURU. Mr. Chairman, 7 weeks since the tragedy of September 11, 3 weeks since the Senate passed an

airline security bill by a vote of 100 to zero. The delay in bringing this bill to the floor until now has put tens of thousands of American travelers at risk. That is wrong.

Security lapses at airports across the country continue. Screeners that were at the gates before September 11 are there now, with no additional training and the same poor industry standards. It is wrong.

Our current airline security system is an outrage. It is a profit-driven industry carried out by the lowest bidder. It has contributed to a workforce that suffers from high turnover, low pay, and low morale, and that is wrong. Baggage screeners should be a highly skilled, highly trained workforce that serves the frontline for our Nation's defense. Aviation security should be a function of Federal, professionally trained law enforcement officials. Border Patrol, FBI, INS and Customs Service are all Federal agencies that protect the public. The traveling public deserves the same protection. That is the right thing to do.

Let us not let the innocent people on those American and United flights, along with the thousands of others that perished on the ground, die in vain. Let us do the right thing. Pass an airline security bill that tells the American people that we consider airport security a critical component of our national security. Vote for the Democratic substitute.

Mr. DEFAZIO. Mr. Chairman, I rise to make a unanimous consent request.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, there are an extraordinary number of Members on our side who would like to speak. Debate, I believe, was unduly limited. So I would ask unanimous consent that the debate be continued on each side for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. SIMPSON. I object.

The CHAIRMAN. Objection is heard.

PREFERENTIAL MOTION OFFERED BY MR.
DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 11, noes 402, not voting 19, as follows:

[Roll No. 422]

AYES—11

Capuano	Hilliard	Maloney (NY)
Clyburn	Honda	Pastor
DeFazio	Hooley	Rangel
Hastings (FL)	Langevin	

NOES—402

Abercrombie	Deutsch	Johnson, E. B.
Ackerman	Diaz-Balart	Johnson, Sam
Aderholt	Dicks	Jones (OH)
Akin	Dingell	Kanjorski
Allen	Doggett	Kelly
Andrews	Doolittle	Kennedy (MN)
Armen	Baca	Kennedy (RI)
Baca	Doyle	Kerns
Bachus	Dreier	Kildee
Baird	Duncan	Kilpatrick
Baker	Edwards	Kind (WI)
Baldacci	Ehlers	King (NY)
Baldwin	Ehrlich	Kingston
Ballenger	Emerson	Kirk
Barcia	Engel	Kleckzka
Barr	English	Knollenberg
Barrett	Eshoo	Kolbe
Bartlett	Etheridge	Kucinich
Barton	Evans	LaFalce
Bass	Everett	LaHood
Becerra	Farr	Lampson
Bentsen	Fattah	Lantos
Bereuter	Ferguson	Largent
Berkley	Filner	Larsen (WA)
Berman	Flake	Larson (CT)
Berry	Fletcher	Latham
Biggert	Forbes	LaTourette
Bilirakis	Ford	Lewis (KY)
Bishop	Fossella	Lewis (OK)
Blagojevich	Frank	Luther
Blumenauer	Frelinghuysen	Lynch
Blunt	Frost	Manzullo
Boehlert	Gallegly	Markey
Boehner	Ganske	Mascara
Bonilla	Gekas	Matheson
Bonior	Gephhardt	Matsui
Bono	Gibbons	McCarthy (MO)
Borski	Gilchrest	McCarthy (NY)
Boswell	Gilman	McCormick
Boucher	Gonzalez	McGovern
Boyd	Goode	McHugh
Brady (PA)	Goodlatte	McInnis
Brady (TX)	Gordon	McIntyre
Brown (FL)	Goss	McKeon
Brown (OH)	Graham	McKinney
Brown (SC)	Granger	McNulty
Bryant	Graves	Meehan
Burton	Green (TX)	Meek (FL)
Buyer	Green (WI)	Meeks (NY)
Callahan	Greenwood	Menendez
Calvert	Grucci	Mica
Camp	Gutknecht	Millender-McDonald
Cannon	Hall (OH)	Miller, Dan
Cantor	Hall (TX)	Miller, Gary
Capps	Hansen	Miller, George
Cardin	Harman	Miller, Jeff
Carson (IN)	Hart	Mollohan
Carson (OK)	Hastings (WA)	Moore
Castle	Hayes	Murtha
Chabot	Hayworth	Myrick
Chambliss	Heffley	Nadler
Clayton	Herger	Napolitano
Clement	Hill	Morella
Coble	Hilleary	Myricle
Collins	Hinchey	Napolitano
Combest	Hinojosa	Neal
Condit	Hobson	Nethercutt
Conyers	Hoeffel	Ney
Cooksey	Hoekstra	Northup
Costello	Holden	Nussle
Cox	Holt	Oberstar
Cramer	Horn	Olver
Crane	Hostettler	Oberstar
Crenshaw	Houghton	Olver
Crowley	Hoyer	Ose
Cubin	Hulshof	
Culberson	Hunter	
Cummings	Hyde	
Cunningham	Inslee	
Davis (CA)	Isakson	
Davis (FL)	Israel	
Davis (IL)	Issa	
Davis, Jo Ann	Jackson (IL)	
Davis, Tom	Jackson-Lee	
Deal	(TX)	
DeGette	Jefferson	
Delahunt	Jenkins	
DeLauro	John	
DeLay	Johnson (CT)	
DeMint	Johnson (IL)	

Otter	Sanchez	Taylor (MS)
Owens	Sanders	Taylor (NC)
Pallone	Sandlin	Terry
Pascarella	Sawyer	Thomas
Paul	Saxton	Thompson (CA)
Payne	Schaffer	Thornberry
Pelosi	Schakowsky	Thune
Pence	Schiff	Thurman
Peterson (MN)	Schrock	Tiaht
Peterson (PA)	Scott	Tiberi
Petri	Sensenbrenner	Tierney
Phelps	Serrano	Toomey
Pickering	Sessions	Towns
Pitts	Shadegg	Traficant
Platts	Shays	Turner
Pombo	Sherman	Udall (CO)
Pomeroy	Sherwood	Udall (NM)
Portman	Shimkus	Upton
Price (NC)	Shows	Velazquez
Pryce (OH)	Shuster	Visclosky
Putnam	Simmons	Vitter
Quinn	Simpson	Walden
Rahall	Skeen	Walsh
Ramstad	Skelton	Wamp
Regula	Slaughter	Waters
Rehberg	Smith (MI)	Watkins (OK)
Reyes	Smith (NJ)	Watson (CA)
Reynolds	Smith (TX)	Watt (NC)
Riley	Smith (WA)	Watts (OK)
Rivers	Snyder	Waxman
Rodriguez	Solis	Weiner
Roemer	Souder	Weldon (FL)
Rogers (KY)	Spratt	Weldon (PA)
Rogers (MI)	Stark	Weller
Rohrabacher	Stearns	Wexler
Ros-Lehtinen	Stenholm	Whitfield
Ross	Strickland	Wicker
Rothman	Stump	Wilson
Roukema	Stupak	Wolf
Royalb-Allard	Sununu	Woolsey
Royce	Sweeney	Wu
Rush	Tancredo	Wynn
Ryan (WI)	Tanner	Young (AK)
Ryun (KS)	Tauscher	Young (FL)
Sabo	Tauzin	

NOT VOTING—19

Burr	Gutierrez	Ortiz
Capito	Istook	Oxley
Clay	Jones (NC)	Radanovich
Coyne	Kaptur	Shaw
Dunn	Maloney (CT)	Thompson (MS)
Foley	McCrery	
Gillmor	Mink	

□ 1922

Ms. WOOLSEY and Messrs. STEARNS, COOKSEY, ISRAEL, PITTS, KILDEE, and STUMP changed their vote from "aye" to "no."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. MICA. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Alaska (Mr. YOUNG), our distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Chairman, this is especially for a point of clarification.

The gentleman from Minnesota (Mr. OBERSTAR) was asked a question about section 108, and the implication was that only passengers and bags would be screened.

Section 108 in the gentleman's substitute requires screening of all cargo and also the mail. Also in section 131 on page 75, that section requires private plane owners to screen their passengers and bags if the plane is more than 12,500 pounds.

So I just want to make it perfectly clear for the record that the answer the gentleman from Minnesota gave to the gentleman who asked it was incorrect.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. ENGEL. Mr. Chairman, I rise in support of the substitute for federalizing workers.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, on December 7, 1941, our country experimented with parking our airplanes wingtip to wingtip. The experiment failed.

On September 11, 2001, our Nation experimented with the concept of private contractors under government supervision providing security. That experiment failed. We must now end the experiment of private security under government supervision. That experiment failed.

We tonight have been acting as if this was a theoretical discussion. We have had our experiment. The reason the experiment failed is every single time the FAA has tried to clamp down on this poor Swiss cheese process, the lobbyists have come up here and stopped us from requiring certified employees.

I am pleased that we have finally prevailed, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Pennsylvania (Mr. STRICKLAND), and myself, to make sure all checked baggage is screened for explosives.

But we need more than good machines. We need good people. Let us put them in there and pass Ganske-Oberstar.

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE), cosponsor of the pending legislation.

Mr. GANSKE. Mr. Chairman, AP News, New York: "Security lapse leads to JFK terminal evacuation. Security agents from the FAA ordered the shutdown and evacuation of part of American Airlines terminal at JFK International Airport this afternoon because they saw checkpoint screeners failing to follow security rules. Jim Peters, the FAA spokesman, said Concourse A and Terminal 8 was evacuated. He said he did not know when it was going to open."

Mr. Chairman, these are the contracted security screeners that we will be voting for if we vote for the Young bill. They will be hired by those private contractors.

Let me read this from a woman I respect very much, a strong conservative. She says, "There are some who argue our security can be assured by tightening standards and providing some more Federal oversight." That is the Young bill. This strong woman con-

servative goes on to say, "We have tried that approach to aviation security many times and it failed horrifically. Why should we set the qualifications, do the training, do the testing, and then ask someone else to do the hiring?" That is the Young bill.

The Federal Government must assume the job of providing security or we have admitted that we are satisfied with the status quo, and thousands of souls will have died for nothing.

Mr. Chairman, this is not a liberal, this is a woman Senator who is a close friend of President Bush.

But do Members know what, this is not about friendship, this is about a duty to the citizens of our country. Vote for the substitute.

□ 1930

Mr. OBERSTAR. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining, and the gentleman from Florida (Mr. MICA) has 4 1/4 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the gentleman from Florida (Mr. MICA) how many speakers are on his side.

Mr. MICA. Mr. Chairman, at this time it appears I have two additional speakers.

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

Mr. OBERSTAR. Mr. Chairman, the gentleman has the right to close. Would the gentleman like to recognize one of his speakers?

Mr. MICA. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, the proponents of this amendment say that they are going to hire Federal employees to take over the security of our airports. Listen to who they are going to hire. People who are not protected by our civil rights laws. They are not going to even give these employees the protection of fair labor standards. Why should they not have the protection of minimum wage and time and a half for overtime laws? Why is it you do not trust that you could hire Federal employees under all of our fair employment practices, acts, all of our nondiscrimination acts, all of the law that provides family and medical leave? Why do you not think you can hire people who can do screening under those circumstances?

In the private sectors Brinks, Wells-Fargo, Pinkerton, Wackenhut who provide security at weapons factories, they can hire security personnel that also have the right to the protection of our civil rights laws, to the protection of fair labor standards laws, to the protection of the family medical leave law. We know it can be done.

You are giving us a sham bill that says you are going to do this under Federal law. You have to give the Attorney General the right to hire out

from under all of the Federal employment laws that protect working people. It is an outrage.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, we have come to the close of a very agonizing debate, a very fair, very open exchange. But you cannot have it both ways. The last speaker said, you do not have these protections. You do not have all these safeguards for Federal workers. But it was the majority that has said time and again you cannot have Federal workers because it is too hard to fire them. It is too hard to move them around. So we give you the flexibility to write the rules the way you want to do it; and then you come and say, oh, you do not have all the protections. You cannot have it both ways.

We have heard some spurious numbers here. The CBO number estimate is 16,200 screeners. Then there are supervisors and managers and ground coordinators and senior-level security and perimeter security and aircraft security personnel. That is all up to the Department, the Department of Justice or up to the Department of Transportation. You decide. That is the flexibility.

Then I heard them complain, oh, you do not trust the President of the United States to do the right thing. What do you mean? On the other hand they say, you do not have any mandates to make all of these things happen because we do not trust the rule-making.

Now let us cut that stuff out. What we have got before us is the essential issue, the Achilles heel of aviation security.

I served on the Pan Am 103 commission in the aftermath of that tragedy at Lockerbie, Scotland. I stood there with our colleague, John Paul Hammerschmidt, on the edge of that abyss, 14 feet deep, 40 feet wide, 140 feet long where 270 people perished, were vaporized in the crash of that 747. There were 270 people aboard those four aircraft on September 11. History has a way of repeating itself in great tragedy.

In a speech in the Canadian House of Commons, the Honorable Jean Chretien, Prime Minister of Canada, said on the day after the attack, "There are those rare occasions when time seems to stand still, when a singular event transfixes the world, occasions when the dark side of human nature escapes civilized restraint and shows its ugly face to a stunned world. Tuesday, September 11, will forever be etched in memory as a day when time stood still."

He said it eloquently, powerfully. I have waited, I have worked for 11 years to get strong security legislation enacted. We did it in 1990, and then we worked to get the regulation imple-

mented. And then we worked again. We passed new legislation and now we have something on this floor that closes the gap, that shuts down the Achilles heel, a good provision that says we will take strong action. We will put screeners at airport security checkpoints with the badge of Federal Government on their shirt, sworn to uphold the Constitution of the United States and its laws, trained to the highest standards, paid a decent wage. People who will do the right thing.

I want you to pass this bipartisan amendment, and I express my great admiration to the gentleman from Iowa (Mr. GANSKE), who has stood and withstood enormous pressure not to take a principled, honest stand of integrity in what he believes. Because, my friend, never again do I want to look into the eyes of the families of the victims of Pan Am 103; nor do I want any of you to look into the eyes of the families of the victims of September 11 and say, we did it on the cheap. We did not do enough. We did not go far enough. We will try again.

This is the hour of decision. Make your decision tonight. Let this not be a day when time stood still, but a day when time marched ahead in the interest of security for all Americans.

Mr. MICA. Mr. Chairman, how much time remains on our side?

The CHAIRMAN. The gentleman from Florida has 3½ minutes remaining.

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding the time.

If there is anybody in this House that wants to ensure that there is an adequate security standard across our airports it is me. On September 11, that we all reference, more than 300 people from my district died, my friends, family and neighbors. I do not want to see that happen again; and in fact, I do not think anybody in this House wants to see that happen again.

Security we can all agree upon, but there is a greater issue right now as I see it; and that is are we going to work together for the good of the American people? Right now, I have heard many times tonight how this is an issue of national security. The President supports the House bill. He does not support the substitute. If this is an issue of national security, do we not want our Commander in Chief participating in this process?

I say move this bill forward, defeat the substitute. If we trust the President of the United States, our Commander in Chief, in a time of war to deploy our men and women in harm's way overseas, then certainly we can trust him to do the right thing for the people of this country on our homeland.

Mr. MICA. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I have done everything possible I could do as a representative of the people entrusted with an important matter to work with my chairman, the gentleman from Alaska (Mr. YOUNG), who has done a great job; with the gentleman from Minnesota (Mr. OBERSTAR), ranking member; the gentleman from Illinois (Mr. LIPINSKI), not on a partisan basis, not on the basis of division, but on the basis of issues, on only one driving motivation, and that was to come up with the very best bill possible.

I worked with the gentleman from Minnesota (Mr. OBERSTAR), and my colleague actually introduced a bill, and I think he may offer that as a substitute, not this substitute but at the end of this debate. I did everything humanly possible to try to bring the House together on the best possible security plan, a comprehensive plan.

If I thought for one minute that this substitute would do a better job, I would step forward and support it, because this is too important for partisan politics. It is too important to not have in place the very best protections.

Unfortunately, what the substitute does is it creates a two-tier system. The Attorney General has said it will actually detract from their effort on the war on terrorism and opposes this responsibility being given in a bifurcated fashion to the Department of Justice.

Most importantly, what it does not do is give the ability to put in place immediate rules, and that is part of the problem. The gentleman from Minnesota (Mr. OBERSTAR) knows that. The gentleman from Illinois (Mr. LIPINSKI) knows that. So we end up worse off than we were on September 10. That is wrong.

I plead with my colleagues; I ask them to put partisanship aside, to put these other peripheral issues aside, to do what is best for America, to do what is best for aviation security. I submit that the plan that we worked so hard on together does that.

I urge Members' support. I plead with my colleagues for their support, not for me, not for my party, not for my President but for the American people who deserve nothing less.

Mr. WOLF. Mr. Chairman, I rise in support of the Senate-passed legislation to federalize the nation's airport security that we will have the opportunity to vote on as a substitute to H.R. 3150.

There are 31 families today in our area in northern Virginia devastated by grief from the September 11 attack on the Pentagon.

In the wake of the terrorist attacks on American soil when terrorists turned commercial airliners into missiles of destruction to perpetrate their heinous acts, the people of America are looking to this Congress to make our airports safe and to secure the airplanes that fly across America's skies.

In the aftermath of September 11, we are now waging war against terrorism and America's airports are on the front line. We need to

change the way security is handled at our nation's airports. We cannot continue to contract out to the lowest bidder the safety and security of America's airports and airways.

We must restore confidence in air travel and elevate aviation security to its proper role as a law enforcement function. We must place the security of our airways in the hands of a federal aviation security force under the jurisdiction of the nation's top law enforcement agency—the Department of Justice. The American public deserves nothing less.

Mr. Chairman, good intentions surround both the House and Senate versions of airline safety legislation. The ultimate goal of this legislation from both sides of the aisle and both sides of the Capitol is to elevate safety to the highest level as quickly as possible. But the current way of doing business through privatized security, I believe, has failed to meet safety expectations. We need to make a change.

The Federal Aviation Administration does a good job at air traffic control. That's its function and where its focus should be. But if you ask the Department of Transportation inspector general's office about the FAA's current role in aviation security oversight, you'll get a report card that's woefully inadequate.

If you also ask the DOT inspector general's office about the shortcomings of the current system of private airport security screening operators across the nation, you'll hear horror stories about inadequate background checks, the hiring of illegal aliens, screeners with criminal records, screeners who can't pass basic skills tests required for employment, screeners who can't speak English, screeners who fail to spot dangerous objects. You'll also hear that 87 percent of the baggage screeners at Washington Dulles International Airport aren't U.S. citizens.

You'll also hear the name Argenbright Security. The foreign-based corporation is the largest airport security screener in our nation and is responsible for security at the majority of America's busiest airports. The second and third largest screening contractors also are foreign-owned.

Argenbright was recently ordered to pay over \$1 million in fines and placed on three years probation because it either failed to conduct background checks on convicted felons or forged the actual background checks on checkpoint screeners at Philadelphia International Airport. Just last week a federal judge extended the company's three-year probationary period to five years for violating terms of its probation, including continuing to hire convicted felons, despite certifying that it had conducted new background checks, and violating FAA regulations.

It is interesting to note that Argenbright left the Philadelphia airport last week, a year before its contract was to have expired. In another development, Sky Harbor International Airport in Phoenix evicted Argenbright on October 13 citing criticism of its hiring standards since the September 11 terrorist attacks and the scandal involving Argenbright's activities in Philadelphia.

Argenbright also staffs both Washington Dulles International Airport and Logan International Airport in Boston—two of the airports where hijacked planes took off on September 11. Dulles continues to grow and is presently the fifth busiest airport in America with 1,400 daily takeoffs and landings.

According to the FBI, Argenbright also had the roommate of convicted CIA killer Amal Kansi on its payroll. Kansi was responsible for the bloody CIA shootings in 1993 on Route 123 in northern Virginia outside CIA headquarters, where two people were killed and three were wounded.

His roommate, Zahid Mir, worked for Argenbright from August 1992 to February 1993 in a variety of security positions until he was arrested on immigration charges which ultimately resulted in six months confinement. As an Argenbright Security employee at Dulles Airport, Mir had access to luggage and restricted access areas. It would seem that even a cursory check on Mir would have flagged authorities about his questionable background. I enclose for the RECORD a copy of a letter from the FBI verifying Mir's relationship to Kansi and his work for Argenbright.

I also find it surprising that when a recent head of FAA security left his job, he soon wound up on the Board of Directors of Argenbright Security. What kind of relationship is there between those who are regulating security and those who are performing security?

That question may have been answered in a revealing memo sent this past May from the chief of the FAA's Civil Aviation Security Division—who is leaving his post after being there for less than a year—to FAA managers about the agency's compliance and enforcement philosophy. He said, in part, "...the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful and mutually responsive business relationship. To be effective in this relationship, we need to be flexible."

He continued, "While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of non-compliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with the industry to develop action plans to permanently correct problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations...." I enclose for the RECORD the entire text of that memo.

If we learned anything from the devastating attacks of September 11 it is that there is absolutely no room for flexibility, no room for compromise, no room for second chances when it comes to the safety of the flying public.

The track record of private airline screening companies shows they have not performed the job that is demanded. According to a 1998 GAO report, security checkers at Dulles Airport experienced a turnover rate of 90 percent, which was lower than the national average of 126 percent. Boston's Logan Airport had a turnover rate of 207 percent and Atlanta's Hartsfield Airport topped the chart at 375 percent. At these rates, screeners were turning over every couple of months.

As long as security is contracted out, it will always go to the lowest bidder with the cheapest labor pool filing what we can describe today as among the most important security jobs in our country. We must put federal professionals on the front line of air security to ensure a workforce which can enforce total compliance with aviation security laws.

I've heard the arguments that federalizing airport security will create another unnecessary federal agency and that what is needed is just federal supervision of private contractors. In response, I ask our colleagues to consider that in the aftermath of September 11, there is a critical need today more than ever for intelligence sharing among federal agencies. The FBI, the DEA, and the INS already operate under the Department of Justice.

I believe most people would want airport security under the Justice Department where these agencies could share their information in the present climate of heightened security alerts.

I don't believe most people would want federal law enforcement and intelligence agencies to reveal sensitive security information about the national airspace to private contractors.

The best security and law enforcement in the world can be found in our armed forces, the Secret Service, and the FBI—all under the jurisdiction of United States government.

We owe it to the American people to pass the kind of legislation unanimously approved by the U.S. Senate by a vote of 100-0 which assigns the job of enforcing the security laws for our nation's airways to a federal aviation security agency accountable to the public and under the jurisdiction of the Department of Justice.

The events of September 11 have changed us all. The dozens of families in the Washington region who lost loved ones and the thousands in New York, Boston, and Newark and all over the world who also grieve for their mothers and fathers, brothers and sisters, friends and neighbors remind us that we should do everything possible to try to prevent a similar tragedy.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington DC, October 17, 2001.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Commerce, Justice,
State and Judiciary, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for seeing us last week. I hope the meeting was helpful to you.

With regard to Zahid Mir, as we confirmed to you, he did work at Dulles International Airport, both for News Emporium and for Argenbright Security. He was employed by Argenbright from August 1992 to February 1993 in a variety of security positions. As such, he would have had access to luggage and restricted access areas. His employment at Dulles ended when he was arrested in February 1993 on immigration charges which ultimately resulted in six months confinement.

It is our understanding that Mr. Mir was the roommate of Mir Amal Kansi, the individual convicted in the shooting deaths of several CIA employees.

Sincerely yours,
JOHN E. COLLINGWOOD,
Assistant Director,
Office of Public and Congressional Affairs.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION.

MEMORANDUM

Date: May 29, 2001.
Subject: ACTION: Compliance of enforcement philosophy.
From: Associate Administrator for Civil Aviation Security, ACS-1.
To: Managers, Civil Aviation Security Divisions 700's, Federal Security Managers.

As we work with the aviation industry, it is important to remember that our primary goal as a regulatory agency is to gain compliance. While I know there are circumstances that present difficult choices, it would be helpful to explain our approach to compliance and enforcement issues.

As I outlined in the ACS strategic plan, the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful, and mutually responsive business relationship. To be effective in this relationship, we need to be flexible. While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of non-compliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with industry to develop action plans to permanently correct problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations. To answer questions you may have about this new philosophy and how it will work, detailed guidance will be provided to you shortly.

I want to continue to give our partners a realistic opportunity to comply with the regulations and to work with us.

Mrs. MORELLA. Mr. Chairman, I rise today in support of the substitute that would federalize our airport security personnel.

I want to thank Mr. GANSKE for all his diligent work addressing this vital issue for all Americans. Several weeks ago the Senate passed this language by unanimous vote of 100 to 0. This substitute embodies many of the important provisions that would allow the government to take a more active role in providing security for our nation's transportation systems.

It would make all baggage and passenger screeners at 140 of the largest airports, federal employees under the authority of the Department of Justice. The Department of Justice would be responsible for hiring, training, and disciplining the screeners. Additionally, the Attorney General would undertake thorough background checks for all potential screeners.

Additionally, the Department of Justice would establish vigorous standards of training standards for all screeners. 40 hours of classroom training and 60 hours of on-the-job training would be required before security employees could begin working in airports. Flexible security measures for small and medium size airports are provided by allowing screeners at those locations to be federal employees or state or local law enforcement officers.

The substitute addresses the need for more oversight of transportation security. The Attorney General and Secretary of Transportation would be required to report to Congress on the status of airport security measures and

provide recommendations for additional measures that would further enhance air security. This legislation would require the Federal Aviation Administration to report to Congress on the status of background checks for current employees and the training on anti-hijacking measures for all flight and cabin crews. Also, a National Security Coordination Council would be created to help coordinate security and intelligence measures between agencies regarding aviation safety.

Under the substitute, some enhancement of security measures would be visible to all travelers and bring reassurance that American skies are safe again. Armed federal law enforcement personnel would be placed at all screening locations and all baggage, checked or carry-on, would be screened. Secured areas would receive greater security measures to limit access to only authorized personnel through advanced technologies and additional deployment of security personnel at entry points. Also, the substitute would require strengthening of cockpit doors and limit in-flight access to the cockpit.

Some security measures would be unseen, such as the increased number of Department of Transportation Federal Air Marshals. This substitute provides for an expanded Federal Air Marshal program to increase their presence on more domestic flights and on all international flights.

In addition, this substitute addresses concerns about flight training, by requiring flight school students to undergo background checks through the Department of Justice before they can receive training.

Finally, Mr. Chairman, I want to stress the importance of federal employees. Their importance to this nation, as time and time again, they come to the forefront in meeting the needs of America. 20 million men and women work in government service in every city, county and state across America, and in hundreds of cities abroad. My district has over 42,000 public servants working there.

Public servants teach and work in our schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect our environment and national parks, improve transportation and the quality of our water and food. They fight crime and fire, and help us recover from natural disasters.

They build and maintain our roads, highways and bridges, and help keep our economy stable. They are at work to ensure equal treatment under the law, to defend our freedom, and advance our national interests around the world. Most importantly, they help make America a better place to live, to work, and to raise our families. If federal employees provide these many services to the nation then they certainly are capable of providing security for aviation.

The stellar performance of public servants and increased security measures would allow the government to maintain airport security and help restore America's confidence in the aviation industry, especially with the holiday season rapidly approaching.

I urge all members to vote in favor of this substitute.

Mrs. DAVIS of California. Mr. Chairman, I rise today in strong support of this effort to strengthen the airport security.

Our current airport security system is woefully inadequate.

As we witnessed on September 11th and in the weeks since, our airport screeners are not catching critical threat objects such as knives or guns. A man boarded a Southwest Airlines plane on October 23rd with a gun in his briefcase. Screeners at the Louis Armstrong New Orleans International Airport did not catch the gun when the briefcase was put through a security checkpoint X-ray machine. A man at Dulles International Airport was arrested by an FAA inspector after the inspector saw the man pass through security with a knife in his shoe. The knife did not set-off the metal detectors.

In almost every instance, these breaches of security occur because local screeners are under-trained and underpaid. In order to meet their bottom line in a tight market, airlines have entered into low-bid contracts with security screening companies. As is usually the case, you get what you pay for. Most screening companies pay their workforce the minimum wage. As a result, the average turnover rate for screeners is 126 percent a year nationwide. Ninety percent of all screeners at any given checkpoint have less than six-months experience. This is simply unacceptable.

Passenger and baggage screeners are the front lines of defense against terrorism in the sky. The safety of our family and friends are in their hands. This is why I support federalizing our national airport security system.

By federalizing the system, we will ensure that airport security screeners are: paid a salary that more accurately reflects the skill level of their job; have opportunities for career advancement within the federal government; and pass a federal background check before they are hired or trained.

Higher pay and an opportunity for career advancement will attract and retain a higher caliber of individuals into this important profession.

As we begin to develop this new model for airport security, we must include local airport authorities in the process.

Earlier this week, I met with several representatives of the San Diego Port Authority, which operates the Lindbergh Field Airport in San Diego. They gave me a tour of our local airport security system. We also discussed the practical implications of federalizing screening personnel. It was very clear that these experts know the strengths and weaknesses of their airport better than anyone else.

Rather than reinventing the wheel, the federal government should use this local expertise. As partners, the new federal Transportation Safety Administration and local airport authorities can develop strong, standardized safety procedures that meet the specific logistical needs of every airport. In doing so, the bottom line in airline security shifts from dollars and cents to safety and security.

In just a few short weeks, Americans will travel to be with their families for the holidays. They are counting on us to make the skies safe. We must not let them down. We must act now to remedy the dangerous inconsistencies in our national airport security system. I urge this Congress to pass a strong airport security bill into law.

Mr. TOWNS. Mr. Chairman, I am proud to stand with my colleagues from both sides of the aisle as well as the American Pilots Association and the Flight Attendants Association in support of airline security legislation that will provide all Americans with renewed confidence in the safety of our airplanes. This is

not about politics. This is about safety and reassuring the public that every step that can be taken towards providing safe passage in our skies will be made. I thank the pilots and the flight attendants for their leadership on the front lines in this battle to provide Americans with safe passage. However, it should not be left to pilots and flight attendants to have to protect their passengers from terrorists. We must do more to stop the threat of terrorism from even reaching our planes, freeing pilots and flight attendants to do their respective jobs.

I believe that the only way to truly assure the traveling public as well as the flight crews that everything is being done to eliminate the threat of terrorism is to take the responsibility for airline security out of the hands of third parties. Airline security is national security and our national security must never be contracted out. Several airlines have already taken extraordinary steps on their own and with the encouragement of Secretary Norm Mineta and the Department of Transportation to strengthen cockpit doors and install video monitoring systems. Nevertheless, we must do everything possible to reassure the American people that it is safe to go about the business of flying. On September 11, 2001 the world changed, today, I urge my colleagues to help us take back an important piece of our economy and the American way of life, support bipartisan Airline Security bill.

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to H.R. 3150 which refuses to provide the public with what they need: full law enforcement protection at airports. Alternatively, I strongly support the Oberstar substitute amendment which uses federal law enforcement officers to ensure sufficient security at the nation's airports.

The overwhelming majority of my constituents demand that airport security be the responsibility of the federal government. After the unforgettable morning of September 11th, I believe Americans will be safer, feel safer, and return to the skies faster when they know that the baggage and passenger screeners are law enforcement officers in the employ of the American people. September 11th exposed the flaws in the current security structure of our airports. The time has come to get the airlines out of the security business and let them focus on the airline business. Just like the Customs Service and Immigration, airport and airline security should be the domain of federal law enforcement.

The House leadership is using several misleading arguments to push H.R. 3150 over a bipartisan bill that passed the Senate 100 to 0. For instance, the House leadership says that employees of private companies can be held more accountable than law enforcement officers because they can be fired more easily. However, S. 1447 clearly waives civil service laws, regulations and protections for airport security employees—making them as easy to discipline or terminate as private employees. The House leadership also says that the requirements for hiring will delay action. I believe we should take difficult action rather than accepting the status quo. However, S. 1447 sets a deadline of one year for the full staffing of the aviation security system by law enforcement.

The House leadership also criticizes the Senate bill because law enforcement officers are often unionized. Did they forget that union-

ized police officers patrol the streets of our states and districts? Did they forget that all members of this body are protected at work every day by the excellent, unionized law enforcement officers of the Capitol Police? America long ago determined that workers have the right to organize and some current private airport security personnel are unionized. I trust our union and non-union law enforcement officers on all levels of government, and I will trust new law enforcement officers at airport security posts across the country.

The most disappointing explanation for the House leadership's position is their fundamental distrust of government. This view of government is not shared by the American people. For example, Americans support and respect our military personnel engaged in complex, dangerous, and vital missions against terrorism around the globe. Americans also support and respect our firefighters, police officers, and emergency personnel around the country. I hope that the House will soon give Americans a chance to support and respect aviation security law enforcement.

In a related misleading argument, the House leadership also claims the size of government will be increased in order to oppose aviation security law enforcement officers. Of course, the cost to government and the taxpayers will be the same regardless of whether the checks go directly from the Treasury to the law enforcement officers or from the Treasury to a contractor and then to the contract employees. It is meaningless whether the size of the federal workforce increases or contracts, what matter is the bill to the taxpayers. Of course the House leadership is trying to hide the fact that the Senate-passed legislation would pay the law enforcement officers with a \$2.50 security fee on each one-way trip, without increasing the cost to the Treasury and therefore the size of the government.

The House leadership also points to public-private security systems in Europe as models for our new system. However, our current security is already handled by the subsidiaries of the companies that operate in Europe. I would also add that the successful aviation security system in Japan is made up of law enforcement officers. Since the House leadership rarely looks to Europe for inspiration on other public policies, I suspect they are getting desperate. While I believe that the private security firms can be capable in many circumstances, I believe Americans will get the largest increases in safety and accountability at airports by using American law enforcement officers.

Basic economics tells us that you get what you pay for. By contracting our airport security personnel to the lowest bidder has resulted in overworked, undertrained, and underpaid personnel. In every other instance, security is a function of public law enforcement. Why should publicly owned airports be any different. We should adopt the Oberstar substitute and provide a real sense of security to the flying public.

I encourage all members to ignore political pressures and vote their conscience on this issue. I am optimistic that we can agree that we want law enforcement, not corporations, to catch criminals in our airports. We have tried contracting out our aviation security, and I do not believe the American people will allow it any further.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise to support the Ganske-Oberstar sub-

stitute to H.R. 3150, the Secure Transportation for America Act of 2001. The Ganske-Oberstar substitute contains the essential federalization of airport security standards and employees necessary to ensure protection for the flying public. An identical measure, S. 1477, passed the Senate unanimously three weeks ago. We need to act now, in a bipartisan manner, to send the President tonight the language the Senate already agreed to and which can go into effect tomorrow.

Current airport protection is insufficient to protect travelers. We need to increase the number of air marshals on flights, expand antihijacking training for flight crews, fortify cockpit doors, and inspect every bag placed onboard an airplane. Transportation Secretary Mineta stated that new security measures must be done in an effective and consistent manner. To achieve quality uniform standards nationwide, we must federalize passenger screeners and baggage handlers in all our airports. New federal accountability and training will ensure public safety, confidence in travelers, and consistency in enforcement.

The job of an airport security worker is to prevent terrorism from occurring. By federalizing this responsibility, new training and airport policies can be standardized and properly enacted. Airline passengers will have more confidence in our system, and terrorists will not be able to exploit the current weakness of our airports and airlines.

Mr. Chairman, I support the Ganske-Oberstar bipartisan substitute to H.R. 3150, the Secure Transportation for America Act. By passing this landmark legislation we are correcting short comings in our airport security system that should have been enacted following the December 21, 1988 terrorist bombing of Pan Am Flight 103. It is unfortunate that it took an event such as the terrorist hijackings of September 11, 2001 to secure these long overdue reforms. The Ganske-Oberstar substitute will make America safer than it's ever been. There is broad bipartisan support for this substitute, and action is needed now. Let's do what's right for the American people.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong support of Mr. OBERSTAR's substitute amendment to H.R. 3150. As we are all now painfully aware as a result of the hijackings and attacks of September 11, Congress must act to strengthen the level of security on flights and in the airports throughout the country. I believe that Mr. OBERSTAR's amendment most effectively achieves this goal.

Mr. OBERSTAR's amendment is identical to S. 1447, the Aviation Security Act, which passed the Senate 100 to 0 on October 11, 2001. This measure places responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing the airports and airplanes.

According to the General Accounting Office and the Transportation Department Inspector General, airport security screeners are still often paid less than fast-food workers, which contributes to an average employee turnover rate of more than 120% nationally and more than 400% at some airports. If, when discussing these facts, we were discussing local police officers, U.S. Customs Service Agents, Border Patrol agents or other agents who are tasked with protecting the American People from harm, everybody in this Chamber would

demand reform. It is abundantly clear that these airport screeners are the front line in aviation security and therefore are as important as the thousands of men and women in the other areas of law enforcement and citizen protection.

Mr. Chairman, it is imperative that we turn airplane screeners into a professional, highly skilled, highly trained law enforcement workforce to ensure the best possible security for all airline passengers and crews.

I urge my colleagues to support Mr. OBERSTAR'S substitution amendment.

Ms. LEE. Mr. Chairman, I rise to voice my support for the Democratic substitute offered by Mr. OBERSTAR and Mr. GANSKE.

The events of September 11th have made it critical that this Congress pass legislation that will meet our needs in ensuring safe travel in our skies. This Democratic bill will pull existing security systems up by their roots and improve them dramatically by putting well-trained, professional federal law enforcement agents in charge of airport and airplane security. People want this and they deserve this.

In my district, I have seen first-hand what enhanced security measures can do and have heard about the plans to further strengthen security measures. We must provide the appropriate resources to strengthen and implement expanded aviation security measures, particularly since they must be sustained over a long period of time—this is vital. All baggage and cargo must be screened. This is a basic security measure that should be standard—it could save lives.

Millions of people, customers and workers, have come to rely on airline travel, air cargo, aircraft recreation and tourism, and we have to do all we can to ensure their safety. As we enhance security in our airports and on aircraft, we cannot forget the employees who face layoffs.

A large number of these workers are minorities. They must be given employment priority. They should be afforded the first opportunities to be retrained under these new regulations and they should be provided the first opportunity to enter into our civil society workforce.

As we move to federalize our aviation security, we must ensure that the civil liberties of federal employees and airline passengers will not erode—this includes federal employee protections.

I must also express my concern about the five-year citizenship requirement in this legislation that is not mandated by any other federal agencies. There are many legal residents in this country who vote and pay taxes. If they clear all background checks, they must not be discriminated against for these positions. We cannot set a double standard which will have negative ramifications for many aviation security workers.

I am not convinced that this mandate will guarantee the trustworthiness or skill of the screener workforce. Again, I look forward to working with my colleagues to comprehensively assess and remedy this matter as this policy is implemented. We must work together to make our skies safe, boost confidence in the airlines, and help our economy, the American people, and the country.

The Democratic bill will do this—I strongly urge my colleagues to vote "yes" for the Democratic substitute.

Mr. BORSKI. Mr. Chairman, I rise today in strong support of the Democratic Substitute Amendment.

Our current aviation system is broken, which September 11th demonstrated. This substitute legislation will move us toward dramatically improving our current system by securing both our airplanes and airports. Airplanes would increase their cockpit security and add more federal Air Marshals, while airports would screen ALL baggage and these screeners would be well qualified for the task.

Americans deserve better screeners than the ones they have now. A glaring example of just how bad these screeners are took place in my home city, at the Philadelphia International Airport.

In 1998, the Airport notified the Federal Aviation Administration about the questionable background of Argenbright Security employees. An investigation was conducted and the company was ultimately convicted of falsifying employment documents. Argenbright had not conducted the required background checks, issued security badges and consequently hired convicted criminals. Argenbright was fined \$1.2 million dollars and the perpetrators were imprisoned.

Shockingly, it has now been discovered that Argenbright Security is still not conducting proper background checks of its employees, therefore risking the safety of all Americans. This is unacceptable.

If the Philadelphia International Airport had not conducted random audits of the screening firm, none of this would have been discovered. It is not the Airports responsibility to ensure proper screening, it is the security firms, and they have continually failed in their job.

This is just one reason that I firmly believe our nation's airport screeners should be federal employees. Our national security depends on consistent, enforceable aviation security standards that ensure the safety of all Americans.

We would not even consider contracting our for FBI, CIA or Capitol Police employees. We hire trained Federal professionals for these vital positions and we should do the same for our airport screeners.

By hiring Federal Law Enforcement officers to conduct screening, we take a step toward increasing the confidence of our flying public. The sooner we take responsibility for aviation security; the sooner American's will take to the sky once again.

Mr. Chairman, aviation security is National security and I urge my colleagues to vote in favor of the Democratic Substitute Amendment.

Ms. KILPATRICK. Mr. Chairman, I rise in support of the amendment being offered by the gentleman from Minnesota (Mr. OBERSTAR), and I intend to vote against this bill unless the Oberstar Amendment is incorporated in this bill. The other side of the aisle argues that federalization of passenger and baggage screeners is not in the best interest of promoting an efficient security process at our nation's airports. Covering these jobs under the umbrella of the Federal government, they argue, only makes government unnecessarily bigger and makes it impossible to dismiss Federally-employed security personnel for mal- or misfeasance. Those arguments are bogus, and the leadership of this Chamber should be ashamed of itself for deliberately distorting the terms of the Senate-passed Airline Security bill.

Even if the Senate-passed bill proposed extending federal job protections to passenger

and baggage security personnel, I would have to ask if that would be so bad for the American traveling public. Don't American air passengers deserve to feel as secure in our airports as they do when visiting a Federal courthouse? I suggest they do. Security at our Federal courthouses are provided by the Federal Protective Services, an entity of the Federal government. I submit that air travelers are entitled to the same level of security.

The Senate bill does not provide airport security personnel with the job protections established under the Civil Service System. The bill provides little tolerance for any security employee who fails to perform his or her job thoroughly and accurately. To say that federalization of the airport security workforce will only reward lazy, incompetent, and overpaid security personnel is a total distortion.

Another argument raised by the majority is that the Leadership proposal models the system used in European countries and Israel. I have no disagreement with that argument. The weakness in the assertion, however, is that the same security contractors serving the nation's airports today are the same security contractors found at most international airports.

These contractors may work well overseas but in providing for our homeland security, they have failed. Look at the record. Turnover among initial security personnel exceeds 400 percent at some airports. Contractors fail to conduct criminal background checks on the people they hire. In fact, one company was recently fined for hiring security personnel with prior arrest records. The pattern is clear. Current security contractors hire security personnel at minimum wages to provide the flying public minimum airline security. Do I want these same companies to be rewarded with larger contracts, so they can cover higher overhead costs because of stricter requirements?

No! The private sector has failed to make America's air transport system secure, and it is now the responsibility of the Federal government to ensure the security of our airports.

Another aspect of H.R. 3150 which I find particularly offensive is a provision that will exempt all corporate interests from liability from the September 11 assault. The families and survivors of the World Trade Center and the Pentagon tragedies will have little recourse to seek accountability for the negligent acts of a corporation which may have encouraged the terrorists to succeed in prosecuting their attacks on innocent Americans. In other words, this bill will protect even a private airport baggage screening company that may ultimately be found to have recklessly allowed a breakdown in security protocols.

In early October, this body passed the Air Transportation System Stabilization Act. I opposed that bill because it represented a bailout of the airline industry and a Federal wage protection program for highly paid airline executives. It did NOTHING for rank and file airline industry employees dislocated in the wake of September 11 attack. Once again, the Leadership is sponsoring a bill that rewards corporate interests and ignores the wage replacement and health insurance coverage needs of dislocated airline workers.

Mr. Chairman, this bill does little to restore the passengers' confidence in the safety and security of the national air transport system, and it protects corporate interests for past failures to protect the air traveling public. For

these reasons, Mr. Chairman, I urge my colleagues to support the amendment by Mr. OBERSTAR and, failing that, oppose the passage of the underlying bill, H.R. 3150.

Ms. McCOLLUM. Mr. Chairman, I rise today in support of the Democratic substitute to strengthen the security measures at our nation's airports and in our nation's skies. It is critical that we pass aviation security legislation that protects our national security, ensures passenger safety, and restores America's confidence in our aviation system.

Our nation has taken significant steps to appropriately respond to the events of September 11th, and I am proud of how Congress has worked together in our war against terrorism. Now, however, we must take the necessary step of making the federal government directly responsible for protecting airline passengers and ensuring that air travel anywhere in the United States complies with the most stringent safety standards and regulations.

Aviation security is a matter of national security and the United States doesn't "contract out" the security forces that defend and protect our nation. We would never consider contracting out the duties of the U.S. Customs Service, Border Patrol or local police departments, and it makes no sense to do so with airport screeners, who act as the front line in aviation security.

Safety at our nation's airports is of critical importance. I support the appropriate federalized role of placing federal security personnel and equipment in every American airport. A professionally trained security force with a national screening and oversight standard is absolutely necessary to give confidence to air travelers and airline industry employees.

Securing our nation's airspace allows travelers to not only take advantage of the benefits and ease of air service, but is at the core of our 21st Century economy. A strong aviation system also has a major secondary commercial impact—through travel agencies, taxi and chauffeur services, and the hospitality sector, to name a few. Restoring faith in our nation's aviation system is essential to commercial health and vitality.

In the past, Congress has passed aviation security measures but failed to fully implement them. It is clear we must go farther now. Anything approaching the status quo is absolutely not acceptable. In the end, we must be able to look back on this debate and know that despite our differences in the process, we have achieved one common goal: a stronger, safer national aviation system.

Mr. UNDERWOOD. Mr. Chairman, after weeks of delay I am pleased that the House leadership has finally decided to act on this vitally important issue, that of improving the security at our nation's airports, but I am disappointed that they have chosen to move forward with a bill that squanders our opportunity to make a substantive difference in enhancing aviation safety and security. Tonight, we have a chance to do this right and that is why I rise in opposition to the underlying bill, H.R. 3150, and in strong support of Mr. Oberstar's substitute amendment. The fundamental flaw with H.R. 3150 as brought to this floor is that it comes up short of restoring America's confidence in the security of our airports and airplanes. The bill fails to reassure the public that it is safe to fly and that is why I urge passage of the Oberstar substitute, a measure which is identical to S. 1447, the Aviation Security Act,

passed unanimously by the Senate three weeks ago.

The Oberstar substitute would place responsibility for aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing our nation's airports. A competent, well equipped, well trained, and well qualified law enforcement force is what is so desperately needed to restore the confidence of the American public in flying. In addition, the Oberstar substitute would increase the placement of Federal Air Marshals on both domestic and international flights, enhance cockpit security, and provide airline crews with intensive counter-terrorism training. Mr. Speaker, this bipartisan aviation security substitute amendment would remedy one of the most major identified problems with the current airport security system, that of low wages and high turnover amongst security screeners. Ensuring higher pay for and job stability amongst security screeners would improve the competency and control of airport security.

Mr. Chairman, as the Delegate from Guam, I represent a community whose economy is significantly dependent on tourism. Our tourism industry is unavoidably linked to and driven by the airline industry, and without its efficient and consistent functioning, our economy suffers. Our potential visitors must and need to feel safe in flying, or else they will forfeit their travel experiences. For those of us who live in Guam or the other insular areas, travel by air is our way to and from the mainland for business, for pleasure, or to see loved ones. It is our duty, it is our responsibility to ensure their safety and to restore their confidence in flying. I urge adoption of the Oberstar substitute.

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

The CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 218, not voting 1, as follows:

[Roll No. 423]

AYES—214

Abercrombie	Boyd	Davis (IL)	Callahan	Goode	Hobson
Ackerman	Brady (PA)	DeFazio	Calvert	Goodlatte	Hoekstra
Allen	Brown (FL)	DeGette	Camp	Goss	Horn
Andrews	Brown (OH)	Delahunt	Cannon	Graham	Hostettler
Baca	Capps	DeLauro	Cantor	Granger	Houghton
Baird	Capuano	Deutsch	Capito	Graves	Hulshof
Baldacci	Cardin	Dicks	Castle	Green (WI)	Hunter
Baldwin	Carson (IN)	Dingell	Chabot	Greenwood	Hyde
Barcia	Carson (OK)	Doggett	Chambliss	Grucci	Isakson
Barrett	Clay	Dooley	Coble	Gutierrez	Istoek
Becerra	Clayton	Doyle	Collins	Gutknecht	Jenkins
Bentsen	Clement	Edwards	Combest	Hall (TX)	Johnson (CT)
Berkley	Clyburn	Emerson	Cooksey	Hansen	Johnson (IL)
Berman	Condit	Engel	Cox	Hart	Johnson, Sam
Berry	Conyers	Eshoo	Cramer	Hastert	Jones (NC)
Bishop	Costello	Etheridge	Crane	Hastings (WA)	Kirk
Blumenauer	Coyne	Evans	Crenshaw	Hayes	Knollenberg
Bonior	Crowley	Farr	Cubin	Hayworth	Kelly
Borski	Cummings	Fattah	Culberson	Hefley	Kennedy (MN)
Boswell	Davis (CA)	Filner	Cunningham	Herger	Kerns
Boucher	Davis (FL)	Ford	Davis, Jo Ann	Hildeary	King (NY)
					Largent
					Latham
					LaTourette
					Lewis (CA)
					Lewis (KY)
					Linder
					LoBiondo
					Lucas (OK)
					Manzullo
					McCrary
					McHugh
					McInnis
					Mica
					McKeon
					Miller, Dan
					Miller, Gary
					Miller, Jeff
					Moran (KS)
					Myrick
					Nethercutt

Ney	Rogers (MI)	Tancredo
Northup	Rohrabacher	Tazin
Norwood	Ros-Lehtinen	Taylor (NC)
Nussle	Royce	Terry
Ortiz	Ryan (WI)	Thomas
Osborne	Ryun (KS)	Thornberry
Ose	Saxton	Thune
Otter	Schaffer	Tiaht
Oxley	Schrock	Tiberi
Paul	Sensenbrenner	Toomey
Pence	Sessions	Traficant
Peterson (PA)	Shadegg	Upton
Petri	Shaw	Vitter
Pickering	Shays	Walden
Pitts	Sherwood	Walsh
Platts	Shimkus	Wamp
Pombo	Shuster	Watkins (OK)
Portman	Simmons	Watts (OK)
Pryce (OH)	Simpson	Weldon (FL)
Putnam	Skeen	Weldon (PA)
Quinn	Smith (MI)	Weller
Radanovich	Smith (TX)	Whitfield
Regula	Souder	Wicker
Rehberg	Stearns	Wilson
Reynolds	Stump	Young (AK)
Riley	Sununu	Young (FL)
Rogers (KY)	Sweeney	

NOT VOTING—1

Dunn

□ 1959

Mrs. MYRICK, Mr. BASS and Mr. RADANOVICH changed their vote from "aye" to "no."

Ms. SOLIS changed her vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 2000

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBERSTAR moves to recommit the bill H.R. 3150 to the Committee on Transportation and Infrastructure with instructions

to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the "Transportation Security Enhancement Act of 2001".

(b) **AMENDMENTS TO TITLE 49, UNITED STATES CODE.**—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) **IN GENERAL.**—Chapter 1 is amended by adding at the end the following:

“§ 114. Transportation Security Administration

“(a) **IN GENERAL.**—The Transportation Security Administration shall be an administration of the Department of Transportation.

“(b) **UNDER SECRETARY.**—

“(1) **APPOINTMENT.**—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) **QUALIFICATIONS.**—The Under Secretary must—

“(A) be a citizen of the United States; and

“(B) have experience in a field directly related to transportation or security.

“(3) **TERM.**—The term of office of an individual appointed as the Under Secretary shall be 5 years.

“(c) **LIMITATION ON PECUNIARY INTERESTS.**—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

“(d) **FUNCTIONS.**—The Under Secretary shall be responsible for security in all modes of transportation, including—

“(1) carrying out chapter 449, and section 40119, relating to civil aviation security; and

“(2) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

“(e) **ADDITIONAL DUTIES AND POWERS.**—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

“(1) receive, assess, and distribute intelligence information related to transportation security;

“(2) assess threats to transportation;

“(3) develop policies, strategies, and plans for dealing with threats to transportation security;

“(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

“(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

“(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

“(7) enforce security-related regulations and requirements;

“(8) identify and undertake research and development activities necessary to enhance transportation security;

“(9) inspect, maintain, and test security facilities, equipment, and systems;

“(10) ensure the adequacy of security measures for the transportation of mail and cargo;

“(11) oversee the implementation, and ensure the adequacy, of security measures at airports;

“(12) oversee the implementation, and ensure the adequacy, of background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

“(13) develop standards for the hiring, training, and retention of airport security screening personnel; and

“(14) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

“(f) **ACQUISITIONS.**—

“(1) **IN GENERAL.**—The Under Secretary is authorized—

“(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

“(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

“(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of employees of the Administration and to acquire maintain and operate equipment for these facilities;

“(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

“(E) in cooperation with the Administrator of the Federal Aviation Administration and the heads of other Administrations in the Department of Transportation, to utilize the research and development facilities of those Administrations, including the facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

“(2) **TITLE.**—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

“(g) **TRANSFERS OF FUNDS.**—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

“(h) **REGULATIONS.**—

“(1) **IN GENERAL.**—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

“(2) **FACTORS TO CONSIDER.**—In determining whether to issue, rescind, or revise a regulation under this section, the Under Secretary shall consider, as one factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. In making such determination, the Under Secretary shall not undertake a cost benefit analysis that places a monetary value on human life or attempts to estimate the number of lives that will be saved by the regulation.

“(3) **LIMITATION.**—The Under Secretary shall not decide against issuing a regulation under this section because the regulation fails to satisfy a quantitative cost-benefit test.

“(4) EMERGENCY PROCEDURES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment.

“(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Transportation Security Oversight Board established under section 44951 or rescinded by the Under Secretary.

“(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

“(j) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

“114. Transportation Security Administration.”.

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“The Under Secretary of Transportation for Security”.

(d) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

(2) in the second sentence of section 44913(a)(1) by striking “of the Administration” and inserting “of the Transportation Security Administration”;

(3) in section 44916(a)—

(A) in the first sentence by striking “Administrator” and inserting “Under Secretary of Transportation for Security”; and

(B) in the second sentence by striking “Administration” and inserting “Transportation Security Administration”;

(4) in each of sections 44933(a) and 44934(b) by striking “Assistant Administrator for Civil Aviation Security” and inserting “Under Secretary”;

(5) in section 44934(b)(1) by striking “Assistant Administrator” and inserting “Under Secretary”;

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking “Administrator” each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting “Under Secretary”;

(8) by striking “Administrator’s” each place it appears in such chapter and inserting “Under Secretary’s”; and

(9) by striking “of the Federal Aviation Administration” each place it appears in such chapter (except in section 44936(f)) and inserting “of Transportation for Security”.

SEC. 3. REVIEW AND RECOMMENDATION.

(a) COMMENCEMENT OF REVIEW.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) REPORT.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any legislation needed to carry out a recommended change.

SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.

Section 44901 of title 49, United States Code, is amended to read as follows:

“§ 44901. Screening passengers and property

“(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and processes approved for that purpose by the Under Secretary.

“(b) FEDERAL SECURITY SCREENING PERSONNEL.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

“(1) employees of the Transportation Security Administration who are citizens of the United States; or

“(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

“(c) TRANSITION PERIOD.—

“(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using solely Federal security screening personnel described in subsection (b). In such 1-year period, screening functions may be performed by personnel other than Federal security screening personnel (including personnel provided by a contractor under an agreement with the Under Secretary). During such 1-year period, the Under Secretary shall begin to assign Federal security screening personnel to airports as soon as practicable.

“(2) RESPONSIBILITIES OF AIR CARRIERS.—In the 1-year period referred to in paragraph (1), until otherwise directed by the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier shall continue to carry out the screening of passengers and their property in accordance with the requirements of this section (including regulations issued to carry out this section), as in effect on the day before the date of enactment of the Transportation Security Enhancement Act of 2001. During the period in which carriers continue to be responsible for such screening, the Under Secretary shall use Federal security screening personnel to supplement the screening personnel provided by the carriers and oversee the screening process as necessary to ensure the safety and security of operations.

“(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier carrying out a screening function described in subsection (a) may enter into an agree-

ment with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function. In entering into any such agreement, the Under Secretary shall include such terms and conditions as are necessary to ensure that the Under Secretary has the authority to oversee performance of the contractor, to supervise personnel carrying out screening at an airport, and to require the replacement of unsatisfactory personnel.”.

SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.

(a) DEVELOPMENT.—The Under Secretary of Transportation for Security shall develop a personnel system for screeners employed by the Transportation Security Administration governing such matters as their compensation and benefits and the authority of the Administration to suspend or terminate such employees.

(b) GUIDING PRINCIPLES.—In developing the personnel system, the Under Secretary—

(1) shall not be required to follow laws and regulations governing Federal civil service employees or other Federal employees; and

(2) shall be guided by the following principles:

(A) the need to establish levels of compensation which will attract employees with competence and expertise comparable to other Federal inspectors and law enforcement personnel;

(B) the need for the Administration to have suspension and termination authority which will ensure that security will not be compromised and that the screener work force will be composed of employees with a high level of competence and dedication to their responsibilities; and

(C) the need for employees to be protected against arbitrary or unsubstantiated decisions which result in the permanent loss of their jobs; except that the Under Secretary shall ensure that the procedures developed to protect employees are consistent with the need to maintain security at all times and, in establishing the procedures, shall consider the procedures established in private sector firms for employees with important safety and security responsibilities.

SEC. 6. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1) by inserting after “at each of those airports” the following: “, including at each location at those airports where passengers are screened.”;

(2) in paragraph (2)(C)(i) by striking “shall issue an amendment to air carrier security programs to require” and inserting “shall require”; and

(3) by adding at the end the following:

“(3) ANNUAL REVIEW AND APPROVAL.—On an annual basis, the Administrator shall review, and approve or disapprove, the security program of an airport operator.”.

SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting “, personnel (including Federal employees) who screen passengers and property,” after “air carrier personnel”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

“(6) citizenship requirements, including requirements consistent with section 44901(b), when appropriate;

“(7) minimum compensation levels, when appropriate;

“(8) a preference for the hiring of any individual who is employed as an airport security screener on the date of enactment of the

Transportation Security Enhancement Act of 2001 and is qualified for the position; and

“(9) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier and is qualified for the position.”.

(b) EMPLOYMENT STANDARDS FOR SCREENERS.—Section 44935 is amended by adding at the end the following:

“(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

“(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

“(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

“(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.”.

(c) MINIMUM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both (in this subsection referred to as a “screener”).

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo onto passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

(d) MORE STRINGENT EMPLOYMENT STANDARDS.—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

“§ 44917. Deployment of Federal air marshals

“(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

“(1) provide for appropriate deployment of Federal air marshals on passenger flights of air carriers in air transportation or intrastate air transportation;

“(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

“(3) provide for appropriate training, supervision, and equipment of Federal air marshals;

“(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight;

“(5) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

“(6) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

“(7) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

“(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

“(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use,

after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a reimbursable or nonreimbursable basis, to provide air marshal service.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

SEC. 9. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

“§ 44918. Enhanced security measures

“(a) IN GENERAL.—The Under Secretary of Transportation shall take the following actions to enhance aviation security:

“(1) After consultation with the Administrator of the Federal Aviation Administration, develop and implement methods to—

“(A) restrict the opening of a cockpit door during a flight;

“(B) modify cockpit doors to deny access from the cabin to the cockpit;

“(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

“(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

“(2) Provide for the installation of technology in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(3) Enhance security for secured areas of airports, including—

“(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

“(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

“(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured area be issued identification cards, following background checks, criminal history record checks, and checks of Federal security databases;

“(D) revalidating approvals of all persons previously authorized to enter a secured area, including full background and criminal history record checks and checks of Federal security databases;

“(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

“(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

“(4) Develop alternative sources of explosive detection equipment for screening baggage, mail, and cargo and maximize the use of such equipment by ensuring that equipment already installed at an airport is used to its full capacity and by developing and implementing a program to purchase additional equipment so that, not later than 3 years after the date of enactment of this section, all baggage, mail, and cargo will be inspected by such equipment.

“(5) Establish a uniform system of identification for all State and local law enforcement personnel to use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

“(6) Work with intelligence and law enforcement agencies to develop procedures to ensure that air carrier and airport systems

have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

“(7) Ensure that the Computer Assisted Passenger Pre-Screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

“(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 2); except exempt any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

“(9) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

“(10) Develop realistic crew training programs as follows:

“(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

“(B) Require air carriers to train all crew members not later than 60 days after such date of enactment.

“(C) Required crew training shall include, but not be limited to—

“(i) determination of the seriousness of any occurrence;

“(ii) crew communication and coordination;

“(iii) self-defense;

“(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

“(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

“(D) Develop a plan for updating the training program and retraining crew members as each new security threat becomes known.

“(11) Require training of gate, ticket, and curbside agents to respond appropriately when the system referred to in paragraph (7) identifies a passenger as a threat to security.

“(12) Establish a toll-free telephone number for air carrier and airport employees and their customers to use to report instances of inadequate security.

“(13) Require effective 911 emergency call capabilities for telephones serving passenger aircraft and trains.

“(14) In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

“(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals seeking instruction in flying aircraft that weigh more than 12,500 pounds.

“(16) Require training of employees of a flight school to recognize suspicious circumstances and activities for individuals enrolling in or attending flight school and to notify the Administration.

“(b) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommenda-

tions that the Under Secretary may have for enhancing transportation security.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

“44918. Enhanced security measures.”.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking “Reports” and inserting “Report”; and

(B) by striking “(a) TRANSPORTATION SECURITY.” and all that follows through “(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator” and inserting “The Under Secretary of Transportation for Security”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

“44938. Report.”.

SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary approves of such early implementation and if the airport operator, air carriers, and screening companies amend their security programs to conform those programs to the requirements of this subparagraph.”; and

(2) in paragraph (2) by striking “or airport operator” and inserting “airport operator, or screening company”.

SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

“§ 44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee on passengers in air transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs include salaries and expenses, training, and equipment acquisition, operation, and maintenance.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), the Under Secretary may impose a fee on air carriers to pay for the costs of providing security for air carriers and their passengers and crews.

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for security described in paragraph (1), adjusted for inflation.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are directly related to the Transportation Security Administration's costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 on a 1-way trip in air transportation or intrastate air transportation.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the pub-

lication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

(2) SUBSEQUENT RULEMAKING.—After imposing a fee in accordance with paragraph (1), the Under Secretary shall conduct a rulemaking proceeding on imposition and collection of the fee in accordance with the requirements of section 553 of title 5 and shall issue a final rule to continue or modify imposition or collection of the fee, or both.

“(e) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary of Transportation for Security.

“(f) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited to a separate account established in the Treasury;

“(2) shall be available immediately for expenditure but only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

“§ 44940. Authorization of appropriations for operations

“(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

“(b) AIRCRAFT SECURITY.—There is authorized to be appropriated \$500,000,000 to the Secretary of Transportation to make grants to air carriers to (1) modify cockpit doors to deny access from the cabin to the pilots in the cockpit, (2) use video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency. Such sums shall remain available until expended.

“(c) AIRPORT SECURITY.—There is authorized to be appropriated \$500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

“44940. Authorization of appropriations for operations.”.

(c) SECURITY FACILITY FEES.—Section 40117 is amended by adding at the end the following:

“(1) INCREASED SECURITY.—

“(1) IN GENERAL.—The Secretary may authorize an eligible agency to impose an additional security facility fee of up to \$1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an

airport the agency controls, to reimburse the agency for direct costs the agency incurs to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on and after September 11, 2001.

“(2) PROCEDURES.—Notwithstanding any provisions of this section, the Secretary shall develop special procedures for approval of any application under this subsection which will promptly authorize a fee under this subsection if there is a reasonable basis for concluding that an agency is likely to incur increased costs for security requirements which justify the fee.”.

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“§ 44951. Transportation Security Oversight Board

“(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

“(A) The Secretary of Transportation (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The Secretary of the Treasury (or the Secretary’s designee).

“(D) The Secretary of Defense (or the Secretary’s designee).

“(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

“(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) DUTIES.—The Board shall—

“(1) review any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(4) within 30 days after the date of issuance of such regulation or directive;

“(2) share intelligence information with the Under Secretary;

“(3) review—

“(A) plans for transportation security;

“(B) standards established for performance of airport security screening personnel;

“(C) compensation being paid to airport security screening personnel;

“(D) procurement of security equipment;

“(E) selection, performance, and compensation of senior executives in the Transportation Security Administration; and

“(F) budget requests of the Under Secretary; and

“(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

“(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

“(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified security information will be discussed.

“§ 44952. Advisory council

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

“(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

“(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

“(d) ADMINISTRATIVE MATTERS.—

“(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

“(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

“(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

“(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“44951. Transportation Security Oversight Board.

“44952. Advisory council.”.

SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—As provided by the Inspector General Act (5 U.S.C. App.) and other applicable statutes, the Inspector General of the Department of Transportation (in addition such other authority as the Inspector General may have) shall have authority to conduct the following:

(1) Audits of the Transportation Security Administration’s programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to aviation and other modes of transportation security.

(3) Investigations into waste, fraud, abuse, and any other allegations involving wrongdoing within the Administration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall report to Congress on the implementation, efficiency, and effectiveness of the Administration’s programs, operations, and ac-

tivities. The report shall focus on the Administration’s main programs and contain recommendations, as necessary, for further legislation.

SEC. 15. TECHNICAL CORRECTION.

Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107-42) is amended by striking “February 1, 2001” and inserting “February 1, 2002”.

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking “contract personnel” each place it appears and inserting “personnel”;

(2) by striking “contract employee” each place it appears and inserting “employee”;

(3) in section 45106(c) by striking “contract employees” and inserting “employees”;

(4) by inserting after section 45106 the following:

“§ 45107. Transportation security administration

“(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for safety-sensitive functions, respectively.”; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

“45107. Transportation Security Administration”.

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security

duties and powers designated to be carried out by the Under Secretary or";

(2) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator";

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting ", Under Secretary, or";

(4) in section 46102(b) by striking "and the Administrator" and inserting ", the Under Secretary, and the Administrator";

(5) in section 46102(c) by striking "and Administrator" each place it appears and inserting ", Under Secretary, and Administrator";

(6) in each of sections 46102(d) and 46104(b) by inserting "the Under Secretary," after "Secretary,";

(7) in the heading to section 46106 by striking "**Secretary of Transportation and Administrator of the Federal Aviation Administration**" and inserting "**Department of Transportation**"; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking "Secretary of Transportation and Administrator of the Federal Aviation Administration" and inserting "Department of Transportation".

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or"; and

(B) by striking "or Administrator" and inserting ", Under Secretary, or Administrator"; and

(2) in subsection (d)—

(A) by inserting after "The" the following: "Under Secretary of Transportation for Security or the";

(B) by striking "Administration" the second place it appears and inserting "Transportation Security Administration or Federal Aviation Administration, as the case may be,"; and

(C) by striking "the Administrator decides" and inserting "the Under Secretary or Administrator, as the case may be, decides".

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking ", chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(F), 44908, and 44909),";

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(F), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.;" and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator" each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator";

(4) in section 46301(h)(2) by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,;"

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,;" and

(C) by striking "or Administrator" each place it appears and inserting ", Under Secretary, or Administrator"; and

(6) in each of sections 46313 and 46316 by inserting after "(or" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or".

Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes in support of his motion to recommit.

Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this Congress will push through any legislation to deal with the difficult times we face, except a bill to help the 100,000 laid-off airline industry workers.

Congress passed a \$15 billion airline bailout bill, and we gave the 100,000 laid-off airline employees absolutely nothing. Today, the House of Representatives will pass an airline security bill, and laid-off airline workers will again receive absolutely nothing. This is wrong, and our priorities are backwards. We are ignoring airline workers who are responsible for making our trips safe.

This motion to recommit will simply give preference for the newly created airline security jobs to qualified airline workers who have been recently laid off.

A "yes" vote on this motion to recommit means Members believe that people, individual men and women, deserve the attention of Congress, not just the airline companies. The 100,000 laid-off airline workers deserve a chance, and they deserve our vote.

Mr. OBERSTAR. Mr. Speaker, once again I want to express my great appreciation and admiration for the gentleman from Iowa (Mr. GANSKE), who stood on a matter of principle and stood against some very powerful forces within his own party.

On a matter of this significance, it is important to have a useful and far-ranging debate. We had that today. I offer as the motion to recommit a bill that we worked on in committee on a bipartisan basis, and on which we came to disagreement on a major point of divergence on the Federal screener workforce. No matter how many proposals I offered to the chairman of the full committee and the chairman of the Subcommittee on Aviation, to which they were agreeable, when they brought it to the political leadership of their party, they were vetoed.

We attempted to achieve a bipartisan agreement, but what we have in the motion to recommit is a proposal that I think is superior not only to the motion that was just defeated, but also to

the underlying bill. It creates a transportation security administration, an intermodal security administration, transfers all modal functions within the Department of Transportation to the Transportation Security Administration. It designates an Under Secretary as a liaison to intelligence and law enforcement communities.

In establishing a screener workforce, it gives to the Under Secretary of Transportation authority to create the rules of hiring, of firing, of moving people around, create a separate force apart from the civil service of the United States with those protections that the Under Secretary chooses to establish so that we answer, as I proposed from the very outset a month ago, the question of creating a whole new Federal civil service workforce.

We put those mandates into this legislation to require various security functions and to insist that timetables be met and deadlines be adhered to. We take cost-benefit analysis out of security rulemaking so that the rules cannot be held up interminably as they have been for many years.

Those in the Hispanic community who were concerned about the nationality requirement, that is absent from this provision. It requires 10-year criminal background checks on security screeners. The key thing here is that it establishes a screener workforce that is pledged to the Constitution of the United States, to the laws, trained to the highest levels, a skilled workforce established by the Under Secretary.

Members want flexibility; we provide it in here. Why this was not accepted 3 weeks ago is beyond me. We have an opportunity now to vote for it. Mr. Speaker, I urge a vote in favor of this substitute that encompasses the purpose of security in a way that will transcend everything that is in the underlying bill.

Mr. MICA. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. MICA. Mr. Speaker, I appreciate the indulgence of Members tonight. I know Members want to go back to their districts and see their constituents and their families. If there has been any delay in this legislation, blame me.

Earlier I took the podium on the other side of the aisle, and I said that I pledge to work in a bipartisan manner; and I have tried to do that and have done that at all times with the gentleman from Minnesota (Mr. OBERSTAR).

Members on my side of the aisle, I want Members to know what a great human being the gentleman from Minnesota (Mr. OBERSTAR) is. I came as a freshman and learned so much from the gentleman. He is a tremendous individual, and he put his heart and soul into working with us. Because of some

