

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

SECURE TRANSPORTATION FOR
AMERICA ACT OF 2001

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3150.

□ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

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

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

Mr. YOUNG of Alaska. Mr. Chairman, I have a long prepared statement which I will submit for the RECORD, but I would ask my colleagues today to think about this legislation very strongly. I have talked privately with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), and they say that the bill that they are proposing does not do the job. That tells me one thing: the bill that they are promoting does not do the job, and this bill does.

We worked very closely to get a bill and came very nearly to having a bill. Some people did not see it that way. But my main goal was to have the best security bill for our people. I believe my bill does that. It is not perfect, but I can tell my colleagues the Senate bill is nowhere as near as my bill.

If my colleagues vote for the substitute, which some of my colleagues are planning on doing, they are not going to have a conference. That has already been decided. It will be on the President's desk, and the American people will be told by certain people that they will be secure in their airports, but we will have the exact same system that is in place right now, which has failed miserably. All of my colleagues know that.

This has become a political football, and I stayed out of that, because I want the best security for the people of America.

I want to thank the gentleman from Florida (Mr. MICA), who has done an outstanding job, and the staff has done a good job on this issue and, yes, the President of the United States. All he is asking us to do and what my bill does is give him some flexibility. My bill does not federalize, it does not nationalize, it is not a total requirement. But it is a brand new era, a time where we need good security. In all good conscience, there is no way that a substitute is going to be offered that I could even vote for that legislation, because we are kidding the American public.

The Senate keeps referring to a 100 to zero vote. I have had Senate Democrats and Republicans come to me and say, my God, we have to go to conference. And I have had a few people say to me, we will have to straighten this out later on. That is not good legislation. This is the House of the people, not the Senate. To have to accept a Senate bill to me is deplorable. It is beneath us. It is the wrong thing to do.

I do not believe there is a fairer person in this Congress than myself working with each individual. My heart is very deeply in the idea of security. If we do not pass this bill today of mine and the gentleman from Florida (Mr. MICA), we are doing a great disservice to the American people, because they will go to the airport and say, oh, my God, we are now safe because we have passed a bill, and in reality there is no safety in the substitute.

Mr. Chairman, it disturbs me how this thing got so far out of hand that we cannot solve the problem correctly. We must go to conference. We can solve it in conference where the problems are different, but if we do not go to conference, we have nothing and we have kidded the public. I am not about to, and I was accused today of not being a statesman because I said I probably will not review this issue again because my colleagues have made the decision if I lose that they have a safe bill and the people of America are safe. I can tell my colleagues from the bottom of my heart, my colleagues know they are not, and I will not be a part of kidding the American public about how secure they will be if we adopt the substitute. We have to accept the Young-Mica bill for the best for the people of America.

Mr. Chairman, I rise today in support of H.R. 3150, the Secure Transportation for America Act of 2001.

H.R. 3150 is the result of a great deal of hard work by our aviation subcommittee and its chairman, JOHN MICA.

I want to take this opportunity to express my appreciation for his efforts and the hard work of the aviation subcommittee on this issue.

Chairman MICA and the members of the aviation subcommittee held hearings and conducted extensive research to find out which system of security would work best for our aviation transportation needs.

The American people have every right to be concerned and worried about the inadequate level of security provided at our airports.

This bill will dramatically increase the level of security and will dramatically change the way the system has operated at our airports.

Under the current system, the airlines hire the security screeners at the airports using low cost, low bid security companies.

The airlines in the past have worked to reduce their costs by driving down the cost of airline security. Unfortunately, this has resulted in a low paid, poorly trained and poorly motivated workforce.

I want to make it abundantly clear. This bill changes all of that.

Low paid, poorly trained and poorly motivated screeners in charge of our nation's air security is simply unacceptable.

Under our bill, H.R. 3150, the federal government will take over the job of screening passengers and their baggage at our airports.

It will become a federal government responsibility.

Where we differ with some of our colleagues is how do we best achieve the goal of a truly secure federally controlled aviation screening process.

We do it by insuring that it is the federal government that will set the compensation for the screeners.

It is the federal government that mandates the level of competency and training for the screeners.

It is the government that runs the background checks and works with other agencies to insure that these screeners have a clean record.

And if the screeners don't do their job and perform well, under our bill they can be removed, their certificates can be revoked, and the entire company can be fired and fined for any violations of the rules or regulations.

Our bill gives the President the tools he needs to insure the best possible security for our country.

H.R. 3150 however, does more than just improve airport screening.

It establishes broad authority to deal with threats to all transportation modes, by setting up a new Transportation Security Administration within the Department of Transportation.

The new administration will be headed by an undersecretary whose only job will be to protect our transportation system from terrorists threats.

H.R. 3150 requires the undersecretary of the Transportation Security Administration to assume all responsibility for aviation security within 3 months of final passage of the bill.

Under our bill the undersecretary could assume responsibility even earlier if the transition can be worked out with the airlines.

Unlike the Senate bill and the amendment to be offered, H.R. 3150 does not tie the President's hands by requiring that airport security screeners be 100 percent federal employees.

However, let me make it clear.

Our bill federalizes the screening process.

However, the issue is not federal versus non-federal employees conducting the screening of passengers and their bags.

The real issue is how to achieve the highest level of security for the traveling public, particularly within the next few months while we

are at war against the terrorists who used our air transportation system to attack us.

Locking in a system that prohibits the use of any private contract workers at all leaves the air transportation system vulnerable to disruption and reduced security.

There is no guarantee that federal employees will do a better job than private employees, but that is not the real issue.

The real issue is giving the President the flexibility and the money to get the job done.

I also want to make it clear that this issue is not about whether screeners will be unionized.

They are unionized now and under my bill can continue to be members of union and to bargain collectively. However, they cannot go on strike under my bill.

H.R. 3150, the Secure Transportation for America Act, addresses all these security issues to achieve a workable system that provides for real security as quickly as possible.

I urge support of H.R. 3150, which is to bring real security to the traveling public in as short a period of time as possible.

SECTION-BY-SECTION SUMMARY—SECURE TRANSPORTATION FOR AMERICA ACT OF 2001—H.R. 3150

Section 1 is the short title.

SECTION 2—TRANSPORTATION SECURITY ADMINISTRATION

Subsection (a) adds a new section 114 to Chapter 1 of title 49 of the U.S. Code creating the new Transportation Security Administration (TSA).

Subsection (a) of this new section 114 states that the new TSA shall be an Administration in the Department of Transportation (DOT).

Subsection (b) creates the new position of Under Secretary to head this new Administration.

Paragraph (1) states that this Under Secretary shall be appointed by the President with the advice and consent of the Senate.

Paragraph (2) states that the Under Secretary must be a U.S. citizen and have had prior experience in transportation or security.

Paragraph (3) gives the Under Secretary a 5-year term.

Subsection (c) prohibits the Under Secretary from having an interest in a transportation or a security company or a company that makes security equipment.

Subsection (d) describes the functions of the Under Secretary.

Paragraph (1) states that the Under Secretary will be responsible for security in all modes of transportation. This involves the assumption of the powers now exercised by the Associate FAA Administrator of Civil Aviation Security and the DOT Director of Intelligence and Security as well as the security functions of other Administrations within DOT. It does not involve the Coast Guard. The bill does not explicitly assign the hazmat function leaving that up to DOT to decide whether to move that into the new Administration or keep it in FAA.

Paragraph (2) requires a schedule to be developed for the transfer of the security functions in consultation with the affected carriers.

Paragraph (3), in the meantime, allows airlines to assign their contracts with private security companies to the Under Secretary.

Subsection (e) lists in more detail the duties and powers of the Under Secretary. These duties and powers are—

(1) Receiving, assessing, and distributing intelligence information to the appropriate people in the transportation community.

(2) Assessing threats to transportation.

(3) Developing policies to deal with these threats.

(4) Coordinating with other agencies.

(5) Serve as the liaison with the intelligence community.

(6) Supervising airport security using Federal uniformed personnel.

(7) Manage the Federal security personnel in the field.

(8) Enforce security regulations.

(9) Undertake research to improve security.

(10) Inspect, maintain, and test security equipment.

(11) Ensure that adequate security is provided for the transportation of cargo, including cargo as defined in section 40102(a)(12).

(12) Oversee the security at airports and other transportation facilities.

(13) Perform background checks on screeners and those who work at airports.

(14) Develop standards for the hiring and firing of screeners.

(15) Train and test screeners.

(16) Carry out other duties and powers authorized by law.

Subsection (f) gives the Under Secretary the same powers to acquire and maintain property as the FAA.

Subsection (g) allows the Under Secretary to accept transfers of funds.

Subsection (h) allows the Under Secretary, if the situation warrants, to issue a security rule on an expedited basis without Secretarial or OMB review and without notice and comment as would otherwise be required by the Administrative Procedure Act. Such a rule would be in effect for 30 days and would remain in effect unless disapproved by the Oversight Board established in section 13.

Subsection (i) gives the Under Secretary the same authority over personnel and services as the FAA. This includes the authority to contract for services such as the screening service.

Subsection (j) allows the new Transportation Security Administration (TSA) to set up its own personnel system.

Subsection (k) allows the new TSA to set up its own procurement system.

Subsection (l) makes clear that the DOT Inspector General can investigate the TSA in the same way that he can investigate other Administrations within DOT.

Subsection (c) establishes the compensation for the Under Secretary.

Subsection (d) allows other agencies to provide personnel, such as sky marshals, to the FAA and the TSA.

Subsection (e) transfers responsibility for security research from the FAA to the TSA.

Subsection (f) changes statutory references from the FAA and the Administrator to the TSA and the Under Secretary to reflect the transfer of functions.

SECTION 3—SCREENING OF PASSENGERS AND PROPERTY

This section requires the Federal government to take over responsibility for the screening of passengers and property (both checked and carry-on baggage) on passenger aircraft in the United States. The Federal government could do this either by hiring Federal employees to do the screening or by contracting with a security company to perform this task with Federal oversight. All screening must be supervised by uniformed Federal employees of the TSA. A supervisor can order the dismissal of a screener who is not performing adequately. Screeners are prohibited from striking.

SECTION 4—SECURITY PROGRAMS

This section requires that there be a law enforcement or military presence at each screening checkpoint, not merely at each airport. The law enforcement presence could be either Federal, State, or local officials.

SECTION 5—EMPLOYMENT STANDARDS AND TRAINING

Strengthens the employment and training standards for those who screen passengers and property.

Subsection (a) requires that screeners be U.S. citizens. It permits the Under Secretary to establish minimum pay levels. Veterans should be given preference in the hiring of screeners. The veterans preference was a suggestion of Congressman Duncan.

Subsection (b) requires the final rule of the certification of screening companies to be issued within 6 months of the date of enactment of this Act.

Subsection (c) establishes the training standards for screeners and requires all screeners to be in uniform.

Subsection (d) establishes the minimum employment standards for screeners (which were taken largely from the FAA's proposed rule at 65 FR 560, January 5, 2000). These shall remain in effect until the final rule for the certification of screening companies is issued as required by subsection (b).

SECTION 6—DEPLOYMENT OF FEDERAL AIR MARSHALS

Requires the deployment, at no cost to the government, of sky marshals on flights of U.S. airlines. This section is based on H.R. 2906 introduced by Congressman Baker.

SECTION 7—ENHANCED SECURITY MEASURES

Subsection (a) requires the Under Secretary to address the following issues:

(1) Develop procedures (such as barrel rollers or depressurizing the aircraft) and authorize equipment (such as lethal or non-lethal weapons) to help the pilot defend the aircraft against hijackers;

(2) After consultation with the FAA, find ways to—

(A) limit access to the cockpit;

(B) strengthen cockpit doors;

(C) use video cameras to alert pilots to problems in the passenger cabin without having to open the cockpit door;

(D) ensure that the aircraft transponder cannot be turned off in flight.

(3) Impose standards for the screening or inspection of vehicles and employees of aircraft fuelers, caterers, cleaners, and others who have access to aircraft and secure areas of airports;

(4) Require airlines to provide emergency call capability from aircraft and trains (This was suggested by Congressman Kirk);

(5) Use various technologies, such as voice stress analysis, to prevent a dangerous person from boarding a plane;

(6) Develop certification standards for individual screeners;

(7) Use Threat Image Projection (TIP) or similar devices to test whether screeners are meeting those standards;

(8) Develop ways for airlines to have access to law enforcement and immigration data bases to ensure that dangerous people do not board their planes;

(9) Use the profiling system known as CAPS to not only give special scrutiny to selected checked baggage but also to the passengers who fit the profile and their carry-on baggage;

(10) Use technology to ensure that airport and airline employees and law enforcement officers are who they claim to be;

(11) Install switches in the passenger cabin so that flight attendants can discreetly notify a pilot if there is a problem;

(12) Change the training of airline personnel in light of the change in the methods and goals of hijackers as evidenced by the attack of September 11th;

(13) Provide for background checks for those seeking flying lessons on large aircraft or flight simulators of such aircraft.

(14) Enter into agreements allowing trained law enforcement personnel of other agencies to travel with guns in order to assist a sky marshal. (This was suggested by Congressman Cooksey).

(15) Perform more thorough background checks of airport screeners, student pilots, and others who have unescorted access to secure areas of the airport. This should include more than merely a fingerprint check. It should also include examination of other agency databases to determine whether the individual may be a terrorist or a threat to civil aviation.

Subsection (b) prohibits the Under Secretary from taking one of the actions listed above if the FAA believes it might adversely affect the safety of the aircraft unless the Secretary approves the action.

Subsection (c) requires the Under Secretary to consult with the NTSB on safety issues.

Subsection (d) requires the Under Secretary to do bag matching, screen 100% of checked bags, or take some other action to minimize the risk of explosives in checked luggage. Paragraph (2) requires the Under Secretary to ensure that explosive detection equipment already at airports is fully utilized.

Subsection (e) requires the Secretary to permit pilots to carry guns in the cockpit if the airline permits its pilots to carry guns and the pilot has completed an appropriate training program.

Subsection (f) requires the Under Secretary to report 6 months after the date of enactment on the progress being made in implementing the above items. A similar report would have to be submitted each year thereafter until all the items had either been implemented or rejected. An existing security report is repealed.

SECTION 8—CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS

Authorizes airports to begin fingerprint checks before the deadline now in the law.

SECTION 9—PASSENGER AND BAGGAGE SCREENING FEE

Requires the imposition of a security fee on passengers to pay up to 100 percent of the cost of the screening passengers. These costs include the salaries and training costs of screeners and the cost of the equipment they use. The fee could not be used to defray the general operating costs of the Transportation Security Administration (TSA). The per passenger fee must be based on the cost of providing the screening service but could not be more than \$2.50 per passenger. The fee that is set would be based on the total costs of screening passengers and property, not on the specific costs associated with each airport, and therefore the fee would be the same for every passenger. The fee would be assessed on a one-way flight rather than on an enplanement as the one-way trip most closely related to the way screening services are provided to passengers. Full year revenue for fiscal year 2002 is estimated to amount to about \$900 million for domestic departures and about \$100 million for international departures. Future year revenue could be higher when air travel reverts to the levels prior to September 11, 2001. Any additional money required to pay the costs of screening not

covered by the passenger fee may be raised by a fee assessed directly on the airlines or could be appropriated under the authority provided by section 10(a). Passengers using airports in Alaska where screening is not required could be exempted from the fee.

It is Congress' intent that the Under Secretary be able to impose this fee as expeditiously as possible to begin to recover the costs of the functions assumed by the Federal government. To ensure that the Under Secretary is able to begin collecting the fee within 60 days, the Under Secretary is exempted from section 9701 of title 31, United States Code, related to general requirements related to fees and from section 553 of title 5, United States Code, related to rulemaking. The Under Secretary is authorized to publish a notice in the Federal Register to set and impose the fee. The calculation of costs of the functions and the fees to be imposed is left to be determined at the discretion of the Under Secretary.

SECTION 10—AUTHORIZATIONS OF APPROPRIATIONS

Subsection (a) authorizes appropriations to operate the new TSA and to pay for any screening costs not covered by the fee.

Subsection (b) authorizes the Secretary to utilize \$500 million of the emergency supplemental (Public Law 107-38) to make grants to U.S. airlines to help them strengthen their cockpit doors, install video monitors, or modify their aircraft transponders so that they cannot be turned off in flight.

Subsection (c) authorizes \$1.5 billion to help airports defray the cost of new security requirements imposed after September 11, 2001.

SECTION 11—LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY

Protects passengers and crew from liability for any injury they cause a person who they, in good faith, believe is hijacking or about to hijack an aircraft.

SECTION 12—PASSENGER MANIFESTS

Requires U.S. and foreign airlines to provide information to the U.S. government about their passengers and crew on international flights before they land in the U.S.

SECTION 13—TRANSPORTATION SECURITY OVERSIGHT BOARD

Creates the new Transportation Security Oversight Board. It will be composed of the Secretaries of Transportation, Treasury, and Defense (or their designees), the Attorney General (or his designee), and a person appointed by the President from either the National Security Council or the new Office of Homeland Security. The DOT Secretary or his designee will be the Chairman. The Board's duties include reviewing the Under Secretary's emergency regulations and other actions of the TSA. This section also creates an advisory council composed of industry representatives to advise the Under Secretary on transportation security issues.

SECTION 14—AIRPORT IMPROVEMENT PROGRAM

Section 12 makes changes to the airport improvement program (AIP) and the passenger facility charge (PFC) related to security.

Subsection (a) excuses an airport from having to submit a competition plan in fiscal year 2002 for AIP grants or PFC approvals that will be used to improve security.

Subsection (b) allows AIP or PFC money to be used at small airports to pay the cost of law enforcement personnel required by section 4. It also allows AIP money to be used to pay for any expense in fiscal year 2002 at

a general aviation airport that was effectively shut down as a result of the restrictions on VFR flight in enhanced Class B airspace. It also allows AIP and PFC money to be used for debt service in order to prevent the airport from defaulting on a bond.

Subsection (c) allows AIP money to be used for the costs described in subsection (b) even if that cost was incurred before the grant was issued.

Subsection (d) waives the local share for the costs described in subsection (b).

SECTION 15—TECHNICAL CORRECTION

Subsection (a) changes the due date of a report from February 1 of this year to February 1 of next year.

Subsection (b) makes a change in the war risk improvement program.

Subsection (c) corrects a misspelled word.

SECTION 16—ALCOHOL AND CONTROLLED SUBSTANCE TESTING

Transfers responsibility for drug and alcohol testing of security personnel from the FAA to the new Transportation Security Administration.

SECTION 17—CONFORMING AMENDMENTS TO SUBTITLE VII

This section makes technical changes.

Subsection (a) retains responsibility for the Pilot Records Improvements Act in the FAA.

Subsection (b) moves certain civil penalty responsibilities to the new Administration.

Subsection (c) and (d) make similar administrative changes.

SECTION 18—SAVINGS PROVISION

This section ensures that there is a seamless transition of responsibilities from the FAA to the new Transportation Security Administration (TSA).

SECTION 19—BUDGET SUBMISSIONS

Requires budget submissions to list the budget of the TSA separately.

SECTION 20—AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE

Lists the restrictions on general aviation flights in Enhanced Class B airspace (the airspace near major cities) unless a notice is published in the Federal Register explaining the rationale for those restrictions.

SECTION 21—WAIVERS FOR CERTAIN ISOLATED COMMUNITIES

Subsection (a) allows the Under Secretary to grant waivers for certain essential flights to communities in Alaska, Hawaii, and others far from a big city.

Subsection (b) allows the Transportation Security Oversight Board to rescind these waivers.

Subsection (c) allows the Board to impose limitations on the waivers.

SECTION 22—ASSESSMENTS OF THREATS TO AIRPORTS

This section allows airports to rescind the current restriction that prohibits cars from parking within 300 feet of an airport terminal if the airport and local law enforcement certify that there are safeguards in place to sufficiently protect public safety.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, October 31, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science,

House of Representatives, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter of October 31, 2001, regarding H.R. 3150, the "Secure Transportation for America Act of 2001" and for your willingness to

waive consideration of provisions in the bill under your Committee's jurisdiction. Regarding provisions in the bill that are referenced in your letter, the bill essentially ensures the orderly transfer of certain existing functions within the Department of Transportation and assures continuity of operations. However, I acknowledge the Science Committee's jurisdiction under the House Rules over provisions that may affect "civil aviation research and development."

I agree that your waiving consideration of relevant provisions of H.R. 3150 does not waive the Science Committee's jurisdiction over those provisions. I also acknowledge your right to seek conferees on any provisions that are within the Science Committee's jurisdiction during any House-Senate conference on H.R. 3150 or similar legislation, and would support your request for conferees on such provisions.

Your letter and this response will be included in the record during floor consideration of the bill.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON SCIENCE,
RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, October 30, 2001.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: On October 17, 2001, you introduced H.R. 3150, the "Secure Transportation for America Act of 2001." Section 2(e)(9) of H.R. 3150 requires the newly created Under Secretary of Transportation for Security to "identify and undertake research and development activities necessary to enhance transportation security." Additionally, secs. 2(f)(1)(D) authorizes the Under Secretary "to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and (E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey." These three provisions contain subject matter that has traditionally fallen under the jurisdiction of the Committee on Science pursuant to House Rule X(n)(3), which grants the Committee on Science jurisdiction over "Civil aviation and research." I ask for your assurance that the creation of the new Under Secretary position and that the duties and functions of his position do not alter in any way the traditional jurisdiction of the Science Committee granted pursuant to House Rule X(n)(3).

In deference to your desire to bring this legislation before the House in an expeditious manner I will not exercise this Committee's right to consider H.R. 3150. Despite waiving its consideration of H.R. 3150, the Science Committee does not waive its jurisdiction over H.R. 3150. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any request by the Science Committee for conferees on H.R. 3150 as well as any similar or related legislation.

I request that you include this letter as part of the RECORD during consideration of the legislation on the House floor. Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to express my appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), if I may have their attention, for the good faith efforts that were made in our committee to reach a truly bipartisan bill. The gentleman spoke with some feeling in the well just a moment ago, and I speak with no less feeling. As the chairman knows and the chairman of the subcommittee knows and many of the Members know, I served on the Pan Am 103 Commission while I was chair of the Subcommittee on Aviation. I wrote with our good friend Mr. Hamerschmidt, former ranking member of the Committee on Transportation and Infrastructure, then the Committee on Public Works, the Aviation Security Act of 1990. We worked on a totally bipartisan basis with the House and the Senate to write that legislation and subsequent amendments to it. We know that aviation security is a revolving issue that we have to continually revisit to update and strengthen.

We were at the point of reaching a good bipartisan agreement, but it kept getting sidetracked, let me just say it bluntly, by the political leadership in the gentleman's party. I just want to express my great appreciation for the good faith and the good effort and the goodwill that was extended and the regret that we could not come to an agreement.

But the Achilles heel of aviation security is the screener checkpoint at our airports, and the issue of whether this should be private or public, as this chart shows, private security companies have not provided good security. A man boards a plane with a pistol after September 11. Airport security firm lied. Hired felons, Argenbright fined \$1,550,000 last year. And their parent corporation in Europe, which has been held up as a paragon of good work in aviation security privatization, the Sunday Telegraph in England: Shocking lapses in security at British airports. The London Times: Security failures put Heathrow at risk. The British Department of Transportation is investigating Securicor, the parent corporation for Argenbright, the premier domestic private security provider.

That is not the way we want to do security. We need to have the badge of the Federal Government, persons sworn to uphold the Constitution and the laws of the United States, trained

to the highest possible level of skill, paid a decent level, put in a security force separate from the Federal Civil Service, to give assurance to the American public that the bar on security has been raised.

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

□ 1545

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this bill by the gentleman from Alaska (Chairman YOUNG), and I want to commend him and the gentleman from Florida (Chairman MICA) for their work on this legislation.

This bill, the Airport Security Federalization Act, will do more to enhance and improve aviation security than any bill in the history of this Nation.

We need to tell the American people the true situation as it stands today: that is, it is safer to fly now than ever before. This bill, the bill of the gentleman from Alaska (Chairman YOUNG), will make it even safer.

This bill provides the legal framework and funding for strengthening cockpit doors; providing air marshals on flights where they might be needed; cameras, so pilots can see what is going on in the cabin; expanded background checks for all key personnel; and most importantly, improve standards and training for airport screeners.

I had the privilege, Mr. Chairman, of chairing the Subcommittee on Aviation for the past 6 years, and remain active on the subcommittee today. Three years ago, I suggested establishing a school for screeners, but there was almost no interest at the FAA in this proposal.

In 1996, and again last year in FAA bills, we put in requirements for certifying screeners and improving their training and other security measures. As of September 11, the FAA still had not completed the work required under these bills. This is another reason why we are so concerned about turning this situation totally and completely over to the Federal Government.

We did expand the list of crimes which would disqualify people from jobs as screeners. To be fair, no one ever dreamed that anyone would be mentally sick and warped and evil enough to use our commercial airliners in kamikaze missions killing thousands. But now we know, and this bill is the best response we can give to the situation we find ourselves in.

The most controversial part of this legislation is whether to make the screeners Federal employees. I suggest that the former chief of security for El Al, the Israeli airline, was quoted in yesterday's Washington Times as saying this would be a big mistake.

Unfortunately, we have a civil service system that does almost nothing for good, dedicated employees, but it provides great and undeserved protection for the worst employees. Everyone knows it is almost impossible to fire a Federal civil servant and extremely hard even to transfer one.

We need to increase the pay and training of screeners. We need to have the best possible people in these positions. We can accomplish this much faster and continue to improve this work force much easier by having strict Federal oversight and requirements, but leaving these employees in the much more efficient private sector. This is the European model. Skyjackings in Europe went way down in the 1990s after screeners were largely privatized.

The Wall Street Journal reported yesterday that 85 to 90 percent of the screeners around the world are private employees. Most of these are at airports formerly totally government run until they found out that the private free enterprise system works better.

Mr. Chairman, about three years ago, I was the guest of the British Aviation Authority. They wanted to show me their airports and their whole operation, but what they were most proud of was their security provided by a private workforce. Their airport security and Israel's are considered the best in the world.

I am especially pleased about a provision in this bill relieving persons who assist in fighting air piracy from any potential liability and also a provision I requested to give preference in hiring to retired military personnel.

I urge all my colleagues to support Chairman YOUNG's outstanding aviation security bill.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation.

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

Mr. Chairman, 6 weeks ago tomorrow the House passed, with the speed of a rocket-boostered jet engine, the American aviation financial bailout bill, a bill I voted against because it did nothing for the laid-off aviation workers, and it did nothing to upgrade aviation security.

I said at the time that we can give the airlines all the money they want and even more, but if we do not upgrade aviation security and show the American flying public that our skies are once again safe and secure, then the American aviation industry will continue to flounder and shrink, because the American public will not go back to flying until they believe that American aviation is as secure as possible.

In the past 6 weeks, we in the House have done nothing to upgrade aviation security. Unless we pass the bipartisan substitute and it goes directly to the President to be signed, and he will sign it, as he has said on numerous occa-

sions, we will pass H.R. 3150 and be forced to go to conference.

The forces opposed to hiring fully-trained, well-paid, federally-supervised professional Federal screeners to protect the American flying public will delay the conference until long after Thanksgiving, the Nation's greatest flying weekend.

Mr. Chairman, this is what has happened to American aviation since we passed the bailout bill but did not strengthen security: There are more than 2,000 fewer domestic and international flight departures each day than last year at the same time, a reduction of over 20 percent. At the same time, passenger emplanements are down 25 percent.

Since September 11 until now, scheduled domestic flights have dropped by the following percentages at the following airports: Newark, Reagan National, Houston, down over 35 percent; Kennedy, down 34 percent; Seattle, Boston, LaGuardia, Portland, San Francisco, down over 25 percent. The Nation's top 31 airports are all down. Since September 11, America West has dropped 12 percent of its scheduled flights; Delta, 15 percent; Northwest, 15 percent; United and American, 22 percent; US Airways, 25 percent; Alaskan Airlines, 26 percent; and Continental, 44 percent.

Why? I believe because we have not passed an upgraded aviation security bill into law to protect the American public. That is why we must pass today a bill that the President will sign into law tomorrow.

American aviation is a matter of national security. Public safety is threatened by an unprecedented war declared on the American people by Osama bin Laden and his terrorist network. It is the Federal Government's job to protect our country during time of war. Security at our Nation's airports is no longer a private sector matter; it is the last line of defense at our airports, and it is part of the front line of our national defense.

Congress needs to treat this as a question of national security, and put in place an effective Federal law enforcement system.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is to clarify an aspect of the legislation. One idea to increase airplane safety would be to create separate entrances for pilots on aircraft and eliminate access between the cabin and the cockpit. This would make it impossible to take over an aircraft from the cabin, reducing the risk of terrorism and the need for air marshals and other precautions.

I would like to make sure there is nothing in this bill which prevents the

FAA from studying this idea or airlines pursuing this implementation, should it prove feasible and effective.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, there are no provisions in this bill that prevent the FAA from taking up the idea of separate entrances for pilots in airliners. That idea could be a solution to some of our air security problems, and deserves serious consideration and study at the FAA.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), newly elected, and I hope he will be reelected.

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

Mr. Chairman, I rise today in support of H.R. 3150. It is a superior piece of legislation. What we do is federalize the airport security system, which creates strict standards, control, and enforcement by the Federal Government, and it is based on proven systems.

One thing I want to mention about H.R. 3150 is it specifically helps small and rural airports. First, it allows the AIP funds to be used to upgrade security, and waive rent for tenants, for those small businesses to get through this tough time.

Additionally, the substitute bill has a two-tiered security approach, and H.R. 3150 does not have that. One of the things it allows for is the 30-foot distance you must stay away the terminal, to have the safeguards put in place sufficiently to protect the public.

The problems with the substitute are many. One of the things I want to point out specifically are the \$2.50 security fee emplanement charge. This is entirely unfair to rural travelers, for it doubles and sometimes triples their fees.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE), who has played a courageous role in advocating this legislation.

Mr. GANSKE. Mr. Chairman, let us get into the nitty-gritty of comparing some of the aspects of these bills.

Mr. Chairman, I would make a strong argument that the Senate bill has stronger provisions in terms of requirements for screeners than the Young bill. The Young bill requires that those screeners be citizens, just citizens, period. That would mean that somebody could come here from a foreign country, marry somebody, and then be qualified to be a screener.

Our bill, the Senate bill, the bipartisan bill, requires that one be a citizen for 5 years. That is a significant difference. I think our bill, the Senate bill, is better on that point.

We will hear some charges about how the Young bill has a stronger screening

provision for bag supervision. Let me read from the Senate bill. The Senate bill says: "The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including the United States mail, cargo, carry-on, and checked baggage, and other articles that will be carried aboard the airplane in air transportation."

Mr. Chairman, I do not know how 100 percent can be improved on. When we say "all" in legislative language, that is 100 percent.

Furthermore, we will hear from the proponents of the Young amendment that our bill, the bipartisan Senate bill, could take longer to implement. The only way the Young bill can be implemented quicker than our bill is if they simply hire all of the screeners that are already currently employed by those three foreign corporations.

For goodness sakes, we have heard from the Inspector General, we have seen in newspaper reports, we have seen million dollar fines. We see, as was demonstrated over here, reports that this is not just in the United States, but these three foreign corporations are not getting the job done overseas, either.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, we just heard the gentleman from Iowa talk about one phase of the bill that is being proposed today on the floor. That is the passenger carry-on and baggage screening, as Members can see on this chart. He totally ignored the rest of the chart because it is not in the version that the Senate passed and that is being proposed here.

They do have a study, and they ask six different government agencies to start to study all of the other stuff, like perimeter security, like bomb-sniffing dogs, camera surveillance, the employee screening. They are going to study that. But what we are going to do is put it into action.

If Members want to ignore all the rest of this airport security and just focus on this one little phase right down here, then I suggest Members support the Senate version. But we cannot go to conference, we cannot fix the problem. We just have an inadequate bill that will not solve the problem. We will end up with, maybe 5 years from now when the studies come back, the potential for doing the right thing.

If Members vote for the Senate version, they are ignoring bomb-sniffing dogs, they are ignoring terminal security, they are ignoring tarmac security, ignoring it.

Why not do something to help the people in America know that they are safe when they are traveling on airplanes? Why not put into action these

items on airport security that are covered in this complete chart, instead of just focusing on a very little narrow part here in the corner?

That is why the gentleman from Iowa focused right down here on passenger and baggage screening. We are going to do something today. We have the opportunity to do something for airport aviation security that goes well beyond what the Senate did in their version of rushing through legislation, inadequate legislation. Instead, we are going to do the right thing to make people safe when they travel.

So I urge my colleagues to not vote for the Ganske bill, the Democrat version, the Senate-passed version. Instead, do the right thing for airport security, for aviation security, for airport travel, and vote for the Young bill. Vote for the Secure Transportation for America Act. It is the right thing to do.

□ 1600

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members that in their remarks they should not characterize the actions of the other body.

Mr. OBERSTAR. Mr. Chairman, I appreciate the Chair's admonition.

Mr. Chairman, I yield myself 15 seconds.

In the interest of accuracy, the bill that we advocate here provides for screening of passengers and baggage, checked baggage, perimeter security, Federal air marshals, cockpit security, anti-hijack training for flight crew, flight school training background checks and funding.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, first I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Iowa (Mr. GANSKE), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Illinois (Mr. LIPINSKI) and others on both sides of the aisle who have worked so hard to bring this bill to the floor and to do the right thing for the American people.

Mr. Chairman, the horror of September 11 is forever imprinted in all of our minds. Nineteen hijackers filled with hatred breached airport security. They carried box cutters and knives in their bags. They forced themselves into four cockpits. They rammed these planes into the heart of America. They attacked the greatest military, and they attacked the greatest commercial buildings in the history of the world; and they killed thousands of people in the blink of an eye.

The system that allowed that to happen is still failing us today, 7 weeks after that happened. We hear stories about a man who just last week boarded a plane with a gun in his bag.

Screeners failed to stop him. We hear stories about people who stuff box cutters into seats and leave them in seats. Screeners fail to stop them. We hear stories about people trying to bring pocketknives on planes and succeeding still today because screeners fail to stop them. Two weeks ago the Federal Aviation Administration gave 20 screeners in one airport a surprise test. Seven failed the test last week.

This is police work. The companies that have been doing this have failed the American people. They must, and I repeat, must be accountable for their failure. It is time for them to be accountable. It is time for them to be replaced.

The Young bill perpetuates the status quo. The Oberstar-Ganske bill creates a better improved security system. We must put security in the hands of the law enforcement officers. The American people, the brave, decent, wonderful people of this country deserve law enforcement in the airports. Federal law enforcement patrols the shores of the United States. They guard our borders. They track terrorists down. They are standing right now outside this Chamber protecting us and the people in this building. They protect the symbol of democracy.

I ask all of you, do you want to contract out the Capitol Police? Do you want to contract out the U.S. Marines? Do you want to contract out the FBI and the Customs Service? I do not think so. If it is good enough for us, it is good enough for the American people. And today is the day to take that stand.

We have a bill that passed the Senate 100 to nothing. Every Senator, Republican and Democrat, voted for that bill; and we can pass that bill tonight. We can put it on the President's desk later tonight. It can be the law of the United States of America by tomorrow morning. We do not have to have a conference on whether tubas should be considered carry-on luggage. That is in the manager's amendment. We do not have to start worrying about whether to end the liability on the companies that failed us. We do not have to worry about whether the airline executives can have increases in their compensation.

We can start buying machines tomorrow to check every bag, to start reinforcing the cockpit doors, putting more marshals on the airplanes. We can increase the competence of our X-ray scanners. This is a night to act in the people's interest. This is not a time for politics as usual. It is a time to do what is simply, obviously right for the American people.

A lot of people have said to me, what is going on? Why can you not get the bill done? Well, I think yesterday's Wall Street Journal tells us what is happening. The companies that have the contracts, the lowest bidders do

not want to give up the contracts. So they have hired Washington lobbyists to come and lobby the administration and lobby the Congress to try to hold on to their contracts. I do not mind them wanting to hold on to their contracts. But in the name of God, it is time to end those contracts and to do what is right to make people safe.

Finally, I urge Members to consider the people who are on the frontlines. I have here a note, every time I have get on an airplane now I get a note from the pilots. This is the note I got 2 weeks ago. And the pilots said, Why can you not get something done to increase our security? Why can you not get these simple, obvious provisions done so that flight attendants and passengers and pilots are not responsible for security?

This is the time to act in a totally bipartisan way.

I have been inspired by the American people in this crisis. I read a story the other night in the New York Times, the city of Middletown, New Jersey, where 250 or 300 people had been lost in September 11, in the World Trade Center.

They quoted a woman who had lost her husband. She had three little kids and she said, before this happened I did not even know my neighbors' names; and she said in the last days, neighbors from all over this region who I had never met and never knew came and brought flowers and brought food and brought notes of sympathy and came and hugged her and held her so she could get through the horror of what she was facing. She said what most helped her was the sense that she, in the end, was not alone.

This is a great country. We have great people, and we have to act in their name tonight. We have to do what is right for them. Forget politics, forget the lobbyists, forget contracts and simply stand tonight in a bipartisan way to do what is right for the American people. This is a great country. Let us make it safer than it has ever been. Let us pass the bipartisan Senate bill. Let us make it the law of this great country tonight.

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

If I thought the gentleman's words were true in the sense that that would happen, I would probably support the substitute. In the bottom of my heart, I do not believe that will happen. We will be back here and our people will not be safe. That is not the correct thing to do to the American people. Let us not kid the American people.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I stand in strong support of the Young-Mica bill, and it is for a very simple reason, because I get on an airplane twice a

week and my wife and my kids fly and friends and loved ones and family fly all the time; and in my judgment, which is the best judgment I have to determine my vote, I think this bill is the strongest security measure available. So I just want to make that clear to all of the Members, including the minority leader. It is not because I had some meeting with a lobbyist. It is because I want to protect my family, my friends, my loved ones, and my country.

Let me give my colleagues one specific example which I think is a crucial security question that has not been focused on enough in this debate and that is checked baggage. I was, quite frankly, shocked to learn that the FAA, even after September 11, does not demand that baggage of a passenger who does not show up at his gate and board his airplane is removed before the plane takes off. That is the rule for international flights. It is not the mandatory rule for domestic flights, and I find that inexcusable after September 11.

Under the Democratic bill, it would still not be the rule. It would not happen. It would never have to happen in every instance at all. That is simply inexcusable.

Under the Young-Mica bill and under the manager's amendment, that provision would go into effect the day after the bill was signed into law, and every checked bag of a passenger who did not board his flight would be pulled before the plane took off, and that could only change after a 100 percent screening policy of the luggage was actually implemented; and by the way, that is an absolutely crucial issue that we must address forcefully.

Mr. OBERSTAR. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), my very distinguished colleague.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding the time.

Aviation security should be a law enforcement function, not a lowest-bid function. That is the bottom line. When we cut to the chase, that is really what this debate is all about. Baggage and passenger screening is a matter of national security, and national security should not be left to the lowest bidder.

How much more evidence than September 11 do we need that this critical police work should be done by a highly trained Federal airport security force?

Mr. Chairman, since September 11 I have talked with countless Minneapolis-St. Paul airport police, Northwest Airlines pilots, flight attendants, machinists, baggage handlers, gate agents, as well as many other constituents who are frequent flyers; and to a person they have all told me that baggage and passenger screeners should be

law enforcement agents, not private security guards. They want screening done by law enforcement agents, not private security guards.

Mr. Chairman, the people I represent want us to move quickly to protect air passengers and restore a sense of confidence. If we pass the Oberstar-Ganske bill, we could have it on the President's desk tonight and make flying safer tomorrow. The Oberstar-Ganske bill will ensure the safety of air travel with armed sky marshals, secure cockpits, and screening of all baggage and passengers by highly trained, professional, law enforcement agents. Nothing less than law enforcement professionals will provide the long-term security of our aviation system that the American people want and deserve.

Mr. Chairman, I do not want the safety of the people of Minnesota put out for bids. We should not compromise the safety of any of our citizens. Let us do the right thing. Let us pass the substitute without further delay.

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

I wish the gentleman would stay for a moment to understand one thing. He is talking about yesterday, not today. Our bill changes all those things, and by the way, the International Brotherhood of Police Officers supports my bill. The best law force group in the country, they support my bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, we have today, as we speak, more government workers than factory workers in America. The House is referred to as the microwave, quick and impulsive; the other body, crock pot, slow, deliberative and wise. Quite frankly, I think it is really reversed here.

I did not support the bill in its original form because of foreign ownership of these screening companies. I want to thank the leadership for including the Traficant language that requires American ownership of these companies.

□ 1615

And there will have to be developed companies that will bid for those services.

But, my colleagues, the Marines in Beirut had no civilian security. Terrorists are not easy to stop, and we are beating up on every screening party in the country. Quite frankly, a free enterprise system cannot survive with more and more employees. We right now have 50,000 American troops in Germany, and our borders are wide open. Is not the Border Patrol Federal employees? Do we not have 300,000 illegal immigrants in this country a year? Cannot a guerilla force of terrorists come through here with a nuclear device?

I support the Young-Mica bill. More and more government? Bigger and bigger government? That is not the answer. The Young-Mica bill federalizes standards and supervision. And, by God, those companies that bid should be owned by American citizens, and this requires it. Right now there are not enough companies that do this. Under this bill, it will encourage the American companies to do the screening.

My colleagues, we cannot micro-manage all of it. And when our borders are wide open, what do we expect? By God, bigger government is not the answer, and the microwave is on the other side of the Capitol.

Mr. OBERSTAR. Mr. Chairman, I yield myself 20 seconds to point out to the gentleman from Ohio, who is leaving the floor, that the manager's amendment does not require. It says a preference for hiring former employees. A requirement it be owned and controlled. It says to the extent that the President determines that there are firms owned and controlled by such citizens. They are all now owned, the major ones, by a foreign company.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, there is one point of agreement, and that is that the existing privatized airport security system is failing the American traveling public.

Now, we have a choice. We can overhaul that system or we can continue the status quo. Unfortunately, the Republican leadership has chosen to rename and dress up the existing failing system. They call it the Airport Security Federalization Act. They are going to require the private security firms to dress up their employees in Federal-looking uniforms with Federal-looking badges. They even say that they will be deputized, but given no law enforcement powers.

Now, how is that a change? The same companies that are failing us today, and have failed us for 30 years, will still be running airport security. Securicor in the United States is under indictment, criminal indictment, for the second time in a year for hiring and maintaining known felons on staff and lying to the Federal regulators. They are going to have Federal regulators. What is a better Federal regulator than parole? These people violated their parole. Do my colleagues think the FAA bureaucrats can do better? I do not think so.

Their parent company is failing in Britain. In fact, one of the employees of that company, senior employee, said he would not let his family get on an airplane out of Heathrow Airport because he was so worried about their lapse in security.

So we have a choice here. We can dress up and make us feel better to

have private security firms instead of armed Federal law enforcement agents providing the security of the traveling public needs, or we can have armed Federal law enforcement agents providing for the security of the traveling public needs. I think the choice is clear.

This system has failed for 30 years, and passing this bill is going to make it no better. There is only one option and one option that can go into effect tomorrow, and that is to pass the Senate version of the bill, which passed the Senate 100 to 0, and give the American traveling public the peace of mind and the security they deserve.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the distinguished chairman for yielding me this time and thank him and Chairman MICA, Members on both sides, for their hard work in bringing this legislation to the floor.

Mr. Chairman, this debate really is about public safety. That is after all why we are here, is to make sure we are doing everything we can to make sure that the traveling public in this country, those people who board airplanes, are safe and secure.

Now, what is happening here on the floor is they are talking a lot about the means. We are talking about the end. The bottom line is public safety. The President of the United States has asked for the authority to decide whether or not at various airports that end, public safety, is better achieved by the use of Federal employees or by the use of private contractors.

There is nothing in this legislation that excludes Federal employees from being used to accomplish the objective of safety. All we are simply saying is that the President of the United States and his Secretary, Mr. Mineta, who was the chairman of the Committee on Transportation and Infrastructure when he represented his State here in the Congress, have asked for the discretion to make that decision based upon what they view to be in the best interest of protecting safety and providing security at airports across this country.

Now, Mr. Chairman, I represent a State that under the Democrat substitute would be considered a second class State, because six out of the seven airports in South Dakota would have different levels of safety and security applied than would the 142 largest airports in this country. We do not think in South Dakota that we are second class citizens. We think we should have the same level of safety and security that is applied to people boarding planes in Chicago, Boston, Philadelphia, New York, and L.A.

And, secondly, we do not think we ought to be charged more for it. The

Democrat substitute charges people who originate in smaller airports a higher fee because they connect.

So, Mr. Chairman, I would simply say that we need a system in place, and this legislation prescribes a system which puts safeguards in place, not just baggage screeners but every aspect of airport and airline security and addresses it in a way that treats everybody equally. We want to make sure that people who get on planes in places like Pierre, South Dakota, have the same safety and security and the same fares as those who board planes in other parts of this country.

Mr. Chairman, this legislation moves us in the direction of safety and it puts a system in place across this country that will keep people safe and secure when they fly. Let us adopt it.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to make it very clear that there is a single standard of safety in the Senate bill that the gentleman from Iowa (Mr. GANSKE) and I offer in which the Secretary has authority to apply one standard to the whole country but to contract out as appropriate.

Mr. Chairman, I yield 15 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time. I just wanted to state, since it was mentioned earlier that a police union supports the Young-Mica bill, that the American Federation of State, County and Municipal Employees, AFL-CIO, is a strong supporter of the bipartisan substitute, and this union would wind up losing employees if our substitute is passed.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, today we will finally address aviation security, given 7 weeks after the tragic events of September 11. Today, public safety is threatened by an unprecedented event. War has been declared on the American people. Therefore, it is the Federal Government's job to protect our country during times of war and from threats to our national security.

Security at the Nation's airports should no longer be a private sector matter. Security must be a part of the front line of our national security. Therefore, to pass H.R. 3150 gives Americans the same old status quo and in no way provides the aviation security necessary to reassure the traveling public that it is safe to use our aviation system.

Simply put, the private contractors who currently have the responsibility for screening passengers and baggage failed on September 11 and, for that matter, for the past 3 decades. The bill

that we have before us, 3150, does nothing but ensure the same old status quo. The private contractors that we entrust through H.R. 3150 will make the aviation system the same, with the same companies, who pay very low salaries, have turnover rates of over 400 percent, and have failed to detect dangerous objects recently planted by the GAO and the Department of Transportation.

I say to my colleagues that Congress owes a duty to the American public to ensure the strongest level of security possible at our Nation's airports. Let us listen to the American people. Let us listen to the mayors across this country. Let us listen to the port authorities. Let us listen to the American people. Pass this Oberstar-Ganske substitute bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), who is a pilot, by the way, and flies here and yonder.

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

An awful lot of work, a lot of time, a lot of hearings, a lot of studies have gone into this very crucial and important issue, and the first and last point in this debate is the security, the safety of the American flying public. I am a pilot. I have been to every hearing. I have listened to every hour of testimony. The Young-Mica bill, the President's position, provides the best security, the best safety for the American public as they fly.

Think with me for a moment. The gentleman or the gentlewoman in the left seat in the front of that airliner has a piece of paper called a license. That license certifies that they have met the recent competency requirements, they have met very stringent physical standards, they have gone through testing, and they are competent to perform the job that is required of them. That pilot does not work for the Federal Government.

The mechanic, the man or the woman who is at the maintenance facility, who keeps these aircraft maintained and flying safely, has a license. They are supervised by the Federal Government, but they are not a Federal employee.

The men and women who guard Federal courthouses, who do an excellent job under extremely trying circumstances, are not Federal employees.

The best system, based on history and present conditions, is a partnership using the authority, the experience, and the law enforcement ability of the Federal Government to set standards, ensure accountability, and then follow up and enforce those standards.

The end result is the safest possible condition for the flying public because of the training and the enforcement for

the pilots, the mechanics, and the law enforcement officials. That is the issue here.

As we look at it, we all agree federalizing the standards is absolutely the correct thing to do. The system that we have now is not sufficient. It is broken, and we are going to fix it. The best way to fix it is with the Young-Mica and the President's position.

If we want to look a little further, the folks who did these horrible, unimaginably horrible acts came through a system that was controlled by Federal employees. Having everyone on the Federal payroll does not give us the insurance or assurance that we need.

Looking even a little bit further, under the bill of the gentleman from Minnesota (Mr. OBERSTAR), a good friend, and he has worked very hard and listened very carefully as well, there is a division of authority under that bill. Enforcement goes under DOT and screening goes under DOJ. Accountability comes from a firm, clear head. The supervision that we need, the standards that are required and the enforcement that comes from that gives us the safety and the security for the American public.

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the Chair the time remaining on each side.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 11-3/4 minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 10 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong support of the Democratic substitute, the Oberstar-Ganske bill. It deals with airport security at a time when this Nation is looking to restore its confidence.

Requiring airport screeners to be Federal employees is needed in order to establish an effective, uniform system of screening across the Nation.

□ 1630

This is essential to restoring the flying public's confidence in the safety of our air transportation system. The aviation security proposals of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) are commendable, but they do not go far enough. Allowing the continued private contracting of screening services perpetuates the current system under which screeners are paid near-minimum wage resulting in an average employee turnover rate of more than 120 percent nationally and more than 400 percent at some airports.

Mr. Chairman, we would never consider contracting out the duties of the U.S. Customs Service, Border Patrol, or the Capitol Police; and it makes no

sense to do so with airport screeners. These screeners serve as America's first line of defense in aviation security. If federalized, screeners should be paid salaries commensurate with the law enforcement responsibilities of screening, which involves not only the ability to read X-rays, but the ability to interrogate individuals and conduct more thorough inspections in many different circumstances. Only through a uniform national system with professional Federal screeners can U.S. travelers be secure and be sure that they are being protected.

Mr. Chairman, there is a great deal at stake today in this legislation. This legislation is important to each and every one of us that gets on an aircraft once or twice a week. Every week as I go back to my district, people are asking why is it taking so long for the House to pass a bill that gives us confidence to get back on planes flying across this country. I urge my colleagues to support this legislation. It is important. It is imperative. It is the right thing to do.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 9 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I came over to this side of the aisle to respond to the last speaker's comments of why this bill has taken so long. I will tell Members why: because I served in the minority, and some people when I was in the minority on the majority side treated me fairly, like the gentleman from New York (Mr. TOWNS), who I still respect to this day. Others treated me unfairly and never let me be heard. I made a determination if I ever had any position of authority in this House, I would treat everybody in a bipartisan, fair manner and hear all of the individuals, regardless of when they came to Congress or what their stand was; and I did that.

Mr. Chairman, we held extensive hearings day after day, week after week; and we stayed there and heard from every expert throughout the country so we could develop the very best bipartisan bill possible; and we came within one word of doing that, and I acted in a bipartisan fashion. I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI) for working with me. That is why the bill took so long. We did make every effort, and we tried to be fair and open and develop the best security measure for the House of Representatives.

Mr. Chairman, I return to this side of the aisle, and not returning to a partisan side, I want to return to the factual side. First we heard the minority leader give an eloquent speech, and I have the greatest respect for the gentleman from Missouri; but he said the people failed, the screeners failed, and he talked about pocketknives.

Mr. Chairman, FAA set the standards. Up to 4-inch pocketknives were

allowed. The screeners who were in place, in fact, were dealing with laws which had been passed by Federal employees by the FAA. Box cutters, there were no FAA restrictions on box cutters on September 11. We heard the minority speaker say we can get about buying machines. Let me show one of the flaws. Read the bill. I beg Members to read the bill. This bill on page 23, line 7, leaves the technology with the approval of the administrator of FAA.

Part of the problem we had on September 11 is we could not get the best technology possible in place. In fact, this language prohibits this type of technology because it says nonintrusive. This is the kind of technology that is available. We have 1970s and 1980s X-ray equipment. That is what we will have tomorrow if we pass the substitute that is proposed. This equipment can detect plastics, and we know plastic knives were something smuggled on board. This bill on the Senate side gives us a worse position than we were in on September 10, and it leaves technology in a terrible position.

We have heard if it is good enough for Congress, it should be good enough for the American people. I tell Members the ads that are being put on television by various groups are unfair. What we are proposing, every Member of Congress, their families, my children, my wife, will all be required to go through the same type of security. Read the bill on the other side. It creates a two-tier system. Look at page 17 and look at who is responsible. A two-tier system.

Look at page 22. There are 141 levels of security at some airports and law enforcement, and 319 small airports are relegated to possible Barney Fife-type enforcement. What is ironic about their bill, and read the bill, I am not kidding. It leaves law enforcement in the Department of Transportation, just the opposite of what the other side intended to do.

Technology remains with FAA, read the bill; law enforcement remains with the Department of Transportation. We can hire Ph.D.s to do screening. They are only as good as the equipment. They are only as good as the rules put in place. I defy anyone, come up here and show me one place where there is the ability to pass a rule that needs to be passed.

The problem with airline security is that we cannot get a rule in place. We cannot get a rule to buy the latest technology. There is no provision in the Senate bill, so Members are worse off than they were on September 10 because there is no ability to get the best technology in place.

Look at the provisions for the Under Secretary of Security and Transportation. We deal with all of these things, and we delineate them with a clear line of authority. This bifurcates it. The Department of Justice says they cannot handle it. In fact, they issued a let-

ter and said it will interfere with their main responsibility right now, which is to deal with terrorism. This is their letter. This is what they said. The bill from the Senate side will actually deter their efforts to deal with terrorism.

Mr. Chairman, I defy anyone in the House to take this bill and diagram this bill as to how it will work. We tried to do this. It is not only bifurcated with different levels of responsibility between different agencies and different levels between big airports and small airports, it would create a maze.

The argument that we do not use private contractors, this is a list of 20-some agencies, including Department of Defense, all of our nuclear facilities and on and on, we use contract security personnel with high standards and high qualifications, as we propose in our bill.

When Members go back, I want them to tell their constituents what they did if Members pass the Senate bill. It is no longer 28,000; it is 31,000 according to Congressional Budget Office, who has looked at the bill from the other side.

Other protective services, Federal protective services, 442 employees. What failed was not the baggage screeners which we can all pick on because they are lowly paid now, and our bill changes that system. We have Federal oversight of the entire program. We have Federal management and Federal supervision and Federal testing and Federal background checks. And most importantly, we have Federal oversight of the whole program.

If we want to put Federal employees someplace, there are only 4,087 United States marshals. I called the visa section and asked how many people are there issuing visas. Mr. Atta got a visa from a Federal employee. We can put people with Ph.D.s, and Mr. Atta, if he was given a visa and passport approval to come into the United States, would get in under the Senate measure.

Border patrol, we only have 323 border patrol people in Canada. This is where we should be putting our Federal employees and resources. I chaired the Subcommittee on Civil Service and Agency Organization for 4 years. I tried to get performance standards for Federal employees. We passed it in the House, and it failed in the Senate. If we want high standards, it is impossible to do it in the Congress; but it is possible to have the best possible people with a private-public partnership with high standards, high qualifications and put those provisions in place. The choice is clear, my colleagues; and I hope Members put politics aside and put security for all traveling Americans in the forefront.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I want to go on record as saying that the gen-

tleman from Florida (Mr. MICA) has done an outstanding job trying to bring everybody into this process. He put a tremendous amount of time into it. I certainly appreciate that, and I know everybody on this side appreciates it very much.

We do not know where the 31,000 figure comes from. I know that it comes from the Congressional Budget Office, but it is really up to the President to determine how many there will be. Members have to remember that we do enplane over 600 million passengers in this country every year.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the bill and in strong support of the bipartisan substitute. I support the substitute offered today as it has already passed the United States Senate and will be sent directly to the President if passed by this body today.

The substitute contains many of the provisions that I and other Democrats on the Subcommittee on Aviation introduced on September 14: more sky marshals, limiting carry-on luggage, putting the Federal Government in charge of security at our Nation's airports, and having professional, career law enforcement officials in charge of baggage screening and security in general.

It is the last point that some Members of this body cannot accept, despite the overwhelming approval of the American people in passing the United States Senate by 100 to zero. Currently, privately contracted baggage screeners earn about \$6 an hour, and receive little to no training. At Lambert International Airport in St. Louis, the turnover rate has been as high as 400 percent. Many of these screeners are not U.S. citizens, which contributes to language barriers; and it makes it difficult for us to perform background checks on them. It simply makes sense to make sure these positions are filled with career law enforcement professionals.

How can we expect the FBI, CIA, and other career law enforcement professionals to share sensitive information about potential terrorists with non-career contract employees who will only be on the job a few weeks? The substitute bill makes the Federal Government responsible for hiring, training, and ensuring that we have a functional, properly trained workforce.

Federal law enforcement professionals, career professionals at the Secret Service protect the President, the Vice President, the White House. Federal law enforcement career professionals protect Members of Congress and the U.S. Capitol. Federal law enforcement career professionals protect the Supreme Court Justices and the Supreme Court, and Federal law enforcement career professionals should

be responsible for security at our Nation's airports and protecting the flying public and the American people. I urge passage of the substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

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Mr. NADLER. Mr. Chairman, in the 2 months since September 11, we have not passed an aviation security bill because of one issue: Should Congress sit back and allow private security companies to continue to provide the so-called security at our airports? Or should we mandate that security be handled by professional Federal law enforcement personnel? These private security companies, despite what people say about Federal supervision, would not work. They have committed thousands of screening violations. They have been charged millions of dollars in fines by the supervisors, and yet they are even now failing to conduct proper background checks, hiring convicted felons and lying about it.

The Democratic substitute will make our airports secure by entrusting security to professional law enforcement officials. It is not an unreasonable request. The Senate voted for it 100-to-nothing. Unfortunately, the House Republican leadership is putting the lives of millions of Americans at risk by opposing Federal airport security on the ideological grounds that we should not increase the number of Federal employees. I do not recall anyone objecting in 1942 to plans to hire 10 million new government employees in order to enlarge the Army and the Navy to create additional divisions and air wings to fight World War II. The argument is just that absurd.

All security functions are, and should be, handled by the Federal Government, the FBI, the CIA, the Coast Guard, the Border Patrol, the INS, the Armed Forces, all except our airport security. Nobody advocates hiring mercenary soldiers or sailors or private police to replace the FBI. The results of making an exception for airline security are now all too evident.

The American people demand airline safety. The American people demand a Federal enforcement force. And they will not stand for petty political considerations blocking proper law enforcement and proper safety to protect our lives when we fly.

I urge my colleagues to vote for law and order. I urge my colleagues to vote for airline safety. I urge my colleagues to vote for the Democratic substitute.

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

Mr. PASCRELL. Mr. Chairman, the passengers want it overwhelmingly, the pilots want it unanimously, the Senate wants it unanimously. What

happened to us? We must know something they do not know. Where are we on this issue, anyway? Let us take a look at the RECORD.

Airport fast food restaurants are paying higher than those folks that have been hired to screen. What are we going to get? We are going to get what we pay for. It is no wonder that the number of people that are turning over in every airport is astronomical. In Atlanta, the airport in Atlanta, Georgia, over 400 percent turnover in a 2-year period of time. You get what you pay for.

You are simply painting an old system to make it look differently. You are camouflaging it and you are putting my family at risk and I do not like it. Americans do not like it. They have made it very, very clear. This is a national security issue. We better stand up for our own families.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman for yielding time and for his leadership on this issue.

Mr. Chairman, 7 weeks ago, terrorists used our own commercial airliners as deadly weapons against us. For years transportation experts have blown the whistle on airline security and today we have an opportunity, indeed a responsibility, to make the change necessary to make America's skies safe for Thanksgiving.

Mr. Chairman, for too long the airline industries and their private screeners have not only neglected public safety, they have made a decision against it. Today, we should not support the dangerous status quo. Instead, we should vote a public indictment against a system which has failed to train screeners, which has failed to invest in human resources and has failed the American people.

That is why 100 percent of the United States Senate voted for a proposal that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. GANSKE) are presenting to us today. I urge my colleagues to support that amendment. Ensuring our personal security is a bedrock responsibility of government. Support the Oberstar-Ganske substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, it is incredible to me that 7 weeks have passed since September 11 and this is the first security bill that we have brought to the floor, although we immediately brought up the \$15 billion bailout for the airline industry as they were laying off 100,000 workers and not one dime for the workers.

On October 11, the Senate passed a bipartisan aviation safety bill 100-0. I

keep hearing over and over again from my colleagues that this is not a perfect bill. I have been here 9 years and I have not seen a perfect bill, but this bill the Senate passed is a perfect start. It is a perfect start and we have much more work to do.

As we speak today, there are schools that are training people from terrorist countries, paying them \$25,000 in cash, and we have not done anything about that. The Bible says to whom much is given, much is expected. The people of this country are expecting much from the people of this House. Let us pass the Senate bill.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the time remaining in general debate?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 2¼ minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 1 minute remaining.

PARLIAMENTARY INQUIRY

Mr. OBERSTAR. I would like to propose a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OBERSTAR. Mr. Chairman, is it correct that under the rule, the manager's amendment is not subject to change except for unanimous consent?

The CHAIRMAN. Under the rule, the amendment cannot be amended. However, the offerer of the amendment by unanimous consent could modify the amendment while it is pending.

Mr. OBERSTAR. I raise the issue because there are questions moving on the floor from Members that promises have been made regarding the manager's amendment, and as the Chair just indicated, the manager's amendment is not subject to change unless unanimous consent is asked and obtained.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, yesterday may have been Halloween, but we are scaring the American public today. They know that we have a failed system of privatization. They know that hundreds of airports across the country deserve a unified system. They know that the FAA has powers that it has failed to put into effect. They know that time after time, private contractors have missed the mark. Putting costumes on private rent-a-cops, calling them Federal officials, naming the bill federalization does not give the level of confidence the public wants. It may be a treat for the private contractors but it is a sad trick on the public.

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

Mrs. MEEK of Florida. Mr. Chairman, the well-known definition of insanity holds that when we repeatedly

do the same things that we have done before without any meaningful change but somehow expect the result to be different this time, that is insanity.

Our experience tells us when we do only that which we have done before, we can expect the same outcome, the same result. We cannot allow these failures to continue. We must support the Oberstar-Ganske substitute bill. It makes sense. It is not insanity. The rest of the verbiage I have heard today is insanity.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 30 seconds.

Mr. OBERSTAR. Mr. Chairman, I just want to point out that there were references made earlier in debate to the complex way in which security would be organized under the bipartisan bill. In fact, it is not complex at all. The bill provides very clear lines of responsibility. The bipartisan substitute outlines who is responsible for what. The Justice Department is responsible for four aviation security areas: Passenger and baggage screening, including training of personnel; guidelines for Federal air marshals; background checks of aliens; and notifying critical persons about who may pose a risk to aviation security.

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

The bipartisan bill was very close, up to one word, and I got derailed. The bill that is being suggested as a substitute is a bipartisan bill in only some people's minds and it does not give us the security, as I have mentioned before. We do change the system. I have heard people say it is the same old system. We do federalize. We do supervise. And we do, in fact, nationalize in some cases. We give the latitude to the President, do what is best for the best security for our flying passengers. That is what my bill does.

The Senate bill does nothing. I will not be part of that which kids the public. I want to go to conference. I have committed, the President has committed to going to conference. We will write a bill with the help of the gentleman from Minnesota (Mr. OBERSTAR) very similar to what our bill is, which he agreed to, and he knows that.

I am certainly chagrined at the fact that we are letting the Senate, and since when has the Senate become the gurus of transportation, I ask the gentleman from Minnesota? They are not. I believe we are.

I am going to suggest that we vote for the Young-Mica bill, make it the right bill, go to conference and do the job correctly.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would ask Members of the House one more time, not to characterize Members of the other body.

PARLIAMENTARY INQUIRIES

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

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, we are discussing the Senate bill, it has been brought up numerous times, and I think we have a right to speak of the Senate bill. I will continue to speak of the Senate bill. It is the Senate bill.

Now you can answer my parliamentary inquiry if you would like to. The parliamentary inquiry is why could I not?

The CHAIRMAN. The Chair would remind Members that they are free to discuss the contents of a pending bill that comes out of the Senate. However, the Chair would just remind Members to try not to characterize Senators.

Mr. OBERSTAR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota will state it.

Mr. OBERSTAR. The measure pending is the substitute that I have offered in my name and on behalf of the gentleman from Iowa (Mr. GANSKE). Is that not correct?

The CHAIRMAN. The measure pending is H.R. 3150.

Mr. OBERSTAR. Yes. But the substitute, which has been referred to, that is provided for in the rule, which I will offer for myself and for the gentleman from Iowa (Mr. GANSKE), is the measure, it is the substitute, is a House provision, is a House measure. Is that not right?

The CHAIRMAN. What it would be is an amendment to be offered by the gentleman from Minnesota.

Mr. OBERSTAR. So the Chair's admonition about reference to measures from the other body is appropriate.

The CHAIRMAN. The Chair was addressing references to the Senate bill.

Mr. OBERSTAR. I thank the Chair for the clarification.

Mr. NETHERCUTT. Mr. Chairman, I rise to speak today in favor of H.R. 3150 and its provisions relating to assistance for small airports. Though disagreements remain how to permanently improve security screening at all airports, it is heartening to see a bipartisan effort to solve the current problems with airline security. I am encouraged by the bill's content in all areas and hope this important piece of legislation is passed.

Mr. Chairman, two small commercial airports in my district, Pullman-Moscow Regional Airport and the Walla Walla Regional Airport, have been severely affected by the enhanced security directives and the regulations imposed on parking and "loop roads" instituted after the tragic events of September 11th. The restrictions placed on passenger vehicle access to the terminal and parking were prudent in the immediate aftermath of the attacks, but their prolonged presence has resulted in the closure of many small businesses across the country. Two small businesses located in the Walla Walla Regional Airport either directly, or

indirectly, were forced to close due to these restrictions. I know many of my colleagues have small airports and aviation-related businesses in their districts facing similar hardships.

Many airports in rural areas act as a vital link between the economies of small communities and large cities. I commend the Chairman's foresight to preserve the viability of these airports by allowing Airport Improvement Program funds to be used to hire, train, compensate or reimburse law enforcement personnel.

Some security measures, such as the screening of baggage and a law enforcement presence at checkpoints, must be applied uniformly to all airports in order to fulfill America's larger mission of securing our National Airspace System; however, state and local officials can better assess the threat to the terminal itself based on the unique characteristics of each airport. For instance, terrorists thrive on maximizing carnage and destruction with the few resources in their possession. Though the horrible crimes perpetrated on September 11th can easily be painted as irrational, terrorists tend to be very rationale in their target selection. Using this analysis, small, rural airport terminals are less attractive targets because of the limited number of people using them and their geographical distance away from major populations.

I am pleased the FAA has come to realize that the financial hardship incurred by smaller airports is largely disproportionate to their level by rescinding the ban on parking last week at Class IV airports. However, slightly larger Category III airports continue to face these hardships. Without flexibility in certain areas, the economic burdens placed on small airports and regional airlines to cover these enhancements will result in a severe contraction of our air transportation system.

I am pleased that Section 22 of this bill recognizes the need for flexibility in this area by allowing local airport operators, in consultation with appropriate state and local law enforcement authorities, to conduct a threat assessment of the airport facility to determine the necessity of the 300-foot parking restriction at all airports. I have the utmost confidence in local officials to decide how best to mitigate the threat to smaller, low-risk airport terminals.

I strongly urge my colleagues to pass H.R. 3150. This bill is flexible and will enhance the security of our transportation infrastructure while limiting the financial mandates on vulnerable airports like those in my district.

Mr. KIND. Mr. Chairman, aviation security is a matter of national security. In the wake of the September 11th attacks, when the terrorists were able to take weapons on board four separate flights with ease, it is vital that the Congress act now to pass comprehensive legislation to prevent future assaults. We must take this opportunity to make our nation's skies safe for all Americans.

Mr. Chairman, we must act now to plug the holes in our aviation security network. We need to invest in technologies that can screen all luggage that is checked onto a plane, and not settle for the low percent that is x-rayed now. We must pay and train our passenger screeners more so that they will have the tools they need to perform their jobs effectively. We

must also invest in security measures at airports to ensure that the people who work in and around grounded planes are authorized to do so. And finally, we must invest in technologies that will make our planes safer, including stronger cockpit doors and other security measures so passengers and crew are protected during flight.

Mr. Chairman, experts agree that our current airline security system is broken. We need to invest in technology and people to make sure that both our airplanes and airports are symbols of safety and freedom, not outlets for attacks on America. For this reason I support the bipartisan Ganske/Oberstar substitute.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 3150, the secure transportation for America act of 2001 which addresses a variety of important security issues within our nation's air transportation system. Airline security is arguably the most pressing national security matter facing our nation today and it is high time for Congress to move forward on this issue. In contrast to the competing legislation on this issue, H.R. 3150 will allow our nation's federal authorities to make quick and effective changes to the inadequate airport security system currently in place. Within three months of implementation, this bill will establish the transportation security administration (TSA), an independent agency in the Department of Transportation that will be responsible for overseeing our nation's airline security. This new agency will move quickly to place uniformed federal law enforcement officers at passenger and baggage check-in points to supervise the screening process. It further mandates that the Federal Government will conduct background checks on passenger and baggage screening personnel who will also be subject to much stricter employment requirements. Moreover, H.R. 3150 not only authorizes \$500 million for cockpit reinforcements but it also dramatically expands the Federal Air Marshall Program. Mr. Speaker this is a balance and pragmatic approach to reforming and enhancing our Nation's airline security system. I join President Bush, Governor Pataki, Mayor Giuliani, and the Fraternal Order of Police in supporting this measure and I urge my colleagues to vote "yes" on the measure.

Mr. JONES of North Carolina. Mr. Chairman. In the days and weeks since September 11 it has become evident that the United States has a long way to go in order to improve aviation security. There is a critical need to develop a security system that far surpasses anything that exists in Europe or Israel as well as rigorous Federal oversight of security measures that strike a balance to ensure that civil liberties are not endangered while protecting the safety of passengers and crew.

HR 3150, the Secure Transportation for America Act of 2001, overhauls the antiquated security systems that failed the American public. It requires the Administration to adopt tight standards for screening passengers and baggage and makes all screening processes, background checks and testing subject to strict federal oversight. HR 3150 also expedites the deployment of more Federal Air Marshals and directs the Federal Aviation Administration to take steps to strengthen cockpit doors.

There has been a great deal of talk about federalizing almost 30,000 security screeners at our nation's airports. In the wake of September 11 that sounds on the surface to be positive, but Mr. Speaker, it is not the long-term solution the American people need because it will not automatically improve security.

Previous experiences with various federal workforces, in particular the Immigration and Naturalization Service, is an example of a federal workforce that faces difficulties performing at acceptable levels of accountability. Time and again taxpayer dollars are spent to fund agencies that talk a good game while training through a difficult learning curve and providing very little in the way of actual services.

Another problem with federalization of airport security would be how to best transition from private screeners to federal screeners. It is unclear how quickly a federal workforce could be assembled, possibly putting security improvements on hold, thereby inadvertently increasing the vulnerability of air travelers and cargo.

The bill before us today replaces the current failed system. It requires the federal government to take over responsibility for the screening of passengers and property on passenger aircraft. The federal government can do this by contracting with a security company to perform this task with rigorous Congressional oversight. This is the necessary tool to ensure both a safe and secure aviation system.

There is an old saying that the most permanent thing in Washington is a temporary federal program. Our friends on the other side of the aisle want you to believe that a federal aviation security force will be the answer to our problem of airline security simply because the Senate passed the same version 100-0. I would respectfully submit that just because the Senate unanimously supports their plan does not mean that this House will serve as a rubber stamp for bad legislation.

The American people deserve to feel safe when they fly. They also deserve and demand an accountable federal government. I believe strongly in the free enterprise system and I further believe that the least economical and least efficient way that you can do anything is to give the federal government more power.

Lastly, I want to touch on the issue of arming flight crews. Many of our civilian pilots served in the armed forces as soldiers and airmen and thus have extensive previous experience with firearms. I believe this proposal has merit. As long as the program is voluntary and not compulsory and the cockpit crew has the necessary training in firearms, I believe it is more than appropriate for firearms to be present in the cockpits on commercial flights.

The cockpit must be defended and every man and woman on the flight crew has a role in that defense. In fact, according to a recent public opinion poll conducted by the Winston Group, 77 percent of Americans who favor gun control also favor arming flight crews.

We have the critical task before us to pass an aviation safety bill that will reassure the travelling public that it is again safe to fly. From bolstering airport security to authorizing Federal Air Marshals to reinforcing cockpit doors, HR 3150 is the first step in ensuring secure commercial aviation.

Mr. DELAHUNT. Mr. Chairman, I will address separately the deficiencies of this bill in regard to airline security. But there are parts of the manager's amendment that have nothing whatsoever to do with airline security.

In September, we passed legislation that limited the liability of air carriers to the victims of the September 11 attacks. This amendment would expand that limitation to other parties yet unnamed and unknown, who face potential liability.

Some of the parties covered by this sweeping provision may well be entitled to relief. But the language would limit liability, grant immunity from punitive damages and waive prejudgment interest even for private airport security contractors who wantonly, recklessly or maliciously hired convicted felons or failed to check for weapons.

Nobody is seeking to hold responsible those who bear no blame for what occurred. But this amendment lets companies off the hook even if they knowingly engaged in conduct that put Americans at risk on that fateful day.

It caps plaintiffs' attorneys fees, making it even harder for victims to pursue meritorious claims in court. And it stacks the deck still further by placing no comparable limit on the amounts that corporate defendants can pay their lawyers.

These measures come barely a week after the House voted for a so-called "economic stimulus" package that gives away billions of dollars in tax rebates to U.S. corporations free-and-clear. Including \$1.4 billion to IBM and \$833 million to General Motors. All-in-all, \$3.3 billion to seven blue-chip corporations, none of whom—none of whom—suffered specific harm as a result of the terrorist attacks.

At least that giveaway did not reward wrongdoers at the expense of their victims. The giveaways in this bill do.

I urge support for the bipartisan substitute and defeat of the amendment.

Mrs. MINK of Hawaii. Mr. Chairman, America's confidence has been severely weakened by the tragic events of September 11, 2001. People will not fly until they feel safe! Hawaii's hotels and beaches are empty while people wait for Congress to assure us that it is safe to fly. We gave the airline industry their money ten days after the terrorist attacks but our Republican leadership has delayed for two weeks after the Senate passed its version by a vote of 100 to zero.

I believe airport screeners should be federal employees. 80 percent of the American public supports federalizing airport baggage screeners. The Association of Flight Attendants and the Air Line Pilots Association, our front line employees, support federalizing the screeners. The current system does not work. The workers are poorly paid and poorly trained, with a turnover rate of more than 120 percent nationally and more than 400 percent at some airports. Safety of our airplanes requires upgrading these important employees who are our first line of defense.

Airport Screening personnel should have the same benefits of federal law enforcement officials. These workers must be able to work with sophisticated machinery, be adequately trained, and will be responsible for ensuring nothing hazardous gets on our airplanes. These extremely important workers deserve to

have pay and benefits commensurate with other federal law enforcement officers.

Opponents contend that the hiring of federal employees will create a bureaucracy that will not allow the government to fire employees for poor performance. This is simply not true. There are specific provisions that allow the government to fire workers who do not perform.

Despite the intense media attention on airports and airport screeners, we continue to have serious breaches in security. A man carried a loaded gun onto an airplane, one-third of airport screeners at Dulles airport failed a "pop quiz" on their fundamental duties, and undercover agents have continued to slip through security checkpoints with knives and box-cutters. If these private companies cannot adequately secure our airplanes when the pressure is on them to shape-up, how can we trust them in the future when the publicity fades?

The Democratic substitute is not a perfect bill but it is a more effective bill than the underlying bill. It will reinforce the cockpit door and make it impenetrable to intruders. It will expand the air marshal program to hire, train, and deploy more air marshals and require airlines to seat them. It will require flight crews to be better trained in hijack prevention and require the Department of Justice to conduct a study on giving flight attendants non-lethal weapons to protect themselves.

The substitute also leaves open the possibility for the implementation of various technologies to deter terrorist attacks, both on the airplane and in the airports. I am hopeful it will include cameras that look into the cabin so the pilots can see what is happening and in addition provide radios that let flight attendants communicate with the pilots. I am also hopeful that devices that allow pilots to land the plane safely in the event of smoke in the cockpit become standard equipment on all commercial planes.

The bottom line is people will not fly until they feel safe. They will not feel safe until the federal government regains their confidence by giving our passengers the best security possible; a professional, federal screening security workforce. The Republican bill continues the status quo; using low-bid private contractors that will continue to suppress salaries and benefits and leave the workers wanting to leave their jobs for higher paying jobs in the airport, such as the coffee-shop.

I am disappointed that this bill allows guns in the cockpit. If we are going to seal off the cockpit and not allow anyone in or out, what is the point of having a gun in the cockpit. I would favor having a gun in the cockpit to be used only if someone gains access to the cockpit, but not to allow a pilot to ever leave the cockpit to confront anyone. The pilots only job should be to fly the plane. They should never leave the cockpit, risk losing control of the plane, and hazard all the lives of the passengers.

I am also disappointed that this bill still does not include provisions that provide much needed assistance for the hundreds of thousands of laid-off workers. I remain hopeful that after we have established a federal screening workforce, the House will immediately move to give workers relief by extending unemployment

compensation for 26 additional weeks, raising the unemployment benefits, and paying for a full 72 weeks of COBRA or Medicaid health insurance.

Mr. CLEMENT. Mr. Chairman, all of us gathered today know that aviation security must be radically improved. The current system is clearly broken. And fixing it is of dire importance to the American traveler, and to the nation at large. For we are a country built on travel. The freedom of mobility is not a convenience for Americans, but a way of life.

That is why I support the bill that our colleagues in the Senate passed 100-0, as I have supported other plans that address the need for drastic improvements in aviation security. The Senate unanimously adopted this plan because it knows that federal screeners at our nation's biggest airports will restore public confidence, and public confidence will restore ailing airlines and our desire to travel. With a recent Washington Post poll showing that 82% of all passengers support federal screeners, our path is clear. All we need to do now is follow it.

The bipartisan substitute before us recognizes that airport security is the first line of defense against terrorism. And, that national security is the foremost responsibility of the federal government. We don't contract out the military, the FBI, the CIA or for that matter, the Capitol Police, Federal workers guard our borders through INS and Customs. We should not expect less for those protecting the safety of our skies.

But, perhaps most importantly, I believe that federal screeners at the large airports and local law enforcement at smaller airports is the best way to address the need for greater security right now. By passing this substitute, we can quickly present a bill to the President for the signature which he has pledged. I recognize the need to build a bipartisan solution to this pressing problem and that is what this substitute offers. It addresses the main issues that both sides agree must be changed and takes a measured approach to the federalization of the screener workforce. I believe that this is the kind of common ground we must build in order to make the improvements to aviation security that the American public demands.

This bipartisan substitute is the best choice for the nation. We must act now to secure our aviation system and get people traveling once again. I urge my colleagues to vote for the measure before us.

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

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

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

an airport security company that allowed terrorists to get on a plane with box cutters.

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

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

Attached is a section-by-section description of the liability limitation provision in Managers amendment:

On September 22, 2001, the "Air Transportation Safety and System Stabilization Act" was signed into law by the President. In addition to providing federal assistance to the airline industry, it provided for a two track liability system. The first track creates a victim compensation fund, which provides victims of the September 11, 2001 terrorist-related aircraft crashes at the World Trade Center, the Pentagon, or site of the aircraft crash in Shanksville, Pennsylvania, with compensation. Specifically, the legislation authorizes a Special Master, appointed by the Attorney General, to review claims, within 120 days, submitted by claimants. Negligence is not required to be established to obtain compensation under this track. Funds for this victim compensation fund are taken derived from authorized funds from the federal government.

The second track is available to persons who elect not to pursue the victim compensation fund. These individuals can pursue a more traditional tort claim based on negligence. But if the claim is against American or United Airlines, it must be brought in the District Court of the Southern District of New York, where all the cases are to be consolidated. In these cases, liability is limited to the amount of available insurance.

The Manager's amendment does not disturb the Victim's Compensation Fund. However, it does amend the second track to expand the number of companies eligible to benefit from the liability limitations available described above and to add new limitations, namely eliminating punitive damages, eliminating prejudgment interest, mandating collateral source and capping victims attorneys fees. The following is a more detailed summary of the Section 201 of the Manager's Amendment.

Limiting liability for unnamed and unknowable parties (section 408 (a))

The amendment would expand current law from limiting the liability of air carriers to limiting the liability of "any person" liable for any damages arising out of the September 11, 2001 hijacking and crashes. Under this new provision, the Federal government is asked to go far beyond the two named defendants that it currently protects in the Air

System Stabilization Act (United Airlines and American Airlines). In fact, this provision requires the government to assume liability for "unnamed parties" including possible bad actors. Although this new amendment would provide coverage for those who have asked for and may well warrant relief (such as the owner of the World Trade Center and the Boeing Corporation), it would also limit the liability of the screening companies whose negligence may have allowed the hijackers to enter the aircrafts with weapons. This expansion of the legislation would allow hundreds of unknown parties to have protection against liability whether the protection is warranted or not. At a minimum, those eligible for limited liability should be identified, their insurance coverage ascertained, and the need for this protection substantiated. As a result, this bill shifts untold amounts of liability to the federal government with no substantiation.

LIMITS ON DAMAGES (SECTION 4088 (B)(4))

The amendment would impose a new limitation on damages injured victims can recover by stating that a party of the action is not liable beyond the amount of its insurance. The bill also specifically provides that any responsible defendant shall not be held responsible for (1) punitive damages or (2) interest prior to the judgment. It also limits the amount of recovery an injured plaintiff can receive by subtracting from the award any amounts the plaintiff may have received from other wrongdoers (collateral source).

(1) Punitive damages are monetary damages awarded to plaintiffs in civil actions when a defendant's conduct has been found to flagrantly violate a plaintiff's rights. The standard for awarding punitive damages is set at the state level, but is generally allowed only in cases of wanton, willful, reckless or malicious conduct. These damages are used to deter and punish particularly egregious conduct.

Eliminating punitive damages totally undermines the deterrent and punishment function of the tort law. The threat of meaningful punitive damages is a major deterrent to wrongdoing, and eliminating punitive damages would severely undercut their deterrent value since reckless or malicious defendants could find it more cost effective to continue their callous behavior and risk paying small punitive damage awards. If a baggage screening company hired a felon, the company could normally be held liable for punitive damages. However, this proposed provision could remove the ability of a victim to make such a claim.

(2) Interest payments are an added incentive to move the judicial process along because a delay would result in a penalty of added interest to the judgment. Without the threat of added interest payments defendant attorneys may be prone to delay proceedings because the real dollar value of a judgment amount would be reduced, making the judgment the same no matter how long the process. Both Virginia and New York law allow for pre-judgment interest in certain cases. Limiting interest would unfairly affect the judgment award collected by the victims and leave them vulnerable to a delayed judicial process.

(3) Collateral source reduction would mandate the reduction of the amount of the victims' award by collateral source compensation received by the claimant or that the claimant may be entitled to, such as health or disability insurance. Neither New York nor Virginia require the court to reduce an award by collateral source compensation. There are two problems with this change:

First, a reduction of a victims award due to collateral source compensation would result in wrongdoers escaping their responsibility. This amendment subtracts any other potential sources of recovery the victim may have from any damages the wrongdoer should pay. Losses caused by negligence or wrongdoing would be shifted from liable defendants to the government or private insurers who made the "collateral source" payment.

Second, the amendment does not require that the victim is actually able to collect from the insurance policy or other collateral source for the wrongdoer to escape responsibility. The amendment only requires that the victim be entitled to recovery from some other source.

Caps on attorneys' fees (section 408(b)(5))

This provision limits victims attorneys' fees by making them subject to court discretion and by limiting the amount charged to 20 percent of the damages ordered by the court or the settlement. An attorney who violates this limitation will be fined up to \$2000, imprisoned for a year, or both. Neither New York nor Virginia allow attorneys' fee caps. Instead, those states require a lawyer's fee to be reasonable.

Fee caps result in less access to justice for lower income populations. A payment ceiling or fee cap limits the economic incentive for attorneys to take on complex or difficult-to-prove claims under the contingency fee system. In turn, this would make it much more difficult for lower income populations to secure good representation.

Further, this proposal is one-sided because it only applies to plaintiffs' attorneys. It is blatantly unfair to allow defendants to spend unlimited amounts of money on representation while plaintiffs, even when dealing with the same legal issues, are severely limited in how much they can spend.

One way disclaimer (section 408(d))

This amendment provides a disclaimer which states that nothing in the section implies that a person is liable for damages arising out of the hijacking and crashes of September 11, 2001. The language in the amendment as written is one-sided. If it was neutral, it would provide that nothing in the section implies that a person is liable or not liable for damages arising out of the September 11, 2001 hijacking and crashes. This is illustrative of the overall problem with the amendment—it is written from a totally one-sided perspective to benefit defendants with little regard for victims.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the bill, H.R. 3150 to improve the security of air travel.

This bill establishes a clear federal responsibility to ensure airport safety. It creates a new Under Secretary in the Department of Transportation to set and implement the tough new security standards.

One major question has been whether or not every screener will be a federal employee. Instead of worrying about whether the person screening your luggage is a federal employee or an employee of a federal contractor, we should be focusing on results and accountability.

Under this bill, screeners would have to undergo rigorous background and fingerprint checks performed by the federal government and would be trained by the federal government with strict requirements. Moreover, their performance would be monitored and assessed by federal employees. Those who do

not meet the high standards set by the federal government would be dismissed. Further, the bill mandates a federal or state law enforcement presence at each screening location.

Moreover, the bill allows for the flexibility that will be needed to hire and fire employees, test new ideas, procedures, and technology. Wedding ourselves to a less flexible, rigid federal system will make it more difficult to assure safety. It is also important that we do not impose a one-size-fits-all system on all airports. DOT should be given the different options for different situations at different airports. This bill would provide such flexibility while at the same time requiring adherence to strict standards.

Unlike the Senate bill, this bill gives the President through one agency, DOT, primary responsibility. It seems to me that one of the weaknesses in our security that the September 11 terrorists were able to exploit was the lack of inter-agency communication. We are beginning to address that weakness. I believe it is better to have these functions in one agency not only to reduce costs, but to ensure proper co-ordination.

Mr. Chairman, this bill provides a comprehensive new approach to airline security. I urge Members to support it.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise in opposition to H.R. 3150, the Aviation Security Act, a bill that does not fix America's aviation security problems. I do, however, support the Democratic substitute, which passed the Senate unanimously.

I stand fast to my belief that aviation security is a matter of national security. Congress needs to treat this as a question of national security and put in place an effective, federal law enforcement system. Public safety is threatened by an unprecedented war declared on the American people by Osama bin Laden and his terrorist network. It is the federal government's job to protect our country. Security at the nation's airports is no longer a private sector matter. It is part of the front line of our national defense.

We would never consider contracting out the duties of our police departments, and it makes no sense to do so with airport screeners—the very people who are on the front lines of aviation security. Screeners are often paid less than fast-food workers, resulting in an average employee turnover rate of more than fast-food workers, resulting in an average employee turnover rate of more than 120% nationally and more than 400% at some airports. Instead, baggage screeners should be a professional, skilled trained law enforcement workforce.

Unfortunately, the Republican bill keeps things as they are with the same private contractors submitting the same low bids, the same private screeners, the same high turnover rate, the same low pay, and the same insecure aviation system. It fails to fundamentally reform the air safety system.

There's a clear way to make sure our families are safe and restore their faith in America's airline security. Making airline security workers professional will ensure our families are safer, boost confidence in air travel and help restore our economy.

Mrs. CHRISTENSEN. Mr. Chairman, as the representative of a district whose economy is

almost completely dependent of the safety of air travel, I rise in strong support of the Senate version of the airline security bill.

Like all of my colleagues, I have received countless letters, calls and e-mails from pilots and flight attendants. I heard from my local airline staff, including my cousin, Colette who has Worked with American for over 15 years, and I have had discussions with my own Port Authority. Without dissent, all have asked for a strong bill now, one which federalizes the security at our nations airports, and one which gives the airports the resources needed to implement the measures that will have to be put into place.

I salute our pilots, the crew and attendants, for being willing to serve those of us who have to fly or are willing to despite the events of September 11th. They will be the first to tell you that they do so, knowing that despite the searches, and armed National Guards at the terminals, there is not much more security than on September 10th, 2001.

We now have an office of Homeland Security. As we bring this office into full operation, it is clear from the recent and historical use of airplanes as agents of political statement, escape or terror, that airline security must be a part of its purview.

We are long overdue in doing something definitive to make our skies safe again. This is no time for arguing the small points, this is time for prompt action. As we are now on a heightened watch for further acts of terrorism, I do not want the responsibility of not having saved innocent lives should the airlines once again be the instrument of destruction.

I remember what happened to another important bill that would have saved lives—the patient bill of rights—when it went to conference it died there. We cannot let this happen with this critical measure. Lets pass the same bill the Senate did and lets send it to the President for his signature.

Mr. RAHALL. Mr. Chairman, both Democrats and Republicans in this House agree that we must overhaul our aviation security system after the terrorist attacks against America on September 11, 2001. But sadly, this House is divided over one key aspect of this debate—whether or not we should make airport security screeners federal employees. I believe they must become federal employees, for many glaring reasons. It is the only way to solve the problem.

Security screeners stand at their posts at airports because they are paid to watch the x-ray machines as people and carry-on luggage pass the metal detectors. The screeners are paid to look for hidden bombs, guns, knives, or any potentially lethal weapon, before innocent passengers board the planes.

Yet, as James E. Casto, Associate Editor of the Herald-Dispatch of Huntington, West Virginia pointed out, the standards for security screeners across the nation are inconsistent.

Mr. Casto noted two of his personal experiences while traveling: in one case at an airport out West, he encountered a screener who was really on her toes. She spotted a letter opener he had in his toiletry kit, that he was using as a makeshift screwdriver to fix his eyeglasses. She sternly made him fill out a form to leave the letter opener behind as “abandoned property.”

But at another major airport in the Midwest, Mr. Casto noted he encountered “a gaggle of screeners who were laughing and apparently having a great time. I doubt they would have noticed if I’d had an A-K 47 under my arm.”

The problem is that until now, security screeners have been hired privately by the airlines and the lowest bidder always gets the contract. Security has been secondary to the airlines. The airlines’ mission is not the security business. It is the passenger service business. As a result of this private system, there are no government standards to ensure consistency in training, supervision, wages and benefits, background checks, and continued security training once screeners are on the job.

That is why Mr. Casto, and millions of passengers, experience various levels of scrutiny from security screeners based at different airports, and hired by different airlines.

We know of cases where convicted felons were hired to be security screeners. Why? Because private security companies do not conduct thorough background checks of the people they employ. This is absolutely unacceptable.

The American people expect the federal government to act to protect them in times of national security. Perhaps before September 11th, domestic air travel was not considered to be a national security issue. But today, we must accept the harsh reality that international terrorists may attack us at any time. Our domestic flights have become a new tool for their terrorism.

Therefore, domestic aviation is a national security issue. National security means federal law enforcement. Federal law enforcement can only be conducted by federal employees, just as it is for Customs, immigration and agricultural inspections of crops coming in from other nations.

In order to regain the American people’s confidence in flying, the federal government must demonstrate to them that we have taken all necessary steps to ensure their safety. The best starting point is to make the security screeners federal employees.

As the Herald-Dispatch noted in an editorial on October 31, 2001:

“Many House Republicans . . . favor continuing to contract security operations to private companies, under new federal standards.”

“But reports by both the General Accounting Office and the Department of Transportation have shown that the workers who now staff airport security checkpoints are generally paid little more than those who work at fast-food restaurants and have little or no training for their all-important jobs. Little wonder that turnover in security at many airports is said to be more than 100 percent a year.”

“House Republicans would simply continue this failed approach, merely grafting on an overlay of new federal regulations.”

Mr. Chairman, we must federalize our airport security workforce to ensure consistent, high standards for their training, supervision and job performance. The more professional they are, the safer American passengers will be in the skies.

Ms. ROYBAL-ALLARD. Mr. Chairman, the House of Representatives prides itself on

being “the people’s House” and on doing “the people’s work”.

Since the attacks of September 11, the American people have made it abundantly clear that they want their federal government to take the lead in making our country safe. We have a bi-partisan bill that passed the Senate 100-0 that is critical to our reaching that goal.

Unfortunately, this bill has been held hostage for three weeks by a handful of members of the Republican leadership who, until today, have blocked a vote on this critical legislation.

The Democratic bi-partisan substitute will among other things put the federal government in charge of airport security including the federalization of security screeners.

This bill has the endorsement of my Los Angeles mayor, Jim Hahn, as well as the endorsement of the entire U.S. Conference of Mayors.

It’s time for Congress to listen to the American people and make our skies safe again by passing the Democratic Substitute.

Mr. WELLER. Mr. Chairman, I rise today in full support of efforts to increase the safety of the flying public and airline workers. America has been the world’s aviation leader from first flight in Kitty Hawk to the development of the Space Shuttle. Today, we have the opportunity to make historic advances in airline safety. I strongly support H.R. 3150 to increase security at airports in operation today and I strongly support the development of the proposed Chicago South Suburban Third Airport—an airport which has the opportunity to be the safest in the world.

We have all been stunned and saddened by the recent terrorist attacks. The goal of the terrorists was to make our nation fear, to force us to shrink from new challenges, and to scare our economy into a recession. I cannot emphasize enough how important both symbolically and practically building a new South Suburban Airport is to respond to these heinous acts. This airport can be built as the safest and most secure airport the world has ever seen.

Building a new airport will signify our strong commitment to continuing safe air travel, to building a strong economy, and to boldly step forward to solve new challenges and again lead the world in our national aviation system. Airline demand is already returning to high levels, and it is our job to make sure that we are prepared for that challenge.

We must take every step possible not only to prevent further terrorist attacks, but to also ensure the peace-of-mind of the traveling public. It is three weeks away until Thanksgiving and the busy travel holiday season. We must act to thwart terrorist evil deeds and to make sure that our loved ones, family and friends can travel without fear. The immediate answer to this is H.R. 3150, and the long term answer is the development of new secure airports such as the proposed South Suburban Airport in Chicago.

H.R. 3150 federalizes airline security screening and requires federal supervision of the screening process, background checks, testing and strict oversight. Further, the legislation requires the deployment of Federal Air Marshals and the immediate strengthening of cockpit doors. These requirements will ensure

that through screening of passengers and baggage will take place by people who are trained and qualified to take proper screenings. Federal Air Marshals will provide an additional deterrent to anyone attempting to hijack an airliner.

As the public continues to resume air travel, the capacity crisis that has plagued our air system will again be upon us. It is then our duty to build the safest new airports to handle the capacity crisis.

There is no question that Chicago's aviation capacity is at its limits; this fact is not in dispute. There is no doubt that the capacity crisis is hurting regional and nationwide transportation networks, as well as the economy. Now is the time for bold and decisive action to finish the 15 years of research and work that have brought us to this point by completing all environmental impact statements and beginning construction on the third airport.

Land is available and can be obtained if the State of Illinois is allowed to continue land acquisition. Construction could begin soon after land acquisition, creating an inaugural airport site that would be operational in four to five years. This is the key to alleviating the coming capacity crisis as it is the fastest viable alternative proposed to date. It also happens to be the least expensive—an inaugural airport can be built for \$560 million.

Some have asked, "why this site, why Will County?" Will County continues to be a fast-growing, dynamic county that is underserved in air transportation capacity, 2.3 million people live within 45 minutes of the proposed site, but must travel much greater distances to O'Hare or Midway, creating increasing traffic congestion. Will County and the region will continue to experience significant population growth. The proposed total acreage of the Peotone site will encompass enough land for the airport to continue to grow with demand and still keep green, open space around it.

There is no doubt that Chicago will continue to move south; the question is do we plan for the growth that is coming by taking the necessary steps today to ensure land is available for this airport while we still can. In addition to the air travel benefits for Illinois and Indiana residents, the region will also experience tremendous economic growth and job creation from the development of this airport. And, from a national perspective, the delays at O'Hare that have a domino effect across the nation, will be eliminated, keeping commerce and people moving efficiently and safely.

Mr. Chairman, I urge my colleagues to support H.R. 3150 and to support the development of the proposed South Suburban Chicago Airport to solve not only the capacity crisis, but also the safety crisis.

Mr. STARK. Mr. Chairman, it is unconscionable that more than seven weeks after this country lost more innocent lives than were lost in the American Revolution—and the means of attack was through sabotage of our aviation system—that we are only today debating this very urgent matter. The Senate unanimously passed a comprehensive aviation security bill three weeks ago. Meanwhile, the House of Representatives has been devising ways to provide tax relief to corporations and liability relief to the airlines—and ignoring airline safety altogether.

We continue to hear stories of passengers who board airplanes with everything from knives to loaded guns. Two weeks ago, seven baggage screeners at Dulles International Airport failed a pop quiz that tested their skills. Currently, airlines are responsible for the screening of airline passengers and baggage. Airlines pass this responsibility on to the lowest-bid screening contractors who pay their employees minimum wage and have widely varying employment standards. The result, as documented by the General Accounting Office and the Department of Transportation's Investigator General, is high turnover in the screener workforce and a failure of the screening process to work effectively—as witnessed by the attacks of September 11 and subsequent weapons allowed aboard aircraft across the U.S.

We have given the airlines and private contractors plenty of opportunity to remedy the egregious problems with the baggage screening process and they have failed to do so. Now, it is time for the federal government to step in and ensure safety of our airports and skyways. The Democratic substitute will do just that and that's why I support its passage today. It is not a perfect bill either. If I had the opportunity, there are changes I would make. But, passing the Democratic substitute today will get this overdue airline security bill to the President for his signature today. That is of the utmost importance.

Let's be clear. Baggage screeners are enforcement officers just like our Customs officers who are already federal employees. It simply makes sense to make them federal employees and ensure uniform employment standards are in place for all of them. That's what we've done with Customs Officers and no one is asking us to turn that duty over to private companies! This is an issue of national security and it requires a role for government to assure that our citizens are protected.

This concept should not be controversial when we are talking about risking U.S. lives. It is incumbent upon the U.S. government to provide protection for all of its citizens from harm at airports and on airplanes—if the best way to do that is to federalize passenger and baggage screeners, let's do it and do it now. This very same bill was passed by the U.S. Senate by 100–0. Last time I looked, there were a significant number of conservative Republican Senators. If they were able to recognize this as an issue of national security, so should their colleagues in the House.

It is obvious that the quality of the screening process will improve with federal employees doing the job. Government can pay salaries commensurate with the law enforcement responsibilities of screening. This job involves not only the ability to read x-rays, but also the ability to size up individuals and situations which require more thorough inspection in certain circumstances. These are skills required of Customs and Immigration inspectors and for which they are more appropriately paid than current baggage screeners in our nation's airports.

The GOP bill allows the same inept agencies to train screeners. The only change is that all these poorly trained screeners would be wearing a uniform supplied by the U.S. Government. Slapping a U.S. badge and uni-

form on our baggage screeners isn't going to deter further terrorist attacks, nor will it improve the training and attrition of our baggage screeners. We need real reforms in the entire screening pay structure and process. The Democratic Substitute bill does that.

Finally, the GOP bill includes further unwarranted liability protections. The bill expands liability relief to other unnamed parties beyond the two airlines protected from liability under the Airline Stabilization Act enacted last month. Under the Managers Amendment, with no showing of justifiable cause—indeed, with no showing of any cause at all—every potential defendant to a September 11-related action, whether that defendant is presently known or unknown, would be completely immunized from punitive damages regardless of its conduct. That means that Congress might even be protecting a private security company that knowingly hired a convicted felon or an illegal alien, or that deliberately failed to check for weapons. This provision is as ludicrous as the discussion of whether or not to federalize the baggage screening workforce.

The evidence is clear. We must not waste another day in quarrelsome debate when security has been breached prior to, and subsequent to, the September 11 attacks at airports across the U.S.

I urge my colleagues to vote no on the Manager's amendment and vote yes on the Democratic substitute bill.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 3150, the Security Transportation for America Act of 2001, and in support of the substitute bill that the Senate passed unanimously.

The American public's confidence in our national aviation system has eroded greatly since the tragic attacks of September 11. The public rightly demands quick federal action to enhance security at our nation's airports, and Congress must act now to ensure the safety of millions of travelers.

The federal government has a legitimate and necessary role to play in providing aviation security for the American public. In the wake of the September 11 attacks, many Americans have realized that aviation security needs to be viewed and treated as a matter of national security. Private security companies have repeatedly failed to provide adequate security at our nation's airports, and the American public should not be forced to tolerate the status quo any longer. Passenger and baggage screening should be treated as law enforcement functions, undertaken by trained federal employees subject to annual review and the threat of immediate dismissal in the event of inadequate job performance.

The bipartisan substitute, which the Senate passed by a vote of 100–0 on October 11, would shift responsibility for aviation security from the airline companies to the federal government. Our nation's borders, shores and seaports are protected by federal agents of the U.S. Customs Service, Border Patrol, Drug Enforcement Agency and Coast Guard. Our nation's airports deserve the same assurance of protection.

As well, both aviation security bills under consideration today seek to expand, not privatize, the Federal Air Marshal program. These measures acknowledge the important

role that federal agents play in ensuring and enhancing the safety and confidence of American air travelers. Air passengers deserve the same assurances of safety before they enter commercial aircraft that they enjoy after they take their seats.

Mr. Chairman, I believe that the federal government needs to take immediate, reasonable actions to enhance the safety of American air travelers. Aviation security needs to be treated as a law enforcement function, and as such should be provided by federal agents subject to congressional oversight and accountable to the American people.

Mr. LEVIN. Mr. Chairman, a basic function of government is to ensure the safety of the flying public. For many years now, there have been ominous signs that the security procedures developed by airports and airlines were broken.

Four years ago, in testimony presented to the House Aviation Subcommittee, the General Accounting Office stated, "The threat of terrorism against the United States has increased. Aviation is, and will remain, an attractive target for terrorists, so protecting civil aviation continues to be an urgent national issue. Since the 1988 bombing of Pan Am Flight 103, security reviews by FAA, audits conducted by GAO and the Department of Transportation's Inspector General, and the work of a presidential commission have shown that the system continues to be flawed. In fact, nearly every major aspect of the system—ranging from screening passengers, checked and carry-on baggage, mail, and cargo to controlling the access to secured areas within an airport environment—has weaknesses that could be exploited."

In March of 2000, the General Accounting Office again raised red flags about passenger screening checkpoints, the effectiveness of screeners and the need to improve their performance: The GAO noted that "turnover of screeners exceeds 100 percent a year at most large airports and at one airport has topped 400 percent, leaving few screeners with much experience at the checkpoints. We found that some of the screening companies at 14 of the nation's 19 largest airports paid screeners a starting salary of \$6.00 an hour or less and, at 5 of these airports, the starting salary was the minimum wage—\$5.15 an hour. It is common for the starting wages at airport fast-food restaurants to be higher than the wages screeners receive." The GAO further noted that the Federal Aviation Administration's efforts to establish performance standards that all screening companies have to meet in order to earn and retain certification is years behind schedule.

Even after the horrendous destruction caused on September 11 when four airlines were hijacked, the current aviation security system continues to fail us. On September 23, a man in Atlanta was able to successfully pass through a security checkpoint with a handgun in his pocket. On October 13, a man with a knife hidden in his shoe was able to pass through security at Dulles Airport without setting off the metal detector. On October 23, a man with a loaded gun in his briefcase was able to board a plane in New Orleans.

We have tried for 30 years to make the current airline security system work. The Amer-

ican people need to have confidence that they can fly safely, and this will only occur when we pass legislation overhauling the baggage- and passenger-screening systems. We can no longer afford to contract this critical responsibility out to the lowest bidder.

The Oberstar substitute correctly addresses the longstanding flaws in our country's aviation security system through the use of specially-trained federal employees to perform the screening of passengers and baggage at airports. The Oberstar substitute is identical to the bipartisan aviation safety bill approved by the Senate three weeks ago by a vote of 100 to 0.

Like the Capitol Hill police that protect Members of Congress and the Secret Service that protects the President, the airport screeners charged with protecting the flying public should be qualified professionals, and the Oberstar substitute ensures that they will be. Our substitute also increases the use of federal marshals on domestic and international flights, reinforces cockpit doors, strengthens the security of the flight deck, and enhances the security of secured areas of airports.

Mr. Chairman, there is an old saying that holds that the definition of insanity is doing the same thing over and over again and expecting different result. Given everything that has happened, the last thing we should do is to perpetuate an aviation security system that has failed as badly as our current system has. I urge all my colleagues to vote for the Oberstar substitute.

Mrs. LOWEY. Mr. Chairman, it's been 50 days since the terrorist attacks of September 11 and Americans are still unsafe on our nation's airlines. While I am pleased that the House is finally debating airline security, I rise in support of the bipartisan bill that passed the Senate 100–0.

My colleagues, aviation security is now a matter of national security. That became clear on September 11, when four commercial plains were used as weaponry in the terrorist attack on America.

The first obligation of our government is to protect our citizens and public safety is currently threatened by an unprecedented war. It is the federal government's job to protect our country during these times, and as President Bush has stated, we are fighting a two-front war—one here and one abroad. While we've committed troops and billions of dollars to the war overseas, it's sadly taken us seven weeks to even begin debate on how to make air travel safe.

My colleagues, now is not the time for partisan politics. And shame on those trying to make this a partisan issue. The Senate didn't. They unanimously passed—100 to 0—a bill to hold the federal government responsible for the safety of our nation's airlines. Quite frankly, the Senate-passed bill should have been immediately placed on the House suspension calendar and fast tracked to the President.

Instead, we are considering a bill that maintains the status quo. It will keep the same screeners who are undertrained and underpaid. And a workforce with a more than 120 percent turnover rate. Do we want someone with less incentive than fast-food workers screening the people and bags that are on our planes—or do we want a well-trained, capable

force of federal law enforcement ensuring our safety?

The Republican leadership cannot in good conscience ask Americans to resume life as normal, without first making sweeping changes to our airline security system. One of my constituents wrote that until the flying public is put first, "My family will not be flying . . . We will not be flying any airplane until Air Marshals are on every flight, every piece of luggage is x-rayed, and the workers that screen flyers are federalized."

Federalization is the key to professionalizing security. We would never consider contracting out the duties of the U.S. Customs Service, Border Patrol, or the local police department, and it makes no sense to do so with airport screeners—the front line in aviation security.

The bipartisan democratic substitute is clearly the right bill for airline security: 100 Senators voted for it; 82 percent of Americans want to federalize airline security; and flight attendants, pilots, and baggage handlers have made clear that their security is at risk at work everyday, and they support federalizing airline security.

Let's vote down the Republican airline security bill, and enact the bill everyone can stand behind—the democratic substitute.

Mr. HOYER. Mr. Chairman, when our Nation deploys its Army or Navy on a sensitive mission, we don't supplement their war-fighting capabilities with a privately run air force. So why would we insist that Federal law enforcement agents—who are on the front lines of homeland security—work alongside private airline screeners who are poorly paid, poorly trained and poorly performing? Do we really believe that a terrorist who can elude the greatest fighting force in the world cannot exploit this weakest link in our homeland security?

Every member of this body recognizes—in the wake of September 11—that airline security is an integral part of our national security. Thus, there's broad agreement: Airline cockpits must be more secure. More Federal marshals must be deployed on airplanes. Training and performance of airline security personnel must be improved. Yet, some Members of the majority believe that private companies should conduct security screening of passengers and baggage.

That's a recipe for future disaster. As Secretary Mineta remarked on Tuesday, "An unacceptable number of deficiencies continue to occur" at our Nation's airports.

Just since September 11, seven screeners failed a quiz on their skills at Dulles. Seven other screeners were arrested at Dallas-Forth Worth when they were found to be working illegally in the United States. And, Last week, a passenger flying from New Orleans to Phoenix discovered that he had a gun in his briefcase that had not been detected.

Low salaries contribute to an average turnover rate for private screeners of 126 percent. And the General Accounting Office has documented their poor performance.

Two weeks ago, the Senate recognized that decisive action was required, and passed an airline security bill by a 100–0 vote that would create a well-paid, well-trained force of Federal airline screeners. Federalizing this security function will ensure that we are able to

conduct thorough government background checks on screeners, and that our law enforcement efforts are integrated. The traveling public has every right to expect that our airport security personnel will be as professional as our Armed Forces deployed in Afghanistan and Central Asia.

This Democratic alternative, which federalizes all security-screening functions, is our best chance to restore public confidence in airline security. Let me note, though, that Federal screeners cannot be Federal employees in name only. This bill gives the Attorney General broad discretion over pay, health care, whistleblower protection, veterans' preference, workers' compensation, and the right to organize. He must not use it to create a second-class status for these employees.

I will support this legislation to make our air travel system much safer. This objective must be accomplished. But I intend to monitor the implementation of this legislation to ensure that Federal employee protections and benefits are not undermined in the process.

Mr. SENSENBRENNER. Mr. Chairman, in September, the House passed a bill that limited the potential liability of air carriers in any litigation arising out of the terrorist attacks of September 11. We did this because the capital markets could not and would not deal with air carriers as long as they remained under a cloud of potentially infinite liability. At that time, I voted against that legislation because it failed to similarly protect other industries. All businesses, not just air carriers, will be unable to obtain credit, capital, and loans if they are subject to potentially limitless liability awards. Without capital, these businesses will disappear, and the terrorists will have taken down not only the World Trade Center, but also untold numbers of businesses, large and small. And they will have done this with the help of a Congress that failed to act. Finally, today, in the manager's amendment, Congress is acting.

Far beyond companies like Boeing, this bill protects any business that creative trial lawyers could implicate in the tragic events of September 11. Some or many of these businesses may be in our own districts. Surely it is the terrorists, and not American companies, that started this war on America. So let's remove the cloud of infinite liability that hangs over these businesses and allow them to continue to survive even as they may face litigation. The terrorists put that cloud there. It's up to us to cast away that cloud, and to protect the capital streams upon which New York and the nation thrive and prosper.

This bill does nothing to prevent victims from being compensated by liable defendants. It does nothing to prevent them from taking part in the victims' compensation program we created last month. This legislation does, however, place finite limits on the potential liability of anyone implicated in litigation arising out of the terrorist attacks of September 11. In doing so, this legislation saves those persons and companies from losses of capital that could lead to bankruptcy. This in turn prevents the victims of September 11th from having their compensation decided by a federal bankruptcy court.

This bill also protects the city of New York, its police department, and its fire depart-

ment—all of which have conducted themselves so valiantly. This measure is supported by elected leaders in New York, as well as New York congressional members from both sides of the aisle (Mr. NADLER excluded).

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

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

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

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

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

Mr. Chairman, the bill before us, while a slight improvement over the Senate version, is still a step in the wrong direction. By authorizing a new airline ticket tax, by creating new federal mandates and bureaucracies, and by subsidizing the airline industry to the tune of another \$3 billion, this bill creates a costly expense that the American people cannot afford. We appropriated \$40 billion in the wake of September 11, and I supported that measure as legitimate compensation for individuals and

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

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

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

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

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

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

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

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

H.R. 3150 ensures maximum safety for passengers and airline crews through a series of comprehensive security measures. First and foremost, this bill puts the Federal Government in complete charge of adopting and implementing strict passenger and baggage screening standards. This responsibility will be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support the bipartisan alternative.

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 3150

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

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

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

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

(c) **TABLE OF CONTENTS.**—

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

Sec. 2. Transportation Security Administration.

Sec. 3. Screening of passengers and property.

Sec. 4. Security programs.

Sec. 5. Employment standards and training.

Sec. 6. Deployment of Federal air marshals.

Sec. 7. Enhanced security measures.

Sec. 8. Criminal history record check for screeners and others.

Sec. 9. Passenger and baggage screening fee.

Sec. 10. Authorizations of appropriations.

Sec. 11. Limitation on liability for acts to thwart criminal violence or aircraft piracy.

Sec. 12. Passenger manifests.

Sec. 13. Transportation security oversight board.

Sec. 14. Airport improvement programs.

Sec. 15. Technical correction.

Sec. 16. Alcohol and controlled substance testing.

Sec. 17. Conforming amendments to subtitle VII.

Sec. 18. Savings provision.

Sec. 19. Budget submissions.

Sec. 20. Aircraft operations in enhanced class B airspace.

Sec. 21. Waivers for certain isolated communities.

Sec. 22. Assessments of threats to airports.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

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

“§ 114. Transportation Security Administration

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

“(b) **UNDER SECRETARY.**—

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

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

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

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

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

“(c) **LIMITATION ON PECUNIARY INTERESTS.**—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

“(d) **FUNCTIONS.**—

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

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

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

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

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

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

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

“(2) assess threats to transportation;

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

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

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

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

“(7) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

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

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

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

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

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

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

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

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

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

“(f) ACQUISITIONS.—

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

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

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

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

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

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

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

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

“(h) REGULATIONS.—

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

“(2) EMERGENCY PROCEDURES.—

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

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

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

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

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

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

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

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

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

“114. Transportation Security Administration.”.

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

“The Under Secretary of Transportation for Security”.

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

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

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

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

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

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

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

(3) in section 44916(a)—

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

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

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

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

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

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

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

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

SEC. 3. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

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

(2) by adding at the end the following:

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

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

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

SEC. 4. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—
(A) by striking “a law enforcement presence” and inserting “a law enforcement or military presence”; and

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

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

SEC. 5. EMPLOYMENT STANDARDS AND TRAINING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) INTERIM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—In the period beginning 30 days after the date of enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements

shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a “screener”):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

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

“§ 44917. Deployment of Federal air marshals

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

“(1) provide for deployment of Federal air marshals on selected passenger flights of air

carriers in air transportation or intrastate air transportation;

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

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

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

“(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

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

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

“44917. Deployment of Federal air marshals.”.

SEC. 7. ENHANCED SECURITY MEASURES.

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

“§ 44918. Enhanced security measures

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

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

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

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

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

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

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

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

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

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

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

“(7) Provide for the use of threat image projection or similar devices to test individuals described in paragraph (6) and establish

procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

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

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

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

“(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

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

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

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

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

“(b) AIRWORTHINESS OBJECTIONS BY FAA.—

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

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

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

“(d) PROPERTY SECURITY PROGRAM.—

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

“(2) USE OF SCREENING EQUIPMENT.—The Under Secretary shall ensure that equipment

installed at airports to screen checked baggage is used to the maximum extent possible.

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

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

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

“44918. Enhanced security measures.”

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking “**Reports**” and inserting “**Report**”; and

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

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

“44938. Report.”

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

Section 44936(a) is amended—

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

(2) in paragraph (2)—

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

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

SEC. 9. PASSENGER AND BAGGAGE SCREENING FEE.

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

“§ 44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

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

“(2) AIR CARRIER FEES.—

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

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

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

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

“(d) IMPOSITION OF FEE.—

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

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

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

“(e) ADMINISTRATION OF FEES.—

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

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

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

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

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

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

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

“(3) shall remain available until expended.

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

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

“44939. Passenger and baggage screening fee.”

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

SEC. 10. AUTHORIZATIONS OF APPROPRIATIONS.

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

“§ 44940. Authorizations of appropriations

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

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

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

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

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

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

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

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

“44940. Authorizations of appropriations.”

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

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

“(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the

individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.”

SEC. 12. PASSENGER MANIFESTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

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

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“§ 44951. Transportation Security Oversight Board

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

“(b) MEMBERSHIP.—

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

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

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

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

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

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

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

“(c) DUTIES.—The Board shall—

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

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

“(3) review—

“(A) plans for transportation security;

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

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

“(D) procurement of security equipment;

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

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

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

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

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

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

“§ 44952. Advisory council

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

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

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

“(d) ADMINISTRATIVE MATTERS.—

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

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

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

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

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

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

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

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“44951. Transportation Security Oversight Board.

“44952. Advisory council.”.

SEC. 14. AIRPORT IMPROVEMENT PROGRAMS.

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

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

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

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

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

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

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

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

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

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

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

(3) by inserting at the end the following:

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

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

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

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

(3) by adding at the end the following:

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

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program

is amended by inserting “or the Secure Transportation for America Act of 2001” after “21st Century”.

SEC. 15. TECHNICAL CORRECTIONS.

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

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

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

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

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

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

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

(4) by inserting after section 45106 the following:

“§ 45107. Transportation Security Administration

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

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

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

“45107. Transportation Security Administration”.

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

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

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

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

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

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

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

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

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

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

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

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

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

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

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

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

(2) in subsection (d)—

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

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

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

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

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

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

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

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

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

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

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

(6) in section 46311—

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

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

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

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

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

SEC. 18. SAVINGS PROVISION.

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

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

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

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

(c) **PROCEEDINGS.**—

(1) **IN GENERAL.**—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pur-

suant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

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

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

(d) **SUITS.**—

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

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

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

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

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

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

SEC. 19. BUDGET SUBMISSIONS.

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

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

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regula-

tions, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 21. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

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

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

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

SEC. 22. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 is amended by adding at the end the following:

“(d) **PASSENGER VEHICLES.**—

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

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

The CHAIRMAN. No amendment is in order except those printed in House Report 107-264 or otherwise specified in House Resolution 274. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1700

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

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows: