

rules and agree to the concurrent resolution, H. Con. Res. 262.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGLISH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 45 minutes p.m.

AVIATION SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1447) to improve aviation security, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

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

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.

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 intra-state, 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 secu-

rity 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 Adminis-

trator 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;”;

(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 understanding 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 Gen-

eral 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 “is 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 undertaking 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 ad-

ditional 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 subparagraph.”.

(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 National 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 su-

pervision 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 49 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 (GPRA), 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 GPRA, 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 GPRA, 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 deploy 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 Accounting 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.

MOTION OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG of Alaska moves to strike all after the enacting clause of the Senate bill, S. 1447, and insert in lieu thereof the text of H.R. 3150 as passed by the House, 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 “Airport Security Federalization 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.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to title 49, United States Code; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Transportation Security Administration.

Sec. 102. Screening of passengers and property.

Sec. 103. Security programs.

Sec. 104. Employment standards and training.

Sec. 105. Deployment of Federal air marshals.

Sec. 106. Enhanced security measures.

Sec. 107. Criminal history record check for screeners and others.

Sec. 108. Passenger and baggage screening fee.

Sec. 109. Authorizations of appropriations.

Sec. 110. Limitation on liability for acts to thwart criminal violence or aircraft piracy.

Sec. 111. Passenger manifests.

Sec. 112. Transportation security oversight board.

Sec. 113. Airport improvement programs.

Sec. 114. Technical corrections.

Sec. 115. Alcohol and controlled substance testing.

Sec. 116. Conforming amendments to subtitle VII.

Sec. 117. Savings provision.

Sec. 118. Budget submissions.

Sec. 119. Aircraft operations in enhanced class B airspace.

Sec. 120. Waivers for certain isolated communities.

Sec. 121. Assessments of threats to airports.

Sec. 122. Requirement to honor passenger tickets of other carriers.

Sec. 123. Sense of Congress on certain aviation matters.

TITLE II—VICTIMS COMPENSATION

Sec. 201. Limitation on liability for damages arising out of crashes of September 11, 2001.

TITLE I—AVIATION SECURITY

SEC. 101. 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 44933;

“(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 5511 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 “Administrator” 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. 102. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a)—

(A) by striking “a cabin of”; and

(B) 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.—

“(1) IN GENERAL.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate 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.

“(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.

“(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.

“(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.”.

SEC. 103. 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. 104. 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) 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;

“(8) minimum compensation levels, when appropriate;

“(9) 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; and

“(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.”.

(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 Airport Security Federalization 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 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 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 the 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;

(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; and

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

(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. 105. 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;

“(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;

“(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.

“(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 and concurrence of 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.”.

(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 554a of this title; or

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

SEC. 106. 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) restrict 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) Establish performance goals for individuals described in paragraph (6), provide for the use of threat image projection or similar devices to test such individuals, 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 govern-

ment and international agencies to help determine whether the person may be a threat to civil aviation.

“(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 aircraft.

“(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.

“(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) 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 practicable after the date of enactment of this paragraph.

“(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 “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. 107. 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.”;

(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

(3) 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. 108. 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. 109. 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.—

“(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.”.

(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. 110. 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. 111. 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 paragraph (2).

“(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. 112. 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 120 of the Airport Security Federalization 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. 113. 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 4173).

“(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 or at a privately owned or operated airport passenger terminal financed by indebtedness incurred 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 Airport Security Federalization Act of 2001” after “21st Century”.

SEC. 114. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (Public Law 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”.

(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.”.

SEC. 115. 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. 116. 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”; and

(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”; and

(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.”; and

(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. 117. 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 the 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. 118. 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. 119. 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 the 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. 120. 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. 121. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 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.”.

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 motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3150) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1447, and request a conference with the Senate thereon.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR.

OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment on the bill (S. 1447), to improve aviation security, and for other purposes, be instructed to make every effort to resolve all differences between the two Houses as soon as possible, and no later than Friday, November 9, 2001.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, we had a very lively and in-depth debate last week on the aviation security measure pending before us, and I again wish to express my appreciation to the chairman for the distinguished manner in which he conducted the debate on his side, and to the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for the evenhanded manner in which the debate was conducted.

I am also very grateful for the kind words that both gentlemen expressed toward me and toward other Members on our side at the conclusion of debate. I think that is the spirit in which this body operates at its best.

Last week, it was widely agreed that we needed to act on aviation security. We should have acted on the 14th. We tried. We got a compensation bill to the floor. It was objected to.

We came back a week later on the 21st. We should then have, I think it was agreed that it would be ideal to have dealt with restoration of airline finances and security in the same moment, in the same piece of legislation. For other reasons, that could not be done at the time.

Now, time has passed, and the issue has become more complicated.

In the time since enactment of the Airline Financial Stabilization package, which was necessary, we had to do that, but to get people back on airplanes requires more than financially stable air carriers. It requires travelers who are confident that when they board an aircraft, they will arrive at their destination safely. Those who were white-knuckle flyers before September 11 are now gripping their seats in fear and concern for their lives.

We have also seen highly publicized incidents where the private screener

work force have allowed guns and knives through security checkpoints. The FAA has had to step in, and in one incident reported in the course of debate last Thursday at JFK Airport, had to take people off airplanes, put them back in the terminal, search the aircraft, review all passengers once again, and delay flights for hours. That is unacceptable, to say the very least.

We have assurances from the administration that it was not necessary to pass the bill that originated in the other body and sent to the President, because the House and the Senate both could act quickly to resolve their differences and that we would have a resolution of this issue within a week. Well, that week is nearing its close. Conferees should have been appointed last week before we concluded.

I asked the majority leader late in the evening when conferees would be named, and he said, well, it would be done first thing in the week. Well, this is first thing in the week. We have a lot of ground to cover. Conferees need to be named. We have to move quickly to get a bill through conference and through both bodies and to the President, and we have a big mountain to climb.

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

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

I appreciate the words of the gentleman from Minnesota (Mr. OBERSTAR) and his role and his dedication to security. I too want to move this legislation as quickly as possible. I do compliment him on the motion to instruct, because we all want to get this job done.

Unfortunately, I cannot control everything that happens in this House, although I would like to. I will tell my colleagues that up front. I cannot control what the other body does. But I intend myself, personally, to see if we cannot expedite this process, and that means going to conference and working with the Senate conferees, with them hopefully having an open mind to the proposal which passed this House overwhelmingly last week.

I am confident that that can occur. I hope it will occur very rapidly. It is our intent to draft the perfect legislation for the security of the traveling public in the United States.

Again, we are doing what we can do in this House. I cannot speak for the other body, but we will do our job. With the working relationship I believe we have, we will be able to accomplish that.

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

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), and I yield myself 10 seconds to express my great appreciation to the gentleman for his 15 years of effort on aviation safety and security issues and for his leadership in fashioning the legislation that we crafted in committee.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time. I share the sentiments of the chairman of the committee that we should engage the Senate immediately and aggressively and get a bill done this week. I do not believe that we can do any less for the American people. We are coming up on what is traditionally the busiest travel time of the year, Thanksgiving, but we have yet to enact any more comprehensive measures on the issue of aviation security since the attacks on September 11.

Mr. Speaker, we acted with great dispatch, although I did not support the legislation, to provide financial support to the industry. At that time, I attempted on a motion to recommit to include some security measures, and although a substantial number voted for that, it did not pass. But here we are now almost 2 months later, still waiting.

When I was flying out to Oregon on Friday, I was on a plane with a number of first responders, firefighters and medics who had been back here at the fire academy; and they were all sitting on the aisle, they were together, but they were all sitting along the aisle. And I said, you guys are all together, but you are not sitting together. They said, no, we are ready here on the aisle. If someone comes down this aisle, they are not getting past us to the flight deck.

Now, that kind of occurrence I think many frequent flyers are hearing almost every week. The passengers, the night crews, they are all making their own plans because they are waiting for Congress to act.

They watched the debate last week. They are disappointed that we did not go and adopt legislation that could have been immediately signed by the President. I had that flight crew tell me they were very disappointed and they hoped that this week, finally, Congress would act. The same thing I heard from the firefighters and many other frequent flyers. We have to act this week.

There are a number of myths that came out last week about the provision most in contention. It was alleged that there would be 31,000 new Federal employees. Well actually, if we federalize the screeners, that would be 16,200; that is as many as there are now. There has been a concession on the other side that there will be a Federal security officer at every screening point, so we cannot add in the supervisors, the checkpoint law enforcement officers, and all the other things the CBO used to get to this fantastical number of 31,000. So we are arguing over the status of 16,000 people.

Some are saying, perpetuate the status quo. Argenbright proved it again last weekend. The managers of that company should be in jail and fired, not the employees necessarily. How many times do they have to falsify documents? How many times do they have to hire known felons, maintain known

felons on staff, and run a slipshod organization until we realize that these private security companies are not getting the job done.

They have not gotten the job done for 30 years, and no amount of Federal oversight is going to get us there with these same companies. It just is not going to happen. These people are so used to abusing the system with impunity and profiting from it that they just want to perpetuate that.

At the minimum, we should at least disqualify companies who commit felonies from any further Federal contract, and the bill does not even do that that passed the House.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I am pleased to come to the floor tonight and support the motion to instruct conferees. I think my colleagues on the minority side, the Democrat side have a good motion to instruct conferees. I think we all want to see this question resolved. The Congress wants to see it resolved, and I know the House Members here want to see it resolved. Most importantly, the American people want to see aviation and transportation security in place in time for Thanksgiving.

Let me respond to a couple of things that have been said. First, I want to thank the Democrat staff and the Republican staff on the House side for already meeting, and I think they have met for some time and have begun to work together; and that shows the bipartisan cooperation that is so necessary to draft, again, a comprehensive solution to our aviation and transportation security problems. I am very pleased that they have met.

I am sorry that the Senate staff has canceled several meetings to date, and I hope that they will come forward, because we do not want to delay.

I know we have some question right now about the number of conferees being appointed, and I think that that is important to resolve. The House is ready to go to work. I know the Democrat side is ready, and the Republican conferees stand ready, and I hope that Members in the other body will resolve their differences and get their conferees here as soon as possible. So I think this is a timely resolution, and I commend the minority for bringing it forward.

There are some questions about security in the interim, and I am pleased to be here tonight to say that these questions need to be answered. The American people need to know that this President and this administration have acted with due speed. Soon this week there will be an announcement that almost every major aircraft in the country has already had the cockpit doors secured; that, in fact, the President acted, and the Congress actually set up a program, and the airlines will be reimbursed for this cost, but the airlines also acted with speed. So the flying

public will know that, in fact, when they take to the air this holiday that, in fact, these changes have been made.

We have been training Federal air marshals from the very beginning. This Congress appropriated funds. That program, I am also pleased to announce, is well under way at the direction of the President.

□ 1800

The President has also issued some intervening directives, and those are in place. We have National Guard at most of our airport locations. We have secured, with both local law enforcement and National Guard and Federal officials, our airports.

We have also put into place interim rules. But the gentleman is right, these are only interim solutions; and what we need is a long-term fix.

But I must say that for the American people, and as far as security is concerned, for Thanksgiving and their travel for the holidays, we do not want to deliver a turkey as far as aviation and transportation security legislation. We want a sound and a comprehensive plan; and we want it sooner, rather than later. So I am pleased to join my colleagues in that regard.

We introduced as a Congress in 1996 legislation to solve our aviation security problems, and it did not solve our problems. Again last year, this Congress acted with an aviation security bill, and that bill did not do the job.

President Bush has given us one directive. He said that it may take a little bit longer, but he has put in place these interim measures that did work. In fact, they worked at O'Hare, if we look at the case of the problems in O'Hare. The redundancy did in fact work, and that is important to take note of, that these protections the President and the administration have put in place on a temporary basis have worked.

We are not here to frighten the American people. We are telling them that we are here to do a responsible and comprehensive job. We are not here to sprinkle parsley around the turkey and say that this is a job well done, this is a beautiful piece of work. Everyone knows beyond the turkey that has been sprinkled with parsley that it did not do the job.

As far as the issue of the number of baggage screeners, I did not rate the other body's bill, the Congressional Budget Office did. They came up with the number of 31,000.

I would venture to say that if we take the legislation that we passed, with even stronger checked-baggage screening requirements, and if we had passed that with the Senate language, we would have a huge bureaucracy involved in this.

Do the American people want a huge bureaucracy, or do they want aviation security? That is really the question at hand.

We want a comprehensive plan. We take away the question and responsi-

bility of aviation security from airlines. All of the legislation that is proposed, House, Senate, Republican, and Democrat, does that. But it is important that beyond that that we do not focus just on the issue of establishing a huge bureaucracy.

I think we need to look at these issues carefully. We may need a few more days. However, I do support strongly the motion to direct the conferees that is before us today.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

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

Mr. Speaker, let me begin by acknowledging the gentleman's hard work, and as a matter of fact the hard work on both sides of the aisle. I think both the chairman and the ranking member worked very hard, and it was a well-intentioned effort.

Unfortunately, I have to take exception to the product that the House passed calling itself airport security.

Mr. Speaker, I strongly support the motion to instruct. I think we all do. We want to move quickly on this matter, and certainly by the end of this week we ought to have it resolved.

As I said, I do not believe the House product is the one that ought to be adopted. We have seen a virtual litany of security breaches over the last months. We would think that after September 11, that the private agencies that my Republican colleagues would like to rely on would have tightened up their ships. That has not been the case.

On October 23 out of New Orleans, a gun was brought on. Last week, at Kennedy Airport, there were massive breaches of security. Then this past weekend at Chicago Airport, a stun gun, seven knives, and a can of mace, through private security.

Mr. Speaker, my colleague interestingly says this redundancy at O'Hare shows that the system worked. Let me pose a question: What if the person who got through the first level of private security had used those weapons, those knives, that stun gun, that mace? We could have had the loss of life. We could have had serious injury. The fact of the matter is, private security has not worked.

If we want good screeners, we have to have good pay. We have to have benefits. It is clear that private companies, looking at the bottom line, will not provide this kind of pay, this kind of benefit, and provide us with the kind of quality screeners that we need.

If airport screening is truly an important job, and it absolutely is, we should have Federal employees out of the Justice Department performing this task.

Members will hear that we ought to adopt the European model. Clearly, the European model is not comparable. In Europe, each country perhaps has two or three airports. In this country, we have ten times that many. We cannot compare ourselves with the European

model that in fact has not worked as efficiently as some of my Republican colleagues would suggest.

What we do know is this: eighty-two percent of the American public wants a federalized security force. The Senate voted 100 to nothing for security at a Federal level. We ought to adopt a federalized security system, and we ought to do it quickly.

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

Mr. MICA. I appreciate the gentleman yielding time to me, Mr. Speaker.

Just to respond about the O'Hare incidents, as we look into the O'Hare incident, we find first of all Federal officials failed to detect this individual who was here on an expired visa. We find that Federal officials failed and let go this individual after he committed these violations. Actually, he was arrested when he came back.

We also find that Federal officials failed because Federal officials are the ones that decided on the level of technology, and the level of technology now deployed is flawed. We have even better technology that will detect all kinds of weapons.

Mr. Speaker, as I said in the debate last week, we can have someone with a Ph.D. If we have X-ray technology of the 70s and 80s, we cannot detect. That is part of the problem.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nevada (Ms. BERKLEY), a member of our committee.

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

Mr. Speaker, I rise today in support of this motion to instruct conferees, Mr. Speaker. Aviation security is national security, and our government has the ultimate responsibility to ensure our national security.

Last week, at the very time when we were debating this bill on the floor, the FAA closed one of the terminals at JFK Airport after screeners were allowing passengers to enter the concourse without being adequately checked.

Yesterday, screeners allowed a man to bring seven knives and other weapons through a security checkpoint at O'Hare International Airport.

This system is broken. Passengers and baggage screeners are the front line of law enforcement in our airports. Law enforcement is a public responsibility. Highway troopers are public employees, not subcontractors of the road building industry. When we call 911, we are calling public law enforcement. Firefighters, police, and emergency personnel are public, not private, employees.

The current system of contracting out to the lowest bidder is unacceptable and irresponsible. 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 tour-

ism. 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 tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

It is time that the House answers the call of our constituents who are demanding airline security and pass legislation as soon as possible.

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

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

Mr. Speaker, let me just say that the House legislation, and our proposal, calls for Federal takeover of airport security. We admit there are defects in the present system and that no longer will the airlines, under our legislation, handle the issue of airport security.

The House proposal also requires Federal supervision of the screening process and the whole security plan. The Federal background checks are also required under our legislation, Federal testing and Federal oversight.

Let me just read from what the gentleman who I consider an expert, James E. Hall, chairman of the National Transportation Safety Board from 1994 until earlier this year, just said.

He said, "Far too much time has been spent on the issues of screeners. We have got to address everything in the system."

A comprehensive plan is so important. That is what we need to develop. We need to do it in a hurry. That is why I support the motion before us.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member of our Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I wanted to get back to this O'Hare situation, Mr. Speaker, that the chairman of the subcommittee were talking about.

The gentleman volunteered at security that he had two knives. They put his bag through the X-ray machine; and they did not find the mace, the stun gun, or the other four knives.

He goes up to the counter or the gate at United. They were warned ahead of time that he bought a one-way ticket with cash, so they do stop him. They do talk to him. They then discover all of these other items.

Now, he also had a checked piece of luggage. No one bothered to go through that checked piece of luggage. It was put through a machine all right, but no one bothered to go through it.

He, because of all the confusion and everything going on regarding him, misses his flight to Omaha. His checked piece of luggage goes on that plane to Omaha.

Now, to me that is a total breakdown in the existing system that we have. We can blame the airlines, we can blame portions of the Federal Government, we can blame the screeners, we

can blame everyone; but believe me, this is why we have to pass a new aviation security bill as quickly as possible, to protect the American people from things like this.

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

In somewhat of a response, let us keep in mind that, unfortunately, we keep talking about the past. We all admit, including Secretary Mineta, President Bush, and myself, the chairman of the subcommittee, that the existing system does not work. What we are trying to do is pass the best system that will work.

I said it last week and I will say it this week: if I thought for one moment that the so-called bill from the other body, I am not going to say whatever it was, if I thought it would do a better job than what we have been able to put together, the gentleman from Minnesota (Mr. OBERSTAR) and myself, the gentleman from Florida (Mr. MICA), then I would have been supporting the other bill. It is that simple.

I hope we keep this on a level playing field tonight. In fact, what we are trying to do, and why I support the motion, is we are trying to expedite the process and send a message to the Senate to get off what they had, because in my heart, it will never happen on my watch, 100 percent their bill, because it does not do the job.

I want good security. We have a good product. We will go to conference. If they can improve it for better security, then I will support it. But I am not in this business just to make the talk shows on Sunday. A lot of that has been going on. I think that is not good for either body. Let us get the security that is necessary for the traveling public.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself 45 seconds.

I think we have the same goals at heart, but we cannot ignore what is happening. I realize that the chairman says this is in the past. We can only talk about what is in the past. If we talk about what is going to happen in the future, people will say we are just speculating.

But look what happened today. Our colleague, the gentleman from California (Mr. WAXMAN), reported a woman boarding a flight at Dulles Airport was unaware that her boarding pass had been mistakenly issued in a man's name. Her name is Maryann. The boarding pass was issued to Lester, with a different last name.

Maryann showed her photo ID at three checkpoints. No screening company employee noticed the difference between the ID and the boarding pass.

Mr. Speaker, these things keep happening. The idea of a piece of luggage going on an airplane without the passenger on board is a repetition of Pan Am 103. Unacceptable.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, unacceptable is what this bill is; but I rise to support the motion to instruct and am pleased to see that we can get bipartisanship on something on this motion to instruct.

Mr. Speaker, we do need quick resolution of this matter; but we have dug ourselves a hole, because if we look at the way the Congress has voted overwhelmingly, the Congress has voted against the House bill. If we put the Senate together with the House Democrats, how are we going to get some kind of compromise? My hat is off to those who try, but we must do so.

We must do so in no small part because this industry is failing because people will not get in planes. Why should they? People want one system. The reason they want Federal employees is they think they will get one system.

□ 1815

This industry is failing at a time when it was already in trouble and when the latest unemployment figures tell us that the whole Nation is in trouble. We knew the unemployment figures would be bad. They are much worse than we thought they would be.

Getting people into these planes, giving them the confidence to get into these planes is indeed just the kind of stimulus we need. We need it before Thanksgiving. What has happened to the District of Columbia is going to happen to your town as well. When people will not get in planes, then tourism goes down.

Virtually every place, large and small, in the country today is a tourist destination. If my colleagues have a rock in their district then it is a tourist destination, but nobody is coming there.

Our tourism industry is flat, broken down, gone, because of fear of flying. What will it take to get people in the air? What will it take to get them to the pre-September 11 notion that they can fly wherever they want to? We have got to get to the notion that we have a bill that means they are safe. We have got to fix this bill with Federal employees. We have got to let this bill fly, but it must fly right.

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

I would like to remind people we did pass this bill with 269, I believe, votes in the House and that is an overwhelming majority. I am very proud of that; and again, I will say and repeat it again and again; just to do something to have a charade conveyed upon the people I will not be part of, just to say we passed something and say it does something when it does not do it. I am not going to rehash what happened last week in the sense that the other body's bill does not do it, and we do a disservice when we sell something to the public that is not really factually doing what we say it does.

Let us go to conference and see if we can solve this problem; but I also urge my colleagues to talk to the other body and suggest that since they have their feet dug in concrete, it is going to be a little difficult. But what we did last week was the right thing to do, was the right thing for the public, and it will be the right thing for the public in the future, not only today but in the future.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for yielding the time, and I think if anyone looks at the proposal that was developed by the other side of the House and by the Republicans, it was almost identical, and most of it dealt with solving the problems that we see; and these problems will continue to reoccur, and we should not panic every day.

I did say that the President put in place a redundant system and the redundant system worked. United Airlines employees in their screening process, final screening process, detected this; but it did point out that the equipment, and I have a complete chronology of what took place at O'Hare, but the equipment, after again this luggage was placed through a second time, did not detect the weapons even at that point. The FAA set the parameters for that equipment, and that is why it is so important that the House legislation puts in place that rules be adopted.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair the time remaining on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota (Mr. OBERSTAR) has 15½ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 17 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees.

Mr. Speaker, I am appalled. It has been 7 weeks since the tragic events of September 11, and we have yet to make any concrete progress in the House to instill the confidence in our aviation system that American travelers require and deserve.

While we stand here in this Chamber bickering over agency jurisdiction, the need to federalize and funding concerns, our aviation security apparatus continues to be breached at will.

On September 11, 19 hijackers boarded American airliners which led to the murder of thousands of innocent Americans. What has the House done in response to improve aviation security? Absolutely nothing yet.

Seven Dulles Airport employees failed a test initiated by airport security officials, allowing weapons through the heightened security checkpoint. How did we react? We did not do anything.

Just a few days ago, a man clears the security checkpoints at O'Hare Airport with knives, mace and a stun gun; and once again, we have done nothing.

Our unwillingness to move on this issue has put the safety of American people in extreme peril. It is clear the current system does not work.

The bill we passed in the House last week does not call for Federal law enforcement personnel to be entrusted with aviation security. Only the Senate version does.

The House bill simply calls for the oversight of private firms that have already proven themselves incapable of doing the job. It is time to face the facts. The underpaid, undermotivated, undervetted security personnel are not getting the job done.

We found out the hard way that the status quo was totally inadequate. Fool us once, shame on them. Fool us twice, shame on us.

The immediate Federal enforcement of the safety in our skies is required, and the Senate version of this bill accomplishes just that. We have dawdled long enough. Let us go to conference and pass legislation that achieves the goal which we all share: the safety and security of the flying public.

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

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, the picture is clear: our airlines and airports simply lack the capacity and funding to fulfill this vital police function.

We have heard it from all of our colleagues at Louis Armstrong Airport where a man boarded a plane with a gun, learned in midair he had a revolver in his briefcase which sensibly or I guess presumably ran through the security checkpoint. At O'Hare Airport yesterday and certainly at JFK not long ago where the entire concourse was closed, all of this underscores the urgent need for increased security measures.

My colleague, the gentleman from Alaska (Mr. YOUNG), whom I have great respect for, has indicated he cannot in any way sign on to a federalization or what the Senate 100 to zero, all Republicans and all Democrats, supported. He simply cannot support that legislation.

Let me remind all of my colleagues that federalization is nothing more than a word for uniformity here: uniformity in training, standards and equipment. I do not suggest that my colleagues on the other side are driven by anything other than a desire to fix airport security installations, but how asinine and revolting to hear my friends and colleagues in this Chamber suggest that someone on this side, including the 49 Republicans in the Senate, are motivated by nothing more than an effort to increase political revenue and political support.

The generous and legal contributions that we enjoy from unions and my colleagues enjoy from these private companies, none of that should influence

the outcome of legislation, and we should separate that from this debate. If we want to fix that problem, let us pass campaign finance, but we are here today to discuss a motion to instruct the conferees.

I have heard some of my colleagues on the other side say, well, private companies are able to protect nuclear reactors, where there is secondary as well as back-up and increased back-up measures to ensure that those private companies have no access to what happens at those nuclear reactors.

I close on this note. For the first time in a long time the Congress is actually viewed favorably by the public. The week after the attacks on September 11, we acted as a body together. We stood on the steps and sang "God Bless America" and came together to support our President here in this Chamber. Let us not revert to the days in which we were viewed so unfavorably by the public. Let us have an airport security bill that protects the public. We have a Capitol Hill Police, a Secret Service, security for cabinet members. All of them are Federal law enforcement officials. The public deserves the same at our airports.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to attribute motives to the Senate.

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

Mr. OBERSTAR. Mr. Speaker, could I inquire of my distinguished chairman how many speakers are on the other side?

Mr. YOUNG of Alaska. Mr. Speaker, we probably have one closing statement by myself or the gentleman from Florida (Mr. MICA) and that is it.

Mr. OBERSTAR. Mr. Speaker, they are a little sparse on the other side.

Mr. YOUNG of Alaska. Mr. Speaker, no, we know we are on the right side and we are not doing some of the other things that are being done. The gentleman knows what I am talking about.

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

Mr. OBERSTAR. Mr. Speaker, the gentleman is on the right-hand side of this Chamber; that is true.

Mr. Speaker, I yield 2 minutes and 20 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I cannot understand why we can be so nonchalant about what happened over the weekend. It should be a red flag.

After having debated an entire day and narrowly passing a bill at great contradiction with what the Senate passed 100 to nothing, deciding to give responsibility for the security of the people who fly in our Nation's airlines to the very same firms that are now responsible for that security. Apparently it was a victory for that industry, a \$700 million a year industry. But look what happened over the weekend.

The very firm that has already gotten fined over \$1 million because they

were not training their people, when the Inspector General of the Department of Transportation went to Dulles Airport, they found 87 percent of the people that had been hired by Argenbright, a British firm, I am sure they want to do the right thing, but they had hired 87 percent not U.S. citizens. It is almost impossible to do adequate background checks. A number of them will be illegal felons, and a number of them had not received any training. And yet we go back and we entrust the security of the people of the United States to these very same firms in the House bill. And then over the weekend we find this guy, this Indiana Jones character with knives, with stun guns, with mace getting on to a plane having gone through the same Argenbright security system, the same system to which the House would entrust the security of the public that wants to use our airlines.

We have more flights going out of the airport at our Nation's capital, but it is not the number of flights. It is the number of passengers on those flights. And there are not a sufficient number of passengers.

Our airlines are going broke because the American public understands what the majority of the House seems unprepared to accept. It is not safe to fly on airlines unless we have professional people.

All we were trying to do is to have professional people, adequately trained, adequately compensated with sufficient background checks. It is the weakest link in our system. It has got to stop. The Senate bill repairs that leak. We should pass the Senate bill. Obviously, we should pass this resolution because we need security at our Nation's airports and we need it now.

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

Mr. Speaker, I sometimes wonder what it is on that side of the aisle that everybody has to yell. That disturbs me. Is there a microphone breakdown somewhere?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. No, I will not yield.

Mr. Speaker, I cannot understand it because I can hear them perfectly well, and I think they can hear me.

Maybe sometimes when there is a lot of noise, maybe there is, what I call a cumulation of facts.

Our bill says nothing, nothing about keeping the same contractors. Our bill sets high standards. Our bill requires new standards. Our bill requires federalization. I just do not quite understand why people will not accept that fact. If one truly has read the bill that was proposed last year and some would suggest we accept; and one truly believes that will give you security, then God bless you.

If one looks at what the gentleman from Minnesota (Mr. OBERSTAR) and I have been able to do, and the work

product we put together, that will give us good security.

I even got my voice a little high this time. It must be the microphones. That is all I can suggest.

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

Mr. OBERSTAR. Mr. Speaker, what is the time remaining on both sides?

The SPEAKER pro tempore. Fifteen and a half minutes for the gentleman from Alaska (Mr. YOUNG); 9 minutes for the gentleman from Minnesota (Mr. OBERSTAR). Under the rules, the gentleman from Minnesota has the right to close.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today also in support of the motion to instruct. And, specifically, I would like to voice my strong support for this section that would strike an egregious immigration provision in the Senate version of the bill. In essence, the category that would be created would require that anybody hired as a baggage screener to be a U.S. citizen and then wait 5 years to be able to be approved as one of those screeners.

I think this sets a double standard. We do not currently do that for Members of Congress or Senators. Why should we create a double standard there?

I do not believe that the other Chamber intentionally meant to segregate one class of citizens over the other; and if this immigration provision is included in the aviation security conference report, it would be a terrible precedent; and I view it as unconstitutional.

I would request that we remove that provision and that we vote for this motion to instruct.

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

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. ALLEN).

□ 1830

Mr. ALLEN. Mr. Speaker, I rise in support of the motion to instruct. What we have here across the country is a system with private companies hiring people at the lowest possible wages with no benefit. The system is broken, it does not work, and the public knows that.

For example, the turnover in these screening positions is 126 percent a year. That means the average screener is on the job for 9 months. It is not possible to have a well-trained, well-educated work force with that kind of turnover.

At the root of this debate is a deep and profound suspicion of the Federal Government. For 20 years, my friends on the other side have been pounding away at the Federal Government and Federal employees, and now we need those employees. This job needs to be one where we have well-trained, professional Federal employees protecting the public.

I will just end by saying that in Portland, Maine, where I come from, they have not been able to hire enough security screeners to deal with the crush of people because they pay \$7.50 an hour and they will not pay a penny more. It needs to change.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of the Democratic motion to instruct conferees to convene and complete a conference by this Friday, November 9. I was hopeful that the House would pass the Senate version of the airport security legislation last week so a conference could be avoided and the President could have signed a comprehensive bill by now.

Now that a conference is convening, I am hopeful that conferees will strike the provision requiring that airport security screeners must be a citizen for 5 years before being eligible for employment. We should not have a double standard for U.S. citizens that creates different levels of citizenship.

Mr. Speaker, we do not require people seeking to serve in our military or join the National Guard to be citizens for a certain period of time to be eligible. I might add that the National Guard is serving on the front line of airport security today, posted next to the screeners and heavily armed. Once someone becomes a U.S. citizen, they are a citizen, period.

Mr. Speaker, clearly the latest security breaches highlight the need to make radical and swift changes to our airport screening procedures. I am hopeful the conferees can reach a compromise as soon as possible. The American people are waiting.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, we had 9 million passengers prior to September, 5 million afterwards. We have got a real problem and we all recognize it. Yes, this is not the answer that is going to save everything, but it definitely is headed in the right direction.

I was listening to the comments of the chairman about the redundancy in what we are creating. I think the gentleman is creating redundancy. It is the status quo. It submits the same low bids, submits the same private screeners, submits the same low wages, submits the same high turnover rates in terms of the workers.

The bottom line is that right now we have a real serious problem and we need to come to grips with the situation that is before us, and that is that we need well-trained law enforcement people there. We all recognize that if we have to travel, we are doing it, but for the average person and our families we are real concerned under this situation and we need to do the right thing.

The right thing to do is to put good law enforcement people there to make sure we do the right thing. So as we move forward, we need to recognize

that and realize that we do have a problem.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Democratic motion to instruct conferees.

Mr. Speaker, the American people will not allow themselves to be bamboozled. I know the airlines are not safe. Every Member of this body knows the airlines are not safe. The American people know that the airlines are not safe. The American people are demanding that the Congress, this body, make our airlines safe again. And allowing private companies to screen and search our bags is totally unacceptable. The American public deserves better than simple excuses.

Airline safety is a national security issue that deserves national security responses. The way to accomplish this is simple: We must federalize our airport security. There must be clear lines of accountability, and this cannot be delegated to the private sector.

Mr. Speaker, Christmas is upon us. America's families want to travel home and they must have safe and secure air travel.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of his motion to instruct conferees. We know how to get a good airline security bill through Congress. We could have had the law by now. It is so straightforward, we can have it this week.

Americans are pragmatic. They know that the current system of low-bid, low-wage contractors does not work. It does not catch knives, it does not catch mace, and it does not catch stun guns. And the American public do not like Members of Congress who are so caught up in their ideology, so sure of themselves, that they will not listen to the other side and they will not listen to the American people.

Americans look at us in wonder. How can we be divided, stalled on this? We pass a \$15 billion bailout bill for the airlines, but we cannot get around to simple airline security legislation? We might as well throw away the \$15 billion of bailout money if we do not restore the confidence of passengers.

Empty planes, well-paid executives, and well-financed airlines is not the prescription for economic recovery.

Mr. OBERSTAR. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota has 3 minutes remaining.

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

Mr. YOUNG of Alaska. May I inquire of the gentleman if he has any other speakers, other than himself? I know he has the right to close.

Mr. OBERSTAR. I will have two speakers on our side, and we have 3 minutes left.

Mr. YOUNG of Alaska. Mr. Speaker, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 15½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we all want comprehensive aviation security legislation.

Some of the things that have been said may play well on television or with the media. I hope they are not really meant to make the public feel that it is unsafe to fly.

I have outlined what this administration has done. The President has put in place directives, and this week almost every major passenger aircraft in the country will have the cockpit doors secured. The President has ordered our air marshals to be trained; they are being trained. Other law enforcement personnel are being assigned to our aircraft. Secretary Mineta has announced a zero tolerance policy. That is why we have had the redundancy in place.

Even if we adopted the Senate's plan to employ some 31,000 new Federal employees, it will take 3 to 5 years to train them and get them in place. We need an interim plan.

We all agree that the current system does not work. No one is proposing we keep the current system. We are all proposing that the Federal Government take over that responsibility. So this is not the time to demagogue the issue. This is the time to pass comprehensive legislation.

We heard some of the speakers just a minute ago talk about taking away rights of citizens or not honoring rights of citizens. That was in the Senate bill, not our bill. We heard people talking about the same private screeners continuing. That is not in our bill. Our bill has Federal supervision, Federal management, Federal background checks, and a comprehensive ability to put in place the rules to get the best technology to detect this equipment.

We have waited years and years for the Federal Government to act. We have to have someone with both the responsibility and the authority to get in place emergency regulations dealing with equipment, dealing with screeners, dealing with all of these items, and do this in a businesslike fashion so that we have in place a long-term, comprehensive plan for aviation and transportation security.

We all want the same thing. I support this resolution. I think we should all move forward. We urged the other body to move forward, and I urge my colleagues to urge the other Members to move forward. I think we can do this. We all want to get to the same place. It is important that we have the best possible product in the end. The American people want nothing less, and I think that they expect us to come here and deliver that package.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

I think the chairman, the gentleman from Alaska (Mr. YOUNG), and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and myself all have the same goal in mind: We want to produce the best possible security bill for aviation that we can.

I would simply like to go back once again to the O'Hare situation, though, so everyone realizes that the system is broken and the system has to be repaired as quickly as possible. Of the eight screeners who were suspended last Saturday by the FBI, three of them have criminal background records and one of them is a gang member. We cannot continue to allow people like this to handle the screening at our airports.

I am confident that very soon we can resolve this with the cooperation of all the conferees.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 12½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the debate, which is sort of an extension of the debate that happened last week.

I wanted to come down to the floor to congratulate the chairman and the ranking member for bringing this motion to instruct. I support the motion to instruct, but I wanted to explain a little bit about my perspective in this and, hopefully, clear the air.

What people need to understand, and I hope this House would understand, is that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) came to an agreement on a bill. The bill of the gentleman from Minnesota (Mr. OBERSTAR) is basically identical to the bill of the gentleman from Alaska (Mr. YOUNG), except for one part, and that is whether to nationalize the baggage screeners or to federalize them.

From our perspective, we think we ought to federalize them. From the point of view of the gentleman from Minnesota, he thinks they should be nationalized and Federal employees. That is the only real bone of contention on this bill.

The two men, the three men came together, as well as the gentleman from Illinois (Mr. LIPINSKI) too, came together and wrote a very good, strong security bill, which I congratulate everyone for doing. Of course, it got mired in the discussion of whether we

ought to have the Senate bill, which is a fatally flawed piece of legislation, or the legislation that was almost worked out by the Committee on Transportation and Infrastructure.

So we get down to this one issue, because the difference between the House bill and the Senate bill is miles apart. It is a huge difference, because the Senate bill did not cover the airports, it only covered airlines and screeners. It did not cover the Tarmac. It did not provide security for the perimeter, the parking lots, the vendors, the caterers, and everything else. They did not do anything about other modes of transportation: bridges, ships, trains and others. The House bill did.

So it comes down to the screeners. Now, some, particularly in the other body, Mr. Speaker, they are comparing screeners to Capitol Hill Police. I have heard people say that the Capitol Hill Police protect us; why can the American people not at least have that kind of protection?

□ 1845

Mr. Speaker, I have to say that is an insult to the Capitol Hill Police. I have worked very closely with the Capitol Hill Police. They are highly trained law enforcement officers that deal with all kinds of issues. They are police that carry guns. In fact, there were two wonderful Capitol Hill officers that died in this building, one of them in my office; so I have the utmost respect for the Capitol Hill Police.

We are not asking highly qualified and highly trained law enforcement officers to stand by a screening machine and watch bags go through. We are saying those people should be highly trained, comply with the standards laid out by the Department of Transportation, comply with the criteria laid out by the Department of Transportation, and they should be certified by the Department of Transportation. And once we do that, we add value to that person. That person has a certification. That person is worth more, and it will attract highly qualified people.

The second issue, most people do not understand that the entire judicial branch contracts out their security. The Supreme Court contracts out their security. Even the DEA, the Drug Enforcement Agency, contracts out their security. So the Federal Government understands for specific cases they might want to use the private industry, and those kinds of individuals that are brought to this issue in the private industry.

My point is what we are trying to do is to design a model, a very good model by the way, according to the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), a model that brings security to all of our modes of transportation, part of that being the airlines and the airports.

What we are asking is to follow a model that has already been tried in Europe and Israel. A nationalized

model is the model that they tried back in the 1970s and 1980s, and it was a disaster.

This model brings the flexibility of private industry under the accountability of the Federal Government. We will have badged law enforcement Department of Transportation people at each station where bags are being screened. We will have baggage screeners that are well trained and certified sitting there screening the baggage.

Mr. Speaker, my point is and what this argument is over is whether we nationalize these employees or federalize them. Nationalize them means, as an example, we want to nationalize all of the pilots that fly these planes. Right now we have a federalized system. The Department of Transportation through the FAA licenses these pilots; yet these pilots work for a private company. The same with flight attendants and mechanics. It works quite well. In fact, I would submit that it would be horrible if we nationalized the airlines and nationalized flight attendants and mechanics. The point here is that we have tried a nationalized system, as examples in Europe show us, and it does not work.

To bring the best security that we know how, we have designed in the House bill that is going to conference a system that actually brings security to the flying public and now people on the ground, a system that the President of the United States understands and supports and will bring us the security that the American people deserve.

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

Mr. Speaker, I would like to suggest that we go to conference. We should be talking about this motion. It is a good motion. It will expedite the process.

I would also like to suggest that the product we put together covers more than just airport security. The other body's bill is just airport security. We have ports, we have railroads, we have bridges, and we have pipelines. We have all forms of transportation that we have to make sure are secure.

I believe very strongly that the product that we voted on last week, 269 votes in favor of, does that job. Our job is to go to conference and see whether we can meld with what the other body wishes to do together into a comprehensive bill. I urge my colleagues to consider that. This is about working together and being able to compromise and understanding that we are all seeking the same thing, and that is a secure way of all forms of travel in the United States.

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

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

Mr. Speaker, I share the objective of the distinguished chairman to get to an early resolution. I do have to cite some misconceptions about the number of screeners that would be required in the proposal that I offer on behalf of

the Members on our side and the committee.

The number of 30,000-some people is just way beyond any imaginable number. The Congressional Budget Office number of 16,200 screeners is followed by a recitation of a whole series of supervisory personnel that totals 7,000 supervisors for 16,000 screeners. Maybe that is what they need in the private sector, but it is certainly not what we need in the public sector. That is simply not necessary. The distinguishing feature of the private sector approach is the profit that those companies have to make on each of those 23,000 or 31,000, whatever the number is. It kept getting inflated last week.

Furthermore, this so-called good system, in the private screeners, there are 1,700 civil penalties assessed against the airlines and their screening companies over the last 5 years for a total of \$8 million in fines. The system failed. What failed miserably was not the system in Europe of government oversight. They simply shifted to smaller numbers of screeners with more vigorous and heavy, intensive government oversight and involvement and background screening and passenger profiling and positive passenger bag match to a more intensive screening system with fewer numbers of people.

Mr. Speaker, we need to move quickly to a resolution of the differences between the House and the Senate bills. The other body should yield on their insistence on the Justice Department, and move to our position of putting this position in the Department of Transportation; and we ought to reach compromises and yield on the screener workforce issues.

Mr. UDALL of Colorado. Mr. Speaker, I wish that we did not have to adopt this motion—but I strongly support it.

We should not have to have a conference on this legislation. Instead, the House should have approved the bill that was unanimously approved by the Senate—the bill I voted for last week—and sent to the President for signing into law. Unfortunately, that bill was rejected by a narrow margin.

This motion instructs the conferees to resolve their differences with the Senate version of this legislation and return a bill for the House's consideration by this Friday, November 9th.

In other words, it reminds the House conferees that with the normally busy holiday travel season just around the corner, it is urgent that Congress act to improve the safety of airline passengers and the health of our air transportation system.

No such reminder should be needed. But it has been nearly a week since the House Republican leadership defeated the Senate bill, thereby preventing improved aviation safety procedure from being immediately launched. And, as we saw with yesterday's security failure at Chicago O'Hare Airport, we can't afford to wait another week.

Aviation security is a matter of national security and public safety. It is part of the front line of our national defense and Congress should put in place an effective, federally managed system. I believe that baggage screen-

ers should be part of a professional, highly skilled, highly trained law enforcement workforce and serve as the front line of our nation's defense. We would never consider contracting out the war in Afghanistan, and we shouldn't contract out airline security.

As I said last week, we need to put people before politics and action before acrimony. We need a strong aviation security bill—and we need it without more delay.

The conference committee must quickly produce a bill that improves the House bill and that holds contractors accountable for the aviation security system. The safety of airline passengers and of our air transportation system depends on it.

Mr. TIERNEY. Mr. Speaker, yesterday United Airlines and Argenbright Security were embarrassed to admit that they cleared a man through Chicago O'Hare Airport with seven knives and a stun gun. After enormous public outcry and international media exposure, they vowed to immediately take corrective action.

Yet only a couple of hours ago, they failed again.

A woman named Marianne went to Dulles Airport this afternoon to board a United Airlines flight to San Francisco. Marianne checked in at the United ticket counter, showed her ID, and cashed in miles from her account for an upgrade. United issued the upgrade, checked her luggage and issued Marianne a boarding pass.

From the United ticket counter Marianne proceeded to the Argenbright security checkpoint. She presented her ID and her boarding pass for inspection. Argenbright checked her through security.

Marianne arrived at the United gate. Again she was asked to show her ID and her boarding pass. Again she was cleared through security.

Marianne boarded the plane and sat in her seat.

A few minutes later, a man boarded the plane and said, "you are sitting in my seat." Turns out, United had issued them both the same boarding pass—2 passes with the same name—HIS name—Lester.

United took Marianne off the plane, and told her that United had no record of her name in the system despite the fact that she had used miles from her account to get the upgrade; that there were 2 boarding passes issued to Lester and no seat listing for Marianne. Moreover, Marianne's luggage was checked in Lester's name and still headed to San Francisco.

United booked Marianne on a later flight to San Francisco. When her 3:30 flight lands in a few minutes from now, she will not only suffer the inconvenience of being several hours late through no fault of her own, but Marianne will have to go searching for her luggage under Lester's name. And who knows what will happen to her miles?

If the people in San Francisco pay as little attention as those at Dulles, that won't be a problem. But if they actually look at the name on her ID and the name on her baggage tags; if they actually deduce that Marianne, a female, is not Lester, a male, then she will have a lot of explaining to do.

The truth is, it's United and Argenbright who have a lot of explaining to do. It's the Republican majority, who voted last week to continue the status quo of contracting out airport security checkpoint work to the lowest bidder, who have some explaining to do.

Ms. MILLENDER-McDONALD. Mr. Speaker, today we have yet another chance to address aviation security exactly eight weeks after the tragic events of September 11th. It is the federal government's job to protect our country during times of war and from threats to our national security.

I want to urge my colleagues to support the motion to instruct conferees. This motion simple asks the conferees to resolve the differences between the Senate and House aviation security bills. This will finally enable Congress to produce an aviation security bill necessary to reassuring the traveling public that it is safe to use our aviation system.

This motion is particular prudent in light of the continuing failures at our nation's airports. The bill that the House adopted last week accepted more of the status quo. What does status quo equal, it equals more incidents like that at Chicago O'Hare on Sunday. Where once again the private contractor, Argenbright, charged with the security at the gate failed.

This is the same company that was fined a million dollars and placed on 36 months probation for failing to conduct required background checks and for hiring convicted felons and improperly training workers which provide security at U.S. airports. This is the same private contractor that the House version of the security bill will entrust with the security of your wife or husband, your son or daughter, your brother or sister, your best friend. Enough is enough let us fix aviation security the right way, support the motion to instruct conferees.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Suspend the rules and concur in the Senate amendments to H.R. 768, by the yeas and nays;

Suspend the rules and pass H.R. 1408, by the yeas and nays; and