

patients with anthrax and other rarely encountered diseases are often initially diagnosed incorrectly. In addition, public health laboratories need the training, the equipment and the personnel to identify biological weapons as quickly as possible.

In Boston, a recently installed electronic communication system will enable physicians to report unusual symptoms rapidly to local health officials, so that an attack could be identified quickly. Too often, however, as a CDC report has stated: "Global travel and commerce can move microbes around the world at jet speed, yet our public health surveillance systems still rely on a 'Pony Express' system of paper-based reporting and telephone calls."

To improve the treatment of victims of a bioterrorist attack, we must strengthen our hospitals and emergency medical plans. Boston, New York and a few other communities have plans to convert National Guard armories and other public buildings into temporary medical facilities, and other communities need to be well prepared too. Even cities with extensive plans need more resources to ensure that those plans will be effective when they are needed.

To improve containment, we must make certain that federal supplies of vaccines and antibiotics are available quickly to assist local public health officials in preventing the disease from spreading.

Developing new medical resources for the future is also essential. Scientists recently reported that they had determined the complete DNA sequence of the microbe that causes plague. This breakthrough may allow new treatments and vaccines to be developed against this ancient disease scourge. We should use the remarkable skills of our universities and biotechnology companies to give us new and better treatments in the battle against bioterrorism.

September 11 was a turning point in America's history. Our challenge now is to do everything we can to learn from that tragic day, and prepare effectively for the future.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1861. Mr. BREAUX proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes.

SA 1862. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 1855 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1447) *supra*; which was ordered to lie on the table.

SA 1863. Mr. MURKOWSKI (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*.

SA 1864. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1865. Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill S. 1447, *supra*.

SA 1866. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, *supra*.

SA 1867. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, *supra*.

SA 1868. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, *supra*.

SA 1869. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1870. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1871. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1872. Mr. LIEBERMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1873. Mr. McCAIN (for Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*.

SA 1874. Mr. SMITH, of New Hampshire (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. THURMOND, and Mr. CRAPO) proposed an amendment to the bill S. 1447, *supra*.

SA 1875. Mr. BURNS (for himself, Mr. McCONNELL, Mr. DEWINE, and Mrs. BOXER) proposed an amendment to the bill S. 1447, *supra*.

SA 1876. Mr. McCAIN (for Mr. DOMENICI) proposed an amendment to the bill S. 1447, *supra*.

SA 1877. Mr. McCAIN (for Mr. CLELAND) proposed an amendment to the bill S. 1447, *supra*.

SA 1878. Mr. McCAIN (for Mr. THOMPSON) proposed an amendment to the bill S. 1447, *supra*.

SA 1879. Mr. McCAIN (for Mr. LIEBERMAN (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 1447, *supra*.

SA 1880. Mr. HOLLINGS (for Mrs. MURRAY (for himself, Mr. BYRD, and Mr. SHELBY)) proposed an amendment to the bill S. 1447, *supra*.

SA 1881. Mr. McCAIN proposed an amendment to the bill S. 1447, *supra*.

SA 1882. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1883. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1885. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1447, *supra*; which was ordered to lie on the table.

SA 1886. Mr. McCAIN (for Mr. ENZI (for himself and Mr. DORGAN)) proposed an amendment to the bill S. 1447, *supra*.

SA 1887. Mr. McCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, *supra*.

SA 1888. Mr. McCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, *supra*.

SA 1889. Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, *supra*.

SA 1890. Mr. McCAIN (for Mr. INHOFE) submitted an amendment intended to be proposed by Mr. McCAIN to the bill S. 1447, *supra*.

SA 1891. Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill S. 1447, *supra*.

SA 1892. Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, *supra*.

SA 1893. Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, *supra*.

SA 1894. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, *supra*.

SA 1895. Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, *supra*.

SA 1896. Mr. WARNER (for himself and Mr. ALLEN) proposed an amendment to the bill S. 1447, *supra*.

SA 1897. Mr. McCAIN (for Mr. JEFFORDS) proposed an amendment to amendment SA 1858 submitted by Mr. HOLLINGS and intended to be proposed to the bill (S. 1447) *supra*.

SA 1898. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1532, to provide for the payment of emergency extended unemployment compensation; which was referred to the Committee on Finance.

SA 1899. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

SA 1900. Mr. FEINGOLD proposed an amendment to the bill S. 1510, *supra*.

SA 1901. Mr. FEINGOLD proposed an amendment to the bill S. 1510, *supra*.

#### TEXT OF AMENDMENTS

**SA 1861.** Mr. BREAUX proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . 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."

**SA 1862.** Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 1855 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1447) to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 20 of the amendment, insert “employment that involves the provision of transportation to or from an airport,” after “an airport.”

**SA 1863.** Mr. MURKOWSKI (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . AGE AND OTHER LIMITATIONS.**

(a) **GENERAL.**—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) **CERTIFICATE HOLDER.**—For purposes of this section, the term “certificate holder” means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) **RESERVATION OF SAFETY AUTHORITY.**—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

**SA 1864.** Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

**SEC. . POSSESSION OF HANDGUNS AND OTHER WEAPONS BY COCKPIT CREW OF COMMERCIAL AIRCRAFT.**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 449 of title 49, United States Code, is amended by adding at the end of subchapter I the following new section:

**§ 44917. Aircraft cockpit protection**

(a) **FIREARMS.**—A pilot, co-pilot, or navigator of a commercial aircraft may carry a handgun aboard the aircraft if the pilot, co-pilot, or navigator, respectively, has passed the background investigation required under subsection (b) and has been trained and certified under subsection (c).

(b) **BACKGROUND INVESTIGATIONS.**—The Secretary of Transportation shall, in consultation with other appropriate Federal agencies, prescribe standards for training

and conducting background investigations of pilots, co-pilots, and navigators of aircraft to ensure they are qualified and adequately prepared to use a handgun or other weapon they are authorized to carry aboard a commercial aircraft.

“(c) **TRAINING.**—

“(1) **INITIAL TRAINING.**—Before carrying a handgun or other weapon aboard a commercial aircraft, the pilot, co-pilot, or navigator of the aircraft shall complete a weapons training program approved by the Secretary of Transportation and be certified as having successfully completed the program.

“(2) **REFRESHER TRAINING.**—To ensure continued proficiency in the weapons-related skills on which trained in a program approved under paragraph (1), a pilot, co-pilot, or navigator shall annually complete refresher training in such skills at a training facility designated by the Secretary and be certified as having completed the refresher training.

“(3) **PARTICULAR WEAPONS TRAINING.**—To be approved under paragraph (1), a program shall include training in the use and maintenance of each particular weapon authorized to be carried aboard an aircraft under this section. The certification of completion of training shall include a statement certifying the completion of training on each such weapon.

“(4) **INSTRUCTORS AND FACILITIES.**—The Secretary of Transportation shall require that, to the maximum extent practicable, the training under this section be provided by instructors approved by the Secretary in facilities throughout the United States that are designated by the Secretary for the purposes of this section.

“(d) **DEPUTATION OF PILOTS.**—

“(1) **IN GENERAL.**—For any action taken by a pilot, co-pilot, or navigator of a commercial aircraft in the protection of the security of the cockpit of the aircraft, the pilot, co-pilot, or navigator, as the case may be, shall be treated as having taken that action as a law enforcement officer of the United States.

“(2) **APPLICABILITY ONLY TO TRAINED CREW MEMBERS.**—Paragraph (1) applies only to a pilot, co-pilot, or navigator of an aircraft who has been trained and certified under subsection (c).

“(e) **CONSULTATION REQUIREMENT.**—The Secretary of Transportation shall consult with the heads of other departments and agencies of the United States in prescribing standards under subsection (b) and carrying out the Secretary's responsibilities under subsection (c). The Secretary shall determine which officials are appropriate for consultation under this subsection.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 44915 the following new item:

“44917. Aircraft cockpit protection.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 44916 of title 19, United States Code, as added by subsection (a).

**SA 1865.** Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . MAIL AND FREIGHT WAIVERS.**

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or par-

tial 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.

**SA 1866.** Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 17, line 16, after the period insert “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.”.

**SA 1867.** Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 17, line 23, insert “**AND PROPERTY**” after “**PASSENGER**”.

On page 18, line 5, after “mail,” insert “cargo, carry-on and checked baggage and other articles.”.

**SA 1868.** Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . 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.

**SA 1869.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

Section 48114(b) of title 49, United States Code, as added by section 20 of the bill, is amended to read as follows:

“(b) **AMOUNT OF FEE.**—Air carriers shall remit \$2.50 for each passenger enplanement. The Secretary may authorize air carriers to collect and remit up to \$5.00 for each passenger enplanement to offset the costs of providing aviation security services, including providing air marshals.”.

**SA 1870.** Mr. DOMENICI submitted an amendment intended to be proposed by

him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

( ) 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.”.

**SA 1871.** Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ AVAILABILITY OF PASSENGER FACILITY FEES AND AIRPORT IMPROVEMENT PROGRAM FUNDS FOR SECURITY COSTS AND OTHER COSTS.**

(a) AVAILABILITY.—Notwithstanding any other provision of law, any public agency that controls a commercial service airport may, during the one-year period beginning on the date of the enactment of this Act, use amounts referred to in subsection (b) as follows:

(1) For costs in connection with security at the airport.

(2) For the service of outstanding debt obligations of the public agency with respect to the airport.

(b) COVERED AMOUNTS.—The amounts referred to in this subsection for a public agency are as follows:

(1) Amounts collected by the public agency as passenger facility fees under section 40117 of title 49, United States Code.

(2) Amounts available to the public agency from the Airport and Airway Trust Fund.

**SA 1872.** Mr. LIEBERMAN (for himself, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**TITLE \_\_\_\_—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES**

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

**SEC. \_\_\_\_ 01. 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) 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 com-

pleted within 6 months. 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 within 6 months of the date of enactment of this Act.

(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 (vii);

(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. 11. 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 key-pad-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. 21. 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.

**SA 1873. Mr. McCAIN** (for Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert:

**SEC. . 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 13 of this Act.

(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.

**SA 1874.** Mr. SMITH of New Hampshire (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. THURMOND, and Mr. CRAPO) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, add the following:

**SEC. . FLIGHT DECK SECURITY.**

(a) 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 terrorists 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 FAA is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of section (c)(2) of this Act, 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 the section (c)(1) of this Act, the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this Act.

(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.”

**SA 1875.** Mr. BURNS (for himself, Mr. McCONNELL, Mr. DEWINE, AND Mrs. BOXER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On Page 4, strike lines 10, 11, and 12.

On Page 4, line 13, strike “(B)” and insert “(A)”.

On Page 4, line 18, strike “(C)” and insert “(B)”.

On Page 4, line 22, insert “and” after the semicolon.

On Page 4, beginning with line 23, strike through line 5 on page 5.

On Page 5, line 6, strike “(E)” and insert “(C)”.

On Page 5, between lines 13 and 14, insert the following:

(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 conjunction with the Secretary of Transportation, 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. On page 5, line 14, strike “(b)” and insert “(c)”.

On page 6, line 4, strike “(c)” and insert “(d)”.

On page 10, between lines 6 and 7, insert the following:

(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.

On page 10, line 7, strike “(a)IN GENERAL.—” and insert “(b) DEPLOYMENT.—”.

On page 10, line 23, strike “(b) Deployment.—” and insert “(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—”.

On page 11, line 14, strike “(c)” and insert “(d)”.

On page 11, line 20, strike “(d)” and insert “(e)”.

On page 12, line 3, strike “(e)” and insert “(f)”.

On page 12, line 4, before “Secretary” insert “Attorney General and the”.

On page 12, line 22, before “Secretary” insert “Attorney General and the”.

On page 12, line 24, strike “the Secretary” and insert “they”.

On page 13, line 3, strike “(f)” and insert “(g)”.

On page 18, beginning in line 2, strike “Secretary of Transportation, in consultation with the Attorney General,” and insert “Attorney General, in consultation with the secretary of Transportation.”.

On page 18, line 11, strike “Secretary” and insert “Attorney General”.

On page 18, beginning in line 17, strike “Secretary of Transportation, in consultation with the Attorney General” and insert “Attorney General”.

On page 18, line 25, strike “Secretary” and insert “Attorney General”.

On page 19, line 4, strike “Secretary” and insert “Attorney General”.

On page 19, line 7, strike “Secretary” and insert “Attorney General”.

On page 19, beginning in line 12, strike “Secretary of Transportation, with the approval of the Attorney General,” and insert “Attorney General”.

On page 20, line 9, strike “Secretary” and insert “Attorney General”.

On page 20, beginning in line 12, strike “Secretary, in consultation with the Attorney General,” and insert “Attorney General, in consultation with the Secretary of Transportation.”

On page 20, beginning in line 14, strike “Secretary” and insert “Attorney General”.

On page 21, beginning in line 3, strike “Secretary and”.

On page 21, line 12, strike “Administrator” and insert “Attorney General”.

On page 21, line 19, strike “Administrator” and insert “Attorney General”.

On page 21, line 23, strike “Administrator” and insert “Attorney General or the Secretary of Transportation”.

On page 22, line 4, strike “Administrator” and insert “Attorney General”.

On page 22, beginning in line 7, strike “Secretary of Transportation” and insert “Attorney General”.

On page 22, line 9, strike “the Attorney General or”.

On page 22, strike lines 13 through 22.

On page 22, line 23, strike “(c) TRANSITION.—the Secretary of transportation” and insert “(b) TRANSITION.—the Attorney General”.

On page 23, line 3, strike “Secretary” and insert “Attorney General”.

On page 23, line 6, strike “Secretary” and insert “Attorney General”.

On page 23, beginning in line 18, strike “Secretary of Transportation, in consultation with the Attorney General,” and insert “Attorney General, in consultation with the Secretary of Transportation.”

On page 23, line 23, strike “Secretary” and insert “Attorney General”.

On page 24, line 20, strike “Secretary” and insert “Attorney General”.

On page 24, beginning in line 21, strike “Secretary” and insert “Attorney General”.

On page 25, line 3, Strike “Secretary” and insert “Attorney General”.

On page 25, line 11, strike “Secretary” and insert “Attorney General”.

On page 25, beginning in line 14, strike “Secretary” and insert “Attorney General”.

On page 26, line 3, strike “Secretary” and insert “Attorney General”.

On page 26, line 15 strike “Secretary” and insert “Attorney General”.

On page 29, beginning in line 1, strike “Secretary” and insert “Attorney General”.

On page 29, line 20, strike “Secretary” and insert “Attorney General”.

On page 29, beginning in line 23, strike “Secretary of Transportation” and insert “Attorney General”.

On page 29, beginning in line 25, strike “the Attorney General, or”.

On page 30, line 6, strike “Secretary” and insert “Attorney General”.

On page 30, line 14, strike “Secretary” and insert “Attorney General”.

On page 30, beginning in line 21, strike “Secretary” and insert “Attorney General”.

On page 31, beginning in line 5, strike “Secretary of Transportation” and insert “Attorney General”.

On page 31, line 9, strike “Secretary” and insert “Attorney General”.

On page 31, line 22, strike “Secretary” and insert “Attorney General”.

On page 32, line 1, strike “Secretary of Transportation” and insert “Attorney General”.

On page 32, beginning in line 4, strike “Secretary of Transportation” and insert “Attorney General”.

On page 32, line 7, strike “Secretary” and insert “Attorney General”.

On page 32, line 11, strike “Secretary of Transportation” and insert “Attorney General”.

On page 33, line 3, strike “Secretary of Transportation” and insert “Attorney General”.

On page 33, beginning in line 5, strike “Secretary” and insert “Attorney General”.

On page 33, line 9, strike “Secretary” and insert “Attorney General”.

On page 33, line 13, strike “Secretary” and insert “Attorney General”.

On page 33, line 16, strike “Secretary” and insert “Attorney General”.

On page 33, line 19, strike “Secretary” and insert “Attorney General”.

On page 33, line 22, strike “Secretary” and insert “Attorney General”.

On page 34, line 15, strike “Transportation” and insert “Justice”.

On page 34, line 17, strike “Secretary” and insert “Attorney General”.

On page 34, line 21, strike “Secretary” and insert “Attorney General”.

On page 33, line 22, strike “Secretary” and insert “Attorney General”.

On page 35, line 4, insert “(a) IN GENERAL.—” before “Section”.

On page 35, between lines 19 and 20, insert the following:

(b) 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.”

**SA 1876.** Mr. McCAIN (for Mr. DOMENICI) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

( ) 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.”

**SA 1877.** Mr. McCAIN (for Mr. CLELAND) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** 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.”.

**SA 1878.** Mr. McCAIN (for Mr. THOMPSON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Insert at the appropriate place the following:

#### SEC. . RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end of the following:

#### § 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.

#### § 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.—

(i) 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.

(ii) 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.—

(i) 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.

(ii) 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.—

(i) 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.

(ii) 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 this 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.

**SA 1879.** Mr. McCAIN (for Mr. LIEBERMAN (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the end of the bill, insert the following:

#### TITLE —DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

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

###### SEC. 01. 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) 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 investigation and check within 5 years of 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. 11. 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:

(1) 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. 21. 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.

**SA 1880.** Mr. HOLLINGS (for Mrs. MURRAY (for herself, Mr. BYRD, and Mr.

SHELBY)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 43, line 19, add the words “annual appropriations for” after the words “offset”;

On page 43, line 20, strike the sentence beginning with the word “The” and ending with the word “expended.” on line 23;

On page 43, at the end of line 25, insert the following new subsection:

(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.

**SA 1881.** Mr. McCAIN proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 32, beginning with line 9, strike through line 2 on page 35 and insert the following:

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Secretary of Transportation may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of such a number of individuals as the Secretary determines to be necessary to carry out the passenger security screening functions of the Secretary 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.

**SA 1882.** Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 21, strike the heading and insert the following:

**SEC. 19. REIMBURSEMENT OF STATES FOR THE COSTS OF STATE USE OF THE NATIONAL GUARD TO PROVIDE AIRPORT SECURITY SERVICES.**

(a) AUTHORITY.—The Secretary of the Army or the Secretary of the Air Force shall reimburse a State for the cost incurred by the State in the use of the Army National Guard or Air National Guard, respectively, of the State, not in Federal service, in support of activities to protect persons or property at any airport in the State from an act of terrorism or a threat of attack by a hostile force during the period of the national emergency declared by the President on September 14, 2001.

(b) COVERED ACTIVITIES.—This section applies with respect to activities at an airport referred to in subsection (a) as follows:

(1) Security patrol of the perimeter of airport property.

(2) Protection of the security of airport aprons.

(3) Screening and clearing of delivery vehicles.

(4) Screening and clearing of passengers and property for transportation on aircraft.

(5) Monitoring and reinforcing security personnel provided by air carriers at the airport security checkpoints.

(6) Any other activities described in subsection (a).

**SEC. 20. DEFINITIONS.**

**SA 1883.** Mr. SCHUMER submitted an amendment intended to be proposed by

him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. LIMITATIONS ON LIABILITY.**

(a) Definitions.—Section 402 of the September 11th Victim Compensation Fund of 2001 (Public Law 107-42) is amended by adding at the end the following new paragraph:

“(9) PROPERTY OWNER.—The term ‘property owner’ means the Port Authority of New York and New Jersey and any other person with a property interest in the World Trade Center, whether fee simple, leasehold, or easement, direct or indirect.”.

(b) LIMIT OF PROPERTY OWNERS LIABILITY.—Section 408 of the September 11th Victim Compensation Fund of 2001 is amended—

(1) in subsection (a)—

(A) by striking “Notwithstanding” and inserting:

“(1) AIR CARRIER LIABILITY.—Notwithstanding”; and

(B) by adding at the end the following new paragraph:

“(2) OTHER LIMITATIONS OF LIABILITY.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages or for contribution of indemnity, arising from the terrorist-related aircraft crashes of September 11, 2001, against any property owner shall not be in an amount greater than the limits of liability insurance coverage available to the property owner.”; and

(2) in the heading, by striking “AIR CARRIER”.

(c) SUBROGATION.—Section 409 of the September 11th Victim Compensation Fund of 2001 is amended by inserting before the end period the following: “, subject to the limitations described in section 408.

**SA 1884.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_\_. INCREASED SCREENING OF CHECKED BAGGAGE.**

(a) EXPANSION OF THE COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM (CAPPS).—

(1) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by inserting after section 44901 the following new section:

**“§ 44901a. Expansion of CAPPS**

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Aviation Security Act, the Administrator of the Federal Aviation Administration shall promulgate guidelines to increase the selection of passengers through the Computer Assisted Passenger Prescreening System (CAPPS) and shall incorporate the database described in section 44911(g)(1) into the CAPPS. The guidelines shall not include race or national origin as criteria.

“(b) REQUIREMENTS.—

“(1) POSITIVE MATCHING.—Passengers selected through the CAPPS shall be required to provide positive passenger-bag match and their property shall be screened by an explosive detection system or, in the case of an airport where an explosive detection system is unavailable, by an equivalent system, a trace explosive detection system, or by a hand-search.

“(2) SCREENING OF CHECKED BAGGAGE THROUGH EXPLOSIVE DETECTION SYSTEMS.—

“(A) DEPLOYMENT.—The Secretary of Transportation, in coordination with the Attorney General of the United States, shall be responsible for the deployment and maintenance of certified explosive detection systems at small, medium, and large hub airports.

“(B) PREFERENCE FOR AMERICAN-MADE SYSTEMS.—In selecting explosive detection systems, the Secretary shall give preference to systems produced by United States companies.

“(C) DEADLINES FOR IMPLEMENTATION.—

“(i) Not later than January 1, 2005, the Secretary shall ensure that at the 100 largest airports all property to be transported in the hold of commercial passenger aircraft is scanned by an explosive detection system.

“(ii) Not later than January 1, 2008, the Secretary shall ensure that at small, medium, and large hub airports all property to be transported in the hold of commercial passenger aircraft is scanned by an explosive detection system or a trace explosive detection system.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 44901 the following new item:

“44901a. Expansion of CAPPS.”.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall submit to Congress a report regarding the screening of checked baggage through explosive detection systems. The initial report shall contain the following:

(1) A date by which the Department of Transportation shall ensure that all checked baggage is screened through an explosive detection system or a trace explosive detection system.

(2) An estimate of the costs that will be incurred in ensuring the screening of all checked baggage.

(3) A plan for deploying all explosive detection systems purchased by the Federal Aviation Administration before the date of enactment of this Act that are not in use on such date.

**SA 1885.** Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. GENERAL AVIATION SMALL BUSINESS GRANTS.**

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

“(4) GENERAL AVIATION SMALL BUSINESS GRANTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, upon application, make grants to general aviation small business concerns for direct and incremental losses incurred by such small business concerns as a result of the Federal ground stop order issued by the Secretary of Transportation on September 11, 2001, or any such subsequent order issued by the Department of Transportation that adversely affects General Aviation Small Business.

“(B) GRANT AMOUNTS.—

“(i) IN GENERAL.—A grant under subparagraph (A) shall be made in an amount equal to the amount of direct and incremental losses incurred by a general aviation small

business concern during the period beginning on September 11, 2001, and ending on December 31, 2001, to the extent that such losses are not compensated for by insurance or otherwise.

“(ii) MAXIMUM GRANT.—The amount of a grant under this paragraph shall not exceed \$6,000,000.

“(iii) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate grant amounts established under clause (ii).

“(iv) DOCUMENTATION.—The amount of the grant payable may not exceed the incremental loss that the business demonstrates to the satisfaction of the Administrator, using sworn financial statements or other appropriate data.

“(C) NO DISASTER DECLARATION REQUIRED.—For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.

“(D) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications of assistance under this program until September 10, 2002, with respect to small business concerns adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001.

“(E) AUDITS.—The Small Business Administration may audit financial statements or other appropriate data of any business receiving assistance under this paragraph for not more than 3 years after the grant has been finalized. The business shall provide any requests for information that the Administration may request while conducting such audit.

“(F) DEFINITIONS.—As used in this paragraph—

“(i) the term ‘general aviation small business concern’ means a small business concern that is a regular provider of general aviation services, such as aircraft rentals, crop dusting, flight training instruction, repair, and other fixed based services; and

“(ii) the term ‘incremental loss’ does not include any loss that the Administration determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.”

(b) FUNDING.—There is authorized to be appropriated, and there is appropriated, \$400,000,000 to carry out section 7(b)(4) of the Small Business Act, as added by this Act.

(c) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking “, (2), and (4)” and inserting “and (2)”; and

(2) by striking “, (2), or (4)” and inserting “(2)”. —

**SA 1886.** Mr. McCAIN (for Mr. ENZI (for himself and Mr. DORGAN)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 15, line 2, after the period insert the following: “The Federal Aviation Administration, in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports to reflect 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.” —

**SA 1887.** Mr. McCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, to improve aviation se-

curity, and for other purposes; as follows:

On page 35, between lines 2 and 3, insert the following:

(e) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended—

(A) by inserting “is or” before “will” in subsection (a)(1)(B)(i); and

(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 sub-paragraph (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. —

**SA 1888.** Mr. McCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 18, line 1, strike “**passengers**” and insert “**passengers, individuals with access to secure areas**.”

On page 18, line 10, after the period, insert “The Secretary, in consultation with the Attorney General, 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 area of the airport, as determined by the Secretary.”

“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 Secretary may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport.” —

**SA 1889.** Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the end of the bill, insert following:

#### SEC. . 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. —

**SA 1890.** Mr. McCAIN (for Mr. INHOFE) submitted an amendment intended to be proposed by Mr. McCAIN to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike the section heading for section 14 and insert the following:

#### SEC. 14. 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, ter-

rorist 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, Infrastructure of the House of Representatives. —

**SA 1891.** Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike the section heading for section 14 and insert the following:

#### SEC. 14. 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:

#### “§ 44939. 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:

“44939. 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. 15. DEFINITIONS.**

**SA 1892.** Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

**Sec. 1. Short title; table of contents.**

On page 4, line 23, strike “hiring and training” and insert “hiring, training, and evaluating”.

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(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 the 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 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.

On page 10, line 9, insert closing quotation marks after “(1)” the second place it appears.

On page 10, line 20, insert opening quotation marks before “(3)”.

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike “EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.” and insert “AIRPORT SECURITY PILOT PROGRAM.”

On page 18, line 9, strike “an” and insert “a”.

On page 18, line 10, strike “215” and insert “2105”.

On page 21, beginning in line 22, strike through line 7 on page 22 and insert the following:

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

(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”;

(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).

On page 31, line 20, strike “(2)Section” and “(2) Section”.

On page 31, after line 25, insert the following:

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

On page 32, line 20, insert “under section 44901 of title 49, United States Code,” after “screenre”.

On page 32, strike line 23, and insert “5, United States Code.”.

On page 33, line 2, insert “any other” before “provision”.

On page 36, line 8, “alien” insert “or other individual”.

On page 38, line 25, strike “Congress” and insert “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure”.

On page 39, line 6, strike “Congress” and insert “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure”.

On page 41, between lines 8 and 9, insert the following:

(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.

On page 43, line 3, insert “to the maximum extent practicable” before “the best”..

On page 43, line 9, strike “to certify” and insert “on”.

In amendment No. 1881, on page 1, line 5, insert “Federal service for” after “of”.

**SA 1893.** Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following new section:

**SEC. . 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 regard to human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

**SA 1894.** Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . REPORT.**

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 Act.

**SA 1895.** Mr. HOLLINGS (for himself and Mr. McCAIN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

**Sec. 1. Short title; table of contents.**

On page 4, line 23, strike “hiring and training” and insert “hiring, training, and evaluating”.

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(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 bulk-head 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.

On page 10, line 9, insert closing quotation marks after “(1)” the second place it appears.

On page 10, line 20, insert opening quotation marks before “(3)”.

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike “EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.” and insert “AIRPORT SECURITY PILOT PROGRAM.”

On page 18, line 9, strike “an” and insert “a”.

On page 18, line 10, strike “215” and insert “2105”.

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(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 “purpose of (i)”;

(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”;

(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).

On page 31, after line 25, insert the following:

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

On page 32, line 20, insert “under section 44901 of title 49, United States Code,” after “screener”.

On page 32, strike line 23, and insert “5, United States Code.”.

On page 33, line 2, insert “any other” before “provision”.

On page 36, line 8, after “alien” insert “or other individual”.

On page 38, line 25, strike “congress” and insert “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure”.

On page 39, line 6, strike “Congress” and insert “Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure”.

On page 41, between lines 8 and 9, insert the following:

(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.

On page 43, line 3, insert “to the maximum extent practicable” before “the best”.

On page 43, line 9, strike “to certify” and insert “on”.

In amendment No. 1881, on page 1, line 5, insert “Federal service for” after “of”.

**SA 1896.** Mr. WARNER (for himself and Mr. ALLEN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **PAYMENT FOR LOSSES RESULTING FROM LIMITATIONS ON USE OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOLLOWING TERRORIST ATTACKS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available immediately by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) that are available for obligation, \$65,648,183 shall be available to the Secretary of Transportation for payment to the Metropolitan Washington Airports Authority (MWAA) and concessionaires at Ronald Reagan Washington National Airport for losses resulting from the closure, and subsequent limitations on use, of the airport following the September 11, 2001, terrorist attacks and subsequent reopening of other United States airports after September 13, 2001.

(b) **ALLOCATION OF FUNDS.**—The amount available under subsection (a) shall be allocated as follows:

(1) \$37,816,093 shall be available for payment for losses of the Metropolitan Washington Airports Authority that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(2) \$27,832,090 shall be available for payment for losses of concessionaires at Ronald Reagan Washington National Airport that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(c) **APPLICATION.**—A concessionaire at Ronald Reagan Washington National Airport seeking payment under this section for losses described in subsection (a) shall submit to the Secretary an application for payment in such form and containing such information as the Secretary shall require. The application shall, at a minimum, substantiate the losses incurred by the concessionaire described in subsection (a).

**SA 1897.** Mr. McCAIN (for Mr. JEFFORDS) proposed an amendment to amendment SA 1858 submitted by Mr. HOLLINGS and intended to be proposed to the bill (S. 1447) to improve aviation security, and for other purposes; as follows:

In amendment No. 1858 on page 1, line 8, insert “or an individual discharged or furloughed from commercial airline cockpit crew position” after “age.”.

**SA 1898.** Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1532, to provide for the payment of emergency extended unemployment compensation; which was referred to the Committee on Finance; as follows:

In section 173(a)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(4)), as added by section 8(a), strike the period and insert “, and to independently owned businesses and proprietorships.”.

In section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), as amended by section 8(b), add after subsection (f) the following:

**“(g) GOVERNMENT INTERVENTION SUPPLEMENTS.—**

“(1) PERSONAL INCOME.—Using funds made available under subsection (a)(4), a State may provide personal income compensation to a dislocated worker described in such subsection if—

“(A) the worker is unable to work due to direct Federal Government intervention leading to—

“(i) closure of the facility at which the worker was employed, prior to the intervention; or

“(ii) a restriction on how business may be conducted at the facility; and

“(B) the facility is located within an area in which a major disaster or emergency was declared as described in section 7(3)(A)(i) of the Emergency Extended Unemployment Compensation Act of 2001.

“(2) BUSINESS INCOME.—Using funds made available under subsection (a)(4), a State may provide business income compensation to an independently owned business or proprietorship if—

“(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention leading to—

“(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

“(ii) a restriction on how customers may access the facility; and

“(B) the facility is located within an area in which a major disaster or emergency was declared as described in section 7(3)(A)(i) of the Emergency Extended Unemployment Compensation Act of 2001.”.

**SA 1899.** Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

On page 42, line 25, insert “or other” after “contractual”.

On page 43, line 2, strike “for” and insert “permitting”.

On page 43, line 8, insert “transmitted to, through, or from the protected computer” after “computer trespasser”.

On page 43, line 20, insert “does not last for more than 96 hours and” after “such interception”.

**SA 1900.** Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

On page 21, line 14, insert “except that, in such circumstances, the order shall direct that the surveillance shall be conducted only when the target’s presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained by the person implementing the order and that the electronic surveillance must be directed only at the communication of the target,” after “such other persons”.

**SA. 1901.** Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

Strike section 215 and insert the following:

**SEC. 215. ACCESS TO BUSINESS RECORDS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) **IN GENERAL.**—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by striking “authorizing a common carrier” and all that follows through “to release records” and inserting “requiring a business to produce any tangible things (including books, records, papers, documents, and other items)”;

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following new subparagraph:

“(C) the records concerned are not protected by any Federal or State law governing access to the records for intelligence or law enforcement purposes.”; and

(3) in subsection (d), by striking “common carrier, public accommodation facility, physical storage facility, or vehicle rental facility” each place it appears and inserting “business”.

(b) **CONFORMING AMENDMENT.**—The text of section 501 of that Act (50 U.S.C. 1861) is amended to read as follows:

“SEC. 501. In this title, the terms ‘agent of a foreign power’, ‘foreign intelligence information’, ‘international terrorism’, and ‘Attorney General’ have the meanings given such terms in section 101.”.