

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 16, as follows:

[Roll No. 446]

YEAS—225

Aderholt	Granger	Otter
Akin	Graves	Oxley
Army	Green (WI)	Paul
Bachus	Greenwood	Pence
Baker	Grucci	Peterson (PA)
Balleger	Gutknecht	Petri
Barr	Hansen	Pitts
Bartlett	Hart	Platts
Barton	Hastings (WA)	Pombo
Bass	Hayworth	Portman
Bereuter	Hefley	Pryce (OH)
Berman	Hergert	Putnam
Biggart	Hill	Quinn
Bilirakis	Hilleary	Radanovich
Blumenauer	Hinojosa	Ramstad
Blunt	Hobson	Rangel
Boehlert	Hooley	Regula
Boehner	Horn	Rehberg
Bonilla	Hostettler	Reynolds
Boswell	Houghton	Riley
Brady (TX)	Hoyer	Rogers (MI)
Brown (SC)	Hulshof	Rohrabacher
Bryant	Hunter	Roukema
Burton	Hyde	Royce
Buyer	Insee	Ryan (WI)
Callahan	Isakson	Ryun (KS)
Calvert	Issa	Sandlin
Camp	Istook	Saxton
Cannon	Jenkins	Schaffer
Cantor	Johnson (CT)	Schrock
Capito	Johnson (IL)	Sensenbrenner
Carson (OK)	Johnson, Sam	Sessions
Chabot	Keller	Shadegg
Chambliss	Kelly	Shaw
Collins	Kennedy (MN)	Shays
Combest	Kennedy (RI)	Sherwood
Cooksey	Kerns	Shimkus
Cox	Kind (WI)	Shuster
Crane	King (NY)	Simmons
Crenshaw	Kingston	Simpson
Crowley	Kirk	Skeen
Culberson	Knollenberg	Smith (MI)
Cunningham	Kolbe	Smith (NJ)
Davis (FL)	LaHood	Smith (TX)
Davis, Jo Ann	Larsen (WA)	Smith (WA)
Davis, Tom	Larson (CT)	Souder
Deal	Latham	Stearns
DeLay	LaTourette	Stump
Diaz-Balart	Leach	Sununu
Dooley	Lewis (CA)	Sweeney
Doolittle	Lewis (KY)	Tancredo
Dreier	Linder	Tauscher
Duncan	LoBiondo	Tauzin
Dunn	Lofgren	Terry
Edwards	Lucas (OK)	Thomas
Ehlers	Manzullo	Thornberry
Ehrlich	Matheson	Thune
Emerson	McCrery	Tiahrt
English	McHugh	Tiberi
Eshoo	McInnis	Toomey
Ferguson	McKeon	Trafficant
Fletcher	Mica	Vitter
Foley	Miller, Dan	Walden
Forbes	Miller, Gary	Walsh
Fossella	Miller, Jeff	Wamp
Frelinghuysen	Moran (KS)	Watkins (OK)
Galleghy	Moran (VA)	Watts (OK)
Ganske	Morella	Weldon (FL)
Gekas	Neal	Weldon (PA)
Gibbons	Nethercutt	Weller
Gilchrest	Ney	Whitfield
Gillmor	Northup	Wicker
Gilman	Nussle	Wilson
Goodlatte	Osborne	Wolf
Goss	Ose	Young (FL)

NAYS—191

Abercrombie	Gordon	Olver
Ackerman	Graham	Ortiz
Allen	Green (TX)	Owens
Andrews	Gutierrez	Pallone
Baca	Hall (TX)	Pascarell
Baird	Harman	Pastor
Baldacci	Hayes	Payne
Baldwin	Hilliard	Pelosi
Barcia	Hinchev	Peterson (MN)
Barrett	Hoefel	Phelps
Becerra	Hoekstra	Pickering
Bentsen	Holden	Pomeroy
Berkley	Holt	Price (NC)
Berry	Honda	Rahall
Bishop	Israel	Reyes
Blagojevich	Jackson (IL)	Rivers
Bonior	Jackson-Lee	Rodriguez
Borski	(TX)	Roemer
Boucher	Jefferson	Rogers (KY)
Boyd	John	Ross
Brady (PA)	Jones (NC)	Rothman
Brown (FL)	Jones (OH)	Roybal-Allard
Brown (OH)	Kanjorski	Rush
Burr	Kaptur	Sabo
Capps	Kildee	Sanchez
Capuano	Kilpatrick	Sanders
Cardin	Klecza	Sawyer
Carson (IN)	Kucinich	Schakowsky
Castle	LaFalce	Schiff
Clayton	Lampson	Schiff
Clement	Langevin	Scott
Clyburn	Lee	Serrano
Coble	Levin	Sherman
Condit	Lewis (GA)	Shows
Conyers	Lipinski	Skelton
Costello	Lowe	Slaughter
Coyne	Lucas (KY)	Snyder
Cramer	Luther	Solis
Cummings	Lynch	Spratt
Davis (CA)	Maloney (CT)	Stark
Davis (IL)	Maloney (NY)	Stenholm
DeFazio	Markey	Strickland
DeGette	Mascara	Stupak
Delahunt	Matsui	Tanner
DeLauro	McCarthy (MO)	Taylor (MS)
DeMint	McCarthy (NY)	Taylor (NC)
Deutsch	McCollum	Thompson (CA)
Dicks	McDermott	Thompson (MS)
Dingell	McGovern	Thurman
Doggett	McIntyre	Tierney
Doyle	McKinney	Towns
Engel	McNulty	Turner
Etheridge	Menendez	Udall (CO)
Evans	Miller, George	Udall (NM)
Everett	Mink	Upton
Farr	Mollohan	Velázquez
Fattah	Moore	Visclosky
Finer	Murtha	Waters
Ford	Myrick	Watson (CA)
Frank	Nadler	Watt (NC)
Frost	Napolitano	Weiner
Gephardt	Norwood	Wexler
Gonzalez	Oberstar	Woolsey
Goode	Obey	Wu
		Wynn

NOT VOTING—16

Bono	Johnson, E. B.	Millender-
Clay	Lantos	McDonald
Cubin	Largent	Ros-Lehtinen
Flake	Meehan	Waxman
Hall (OH)	Meek (FL)	Young (AK)
Hastings (FL)	Meeks (NY)	

□ 1045

Ms. MCCARTHY of Missouri, Mrs. MALONEY of New York and Messrs. FORD, SKELTON, SNYDER, McDERMOTT, TOWNS and PAYNE changed their vote from “yea” to “nay.”

Mr. ROHRABACHER and Mr. TANCREDO changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 446, had I been here I would have voted “no” on this bill; however, I was detained by a conference meeting with the White House and was unable to vote at the appropriate time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 1042. An act to prevent the elimination of certain reports.

H.R. 1552. An act to extend the moratorium enacted by the Internet Tax Freedom Act through November 1, 2003, and for other purposes.

H.R. 2924. An act to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes.

H.J. Res. 74. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 717. An act to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 739. An act to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes.

S. 1196. An act to amend the Small Business Investment Act of 1958, and for other purposes.

S. 1202. An act to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the “Wayne Lyman Morse United States Courthouse”.

S. 1389. An act to provide for the conveyance of certain real property in South Dakota to the State of South Dakota with indemnification by the United States Government, and for other purposes.

S. 1459. An act to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the James A. McClure Federal Building and United States Courthouse”.

S. 1573. An act to authorize the provision of educational and health care assistance to the women and children of Afghanistan.

S. Con. Res. 44. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day.

The message also announced that there was a Senate amendment to the House amendment for:

S. 320. An act to make technical corrections in patent, copyright, and trademark laws.

CONFERENCE REPORT ON S. 1447, AVIATION AND TRANSPORTATION SECURITY ACT

Mr. MICA submitted the following conference report and statement on the Senate bill (S. 1447) to improve aviation security, and for other purposes:

CONFERENCE REPORT (H. REPT. 107-296)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1447), to improve aviation security, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation and Transportation Security Act".

TITLE I—AVIATION SECURITY

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, 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 OWNERSHIP OF STOCKS AND BONDS.—The Under Secretary may not 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.—The Under Secretary shall be responsible for security in all modes of transportation, including—

"(1) carrying out chapter 449, relating to civil aviation security, and related research and development activities; and

"(2) security responsibilities over other modes of transportation that are exercised by the Department of Transportation.

"(e) SCREENING OPERATIONS.—The Under Secretary shall—

"(1) be responsible for day-to-day Federal security screening operations for passenger air transportation and intrastate air transportation under sections 44901 and 44935;

"(2) develop standards for the hiring and retention of security screening personnel;

"(3) train and test security screening personnel; and

"(4) be responsible for hiring and training personnel to provide security screening at all

airports in the United States where screening is required under section 44901, in consultation with the Secretary of Transportation and the heads of other appropriate Federal agencies and departments.

"(f) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsections (d) and (e), 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) 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;

"(7) enforce security-related regulations and requirements;

"(8) identify and undertake research and development activities necessary to enhance transportation security;

"(9) inspect, maintain, and test security facilities, equipment, and systems;

"(10) ensure the adequacy of security measures for the transportation of cargo;

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

"(12) require background checks for airport security screening personnel, individuals with access to secure areas of airports, and other transportation security personnel;

"(13) work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

"(14) work with the International Civil Aviation Organization and appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights by foreign air carriers in foreign air transportation; and

"(15) 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.

"(g) NATIONAL EMERGENCY RESPONSIBILITIES.—

"(1) IN GENERAL.—Subject to the direction and control of the Secretary, the Under Secretary, during a national emergency, shall have the following responsibilities:

"(A) To coordinate domestic transportation, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

"(B) To coordinate and oversee the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

"(C) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation.

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

"(2) AUTHORITY OF OTHER DEPARTMENTS AND AGENCIES.—The authority of the Under Secretary under this subsection shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

"(3) CIRCUMSTANCES.—The Secretary shall prescribe the circumstances constituting a national emergency for purposes of this subsection.

"(h) MANAGEMENT OF SECURITY INFORMATION.—In consultation with the Transportation Security Oversight Board, the Under Secretary shall—

"(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

"(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

"(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers—

"(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

"(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

"(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.

"(i) VIEW OF NTSB.—In taking any action under this section that could affect safety, the Under Secretary shall give great weight to the timely views of the National Transportation Safety Board.

"(j) 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 services, including such personal services as the Secretary determines necessary, and 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.

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