

Mr. EDWARDS, Mr. FRIST, Mr. REID, Mr. HAGEL, Ms. MIKULSKI, Mr. HELMS, Mr. ROCKEFELLER, Mr. HUTCHINSON, Mr. BREAU, Mr. INHOFE, Mr. JOHNSON, Mr. SHELBY, Mr. LEVIN, Mr. SMITH of New Hampshire, Mr. FEINGOLD, Mr. STEVENS, Mr. JEFFORDS, Mr. THOMAS, Mr. THURMOND, and Mr. VOINOVICH) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary.

S. CON. RES. 78

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play their role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities;

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organiza-

tions, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation; and

Whereas the week beginning October 15, 2001, and the week beginning October 14, 2002, are appropriate weeks to establish as National Character Counts Week: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) a National Character Counts Week should be established to promote character education; and

(2) the President should issue a proclamation calling upon the people of the United States to—

(A) embrace the elements of character identified by their local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty; and

(B) observe such a week with appropriate ceremonies, programs, and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1854. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. ROCKEFELLER, and Mr. KERRY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes.

SA 1855. Mr. DASCHLE (for Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, Mr. WYDEN, Mr. WELLSTONE, Mrs. LINCOLN, Mr. GRAHAM, and Mrs. CLINTON)) proposed an amendment to the bill S. 1447, supra.

SA 1856. 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 1857. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, supra.

SA 1858. Mr. HOLLINGS (for Mr. ENSIGN) proposed an amendment to the bill S. 1447, supra.

SA 1859. Mr. GRAMM proposed an amendment to amendment SA 1855 proposed by Mr. DASCHLE to the bill (S. 1447) supra.

SA 1860. Mr. MCCAIN (for Ms. SNOWE) proposed an amendment to the bill S. 1447, supra.

#### TEXT OF AMENDMENTS

**SA 1854.** Mr. HOLLINGS (for himself, Mr. MCCAIN, Mrs. HUTCHISON, Mr. ROCKEFELLER, and Mr. KERRY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS

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

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

Sec. 1. Short title.

Sec. 2. Findings.

Sec. 3. Transportation security function.

Sec. 4. Aviation Security Coordination Council.

Sec. 5. Improved flight deck integrity meas-

ures.

Sec. 6. Deployment of Federal air marshals.

Sec. 7. Improved airport perimeter access security.

Sec. 8. Enhanced anti-hijacking training for flight crews.

Sec. 9. Passenger screening.

Sec. 10. Training and employment of security screening personnel.

Sec. 11. Suspension and removal.

Sec. 12. Research and development.

Sec. 13. Flight school security.

Sec. 14. Report to Congress on security.

Sec. 15. General aviation and air charters.

Sec. 16. Increased penalties for interference with security personnel.

Sec. 17. Security-related study by FAA.

Sec. 18. Air transportation arrangements in certain States.

Sec. 19. Airline computer reservation systems.

Sec. 20. Security funding.

Sec. 21. Increased funding flexibility for aviation security.

Sec. 22. Authorization of funds for reimbursement of airports for security mandates.

Sec. 23. Definitions.

#### SEC. 2. FINDINGS.

The Congress finds the following:

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

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

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

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

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

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

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

#### SEC. 3. TRANSPORTATION SECURITY FUNCTION.

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

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

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

“(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.

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

powers prescribed by the Secretary relating to security for all modes of transportation.

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

“(A) is responsible for day-to-day Federal security operations for the air transportation or intrastate air transportation;

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

“(C) 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.

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

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

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

(1) by striking “x-ray” in paragraph (4);

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

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

(4) by adding at the end the following:

“(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

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

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

#### SEC. 4. AVIATION SECURITY COORDINATION COUNCIL.

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

“(f) AVIATION SECURITY COORDINATION COUNCIL.

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

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

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

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

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

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

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

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

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

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

“(g) CROSS-CHECKING DATA BASE INFORMATION.

The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

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

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

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

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

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

#### SEC. 5. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall, as soon as possible after the date of enactment of this Act, issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

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

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

(3) 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;

(4) prohibit 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

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

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

#### SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting “(1) before “With”

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

(3) by adding at the end the following:

“(2) The Secretary—

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

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

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

(b) DEPLOYMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

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

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

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

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

(c) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

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

(e) REPORTS.

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

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

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

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

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

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

#### SEC. 7. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

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

“(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

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

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

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

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security.

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

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

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

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

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

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

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

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

“(G) work with airport operators to strengthen access control points in secured areas (including air traffic control oper-

ations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.”.

(e) EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

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

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

#### SEC. 8. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code).

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

#### SEC. 9. PASSENGER SCREENING.

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

##### “§ 44901. Screening passengers and property

“(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Attorney General, shall provide for the screening of all passengers and property, including United States mail, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 215 of title 5, United States Code). In carrying out this subsection, the Secretary shall maximize the use of available non-intrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

“(b) DEPLOYMENT OF ARMED PERSONNEL.—

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

“(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Secretary shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of an-

nual passenger enplanements for the most recent calendar year for which data are available, the Secretary shall order the deployment of additional law enforcement personnel at airport security screening locations if the Secretary determines that the additional deployment is necessary to ensure passenger safety and national security.”.

“(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

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

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

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

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

“(D) the Secretary has consulted the airport sponsor.

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

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

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

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

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

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

“(B) may conduct random security inspections; and

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

“(d) MANUAL PROCESS.—

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

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

“(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum

number of bags to be examined under paragraph (1), the Administrator shall seek to maximize the use of the explosive detection equipment.

“(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Secretary of Transportation may use memoranda of understanding or other agreements with the Attorney General or the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.”

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

“(1) by striking ‘purpose of’ in subsection (b)(1)(A) and inserting ‘purposes of (i)’; and (2) by striking ‘transportation;’ in subsection (b)(1)(A) and inserting ‘transportation, and (ii) providing security screening services under section 44901(c) of title 49, United States Code;’.

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

#### SEC. 10. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

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

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

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

“(e) SECURITY SCREENERS.—

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

“(2) HIRING.

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

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

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

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

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

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

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

“(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Secretary, in consultation with the heads of

other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

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

“(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

“(A) is closely supervised; and

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

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

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

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

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

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

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

“(g) TRAINING.—

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

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

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

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

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

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

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

item that may seem harmless but that may be used as a weapon.”.

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

(d) EXPEDITED PERSONNEL PROCESS.—

(1) AUTHORIZATION OF EMPLOYMENT.—The Secretary of Transportation may appoint and fix the compensation of such a number of individuals as may be necessary to carry out section 44901 and 44903 of title 49, United States Code, in accordance with the provisions of part III of title 5, United States Code, without regard to any limitation on number of employees imposed by any other law or Executive Order.

(2) STRIKES PROHIBITED.—An individual employed as a security screener 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.”.

**SEC. 11. SUSPENSION AND REMOVAL.**

(a) IN GENERAL.—Notwithstanding provision of law to the contrary, the Secretary of Transportation may suspend without pay an individual employed as a security screener under title 49, United States Code, when the Secretary considers that action necessary in the interests of national security or because the screener has failed to perform screening duties adequately. To the extent that the Secretary determines that the interests of national security permit, the suspended employee shall be notified of the reasons for the suspension. Within 30 days after the notification, the suspended employee is entitled to submit to the official designated by the Secretary statements or affidavits to show why he should be restored to duty.

(b) REMOVAL FROM DUTY.—Subject to subsection (c) of this section, the Secretary may remove an employee suspended under subsection (a) of this section when, after such investigation and review as he considers necessary, the Secretary determines that removal is necessary or advisable in the interests of national security or because the screener has failed to perform screening duties adequately. The determination of the Secretary is final.

(c) SUSPENSION.—An employee suspended under subsection (a) of this section who—

(1) had a permanent or indefinite appointment for at least 3 years;

(2) has completed his probationary or trial period; and

(3) is a citizen of the United States; is entitled, after suspension and before removal, to—

(A) a written statement of the charges against him within 30 days after suspension, which may be amended within 30 days thereafter and which shall be stated as specifically as security considerations permit;

(B) an opportunity within 30 days thereafter, plus an additional 30 days if the charges are amended, to answer the charges and submit affidavits;

(C) a hearing, at the request of the employee, by a Department of Transportation authority duly constituted for this purpose;

(D) a review of his case by the Secretary or his designee, before a decision adverse to the employee is made final; and

(E) a written statement of the decision of the Secretary.

(d) PROHIBITION OF RE-DEPLOYMENT.—The Secretary may prohibit any person suspended or removed under this section from performing any function under this Act or under subtitle VII of part A of title 49, United States Code.

**SEC. 12. RESEARCH AND DEVELOPMENT.**

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

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

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

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

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

**SEC. 13. FLIGHT SCHOOL SECURITY.**

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

**“§44939. Training to operate jet-propelled aircraft**

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

“(b) INVESTIGATION.

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

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

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

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

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

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

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

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

“(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and rev-

ocation of licenses and certificates issued under this part.

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

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

“(1) each alien to whom such training is provided; and

“(2) every other individual to whom such training is provided as the Secretary may require.

“(f) ALIEN DEFINED.—In this section, the term ‘alien’ has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44939. Training to operate jet-propelled aircraft.”.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

**SEC. 14. REPORT TO CONGRESS ON SECURITY.**

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Congress containing their joint recommendations on additional measures for the Federal government to address transportation security functions.

**SEC. 15. GENERAL AVIATION AND AIR CHARTERS.**

The Secretary of Transportation shall submit to the Congress within 3 months after the date of enactment of this Act its report on how to improve security with respect to general aviation and air charter operations in the United States.

**SEC. 16. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.**

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

**“§46503. Interference with security screening personnel**

“An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

“46503. Interference with security screening personnel”.

**SEC. 17. SECURITY-RELATED STUDY BY FAA.**

Within 120 days after the date of enactment of this Act, the Administrator of the

Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

#### SEC. 18. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within the State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

#### SEC. 19. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons

seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure to certify compliance by United States air carriers with the requirements of subsection (a).

#### SEC. 20. SECURITY FUNDING.

(a) USER FEE FOR SECURITY SERVICES.

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

##### “§48114. User fee for security services charge

“(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset the costs of providing aviation security services. The amounts collected shall be immediately available to the Secretary for obligation and expenditure for its activities, and shall remain available in a revolving fund, to be established by the Secretary, until expended.

“(b) AMOUNT OF FEE.—Air carriers shall remit \$2.50 for each passenger enplanement.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

“48114. User fee for security services”.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

##### “CHAPTER 483. AVIATION SECURITY FUNDING.

“Sec.

“48301. Aviation security funding

##### §48301. Aviation security funding.

“There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.”.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

“483. Aviation Security Funding ..... 48301”.

#### SEC. 21. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.”.

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking “or” in subparagraph (B);

(B) by inserting “or” after “executed;” in subparagraph (C); and

(C) by adding at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;”.

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

“(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the non-federal resources available to sponsor, the use of such non-federal resources, and the degree to which the sponsor is providing increased funding for the project.”.

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking “and” in paragraph (3);

(B) by striking “47134.” in paragraph (4) and inserting “47134; and”; and

(C) by adding at the end the following:

“(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).”.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

#### SEC. 22. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary,

using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that is necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

#### SEC. 23. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this Act that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

**SA 1855.** Mr. DASCHLE (for Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. FITZGERALD, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. DAYTON, Mr. WYDEN, Mr. WELLSTONE, Mrs. LINCOLN, Mr. GRAHAM, and Mrs. CLINTON)) 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:

#### TITLE \_\_\_\_—DISPLACED WORKERS ASSISTANCE

##### SEC. \_\_\_\_ 1. SHORT TITLE.

This title may be cited as the “Displaced Workers Assistance Act”.

##### SEC. \_\_\_\_ 2. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term “affected area” means an area that the Secretary determines has a substantial number of eligible employees.

(2) AIR CARRIER.—The term “air carrier” means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(3) COBRA CONTINUATION COVERAGE.—The term “COBRA continuation coverage” means coverage under a group health plan provided by an employer pursuant to title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.), section 4980B of the Internal Revenue Code of 1986, part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.), or section 8905a of title 5, United States Code.

(4) ELIGIBLE EMPLOYEE.—The term “eligible employee” means an individual who has become totally or partially separated from employment with an air carrier, employment at a facility at an airport, or employment with an upstream producer or supplier for an air carrier, as a consequence of—

(A) reductions in service by an air carrier as a result of a terrorist action or security measure, as determined by the Secretary; or

(B) a closure of an airport in the United States as a result of a terrorist action or security measure, as determined by the Secretary.

(5) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(6) SUPPLIER.—The term “supplier” means a firm that produces component parts for, or

articles and contract services considered to be a part of the production process or services for, another firm.

(7) TERRORIST ACTION OR SECURITY MEASURE.—The term “terrorist action or security measure” means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to the attack.

(8) UPSTREAM PRODUCER.—The term “upstream producer” means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm.

(9) OTHER TERMS.—Terms defined in section 247 of the Trade Act of 1974 (19 U.S.C. 2319) shall have the meanings given the terms in that section.

#### SEC. \_\_\_\_ 3. PETITIONS AND DETERMINATIONS.

(a) PETITIONS.—A petition for a certification of eligibility to apply for adjustment assistance under this title may be filed with the Secretary by a group of employees or by their certified or recognized union or other duly authorized representative. The Secretary shall comply with the notice requirements of section 221 of the Trade Act of 1974 (19 U.S.C. 2271) with respect to the petition.

(b) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall certify a group of employees as eligible to apply for adjustment assistance under this title if the Secretary determines that a significant number or proportion of the employees in such employees’ firm or an appropriate subdivision of the firm are eligible employees.

(2) CERTIFICATIONS WITH AND WITHOUT PETITIONS.—The Secretary shall certify—

(A) a group that files a petition under subsection (a) and meets the requirements of paragraph (1); and

(B) any other group that the Secretary determines meets such requirements.

(3) OTHER GROUPS.—A group described in paragraph (2)(B) shall be deemed to have filed a petition under subsection (a) on the date of the certification, for purposes of this title (other than subsections (a) and (c)).

(c) DETERMINATIONS.—

(1) PETITIONING GROUPS.—As soon as possible after the date on which a petition is filed under subsection (a), but in any event not later than 60 days after that date, the Secretary shall determine whether the petitioning group meets the requirements of subsection (b)(1) and shall issue a certification of eligibility to apply for adjustment assistance under this title covering employees in any group that meets such requirements.

(2) OTHER GROUPS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall determine groups of employees (other than petitioning groups) that meet the requirements of subsection (b)(1) and shall issue a certification of eligibility to apply for adjustment assistance under this title covering employees in any group that meets such requirements. In issuing the certifications, not later than 30 days after the date of enactment of this Act, the Secretary shall issue certifications covering all employees of air carriers.

(3) PROCEDURES.—The Secretary shall issue and terminate such certifications in accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273).

(d) INFORMATION.—The Secretary shall provide the information, assistance, and notice described in section 225 of the Trade Act of 1974 (19 U.S.C. 2275) with respect to certifications made under subsection (b), and agreements entered into and benefits available under this title.

#### SEC. \_\_\_\_ 4. PROGRAM BENEFITS.

(a) DETERMINATIONS.—The Secretary shall determine, with respect to an eligible employee covered by a certification issued by the Secretary under section \_\_\_\_ 3, whether—

(1) the employee is unlikely to return to the industry involved;

(2) the employee is likely to return to that industry, but unlikely to return to the employee’s previous occupation in the industry; or

(3) the employee is likely to return to that occupation.

(b) DIFFERENT INDUSTRY OR OCCUPATION.—If the Secretary determines that an eligible employee described in subsection (a) meets the requirements of paragraph (1) or (2) of subsection (a) and engages in appropriate job search activities, and that the employee and any training approved by the Secretary for the employee meet the requirements of paragraphs (1) and (3) of section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)), the employee shall be provided, in the same manner and to the same extent as an employee covered under a certification under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271), 1 or more of the following:

(1) Employment services described in section 235 of the Trade Act of 1974 (19 U.S.C. 2295) (including, in the case of an eligible employee in an affected area, employment services provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations).

(2) Training that consists of—

(A) training (including supplemental assistance) described in section 236 of the Trade Act of 1974 (19 U.S.C. 2296), notwithstanding the provisions of section 236(a)(2) of such Act (19 U.S.C. 2296(a)(2));

(B) training for a position requiring different technical skill than the original position; or

(C) in the case of an eligible employee in an affected area, training provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations.

(3) Readjustment allowances described in sections 231 through 234 of the Trade Act of 1974 (19 U.S.C. 2291 et seq.), except that—

(A) an eligible employee is not required to enroll in training to receive such an allowance; and

(B)(i) section 233(a)(1) of the Trade Act of 1974 (19 U.S.C. 2293(a)(1)) shall be applied by substituting “46” for “52”; and

(ii) no employee shall receive additional weeks of assistance under section 233(a)(3) of such Act (19 U.S.C. 2293(a)(3)).

(4) Job search allowances described in section 237 of the Trade Act of 1974 (19 U.S.C. 2297).

(c) SAME INDUSTRY AND OCCUPATION.—If the Secretary determines that an eligible employee described in subsection (a) meets the requirements of subsection (a)(3), the employee shall be provided, in the same manner and to the same extent as an employee covered under a certification under subchapter A of chapter 2 of title II of the Trade Act of 1974, 1 or more of the following:

(1) Employment services described in section 235 of the Trade Act of 1974 (including, in the case of an eligible employee in an affected area, employment services provided through programs developed and conducted through partnerships between public agencies, employers, and labor organizations).

(2) Readjustment allowances described in sections 231 through 234 of the Trade Act of 1974, except that—

(A) an eligible employee is not required to enroll in training to receive such an allowance; and

(B)(i) section 233(a)(1) of the Trade Act of 1974 shall be applied by substituting "46" for "52"; and

(ii) no employee shall receive additional weeks of assistance under section 233(a)(3) of such Act.

(d) **EMPLOYEES NOT ELIGIBLE FOR UNEMPLOYMENT INSURANCE.**—An eligible employee who is totally separated from employment in a State who does not meet the requirements of paragraphs (2) through (4) of section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) shall be provided, under this title, only an allowance, for a period of 26 weeks, in the amount of the average weekly benefit received by an individual in the State under the State unemployment insurance program during the most recent 52-week period for which data are available.

(e) **COBRA CONTINUATION COVERAGE.**—

(1) **IN GENERAL.**—In the case of an individual who is eligible for benefits under subsection (b) or (c), the Secretary shall provide for payment of 100 percent of the premiums for COBRA continuation coverage, not to exceed 52 weeks, with respect to such individual. Such payment may be made through appropriate direct payment arrangements with the group health plan or health insurance issuer involved. The Secretary may require documentation of election of benefits or proof of premium payment.

(2) **EXTENDED ELECTION PERIOD.**—Notwithstanding any other provision of law, the election period for COBRA continuation coverage with respect to any individual eligible for benefits under subsection (b) or (c) shall not end earlier than 60 days after the date of the issuance of final regulations by the Secretary under section 6.

(f) **OPTIONAL TEMPORARY MEDICAID COVERAGE FOR UNINSURED ELIGIBLE EMPLOYEES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a State may elect to provide, under its medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), medical assistance in the case of an individual who is eligible for benefits under subsection (b) or (c), who is not eligible for COBRA continuation coverage, and who is uninsured. For purposes of this subsection, an individual is considered to be uninsured if the individual is not covered under a group health plan, health insurance coverage, or under such program or a program under title XVIII or XXI of such Act (42 U.S.C. 1395 et seq., 1397aa et seq.).

(2) **LIMITATION TO 12 MONTHS OF COVERAGE.**—Assistance under this subsection shall end with respect to an individual on the earlier of—

(A) the date the individual is no longer uninsured; or

(B) 12 months after the date the individual is first determined to be eligible for medical assistance under this subsection.

(3) **SPECIAL RULES.**—In the case of medical assistance provided under this subsection—

(A) the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall be 100 percent;

(B) a State may elect to disregard any income, asset, or resource limitation imposed under the State medicaid plan or under title XIX of such Act;

(C) such medical assistance shall not be provided for periods before the date the individual is determined eligible for such assistance;

(D) a State may elect to make eligible for such assistance a dependent spouse or children of an individual eligible for medical assistance under paragraph (1), if such spouse or children are uninsured; and

(E) individuals eligible for medical assistance under this subsection shall be deemed to be described in the list of individuals described in the matter preceding paragraph (1) of section 1905(a) of such Act (42 U.S.C. 1396d(a)).

#### SEC. 5. ADMINISTRATION.

The provisions of subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) shall apply to the administration of the program under this title in the same manner and to the same extent as such provisions apply to the administration of the program under subchapters A and B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2291 et seq.), except that—

(1) the agreement between the Secretary and the States described in section 239 of the Trade Act of 1974 (19 U.S.C. 2311) shall specify the procedures that will be used to carry out the certification process under section 3, the procedures for providing relevant data by the Secretary to assist the States in making preliminary findings under section 3, and the adjustment assistance described in section 4;

(2) the provisions of such subchapter C relating to training shall not be applicable under this title; and

(3) the provisions of such subchapter shall apply to COBRA continuation coverage under section 4(e) to the extent specified by the Secretary.

#### SEC. 6. REGULATIONS.

The Secretary—

(1) may issue interim regulations to carry out this title, notwithstanding chapters 5 and 7 of title 5, United States Code; and

(2) shall issue final regulations to carry out this title in accordance with such chapters.

#### SEC. 7. EVALUATION.

(a) **STUDY AND REPORT.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the program established under this title and shall submit a report containing the results of such study to Congress not later than 1 year after the date of enactment of this Act.

(2) **EVALUATION.**—Such report shall include an evaluation of—

(A) the effectiveness of such program in aiding employees, firms, and communities to adjust to changed economic conditions resulting from terrorist actions or security measures; and

(B) the coordination of the administration of such program and other Federal Government programs that provide unemployment compensation and relief to depressed areas.

(b) **ASSISTANCE.**—In carrying out this section, the Comptroller General of the United States shall, to the extent practical, obtain the assistance of the Secretary of Labor and the Secretary of Commerce. The Secretary of Labor and the Secretary of Commerce shall make available to the Comptroller General of the United States any assistance necessary for an effective evaluation of the program established under this title.

#### SEC. 8. APPLICATION AND CONSTRUCTION.

(a) **APPLICATION.**—For purposes of applying provisions of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) under this title, references in such chapter—

(1) to a worker shall be considered to be references to an eligible employee;

(2) to a benefit shall be considered to be references to the corresponding benefit pro-

vided under this subsection to an eligible employee;

(3) to a provision of chapter 2 of title II of the Trade Act of 1974 shall be considered to be references to the corresponding provision of this title; and

(4) to a threat of partial or total separation shall be disregarded.

(b) **PROVISIONS.**—A reference in this title to a provision of chapter 2 of title II of the Trade Act of 1974 shall be considered to be a reference to that provision, as in effect on the date of enactment of this Act.

#### (c) CONSTRUCTION.—

(1) **NO IMPACT ON TRADE ADJUSTMENT ASSISTANCE.**—Nothing in this title shall be construed to modify or affect title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(2) **NO IMPACT ON EXISTING AGREEMENTS AND BENEFITS.**—Nothing in this title shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated and there is appropriated to carry out this title a total of \$1,900,000,000 for fiscal years 2002 and 2003.

(b) **ADMINISTRATION.**—There are authorized to be appropriated and there are appropriated such sums as may be necessary for the administration of this title for fiscal years 2002 and 2003 (but not more than \$19,000,000).

#### SEC. 10. CUSTOMS FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by inserting “, except that such fees shall continue to be charged under paragraphs (9) and (10) of such subsection through May 30, 2005” after “September 30, 2003”.

**SA 1856.** 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. . PREFERENCE IN EMPLOYMENT OF AIR MARSHALS OF COCKPIT CREW DISCHARGED OR FURLOUGHED FROM COMMERCIAL AIRLINES AFTER TERRORIST ATTACKS.

Notwithstanding any other provision of law, in selecting, appointing, and employing Air Marshals in satisfaction of the requirements of section 6 of this Act, a preference shall be afforded to individuals discharged or furloughed from commercial airline cockpit crew positions due to reductions in force by commercial airlines after the September 11, 2001, terrorist attacks.

**SA 1857.** 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. . ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

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

#### “§44938. Immunity for reporting suspicious activities

“(a) **IN GENERAL.**—Any air carrier or foreign air carrier or any employee of an air

carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

“(b) APPLICATION.—Subsection (a) shall not apply to—

“(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

“(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

#### “§ 44939. Sharing security risk information

“The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.”

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Committee on Commerce, Science, and Transportation, the House Committee on Transportation and Infrastructure, and Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44939 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

“44938. Immunity for reporting suspicious activities.

“44939. Sharing security risk information.”

**SA 1858.** Mr. HOLLINGS (for Mr. ENSIGN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place in the section relating to air marshals, insert the following subsection:

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

**SA 1859.** Mr. GRAMM proposed an amendment to amendment SA 1855 proposed by Mr. DASCHLE to the bill (S. 1447) to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

#### TITLE — ARCTIC COASTAL PLAIN DOMESTIC ENERGY

##### SEC. 01. SHORT TITLE.

This title may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2001”.

##### SEC. 02. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term “Coastal Plain” means that area identified as such in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b)(1) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) SECRETARY.—The term “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary’s designee.

##### SEC. 03. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The “Final Legislative Environmental Impact Statement” (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law,

the Secretary is not required to identify non-leasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary’s preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 02(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area’s unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary’s sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary’s attention.

##### SEC. 04. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas

under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

**SEC. 05. GRANT OF LEASES BY THE SECRETARY.**

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 04 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

**SEC. 06. LEASE TERMS AND CONDITIONS.**

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or

production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 03(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

**SEC. 07. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 03, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program au-

thorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and

the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC-ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

#### SEC. 08. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this title and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this title shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 09. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 03(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

#### SEC. 10. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

#### SEC. 11. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed \$10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund \$5,000,000 for each fiscal year.

#### SEC. 12. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 04 of this title, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of

the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the “Renewable Energy Technology Investment Fund”.

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the “Royalties Conservation Fund”.

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

**SA 1860.** Mr. MCCAIN (for Ms. SNOWE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 5, line 13, strike the closing quotation marks and the second period.

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

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

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

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

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

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

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

“(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and

transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

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

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

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 10, 2001, at 2:30, to hold a hearing titled, ‘Afghanistan’s Humanitarian Crisis.’

### Witnesses

Panel One: Mr. Alan Kreczko, Acting Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State, Washington, DC; Mr. Andrew S. Natsios, Administrator, United States Agency for International Development, Department of State, Washington, DC; Ms. Christina Rocca, Assistant Secretary of State for South Asia, Department of State, Washington, DC.

Panel Two: Mr. Ken Bacon, President, Refugees International, Washington, DC; Mr. Nicols de Torrente, Executive Director, Medecins Sans Frontieres/Doctors Without Borders, New York, NY; Ms. Eleanor Smeal, President, Feminist Majority, Arlington, VA.

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

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs’ Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Wednesday, October 10, 2001, at 1 p.m. for a hearing to examine “Federal Food Safety Oversight: Does the Fragmented Structure Really Make Sense?”

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

### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 10, 2001, at 9:30 a.m., on bus and truck security and hazardous materials licensing.