

limitation, as long as the agency applying for grant funds submits a sustainment plan for maintaining in future years the capability or capacity achieved with the funds.”

TUESDAY, SEPTEMBER 11, 2012

Mr. Speaker, I rise in support of H.R. 3857, the Public Transit Security and Local Law Enforcement Support Act.

Mr. Speaker, In January 2007, soon after Democrats took control of the House, I, along with my colleagues across both sides of the aisles, championed the 9/11 Commission Act of 2007.

This legislative landmark was critical in strengthening our Nation's homeland security efforts. Specifically, the 9/11 Act established the Transportation Security Grant Program which provides a vital source of funding for our transportation systems across the United States.

Since the demise of Osama bin Laden, it has been revealed in the public domain that terrorists continue to be interested in developing plots to sabotage mass transit systems. This threat, however, is not new.

Today marks the 11th anniversary since the 9/11 attacks. And as such, we must take every step to commemorate the men and women we lost on that day.

We also have the responsibility to make sure that we do not allow another catastrophic loss of life, like the one we faced that day.

Therefore, it is imperative that we, Congress, examine how the Department of Homeland Security and the Transportation Security Administration are addressing the current and evolving threat to our transportation systems and continue to support programs that have yielded a positive security impact, such as TSA's Transportation Security Grant Program.

Which is why I am pleased to see that the Majority, at my request, accepted my amendment during Committee consideration to authorize \$400 million for the Transportation Security Grant Program (TSGP) for FY 12 and FY 13.

This funding will ensure that transportation agencies have the resources needed to secure our public and mass transit systems.

Mr. TURNER of New York. Mr. Speaker, I have no more speakers. If the gentleman from Mississippi has no further speakers, I am prepared to close once the gentleman does.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on this day, above all others, we turn our thoughts to those who were lost in the tragic events of 9/11. It is unfortunate that the Republican leadership of the House has decided not to continue this body's tradition of considering a resolution to commemorate first responders, the victims of the attack, and members of the Armed Forces serving at home and abroad.

Mr. Speaker, I urge my colleagues to join me in calling for the consideration of a 9/11 resolution, and in support of H.R. 3857. H.R. 3857 authorizes funds critical to ensuring our Nation's transportation systems are secure. It does so to the tune of \$400 million, dollars that State and local jurisdictions desperately need.

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

Mr. TURNER of New York. Mr. Speaker, I urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 3857, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1650

#### NO-HASSLE FLYING ACT OF 2012

Mr. WALSH of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6028) to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6028

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “No-Hassle Flying Act of 2012”.

#### SEC. 2. PRECLEARANCE AIRPORTS.

(a) IN GENERAL.—Section 44901(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(4) PRECLEARANCE AIRPORTS.—

“(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling from an airport outside the United States where U.S. Customs and Border Protection has established preclearance operations, the Assistant Secretary (Transportation Security Administration) may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

“(B) LIMITATION.—The Assistant Secretary may not exercise the authority under subparagraph (A) unless an agreement is in effect between the United States and the country from which the flight originates requiring the implementation of security standards and protocols that are determined by the Assistant Secretary in coordination with U.S. Customs and Border Protection to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

“(C) REPORT.—The Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage

under this paragraph. Each such report shall include the following for the year covered by the report:

“(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Assistant Secretary determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosive detection system before such baggage continued on an additional flight or flight segment.

“(ii) The amount of Federal savings generated from the exercise of such authority.”.

(b) CONFORMING AMENDMENTS.—Section 44901 of title 49, United States Code, is amended by striking “explosive” each place it appears and inserting “explosives”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. WALSH) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. WALSH of Illinois. Mr. Speaker, I yield myself such time as I may consume.

#### GENERAL LEAVE

Mr. WALSH of Illinois. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. WALSH of Illinois. Mr. Speaker, earlier this year I introduced H.R. 6028, the No-Hassle Flying Act, which is a very simple bill that streamlines baggage security measures for international flights.

Over the past decade, the U.S. Customs and Border Patrol has designated 14 international airports as preclearance airports. They are located in Canada, the Caribbean, and Ireland, and continue to exhibit comparable security standards to ours right here in the United States. When passengers originate from one of these airports and fly into the U.S., they are not required to go through security again because they have already been fully vetted. Unfortunately, an ambiguity in U.S. law does not exempt their bags as well.

U.S. law today requires all baggage entering the United States to be re-screened by a TSA agent, regardless of where it originates. That means that passengers, often on short or late-night layovers, must exit security, claim their bags from baggage claim, recheck them, and go through security again. This double security does not equal double safety. It equals missed flights, more hassles, and it wastes taxpayer dollars.

Therefore, all this bill does is give CBP and TSA the authority to exempt baggage coming from one of those 14 preclearance airports from being re-screened as well. This issue was brought to my attention by TSA, and H.R. 6028 has come together with a great deal of their help.

I would like to also especially thank the staffs of Representatives THOMPSON and SHEILA JACKSON LEE for helping improve upon this bill. With their help, H.R. 6028 has been redrafted to clarify the intent of the bill, which is that baggage originating only from preclearance airports can enter the United States without being rescreened.

As TSA and CBP gravitate toward more efficient risk-based security measures instead of 100 percent blanket checks, this type of bipartisan legislation will make that process easier. It will also save travelers time and allow security officers to focus on higher-risk baggage from overseas locations.

I also want to thank Subcommittee Chairman ROGERS and his staff for their assistance on this bill.

I urge Members to vote in support. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 6028, the No-Hassle Flying Act of 2012, and yield myself such time as I may consume.

Mr. Speaker, while I support the legislation we are considering today, I'm concerned that on this, the anniversary of the terrorist attack of September 11, we are not considering a bipartisan package of legislation.

On this day, 11 years ago, our country was attacked and came together like never before to face the immense challenges of rebuilding and restructuring our security systems. With the creation of the 9/11 Commission, the Transportation Security Administration and, ultimately, the Department of Homeland Security, we demonstrated that homeland security is an American issue, not a partisan one.

Why then, I must ask, are we not considering a bipartisan package of legislative proposals that have previously received the unanimous support of the Committee on Homeland Security?

Why is this bill, which never received committee consideration, being put on the House floor ahead of H.R. 1165, the Transportation Security Administration Ombudsman Act? That bill, introduced by Representative JACKSON LEE, received the unanimous support of the Committee on Homeland Security. Despite that, it has sat idle on the Union Calendar for over 10 months.

Why are we not considering H.R. 6328, a thoughtful proposal introduced by Representative HOCHUL that would require TSA to transfer unclaimed clothing found at security checkpoints to veterans in need? With the wars in Iraq and Afghanistan that were fought in the aftermath of 9/11 over and coming to an end, respectively, I could think of no more appropriate legislation for this body to consider today than a bill aimed at supporting our veterans.

Mr. Speaker, I support the bill we are considering today because it is a commonsense proposal that will make air travel more convenient for a select few and has the potential to enhance effi-

ciencies. When we can eliminate duplicative screening without compromising security, I will lend my support.

Accordingly, I support this legislation that the Obama administration proposed and the gentleman from Illinois, Representative WALSH introduced.

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

Mr. WALSH of Illinois. Mr. Speaker, I'm prepared to close. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield for as much time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the ranking member for his courtesies of extending the time, and let me acknowledge the gentleman from Illinois for the work on this bill and working with my office.

At the first glance, though, this has been proposed by the Obama administration, one would wonder why we were lessening any oversight over baggage. But this is a process that I think is in compliance with all of our commitment to safety and security.

And, in particular, on this day, I do appreciate the fact that there are certain airports which this will cover, that this responds in particular to friends to the north of us, Canada, which has the most sophisticated technology, and a number of other airports.

Also, I think, because of the oversight of the Secretary of Homeland Security, in case there is a need to review this particular process which allows for a bag of an entering person to continue on with them as they come into the country going on to their domestic location. This is, again, an item of trust, but also an item of technology and an item of oversight.

This is an administrative proposal that came by way of the White House in order to establish an administrative process to which the flying public can travel with minimum security disruption.

I always emphasize, however, the importance of ensuring in the most—the highest of responsibilities, the security of this Nation. I believe that we, as Congress, have the responsibility to ensure that aviation security is not compromised through any efforts that ease travel for the flying public.

The Obama administration has taken great strides in enhancing our transportation security, particularly that in aviation. Although Osama bin Laden, as I've repeated before on this floor, is dead, the threat to our aviation safety and security continues to evolve because we're well aware of franchise terrorism. Not only did the administration lead a successful attack to remove one of the most dangerous terrorists in the world, the Obama administration has also taken significant steps to enhance policies that protect the American flying public.

In December, the Department will successfully meet a Congressional

cargo screening mandate of screening 100 percent cargo aboard passenger flights traveling in the United States and those inbound to the United States from foreign countries. This is a noteworthy accomplishment, since several in Washington, D.C., touted that it could not be done. It's a day of celebration. It's something that the 9/11 families welcome.

Today marks 11 years since we experienced the devastating loss of life, and 9/11 marked all of our lives by exposing doubts. But as I indicated in my earlier statement, this is a great country, and of course we continue to emphasize not only our democracy, but our rights, along with our security.

There's no doubt today that we are resilient and that we are survivors. Let's not forget the progress we've made in transportation security policies, and we must continue to support measures that take us forward.

That is why I support H.R. 6028 and ask that my colleagues do so, because not only does it help to expedite, it helps to be efficient, but it is in conjunction with security. That is the right step and a collaborative way that we can work together.

Again, I ask support for this legislation.

Mr. Speaker, H.R. 6028, The No-Hassle Flying Act of 2012, grants the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA]) discretion to determine whether checked baggage on a flight or flight segment originating at an airport outside the United States must be re-screened in the United States for explosives before it can continue on any additional flight or flight segment if the baggage has already been screened in the foreign airport in accordance with an aviation security preclearance agreement between the United States and the country in which the airport is located.

TUESDAY, SEPTEMBER 11, 2012

Mr. Speaker, I stand here today in support of this legislation we are considering today.

H.R. 6028 came to this chamber as an administrative proposal by the White House in order to establish an administrative process through which the flying public can travel with minimal security disruption.

I believe that we, as Congress, have the responsibility to ensure that aviation security is not compromised through any efforts that ease travel for the flying public.

The Obama Administration has taken great strides in enhancing our transportation security, particularly that in aviation.

Although Osama bin Laden is dead, the threat to our aviation safety and security continues to evolve. Not only did this Administration lead a successful attack to remove one of the most dangerous terrorists in the world, the Obama Administration has also taken significant steps to enhance policies that protect the American flying public.

In December, the Department will successfully meet a Congressional cargo-screening mandate of screening 100% cargo aboard passenger flights traveling in the United States and those inbound to the United States from foreign countries.

This is a noteworthy accomplishment; since several in Washington, DC touted that this could not be done.

Today marks 11 years since we experienced a devastating loss of life.

9/11 marked all of our lives by surfacing doubts of our resiliency as a Country.

There is no doubt, today, that we are resilient and that we are survivors. Let's not forget the progress we have made in transportation security policies and we must continue to support measures that take us forward and provide a more safe and secure transportation for all Americans.

That is why I support H.R. 6028 and ask that my colleagues do the same.

□ 1700

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers. If the gentleman from Illinois has no more speakers, then I am prepared to close.

Mr. WALSH of Illinois. I have no more speakers.

Mr. THOMPSON of Mississippi. I yield myself such time as I may consume.

Mr. Speaker, on this day above all others, we turn our thoughts to those who were lost in the tragic events of 9/11. It is unfortunate that the House has missed the opportunity today to consider noncontroversial Homeland Security legislation introduced by both Democrats and Republicans, thus showing that on 9/11 we put partisan politics aside and focused on doing the right thing.

Before closing, I would like to extend my congratulations to the gentleman from Illinois, Representative WALSH, for having bills on the floor for consideration for the first time today. I suspect that he is as surprised as I am that one of his first bills to reach the floor was proposed to Congress by the Obama administration.

With that, Mr. Speaker, I urge the passage of this proposal from the Obama administration, and I yield back the balance of my time.

Mr. WALSH of Illinois. I thank the ranking member.

I urge all Members, Mr. Speaker, to join me in support of this bipartisan bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. WALSH) that the House suspend the rules and pass the bill, H.R. 6028, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## HAZARDOUS WASTE ELECTRONIC MANIFEST ESTABLISHMENT ACT

Mr. MURPHY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (S. 710) to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Strike out all after the enacting clause and insert:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Waste Electronic Manifest Establishment Act".

### SEC. 2. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following:

#### "SEC. 3024. HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM.

"(a) DEFINITIONS.—In this section:

"(1) BOARD.—The term 'Board' means the Hazardous Waste Electronic Manifest System Advisory Board established under subsection (f).

"(2) FUND.—The term 'Fund' means the Hazardous Waste Electronic Manifest System Fund established by subsection (d).

"(3) PERSON.—The term 'person' includes an individual, corporation (including a Government corporation), company, association, firm, partnership, society, joint stock company, trust, municipality, commission, Federal agency, State, political subdivision of a State, or interstate body.

"(4) SYSTEM.—The term 'system' means the hazardous waste electronic manifest system established under subsection (b).

"(5) USER.—The term 'user' means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that—

"(A) is required to use a manifest to comply with any Federal or State requirement to track the shipment, transportation, and receipt of hazardous waste or other material that is shipped from the site of generation to an off-site facility for treatment, storage, disposal, or recycling; and

"(B)(i) elects to use the system to complete and transmit an electronic manifest format; or

"(ii) submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with such regulations as the Administrator may promulgate to require such a submission.

"(b) ESTABLISHMENT.—Not later than 3 years after the date of enactment of this section, the Administrator shall establish a hazardous waste electronic manifest system that may be used by any user.

"(c) USER FEES.—

"(1) IN GENERAL.—In accordance with paragraph (4), the Administrator may impose on users such reasonable service fees as the Administrator determines to be necessary to pay costs incurred in developing, operating, maintaining, and upgrading the system, including any costs incurred in collecting and processing data from any paper manifest submitted to the system after the date on which the system enters operation.

"(2) COLLECTION OF FEES.—The Administrator shall—

"(A) collect the fees described in paragraph (1) from the users in advance of, or as reimbursement for, the provision by the Administrator of system-related services; and

"(B) deposit the fees in the Fund.

"(3) FEE STRUCTURE.—

"(A) IN GENERAL.—The Administrator, in consultation with information technology vendors, shall determine through the contract award process described in subsection (e) the fee structure that is necessary to recover the full cost to the Administrator of providing system-related services, including—

"(i) contractor costs relating to—

"(I) materials and supplies;

"(II) contracting and consulting;

"(III) overhead;

"(IV) information technology (including costs of hardware, software, and related services);

"(V) information management;

"(VI) collection of service fees;

"(VII) reporting and accounting; and

"(VIII) project management; and

"(ii) costs of employment of direct and indirect Government personnel dedicated to establishing, managing, and maintaining the system.

"(B) ADJUSTMENTS IN FEE AMOUNT.—

"(i) IN GENERAL.—The Administrator, in consultation with the Board, shall increase or decrease the amount of a service fee determined under the fee structure described in subparagraph (A) to a level that will—

"(I) result in the collection of an aggregate amount for deposit in the Fund that is sufficient and not more than reasonably necessary to cover current and projected system-related costs (including any necessary system upgrades); and

"(II) minimize, to the maximum extent practicable, the accumulation of unused amounts in the Fund.

"(ii) EXCEPTION FOR INITIAL PERIOD OF OPERATION.—The requirement described in clause (i)(II) shall not apply to any additional fees that accumulate in the Fund, in an amount that does not exceed \$2,000,000, during the 3-year period beginning on the date on which the system enters operation.

"(iii) TIMING OF ADJUSTMENTS.—Adjustments to service fees described in clause (i) shall be made—

"(I) initially, at the time at which initial development costs of the system have been recovered by the Administrator such that the service fee may be reduced to reflect the elimination of the system development component of the fee; and

"(II) periodically thereafter, upon receipt and acceptance of the findings of any annual accounting or auditing report under subsection (d)(3), if the report discloses a significant disparity for a fiscal year between the funds collected from service fees under this subsection for the fiscal year and expenditures made for the fiscal year to provide system-related services.

"(4) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

"(d) HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the 'Hazardous Waste Electronic Manifest System Fund', consisting of such amounts as are deposited in the Fund under subsection (c)(2)(B).

"(2) EXPENDITURES FROM FUND.—

"(A) IN GENERAL.—Only to the extent provided in advance in appropriations Acts, on request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator amounts appropriated to pay costs incurred in developing, operating, maintaining, and upgrading the system under subsection (c).

"(B) USE OF FUNDS BY ADMINISTRATOR.—Fees collected by the Administrator and deposited in the Fund under this section shall be available to the Administrator subject to appropriations Acts for use in accordance with this section without fiscal year limitation.

"(C) OVERSIGHT OF FUNDS.—The Administrator shall carry out all necessary measures to ensure that amounts in the Fund are used only to carry out the goals of establishing, operating, maintaining, upgrading, managing, supporting, and overseeing the system.

"(3) ACCOUNTING AND AUDITING.—

"(A) ACCOUNTING.—For each 2-fiscal-year period, the Administrator shall prepare and submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations