House of Representatives

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.

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

Mr. Chairman, it disturbs me how this issue has become a political football, with each individual saying deplorable things, that is not good legislation. We must go to conference. We can solve this issue when we go to conference.

If we go to conference, we will have the exact same ports, 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.

And I have had a few people say to me, 'my God, we are now safe because we have the Young-Mica bill'. 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.'

I have talked privately with the gentleman from Florida (Mr. MICA), and I tell my colleagues from the bottom of my heart, my colleagues know they are not, and I will not be 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.

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 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 believe they have a 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 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.

It 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.
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 are 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 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**

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.

Subsection (c) gives the Under Secretary authority to set up his own procurement system.

Subsection (d) describes the duties and powers of the Under Secretary.

Subsection (e) states that the Under Secretary will be responsible for security in all modes of transportation. This involves the assumption of the duties and 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 research and management functions within DOT. It does not involve the Coast Guard. The bill does not explicitly assign the hazard function leaving that up to DOT to decide whether to move that into the new Administration or keep it in FAA.

Subsection (f) allows the new TSA to set up its own personnel system.

Subsection (g) adds a new section 114 to the DOT Inspector General Act to investigate the TSA in the same way that he can investigate other Administrations within DOT.

Subsection (h) establishes the compensations for the Under Secretary.

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

Subsection (j) gives the Under Secretary the same authority over security equipment.

**SECTION 3—SCREENING OF PASSENGERS AND PROPERTY**

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

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.

Subsection (b) establishes the security service to be provided to the secure transportation system.

Subsection (c) requires that anyone violating the rules or regulations, or adversely affecting the performance of the screeners, can be removed.

Subsection (d) adds a new section 114 to the DOT Inspector General Act to investigate the TSA in the same way that he can investigate other Administrations within DOT.

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 restate the powers of the Under Secretary.
screeners. The veterans preference was a sug-

Section 15—Technical Correction

Subsection (a) changes the due date of a re-

portion.

Subsection (a) authorizes appropriations to op-

left to be determined at the discretion of the Under-

2906 introduced by Congressman Baker.

2. After consultation with the FAA, find ways to—

(A) limit access to the cockpit;

(B) strengthen cockpit doors;

(C) use existing technology 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;

(E) impose standards for the screening or

inspection of passengers and vehicles that

have access to aircraft and secure areas of

airports;

(F) require airlines to provide emergency

call capability from aircraft and trains.

(This was suggested by Congressman Kirk);

(G) use various technologies, such as voice

stress analysis, to prevent a dangerous per-

son from boarding a plane.

(H) develop certification standards for indi-

vidual screeners;

(I) use Threat Image Projection (TIP) or

similar devices to screen travelers and deter

screeners who have access to aircraft and secure areas of

airports;

(J) require airlines to provide emergency

funds for security personnel from the

airport from defaulting on a bond.

(K) use for debt service in order to prevent

bankruptcy.

(L) impose more thorough background

checks of airport screeners, student pilots,

and about $100 million for international de-

partures. Future year revenue could be higher

when air travel returns 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 required by a

fee assessed directly on the airlines or

defensive measures. 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 Transpor-

tion 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 air-

line.

Subsection (e) requires the Secretary to

consult with the NTSB on safety

issues.

Section 15—Transportation Security

Oversight Board

Subsection (c) allows AIP money to be

used for 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).
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.


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, section 7(a) of the Transportation Security Act of 2002 (P.L. 107-118) empowers 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 Chairmen 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 Alliance for Airport Security has waived its jurisdiction over H.R. 3150. Additionally, the Science Committee expressly reserves its authority to seek conferences 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 conferences on H.R. 3150 as well as any similar or related legislation.

I request that you consider 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 (Chairman Young) for his 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 that the Science Committee’s jurisdiction under the House Rules over provisions that may affect ‘‘civil aviation research and development.’’

I agree that considering the relevant provisions of H.R. 3150 does not waive the Science Committee’s jurisdiction over those provisions. I also acknowledge your right to seek conferences 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 conferences 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.

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 (Chairman Young), for his willingness to waive 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 conferences 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 conferences 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.

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

Mr. DUNCAN. Mr. Chairman, I rise in support of this bill by 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 worked with Mr. Hammerschmidt, 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 reissue that we 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 President’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 by the Federal Government, persons with the badge of security. We need to have the badge of security.

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

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

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

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 key personnel; and most importantly, improved 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 1998, 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 here today. 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 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 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 Chairmen 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-boosted 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 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 a place that an airliner, and especially an American airliner, 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 occasions, 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 25 percent 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.

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.

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 the one hand and everyone else on the other hand. This way, the cockpit would be isolated from 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 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. 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 IP 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 from the terminal, to have the safeguards put in place sufficiently to protect the public. The only way the substitute will work is if we revisit the substitute in the Senate. One of the things I want to point out specifically are the $2.50 security fee earmarked 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 have arguments 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 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 asked and was given permission to revise and extend his remarks.)

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 bill because it was 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 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 in air-planes? Why do we not fraction 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 rushed 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.

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 asked and was given permission to revise and extend his remarks.)

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 planes that breached airport security. They carried box cutters and knives in their bags. They forced themselves into four cockpits. They rambled these planes into the heart of America. They attacked the greatest military, and they attacked the greatest commercial symbol 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 last week ran women 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. Seventeen failed the test.

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 law enforcement. 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 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, Repub-
lican 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 con-
ference on whether tubas should be considered carry-on luggage. That is in
the middle of our 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 compensa-
tion.

We can start buying machines tomorrow to check every bag, to start rein-
forging the cockpit doors, putting more marshals on the airplanes. We can in-
crease 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 con-
tracts. 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 in-
crease our security? Why can you not get these simple, obvious provisions
done so that flight attendants and pas-
sengers and pilots are not responsible for security?

This is the time to act in a totally bi-
 partisan 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 Cen-
ter.

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 home. That was the atmosphere and she 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, for God's sake! Forget contracts,
and simply stand tonight in a biparti-
san way to do what is right for the American people. This is a great coun-
try. 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. Chair-
man, 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.

Mr. VITTER. Mr. Chairman, I stand in strong support of the Young-Mica bill. 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 be-
cause I want to protect my family, my friends, my loved ones, and my coun-
try.

Let me give my colleagues one specific example which I think is a crucial security question that has not been fo-
cused on enough in this debate and deserves more attention. 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 the plane takes off. That is the rule for international flights. It is not the mand-
atory 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 hap-
pen. 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 provi-
sion 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 program is put in place. That is simply inexcusable; 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 col-
league.

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

Aviation security should be a law en-
forcement function, not a lowest-bid function. That is the bottom line. When we cut to the chase, that is really
how this is all about. Bag-
gage and passenger screening is a mat-
ter of national security, and national security should not be left to the lowest
bidder.

How much more evidence than Sep-
tember 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 Min-
neapolis-St. Paul airport police, North-
west Airlines pilots, flight attendants,
gate agents, as well as many other constitu-
tuents who are frequent flyers; and to a person they have all told me that bag-
gage and passenger screeners should be law enforcement agents, not private se-
curity guards, baggage handlers;

Mr. Chairman, the people I represent want us to move quickly to protect air passengers and restore a sense of con-

fidence. If we pass the Oberstar-Ganske bill, we could have it on the President's desk tonight and make flying safer to-
morrow. The Oberstar-Ganske bill will ensure the safety of air travel with
armed sky marshals, secure cockpits, and screening of all baggage and pas-
sengers 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 public wants and deserves.

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 sub-
stitute without further delay.

Mr. YOUNG of Alaska. Mr. Chair-
man, I yield myself such time as I may
consume.

I wish the gentleman would stay for
a moment to understand one thing. He
was giving me a lecture about yesterday, not today. Our bill changes all those things, and by the way, the Interna-
tional 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. TRAFI-
CANT).

Mr. TRAFICANT. Mr. Chairman, we have today, as we speak, more govern-
ment workers than factory workers in America. The House is referred to as
the nation's largest, quick-turnaround, de-

 cereal factory; the other body, crotch pot, slow, delib-
erative 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.

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 does not survive with more and more employees. Right now we 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 illegals coming through a year? Cannot a guerrilla 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 micromanage 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 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 departmental, 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 dinged by 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. We have to 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 2/3 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 us 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 and his staff 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 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 would 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, 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. LIPIŃSKI).

Mr. LIPIŃSKI. 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. The President, 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 needed to ensure 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 Federal Government. 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 that we have now is not sufficient. It is broken, and we are going to fix it. This 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 carried 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 is a flying 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. A Required airport screening of Federal employees is needed in order to establish an effective, uniform system of screening across the Nation.

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 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 the ultimate law enforcers. Let us collaborate 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 of 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 Congress to pass a bill. I have 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. 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 today, and some people when I was in the minority 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, not 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 every expert that came to 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 fact 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, the FAA set the standards. The 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 leader and we can give Ph.D.s to do screening. 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 they have in place. We have 300 of these machines in place. I defy anyone, come up here and 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 people with Ph.D.s, and Mr. Atta, if he were to set up his own airport, I defy him to do this. It is not only bifurcated with different levels of security at some airports and law enforcement career professionals should have the greatest respect for the career professionals that are in place, in fact, we are dealing with laws which had been passed by the Senate bill, so Members are worse off than they were on September 10. We heard the minority leader and we can give Ph.D.s to do screening. 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.

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Mr. OBERSTAR. 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 screeners to replace the FBI. The results of millions of dollars in fines by the supervisors, and yet they are even now failing to conduct proper background checks, hiring convicted criminals to work at our airports.

The Democratic substitute will make our airports secure by entrusting security to professional Federal law enforcement officials. It is not an unreasonable request. The Senate voted for it 100-to-nothing. Yesterday, 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 mercenaries 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 airport security force. And yet, 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 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. GANSEK) 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, I would like to respond to the gentleman from Minnesota (Mr. OBERSTAR) who has 2½ minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 1 minute remaining.

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

Ms. BROWN. Mr. Chairman, it is incredible to me that 7 weeks have passed since September 11 and that we have not passed an aviation 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 security 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 we know that are behind bars 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 2 minutes remaining and the gentleman from Alaska (Mr. YOUNG) has 1 minute remaining.

Mr. OBERSTAR. Mr. Chairman, I would like to respond to the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG).

Mr. OBERSTAR. Mr. Chairman, is it correct that under the rule, the managed care amendment cannot be subject to change except for unanimous consent? The CHAIRMAN. Under the rule, the amendment cannot be amended. However, the offer of the amendment by the Chair just indicated, the manager’s amendment is not subject to change unless unanimous consent is asked and obtained.

Mr. OBERSTAR. I raise the issue because there are questions moving on the floor from Members that promises have been made regarding the managed care 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 should be treated 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 (Ms. MINK).

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

Ms. MINK. 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 that we 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 people say it is the same old system. We do change the system. I have heard security, as I have mentioned before.

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 reference 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 believe 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 Chair’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 better assess what the terminal is 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 encourage irrational, terrorists tend to be very rational in their target selection. Using this analysis, small, rural airport terminals are less attractive because of the limited number of people using them and their geographical distance away from urban areas.

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 Class III airports continue to face the economic burdens placed on small airports and regional airlines to cover these enhancements. 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 protected.

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 federal 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 expands the Federal Air Marshal 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.

H.R. 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. H.R. 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. 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 limited 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 tool is necessary 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 the 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 their friends on the other side of the aisle.

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 our national security requires the 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 arm-fling crew. Many of our civilian pilots served in the armed forces and air men 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 to have a federal workforce that has the skills to perform 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 crew.

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 the Federal Air Marshals to reinforcing cockpit doors, H.R. 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 sweep-provision may well be entitled to relief. But the language would limit liability, grant immunity, and strip away any 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 comebarely 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, 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 airports 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 under-lying 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 air- 
lines 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 Senate also leaves open the possi-
bility for the implementation of various tech-
ologies 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 addi-
tion 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 be-
come 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 se-
curity workforce. The Republican bill continues 
the status quo; using low-bid private contrac-
tors 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 from anyone in our country, the point 
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 pas-
sengers.

I am also disappointed that this bill still does 
not include provisions that provide much needed 
assistance for the hundreds of thousands of 
lay-off workers. I remain hopeful that after 
we have established a federal screening work-
force, the House will immediately move to give 
worked 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 in-
surance.

Mr. CLEMENT. Mr. Chairman, all of us 
gathered today know that aviation security 
must be radically improved. The current sys-
tem 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 col-
leagues on the opposite side of the aisle have 
supported other plans that address the 
need for drastic improvements in aviation se-
curity. 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 
airline stocks and our domestic 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 
and that national se-
curity is the foremost responsibility of the fed-
eral government. We don’t contract out the
military, the FBI, the CIA or for that matter, the 
Capitol Police, Federal workers guard our bor-
ders 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 se-
curity right now. By passing this substitute, we 
can quickly present a bill to the President for 
the signature which he has pledged. I recog-
nize 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 federaliza-
tion of the screener workforce. I believe that 
this is the kind of common ground we must 
built in order to make the improvements to 
aviation security that the American public de-
mands.

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 amend-
ment and in support of the Democratic sub-
stitute.

Airport security is a legitimate federal re-
ponsibility. Just as we protect our borders, 
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 advancement. This amend-
ment 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 ter-
rorists 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. In this 
respect the amendment is too broad, limiting 
the protection against companies that were 
involved in any part of the Sept. 11 attacks.

This amendment would provide coverage for 
those who have asked for and may well warrant 
liability (such as the owner of the World Trade 
Center and the Boeing Company). It also 
would limit the liability of the screening compa-
nies whose negligence may have allowed the 
hijackers to enter the aircraft with weap-
ons. This expansion of the law would allow 
hundreds of unidentified parties to have pro-
tection against liability whether the pro-
tection is warranted or not. At a minimum, 
these limits on liability should be 
identified, their insurance coverage 
ascertained, and the need for this protection 
substantiated. As a result, this bill shifts un-
fairly amounts of liability to the federal gov-
ernment with no substantiation.

LIMITS ON DAMAGES (SECTION 408 (B)(4))

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

1. Punitive damages are monetary dam-
ages imposed to punish wrongdoers and deter 
their 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 punitive damages is a major deterrent to wrongdoing, and eliminating punitive damages would severely undercut their deterrent value. A lack of 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 contractor or a security officer, the contractor 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 could 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 paid by the claimant or the claimant may be entitled to, such as health or disability insurance. Neither New York nor Virginia require the court to reduce an award on the basis of 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 before the defendant escapes 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. 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’ fees caps.

Deduct the 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 lower income populations to secure good representation.

Further, this proposal is one-sided because it only applies to plaintiffs’ attorneys. It is blatantly unfair because defendants tend to pay 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 punitive 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 state “nothing in 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 is 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. Different options 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 important 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 life and death. 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, working 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 rates. The same lack of a strong, secure and effective 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 American security. I know it 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 national 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 be 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 and it died there. We cannot let this happen with this critical measure. Let’s pass the same bill the Senate did and let’s 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 passengers 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 and stopped a passenger. A second time, as he was traveling out West, he encountered a screener who now staffs 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 turn-over 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 screeners. The standards for their training, supervision and job performance. The more professional that they are, the safer American passengers will be in the skies.

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

Since the attacks of September 11, the American people 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 caucus, 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.

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Building a new airport will signify our strong commitment to continuing safe air travel, to
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. 3510 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 are forced to walk through walls with 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 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 screeners workforce and a failure of the screeners 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 skies.

The Democratic substitute will do just that. I will 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 Senate by 100–0. Lastly, 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 requirements for those involved. The government will 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 uniform on our baggage screeners isn’t going to deter further terrorist attacks, nor will it improve the tracking and attrition of those baggage screeners. We need real reforms in the entire screening pay structure and process. The Democratic substitute allows 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 year. Billions in additional revenue, 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 quarselsemba 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. 3510, 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 expects and deserves protection against attacks, 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. It is critical to the safety of travel and the American economy. 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 away from the commercial aviation industry and 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 safety.

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 300 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 enhance security at our nation’s airports deserve the same assurance of safety...
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 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 American 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 protect 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. Green 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—here at home and 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 it one. 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 120 percent employee 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 security of our Capitol Hill police, our 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 percent professionalized screeners; 100 percent federalized. Our Democratic colleagues 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 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. 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?

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-trained, well-paid fleet of Federal security screeners. Letting the security function work is going to require that we have the ability 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-tier force for these essential workers.

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.

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 capital markets could not function if we 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 department—all of which have conducted themselves as proxies for justice. The measure supported by elected leaders in New York, and affirmed by New York congressional members from both sides of the aisle (Mr. Nadler excluded).

Mayor Guiliani, 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 understand under these circumstances the measure that is 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 underwriting which could seriously slow or even derail those rebuilding efforts.

Mr. Chair, 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 another $6 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 all the actions taken in this bill, 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 ‘passenger 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 measure. 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.

SECURE TRANSPORTATION FOR AMERICA ACT

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 improvement to our nation’s aviation security system. H.R. 3150 ensures maximum safety for passengers and airline crews through an array 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 provided to a new Transportation Security Administration within the Department of Transportation and will be headed by a new 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 secure system that is both professional and efficient.

I am also pleased that at the request of Representative Mike Ferguson (R-NJ), 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. DELAHUNT. Mr. Chairman, from those first tragic moments on September 11, two things were immediately clear.

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

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—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 are our country 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.

November 1, 2001

CONGRESSIONAL RECORD—HOUSE H7649
SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

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

§ 114. Transportation Security Administration

(b) UNDER SECRETARY.—The Under Secretary shall be the head of the Transportation Security Administration. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) 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.

§ 115. Term.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

§ 116. Limitation on pecuniary interests.—The Under Secretary shall 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.

§ 117. Functions.—

(1) IN GENERAL.—The Under Secretary shall have responsibility 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.

§ 118. Assignment of contracts.—Upon request of the Under Secretary, an air carrier or other transportation or security enterprise may enter into an agreement with the Under Secretary to transfer any contract the carrier may enter into with respect to carrying out such function, before the Under Secretary assumes responsibility for such function.

§ 119. 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 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 4903;

(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 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.

§ 120. ACQUISITIONS.—

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

(D) 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;

(E) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or interest therein, within or without the continental United States, as the Under Secretary considers necessary;

(F) 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 such facilities;

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

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

§ 121. TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

§ 122. 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 5511 of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

§ 123. 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 any 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, the Under Secretary shall issue the regulation or security directive without providing notice or an

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November 1, 2001

APPENDIX
opportunity for comment and without prior approval of the Secretary.

(2) 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 49961. Any regulation or security directive under this paragraph shall remain effective until disapproved by the Board or rescinded by the Under Secretary.

(3) PERSONNEL, SERVICES, AND FACILITIES.—

(a) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 406, the Administrator shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (1) and (m) of section 106.

(b) 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 subsection 106(m).

(c) PERSONNEL MANAGEMENT.—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.

(d) ACQUISITION MANAGEMENT.—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.

(4) AUTHORITY OF INSPECTOR GENERAL.—The Inspector General of the Department of Transportation shall have the same authority as is provided to the Inspector General of the Federal Aviation Administration under section 44935(a) and (b) of the Transportation Security Administration.

(5) REFERENCES TO FAA IN CHAPTER 449.—

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

(b) in the second sentence of section 44933(a) by striking “the Administrator” and inserting “Under Secretary of Transportation for Security”;

(c) in section 44904(a)(2) by striking “Administrator” and inserting “Under Secretary”;

(d) in section 44904(d)(8) by adding at the end the following: “6 months after the date of enactment of the Transportation Administration Act of 2001.”

(e) REPEALS.—Section 44935(e)(1) is amended by striking “May 31, 2001” and inserting “6 months after the date of enactment of the Transportation Security Act of 2001.”

(f) UNIFORMS.—Section 44935 is amended by adding after the last paragraph the following: “652. 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.

(2) EFFECT OF INSPECTOR GENERAL’S FAILURE OF OPERATIONS TEST.—The Under Secretary may not perform an individual’s screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.

(g) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 49901 to be attired in a uniform, approved by the Under Secretary, while on duty.”.

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

“114. Transportation Security Administration.”

(i) 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.”

(j) PERSONNEL OF OTHER AGENCIES.—The last sentence of section 106(m) is amended by adding “and the supervisors and instructors of such personnel, to have satisfactorily completed remedial training.”

(k) FLIGHT TESTING.—Section 44903 is amended by adding the following as subsection (c):

“C. CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

“114. Transportation Security Administration.”

(l) 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”;

(2) in subsection (b) by striking “Administrator” and inserting “Under Secretary”;

(3) in subsection (c) by striking “Administrator” and inserting “Under Secretary”;

(4) in subsection (d) by striking “Administrator” and inserting “Under Secretary”;

(m) 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 44933(a) by striking “the Administrator” and inserting “of the Transportation Security Administration”;

(3) in section 44910(a)(1) by striking “Administrator” and inserting “Under Secretary of Transportation for Security”; and

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

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

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

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

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

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

(10) by striking “Administrator” each place it appears in such chapter (except in section 44936(1) and inserting “of Transportation for Security”;

SEC. 5. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44903 is amended—

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

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

(3) by striking the paragraph at the end of paragraph (5) and inserting a semicolon and

(4) by adding at the end the following: “the Under Secretary shall have the power to order the dismissal of any individual performing such screening;”.

(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 Transportation Security 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.—The Under Secretary shall require any individual who screens passengers and property pursuant section 49901, and the supervisors and instructors of such individuals, to have satisfactorily completed remedial training.

(h) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 49901 to be attired in a uniform, approved by the Under Secretary, while on duty.”.

(i) 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 is published 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 any individual who screens passengers and property pursuant to section 49901 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 position.

(2) BASIC ATTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception) and manual coordination, and motor skill(s) 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 be components of screening equipment, the ability to distinguish on the equipment monitors the appropriate images;
(C) for screeners functioning X-ray and explosive detection system equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;
(D) for screeners operating any screening equipment, the ability to detect and handle such baggage, containers, cargo, and other objects subject to security processing;
(E) the ability to handle and transport and handle such baggage, containers, cargo, and other objects subject to security processing;
(F) for screeners operating manual searches or other related operations, the ability to identify the components that may constitute an explosive or an incendiary device;
(G) for screeners performing manual searches of cargo, the ability to use tools that may be used to open and close boxes, crates, or other common cargo packaging;
(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo on air carrier;
(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct such procedures over a person’s entire body.

2. 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, airwaybills, invoices, and labels on items normally encountered in the screening process;
(C) provide direction to and understand and answer questions from English-speaking persons entering 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 on board an aircraft; and
(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 System. — 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 shall take the following actions:
(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures to enhance equipment for pilots and other members of the flight crew to use to defend an aircraft from 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;
(D) ensure continuous operation of an aircraft transponder in the event of an emergency.
(3) As standards for the screening of persons and vehicles having access to secure areas of an airport.
(4) Require effective 911 emergency call capability for telecommunications serving passenger aircraft and passenger trains.
(5) Provide for the use of voice stress analysis or other technologies to prevent a person from boarding an aircraft carrying weapons or other dangerous objects, or from using aircraft to violate federal or international law enforcement, or to engage in acts of terrorism.
(6) Develop 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 entities, 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 switch(es) 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, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described.
(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 to provide 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)(ii), (B)(ii), and (B)(iv) of section 44906(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government agencies to help determine whether the person may be a threat to civil aviation.

(d) 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 would 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.
(3) 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.

(e) 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 secured in the cabin and that no checked baggage is carried on the aircraft unless the passenger who checks the baggage is aboard the aircraft, or by other methods that the Under Secretary considers to be effective.

(f) 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.

(g) 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 the pilot to be armed, unless the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

(h) Report. — Not later than 6 months after the date of enactment of this section, and annually thereafter to the Under Secretary who determines whether 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.
(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 "Fee"; and

(B) by striking "(a) TRANSPORTATION SECURITY—" and all that follows through "(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT OPERATOR FEE.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating to 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 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 of this Act, or as soon as possible thereafter;"; and

(2) in paragraph (2)—

(A) by striking "airport operator" and inserting "airport operator, or certified 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 certificated 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) In general.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and in transit, for transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44940(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 44940(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected by the carrier.

(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 air transportation in transit for an air transportation transaction for Security Administration, including but not limited to the costs of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

(d) IMPOSITION OF FEE.—

(1) IN GENERAL.—Notwithstanding section 901 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 fee imposed on or after the date of enactment of this Act, or as soon as possible thereafter.

(3) LIMITATION ON COLLECTION.—No fee may be collected under this section, except as provided for in subsection (a)(2), 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).

(f) RECEIPTS CREDITED AS OFFSETTING RECEIPTS.—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.

(g) 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.

(h) 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.

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

(j) 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.".

(k) 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; and

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

(c) AIRPORT SECURITY.—There is authorized to be appropriated $1,500,000,000 for fiscal year 2002 for the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.

(2) 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 44949 is amended by adding at the end the following:

"(b) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages to any aircraft or to any property on or off the aircraft or in any way connected with or contributed to any 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 44942 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 certificated by the Federal Government to transport passengers on 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.

"(D) The passenger and crew manifests for flights to the United States shall require each air carrier certificated by the Federal Government to transport passengers on 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.

"(D) All passenger and crew manifests for flights to the United States shall require each air carrier certificated by the Federal Government to transport passengers on 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.

"(D) The passenger and crew manifests for flights to the United States shall require each air carrier certificated by the Federal Government to transport passengers on 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 and crew member.

(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

(3) PDA.—Subject to paragraph (4), a passenger and crew member 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 TO 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) Chairman 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) The Administrator of the Federal Aviation Administration 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) establish an advisory council to be known as the "Transportation Security Advisory Council";

(2) 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 security and law enforcement officers in the Transportation Security Administration;

(F) waivers granted by the Under Secretary of Transportation for security under section 114(b)(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) budget requests of the Under Secretary;

(B) standards established for performance of security officers and personnel;

(C) issues which affect or are affected by the operations of the Transportation Security Administration.

(d) 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 as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

(e) 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 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 106(a) of title 18, pertaining to unauthorized disclosure of such information.

(3) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) There is established a position of Chairperson and Vice Chairperson of the board, each of whom shall serve for a term of 2 years.

(B) The Chairperson and 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 when away from his or her usual place of residence, in accordance with section 5707 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.

(f) 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) COMPEITION PLAN.—Section 4106(i) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (4) the following:

"(5) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility or other project for which an application was 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 DEFINITION.—Section 4102(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 security FDC 1/0618 issued by the Federal Aviation Administration.

(L) in fiscal year 2002, payments for debt service for 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 failure on the indebtedness.

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 4110(b)(2) is amended—

(1) by striking "or" at the end of subpar-

(2) by inserting after the semicolon at the end of the subparagraph (C)(i) "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 4712(i) without regard to the date of execution of a grant agreement under this subsection.

(d) FEDERAL SHARE.—Section 4109(a) is amended—

(1) by striking "and" at the end of para-

(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 4712(i)."

SEC. 15. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 108(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 43306(c) (as redesignated by section 201(d) of such Act) and (c) amended by inserting "reinsure" for "and reinsure" and by inserting "representatives" and inserting "representatives".

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Chapter 451 is amended—

(1) by striking "contract personnel" each place it appears and inserting "personnel";

(2) by inserting "contract personnel" each place it appears and inserting "employees";

(3) by inserting 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 security FDC 1/0618 issued by the Federal Aviation Administration.

(L) in fiscal year 2002, payments for debt service for 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 failure on the indebtedness.

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 4110(b)(2) is amended—

(1) by striking "or" at the end of subpara-

(2) by inserting after the semicolon at the end of the subparagraph (C)(i) "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 4712(i)."

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY STABILIZATION AND SECURITY ACT.—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".

(f) FEDERAL CREDIT INSTRUMENTS.—Section 10102(e) of such Act is amended by striking "representatives" and inserting "representatives".

SEC. 17. FEDERAL ADVISORY COMMITTEE ACT.

(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS.—The authorization of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel is transferred to the Under Secretary for Transportation for Security. Notwithstanding section 10106(a), the regulations prescribed under section 4102(a)(4) 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 EMPLOYERS OF ADMINISTRATION.—

The provisions of this chapter that apply with respect to employers of the Federal Aviation Administration whose duties include responsibility for security-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Secretary, and the Administrator, respectively; 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 44906 from section 44906, inserting them at the end of section 44703, and designating them as subsections (h), (1), 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 (i)".

(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 46101(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 "or Secretary, or;"

(3) in section 46101(a)(2) by striking "of Transportation or the" and inserting "of, Under Secretary, or;"

(4) in section 46102(b) by striking "and the Administrator and inserting "and, the Secretary, and the Administrator;"

(5) in section 46102(c) by striking "and Administrator each place it appears and inserting "and, the Secretary, and Administrator;"

(6) in each of sections 46102(d) and 46104(b) by inserting after "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

(b) 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. The provisions of this Act shall be deemed to prohibit the use of any such asset or property 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—

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by striking 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 "or Secretary, or Administrator;"

(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 decides" each place it appears and inserting "or Administrator;"

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(a) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraph (2) and proceedings 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.

(b) SUTTS 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.

(c) REMANDED CASES.—If the court in a suit described in paragraph (1) renders 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.

(d) CONTINUANCE OF ACTIONS AGAINST OFFICERS, AGENTS, OR OTHER PERSONS.—(1) 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; and

(e) REMEDIES AVAILABLE FOR VIOLATION OF THIS ACT.—The provisions of this Act shall be deemed to be used in connection with the functions transferred.
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 amendment 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 2002, 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 10618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the operation of a certificated aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, listed as 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. WAIVER FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40202 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) WAIVER PROVISION.—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 40604 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 authority, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Transportation Security Administration, an order, rule, 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 a quorum is 14, 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:

Amendment No. 1 offered by Mr. Young of Alaska:

Page 1, line 6, strike “secure transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

In the table of contents after line 8, strike the item relating to section 15 and insert the following:

Sec. 15. Corrections.

Page 2, before line 9, insert the following:

TITLE I—AVIATION SECURITY

Redesignate sections 2 through 22 of the bill as sections 101 through 121, respectively.

Conform the table of contents of the bill, and the following:

Page 14, after line 8, insert the following:

Page 16, line 7, strike both periods and the closing quotation marks and insert “;” and the following:

“(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.”.

Page 16, line 20, strike “pursuant to” and insert “pursuant to”.

Page 19, line 22, strike “and” and insert the following:

Page 19, line 23, strike “period and insert “;” and the following:

“(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Page 21, line 14, strike “and”.

Page 21, line 30, strike the period and insert a semicolon and the following:

“(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport where the air carrier operates a base or gate to which the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

“(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

Page 22, line 3, after “consultation with” insert “and concurrence of”.

Page 22, before line 10, insert the following:

“(B) Basic Pay Defined.—Section 8331(3)(E) of the United States Code, is amended to read as follows:

“(E) availability pay—

“(i) received by a criminal investigator under section 544a of this title; or

“(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation.”

Page 24, line 1, strike “Provide” and insert “Establish performance goals for individuals described in paragraph (6), provide”.

Page 27, after line 2, insert the following:

“(B) Basic Pay Defined.—Section 8331(3)(E) of the United States Code, is amended to read as follows:

“(E) availability pay—

“(i) received by a criminal investigator under section 544a of this title; or

“(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation.”

Page 28, after line 2, insert the following:

“(B) Basic Pay Defined.—Section 8331(3)(E) of the United States Code, is amended to read as follows:

“(E) availability pay—

“(i) received by a criminal investigator under section 544a of this title; or

“(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation.”

Page 29, line 20, strike the closing quotation marks and the final period and insert the following:

“(g) Delegation of Airport Screening Personnel.—The Under Secretary shall designate the air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

“(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, may implement certified trusted passenger programs and use available technologies to expedite the screening of passengers who participate in such programs, thereby allowing at no cost to the air carrier or the United States Government if the passenger is traveling to that airport after completing his or her security duties; and

“(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

“(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on the instrument, subject to subject to such other reasonable terms and conditions as may be established by the
Under Secretary or the air carrier, including imposing additional charges by the air carrier. 

(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified by the Federal Security-validated data base for the purpose of having an integrated response coordination of various authorized airport security forces.

Page 29 and all that follows through line 7 on page 27 and insert the following:

"(d) PROPERTY SECURITY PROGRAM.—

(1) CHECKED BAGGAGE.—

"(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2001.

"(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

"(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

"(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an airplane by any passenger who checks the baggage aboard the aircraft.

(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft, air transportation and air transportation and intrastate air transportation as soon as possible after the date of enactment of this paragraph.

Page 29, line 10, strike "and" and insert the following:

"(2) by adding at the end of paragraph (1) the following:

"(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available identification data, including records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to the baggage area of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before the individual began his or her current employment and was exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations."; and Page 29, line 11, strike "(2)" and insert "(9)".

Page 34, strike line 23 and all that follows through line 4 on page 35 and insert the following:

"(9) AIRPORT SECURITY.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements specified on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

"(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

"(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

"(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.

Page 36, from line 9 of subsection (b) and insert "paragraph (2)".


Page 43, line 22, after "sponsor" insert "or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor".


Page 45, after line 15, insert the following:

"(d) SCREENING OF PASSENGER CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

"(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation provided under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $1,500,000,000 specified in subsection (a) by the amount set aside under this subsection.

"(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditicable measure, as determined by the President.

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 122. REQUIREMENTS TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

"41722. Requirement to honor passenger tickets of other carriers.

"Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of war, insolvency or bankruptcy of the carrier."

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

"41722. Requirement to honor passenger tickets of other carriers."

SEC. 123. SENSE OF CONGRESS ON CERTAIN MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should implement, in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) REPRESENTATION.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service shall not transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

"SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001;"

(2) by amending subsection (a) to read as follows:

"(a) GENERAL LIMITATION OF LIABILITY.—

Except as provided in this section, no Federal court or agency of State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;"

(3) in subsection (b), by adding at the end the following new paragraph:

"(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable,

the party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(5) ATTORNEYS’ FEES.—Reasonable attorneys’ fees for work performed in any action brought under this subsection shall be sub- stantially in accordance with prevailing practice.

In no event shall any attorney charge, demand, receive, or collect for services rendered, fees in

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The amendment strengthens existing language in the bill on the screeners who check baggage and sets a deadline for screening of all baggage for December 31, 2003.

The amendment addresses compensation for air marshals and ensures that they will be able to travel back to their homes without charge when they leave active duty status.

This is a good amendment. This amendment has been discussed and greatly improves the bill.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition to the amendment. The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding time. I would like to speak very briefly on the victims’ compensation portion of the amendment, better titled “Limits on Victims’ Compensation.” This liability section includes a lot of tort reform provisions not considered by the Committee on the Judiciary, and there are a number of unanswered questions that hopefully would be resolved had it been considered by the Committee on the Judiciary. For example, to qualify for relief, and that is it limits loss to insurance coverage, to qualify for that kind of relief from liability, the defendant must show the damages arise out of the hijacking and subsequent crashes on September 11. The question, of course, is, what does “arise out of” mean?

If you are in a breach-of-contract suit in state court in California and alleging that the goods were not delivered or were slow to deliver and that might have been caused by the September 11 crash and the subsequent failure of people to move, does that count as arising out of the crashes?

Why should we reward people for not having insurance? If two cases are identical and one person has insurance, they can recover. In the next case, the person does not have insurance or is self-insured, no recovery. That is obviously not fair.

How do deductibles work? If you have $1 million coverage and $10,000 deductible, what happens to a $9,000 claim? Do you lose it because it is not covered by insurance? When we had the airline relief bill, we provided specific help to specific defendants, knowing the kinds of cases we knew their insurance coverage. That is not the case here.

There are other provisions, like the attorney’s fees provision where you assume that the person is charging a contingent percentage fee. They may be charging a flat fee. Also the collateral source rules.

These provisions have not been considered by the Committee on the Judiciary. They have nothing to do with security; and, therefore, the manager’s amendment ought to be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBERG), the Chairman of the Committee on the Judiciary.

Mr. SENSENBERG. Mr. Chairman, I am a bit puzzled hearing my colleague on the Committee on the Judiciary, the gentleman from Virginia (Mr. SCOTT), say that this bill ought to be delayed so that the Committee on the Judiciary can consider contingent liability issues. We have heard from the other side again and again that we ought to send the substitute amendment to the President tonight so that the people can have protection, and yet my colleague from the Committee on the Judiciary wants us to spend some time looking at contingent liability issues.

The manager’s amendment is important to complete the job we failed to do in passing the airline liability bill. That bill capped air carriers’ liability at the limit of their insurance, so we have protected United Airlines and American Airlines and the security contractors. That got on the planes that were hijacked, which have been included in the definition of air carriers by two Federal Court decisions; but we did not give the same type of contingent liability protection to Boeing, the manufacturer of the plane, to Pratt and Whitney and General Electric, the manufacturers of the engines, the Port Authority of New York and New Jersey, which is a quasi-public corporation, the lessee of the World Trade Center, the fire department and police departments of the City of New York, and anybody else that might have contingent liability.

What the manager’s amendment provision does is to close the loop. If we do not close the loop, the entities that I have talked about, particularly the private sector entities, are going to be able to borrow money. So unless the manager’s amendment is passed, you are not going to be able to see Boeing and General Electric and Pratt and Whitney and the wallboard manufacturer of the walls in the 105th floor of the World Trade Center be able to keep themselves in business, because no bank will lend them money because of contingent liability issues.

So if the manager’s amendment goes down because of the arguments the gentleman from Virginia (Mr. SCOTT) has advanced, then I guess American airlines, and that is small “a” American airlines, not the corporation, are going to be flying Air Buses with Rolls Royce engines simply because we are not going to have American manufacturers in the international civil aviation market.

This provision of the manager’s amendment is strongly endorsed both by Governor Pataki and Mayor Giuliani, who feel it is necessary to protect the State, the city, and the
Mr. BALDACCI. Mr. Chairman, I would like to thank the ranking member for yielding me time and also for the leadership he has shown on this very important issue.

As a member of the Subcommittee on Aviation, it became very apparent to all of us that we are lacking in this particular area. This is not a question of more Federal employees or less Federal employees or private contractors. There is a problem in the system.

The argument that was advanced earlier was, well, because there is a problem of communication of Federal law enforcement agencies, we do not want to add to that problem of Federal coordination of law enforcement agencies. I totally reject that. If we are going to be able to make sure that the screeners on the front lines of security have the latest information about terrorists and suspected terrorists, they need to be Federal employees, Federal law enforcement personnel, so they have the information from the Justice Department which this legislation authorizes the Attorney General to be able to promulgate the rules and regulations. They need to be in the Federal loop. The appointment of Tom Ridge as head of the Transportation Security Administration was meant to say we demand that coordination. We should not accept anything else but coordination of the FBI, the intelligence agencies, and all Federal law enforcement.

The other issue that needs to be federalized is the role of security contractors. Different airlines in our hearings had different procedures what to look at. One looks at this, one looks at something else. We need uniform Federal standards, and we need to advance and upgrade these positions if we are going to encourage the public to fly again and feel the security of flying again.

This is not a question of more Federal employees or private contractors. It is based on the hearings the subcommittee held, the testimony that was taken. There are gaping holes in the system.

This has been approved overwhelmingly in the Senate, bipartisanly, and bipartisanly in this Congress. I totally reject the arguments that are being made that it can be done better with what we have now in dressing it up.

Mr. Chairman, I ask my colleagues to stand together, to unite around this legislation and to get them into the airports workers.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding. I was discussing earlier today that this is not a time to cast any doubt or any suggestion on the integrity and integrity of the individuals who have come to this floor with different opinions. But I want to thank, as I said earlier, the leadership of the Committee on Transportation and Infrastructure for allowing us this debate on this very important issue.

I would have preferred standing in this well 3 weeks ago, 4 weeks ago, almost a month ago. I would have preferred not standing up, of having to deliberate on this legislation and having to reflect on September 11, 2001.

But we are here today because that tragedy occurred. As I mentioned to the distinguished gentleman from Minnesota (Mr. OBERSTAR), we are also here because of the tragedy that occurred in December 1988. A plane full of happy individuals leaving the European continent, coming home for the holidays, flight attendants, pilots, families, students, all looking forward to the Christmas holiday.

And over Lockerbie, Scotland, that plane blew up because of a bomb placed in an unsecured checked bag. If we do anything today, we should pass this bill so that it could be on the President’s desk this evening. The reason is, for once in this Nation, for the first time, we will be able to tell the American people that the security door that gets on the airplane, checked luggage, will be screened and analyzed. We will have Federal air marshals; and rather than a paper-thin cockpit door, we will have an enforced cockpit door. We will also have the ability to say “no room at the inn” for anyone who comes in with a $25,000 check and says, I want to be a pilot in the United States of America, and we do not know their background or why they came here to this country.

There are many tragic things that happened on September 11, 2001. Our borders were not as secure as they should have been. We did not have the tracking ability to track those who came in legally, but over stayed their visas; and then we did not have reinforced cockpit doors. But we must do the right thing today and correct what we can do today—federalize airline security. Do what the American people deserve—provider security for the airlines to provide safe airways for the American people now.}

Mr. BALDWIN of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLANGER).

(Mr. BALLANGER asked and was given permission to revise and extend his remarks.)

Mr. BALLANGER. Mr. Chairman, lack of experience in times of decision can easily lead to mistakes. I would imagine that the largest number of employees most Members of Congress have ever employed is their staff here in Washington and back in their districts. As employers, Members of Congress are called on to make hiring, firing and fringe benefit decisions for their staffs, they are involved in hiring, firing, evaluating, and eliminating employees. These decisions can be made without government advice or instructional guidelines.
Now, let us just imagine that we federalize all congressional employees. They would immediately gain all the benefits of civil service, which would then require us to hire, pay, and advance employees according to government regulations. Under the procedure of the House, does our side have the right to close? Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, again, I will try to set the record straight. The gentleman from Maine who spoke earlier talked about the exchange of some type of an exchange of information; and it is true, the Senate bill does establish that. However, it does not provide that the information go to the airlines. The airlines are the only ones that have the passenger list. In their haste to pass, the other body left out the provision to require a passenger list from foreign carriers; and in today's paper, it looks like those in the other body are trying to correct that deficiency.

The gentlewoman from Texas talked about cockpit doors and air marshals. The President has already ordered that. That is under way; it is in all of the pieces of legislation. In fact, the cockpit doors, Secretary Mineta told me, in all major aircraft will be in by November 7 and air marshals are being put in place every day.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES). (Mrs. JONES was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the gentleman from Minnesota (Mr. OBERSTAR) and his colleagues for offering the Senate bill. I rise in support of it.

Unlike some of my colleagues, I have overseen more than 300 employees and many of them were law enforcement officers. Unlike many of my colleagues, my father worked for the airlines, my sister works for the airlines, my brother-in-law works for the airlines; and this bill is very important to my family and the American public.

I rise because I believe that airline security must be an honorable position, just like police officers, just like fire marshals, just like everyone else who does a law enforcement job. Let us elevate them to the level of honor that they deserve so that the American people will believe that their safety is covered. Let us elevate them to the position of a Federal employee doing a law enforcement job with law enforcement equipment and honored by this Nation's public.

Mr. Chairman, I rise in support of the legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me. I want to use this time to point out one area of the Senate bill which will soon be offered as a substitute which I feel to be somewhat incredible, and I would doubt that the Members on the other side are really, really aware of its inclusions. One of the provisions in that bill requires that the screener will have to have been a national of the United States as defined in section 1012(22) of the Immigration and Nationality Act contained in U.S.C. 1101(a)(22) for a minimum of 5 consecutive years. Now, I would ask, has anybody looked up that section to see exactly what that provides?

Mr. Chairman, that provides that in many instances that a citizen is defined as a national in that section, that we may be setting up a system of second-class citizens. This is clearly wrong. It is nowhere in the United States Code, and it should not be tolerated by this House.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members in regard to references to the other body that the Chair previous admonitions are still valid.

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

I hope people are listening to what the gentleman from Florida (Mr. SHAW) had to say. We are setting up an unconstitutional thing of two-tiered citizenry. I hope we understand what that does. Unlike some of my colleagues, I have overseen more than 300 employees and many of them were law enforcement officers. Unlike many of my colleagues, my father worked for the airlines, my sister works for the airlines, my niece works for the airlines; and this bill is very important to my family and the American public.

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MR. OBERTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 223, noes 202, not voting 7, as follows:

[Roll No. 421]

AYES—223

Abraham 6.

Ackerman 11.

Allen 12.

Baird 12.

Balducci 12.

Baldwin 12.

Barcia 12.

Barrett 12.

Bartlett 12.

Barrett 12.

Barrett 12.

Barrett 12.

Basa 12.

Bates 12.

Bates 12.

Bates 12.

Berry 12.

Bishop 12.

Bishop 12.

Bishop 12.

Bishop 12.

Bishop 12.

Bissell 12.

Boehlert 12.

Boehner 12.

Bonilla 12.

Bono 12.

Brady 12.

Brown 12.

Bryant 12.

Burton 12.

Bush 12.

Buccheat 12.

Bullock 12.

Butler 12.

Carter 12.

Capito 12.

Castle 12.

Coble 12.

Collins 12.

Coburn 12.

Conn 12.

Cranell 12.

Crenshaw 12.

Cunningham 12.

Davis 12.

Davids 12.

Daye 12.

De La Fuente 12.

DeMint 12.

Diaz-Balart 12.

Duncan 12.

Ehrlich 12.

Emerson 12.

English 12.

Everett 12.

Ferguson 12.

Fletcher 12.

Foley 12.

Forbes 12.

Fossella 12.

Frelinghuysen 12.

Gallegly 12.

Gelbs 12.

Gibbons 12.

Gilchrest 12.

Gilmore 12.

Gilman 12.

Goode 12.

Goodlatte 12.

Goss 12.

Graham 12.

Graham 12.

Graves 12.

Abercrombie 202.

Ackerman 202.

Allen 202.

Andrews 202.

Baca 202.

Baird 202.

Balducci 202.

Baldwin 202.

Baucus 202.

Barrett 202.
TITLE I—AVIATION SECURITY

SEC. 101. FINDINGS.

The Congress finds the following:

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

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

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

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

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

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

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

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

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

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

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

"(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

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

(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 49;

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

(C) shall actively cooperate and coordinate with the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and other transportation security activities that are related to aviation security through the Aviation Security Coordination Council.

(3) NATIONAL EMERGENCY RESPONSIBILITIES.—The Federal Aviation Administration shall have the following responsibilities:

(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port and waterway) and other than the Department of Defense and the military departments.

(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies, including the Director of National Intelligence, the Attorney General of the United States, the Secretary of the Treasury, and the Administrator of the Federal Aviation Administration of the Department of Transportation, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and public safety, about threats to transportation during a national emergency.

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

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

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

(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

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

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

(b) ATTORNEY GENERAL RESPONSIBILITIES.—

The Attorney General of the United States—

(1) is responsible for day-to-day Federal security and screening operations for passenger air transportation or intrastate air transportation under sections 49401 and 49493 of title 49, United States Code;

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

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44922(c) of title 49, United States Code, is amended—

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

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

(d) CROSS-CHECKING DATA BASE INFORMATION.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

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

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

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

(b) POLICIES AND PROCEDURES.—Section 4911(b) of title 49, United States Code, is amended by striking “consider placing” and inserting “place”.

SEC. 103. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) by an order (without regard to the provisions of chapter 5 of title 5, United States Code) prohibit the carrying of any air carrier personnel to detect nonexplosive weapons, such as biological, chemical, or similar substances; and
(b) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door with a lock between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(c) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(d) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck;

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

(b) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Administrator, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall make an assessment of the physical security-related training provided under that section in accordance with the guidelines prescribed by the Attorney General.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall make an assessment of the physical security-related training provided under that section in accordance with the guidelines prescribed by the Attorney General.

(b) DEPLOYMENT.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting "(1) before "With";"

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

(3) by adding at the end the following:

"(2) The Secretary—

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

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

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

(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—Within 20 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

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

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

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

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

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

(e) INTERN MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to improve the physical security of domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) REPORTS.—

(1) IN GENERAL.—The Attorney General and the Secretary of Transportation shall submit the following reports—

- to the Congress.

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

(3) by striking paragraph (2)(B), nonstop longhaul flights, and equipment of Federal air marshals; and

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

"(G) that airport.

(c) C HEMICAL AND BIOLOGICAL WEAPON DESTRUCTION.—Section 44903(g)(2) of title 49, United States Code, is amended by striking 

"(2) The Attorney General shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports, including the parking of passenger vehicles within 500 feet of the airport terminal building with respect to that airport.

(d) INTERMEDIATE MEASURES.—The Secretary of Transportation shall develop a plan to provide technical support to small and medium airports, including the parking of passenger vehicles within 500 feet of the airport terminal building with respect to that airport.

(e) IMPROVED AIRPORT PERIMETER ACCESS CONTROL.—Section 44907(g)(2) of title 49, United States Code, is amended—

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

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

"(D) In determining weaknesses by January 31, 2001, the Secretary may—

"(A) require the airport operator and law enforcement authorities, in consultation with the Airport Community Council, to develop a plan to place officers or other security personnel at the airport.

"(B) require the strengthening of the flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area.

"(C) requiring that such flight deck doors be designed and constructed to carry firearms and make arrests under section 44903(d) of title 49, United States Code;

"(D) take such other action, including modifying existing access control programs and equipment as well as requiring the strengthening of flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area, as the Secretary deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest feasible extent, the flight deck while the aircraft is engaged.

(f) AIRPORT SECURITY PILOT PROGRAM.—Section 44906(b) of title 49, United States Code, is amended—

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

(2) by striking paragraph (B) and inserting the following:

"(B) In determining weaknesses by January 31, 2001, the Secretary may—

"(A) consider the deployment of biometric or other technology that can be used to check airport personnel and identify persons carrying out a terrorist act; or

"(B) require the strengthening of the flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area.

"(C) requiring that such flight deck doors be designed and constructed to carry firearms and make arrests under section 44903(d) of title 49, United States Code; and

"(D) take such other action, including modifying existing access control programs and equipment as well as requiring the strengthening of flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area, as the Secretary deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest feasible extent, the flight deck while the aircraft is engaged.

(g) AIRPORT SECURITY PILOT PROGRAM.—Section 44906(b) of title 49, United States Code, is amended—

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(2) by striking paragraph (B) and inserting the following:

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"(B) require the strengthening of the flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area.

"(C) requiring that such flight deck doors be designed and constructed to carry firearms and make arrests under section 44903(d) of title 49, United States Code; and

"(D) take such other action, including modifying existing access control programs and equipment as well as requiring the strengthening of flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area, as the Secretary deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest feasible extent, the flight deck while the aircraft is engaged.

(h) AIRPORT SECURITY PILOT PROGRAM.—Section 44906(b) of title 49, United States Code, is amended—

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

(2) by striking paragraph (B) and inserting the following:

"(B) In determining weaknesses by January 31, 2001, the Secretary may—

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"(D) take such other action, including modifying existing access control programs and equipment as well as requiring the strengthening of flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area, as the Secretary deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest feasible extent, the flight deck while the aircraft is engaged.

(i) AIRPORT SECURITY PILOT PROGRAM.—Section 44906(b) of title 49, United States Code, is amended—

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

(2) by striking paragraph (B) and inserting the following:

"(B) In determining weaknesses by January 31, 2001, the Secretary may—

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"(B) require the strengthening of the flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area.

"(C) requiring that such flight deck doors be designed and constructed to carry firearms and make arrests under section 44903(d) of title 49, United States Code; and

"(D) take such other action, including modifying existing access control programs and equipment as well as requiring the strengthening of flight deck doors and the installation of a rigid fixed door with a lock between the flight deck and the passenger area, as the Secretary deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest feasible extent, the flight deck while the aircraft is engaged."
shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) In General.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall not require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under section 44903(b)(1) prescribing security property that will be carried out by qualified, trained State or local law enforcement personnel if:

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

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

(C) the airport is reimbursed by the United States for the costs incurred in providing the required screening, training, and evaluation; and

(D) the Attorney General has consulted the airport sponsor.

(b) Flexibility of Arrangements.—The Attorney General in consultation with the Secretary of Transportation shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried on an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessions employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of air carrier, foreign air carrier, airport concessions, and other employees is required at nonhub airports at all hours of airport operation because—

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

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

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

(c) Transition.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security personnel.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

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

"§ 44901. Screening passengers, individuals with access to secure areas, and property.

"(a) In General.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried on an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessions employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of air carrier, foreign air carrier, airport concessions, and other employees is required at nonhub airports at all hours of airport operation because—

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

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

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

(b) Determination of Limited Requirements.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because—

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

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

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

(c) Additional Federal Security Measures.—At any airport required to enter into a reimbursement arrangement under paragraph (1), the Attorney General—

(A) may provide or require additional security measures;

(B) may conduct random security inspections; and

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

(d) Manual Process.—

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

(2) Modification on Statutory Construction.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrant such a measure.

(3) Maximum Use of Explosive Detection Equipment.—In prescribing the minimum number of bags under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

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

(2) Deputizing of State and Local Law Enforcement Officers.—Section 512 of the War on Terrorism Act of 1994 (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

(iii) to have passed an examination for reemployment investigation (including a criminal history record check) under section 1101(a)(22), for a minimum of 5 consecutive years;

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

(v) to meet such other qualifications as the Attorney General may, in consultation with the Secretary of Transportation, impose.

(b) Background Checks.—The Attorney General shall require that an individual be hired as a security screener undergo an interview (including a criminal history record check) under section 49906(a)(1).
(C) Disqualification of individuals who present national security risks.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 4936, to ensure that no individual who presents a threat to national security is employed as a security screener.

(3) Examination; review of existing rules.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

(q) Employment standards for screening personnel.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

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

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

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

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

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

(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and inspect individuals and other objects subject to screening.

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

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

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

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

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

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

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

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

(A) is closely supervised; and

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

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

(4) Annual proficiency review.—The Attorney General shall establish that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

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

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

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

(5) Operational testing.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

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

(A) has completed 40 hours of classroom instruction on the security screening program completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by classroom instruction;

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

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

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

(4) Technological training.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term ‘dual use item’ means an item that may seem harmless but that may be used as a weapon.

(b) Conforming amendments.—

(1) Section 4936(a)(1)(A) is amended by inserting “as a security screener under section 4935(e) or a position” after “a position”. (2) Section 4936(b)(1) of title 49, United States Code, is amended—

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

(B) by inserting “An individual” and inserting “The Attorney General, an”.

(3) Section 4936(a)(1)(E) is amended by striking clause (iv).

(c) Transition.—The Attorney General shall complete the full implementation of section 4935(e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) Screener personnel.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, disbar, terminate, suspend from, or otherwise arrange for the training of security screening personnel of the Attorney General.

(e) Background checks for existing employees.—The Attorney General—

(1) may not use any security screening device or equipment or any part thereof in any manner, except in compliance with this section, until the Attorney General has completed a test on the use of the device or equipment.

(2) Effective date.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a capacity prescribed by paragraph (1), and the Secretary of Transportation may provide by order for a phased-in implementation of section 4936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. Research and Development.

(a) In General.—

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

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

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

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

(b) Additional matters regarding research and development.—

(1) Additional provisos requirements.—

Subsection (a) of section 4912 of title 49, United States Code, is amended—

(A) by redesigning paragraph (4) as paragraph (3) and

(B) by inserting after paragraph (3) the following new paragraph (4):
"(4) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

"(b) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on:

(i) progress made in engineering, research, and development with respect to security technology;

(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

(iii) the disruption of civil aviation service, including by cyber attack.

(c) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on:

(i) progress made in engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to any technologies.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (G) as subparagraphs (A) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

(‘‘A’’) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the system, including—

(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

(ii) the disruption of civil aviation service, including by cyber attack.’’;

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

‘‘(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory committee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modification of the system established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

(i) the development and testing of effective explosive detection systems;

(ii) aircraft structure and experimentation to decide on the type and minimum weight of explosives that an effective explosive detection technology must be capable of detecting;

(iii) technologies involved in minimizing air cargo to suspect cargo from explosives; and

(iv) other scientific and technical areas the Administrator considers appropriate.

(B) The individuals to the advisory panel, the Administrator should consider individuals from academia and the national research laboratories.

(3) The Administrator shall organize the advisory panel into teams capable of under-taking the review of policies and technologies upon request.

(4) Not later than 90 days after the date of the enactment of this Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.’’.

(c) COORDINATION WITH ATTORNEY GENERAL.—Subsection 49 of United States Code, is amended by adding at the end the following:

‘‘(B) Upon the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.’’.

SEC. 111. FLIGHT SCHOOL SECURITY.

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

‘‘§ 44939. Training to operate jet-propelled aircraft

(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under section 44938) unless the Secretary issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

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

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

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

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

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

(B) A determination of whether the alien is subject to the immigration laws of the United States.

(C) A determination of whether the alien or individual poses an identifiable national security risk to the United States.

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

(c) RENUNCIATION.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation may prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

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

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

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

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

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

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senates Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CARRIERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air carrier operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INFERENCE WITH SECURITY PERSONNEL.

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

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

‘‘§ 46503. Interference with security screening personnel

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

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

‘‘46503. Interference with security screening personnel

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator’s findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport, air passenger service, and law enforcement personnel at such an airport, be screened via
(a) In GENERAL.—Notwithstanding any provision of section 41309 of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

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

(c) Public interest requirement.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and
(2) the approval is in the public interest.

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

(1) A date established by the Secretary in the Secretary's discretion.
(2) October 1, 2002.

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

SECTION 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

SEC. 118. SECURITY FUNDING.

(a) User Fee for Security Services.—

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

"§ 48114. User fee for security services charge

"(a) In general.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be used to offset annual appropriations for the costs of providing aviation security services.

(b) Amount of Fee.—Air carriers shall remit $2.50 for each passenger enplanement.

(c) Use of Fees.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to the 2002 fiscal year and thereafter.

(b) C L A I M P R O C E D U R E .—The Administrator of the Federal Aviation Administration is authorized to determine that necessary to conduct such an audit.

(c) DOCUMENTATION OF COSTS; AUDIT.—The Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under this section to defray additional direct security costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(d) Appointed Funds.—For the purpose of carrying out the provisions of this Act, any amount provided under this section shall be available for obligation and expenditure under this Act.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) Authorization of Appropriations.—The Secretary, bylaw, may authorize the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security mandates.

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

(c) Documentation of Costs; Audit.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and
(2) the cost was incurred by the airport operator.

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

(d) Authorization of Appropriations.—Within 90 days after the date of enactment of this Act, the Secretary, after consultation with airport volunteers, shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of this section.

(e) Securitization and related aviation security activities.
operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENGAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

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

"§44940. Inciting or reporting suspicious activities

"(a) In General.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined in section 707 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

"(b) Application.—Subsection (a) shall not apply to—

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

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

§44941. Sharing security risk information

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

(b) Report.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation the results of the Attorney General's investigations into the procedures required under section 44703(g) of title 49, United States Code, as amended by this section.

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

"44941. Sharing security risk information.

SEC. 122. LESS-THAN-LETHAL WEAPONS FOR AIR CARGO CONVOYS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by Federal, State, and local law enforcement officers, and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

(b) AUTHORITY TO AID FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

"(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of Transportation, that it is appropriate and necessary and would effectively serve the public interest, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.

SEC. 123. MAIL AND FREIGHT WAIVERS.

Due to the serious threat posed by terrorist acts of terrorism by commercial aircraft, the Department of Transportation shall establish procedures to ensure the safety and security of mail and freight carried by air, under reasonable limitations, to, from, or within States with extraterritorial air transportation activities.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

The Federal Aviation Administration shall establish regulations requiring that any less-than-lethal weapon approved by the FAA for the protection of the aircraft, the passengers, or personnel on aircraft, impose the Department of Transportation (or other Federal agency or department) that would permit such carryover, be placed onboard aircraft, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

SEC. 125. FLIGHT DECK SECURITY

(a) Short Title.—This section may be cited as the "Flight Deck Security Act of 2001.";

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger compartment will be effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(7) A voluntary program to train and supervise commercial airline pilots.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft, the passengers, or personnel on aircraft, under reasonable limitations, to, from, or within States with extraterritorial air transportation activities, to, from, or within the United States.

(d) Define TERRORISM.—The term ‘terrorism’ means an activity that involves the violent act or an act dangerous to the life of a person, or an attempt or conspiracy to kidnap, to murder, or to place in a situation in which there is a strong probability of death or serious bodily injury to any person, and which involves the unlawful use or threatened use of violence by a person committing, attempting to commit, or conspiring to commit, a violent act, in the promotion of a cause.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

(a) The airmen registry authority is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ‘‘pilots’’ and inserting ‘‘airmen’’; and

(B) by striking the period and inserting ‘‘and related to combating acts of terrorism.’’; and

(2) by adding at the end, the following new paragraphs:

‘‘(3) For purposes of this section, the term ‘acts of terrorism’ means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by assassination or kidnapping.

‘‘(4) The Administrator is authorized and directed to work with State and local authorities and other Federal agencies to assist in the identification of individuals applying for or holding airmen certificates.’’.

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SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

§ 44943. Performance Management System

(a) Establishing a Fair and Equitable System for Measuring Staff Performance.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) Establishing Management Accountability for Performance Results.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. The Secretary and Deputy Secretary shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) Establishing the Deputy Secretary for Transportation Security.—

1. In general.—The Deputy Secretary for Transportation Security is authorized to enter into an agreement at an annual rate of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

2. Bonuses or Other Incentives.—In addition, senior managers can receive bonuses or other incentives based on the Secretary’s evaluation of the Deputy Secretary’s performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary’s salary.

(d) Compensation for Managers and Other Employees.—

1. In general.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of not more than 125 percent of the maximum rate of basic pay for the Senior Executive Service.

2. Bonuses or Other Incentives.—In addition, senior managers can receive bonuses or other incentives based on the Secretary’s evaluation of the Deputy Secretary for Transportation Security’s evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service.

Further, the law requires the Transportation Security Administration to establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

(e) Performance-Based Service Contracting.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based contracts. These contracts shall be consistent with guidelines published by the Office of Management and Budget.

SEC. 128. USE OF FACILITIES.

(a) Employment Register.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) Training Facility.—The Secretary of Transportation may, where feasible, use the existing facilities of the Transportation Administration’s training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIRSPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) Report.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report:

1. A description of each restriction, if any, on the use of national airspace that put in place as a result of the September 11, 2001, terrorist attacks and that remain in place as of the date of the enactment of this Act; and

2. A justification for such restriction remaining in place.

(b) Committees of Congress.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) Program for Provision of Voluntary Services.—

1. Program.—The Secretary of Transportation shall carry out a program to permit the voluntary participation of law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

2. Requirements.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) Confidentiality of Registry.—If as part of the program under paragraph (1) the Secretary establishes a registry of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial air flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remain confidential.

(4) Consultation.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations governing the possession of firearms, in order to establish the program under this section.

(b) Protection from Liability.—

1. In general.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44944. Exemption of volunteers from liability.

(a) In general.—An individual shall not be liable for damages or losses incurred as a result of any action brought in a Federal or State court that arises from an act or omission of the individual in providing emergency services on commercial air flights during emergencies for an aircraft of a carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

(b) Exception.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

(2) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

"44941. Exemption of volunteers from liability.

44944. Exemption of volunteers from liability."

(c) Construction Regarding Possession of Firearms.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.

(a) Security for Larger Aircraft.—

1. Program Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary may prescribe such regulations as necessary to ensure the security of aircraft and any such facility not authorized under those regulations.

2. Construction.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.
Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under paragraph (1) shall expire as follows:

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator shall determine the applicability of the program described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, and to baggage areas, that the Secretary determines that aircraft described in this section are being safely operated without the applicability of the program described in this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program described in this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program described in this section.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect:

(I) unless approved by the Secretary of Transportation;

(ii) until 10 years after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(2) PROGRAM ELEMENTS.

(A) The Administrator shall develop procedures for searches and screenings under the program described in this section to:

1. be brought on board such aircraft, before boarding;

2. The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property, by the Secretary determined that aircraft described in this section can be operated safely without the applicability of the program described in this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program described in this section.

(3) PROGRAM IMPLEMENTATION.

(A) The Administrator shall implement the program described in this section with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(B) The screening of all crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage areas.

(2) REPORT ON PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(C) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual or entity having the Secretary for purposes of this subsection, within the United States unless the Administrator shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage areas.

(3) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), any air carrier holding a certificate issued by the Federal Aviation Administration for the operation of any aircraft covered by the program under paragraph (1) shall require the following:

(a) Unless approved by the Secretary of Transportation, and

(b) Unless approved by the Secretary of Transportation, and

(C) the number of new bulk explosives detection machines that have been procured by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified airports during the period of time specified in the program.

(3) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraphs (1) and (2). Not later than 12 months after the date of enactment of this Act, the Administrator shall report on the feasibility of implementing technologies described in this section.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program described in this section to:

(A) be brought on board such aircraft, before boarding;

(B) the Secretary determined that aircraft described in this section can be operated safely without the applicability of the program described in this section.

(2) PROGRAM IMPLEMENTATION.

(A) The Administrator shall implement the program described in this section with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the enactment of this Act.

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

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

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

SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(A) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary for the operation of any aircraft covered by the program described in this section and completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the Department of Transportation and with appropriate authorities of foreign governments in devising such alternative method.

(B) IMPLEMENTATION OF ALIEN IDENTIFICATION TECHNOLOGIES.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall de-
checks of carry-on baggage and person, before boarding. (2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act, the implementation of the expanded CAPPS II system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 491 of Title 49, United States Code, is amended by adding at the end the following:

"(1) Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures.—

"(1) In General.—The Deputy Secretary for Transportation Security shall recommend to airport operators within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure areas. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

(A) review the effectiveness of biometric systems available at several United States airports, including San Francisco International;

(B) review the effectiveness of increased surveillance at access points;

(C) review the effectiveness of card- or keypad-based access systems;

(D) review the effectiveness of airport emergency response systems and determine whether those leaders to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

(E) report the elimination of the "piggy-backing" phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration’s air carrier security program required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Administrator shall conduct a review of reductions in unauthorized access at these airports.

"(2) 90-DAY REVIEW.—

"(A) In General.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the "watch list" for any Federal law enforcement agencies who could present an aviation security threat.

"(B) Deployment of upgrades.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of "watch list" information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

"(C) Study.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters using a combination of biometrics and "smart" cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods delineated in the study.

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) Fundamentals.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated additional $55,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out research, development, testing, and evaluation of the proposed technology shall be available for fiscal years 2002 and 2003 for—

(A) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(i) more cost-effective for deployment for prevention of acts of terrorism; and

(ii) deployable upgrades to the existing program of research, development, testing, and evaluation of explosives detection technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction;

(B) more accurate, to reduce the number of false positives requiring additional security measures; and

(C) faster, to facilitate screening of all checked baggage at larger airports; or

(b) Acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(c) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(d) acceleration of research, development, testing, and evaluation of threat screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) the acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items; and

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to attack.

(c) Grants.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of the benefits of airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subsection on 60 days of the date of enactment of this Act.

(d) Budget Submission.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapon detection technology, and

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

The CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I would like to express my great appreciation and admiration to the Chair for the even-handed manner in which the Chair has conducted the debates, keeping Members aware of the proper decorum and proper procedure. The Chair has endeavored to maintain order.

The Chamber now is assuming a spirited and much akin to that which prevails in most of the airports across this country, a hushed atmosphere, a feeling of apprehension, feeling of uncertainty as passengers move through the airport to the gate. We now move with some sense of apprehension of where the future of aviation lies. Within the hour we will decide.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, the Republican leadership thinks they can dress up the people who work for these private companies in fancy uniforms and put badges on them and that will present an image that think they are being federalized. They think they can change the public perception of the bill and put federalization in the title and that fixes its flaws. Listen to what USA Today said, and I quote: "House GOP leaders insist on..."
Protecting failed screening firms.” That is the bottom line.

We have Federal officers at our national borders. We have Federal officers protecting the President. We have Federal officers protecting us here in the Capitol, and that is the right way to do it.

The most important role of the Federal Government is to protect its people; but the Republican leadership is saying they need Federal officers to protect us here in Washington, but the flying public can have their security sold off to the lowest bidder, and that is outrageous.

The American public deserves the same quality of protection we receive; and I keep hearing these complaints about unionization and government employees, and personally I am sick of it. Who do my colleagues think risked their lives on September 11? Firefighters; police officers, first responders; pilots; flight attendants; government workers, many; union workers, almost all. They were heroes. Heroes. Shame on anyone who says that union workers or government workers cannot be trusted. I will tell my colleagues who cannot be trusted: the companies who will cut every corner to save a dime so they can come in with the lowest bid.

We need to rebuild the confidence of the flying public, and there is only one way to do that: get rid of the system we have today, get profit motives out, put safety incentives in, and federalize our airport security. It is what we Democrats proposed in the substitute. It is what the American people are demanding. It is what they deserve so we never, ever again have a tragedy like September 11.

The Chairman. Does the gentleman from Florida (Mr. Mica) seek the time in opposition?

Mr. Mica. Yes, I do, Mr. Chairman.

The Chairman. The gentleman from Florida is recognized for 30 minutes.

Mr. Mica. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. Diaz-Balart).

Mr. Diaz-Balart. Mr. Chairman, I ask my colleagues to reject the Democrat leadership bill, among other reasons because it discriminates against American citizens who are naturalized if they have not been citizens of the United States for 5 years. It creates a class of second-class American citizens, and we should not be creating second-class citizens in this body. We should reject that bill.

They try to do it surreptitiously. They try to hide their discrimination, but it is discrimination nonetheless. If we go to page 29 of their bill, they do not call it citizen. They say one has to be a national of the United States, or they have to be a person who, though not a citizen, owes permanent allegiance.

What does that mean? I quote from the case that defined that statute: “Status as a national of the United States owing permanent allegiance can be created only by legislative or other action of the Federal Government that is not acquired by mere assertion of allegiance.”

So citizenship for 5 years, surreptitiously brought before this House, is what that law does, and they want us to create a second class citizenship tier in this country. Do not discriminate against citizens by nationalization. Reject the Democrat leadership bill and let us get on and vote for a decent piece of legislation this evening.

Mr. Oberstar. Mr. Chairman, I yield myself 10 seconds.

My colleagues cannot have it both ways. First our bipartisan bill was criticized because it did not deal with citizenship. Now it is too restrictive on citizenship. In fact, nationals covers citizens of the United States, or citizens and nationals, and nationals of American Samoa and Swains Island under the law.

Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. Kennedy).

(Mr. Kennedy of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. Kennedy of Rhode Island. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from Minnesota (Mr. Oberstar).

I am proud to rise today in support of the Oberstar substitute to the Aviation Security Bill and urge all of my colleagues to support this sensible amendment.

A everyone in this chamber knows, three weeks ago, the other body passed sensible bill to strengthen airline security by unanimous vote. It is our turn in the House of Representatives to do the same.

The horrific events of September 11th changed our world forever. Today we have a chance to address the aviation security issues that were so tragically brought to our attention that day. We cannot wait any longer to act.

My colleague from Minnesota has crafted a substitute that will address our most critical aviation needs in a thorough and prudent fashion. It places responsibility for aviation security with the Federal Government. The Senate, in including 49 Republican Senators, have chosen to put the safety of the American flying public above partisan politics. The House leadership should allow their Members to do the same.

Mr. Chairman, I urge my colleagues to vote “yes” on the Oberstar amendment and send the President this bill tomorrow. The American people are waiting.

Mr. Mica. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Idaho (Mr. Simpson), also a member of our Subcommittee on Aviation.

Mr. Simpson. Mr. Chairman, it has been said the first casualty of any war is the truth. After listening to some of the rhetoric today on this floor, much of it embarrassingly irresponsible rhetoric, truth truly has been wounded today.

Anyone listening to this debate would think that there are only two options, the Oberstar amendment, which would Federalize the employees and, therefore, we would have a secure airport system; or leaving everything as it existed prior to September 11, as if the underlying bill did nothing to improve security. The fact is the underlying bill improves security.

My colleagues show us statistics about the turnover rate of screeners and about the pay rate of screeners, as forth, as if this would be the case if we were to use private contractors in appropriate places. I can tell my colleagues that I live next to the
Mr. Chairman, earlier this year I voted against the Oberstar-Ganske substitute. I urge my colleagues to vote against the Oberstar substitute and support the underlying bill. The system has serious gaps in it and serious holes and it is time that we do Ganske-Oberstar, the bipartisan bill, because it acknowledges that it is a function of Federal law enforcement that has to be enacted at the airports. Mr. Chairman, we rely on the Federal Government to guard our borders, the Border Patrol; to police our coasts and coastways, the Coast Guard; national parks, the Park Police; and even for Members and visitors at the U.S. Capitol Police. This is not an extraordinary thing that we are doing, as critics of this proposal have said.

We need all of this. We are very late in action, and we cannot let it stall any longer. I might make the point that in the Senate this bill was passed on a bipartisan basis. This is not a partisan thing. It was passed in the Senate with the support of TRENT LOTT and 48 other Republicans. Let us protect our personal and our National security. Mr. Chairman, I rise in strong support of the amendment in the nature of a substitute offered by the gentleman from Minnesota. I want to thank Mr. OBERSTAR and Mr. GANSKE for their steadfast leadership on this critically important issue. I also commend Chairman DON YOUNG of the Transportation Committee for his commitment to protecting the American people.

I believe the House is being asked to choose between two constructive proposals that address issues we should have addressed years ago:

- Both bills would expand the federal air marshal program;
- Both bills require airport cockpit doors be strengthened and cockpit and cabin security measures be implemented;
- Both bills would establish further security measures for secure areas of airports;
- Both bills require that armed federal law enforcement officers be placed at all screening stations;
- Both bills establish strict employment, training, and performance standards for screening personnel, with screeners being prohibited from striking and subject to firing for poor work performance.

Both bills require all baggage—including checked baggage—be screened;
Both bills mandate that background checks be performed on foreign nationals and others seeking flying lessons at U.S. flight schools;
However, on the key issue of ultimate responsibility for security, the Ganske-Oberstar amendment is bipartisan and superior.

Mr. Chairman, every Member of this House climbs on an airplane at one of our airports every day and so we all have horror stories about security lapses they witnessed.

Since September 11, we continue to hear and read stories about disturbing reports about the inefficiencies and ineffectiveness of security at our airports. Passengers are still carrying loaded firearms on a plane. Private security firms employing felons. Passengers walking around security checkpoints. Security personnel falling asleep at their posts. The unevenness of security procedures from airport to airport. The list goes on and on.

One thing can be said for terrorists—they are resourceful. Not many people thought before September 11 that airliners could do so
today has serious holes. It...

Mr. Chairman, I have legal counsel review the leg...

...from the Veterans Preference Act, the Federal labor-management relations statute, the Fair Labor Standards Act, and the whistleblower protections.

Mr. WELDON of Florida. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), chairman of the House Subcommittee on Civil Service.

Mr. WELDON of Florida. Mr. Chairman, I had legal counsel review the legislation we are debating right now at the Subcommittee on Civil Service. The way this amendment is drafted it exempts those new Federal employees from the Veterans Preference Act, the civil rights laws, the Rehabilitation Act, the Age Discrimination Act, merit principles, family and medical leave, Federal labor-management relations statutes, the Fair Labor Standards Act, and the whistleblower protections.

If a Republican brought an amendment calling for the creation of a new Federal workforce that is going to be larger than the workforce at the Department of Labor, larger than the workforce at three other Cabinet level agencies and tried to exempt them from all these Federal laws, my Demo...

Mr. STRICKLAND. Mr. Chairman, I rise today to enrage my distinguished colleague from Minnesota in a colloquy to clarify one section of this bill, section 108, relating to the screening of passengers and property.

Mr. STRICKLAND. Mr. Chairman, I yield myself 30 seconds.

Mr. STRICKLAND. Mr. Chairman, I rise today to enrage my distinguished colleague from Minnesota in a colloquy to clarify one section of this bill, section 108, relating to the screening of passengers and property.

Am I correct in my understanding that section 108 only applies to the screening of passengers and property that will be placed aboard passenger aircraft?

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, I would advise the gentleman that his understanding is correct.

Mr. STRICKLAND. I thank the gentleman for that clarification, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from the District of Columbia (Ms. NORTON).

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

Mr. Chairman, there is a lot of, if my colleagues will forgive me, flying on the vote on the Oberstar substitute. It is as if one wing said passenger safety and the other wing said economic recovery.

On September 11, we paid a very high price in human lives when planes went down. Since then we have been paying the price in jobs and empty airline seats. The planes are up, but 20 percent of the passenger loads is down and 40 percent of the revenue is down. Unless we help people conquer the new fear of flying, more planes will be grounded and more jobs lost.

September 11 taught us that we must not have one standard of personal safety in the air and another standard on the ground. The average American has just one question for us this evening, is there are we are humanly possible to maximize safe air travel. Sadly, not with the Republican bill.

We cannot make government accountable for the people’s safety by cloaking a private employee in red, white and blue. If it quacks like a contractor it cannot walk like a law enforcement officer. There is only one way to have one system of care and accountability coast to coast and that is with one Federal employer.

My good Republican friends are fond of saying that the only indispensable function of government is national security. For heaven’s sake, do not cop out on national security in the air for the American people. Support the bipartisan Senate bill and substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST), one of our senior members on the Committee on Transportation and Infrastructure.

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

I will say to the gentlewoman from the District of Columbia, having spent weeks looking into this issue, not as a Republican, not as a Democrat, but as someone who wants both wings to say passenger safety, someone who truly believes that it is keen that the Federal Government has responsibility for the safety and security of American citizens, that I believe it is the responsibility of the Federal Government to provide security at our Nation’s airports.

Now, why are we here today and not 3 weeks ago? Because it took the committee time. It took myself visiting the Port of Baltimore, BWI Airport, our bridges, and all those vulnerable areas in our State, which includes nuclear power plants, which includes Federal buildings, and includes a whole array of other things. So this bill, in my judgment, after talking to the Coast Guard, the CIA, the FBI, Customs, INS, airport security, State police, various names, it is my considered judgment, after listening to them, that the Federal Government needs to be responsible in this case for airport security.

What does that mean? That means that we want to make sure that behind
Mr. Chairman, I support the Oberstar-Ganske Competing Amendment. It is the best of the two proposals. Mr. Chairman, both of my older brothers are competent, experienced, master pilots with thousands of flight hours. One flew Hueys and Cobra Army helicopters; another brother is a former aircraft carrier fighter pilot who flew A-7s off the USS Enterprise. Today, he is a 757 captain with a major airline. So what we do here today holds an added personal significance and meaning for me and my family.

After the jets and planes went back into the sky following the horrific tragedy of September 11th, he—and his wife, who is a flight attendant—courageously did their jobs. They—like many of their air crew colleagues—braved flight despite the fact that serious safety flaws remained. We can change that today. The pilots and aircrews—like the police, fire, and emergency responders at ground zero—are heroes. We owe them a great debt of gratitude, admiration and respect.

There is no doubt in my mind whatsoever that both sides of the aisle, and both sides of the approach to ensuring aviation safety, are fully committed and eager to protect every flight crew and passenger in America. To suggest otherwise is pure demagoguery. I assume goodwill on both sides.

The Oberstar-Ganske amendment, which I have cosponsored as H.R. 3165, is a comprehensive attempt to improve our nation’s airline security. We cannot allow any of the past deficiencies in the screening of passengers and property to continue. The past problems with unstructured and mostly private aviation security systems now in place at our airports must be scrapped, replaced, and repaired.

The current system is broken. Unfortunately, the private security systems have not in the past, and certainly cannot now be expected to deal with the new magnitude of terrorist threats America faces. Everyday brings news of some new incident where somebody with a box cutter, knife, or gun manages to walk onto an airplane. Last week, a man flying out of New Orleans International Airport boarded a Boeing 737 with a loaded handgun in his briefcase. He went right through airport security undetected. Why can’t we just admit that while the private sector does many things well, they are just not up to the task of airport security? How many more guns have to get onto aircraft before we face reality?

When it comes to the overriding and paramount interests of protecting American lives and our national security, I believe that we can trust and count on federal workers. They have proven themselves at the Defense Department, and as uniformed law enforcement agents. The public confidence in air travel, badly shaken by the September 11th attacks and events afterward, must be restored. The Oberstar Amendment will accomplish this goal. It will assist in the stabilization and recovery of our airlines and related industries. This amendment would provide the level of security the American people deserve. Mr. Chairman, we can’t continue with a system that could again put our national security and the lives of Americans at risk.

Mr. MICA. Mr. Chairman, I yield myself 10 seconds just in response. Mr. Chairman, we have 323 INS inspectors at the Canadian border, but we will have 31,000 Federal screening agents.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me quote Ronald Reagan: “Too often character assassination has replaced debate in principle here in Washington. Destroy someone’s reputation, and you do a disservice to the country. I don’t want to talk about what he or she stands for.”

I have not heard one Republican on my side of the aisle talk about keeping the status quo. Each and every one of us has family that fly on airplanes, and we are concerned about national security. But if we listen to the other side of the aisle, we are not interested in employing top-notch people. Indeed, we are.

Mr. Chairman, in Palm Beach County, I would like to be able, with the President’s direction, to hire the Palm Beach County Sheriff’s Department, uniformed law enforcement agents, FOP and PBA members. I like the
The referenced article is as follows:

**HOW TO IMPROVE U.S. AIR SECURITY**

*By Jim Hall*

A very important debate is taking place in Congress on the issue of strengthening commercial aviation security. Unfortunately, much of it is centered on the question of whether pre-board screening organizations at the nation’s airports should be completely federalized.

While the sometimes partisan debate over federalizing airport screeners is well-intended, it has in my view focused on the wrong question. It should not be asking whether screeners should be government employees or private contract workers, but rather on what caused the problem in the first place.

The inadequacies of our aviation security screening are the result of a deeply flawed system that was created by the collective failure of the government and the airlines to provide a structure that is adequately funded and contains the provisions for accountability.

These problems cannot be explained simply by pointing a finger at private-sector screening personnel. Rather, they are the result of the current system—at best, a broken one in which the airlines pay hourly wages barely competitive with fast-food hamburger chains.

As a member of the White House Commission on Aviation Security and Safety during the period in which I served as chairman of the National Transportation Safety Board, I toured and studied airport-security programs at several airports and international airports. It was apparent then, as it has become painfully so now, that the American system was woefully inadequate.

A multitude of recommendations were made to begin improving the safety of our air transportation system, including increasing the professionalism of passenger screeners. Although some have been implemented, more work needs to be done.

As part of the multifaceted response to the September 11 tragedies, the Congress passed legislation that would make preboard-screeners federal employees. The House of Representatives, meanwhile, is preparing to debate the status of the Senate’s version of its aviation-security legislation.

Many House conservatives and moderates are opposed to staffing passenger-screening posts with new cadre of federal workers. While there are persuasive arguments being made on both sides of this issue, I believe the litmus test on the best way to increase aviation security should not be on whether airport screeners are federal employees.

Rather, it should be on which system has the best chance of succeeding and guaranteeing security over the long run.

Mr. Chairman, I know this issue as well as anybody, and I know that the best system is the system in Great Britain. He recommends that system.

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the new Office of Domestic Security, where clean lines of accountability could be established. It should not be buried within the multilayered bureaucracies found in the department of justice and transportation. Additionally, I believe an independent board or agency that would function much like the NTSB should be created that would serve as an independent body, a new system of checks and balances. It in essence would be a watchdog on behalf of the American public regarding aviation security.

The U.S. aviation safety system has been a model for the world because of the hard work of FAA regulators and the dedicated employees of the FAA. But continually monitoring the system through investigations of accidents and incidents. The independent safety board has never been afraid to speak out to protect the interest of the traveling public. There needs to be a similar independent voice to ensure that those responsible for aviation security are held accountable.

As it deliberates, Congress needs to remember that the system failed—not individuals. If a new security system, such as the one I have described, is implemented, concerns regarding private-sector passenger screeners will be moot. The time for decisive action is now. It is imperative for Congress to make the changes that are needed, not only to address the problems of the past, but also to create a model of security that is strong enough—and flexible enough—to keep us safe and to rebuild confidence in the future.

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

Ms. WATERS. Mr. Chairman, we, the Members of the House, have an opportunity to make a rather easy decision this evening. We must decide to make airline travel safe for the people of the Nation. We must support the Democratic substitute and restore the confidence of our citizens to ride airplanes.

The Aviation Security Act will eliminate the irresponsible private contractors who win the lowest-bid contracts for providing screening services at our airports. These contractors have failed the basic job of keeping our airlines safe for flight.

Further, this bill will ensure all planes are retrofitted to secure the cockpits and to protect the pilots and passengers from hijackers.

In addition, we must purchase the equipment to screen all baggage and all packages that are placed in the belly of each and every airplane. This bill will place more air marshals on our planes, raising the line safety measures that must be enacted.

Mr. Chairman, what is wrong with us? What has taken us so long to make the flying public safe? Members, do not let history record the horrible details of the September 11 disaster, and further record that Members of Congress were not unified enough, not wise enough to pass good public policy.

Mr. MICA. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, we owe the American people the most safe and secure air system in the world. We owe them a fair debate. This debate has been focused on the current system, but the Young-Mica bill rejects the current system.

Under the current system, responsibility for security is with airlines and private contractors. Under the Young-Mica bill, it is with the Federal Government.

Under the current system, training is with the airlines and private contractors. Under the Young-Mica bill, it must be done by the Federal Government.

Under the current system, the testing of the competency of screeners probably is not done at all; but when it is done, it is done by the airlines and private contractors. The Young-Mica bill rejects that, and testing must be done by the Federal Government.

The current system says compensation is set by the airlines and the private contractors. Under the Young-Mica bill, it is set by the Federal Government.

Under the current system, the power to fire or discipline employees rests with the airlines and private contractors. Under the Young-Mica bill, that is rejected.

Any Member who debates this issue based on the current system is making a tragic mistake. The Young-Mica bill replaces that.

Mr. Chairman, I have the greatest respect for the gentleman from Minnesota (Mr. OBERSTAR), but the substitute is not his. The substitute is the Senate bill identical; and, although sincere, it is flawed. It is weaker in six ways than the current bill before us, the improved House bill.

First, it treats small and large airports differently. That is one of the very mistakes that was exploited by those who carried out the September 11.

Second, it has a weaker baggage screening provision. That is because we revised it later. The simple truth is the House bill improves upon the Senate bill; and, therefore, it improves upon the substitute because the substitute is the Senate bill.

Third, the substitute allows noncitizens to be screeners. Again, the House bill written after that, the Young-Mica bill, improves on that and says no noncitizens can be screeners.

Fourth, it is implemented slower. The substitute is implemented slower than the Young-Mica bill. The substitute is implemented in 9 months. The Young-Mica bill must be implemented in 3 months, and it has expedited rulemaking.

Fifth, the substitute splits the jurisdiction for security between the Department of Justice and the Department of Transportation. We can debate who ought to have this authority, but it should not be split.

Last, the substitute discriminates against people from small towns by making them pay twice the fee. Defeat the substitute. Let us go to conference. We owe the American people and the victims of September 11 the best possible bill and nothing less.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. GANSEKE).

Mr. GANSEKE. Mr. Etheridge asked and was given permission to revise and extend his remarks.

Mr. ETHERIDGE. Mr. Chairman, I support the Democratic substitute in the interest of the American people.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, as for the comments made about not knowing what is in the bill, the gentleman from Iowa (Mr. GANSEKE) came to me about 4 weeks ago. The Senate passed it 3 to 2. Took a vote. Let us not say that. My two Senators voted for it. Come to think of it, so did every one of yours here. They voted for it. 100 percent. Let us pass this bill, let us get something to the President and let us get on about the business of providing security. I do not care if you go to Omaha, if you go to Kansas City, if you go to Des Moines, you go to Chicago, places I have been, the American people want security and they are saying do it, do it now, let us not delay any longer. Federalize it.

Let us have confidence. Let us get the job done. Let us have standardization and do the job right. Support the Oberstar-Ganske amendment, please.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, we share the same goal here this evening. The question is how we best improve our aviation security. So let us ask some questions about what will actually make passengers safer. Will airline passengers be safer if the responsibility for airline security is confusingly split between the Department of Transportation and the Department of Justice, meaning Transportation to be responsible for some safety aspects and Justice for others as is the case with the substitute amendment before us? I know this is not the gentleman from Minnesota's approach, but this is what is before us. This is the Senate bill.

This lack of accountability will lead, in my view, to confusion, to finger pointing. Would passengers be safer if smaller airports received a different and lower level of protection than larger airports as the new system of substitute before us? Again, this is the Senate bill. I am not saying it is the gentleman from Minnesota's bill, but
that is before us. Would airline passengers be safer if their baggage was screened by a Federal employee who if found to be incompetent would be more difficult to discipline, to fire as they would be under the substitute amendment?

I have heard a lot of talk about the need to act quickly so let me ask this question. Would the Congress provide financial relief to the airlines in order to help them withstand the crashing blow that they took September 11 and to make sure they did not go into bankruptcy. That, however, has not caused people to get back on the planes. Passengers will not fly until the planes look safe. This will not happen until the airlines do something about the increasing safety and security, the checkers that we have have been already missed a loaded gun that was screened by a Federal employee who if found to be incompetent would be more difficult to discipline, to fire as they would be under the substitute amendment.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bipartisan substitute. More than a month ago, this Congress acted expediently to provide financial relief to the airlines in order to help them withstand the September 11 attacks. However, we all knew that helping the airlines to avoid imminent bankruptcy would only be a pyrrhic victory if we did not act further to re-establish an environment that enables the airline industry to prosper in the long term. Airline passengers have still not returned because many do not have full confidence in security at our nation's airports.

The recent revelation that Argenbright Corp., which handles security at 46 of our nation's largest airports, continues to violate the terms of its contract to provide criminally convicted baggage screens, certainly does little to allay those fears. The American people are now demanding a level of security at our nation's airports that simply cannot be provided by private contractors who insist on hiring minimum-wage, ill-trained workers. America is now in a state of war against terrorism. At the front lines of this conflict are security personnel who screen passengers and luggage. This is a national security matter and a fundamental responsibility of the federal government. Just as we depend on professional pilots to bomb Taliban, we must have our special forces to perform surveillance operations in Afghanistan itself, we must have a professional police force at airports to ensure that terrorists do not succeed in inflicting harm to airline passengers.

The Young-Mica bill merely continues the status quo. The Oberstar-Lipinski-DeFazio bill is the only bill being considered today that addresses the fundamental flaws in the way we monitor security personnel. The substitute amendment is the exact text as the bill which passed unanimously in the Senate. Every Senator—from the most conservative to the most progressive—voted for it. They understand what the American people are demanding. I hope enough of my colleagues in the House will understand that as well. I ask my colleagues to vote for Oberstar-Lipinski-DeFazio language and against the Young-Mica language.

Mr. MICA. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Michigan (Mr. EMILIANO R. GONZALEZ), one of the senior members on the Subcommittee on Aviation.

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

I would like to get past the politics of this issue for a moment because most of the discussion has been about whether or not this workforce should be federalized. I really do not think that is the big issue here. Federalization is something that can be resolved later. This bill deals with federalized employees. The Senate bill requires it. In other words, the Oberstar bill requires it. The House bill allows it and gives a choice to the administration. I think it is very important to remember that.

That is not really the issue here. I do not know why everyone is spending all that time on it. I think it is very important to look at just what is important here and look at writing good law. That is what we are supposed to worry about. I think if you look at it very carefully, you will clearly see that the House bill is a better bill, in a number of different ways.

We have already heard the comments of the distinguished gentleman from Florida (Mr. WELDON), who reviewed the laws that the Attorney General could ignore under the Senate bill, which is the Democratic substitute: The Veterans Preference Act, civil rights law, Rehabilitation Act, age discrimination in employment, merit principles, Family and Medical Leave Act. These were all very hard-fought issues over the years and we are suddenly going to throw them out in the substitute. That is not writing good law.

The House bill is carefully drafted after consideration, hearings, study, consultation. The Senate bill gives the appearance at least of being hastily drafted. All of us here know that sometime one House, one body to this Congress will do that. They will hastily draft a bill, send it over to the other side and say, “We’ll clean it up in conference.” This substitute has to be cleaned up in conference, but the way it is written it will not go to conference. One House needs one body to this conference so we can write good law.

The House bill provides for good administration of the system. The Senate bill, I tried to diagram this and it is almost impossible to diagram the administration of the law under the Oberstar amendment. DOT has a Deputy Secretary for Security with very little responsibility. Then the Secretary of Transportation comes in with quite a bit of responsibility. The Attorney General gets involved and it is hard to even know where to draw the lines between the two because their relationship is not clearly specified. The FAA Administrator comes in and, of all things, the Attorney General which administers law, provides the guidelines for all the air marshals whereas the FAA Administrator, which is not used to supervising Federal law enforcement, has to supervise the air marshals. It is exactly the opposite of the way it should be.

This substitute is poor law. Do not vote for this substitute. Vote for the House bill, send it to conference and together with the Senate we can write good law.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to remind Members once again that remarks in debate may dwell on the content of the Senate version of this bill, but they must not characterize the manner in which it was composed or those who composed it in the Senate.

Mr. OBERSTAR. I thank the Chair for again insisting on the decorum of the debate in this body.

Mr. Chairman, America deserves a decent airline security bill. Since September 11, we have been overrun by representatives of these private security firms. This is what they have told us:

“Of course we’ve done a lousy job. We’ve done a terrible job. It’s true, we’ve broken laws. It’s true, we’ve been fined millions of dollars. It’s true, we have falsified records.”

“But,” they said, “if you’ll just pay us a lot more money, we’ll do a better job. That is all we need is a lot more money.”

It reminds me of the time that my neighbor Miss Alice hired Good Doc to cut a tree down in her yard. Good Doc came and he looked at that tree and he said, “Miss Alice, I’ll cut that tree down for $25.”

She said, “That’s fine, Doc, that’s a good deal.”

He said, “But for $50, I’ll guarantee it don’t fall on your house.”

We are about to pass a law that lets the tree fall on our house. The American people deserve a good airline security bill. Let us pass one.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROOZES), a member of the full Committee on Transportation and Infrastructure and also a former FBI agent.
Mr. ROGERS of Michigan. Mr. Chairman, I have been listening all day and I have heard a reoccurring theme. It seems that my friends on the other side of the aisle are more concerned about who signs the check than they are about the bag check itself.

We ought to get back to what is important here. We have come together on a lot of things. We have recognized the problems together. We understand that the companies are not up to standard. You are right. We have talked on both sides of the aisle. We understand that the system needs improvement, needs Federal involvement. You are right. We understand that the Federal Government ought to get involved and set the standards and the Federal Government ought to be involved in testing and the Federal Government ought to be involved in training and the Federal Government ought to be involved in accountability and oversight. We agree on these things. All of these things.

What we did, what this chairman did, Young-Mica, they talked to the folks who are on the front lines of terrorism every day for the last 20 years in the airline industry. And they said, “Unless the United States of America, don’t make the same mistake that we did. Federalize, don’t nationalize. If you want all of those things, if you want all of that accountability, if you want safe airplanes in the sky, follow their lead.”

Then their colleagues on the other side of the aisle, for the safety of America, for the viability of these airlines, set your arguments aside, stop worrying about who signs the check and start worrying about who checks the bag.

Mr. MICA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, when it comes to the check being signed by the lowest bidder, I must worry.

The fact is that we are at a critical juncture in our attempt to protect our Nation. We have been entrusted by the American people to make crucial decisions that will affect and protect their lives. The American people expect for us to get it right.

It is time to acknowledge the fact that private sector management of our Nation’s aviation system has miserably failed us. By refusing to take the appropriate action to correct the problem, we run the risk of experiencing a repeat of September 11 and the risk of abusing the trust of the American people. The appropriate action is federalization of our aviation security system.

There have been accusations that support of federalization is an attempt to bolster Federal employee unions. Our accusers have forgotten that the majority of the brave Americans who were hailed as heroes on September 11 are union members and have gone beyond the call of duty. I believe federalized airport security personnel would provide the same high standard of service.

Let us put politics aside and pass the bipartisan substitute.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Minnesota (Mr. KENNEDY), one of the distinguished members of our Subcommittee on Aviation.

Mr. KENNEDY of Minnesota. Mr. Chairman, September 11 was a call to action to strengthen our security. Today, we have a chance to respond to a bipartisan request from our President and our Democratic Secretary of Transportation to pass legislation that focuses on security and nothing else. The American people deserve nothing less. The President and Secretary have asked us to follow a proven path that has long been successful in Europe and in Israel, and we should.

The Young-Mica bill expands Federal air marshals, strengthens cockpit doors, allows pilots to protect themselves and, therefore, the plane, strengthens the screening of checked bags, federalizes supervision of bag screening, federalizes background checks and training of baggage-screeners, assures the qualifications and performance of bag screeners. But it does more, more than the alternative bill. It expedites rule-making. We have been waiting 5½ years for better, more comprehensive Federal rules on baggage screening. We cannot wait any longer. It also deals with all areas of aviation security, not just baggage screening, including those that are providing food service and cleaning services in the airplanes and comprehensive security in the airports.

We need to support our President, we need to support our Secretary of Transportation and pass the comprehensive Young-Mica bill. We owe America nothing less.

Mr. ARMEY. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. HONDA).

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

Mr. Chairman, some Republicans falsely claim that the Ganske-Oberstar bill lacks the distinction in legislation and technology provisions. They are wrong. The Ganske-Oberstar bill has an entire title dedicated to improving aviation security technology.

This title calls on rapidly deploying and fully utilizing viable security technologies. It directs the FAA to implement technology-driven changes to our aviation security system in the short term, including the plan to deploy security-enhancing technologies such as biometrics, database integration, smart cards, and other promising new applications that are available even right now.

The Ganske-Oberstar bill looks to the long-term as well, calling for new and substantial investment into FAA’s R&D program. The bill doubles the budget for the FAA’s Technology Center and increases spending on accelerated research and development of technologies for detection of non-metallic weapons and cargo screening.

Let us make sure that our aviation security policy is backed up by balanced, bipartisan thinking, not posturing and rhetoric. Support the Ganske-Oberstar bill.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader of the House.

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

Mr. Chairman, again we are reminded about the horrible events of September 11. We watched as a Nation with horror and as air travelers, we watched with some fear and trepidation. We watched as the President of the United States acted swiftly to request that every airline in America abstain from flying for a few days until they could determine how serious the threat was and what could be done to control it. It was not but a few days, and the President and his team made the corrections in airline security, put in the new personnel, put in the supervision, put in the regulations, put in the requirements, put in the Federal marshals; and I will have to say, and I do not think there is anyone that can doubt it, there is not a person who gets on an airplane in America today who does not do so under unprecedented conditions of safety. Every bit of that increased safety with which we fly today is a result of the actions of the President of the United States and his executive team.

The President of the United States very soon thereafter made it very clear that he knew what he needed to make this Nation secure, and he called upon Congress to enact the law that would give him the power and the authority to administer the airways of this country in a safe fashion.

This Congress stood here just a few days after that horrible tragedy, and we voted our confidence in this President to assign military operations, to assign people to the fields of danger to the CIA, to deploy all the agencies across this globe, to deploy the FBI, to deploy the military operations, to assign people to the fields of danger to defend the American people.

This Congress is called upon to pass this legislation that would, if I can use a very strong term, take the best that we can do, and take it to the next level, to the best we can do, to make our Nation secure.

This is a very important bill and we owe it to the American people who are on the front lines of terrorism who are on the front lines of defense in our Nation. We owe it to the American people who are on the front lines of terrorism who are on the front lines of defense in our Nation. We owe it to the American people who are on the front lines of terrorism who are on the front lines of defense in our Nation.
What we have here in the base bill is a bill that says we resolve, Mr. President, to make the Nation safe, and we resolve to give you the authority and the discretion to do this job right.

What we have in the form of the substitute is a bill that says no, Mr. President, your way, and a bill that says that, Mr. President, despite the fact that there has not been to this date a single action by a single Member of Congress that has made one single passenger safer in America.

I think of responsibility is very clear: reject the substitute; reject this intrusion of Federal Congressional mandate. Put your confidence in the plan of the President. Give the President the authority, the ability, and the discretion to do what is necessary to keep our children safe in the air.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, that was a very compelling appeal by the distinguished majority leader, but I would just point out to my colleagues that the committee bill does not trust the President either, because it is filled with mandates, while at the same time they ask for flexibility.

Mr. MICA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, I stand to give you a bulletin from the City of New York, from my home community of New York City. I am speaking, Concourse A, Terminal 8 at JFK Airport has just been closed. It has been closed because the screeners at American Airlines when a magnetometer broke down decided to just wave the people through.

They waved enough people through, until the FAA found out about it. The FAA, by the way, for those who have not noticed, is a Federal agency that hires Federal employees. The screeners are non-Federal. The FAA closed down the whole terminal. Presently, five planeloads of people thinking they were going to their destinations across America are being off-loaded off of all those planes because they are now considered unsanitized and have to go through the screening process that some of them should have gone through to begin with.

This points out exactly the problem that we have: poorly trained, inconsistently trained, nonpublic, non-Federal employees, doing screening by any rules they deem necessary, without any supervision.

Think of what you would do if you passed what you are looking to pass.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from South Dakota (Mr. THUNE), a member of the Subcommittee on Aviation.

Mr. THUNE. Mr. Chairman, the whole objective of this discussion and debate is how do we make the airline as safe as humanly possible. Now, under the logic that has been employed by the other side tonight, those who are favoring the Democrat substitute, there is only one way to do that, with Federal employees only. And yet the Democrat substitute only applies that logic to 142 airports.

Mr. Chairman, do you know, there are 462 airports in this country? That means almost 70 percent of the airports in this country are not going to have Federal employees working there, which, under the logic that has been employed here this evening by the other side, means that those airports are going to have a substandard level of safety applied.

I do not think that is what you mean to do here, but that is in fact what is implied by the Democrat substitute; 142 airports would have Federal employees, the remaining 319 would have local law enforcement.

Now, the police chief in Pierre, South Dakota, is pretty busy. I do not know that he has time to go stand at the airport. But what you have essentially said this evening is it is Federal employees or not.

This legislation, the Mica-Young bill, makes it possible for the administration to use their discretion to determine whether Federal employees are the best way to make it safer, or whether there is another way to do it.

Let us allow them to have that discretion, not mandate, and not say to those other 319 airports that you are going to be less safe than the 142 big ones.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the dean of the House, the gentleman from Michigan (Mr. DINGELLE).

(Mr. DINGELLE asked and was given permission to revise and extend his remarks.)

Mr. DINGELLE. Mr. Chairman, I thank my dear friend from Minnesota for yielding me this time.

Mr. Chairman, it is astonishing for me to see so many frequent fliers assembled in one place seeking to have the status quo continue. I would remind my Republican friends that more people were killed in the events of September 11 than at D-Day or Pearl Harbor. This is a serious matter. I would also note that Secretary Mineta has made this observation: he says that an unacceptable number of deficiencies continue to occur.

Argenbright and others have had a number of hearings before, during, and since the 11th. They have falsified records, they have been convicted, they have been fined $1.5 million. They have subsequently found that they have continued the same violations and are now setUp for violation of probation. They have allowed everything from guns to box openers to knives to move through the checkpoints.

How is it that we can say that we should continue the status quo, allowing the same kind of rent-a-cops to commit the same kind of outrages in terms of security? Let us get rid of them for good and put somebody in that is going to do the job right.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, as was stated by my colleague from South Dakota, the substitute amendment focuses primarily on larger airports, 142 of them.

I represent a rural district that has only small Class IV airports, none of the 142 larger ones. These smaller airports are not subject to a uniform set of security standards under the substitute amendment.

This is precisely what our problem is today, we have no uniform standards. The Mica-Young bill sets uniform standards for all airports, not just a select number.

On September 11, the most prominent of the 19 hijackers boarded a plane at a smaller airport, flew to Boston, hijacked a plane and crashed it into the World Trade Center. Hijackers will enter the airport system at the weakest points, quite likely a small, relatively unsecured airport. Under the bill, once past the security check point, a passenger can move freely throughout the system. The Young-Mica bill closes this loophole. Every airport manager in my district supports the House bill for the above reasons.

Mr. OBERSTAR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mr. Chairman, we have the best military in the world, the best law enforcement agencies and the best firefighters.

All of these are government-run organizations that successfully protect the public.

And the public deserves the government's full protection and commitment at our nation's airports.

Our airport security system is tragically and fatally flawed.

We don't need to patch it up.

We don't need to continue the status quo.

Some have attacked federalization of airport security because it could potentially create a union.

Those who make this argument forget that roughly 400 union members died at the World Trade Center.

These union members and their union-member colleagues who survived helped save up to 20,000 lives.

Even the administration wants the other side to stop attacking public employees in this debate.

Working men and women aren't the problem. And tweaking the existing system isn't the solution. Like the military—protection of air travel should be done by federal employees.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. Chairman, I represent a rural district that has only small Class IV airports, none of the 142 larger ones. These smaller airports are not subject to a uniform set of security standards under the substitute amendment.

This is precisely what our problem is today, we have no uniform standards. The Mica-Young bill sets uniform standards for all airports, not just a select number.

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Mr. Chairman, today I wish to thank my colleagues for addressing the important issue of airline security, and I urge passage of legislation that will provide the strongest safeguards to those who fly our Nation’s airways.

Because tourism is Rhode Island’s second-largest industry, my constituents have been particularly affected by the slow-down in air travel since September 11. I have heard the concerns of airline employees and passengers, hotel workers, rental car companies, travel agents and restaurant owners; and we can all agree that Congress must re-store confidence in air travel in order to boost our Nation’s flagging economy.

Three weeks ago the Senate, both Republicans and Democrats joining in a bipartisan spirit, unanimously passed an airline security bill, the bill offered today as a substitute to H.R. 3150. The House and Senate bills have many points in common and both recognize the need to improve the structural security of our planes, place Federal air marshals on flights, and provide airline security of our planes, place Federal air marshals on flights, and provide air security.

The need to improve the structural security of our airplanes, place Federal air marshals on flights, and provide airline security...
Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

(Mr. ENGEL asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of the substitute for federalizing workers.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE) (Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, on December 7, 1941, our country experimented with parking our airplanes wingtip to wingtip. The experiment failed.

On September 11, 2001, our Nation experimented with the concept of private contractors under government supervision providing security. That experiment failed. We must now end the experiment of private security under government supervision. That experiment failed.

We tonight have been acting as if this was a theoretical discussion. We have learned from our experiment. The reason the experiment failed is every single week we tried that approach to aviation security many times and it failed horrifically. Why should we set the qualifications, do the training, do the testing, and then ask someone else to do the hiring? That is the Young bill. The Federal Government must assume the job of providing security or we have admitted that we are satisfied with the status quo, and thousands of souls will have died for nothing.

Mr. Chairman, this is not a liberal, this is a woman Senator who is a close friend of President Bush.

But do Members know what. This is not about friendship, this is about a duty to the citizens of our country.

Vote for the substitute.

Mr. OBERSTAR. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining, and the gentleman from Florida (Mr. MICA) has 4½ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the gentleman from Florida (Ms. MICA) how many speakers are on his side.

Mr. MICA. Mr. Chairman, at this time it appears I have two additional speakers.

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

Mr. OBERSTAR. Mr. Chairman, the gentleman has the right to close. Would the gentleman like to recognize one of his speakers.

Ms. MICA. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut (Mrs. Johnson).

Mrs. Johnson. Mr. Chairman, the proponents of this amendment say that they are going to hire Federal employees to take over the security of our airports. Listen to who they are going to hire. People who are not protected by our civil rights laws. They are not going to even give these employees the protection of fair labor standards. Why should they not have the protection of minimum wage and time and a half for overtime laws?

Why is it you do not trust that you could hire Federal employees under all of our fair employment practices, acts, all of our nondiscrimination acts, all of the laws that provide for Federal employees under the kinds of medcal leave? Why do you not think you can hire people who can do screening under those circumstances?

In the private sectors Brinks, Wells Fargo, Pinkerton, Wackenhut who provide security at weapons factories, they can hire security personnel that also have the right to the protection of our civil rights laws, to the protection of fair labor standards laws, to the protection of the family medical leave laws. We know it can be done.

You are giving a Federalism bill that says you are going to do this under Federal law. You have to give the Attorney General the right to hire out
from under all of the Federal employment laws that protect working people. It is an outrage.

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

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, we have come to the close of a very agonizing debate, a very fair, very open exchange. But you cannot have it both ways. The last speaker said, you do not have these protections. You do not have all these safeguards for Federal workers. But it was the majority that has said time and again you cannot have Federal workers because it is too hard to fire them. It is too hard to move them around. So we give you the flexibility to write the rules the way you want to do it; and then you come and say, oh, you do not have all the protections. You cannot have it both ways.

We have heard some spurious numbers here. The CBO number estimate is 16,200 screeners. Then there are supervisors and managers and ground coordinators and senior-level security and perimeter security and aircraft security people all up to the Department, the Department of Justice or up to the Department of Transportation. You decide. That is the flexibility.

Then I heard them complain, oh, you do not trust the President of the United States to do the right thing. What do you mean? On the other hand they say, you do not have any mandates to make all of these things happen because we do not trust the rule-making.

Now let us cut that stuff out. What we have got before us is the essential issue, the Achilles heel of aviation security.

I served on the Pan Am 103 commission on the aftermath of that tragedy at Lockerbie, Scotland. I stood there with our colleague, John Paul Hammerschmidt, on the edge of that abyss, 11 feet deep, 40 feet wide, 140 feet long where 270 people perished, were vaporized in the crash of that 747. There were 270 people aboard those four aircraft on September 11. History has a way of repeating itself in great tragedy.

In a speech in the Canadian House of Commons, the Honorable Jean Chretien, Prime Minister of Canada, said on the day after the attack, “There are those rare occasions when time seems to stand still, when a singular event transfixes the world, occasions when the dark side of human nature escapes civilized restraint and shows its ugly face to a stunned world. Tuesday, September 11, will forever be etched in memory as a day when time stood still.”

He said it eloquently, powerfully. I have waited, I have worked for 11 years to get strong security legislation enacted. We did it in 1990, and then we worked to get the regulation implemented. And then we worked again. We passed new legislation and now we have something on this floor that closes the gap, that shuts down the Achilles heel, a good provision that says we will take strong action. We will put screeners at airport security checkpoints with the authority to check their bags, go through their shirts, sworn to uphold the Constitution of the United States and its laws, trained to the highest standards, paid a decent wage. People who will do the right thing.

I want you to pass this bipartisan amendment, and I express my great admiration to the gentleman from Iowa (Mr. GANSKE), who has stood and withstood enormous pressure not to take a principled, honest stand of integrity in what he believes. Because, my friend, never again do I want to look into the eyes of the families of the victims of Pan Am 103; nor do I want any of you to look into the eyes of the families of the victims of September 11 and say, we did it too cheap. We did not do enough. We did not go far enough. We will try again.

This is the hour of decision. Make your decision tonight. Let this not be a day when time stood still, but a day when time marched ahead in the interest of security for all Americans.

Mr. MICA. Mr. Chairman, how much time remains on our side?

The CHAIRMAN. The gentleman from Florida has 3½ minutes remaining.

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I thank you

Mr. MICA. Mr. Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from Minnesota has 3½ minutes remaining.

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Chairman, I yield the gentleman for yielding the time.

If there is anybody in this House that wants to ensure that there is an adequate standard across our airports it is me. On September 11, that we all reference, more than 300 people from my district died, my friends, family and neighbors. I do not want to see that happen again; and in fact, I do not think anybody in this House wants to see that happen again.

Security we can all agree upon, but there is a greater issue right now as I see it; and that is are we going to work together for the good of the American people’s safety? Now, I have heard many times tonight how this is an issue of national security. The President supports the House bill. He does not support the substitute. If this is an issue of national security, do we want our Commander in Chief participating in this process?

I say move this bill forward, defeat the substitute. If we trust the President of the United States, our Commander in Chief, in a time of war to deploy our men and women in harm’s way overseas, then certainly we can trust him to do the right thing for the people of this country on our homeland.
According to the FBI, Argenbright also had the roommates of convicted CIA killer Amal Kansi on its payroll. Kansi was responsible for the bloody CIA shootings in 1993 on Route 123 in northern Virginia outside CIA headquarters, where two people were killed and three were wounded. His roommate, Zahid Mir, worked for Argenbright from August 1992 to February 1993 in a variety of security positions. As an Argenbright Security employee at Dulles Airport, Mir had access to luggage and restricted access areas. It would seem that even a cursory check on Mir would have flagged authorities about his questionable background. I enclose for the RECORD a copy of a letter from the FBI verifying Mir’s relationship to Kansi and his work for Argenbright.

I also find it surprising that when a recent head of FAA security left his job, he soon wound up on the Board of Directors of an airport operator. It’s hard not to wonder if the relationship is there between those who are regulating security and those who are performing security? That question may have been answered in a revealing memo sent this past May from the chief of the FAA’s Civil Aviation Security Division to FAA managers about the agency’s compliance and enforcement philosophy. He said, in part, “...the safety and security of the flying public will depend upon the FAA and industry maintaining a candid, respectful and mutually responsive business relationship. To be effective in this relationship, we need to be flexible.”

He continued, “While I expect regulated parties to comply with regulatory requirements, there will be times when we find areas of non-compliance. When we do, I want to fully consider the actions the party has taken to fix the problem. I want to work with the industry to develop action plans to permanently correct problems that have resulted in violations. To encourage that good-faith effort, in this effort I do not expect us to impose a civil penalty against a regulated party for certain unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations.”

I also include in the RECORD the entire text of that memo.

If we learned anything from the devastating attacks of September 11 it is that there is absolutely no room for flexibility, no room for compromise, no room for second chances when it comes to the safety of the flying public.

The track record of private airline screening companies shows they have not performed the job that is demanded. According to a 1998 GAO report, at Dulles Airport experienced a turnover rate of 90 percent, which was lower than the national average of 126 percent. Boston’s Logan Airport had a turnover rate of 207 percent and Atlanta’s Hartsfield Airport topped the chart at 375 percent. At these rates, airport screeners were turning over every couple of months. As long as security is contracted out, it will change the way security is handled at our nation’s airports. We cannot continue to contract out to the lowest bidder the safety and security of America’s airports and airlines.

We must restore confidence in air travel and elevate aviation security to its proper role as a law enforcement function. We must place the security of our airways in the hands of a federal aviation security force under the jurisdiction of the nation’s top law enforcement agency—the Department of Justice. The American public deserves nothing less.

Mr. Chairman, my intentions surround both the House and Senate versions of airline safety legislation. The ultimate goal of this legislation is to protect the general public from those who fail to spot dangerous objects. You’ll hear that 87 percent of the baggage screeners across the nation, you’ll hear horror stories about inadequate background checks, the hiring of illegal aliens, screeners with criminal records, screeners who can’t pass basic skills tests required for employment, screeners who can’t speak English, screeners who fail to spot dangerous objects. You’ll also hear that 87 percent of the baggage screeners at Dulles International Airport aren’t U.S. citizens.

You’ll also hear the name Argenbright Security. The foreign-based corporation is the largest airport security screener in our nation and is responsible for security at the majority of America’s busiest airports. The second and third largest screening contractors also are foreign-owned.

Argenbright was recently ordered to pay over $1 million in fines and placed on three years probation because it either failed to conduct background checks on convicted felons or forged the actual background checks on checkpoint screeners at Philadelphia International Airport. Just last week a federal judge extended the company’s three-year probationary period to five years for violating terms of its probation, including continuing to hire convicted felons, despite certifying that it had conducted new background checks, and violating FAA regulations.

It is interesting to note that Argenbright left the Philadelphia airport last week, a year before its contract was to have expired. In another development, Sky Harbor International Airport in Phoenix evicted Argenbright on October 15 citing criticism of its hiring standards since the September 11 terrorist attacks and the scandal involving Argenbright’s activities in Philadelphia.

Argenbright also staffs both Washington Dulles International Airport and Logan International Airport in Boston, two of the airports where hijacked planes took off on September 11. Dulles continues to grow and is presently the fifth busiest airport in America with 1,400 daily takeoffs and landings.
provisions. As we work with the aviation industry, it is important to remember that our primary goal as a regulatory agency is to gain compliance. I want to work with industry to develop a system that will be the most efficient in preventing the problems that have resulted in violations. To encourage industry to join us in this effort I do not expect us to impose a civil penalty against a party for its first offense, as long as the offense is for unaggravated violations, if we believe the party has successfully implemented a permanent fix that will resolve the security problem and preclude recurrence of future violations. To answer questions you may have about this new philosophy and how it will work, detailed guidance will be provided to you shortly.

I want to continue to give our partners a realistic opportunity to comply with the regulations and to work with us.

Mrs. MORELLA. Mr. Chairman, I rise today in support of the substitute that would federalize our airport security personnel. I want to thank Mr. GANSKE for all his diligent work addressing this vital issue for all Americans. Several weeks ago the Senate passed this language by unanimous vote of 100 to 0. This substitute embodies many of the important provisions that would allow the government to take a more active role in providing security for our nation’s transportation systems.

It would make all baggage and passenger screeners at 140 of the largest airports, federal employees under the authority of the Department of Justice. The Department of Justice would be responsible for hiring, training, and disciplining the screeners. Additionally, the Attorney General would undertake thorough background checks for all potential screeners.

Additionally, the Department of Justice would establish vigorous standards of training standards for all screeners. 40 hours of classroom training and 60 hours of on-the-job training would be required before security employees could begin working in airports. Flexible security measures for small and medium size airports are provided by allowing screeners at those locations to be federal employees or state or local law enforcement officers.

The substitute addresses the need for more oversaw transportation security. The Attorney General and Secretary of Transportation would be required to report to Congress on the status of airport security measures and provide recommendations for additional measures that would further enhance air security. This legislation would require the Federal Aviation Administration to report to Congress on the status of background checks for current employees and the training on anti-hijacking measures for all flight and cabin crews. Also, a National Security Coordination Council would be created to help coordinate security and intelligence measures between agencies regarding aviation safety.

Under the substitute, some enhancement of security measures would be visible to all travelers. For example, we did not set aside the Air Marshal program to increase their presence on more domestic flights and on all international flights.

In addition, this substitute addresses concerns about flight training, by requiring flight school students to undergo background checks through the Department of Justice before they can receive training.

Finally, Mr. Chairman, I want to stress the importance of federal employees. Their importance to this nation, as time and time again, they come to the forefront in meeting the needs of America. 20 million men and women work in government service in every city, county and state across America, and in hundreds of cities abroad. My district has over 42,000 public servants working there.

Public servants teach and work in our schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect our national parks, improve transportation and the quality of our water and food. They fight crime and fire, and help us recover from natural disasters.

They build and maintain our roads, highways and bridges, and help keep our economy stable. They are at work to ensure equal treatment under the law, to defend our freedom, and advance our national interests around the world. Most importantly, they help make America a better place to live, to work, and to raise our families. If federal employees can provide these things to the nation, then they certainly are capable of providing security for aviation.

The stellar performance of public servants and increased security measures would allow the government to maintain airport security and help restore America’s confidence in the aviation industry, especially with the holiday season rapidly approaching.

I urge all members to vote in favor of this substitute.
not about politics. This is about safety and re- assuring the public that every step that can be taken towards providing safe passage in our skies will be made. I thank the pilots and the flight attendants for their leadership on the front lines in this battle to provide Americans with safe passage. However, it should not be left to the traveling public and the flight attendants to protect their passengers from terrorists. We must do more to stop the threat of terrorism from even reaching our planes, freeing pilots and flight attendants to do their respective jobs.

I believe that the only way to truly assure the traveling public as well as the flight crews that everything is being done to eliminate the threat of terrorism is to take the responsibility for airline security out of the hands of third parties. Airline security is national security and our national security must never be contracted out. Several airlines have already taken extraordinary steps on their own and with the encouragement of Secretary Norm Mineta and the Department of Transportation to strengthen cockpit doors and install video monitoring systems. Nevertheless, we must do everything possible to reassure the American people that it is safe to go about the business of flying. On September 11, 2001 the world changed, today, I urge my colleagues to help us take back an important piece of our economy and the American way of life, support bipartisan Airline Security bill.

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to H.R. 3150 which reduces the protection for the traveling public and the flight crews. The overwhelming majority of my constituents demand that airport security be the responsibility of the federal government. After the unforgettable morning of September 11th, I believe Americans will be safer, feel safer, and return to the skies faster when they know that the baggage and passenger screeners are law enforcement officers in the employ of the American people. The House leadership has exposed the flaws in the current security structure of our airports. The time has come to get the airlines out of the security business and let them focus on the airline business. Just like the Customs Service and Immigration, airport and airline security should be the domain of federal law enforcement.

The House leadership is using several misleading arguments to push H.R. 3150 over a bipartisan bill that passed the Senate 100 to 0. For instance, the House leadership says that employing companies can be more accountable than law enforcement officers because they can be fired more easily. However, S. 1447 clearly waives civil service laws, regulations and protections for airport security employees—making them as easy to discipline or terminate as private employees.

The House leadership also says that the requirements for hiring will delay action. I believe we should take difficult action rather than accepting the status quo. However, S. 1447 sets a deadline of one year for the full staffing of the aviation security system by law enforcement.

The House leadership also criticizes the Senate bill because law enforcement officers are often unionized. Did they forget that unionized police officers patrol the streets of our states and districts? Did they forget that all members of this body are protected at work every day by the excellent, unionized law enforcement officers of the Capitol Police? America long ago determined that workers have the right to organize and some current private air- line security personnel are unionized. I trust their union and non-union law enforcement officers on all levels of government, and I will trust new law enforcement officers at airport security posts across the country.

The most disappointing contribution for the House leadership is their position is their fundamental distrust of government. This view of government is not shared by the American people. For example, Americans support and respect our military personnel engaged in complex, dangerous, and vital missions against terrorism around the globe. Americans also support and respect our firefighters, police officers, and emergency personnel around the country. I hope that the House will soon give Americans a chance to support and respect aviation security law enforcement.

In a related development, the House leadership also claims the size of government will be increased in order to oppose aviation security law enforcement officers. Of course, the cost to government and the taxpayers will be the same regardless of whether the checks and balances are directly transferred to the law enforcement officers or from the Treasury to a contractor and then to the contract employees. It is meaningless whether the size of the federal workforce increases or contracts, what matter is the bill to the taxpayers. Of course the House leadership is trying to hide the fact that the Senate-passed legislation would pay the law enforcement officers with a $2.50 security fee on each one-way trip, without increasing the cost to the Treasury and therefore the size of the government.

The House leadership also points to public-private security systems in Europe as models for our new system. However, our current security is already handled by the subsidiaries of the companies that operate in Europe. I would also add that the successful aviation security in Europe is by law enforcement officers. Since the House leadership rarely looks to Europe for inspiration on other public policies, I suspect they are getting desperate. While I believe that the private security firms can be capable in many circumstances, I believe Americans will get the largest increases in safety and accountability at airports by using American law enforcement officers.

Basic economics tells us that you get what you pay for. By contracting our airport security personnel to the lowest bidder has resulted in overworked, undertrained, and underpaid personnel. In every other instance, the security is a function of public law enforcement. Why should publicly owned airports be any different. We should adopt the Oberstar substitute and provide a real sense of security to the flying public.

I encourage all members to ignore political pressures and vote on their conscience on this issue. I am optimistic that we can agree that we want law enforcement, not corporations, to catch criminals in our airports. We have tried contracting out our aviation security, and I do not believe the American people will allow it any further.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise to support the Ganske-Oberstar substitute to H.R. 3150, the Secure Transportation for America Act of 2001. The Ganske-Oberstar substitute contains the essential federalization of airport security standards and employees necessary to ensure protection for the flying public. An identical measure, S. 1477, passed the Senate unanimously three weeks ago. We must take difficult action now. However, to send the President tonight the language the Senate already agreed to and which can go into effect tomorrow.

Current airport protection is insufficient to prevent terrorist attacks. We need an increase in the number of air marshals on flights, expand antihijacking training for flight crews, fortify cockpit doors, and inspect every bag placed onboard an airplane. Transportation Secretary Mineta stated that new security measures must be done in an effective and consistent manner. To achieve quality uniform standards nationwide, we must federalize passenger screeners and baggage handlers in all our airports. New federal accountability and training will ensure public safety, confidence in travelers, and consistency in enforcement.

The job of an airport security worker is to prevent terrorism from occurring. By federalizing this responsibility, new training and air- port policies can be standardized and properly enacted. Airline passengers will have more confidence in our system, and terrorists will not have an easy time exploiting the current weakness of our airlines and airports.

Mr. Chairman, I support the Ganske-Oberstar bipartisan substitute to H.R. 3150, the Secure Transportation for America Act. By passing this landmark legislation we are correcting the short comings in our airport security system that should have been enacted following the December 21, 1988 terrorist bombing of Pan Am Flight 103. It is unfortunate that it took an event such as the terrorist hijackings of September 11, 2001 to secure these long overdue reforms. The Ganske-Oberstar substitute will make America safer than it’s ever been. There is broad bipartisan support for this substitute, and action is needed now. Let’s do what’s right for the American people.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in strong support of Mr. OBERSTAR’S substitute amendment to H.R. 3150. As we are all now painfully aware as a result of the hijackings and attacks of September 11, Congress must act to strengthen the level of security on flights and in the airports throughout the country. I believe that Mr. OBERSTAR’s amendment most effectively achieves this goal.

Mr. OBERSTAR’s amendment is identical to S. 1447, the Aviation Security Act, which passed the Senate 100 to 0 on October 11, 2001. I urge all Members to support this substitute to provide federal aviation security with the Federal Government to ensure that professional law enforcement agents are in charge of securing the airports and airplanes.

According to the General Accounting Office and the Transportation Department Inspector General, airport security screeners are still often paid less than fast-food workers, which contributes to an average employee turnover rate of more than 120% nationally and more than 400% at some airports. If, when discussing these facts, we were discussing local police officers, U.S. Customs agents, Border Patrol agents or other agents who are tasked with protecting the American People from harm, everybody in this Chamber would
demand reform. It is abundantly clear that these airport screeners are the front line in aviation security and therefore are as important as the thousands of men and women in the other areas of law enforcement and citizen protection.

Mr. Chairman, it is imperative that we turn airplane screeners into a professional, highly skilled, highly trained law enforcement workforce to ensure the best possible security for all airline passengers and crews.

I urge my colleagues to support Mr. OBERSTAR'S Constitution amendment

Ms. LEE. Mr. Chairman, I rise to voice my support for the Democratic substitute offered by Mr. OBERSTAR and Mr. GANSKE.

The events of September 11th have made it critical that this Congress pass legislation that will meet our needs in ensuring safe travel in our skies. This Democratic bill will pull existing security systems up by their roots and improve them dramatically by putting well-trained, professional federal law enforcement agents in charge of security under these new laws. People want this and they deserve this.

In my district, I have seen first-hand what enhanced security measures can do and have heard about the plans to further strengthen security at our airports. This substitute bill will provide the necessary resources to strengthen and implement expanded aviation security measures, particularly since they must be sustained over a long period of time—this is vital. All baggage and cargo must be screened. This is a basic security measure that should be standard—it could save lives.

Millions of people, customers and workers, have come to rely on air travel, air cargo, aircraft recreation and tourism, and we have to do all we can to ensure their safety. As we enhance security in our airports and on aircraft, we cannot forget the employees who lose their jobs.

A large number of these workers are minorities. They must be given employment preference. They should be afforded the first opportunities to be hired and on aircraft, air carriers must provide the appropriate training and they should be provided the first opportunity to enter into our civil society workforce.

As we move to federalize our aviation security, we must ensure that the civil liberties of federal employees are protected. We must provide the appropriate training and opportunities to those who have been discriminated against. This includes federal employee protections.

I must also express my concern about the five-year citizenship requirement in this legislation that is not mandated by any other federal agencies. There are many local residents in this country who vote and pay taxes. If they clear all back ground checks, they must not be discriminated against for these positions. We cannot set a double standard which will have negative ramifications for many aviation security workers.

I am not convinced that this mandate will guarantee the trust worthiness or skill of the screener workforce. Again, I find it disturbing the first opportunity to work with my colleagues to comprehensively assess and remedy this matter as this policy was implemented. We must work together to make our skies safe, boost confidence in the airlines, and help our economy, the American people, and the country.

The Democratic bill will do this—I strongly urge my colleagues to vote "yes" for the Democratic substitute amendment.

Mr. BORSKI. Mr. Chairman, I rise today in strong support of the Democratic Substitute Amendment.

Our current aviation system is broken, which September 11th demonstrated. This substitute legislation will move us toward dramatically improving our current system by securing both our airplanes and airports. Airplanes would increase their cockpit security and add more federal Air Marshals, while airports would screen ALL luggage. These screeners would be well qualified for the task.

American's deserve better screeners than the ones they have now. A glaring example of just how bad these screeners are take place in my home city, at the Philadelphia International Airport.

In 1998, the Airport notified the Federal Aviation Administration about the questionable background of Argenbright Security employees. An investigation was conducted and the company was ultimately convicted of falsifying employment documents. Argenbright had not conducted the required background checks, issued security badges and consequently hired convicted criminals. Argenbright was fined $1.2 million dollars and the perpetrators were imprisoned.

Shockingly, it has now been discovered that Argenbright Security is still not conducting proper background checks of its employees, therefore risking the safety of all American's. This is unacceptable.

If the Philadelphia International Airport had not conducted random audits of the screening firm, none of this would have been discovered. It is not the Airports responsibility to ensure proper screening, it is the security firms, and they have continually failed in their job.

This is just one reason that I firmly believe our nation's airways should be federalized. Our national security depends on consistent, enforceable aviation security standards that ensure the safety of all Americans.

We would not even consider contracting our FBI, CIA or Capitol Police employees. We hire trained Federal professionals for these vital positions and we should do the same for our airport screeners.

By hiring Federal Law Enforcement officers to conduct screening, we take a step toward increasing the confidence of our flying public. The sooner we take responsibility for aviation security; the sooner American's will take to the sky once again.

Mr. Chairman, aviation security is National security and I urge my colleagues to vote in favor of the Democratic Substitute Amendment.

Ms. KILPATRICK. Mr. Chairman, I rise in support of the amendment being offered by the gentleman from Minnesota (Mr. OBERSTAR), and I intend to vote against this bill unless the amendment is incorporated in this bill. The other side of the aisle argues that federalization of passenger and baggage screeners is not in the best interest of promoting an efficient security process at our nation's airports. Covering these jobs under the umbrella of the Federal government, they argue, only makes government unnecessary and more expensive, bigger and makes it impossible to dismiss Federally-employed security personnel for mal- or misfeasance. Those arguments are bogus, and the leadership of this Chamber should be ashamed of itself for deliberately distorting the terms of the Senate-passed Airline Security bill.

Even if the Senate-passed bill proposed extending federal job protections to passenger and baggage security personnel, I would have to ask if that would be so bad for the American traveling public. Don't American air passengers deserve to feel as secure in our airports as they do when visiting a Federal court house? I suggest they do. Security at our Federal Airports and Airplanes are the responsibility of the Federal Protective Services, an entity of the Federal government. I submit that air travelers are entitled to the same level of security.

The Senate bill does not provide airport security personnel with the job protections established under the Civil Service Reform Act. The bill provides little tolerance for any security employee who fails to perform his or her job thoroughly and accurately. To say that federalization of the airport security workforce will only reward lazy, incompetent, and overpaid security contractors is a total distortion. Another argument raised by the majority is that the Leadership proposal models the system used in European countries and Israel. I have no disagreement with that argument. The Leadership proposal models the system that the same security contractors serving the nation's airports today are the same security contractors found at most international airports.

These contractors may work well overseas but in providing for our homeland security, they have failed. Look at the record. Turnover among initial security personnel exceeds 400 percent at some airports. Contractors fail to conduct criminal background checks on the people they hire. In fact, one company was recently fined for hiring security personnel with prior arrest records. The pattern is clear. Current security contractors hire security personnel at minimum wages to provide the flying public minimum airline security. Do I want these same companies to be rewarded with additional responsibilities, so they can cover higher overhead costs because of stricter requirements?

No! The private sector has failed to make America's air transport system secure, and it is now the responsibility of the Federal government to ensure the security of our airports.

Another aspect of H.R. 3150 which I find particularly offensive is a provision that will exempt all corporate interests from liability from the September 11 assault. The families and survivors of the World Trade Center and the Pentagon tragedies will have little recourse to seek accountability for the negligent acts of a corporation which may have encouraged the terrorists to succeed in prosecuting their attacks on innocent Americans. In other words, this bill will protect even a private airport baggage screening company that may ultimately be found to have recklessly allowed a breakdown in security protocols.

In early October, this body passed the Air Transportation System Stabilization Act. I opposed that bill because it represented a bailout of the airline industry and a Federal wage protection program for highly paid airline executives. It did NOTHING for rank and file airline industry employees dislocated in the wake of September 11. Again, the Leadership is sponsoring a bill that rewards corporate interests and ignores the wage replacement and health insurance coverage needs of dislocated airline workers.

Mr. Chairman, this bill does nothing to restore the passengers' confidence in the safety and security of the national air transport system, and it protects corporate interests for past failures to protect the air traveling public. For
these reasons, Mr. Chairman, I urge my colleagues to support the amendment by Mr. OBERSTAR and, failing that, oppose the passage of the underlying bill, H.R. 3150.

Ms. McCOLLUM. Mr. Chairman, I rise today in support of the Democratic substitute to strengthen, simplify, and ensure that our nation’s airports and in our nation’s skies. It is critical that we pass aviation security legislation that protects our national security, ensures passenger safety, and restores America’s confidence in our aviation system.

Our nation has taken significant steps to appropriately respond to the events of September 11th, and I am proud of how Congress and the American people have worked together in our war against terrorism.

Mr. Chairman, as the Delegate from Guam, I represent a community whose economy is significantly dependent on tourism. Our tourism industry is unavoidably linked to and driven by the airline industry, and without its efficient and consistent functioning, our economy suffers. Our potential visitors must and need to feel safe in flying, or else they will forfeit their travel experiences. For those of us who live in Guam or the other insular areas, travel by air is our way to and from the mainland for business, for pleasure, or to see loved ones. It is our duty, it is our responsibility to ensure their safety and to restore their confidence in flying. I urge adoption of the Oberstar substitute.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. OBERSTAR). The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 218, not voting 1, as follows:

AYES—214

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Allan
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Bacon
Baird
Balducci
Balser
Barcia
Barrett
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Bonior
Borski
Bowdell
Boucher
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Brown (IL)
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Carter
Carr
Cassidy
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Caucus
Chambliss
Coble
Cooksey
Cordes
Costello
Crowley
Crowley
Cummins
Davila (CA)
Davis (FL)
Davis, Jo Ann
Davila (CT)
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Mrs. MYRICK. Mr. BASS and Mr. RADANOVICH changed their vote from “aye” to “no.”

Ms. SOLIS changed her vote from “no” to “aye.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBERSTAR moves to recommit the bill H.R. 3150 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment: Strike all after the enacting clause and insert the following:

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

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

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.—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) TERMS.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

(c) LIMITATION ON PRIORINARY INTERESTS.—The Under Secretary shall have no proprietary 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.—The Under Secretary shall be responsible for security in all modes of transportation, including—

(1) carrying out chapter 49, and section 4019, relating to civil aviation security; and

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

(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) 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 4933;

(7) enforce security-related regulations and requirements;

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

(9) inspect, maintain, and test security facilities, equipment, and systems;
SEC. 2. REVIEW AND RECOMMENDATION.

(a) COMMENCEMENT OF REVIEW.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) Report.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any changes needed to carry out a recommended change.

SEC. 4. IMPROVED PASSENGER SCREENING PROCEDURES.

(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and procedures established for that purpose by the Under Secretary.

(b) Federal Security Screening Personnel.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

(1) employees of the Transportation Security Administration who are citizens of the United States; or

(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

(c) Transitional Period.—

(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using—

(1) employees of the Transportation Security Administration who are citizens of the United States; or

(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

(2)过渡期。

(a)过渡期。

(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using—

(1) employees of the Transportation Security Administration who are citizens of the United States; or

(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the United States, with the consent of the head of the department, agency, or instrumentality.

(b)过渡期。

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Transportation Security Enhancement Act of 2001 and is qualified for the position; and

"(9) a preference for the hiring of any individual who is a former employee of an air carrier, and who, with the air carrier, was terminated as a result of a reduction in the workforce of the air carrier and is qualified for the position.

(Shall require any individual who screens passengers and property pursuant to section 44901, including personnel 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 final determinations as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

"(3) EFFECT OF SCREENER'S FAILURE OF OPERATIONAL 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.

(d) MORE STRINGENT EMPLOYMENT STANDARDS.—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both, in this subsection referred to as a ' screener ':

(1) EDUCATION.—A screener shall have a high school diploma, or an equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to thoroughly conduct those procedures over a person's entire body.

(2) COMMUNICATIONS.—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 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 short reports and statements and log entries into security records in the English language.

(e) MORE STRINGENT EMPLOYMENT STANDARDS.—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.

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

"§ 44917. Deployment of Federal air marshals

"(a) IN GENERAL.—The Under Secretary of Transportation may, at its discretion, periodically deploy Federal air marshals on passenger flights of air carriers in air transportation or interstate air transportation;

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

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

"(d) 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;

"(e) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

"(f) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

"(g) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

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

"(c) In this section, "air transportation" means the transportation of persons or property by air carrier, or the movement of persons or property by aircraft or vehicles, and other equipment before entry into secure areas.

SEC. 9. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—The Transportation Security Administration may, at its discretion, institute, modify, or discontinue security measures, including:

(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured area be issued identification credentials, following checks, criminal history record checks, and checks of Federal security databases;

(D) requiring that all persons holding access to a secured area, including Federal employees, be subject to background, criminal history record checks, and checks of Federal security databases;

(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

(b) DEVELOP ALTERNATIVE SOURCES OF EXPLOSIVES DETECTION EQUIPMENT.—The Secretary may use any means at his disposal to acquire or develop alternative sources of explosives detection equipment in a manner that is high enough to allow qualified retiring law enforcement officers to fill such positions.

(c) WORK WITH INTERNATIONAL AIRPORT OPERATORS.—The Under Secretary may, until the 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 reimbursable or nonreimbursable basis, to participate in an international airport service, the following:

"(1) security officials;

"(2) board patrol agents;

"(3) mass transit and railroad security personnel.
have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

(7) Ensure that the Computer Assisted Passenger Pre-screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 12) that does not contain any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

(9) In consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

(10) Develop realistic crew training programs as follows:

(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

(B) Require air carriers to train all flight crew members not later than 60 days after such date of enactment.

(C) Required crew training shall include, but not be limited to—

(i) determination of the seriousness of any occurrence;

(ii) crew communication and coordination;

(iii) self-defense;

(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

(11) Develop a plan for updating the training program and retraining crew members as each new threat becomes known.

(12) Require training of gate, ticket, and curbside agents to respond appropriately when the system referred to in paragraph (7) identifies a threat to security.

(13) Establish a toll-free telephone number for air carriers and airport operators and their customers to report instances of inadequate security.

(14) In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals having instruction in flying aircraft that weigh more than 12,500 pounds.

(16) Require training of employees of a flight school to recognize suspicious circumferences and practice procedures for individuals enrolling in or attending flight school and to notify the Administration.

(17) Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the procedures established by the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommendations that the Under Secretary may have for enhancing transportation security.

(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 REQUIREMENTS.—

(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 ADMINISTRATION.’’ 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 and the Federal Aviation Administration.’’

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

‘‘44938. Report. ’’

(d) SECURITY FACILITY FEES.

SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44908(a) is amended—

(1) in paragraph (2)(E)(iv)(II) by striking the period at the end and inserting ‘‘; except that at such an airport, the airport operator, air carriers, and screening companies may conduct criminal history record checks of all selectees of such system in advance of the effective date if the Under Secretary approves such early implementation and if the airport operator, air carriers, and 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 screening company’’.

SEC. 11. 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 upon operators of transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section 40117(b)(4)(C)(v)(I) and (v)(II), use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuity of the aircraft transponder in the event of a crew failure. Such sums shall remain available until expended.

(2) Airport Security.—There is authorized to be appropriated $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 by the Federal Aviation Administration. The amounts of fees collected under this subsection shall be available until expended.

(b) SAFETY FACILITY FEES. Section 40117 is amended by adding at the end the following:

‘‘(d) IMPOSITION OF FEE.—

(1) IN GENERAL.—The Secretary may authorize an agency to impose an additional security facility fee of up to $1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an
Sec. 15. Technical correction. Chapter 451 is amended—

(a) In general.—Chapter 451 is amended by striking "financial obligation" each place it appears and inserting "financial liability"; and

(b) In the section heading of section 45107, the heading of section 45107 is amended by substituting "Transportation Security Administration" for "Federal Aviation Administration".

Sec. 16. Authority of Inspector General.

(a) In general.—The Inspector General of the Federal Aviation Administration shall have the authority to conduct an investigation approved by the Inspector General of the Department of Transportation in accordance with section 5703 of title 5, pursuant to section 1801 of title 18, and shall have such other powers and duties as are necessary or appropriate in the performance of the Inspector General's functions.

(b) By regulation.—The Inspector General of the Federal Aviation Administration may by regulation prescribe the manner in which a financial or budgetary report is submitted to the Federal Aviation Administration.

(c) Periodic reports.—The Inspector General of the Federal Aviation Administration shall, at least quarterly, submit to the Federal Aviation Administration a report on the activities of the Inspector General and the Federal Aviation Administration, and any recommendations for improving the performance of the Federal Aviation Administration, the Federal Aviation Administration's budget, or the Federal Aviation Administration's operations.

(d) Exemptions.—The Inspector General of the Federal Aviation Administration may, in accordance with section 1801 of title 18, exempt any information from the provisions of this section.

Sec. 17. Conforming amendments to subtitle VII.

(a) Records of employment of pilot appraiser.—Part A of subtitle VII is amended—

(1) by moving subsections (f) and (g) of section 4693 from section 4693, inserting them at the end of section 4670, and redesignating them as subsections (b) and (c), respectively; and

(2) in subsections (i) and (j) of section 4703 as amended by section 4703 of the Airline Deregulation Act of 1982, by inserting after subsection (b) the following:

"(c) Duties.—The Council shall provide advice and counsel to the Secretary on issues which affect or are affected by the operations 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 access to relevant documents and personnel of the Under Secretary, and 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 Chairperson of the Council shall elect a Chairperson and a Vice Chairperson from among the members, each to serve a term of not more than 4 years, with each term beginning at the same time. The 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 while away from his or her usual place of residence, in accordance with section 5703 of title 5.

(5) Detail of personnel from the administrative transcription.—The Council shall detail to the Transportation Security Administration personnel when authorized to do so by the Secretary, in accordance with section 2216 of title 49 (regarding details of employees to the Department of Labor).

(6) Freedom of Information Act.—The Federal Advisory Committee on Transportation Security, established under section 1905 of title 18, is authorized to disclose such information as may reasonably be required to enable the Council to carry out its responsibilities under this section.

(7) 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 amendments.—The analysis for chapter 449 is amended by striking the reference to the Federal Aviation Administration and the Secretary of the Treasury, and inserting the following:

"(1) Audits of the Transportation Security Administration.—The Inspector General shall have the responsibility to conduct audits of the Transportation Security Administration, and shall report to Congress on the implementation of each audit, and any recommendations for improving the performance of the Transportation Security Administration, the Federal Aviation Administration, and the Department of Transportation.

(2) Funding.—The Department of Transportation shall make available to the Inspector General funds in such amounts as the Inspector General shall determine are necessary to conduct audits of the Transportation Security Administration.

(c) Regulations.—The Federal Aviation Administration may by regulation prescribe the manner in which a financial or budgetary report is submitted to the Federal Aviation Administration.

(d) Exemptions.—The Federal Aviation Administration may, in accordance with section 1801 of title 18, exempt any information from the provisions of this section.

(e) Adoption by rule.—The Federal Aviation Administration shall adopt rules to carry out the provisions of this chapter after receiving comments from interested parties.

(f) Authority of the Administrator.—The Administrator's authority to conduct investigations shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) and applicable statutes, and any other applicable statutes, the Inspector General of the Department of Transportation (in addition to any other authority as Inspector General may have), and the authority to conduct the following:

(1) Audits of the Transportation Security Administration's programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to the implementation of the Federal Aviation Administration's programs, operations, and activities.

(3) Investigations into waste, fraud, abuse, and any other alleged wrongdoing within the Federal Aviation Administration.

(4) Report.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall submit a report on the implementation, efficiency, and effectiveness of the Federal Aviation Administration's programs, operations, and activities. The report shall focus on the Administrator's main programs and contain recommendations, as necessary, for further legislation.

(g) Technical correction.—Section 45104 of title 49 is amended by striking "Secretary of Transportation" each place it appears and inserting "Secretary of Transportation for Security"; and

(h) In the section heading of section 45107, the heading of section 45107 is amended by substituting "Transportation Security Administration" for "Federal Aviation Administration".

(i) In title VII, chapter 46, subsection (a) is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46108, by inserting after the item relating to section 45106 the following:

"(i) Transportation Security Administration.

(b) Transfer of functions relating to testing programs with respect to airport security screening personnel.—The Department of Transportation, in consultation with the Federal Aviation Administration, shall transfer to the Secretary of Transportation, the Transportation Security Administration, and employees of the Federal Aviation Administration such responsibilities as may reasonably be required to enable the Secretary to carry out its responsibilities under this section.

(c) 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 to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.

(d) Federal advisory committee.—The Federal Advisory Committee on Transportation Security is abolished, and the duties and responsibilities of the Federal Advisory Committee on Transportation Security are transferred to the Council of the Transportation Security Administration.

(e) Report.—The Administrator shall report to Congress on the operations and activities of the Transportation Security Administration, and any recommendations for improving the performance of the Transportation Security Administration, and any recommendations for improving the performance of the Transportation Security Administration.
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 Administrator, or”; (5) in section 46102(c) by striking “and the Administrator” and inserting “Under Secretary, or Administrator” and “Department of Transportation” and inserting “Department of Transportation” and (c) by striking “or Administrator” each place it appears and inserting “Under Secretary, or Administrator”; and (d) in each of sections 4610(d) and 4610(b) by inserting “the Under Secretary,” after “Secretary,”; (7) in the heading to section 4610 by striking “Transportation and Administration of the Federal Aviation Administration” and inserting “Department of Transportation” and in section 4610 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 striking after “or” the following: “the Under Secretary of Transportation for Security duties and powers designated to be carried out by the Under Secretary or; and (B) by striking “or Administrator” and inserting “the Administrator, or”; and (2) in subsection (d)— (A) by inserting after “The” the following: “Under Secretary of Transportation for Security or the”; and (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 4630— (A) by striking “of Transportation,” the second and inserting “Under Secretary or Administrator”; (B) in each of paragraphs (3) and (4) of section 4630(d) by striking “Administrator each place it appears and inserting “Under Secretary or Administrator”; (3) in section 4630(d)(8) by striking “Ad- ministrator, and inserting “Under Secretary, Administrator.”; (4) in section 4630(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 4631— (A) by inserting after “Transportation,” the second and inserting “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”; (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”; and (6) in each of sections 4631 and 46316 by inserting “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or Administrator.” Mr. OBERSTAR (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD. The SPEAKER pro tempore. Is there objection? There was no objection. The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes in support of his motion to recommit. Mr. OBERSTAR. Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH). Mr. KUCINICH. Mr. Speaker, this Congress will push through any legisla- tion to help us go forward to address the threats we face, except a bill to help the 100,000 laid-off airline industry workers. Congress passed a $15 billion airline bailout bill, and we gave the 100,000 laid-off airline employees absolutely nothing. After the House of Representatives will pass an airline security bill, and laid-off airline workers will again receive absolutely nothing. This is wrong, and our priorities are backwards. We are ignoring airline workers who are responsible for making our trips safe. This motion to recommit will simply give preference for the newly created airline security jobs to qualified airline workers who have been recently laid off. A “yes” vote on this motion to recommit means Members believe that people, individual men and women, deserve the attention of Congress, not just the airline companies. The 100,000 laid-off airline workers deserve a chance, and they deserve our vote. Mr. OBERSTAR. Mr. Speaker, once again I want to express my great appre- ciation and admiration for the gentle- man from Iowa (Mr. GANSKE), who stood on a matter of principle and stood against some very powerful forces within his own party. On a matter of this significance, it is important to have a useful and far- ranging debate. We had that today. I offer the amendment to commit a bill that we worked on in committee on a bipartisan basis, and on which we came to disagreement on a major point of di- vergence on the Federal screener work- force. No matter how many proposals I have offered to the chairman of the full committee and the chairman of the Subcommittee on Aviation, to which they were agreeable, when they brought it to the political leadership of their party, they were vetoed. We attempted to achieve a bipartisan agreement, but what we have in the motion to recommit is a proposal that I think is superior not only to the motion that was just defeated, but also to the underlying bill. It creates a trans- portation security administration, an intermodal security administration, transfers all modal functions within the Department of Transportation to the Transportation Security Administra- tion. It designates an Under Sec- retary of Homeland Security and law enforcement communities. In establishing a screener workforce, it gives to the Under Secretary of Transportation authority to create the rules of hiring, of firing, of moving people around, create a separate force apart from the civil service of the United States with those protections that the Under Secretary chooses to est- ablish so that we answer, as I proposed from the very outset a month ago, the question of creating a whole new Fed- eral civil service workforce. We put those mandates into this legis- lation to require various security functions and to insist that timetables be met and deadlines be adhered to. We take cost-benefit analysis out of secur- ity rulemaking so that the rules cannot be held up interminably as they have been for many years. Those in the Hispanic community who were concerned about the nation- ality agreement, which is absent from this provision. It requires 10-year criminal background checks on security screeners. The key thing here is that it establishes a screener workforce that is pledged to the Constitution of the United States, to the laws, trained to the highest levels, a skilled work- force established by the Under Sec- retary. Mr. MICA. Mr. Speaker, I claim the time in opposition. The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) is recognized for 5 minutes in opposition to the motion to recommit. Mr. MICA. Mr. Speaker, I appreciate the indulgence of Members tonight. I know Members want to go back to their districts and see their constitu- ents and their families. If there has been any delay in this legislation, blame me. Earlier I took the podium on the other side of the aisle, and I said that I pledge to work in a bipartisan man- ner; and I have tried to do that and have done that at times with the gentleman from Minnesota (Mr. OBER- STAR). Mr. Speaker, I urge a vote in favor of this substitute that encompasses the purpose of security in a way that will transcend everything that is in the under- lying bill. Ms. HARRISON. Mr. Speaker, I rise to support the amendment of the gentleman from Florida (Mr. MICA) on the underlying bill. It is Amendment No. 1370. It is a motion to recommit. Mr. Speaker, I want Members to know what a great human being the gentleman from Min- nesota (Mr. OBERSTAR) is. I came as a freshman and learned so much from this gentleman. He is a tremendous indi- vidual, and he put his heart and soul into working with us. Because of some to
other circumstances, we were not allowed to come forward with our legislation, and we all know sometimes politics gets in the way.

But let me tell Members the most outstanding legacy that we can provide as Members of Congress to the gentleman from Minnesota (Mr. Oberstar) would be to get this right, to do this right. They tried this in 1996, and they did not get this right. They tried again with another act in 2000, and we did not get it right.

This time when Members go back tomorrow and look in the eyes of their constituents, who sent us here to do the very best job we can, we can do nothing but the very best as far as aviation and transportation security. We have to get it right.

Unfortunately, the provision by the gentleman from Minnesota (Mr. Oberstar) and the motion to recommit will carry this transition process on for a year. Just look at the language. Our proposal is 3 years. The provisions for New York, the provisions for New York that have been closed down, the assistance for the airport that is floundering because it is in the district that is floundering because it is in New York, the provisions for New York that Mayor Giuliani asked for will be wiped out.

Although there is a no on this vote and I pledge to work with the gentleman from Minnesota (Mr. Oberstar), the gentleman from Illinois (Mr. Lipinski), with Minority Leader Gephardt, with everyone in the House, if it takes us day and night, and I sat with the President today. He said he is willing to work with the gentleman from Minnesota (Mr. Oberstar), Mr. Speaker, on that demand the yeas and nays.

If you have general aviation in your district that is floundering because it has been closed down, the assistance that is in our provisions only will be wiped out. All the corrections that were made to the Senate legislation will be wiped out, so we will not get the best product in the end.

I pledge to work with the gentleman from Minnesota (Mr. Oberstar), the gentleman from Illinois (Mr. Lipinski), with Minority Leader Gephardt, with everyone in the House, if it takes us day and night, and I sat with the President today. He said he is willing to work with the gentleman from Minnesota (Mr. Oberstar), Mr. Speaker, on that demand the yeas and nays.

The SPEAKER pro tempore. Mr. THORNBERY. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 201, nays 227, not voting 5, as follows:

[Roll No. 424]  

YEA—201

Brady (PA)  
Brown (FL)  
Brown (OH)  
Capuano  
Capito  
Carper  
Caspari  
Cassidy  
Cryer  
D'Amato  
DeBartolo  
DeMoss  
DePasco  
DeGette  
Deutsch  
Dickens  
Dingell  
Doggett  
Dooley  
Doyle  
Drew  
Edwards  
Eisgruber  
Engel  
Eskridge  
Evans  
Farr  
Fattah  
Filardo  
Ford  
Frank  
Frelinghuysen  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Gutierrez  
Hall (OH)  
Hanna  
Hastings (FL)  
Hastings (NY)  
Hastings (Wash)  
Hart  
Hastert  
Hayes  
Hayworth  
Heck  
Heller  
Herrero  
Hill  
Hinchey  
Hinchosa  
Hoeftel  
Hollen  
Horn  
Horsford  
Hoyer  
Insko  
Issa  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
John  
Johnson, E.B.  
Johnson (OH)  
Kanjurski  
Kaptur  
Kearney  
Kildee  
Kilpatrick  
Kline (OH)  
Klepka  
Kucinich  
LaFalce  
Lampson  
LaHood  
Larsen (WA)  
Larsen (CT)  
Lee  
Levin  
Lewinsky  
Liptak  
Loepp  
Loder  
Lowey  
Lucas (KA)  
Luther  
Lynch  
Maloney (NY)  
Markley  
Massa  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McGovern  
McHenry  
McKean  
McKinnon  
McNulty  
McNulty  
Meehan  
Mendez  
Millelender  
Mills  
Mink  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal  
Oberstar  
Obey  
Obama  
Owens  
Pallone  
Pastore  
Payne  
Feinstein  
Petersen (MN)  
Phelps  
Pomeroy  
Prince (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sarbanes  
Sanchez  
Sasser  
Sawyer  
Schakowsky  
Schiavo  
Scott  
Sherman  
Sherrill  
Skelton  
Smitherman  
Snyder  
Sols  
Specht  
Stark  
Strickland  
Stupak  
Tanner  
Taylor  
Thompson (CA)  
Thompson (MS)  
Thompson  
Turner  
Turner  
Udall (CO)  
Udall (NM)  
Velasquez  
Viehoff  
Viehoya  
Waters  
Waxman  
Waxman  
Welch  
Westley  
Woolsey  
Wynn  
Yates  
Zeldin

NAYS—227

Abercrombie  
Aderholt  
Akik  
Arney  
Bachus  
Barr  
Barlett  
Barton  
Bass  
Bereuter  
Biggert  
Biaggi  
Biaggi  
Bilott  
Boehner  
Bonilla  
Bono  
Bosco  
Brower  
Brown  
Burke  
Burton  
Cain  
Cantu  
Carr  
Carlo  
Casas  
Cecil  
Cedeno  
Cochran  
Collins  
Combett  
Cooksey  
Cox  
Cramer  
Crandall  
Crenshaw  
Cubin  
Cullers  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLaughter  
DeMint  
Diaz-Balart  
Doolittle  
Dreier  
Duncan  
Herrero  
Hilliard  
Hinckley  
Hinchosa  
Hoeftel  
Hoehn  
Horn  
Hypo  
Hulshof  
Houghton  
Horner  
Horne  
Houghton  
Horn  
Horn  
Huntington  
Huffman  
Hutto  
Huckel  
Hucknoch  
Hunt  
Hyde  
Isakson  
Israel  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson (NC)  
Kilpatrick  
Kleczka  
Kucinich  
LaFalce  
Lampson  
Lazos  
Larsen (WA)  
Larsen (CT)  
Lee  
Levin  
Loeinsky  
Loeb  
Lucas (KY)  
Lipinski  
Lofgren  
Loder  
Lucas (KY)  
Luther  
Lynch  
Maloney (NY)  
Markley  
Massa  
Matheson  
Matsui  
McCain (AZ)  
McCarthy (NY)  
McGovern  
McHenry  
McKinney  
McNulty  
McNulty  
Meehan  
Meeks (FL)  
Meeks (NY)  
Menendez  
Millender-McDonald  
Miller  
Mink  
Mollohan  
Morse  
Moran (WA)  
Murtha  
Nadler  
Napolitano  
Neal  
Oberstar  
Obey  
Obama  
Owens  
Pallone  
Pastore  
Payne  
Feinstein  
Petersen (MN)  
Phelps  
Pomeroy  
Prince (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sarbanes  
Sanchez  
Sasser  
Sawyer  
Schakowsky  
Schiavo  
Scott  
Sherman  
Sherrill  
Skelton  
Smitherman  
Snyder  
Sols  
Specht  
Stark  
Strickland  
Stupak  
Tanner  
Taylor  
Thompson (CA)  
Thompson (MS)  
Thompson  
Turner  
Turner  
Udall (CO)  
Udall (NM)  
Velasquez  
Viehoff  
Viehoya  
Waters  
Waxman  
Waxman  
Welch  
Westley  
Woolsey  
Wynn  
Yates  
Zeldin

November 1, 2001  CONGRESSIONAL RECORD — HOUSE  H7695
November 1, 2001

The Speaker pro tempore announced that the following Members were not present for rollcall:

- Boehner (OH)
- Pelosi (CA)
- Rahall (WV)
- Thompson (MS)
- Range (TX)
- Thurman (OH)
- Reece (GA)
- Rivers (WV)
- Towns (AL)
- Turner (GA)
- Roggel (IN)
- Roybal-Allard (CA)
- Velazquez (IL)
- Sabo (MN)
- Vasilevas (NY)
- Sanchez (TX)
- Slaughter (TN)
- Woolsey (NY)

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, on Thursday, November 1, 2001, I was not present for rollcall votes 415 through 425 due to a family emergency. Had I been present, I would have voted “yea” on rollcall No. 415. “yea” on rollcall No. 416, “yea” on rollcall No. 417, “yes” on rollcall No. 418, “yea” on rollcall No. 419, “yea” on rollcall No. 420, “yea” on rollcall No. 421, “No” on rollcall No. 422, “No” on rollcall No. 423, “abstention” on rollcall No. 424, and “yea” on rollcall No. 425.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. R. 3150.

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

There was no objection.

LEGISLATIVE PROGRAM

Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I take this time to inquire about next week’s schedule.

I yield to the gentleman from Texas (Mr. ARMLEY), the majority leader.

Mr. ARMLEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, November 6, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members’ offices tomorrow.

Mr. Speaker, Members will want to note that on Tuesday, no recorded
votes are expected before 6:30 p.m. I repeat that, in compliance with the wishes of the gentleman from Kansas (Mr. MORAN), there will be no recorded votes before 6:30 p.m. on Tuesday next.

On Wednesday and the balance of the week, the House will consider the following bills under the rules, H.R. 3167, the Freedom Consolidation Act of 2001, that was marked up today in the Committee on International Relations; and the Department of Defense Appropriations Act for Fiscal Year 2002. Appropriations are also continuing to work on several conference reports. I am hopeful that the VA-HUD conference report, among others, will be ready for consideration in the House early next week.

The Speaker also reports that he will be ready to name conferees on the Foreign Operations Appropriations Act, which I will be happy to schedule for consideration next week as well.

I want to thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, I would ask the distinguished majority leader, he has indicated that perhaps the VA-HUD conference report will be ready for consideration. Are there other conference reports that the gentleman is optimistic about being considered next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, yes, we do have reason to expect the Transportation appropriations conference report, the Agriculture conference report, and the CJS conference report as well next week.

Mr. FROST. I would further ask the gentleman, do you expect fast-track legislation on the floor next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, we are having discussions about the Trade Promotion Authority legislation. While it is not currently scheduled to be scheduled, I think it fair to advise the body that it is possible for consideration next week.

Mr. FROST. I would ask the majority leader, will there be votes next Friday? Can you determine that at this point?

Mr. ARMEY. Again, as the gentleman continues to yield, Mr. Speaker, we are hopeful that the DOD appropriations bill and other conference reports may be available to us, in which case we would stay for votes on Friday; but at the present circumstances, we would have to watch that as the week develops and advise Members as quickly as we can during the week.

Mr. FROST. I would ask the gentleman, when do we expect to wrap up the session for the year? Do you think it will occur before Thanksgiving?

Mr. ARMEY. Again, I thank the gentleman for the request; and if the gentleman would continue to yield, Mr. Speaker, we are currently operating under a continuing resolution that would take us to the 16th. Up at the White House last week the President made it clear he would like to see us complete our work.

The Speaker also reports that he will be ready to name conferees on the Foreign Operations Appropriations Act, which I will be happy to schedule for consideration next week as well.

I want to thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, I would ask the distinguished majority leader, he has indicated that perhaps the VA-HUD conference report will be ready for consideration. Are there other conference reports that the gentleman is optimistic about being considered next week?

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Mr. ARMEY. If the gentleman will continue to yield, again, I would like to thank the gentleman from Minnesota for the inquiry and it is, in fact, a very important point. While my remarks for this coloquy were prepared prior to the final passage vote, I advise the gentleman that the conference talked to me just before he left the floor and advised me that he will seek to name conferees as quickly as possible.

Mr. OBERSTAR. Mr. Speaker, if the gentleman from Texas (Mr. FROST) will continue to yield, again, I would like to thank the gentleman from Minnesota for the inquiry and it is, in fact, a very important point. While my remarks for this coloquy were prepared prior to the final passage vote, I advise the gentleman that the conference talked to me just before he left the floor and advised me that he will seek to name conferees as quickly as possible.

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Mr. FROST. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The Speaker also reports that he will be ready to name conferees on the Foreign Operations Appropriations Act, which I will be happy to schedule for consideration next week as well.

I want to thank the gentleman for yielding.

Mr. FROST. Mr. Speaker, I would ask the distinguished majority leader, he has indicated that perhaps the VA-HUD conference report will be ready for consideration. Are there other conference reports that the gentleman is optimistic about being considered next week?

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Mr. FROST. Mr. Speaker, reclaiming my time, I yield to the gentleman from Texas.

Mr. SIMPSON. Is there objection to the request of the gentleman from Texas?

Mr. PAYNE. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from New Jersey to explain the resolution.

Mr. FERGUSON. Mr. Speaker, I rise today in support of my legislation, H. Res. 224, honoring the New Jersey State Law Enforcement Officers Association. The resolution designates the New Jersey State Law Enforcement Officers Association. The resolution recognizes the bravery and honor of the law enforcement officers of New Jersey and the service those officers provide to the communities that they serve.

The New Jersey State Law Enforcement Officers Association was formed in 1938 and celebrates a history of service and dedication to our citizens. Any person who enforces the law of their State or the ordinances of any municipality is eligible for active membership in this association. Currently, the association includes members from Federal, State, county, and municipal law enforcement agencies, including special and auxiliary police.

Each year, the New Jersey State Law Enforcement Officers Association holds an Annual Awards and Recognition Dinner to pay tribute to law enforcement officers who have demonstrated heroic or unselfish acts of bravery while in the line of duty. This past March the association celebrated its 10th awards dinner in recognition of the top officers in New Jersey and acknowledged their dedication in protecting and serving the State.

Mr. Speaker, the events of September 11, 2001 have shown all Americans that our law enforcement officers are at great risk to their personal safety. We are indebted to law enforcement officers everywhere who are willing to die.
Mr. HOLT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE), and I join in thanking the gentleman from New Jersey (Mr. FERGUSON) for introducing this legislation.

This resolution was introduced several months ago in August, but we have had a strong reminder since then of the need for this recognition, that State after State, we are now reminded of how dependent we are on first responders and especially our police.

In New Jersey, when the alarm sounds, police officers put their lives on hold and answer. They work day and night to keep order in the community and to protect our liberties and our lives.

On September 11 and the days following, they were active in emergency response and urban search and rescue, and day in and day out, they are in our schools and in our neighborhoods, teaching children a respect for community and a respect for orderly behavior. We owe them a great deal of thanks, and this is the least we can do tonight to pass this resolution in their honor.

I thank the gentleman from New Jersey (Mr. FERGUSON) for initiating this, and I am proud to join him in it.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding. I want to also thank the gentleman from New Jersey (Mr. FERGUSON) for putting forth the resolution.

In the resolution it says two things that we are so accustomed to saying, but I think we have now come to understand in a very dramatic way how important that sentiment is. It says, as law enforcement officers serve at great risk to their personal safety, and whereas the citizens of New Jersey are indebted to their law enforcement officers who serve, we owe it to protect them and their families and to risk all of their hopes and all of their dreams to ensure the safety and well-being of New Jersey’s communities.

We have seen that time and time again in New Jersey, and we have seen that certainly in the aftermath of September 11, the enormous risk that individuals who we come to rely upon, their everyday members of our community, in a sense; we see them as we walk our streets as they patrol our neighborhoods and we think of them in the context when there is no great harm and no great fear. But when events like September 11 take place, it magnifies for us the great risk that they take, and that risk is never known when it is going to visit.

In my district, which is right across from midtown Manhattan where we see the New York skyline view, where we used to see the World Trade Center, and now see the scar that has been left behind of police officers being part of the triage system that brought individuals, over 1,000, to the New Jersey side of the river to ultimately get care in our hospitals and emergency clinics. In that respect, and in so many other respects, the fact of the matter is that we see the enormous risks that our men and women in blue take on on a daily basis. September 11 reinforced that. The constant challenge we have magnifies that for us.

Lastly, let me just say it is good to recognize the New Jersey Law Enforcement Officers Association and their members and others in uniform. I also believe we need to stand by them in meaningful ways, in ways in which we assist them as part of that crucial first responder network. We need to help them with resources and training in the new environment that we are in. We need to help those communities that have exhausted their overtime budgets in this context so that we can be able to keep those departments whole.

We need to provide resources through what has been our COPS program to deal with the new security threats. When we do those things, we truly honor the individuals whose resolution we seek to recognize today.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. FERGUSON) for his leadership on this and a range of other issues that benefit all of the citizens of New Jersey.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I thank the gentleman for yielding.

I again want to commend my colleague from New Jersey for joining me in support of this important resolution. I would also like to thank personally the gentleman from New Jersey for his leadership on this and a range of other issues and to acknowledge the tremendous work of the New Jersey State law enforcement community.

As a former educator, I recognize the importance of law enforcement community and a respect for orderly behavior. They are on the frontline in our schools and in our streets preserving the right of children to learn in schools that are free from violence and the rights of our citizens to safe communities everywhere. Mr. Speaker, I ask that my colleagues join me in recognizing the bravery and honor of the law enforcement officers of New Jersey and the services of those officers to their communities.

I would like to commend my colleague from New Jersey for joining me in support of this important resolution. We owe them a great deal of thanks, and I am proud to join him in it.

Mr. PAYNE. Mr. Speaker, further serving the right to object, I rise this evening to commend the gentleman from New Jersey (Mr. FERGUSON) and to acknowledge the tremendous work of the New Jersey State law enforcement officers. They do this work on a daily basis, and we took this work for granted for many years. However, the most recent events on September 11 demonstrated their heroic effort when many of the law enforcement officers from New Jersey went to New York to attempt to save lives of citizens who were the unfortunate victims of a terrorist attack. We do owe them a debt of gratitude for their sacrifice and commitment to save the lives of all citizens of our great country.

These men and women work tirelessly and they work to try to serve the people of New Jersey and, in turn, they did risk their lives to ensure our personal safety.

The people of New Jersey applaud the efforts of the law enforcement officers as they are willing to die even to protect the families of our State.

As a state, I recognize the men and women in law enforcement who are on the front lines of our schools and our streets, who preserve the rights of our smallest citizens to live in a safe community, our young people as they go to and from school. We must continue to support the work of the individuals who serve the people in New Jersey for law enforcement and throughout the country, but we would certainly like to highlight those courageous men and women from our great State of New Jersey.

With that, Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).
Based on the most recent figures, some 300 public safety officials are missing, they are missing, as a result of the September 11 tragedies, including more than 50 law enforcement officers. Crimefighting has taken its toll.

Since the first recorded police death in 1792 there have been more than 15,000 law enforcement officers who have given their lives in the line of duty.

These are some startling numbers, staggering numbers, but statistics are secondary when we see in real life the service and dedication of the men and women who serve us in law enforcement.

We are very, very pleased and I am very, very pleased to join my colleagues in offering this resolution this evening.

Mr. PAYNE, Mr. Speaker, I thank the gentleman. We certainly once again would like to express our appreciation for the gentleman bringing this resolution to the floor.

As it has been indicated, New Jersey was very severely impacted by September 11. The fourth plane that left out of Newark Airport, which is in my district, the PATH train that goes to the World Trade Center leaves Newark and it is supposed to be there at the site of what is ground zero, now.

So we are very closely involved. We feel the impact on our districts, and we once again would like to commend the men and women in blue.

We had a service on Wednesday. I went back to the district in Newark. We had a service at the University of Medicine and Dentistry, where we honored policemen and firemen there on Wednesday. The concerned citizens of the hospital did this. It was just continued recognition for the great work they have been doing.

Mr. Speaker, once again I thank the gentleman.

Mr. SMITH of New Jersey.

Mr. Speaker, I rise today to express my strong support for House Resolution 224, which honors more than 10,000 members of the New Jersey State Law Enforcement Officers Association.

As a proud co-sponsor of this resolution, which was introduced prior to the September 11th attacks, our respect for New Jersey’s law enforcement officers runs deep. Day in and day out, these individuals routinely put their lives on the line—valor, courage and bravery are commonplace in their daily job.

For decades, the New Jersey State Law Enforcement Officers Association celebrates a rich tradition of service and dedication to our citizens. Individuals who enforce New Jersey’s state laws, and the ordinances of New Jersey municipalities, are eligible for active membership. Currently, the Association includes members from Federal, State, County and Municipal Law Enforcement Agencies, including Special and Auxiliary Police.

Mr. Speaker, the events of September 11, 2001 have shown all Americans that our law enforcement officers serve at great risk to their personal safety. The men and women of New Jersey’s law enforcement community are genuine community leaders who do a tough job and do it well. Within an hour of the attack, New Jersey police officers were deployed to the Hudson River to assist the victims. Every single day since then, they have been working around-the-clock to bolster security in the New Jersey-New York region. Specifically, additional troops have been mobilized to augment security in airports, bridges, and tunnels, as well as to strengthen security at the Salem Hope Creek and Oyster Creek Nuclear Generating Stations. New Jersey State Patrol Marine units have also been deployed to patrol waterways, especially the waterways adjacent to the nuclear facilities. New Jersey State Police have also increased their presence in Atlantic City Hotels and other likely terrorist targets.

New Jersey officers have also had to deal with thousands of calls in response to public fears about anthrax contamination. HAZMAT teams have been deployed across the state to investigate actual anthrax incidents, as well as cruel hoaxes. In my own district, the Hamilton police department has been working non-stop to protect and reassure local residents who have seen their very neighbors and co-workers exposed and even infected with anthrax.

In our greatest hour of need, New Jersey law enforcement officers have filled the breach and made us all proud.

Mr. Speaker, I ask that my colleagues join me in recognizing the bravery and honor of the law enforcement officers of New Jersey. The New Jersey State Law Enforcement Officers Association is the voice of those who dedicate their lives to protecting and serving our communities, and especially at this time of uncertainty, our law enforcement officers deserve our support.

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in strong support of H. Res. 224, a resolution honoring the New Jersey State Law Enforcement Officers Association and all law enforcement officers in New Jersey. They serve and protect our state and local communities with bravery, pride, professionalism and honor each and every day.

The fine men and women who make up New Jersey’s law enforcement agencies are exceptional people who do a very dangerous job, one without recognition. They put their own lives on the line so that our schools, streets, children and families are safe from harm and danger. They are, as we have been reminded by their extraordinary response since September 11, true heroes.

On September 11, thousands of police officers and emergency personnel from local communities across New Jersey were mobilized immediately and dispatched to help with the search and recovery efforts at Ground Zero. Our thanks and our gratitude goes out to everyone who is taking on such great need. Our prayers are with the families of the victims, which included police officers and firefighters who rushed into the World Trade Center to save lives.

In recent weeks, I have had the opportunity to personally thank a few of those police officers, fire and emergency personnel from my Congressional District by presenting them with flags that flew over the U.S. Capitol. Almost every one of the 57 communities I represent sent police officers, firefighters and EMT’s to the site of the World Trade Center Disaster, many of whom are volunteers.

Mr. Speaker, it has been more than two months since the tragic events of September 11, and today, with anthrax a real threat for many, especially in New Jersey, our law enforcement officials and emergency personnel continue to serve the public tirelessly. I cannot think of a better way to honor the work of law enforcement personnel in New Jersey than by supporting H. Res. 224.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Resolution, as follows:

H. Res. 224

Whereas more than 700,000 men and women across the Nation serve their fellow citizens in their capacity as guardians of peace;

Whereas the law enforcement officers of New Jersey are recognized for their dedication to promote, advance, and encourage cooperation among all law enforcement officers;

Whereas law enforcement officers serve at great risk to their personal safety;

Whereas the citizens of New Jersey are indebted to their law enforcement officers, who are willing to die to protect them and their families and to risk all of their hopes and all of their dreams to ensure the safety and well-being of New Jersey communities;

Whereas the law enforcement officers of New Jersey have fallen in the line of duty, and the thoughts and prayers of the House of Representatives and the country remain with the families of these men and women;

Whereas the men and women in New Jersey’s law enforcement community are on the front line in our schools and on our streets, the right of our children to learn in schools that are free of violence and the right of our citizens to safe communities;

Whereas the members of the New Jersey State Law Enforcement Officers Association are an integral part of our society, in whom we have instilled public trust: Now, therefore, be it

Resolved, That the House of Representatives recognizes the bravery and honor of the law enforcement officers of New Jersey, and the service of those officers to their communities.

The resolution was agreed to. A motion to reconsider was laid on the table.

CONTINUATION OF SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice,
stating that the Sudan emergency is to continue in effect beyond November 3, 2001, to the Federal Register for publication. The most recent notice continuing this emergency was published in the Federal Register on November 2, 2000 (65 Fed. Reg. 66119).

The crisis between the United States and Sudan constituted by the actions and policies of the Government of Sudan, including continuing concern about its record on terrorism and the prevalence of human rights violations, including severe restrictions on religious freedom, and restrictions on political freedom, that led to the declaration of a national emergency on November 3, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the comprehensive sanctions against Sudan to respond to this threat.

George W. Bush

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–141)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1614(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report of the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, based upon information made available to me.

George W. Bush

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

The SPEAKER pro tempore, Without objection, pursuant to section 313(2)(a) of Public Law 106–554, and upon the recommendation of the minority leader, the Chair announces the Speaker’s appointment of the following Member on the part of the House to the Board of Trustees of the Center for Russian Leadership Development for a term of 3 years:

Mr. Robert E. (Bud) Cramer, Jr., of Alabama.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Pallone) is recognized for 5 minutes.

Mr. Pallone addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

URGING MEMBERS TO SUPPORT FUNDRAISERS AND WALKATHONS TO RAISE MONEY FOR AUTISM RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Ros-Lehtinen) is recognized for 5 minutes.


The National Alliance for Autism Research, NAAR, is an organization whose mission it is to fund, promote, and support biomedical research for autism spectrum disorder. To fulfill its commitment, every year throughout our Nation the organization hosts walk-a-thons to help raise vital research funds.

This Saturday, I, along with many others, will be participating in Walk For NAAR, which will be held in my congressional district at Crandon Park in Key Biscayne.

I congratulate the Chair of this year’s walk, Robert and Patricia Cambo and Rain Vega, for their hard work in putting together this year’s event. I also encourage my colleagues to remember the other Bonnie and Willises in their districts, and on their behalf to help promote awareness on autism so that each day we will be a step closer in banishing this debilitating disorder.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. McKinney) is recognized for 5 minutes.


The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Mr. Burton) is recognized for 5 minutes.

Mr. Burton of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. Norton) is recognized for 5 minutes.

POLITICAL PROFITEERING

The SPEAKER pro tempore, Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, think back to the late afternoon, early evening of September 11 when several gas stations in northeastern Ohio and across the Midwest and across the country raised their prices of gas to $4, $5, $6 a gallon. Some people would call that war profiteering.

But something else happened in this Chamber last 8 weeks, something perhaps not much different that some have called political profiteering.

First, this Congress passed a bailout bill giving the airlines $15 billion, no strings attached, no sacrifices from airline executives, no assistance for the 100,000 laid-off workers, no dollars for nor push toward any airline safety measures.

Then last week, all in the name of rebuilding the economy that has obviously suffered a blow from September 11, this Chamber voted tax cuts for the richest people in the country, and very little for health care for laid-off workers, very little tax relief for those who need it, most making $20,000, $30,000, $40,000, $50,000 a year.

Then this political profiteering reached new heights as this week the United States Trade Representative Bob Zoellick has begun to link fast track legislation, giving the President trade authority, linking that legislation to antiterrorism activities, pointing out that most of us who oppose fast track are indifferent to terrorism, questioning a bit our patriotism, and saying that we really do not share American values if we do not support fast track because that is the way to combat terrorism around the world.

Mr. Speaker, fast track, to be sure, does not embody those American values that trade representatives have indicated. Simply look at the upcoming WTO, World Trade Organization, ministerial in Doha, Qatar. The people in Qatar, where trade ministers from all around the world and prime ministers and leaders from all around the world are converging, the people in Qatar have no freedom of speech, no freedom of assembly, no freedom of religion, as pointed out by the gentlewoman from Ohio (Ms. KAPUR) in a Dear Colleague she sent around this week; no freedom of association, and in Qatar there are no free elections.

Yet, the World Trade Organization ignored these abuses of personal freedom in selecting Qatar as the host for the World Trade Organization ministerial.

Qatar’s human rights record is not in line with American values, but it is familiar territory for many of corporate America’s trading partners. Supporters of fast track say interaction with the developing world spreads democracy.

But watch as we engage developing countries in trade and investment, democratic developing countries are losing ground to dictatorships, to authoritarian developing countries. Democratic nations such as India are losing out to the authoritarian communist nations such as China. Democratic nations such as Taiwan are losing out to autocratic nations such as Indonesia.

In 1989, 57 percent of developing-country exports in manufacturing came from democracies. Since then the share of developing country exports from democracies fell 22 percent. Now 65 percent of developing country exports come from authoritarian countries.

The fact is Western business investors want to go to China, want to go to Indonesia, want to go to countries which are dictatorships because they have docile workforces, authoritarian governments, and they are very predictable for Western business. They do not want to go to India. They do not want to go to Taiwan. They do not want to go to South Korea; and they do not want to stay in this country many times because we have strong environmental laws, because labor unions can organize and bargain collectively, because we have free elections.

Western corporations want to invest in countries that have poor environmental standards, that have below-poverty wages, that have no worker benefits, that have no opportunities to bargain collectively.

As American investment moves to those dictatorships where they do not have the values that we have, where they do not care about the workers and the environment and food safety and all the things that we in this institution have fought for, American working families lose out.

Our trade agreements go to great lengths to protect investors and property rights. But these agreements do not include enforceable provisions to protect workers, either in the United States or abroad. Ambassador Zoellick’s call for a blanket trade authority in the name of patriotism must be recognized for what it is, pure and simple political profiteering. I have watched this country respond to the events of September 11. The right response for American values is to vote no on trade promotion authority.

The SPEAKER pro tempore (Mr. PETTAM). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

TRIBUTE TO THE HON. GERALD B.H. SOLOMON

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from New York (Mr. GILMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. GILMAN. Mr. Speaker, I thank my colleagues for participating with us in this Special Order this evening to pay tribute to our former colleague, the gentleman from New York’s 22nd Congressional District, Gerald B.H. Solomon.

I am pleased at this time to yield to our distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for recognizing me.

This is kind of a solemn occasion. The Speaker, the gentleman in the chair, will be proud to know that Gerald Solomon was born in 1930 in Okeechobee, Florida.

Jerry Solomon grew up to be a fine man, a dedicated Marine, great Member of this body, friend and mentor, sometimes disciplinarian to all of us. I had the privilege of arriving in the House of Representatives when Jerry Solomon had already been here and working with him until he retired. I watched him as he worked on behalf of veterans with a heart that seemed to be just as big as can be; and he believed in freedom, not only for America but for all the world.

Gerald Solomon was always busy on foreign policy matters. He was busy on veterans affairs. He was a strong proponent of a strong defense, but he was also a man with a big heart. And one of the things that would always shine through with Jerry, especially when he was with his beautiful family, and his children, was that he was a man who had a heart for family. And that too, I think, to many of us was an inspiration.

This is a tough job; this is a tough place. It is tough on our lives. And to have these colleagues that we have, Jerry Solomon being a perfect example, that can meet all of the demands of this work, and especially the demands of travel that he met with for foreign travel in his interests, and remain so thoroughly dedicated, devoted to his wife. And many will remember that you did not have to look much further beyond the reflection of Freda and Gerry’s eyes to see the definition of the word adoration. He truly did love his family.

So he helped us in so many ways with his presence, with his commitment, his sense of courage, his dedication, his legislative skills, his good judgment on
occasion, good advice on others, and restraining hand on a few. Even his willingness to himself accept the restraining hand that when Marine Corps temperament would get out of control was an example for the rest of us. And then to combine that with the year-in, year-out constant travel. Jerry had to meet all the demands of this congressional life and still remain devoted to a family life, where you can be cherished and where you can cherish your family.

We were sad when Jerry retired. Many of us thought Jerry had a long time. I remember saying to Jerry, Jerry, you are like a boat when you come to this body. Everybody loves you when you are brand new, but they love you even more when you leave. Jerry got a kick out of that.

We enjoyed his celebration and we saw him off and on. I have to say, Mr. Speaker, it was a blow to me the other day when I picked up the paper and saw that we had lost Jerry. I truly lost a friend. And like others here, I will miss you when you are brand new, but they appreciate him in so very many ways.

Mr. Speaker, I am pleased to yield to the gentleman from New York (Mr. GILMAN) for organizing this Special Order in memory of our colleague and friend, Jerry Solomon. Jerry Solomon and I were elected together in 1978. We became friends and I now count him as one of my very best friends I have ever had. His wife, Freda, and my wife, Louise, he and I shared a friendship among us that simply grew over time to a point that I came to appreciate him in so very many ways.

Mr. GILMAN. Mr. Speaker, I thank the majority leader for his kind remarks.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for organizing this Special Order in memory of our colleague and fine friend.

Mr. Speaker, last week New York and America lost a great patriot, a fierce advocate, a fine leader and legislator and a decent, kind and wonderful man. Whatever differences we had on policy, I always admired Jerry Solomon and our differences were never personal; they were merely based on policy disputes.

He spoke and acted with tremendous conviction. One never needed to interpret what Jerry was saying. He was refreshingly direct. He stuck to his guns, and I know my colleagues are going to miss him as much as I will.

Jerry led the Committee on Rules with distinction, decisiveness and fairness. His stewardship of that powerful committee was a credit to this institution. As a fellow New Yorker, Jerry was extremely gracious to me when I came to Congress in 1966 and all the years that we served together. He and I shared a love of the Adirondacks and Upstate New York. He was devoted to his wife, Freda, and his family. Above all I will remember Jerry’s passion, an ex-Marine, an entrepreneur, and a father of five.

Jerry had a rock-solid vision of the American way. He was true to that vision in everything he did and to his dying day he wanted to know what he could do for his country.

Jerry, I think every Member of this body would agree that you did more than enough, and we will miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her kind words.

Mr. Speaker, I am pleased to yield to one of Jerry’s colleagues, former colleague on the Committee on International Relations, the chairman of the Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for giving me this time to speak about my dear departed colleague and friend, Jerry Solomon.

Jerry Solomon and I were elected together in 1978. We became friends and I now count him as one of the very best friends I have ever had. His wife, Freda, and my wife, Louise, he and I shared a friendship among us that simply grew over time to a point that I came to appreciate him in so very many ways.

The gentleman from New York (Mrs. MALONEY) had just talked about his interest in doing whatever he could to advance the best interest of our country. Jerry Solomon was an unabashed flag-waving patriot. He was a patriot in deed as well as word. And we came to know that because of his service on the Committee on International Relations, first of all, and later the leadership he brought to the Congress through his chairmanship of the House Committees.

His dedication to his family has been frequently mentioned. One of his children, the only one I am privileged to know, is Linda Solomon who has played and continues to play a very crucial role as the person in charge of protocol for the Committee on International Relations, and she is a very valued and respected and loved staff member for the committee.

I want to talk about Jerry Solomon, however, in a way that perhaps I have a special opportunity and knowledge. And that is to talk about his role in the NATO Parliamentary Assembly. It was through Jerry’s encouragement that I first became involved in 1984. He already as a young Member of the House was involved in this interparliamentary effort involving the parliamentarians from the then 16 NATO countries and later the 19 NATO countries and the associate members. He was very well respected in that body. We have five major committees. He chaired for the maximum length of time the political committee, which was sometimes surprised was the one that dealt with the most controversial subjects and had the widest area of coverage. That was in 1993 through 1996.

Later, in 1997 and 1998 for the maximum 2-year term, he served one of the assemblies of vice presidents. He was extraordinarily effective in that venue just as he is and was in this House.

I want to relate one personal experience that I am sure his wife, Freda, will remember very well. We traveled together frequently since I had the privilege to chair the delegation at the encouragement of Jerry Solomon because he was very busy with the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and I had the privilege to do today is to offer an amendment to legislation that was pending and which we passed unanimously from the committee encouraging and enumerating the support for NATO expansion, and because Jerry Solomon played a major role in assisting President Clinton at the Madrid Summit, which considered for the first substantial time NATO expansion, for these reasons we thought it was particularly fitting.

So I want to thank the gentleman from New York (Mr. GILMAN) for joining me in that effort, for a suggestion that was always followed through on, and for yielding me this time on behalf of our beloved colleague, the late Jerry Solomon. We wish all the best possible in the days ahead to Freda and his family as they miss his physical presence here on Earth.

Mr. GILMAN. I thank the gentleman for his kind words on behalf of Jerry. I am pleased now to yield to the gentlewoman from Ohio (Ms. KAPTUR), who was kind enough to yield some time to us this evening so that we could proceed before her special order.

Ms. KAPTUR. I would like to thank our esteemed colleague, the gentleman from New York (Mr. GILMAN), and the
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Dean of the New York delegation, for yielding me some time, as a Midwesterner, a Buckeye, to place in the Record very sincere remarks in memory of the life of our beloved colleague, Jerry Solomon, someone with whom I had the great privilege of serving for over half a century.

When I first came to Congress as a young Member we began our service on the Committee on Veterans’ Affairs. He was already there. And I remember as a new Member his devotion, his commitment to our most serious and important function, the welfare of our veterans.

Mr. SHIMKUS. Semper fi. Always faithful. Never let them down. Always faithful. Always there for the less fortunate. Always there for the veterans. Always there for the needier.

Jerry shone in business as brilliantly as he did in Congress. His business achievement was forming the Solomon Group, a successful consulting firm providing advice and counsel to Fortune 500 companies and international corporations worldwide. Before serving in Congress, Jerry was also a successful businessman, working with insurance, investment, and international trade.

We were fortunate to have known Jerry and to have had him as a congressional leader, but it is his community that will miss him the most. I am certain that the love and the kindness that he expressed to the people in his district, in his State, will be forever remembered and cherished. He said that his greatest enjoyment came from successfully helping people in his district cope with problems that they had with the Federal bureaucracy.

His selflessness and commitment to civic duty was demonstrated by his service as a volunteer fireman, his involvement in local Elks Lodge, Free and Accepted Masons Lodge, the Royal Arch Masons, and the Joseph Warren Council. Through all of these activities, Jerry touched the lives of many who have also aspired to greatness, and numerous other honors on which we cannot name tonight, for Jerry truly served as a mentor to many of us.

I am proud to pay tribute to this devoted leader, to this patriot, and to express my heartfelt condolences to his family and friends. May they find peace and comfort in the knowledge that he meant so much to the lives of everyone whom he touched and that he was an inspiration to those of us who also serve. He will forever be remembered as a patriot, as an American, always a proud Marine.

Semper fi. Jerry Solomon.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Florida for his recent words.

Mr. SHIMKUS. Always honor, always respect, always grateful.”
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Boy Scouts of America, his beloved Marine Corps, this country, and our beloved flag. His booming voice left this floor on his retirement, and on his death his voice has left this world. But the echoes of his booming voice will continue to ring: Duty, honor, country, or leave the Corps.

I personally remember, always, one time when I heard “Shimkus, you voted wrong,” right here on this floor. And the gentleguam from Florida (Ms. Ros-Lehtinen) has left the floor, but I would very much like to have that vote on Radio Marti. You know what? He was right.

I was not a classmate of Jerry’s, I was not on his committee, and I am not from his State. I am just a veteran, like Jerry, who loves his country. Semper fi, Jerry Solomon. I will miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. SHIMKUS).

I am pleased to yield to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services, a good colleague of Jerry Solomon’s.

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me the time, and I thank my colleagues for their wonderful and eloquent words. I was listening to them back in my office, and that is why I came over also, to pay tribute to Jerry.

Of course, we have talked about Jerry’s countenance and his optimism and his appearance. And he was impressive because he had that big voice and he exerted that voice, and he had a great leadership role in this House. But he had this countenance and presence that I think, to some degree, was America’s presence. He was optimistic. He was always ready to help. He believed very deeply in principle. I would hope that is how other nations would view the United States.

I remember, we were waging battles side-by-side with Jerry and with my buddies, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. GILMAN) in the 1980s, when Ronald Reagan came in. And that was such a joy for Jerry Solomon, because he was such an ardent supporter of this guy who believed in peace through strength, President Ronald Reagan.

We fought what were known as the Contra wars, and those were the wars in which most of our Central American neighbors had military dictatorships of one type or another. And through putting a shield around those countries, in terms of the foreign intervention, the attempt by the Russians, then the Soviet Union, to try to move into our hemisphere, and giving some leadership to those nations with respect to democracy, we ended up with fragile democracies in all those nations, which heretofore had had military dictatorships of one degree, two degrees, three degrees. But we did that by extending the strong hand of American leadership, and that was, I think, reflective of Jerry Solomon’s belief as to how this country should conduct foreign policy.

I recall all the debates we had on the nuclear freeze; the idea that somehow if we would just show a little more patience, do what is in our interests, and not do anything while the Soviet Union built 758 big ICBMs during the 1970s and early 1980s, that somehow they would reciprocate because of our kindness and our good personalities and that somewhere in the future would start to build down their nuclear inventory.

But Jerry Solomon believed you could only achieve peace by having strength. He was on the floor, as was the gentleman from New York (Mr. GILMAN) and the gentleman from Nebraska (Mr. BEREUTER), during the nuclear freeze debate that took place over 3 or 4 weeks, holding out until we impressed upon the American people, and I think the leadership of the Soviet Union, that we intended to remain strong and become stronger. Through the leadership of the then President, they called up at one point, and the Soviets said can we talk. We did talk and that led to the first arms reduction agreements. That set the tone for the talks that are going on today, that will result in further reductions to our nuclear stockpiles, as well as the Russians.

Jerry Solomon was here at a critical time in our history. He also believed in the American patriot. I think one of Jerry’s great attributes was that he wanted to remake America in his image. I mean that in a good way. Jerry was a patriotic guy who served in the United States Marine Corps, and he feared to make sure that every young man had that opportunity. He wanted to make sure that every young man registered with the draft and every educational institution which took its freedom to teach from the legacy of the 619,000 American fighting men and women who served this country in Korea, and he did that.

In 1988, Jerry was the chairman of the Committee on Rules, as did the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who has already spoken in this Special Order this evening.

Jerry Solomon dedicated his entire career to advancing human freedom, and he deserves credit for advocating policies supporting freedom in Central America, in Eastern Europe, and Central Europe. Jerry would be the last, however, to tell us, mission accomplished. If Jerry were still here, he would be doing what he did every day, exhorting the rest of us to work as hard as we could, as hard as he worked, to reeducate ourselves just as this great Marine did to see the end of communism in the People’s Republic of China, to see the end of communism in Vietnam, in North Korea and Cuba.

Jerry did not live to see Fidel Castro brought to justice, and yet he was an unwavering voice against appeasing the Castro dictatorship to his last day. He did not live to see America’s victory in the war on terrorism that we are fighting right now; and yet all of the work that he did in this Chamber has prepared us to win this war because his leadership, because his belief that our fighting men and women will have what they need to see us through to victory.
Jerry was an active and invaluable member of the House Republican Policy Committee during the entirety of my chairmanship from 1994 to 1998 when he retired. As chairman of the Policy Committee, I will forever treasure the opportunity I had to work with him and to see the contribution of such leaders as he to the House of Representatives, the chairman of the Committee on Rules. I will be forever grateful for his tremendous contributions to the committee and this Congress in time, advice, wisdom, and policy.

Jerry was also a practitioner of bipartisanship at its best. He was a leading Republican in the Congress, but he was also a leading Member of the Congress who promoted comity in this institution every day. He worked with our colleagues, the gentlewoman from California (Ms. Pelosi) and the gentleman from California (Mr. Lantos), in pursuit of human rights around the world. It was typical of Jerry that he combated ideological opposite, Congressman Ron Dellums, admiring him for his sincerity and his principled opposition to the Gulf War, even as Jerry fought to do everything possible for victory in that same war.

Jerry's bipartisanship was not the feckless kind that seeks to muzzle debate. Jerry understood that only when all sides of an issue get a full airing is there a possibility to achieve true national consensus.

When America lost Jerry Solomon, America lost a hero. We owe him an enormous debt. Thanks to Jerry, America's men and women are so well prepared and so well equipped today that I have no doubt when we achieve victory on today's war on terrorism, we can say thank you. Mr. Chairman. I wish Jerry were here tonight so we could say personally what we all feel in our hearts. Mr. Chairman, we miss you.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. Cox) for his eloquent words.

Mr. Speaker, first I want to thank all of my colleagues who participated in this tribute to one of our great heroes, Jerry Solomon.

Mr. Speaker, in the House, in the Senate, in Washington, in New York State and overseas, many of us were deeply saddened to learn last week of the loss of our former colleague, Jerry Solomon. In New York State's capital, there was an assemblyman noted for his energy, determination and his commitment. It was, therefore, no surprise to those of us who knew him when he subsequently brought those same characteristic traits to bear as a Member of Congress and as a distinguished chairman of the Committee on Rules.

Jerry came to the House in January 1979 serving here for 2 decades, diligently and meritoriously representing his constituents in the 22nd Congressional District in upstate New York. He came to the floor of the House placing his large accordion Solomon folder, placing it on a desk with those large letters staring us in the face, always ready to stand up vociferously for what he believed in when it came to our Nation's defense, for veterans, and his never-ending fight against communism.

Last week, upon learning of the passing of our former colleague, President Bush said “Jerry Solomon was a true patriot who will always be remembered as true to his creed, duty, honor and country. It is the sacrifice he made for us that reminds us that as our military goes into battle against those who perpetrated the atrocities of September 11, our troops are now relying on advanced weapon systems and technologies that Jerry Solomon fought to obtain for them.

As a Marine veteran, Jerry Solomon was proud to be labeled a hawk on defense, consistently arguing that our Nation had to stay prepared and strong so we could hold the line in the Cold War world. Today we fully recognize his wisdom in that policy.

In 1998, Jerry Solomon successfully helped us raise our program of rewards for any information leading to the arrest and conviction of those who have committed terrorism against our Nation. He was right.

Mr. Speaker, along with many of us who have served here in the Congress, Jerry Solomon sought to make our Nation better more prosperous and more secure. Let me cite some of his many accomplishments during his 20 years of congressional service: the promotion of the director of Veterans Administration to a cabinet level office; the passage of legislation to reduce illegal drug use and to fight drug dealers; the reform of the rules of the House; the passage of legislation linking Federal student aid to registration in selective service; his chairmanship of our House Foreign Affairs Committee, and his active participation in the North Atlantic Assembly, it was natural that he be given the assignment closer reform at the United Nations; creating the Saratoga National Veterans Cemetery, where he has recently been buried; representation of the House in the political arm of the NATO Alliance for some 18 years where he served with the gentleman from Nebraska (Mr. Bereuter).

Today in honoring Jerry, the gentleman from Nebraska (Mr. Bereuter) and I introduced in our Committee on International Relations, as the gentleman indicated, and it was the committee on which Jerry served for many years, we introduced and adopted a measure, the Gerald B.H. Solomon Freedom Promotion Act, which promotes the continuing enlargement of NATO; and that measure will soon be brought to the floor.

In 1998, Jerry authored a book entitled “The NATO Enlargement Debate: 1990-1997: The Blessings of Liberty.” His allusions to our own Constitution's preamble was meant to convey the view that people everywhere should be able to live in liberty, a view to which he dedicated much of his life. Jerry had many legislative victories and some defeats, just as we all do; but he never gave in when it came to matters which he felt involved principles, whether human rights in China, the desecration of our American flag, or the support of family dairy farms and small businesses.

Jerry would not forgive me of course, if I failed to mention his love and devotion to the United States Marine Corps in which he served for several years. My wife, Georgia, joins with me in extending our heartfelt condolences to Jerry’s beloved wife, Freda, and to their children, Susan, Daniel, Robert, Linda and Jeffrey. Linda has served on our Committee on International Relations. And to his brother, Richard, and their grandchildren.

While our words may not assuage their sense of loss, we hope that they can take some comfort in the recognition of the rich, fruitful life that Jerry lived and the way the world embraced his spirit.

Jerry, when you left Congress some 3 years ago, we, in the Congress and in New York State and across the Nation missed you. We missed your shouting at us from across the floor, “We need that vote. One more for the Gipper.”

May God bless you, Patriot Jerry Solomon. You leave behind many fond memories, a loving family, your devoted staff and friends who will long miss you. Semper fi, Jerry.

Mr. FROST. Mr. Speaker, I rise today to express my sadness in the passing of our former colleague Jerry Solomon. Jerry was a dedicated and hard-working Member of Congress, a loyal former Marine, a true fiscal conservative, and he was my friend. I rise today to express my most sincere condolences to Freda Solomon, a lovely and gentle lady with whom I spent many pleasant hours, and to their children and grandchildren. Jerry always worked too hard, but I have to believe that he always did so because he believed so passionately in this Nation and wanted to make sure that its ideals and goodness were preserved and protected for his family, for mine, as well as for every other American family. Jerry also believed passionately that ideals embodied in the democratic form of government we practice in the United States were worthy of export. Given his long-term commitment to the protection of freedom through his active participation in the North Atlantic Assembly, it was natural that he be given the role of ranking Republican Member when former Speaker Foley created the Special Task Force on the Development of Parliamentary Institutions in Eastern Europe. Shortly after the demise of communist governments in Poland, Hungary, and Czechoslovakia in 1989 and 1990, Jerry worked closely with me during the four years I had the honor to chair the Task Force, and in 1995 and 1996 carried on the work we had started. He took a keen interest in the program, and we both believed that the United States Congress could play an exceptionally valuable role in the development of new parliaments in countries that had, for 50
years, lived behind the Iron Curtain. I will always be grateful for his help, his suggestions, and his counsel during the years we worked on that project. It was a truly bipartisan effort, in fact, it was an American effort. We did something valuable, and it did not matter that Jerry was a Democrat and I was a Republican. It was a demonstration of our ability to work together and a stronger example of the glories of our American democracy which the founding fathers of our country deeply committed to keeping America the bastion of democracy.

Jerry did work too hard. He was probably born to work too hard, but he was also born to be a Marine. He was so proud of his service to his country in uniform and that pride never left him. We saw it every day in his ramrod straight Marine posture, in his dedication to the men and women who served before and who serve today, and in his dedication to his country. It is fitting that he has been laid to rest in the Saratoga National Cemetery, since he was instrumental in its establishment.

And so, Mr. Speaker, I extend my condolences to Freda and to his children and grandchildren. They should be proud of him and all those who served in his honor, and who serve today, and in his dedication to his country. It is fitting that he has been laid to rest in the Saratoga National Cemetery, since he was instrumental in its establishment.

As anyone who met Jerry knows, he served proudly, and with great honor in the United States Marines. Semper Fi was more than just a slogan to Jerry. He took those words to be his code of conduct both in the Marines and later as a Member of the House. It was a true badge of dignity and commitment for him.

When Jerry was elected to Congress, he was exultant in having found another way to serve his country. While he was dedicated to the constituents who so wisely chose to send him to the House, he was also committed to keeping America the bastion of democracy which the founding fathers envisioned.

As a former Marine and Korean War veteran, Jerry served the interests of our Armed Forces and veterans as a member of the House Veterans Affairs Committee. As the ranking Republican on the Committee in the 1980s, Jerry helped pass the 1984 G.I. Bill of Rights, an important tool in increasing veterans' benefits and attract quality recruits to the military. I was honored to serve with Jerry on this Committee during my first terms in Congress.

Many would argue that Jerry's greatest achievement in Congress was his ascension to Chairman of the House Rules Committee. While he certainly served this body, the legislative process, and our country well in this position, I would maintain that his greatest achievement was the dedication with which he served his constituents for two decades.

Mr. Speaker, it is with great sadness that I offer my most heartfelt sympathy to the Solomon family. For while America has lost a great man, they have lost a great husband, father, grandfather, brother, and uncle. May his memory be eternal!
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the honor of working with him on several major issues over the years. We both had serious reservations about the nature of U.S. relations with the People’s Republic of China (PRC).

In fact, in the mid-1980’s, Jerry Solomon introduced legislation prohibiting the export of U.S.-built satellites to the PRC. He argued that exporting these satellites to China would place at risk our most sensitive military technology. Ten years later we knew Jerry was right. The Chinese were stealing this satellite and missile technology and had used it to upgrade their ICBMs.

Needless to say, Jerry was a very effective legislator. Dozens of important laws are on the books which are authored by Jerry Solomon. Laws aimed to help the American family by encouraging young people not to get involved with illegal drugs, the law which elevated the Veterans Administration to a cabinet level department, and the Solomon Amendment, denying student aid to people who refuse to register with the Selective Service. The list goes on and on.

A few weeks ago I visited the operations center for the FBI and on the wall was a large wanted poster for Osama bin Laden, offering a reward of $5 million for information leading to his arrest. It was Jerry Solomon who put the terrorist reward law on the books.

What more solemn occasion is facing us today we are hard pressed not to think of Jerry. A few years back some people thought Jerry Solomon was a throwback to some other time, the period during which we struggled and had used it to upgrade their ICBMs.

Jerry sponsored legislation to prohibit the desecration of the American flag. It is a symbol of what unites us as a people and what is best about America. Who can forget the firemen in New York raising that flag at Ground Zero, the crater where the World Trade Center once towered in tandem over the city.

In Jerry’s Capitol Hill office there were shelves covered with firemen’s helmets from many of the small towns in his upstate New York district. He respected and honored our firemen. Today, everyone recognizes them.

Jerry always honored and respected our police, our veterans and our men and women in uniform. Jerry had a real appreciation for how difficult and important their work is. Today all Americans appreciate them.

Jerry Solomon wore an American flag lapel pin every day for the 20 years he served as a Member of Congress. Today we all wear them.

Jerry Solomon was a true patriot and a good friend. He embodied his Marine Corps motto—Semper Fidelis—”always faithful.” I will miss him.

Mr. GOSS. I am submitting my speech that I gave, Mr. Speaker, at the Honorable Gerald Solomon’s funeral.

Were I a fully finished disciple of Jerry Solomon I would now set out right here on the lectern a big accordion file with “Solomon” written boldly across the front—this was his hallmark. The funny thing is—he didn’t need—it everyone knew when Jerry was in the room. It will be easy to remember Jerry—so active, so involved in so many things. He touched so many families, colleagues, marines, veterans, the people of the 22nd district and so many others. It will be very hard not to miss him. How many times since Jerry left Congress have I thought “where’s Solomon when you need him?” When confronted with issues of the day, especially now when patriotism is so much in the forefront. The display of our flag these days is just what he loved.

I am reminded of Jerry daily—or at least whenever the Rules Committee meets (so perhaps I should say nightly given our recent schedule) because his portrait in the committee room is positioned so he looks right over my shoulder—so close, he could whisper in my ear, which I am sure he will.

Jerry left us with poise and good spirit on the committee—his portrait in the committee room is positioned so he looks right over my shoulder—so close, he could whisper in my ear, which I am sure he will. Jerry always honored and respected our parliamentarians. Without a note, Jerry instantly stood up, delivered a magnificent, eloquent speech, our veterans and our men and women in uniform. Today, everyone appreciates them.

Many of us here today traveled with Jerry and Feda to far off places—some places I’d barely heard of—to serve our Nation’s Interest. Somehow it just doesn’t seem normal to get on a C-130 plane without having Jerry and Feda leading the way. Early on, I found out that Jerry had discovered the best maple ice cream is found in Gander, Newfoundland. It was never a surprise to find ourselves on a plane that needed to refuel in Gander. He really loved that maple ice cream.

My favorite recollection dealing with European Parliamentarians—which we did a lot—occurred one other time quite Sunday mid-winter morning in Brussels. A certain self-approving Euro-speaker took some serious liberties describing U.S. foreign policy to belittle our country at a fairly high level gathering of influential parliamentarians. Without a note, Jerry instantly stood up, delivered a magnificent, passionate oration, and the American sacrifice and contribution to Europe from WWI to the Cold War. It was so stunningly effective that our European colleagues were literally “speechless”—a condition in which European parliamentarians have not found themselves before or since.

On another occasion in Bucharest, I watched Jerry take on Mr. Zhirimovski—a one-time Russian presidential candidate—who was making particularly obnoxious remarks about the United States without cause. Jerry made short work of him as he did of anyone showing disrespect to our country.

Jerry always got the job done—somehow. One day in the Ukraine, our delegation was offered a visit to Sevastopol, Russia Fleet Headquarters on the Black Sea. This had been an “off-limits” area—so we were eager to go, but the Ukrainians were adamant we must go on their plane (a well used Russian model) rather than our own C-130 plane. Jerry dutifully took a vote of the delegation—which was done, and the Ukrainians we could use their plane. Jerry “fixed it.” We arrived at the airport dawn the next day—got on the Ukrainian plane and flew to Sevastopol. So much vodka was consumed that day celebrating the American presence that it didn’t matter what plane we flew on. Jerry got the job done.

Jerry’s energy was legendary, he never saw a hill he didn’t charge; some say he made hills where none existed just so he could charge up them. To Freda and family go our love and support and the certain knowledge that Jerry rests comfortably atop the Lord’s hill now.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. (Mr. PUTNAM.) Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES INCREASING DEPENDENCY ON IMPORTED PETROLEUM

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, as we complete our commemoration this evening of our dear colleague Congressman Jerry Solomon of New York, I am reminded that his patriotism and his devotion to duty inspired us all, and as we confront this latest test of America’s will and position in the world and what is just for all people, I am reminded of a book that I have been reading called Sacred Rage that puts in context some of the forces that are arrayed against the United States and our interests now and the entire issue of terrorism and its roots.

In that book by Robin Wright, much is discussed, including some of the religious fervor that has been promoted and directed against the people of the United States, some of the hatred of U.S. policies in the Middle East that are at the basis of some of the antipathy toward our country and our people, but also the economic underpinnings of the unrest in the Middle East and Central Asia and how directly it is tied to petroleum and oil.

This evening I am going to spend a little bit of time talking about that because, as the American people understand better some of the underpinnings of the terror, we can get a clearer sense of new directions to set in order to build a more peaceful world for the future, and specifically the Middle East.

This evening I wanted to talk about the United States’ increasing dependency on imported fuel and petroleum, and I have two charts here that describe it very clearly.

This is a chart dating back to the mid-1970’s and each year showing an increase in the amount of imported oil that comes into our country, and in spite of conservation efforts, in spite of...
other things that we have done, more miles per gallons and so forth, we have become more and more dependent on imports of petroleum to drive this economy.

We imported 1.2 billion barrels of oil in 1982, but that was 3.3 billion barrels, so we have nearly tripled in the last 20 years our dependency on imported petroleum. Serious work on alternative fuels has been largely ignored, while billions of dollars in tax subsidies and profits have accrued to the oil industry.

The second chart that I have gives a sense of our entire petroleum usage in this country, which is the red set of bars here, and this is just the last decade from 1992 to the present showing that the number has been rising slowly, but the yellow bar underneath shows how much is imported of that total, and my colleagues can see that our total consumption has gone up but the amount of imported fuel is going up as a larger share of that. In each single year of the 1990s and last year, it has gone up to now almost half of total usage in this country, and over half of what is imported comes from the Middle East.

Last year, the United States imported more than 3.3 billion barrels of crude oil, and our largest supplier, Saudi Arabia, actually sold us over 557 million barrels. America’s addiction to imported oil threatens our freedom of action. It saps the lifeblood from our economy, and over half of what is imported oil than at any time in our history.

America’s addiction to imported oil threatens our freedom of action, but not the Americanストリーム
dependence on the outside world, our Nation responded by creating the Department of Energy with the goal of putting America on a course to be more self-sufficient.

Conservation saved millions of barrels per day, and more fuel efficient cars stemmed the growing usage of oil, but truly, Americans were never really committed to being energy independent, and we fell asleep as to the risks, again as these charts attest. We are more dependent now on imported oil than at any time in our history.

Half the oil, as I mentioned, that we consume is imported, and half of that comes from OPEC, from the OPEC cartel. We spend $36 billion on our oil habit every year, and in the meantime, those dollars are foregone for domestic investment opportunities in alternative fuels for America’s independence, ethylene dichloride, coal, the range of alternatives that exists if we but had the will to apply them.

The United States Department of Energy itself has warned us that dependence on foreign oil has cost our economy deeply. Price manipulation, if you think about it, by the OPEC cartel from 1979 to 1991 cost our economy over $1 trillion. One of the earlier speakers alluded to world oil prices last December 11, and in some places in our country the price per gallon going up to over $4 a gallon. Think about the price manipulation that my colleagues might have seen in their own communities, in their own storage tanks, and all those billions of dollars and how much wiser it would have been had we invested those here at home in domestic production.

America’s foreign policy, particularly in the Middle East, has been heavily influenced by the extraction and removal of oil, and in fact, oil has become a distorting proxy for our foreign policy. It clouds it. It creates a situation where we cannot see politically clearly enough in that region of the globe that we can use it as a proxy for our foreign policy, and we ought to make a commitment to do it.

Becoming energy self-sufficient here at home makes global economic sense, too, because over the next 15 years the world’s oil supplies will be diminishing. They have reached their peak in terms of availability on the face of the globe, and prices will rise even higher with each barrel pumped. There is no more opportune time for our Nation to get serious.

Putting America on a sound energy footing will require national leadership, and it will require the active involvement of our Federal Government and our State governments. The goal should be to make each State in our Union energy independent to the greatest extent possible and eliminate Federal requirements that discourage alternative fuels.

If you look at our defense budget, just the cost of maintaining the oil supply lines from the Middle East at a minimum costs us over $50 billion a year, $50 billion a year. That has to do with military emplacements that have been stationed in that part of the world, ships that patrol, planes that fly, etcetera. Imagine if we could be investing that kind of money here at home to make ourselves energy self-sufficient.

The State of Minnesota, and I just returned from there, is leading the way in new ethanol producing plants that are also creating new value added for our impoverished world countryside. The Federal Government really needs to take a look at Minnesota, and every other governor should take a look at Minnesota. They are doing so much to encourage the use of renewable fuels, and I sort of felt as I went through Minnesota and I looked at these various farmer co-ops that were producing this ethanol, I thought I was seeing a modern day incarnation of Benjamin Franklin or Thomas Edison. They are tinkering around and finding an answer and applying it in that great State.

In addition to those kind of efforts, I have introduced other legislation that will deal with America’s long-term energy dependence. One piece of legislation would expand and rename what we call the Strategic Petroleum Reserve and rename it the Strategic Fuels Reserve. We would have access ethanol and biodiesel, not just crude oil and petroleum. The biofuels initiative would authorize the Secretary of Agriculture to provide loans for production distribution, development and market development beyond the Strategic Petroleum Reserve.

These fuels provide the American farmer with new market opportunities, and their mass production could provide the rural areas of this Nation with the economic infusion of jobs and investment that has been dreamed about but has not occurred for generations. With a bill that has been introduced in the other body by Senator Richard Lugar of Indiana, it is my great hope that by the time this year we can look at this biofuels initiative and make it a central pillar in new agriculture legislation that will clear this year for our great Nation.

If you think about commodity crises and when prices hit, then it is clear that more can and should be done to utilize those domestic surpluses to produce new fuels for this economy. Economic security is provided by the increased utilization of renewable biofuels and we also provide significant economic benefits.

According to our own Department of Agriculture, a sustained annual market of 100 million gallons of just biodiesel would result in a $20 billion increase in income to farmers, and that is a very small increase.

Ethanol, biodiesel and other alternative fuels also provide us with environmental security. Biodiesel contains no sulfur or aromatics associated with petroleum, and diesel provides a 76.5 percent reduction in carbon dioxide emissions compared to petroleum diesel, and when burned in a conventional engine, provides substantial reduction in unburned hydrocarbons, carbon monoxide and particulate matter.

For too long we have been uncreative and cynical about the opportunities that alternative energy sources provide us. Some day, not so far from now, the oil crisis will be over, and we will have introduced other legislation that will bring a new era of energy independence to America, and not have to depend on foreign policy and economic domestic policy of this Nation based on imported petroleum.

I have been active on this issue for quite a while. Last year, as I mentioned, during the appropriations committee markup, we had an amendment which would have increased the appropriated amount for renewable energy
programs by $106 million. It failed in committee, but an amendment I co-sponsored with former Congressman Matt Salmon increased that funding by an additional $40 million.

We just have to be vigilant, and if one looks at the Strategic Petroleum Reserve, as I mentioned earlier in my remarks tonight, if we think about that reserve, it should hold about 700 million barrels of crude. It only has 545 million barrels today, sufficient to push the United States from its current precarious situation for a period of approximately 53 days. It is clear that in that reserve is biobased. In fact, 92 percent of the Strategic Petroleum Reserve has been purchased from foreign sources; 41.9 percent from Mexico; 24 percent from the United Kingdom; and over a fifth from the Middle East, the OPEC-producing Nations.

The Strategic Petroleum Reserve should also include the development of alternatives to our Nation’s reliance on petroleum.

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Every single part of our government should be asking the question, how can we move forward toward a more secure and independent future? How can we make our economy more secure in the years ahead?

This is a primary source of instability. Since the economically damaging embargo and oil crises of 1973 and 1979, to the current recession which was precipitated by rising oil prices that began in 1999, the economic stability of the United States has too often in modern history been shaken by economic forces outside our borders. How long is it going to take us to wise up?

Legislation here should shift our dependence away from foreign petroleum as our primary energy source to alternative renewable domestic fuels. Currently the United States annually consumes about 161 billion gallons of vehicle fuels and 5.6 billion gallons of heating oil. In 2000, 52.9 percent of these fuels were imported. That means every time you go to the gas station and you fill your tank with gasoline, half of what you pay goes offshore to one of those oil cartel interests. Does that make you feel good? Would you rather be investing those dollars in our shores, should cause every single American to think very hard. What does that mean to our children’s future? What does it mean to the independence of this country?

Think about the fact that $50 billion to $100 billion of taxes paid every year by the people of this country go directly into our defense budget to support the petroleum industry, which is largely now every year more and more an imported product into this market. Would it not be wiser to spend those dollars here here, using our labor, using our industry, using our resources, using our dollars that are going into the Middle East? Our energy security, our future, and our independence are all connected.

Mr. Speaker, I want to thank those who have listened this evening. I think that is absolutely the most important economic issue that faces us as we try to move toward peace and resolution of this very serious threat that is facing our country from the Middle East. But unless one understands this piece of the equation, one will never be able to understand how to lead us to a more secure and independent future.

BORDER, DRUG AND ANTI-TERRORIST POLICIES

The SPEAKER pro tempore (Mr. PUTZ), as chair of the Border and Anti-Terrorist Subcommittee, announced policy of January 3, 2001, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, tonight I would like to focus on our border policies and drug and anti-terrorism policies and want to share a number of things that we have been working on, and hope to continue to do this as we are in session the rest of this year.

First, I want to begin with a series of hearings that we are working with on the mischief in the Middle East. The actual conception for this idea came out of the U.S.-Canada Parliamentary Conference last May. Some of the Cana-
for a short period, but not for 10 years, if we are in a long-term war with ter-
rorists. Three, because of the pay grade and benefit restrictions, many INS
agents are leaving the agency. Four, few receive language bonuses, some even
are bilingual.
We have different kind of problem. We have looked at this in different
ways, but the State Department test difficulty, which is one of the ways we
give language bonuses, is probably too stiff a test. We need for conversa-
tional language at the border. Thus, we had one case of a person I talked to,
because with Quebec there at that northern border, French becomes critical.
Yet at the same time one person who grew up in Quebec, whose first lan-
guage was French, could not pass the State Department test.

This leads us to the question of we are not even sure whether our govern-
ment employees, including maybe Members of Congress, could pass the State
Department English test, because it is testing things beyond conversa-
tional level. What we really need at the boarders are conversational
level, to be able to identify things and certain key phrases, like, for example,
anthropologists when they have fewer people looking language training where we actu-
ally need it because of this difficulty.

For example, in this north zone, and I am going to point out later it is im-
portant because Montreal has been a center for these trucks to move around at different border cross-
ings and different ways in the United States, we do not have anybody in the
entire zone who can speak Farsi. We only have one at a regional head-
quartes who can understand Arabic. For that matter, you could conceivably
have anthrax or illegal narcotics sit-
ting in your front seat and as long as it
is in a language that the Border Patrol
or the INS agent cannot read, theoret-
ically they cannot do anything. We need to
have more language understanding, certainly like Spanish on the southern border, or French on some of our bor-
ders as well.

Also infrastructure needs are signifi-
cant, but they differ by station. Trade
we also learned is the lifeblood of the border communities, and it is down and it is going far beyond just the border communities.

Let me step back for a minute and look and look at the perspective in a larger
way. The U.S. customs has, along with INS, border crossings from bai-
sically Seattle or the Blaine crossing, all the way up to the northeast corner of
Maine. There are hundreds of crossings. In addition, some of those run along
water, such as the St. Lawrence River or Lake Champlain or Puget Sound.
Some of them have natural barriers, and some of them are just woods or open
space like in Maine and Montana.

The major ones, as I mentioned, that we are looking at on the Canadian side
are Vancouver, Seattle, Toronto as it goes to Buffalo and Niagara, Montreal
as it comes down, and Detroit-Windsor.

Then if you look at it from the perspec-
tive of border security, Winnipeg,
International Falls, as well as Thunder
Bay and Grand Portage at the top of
Minnesota flows down toward Min-
neapolis-St. Paul, going toward Chi-
icago. You also have the Edmonton and
calgary, and they all come across all
that open space in Montana, and then Maine and North Dakota.

On the southern border with Mexico, you have San Diego-Tijuana moving
east all the way to Yuma. Then you
have a number of where Tucson and
Nogales moving through New Mexico
toward El Paso-Juarez, and then an-
other heavily crossed area that feeds
into Monterey and the zone where so
many American industries have lo-
cated across the Mexico border, cross-
ing at Laredo, McAllen and Browns-
ville.

You have one gap running from El
Paso down to Laredo where Eagle Pass
is that is a kind of a no-man's zone,
running through a Desert, and a lot of
Desert, but has also been a pressing
point.

So when you say your goal is to seal
the border, it is not that easy when you
look at the total number of mileage. In
this particular area, just to give you, it
is not just that, it is the airports and it
is the water. We have major customs
facilities obviously watching the Gulf of
Mexico, the entire East Coast of the
United States, as well as the West
Coast of the United States, all of the
airports.

Let me give you an example as I al-
luided to earlier. In the specific cross-
ings we worked in Vermont and New
York, you have a crossing at I-89 that is
the Maine corridor. Then you have a
little bit of land and water from Lake
Champlain. Then you have a small sta-
tion that up until we went on high alert only had one person there and
was only open for part of a day. Then you produced Lake Champlain. Then
you have a crossing at I-89 that is a
major crossing. And then a whole se-
ries of small crossings, some of which
are unmanned and some of which have
one person and now have a little bit
more pressure on them.

You look and say, boy, that water in
there, I wonder if somebody could move through the water? Or think of the St.
Lawrence River and the area called
10,000 Islands. Or at the Great Lakes,
look at the St. Louis or the St. Lake St.
Marie, you see Manitoulin Island in
there and the crossing from Manitoulin
Island and jumping over to some of the
northern Michigan places is basically a
rowboat.

Similarly, in Puget Sound, anybody
from the Northwest can understand
that there are lots of islands there.
And if you have any doubt that we are
vulnerable there, remember had it not
been for an extremely vigilant customs
officer highlighted in the PBS special
documentary last weekend, that one of the mi-
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The major ones, as I mentioned, that we are looking at on the Canadian side
are Vancouver, Seattle, Toronto as it goes to Buffalo and Niagara, Montreal
as it comes down, and Detroit-Windsor. millennium bombers targeting LAX Air-
port was captured at Port Angeles,
who, by the way, was coming from
Montreal. He crossed clear across Can-
da and tried to slip in through a ferry
boat to Port Angeles, Washington,
coming across the water, in the Straits of Juan de Puca.

This is not easy, and those who think
we can easily seal the border are mak-
ing a serious mistake. But it is not to
say it is impossible.

Let me get into some of the specific
challenges at the border hearings we
had this week. At Highgate, Vermont,
they have new facilities but not enough
personnel, they were not at full
strength looking at our backups on a Sunday
night, even though there are estimates
ranging of commerce being down ap-
proximately 30 percent right now. The
question is if we continue to tighten
the boarders, particularly if we have
any other terrorist incidents, and the
terrorists are not American citizens,
they are people who are coming in from
outside.

Furthermore, we have this Quebec
Gold BC Bud marijuana as well as Ec-
stasy and methamphetamines heading
to New York and Boston and through these
border crossings, they are not things
that come from inside the United
States. And this Quebec Gold and BC
Bud is selling in many places higher
than cocaine, it is not marijuana, it is
much more potent than traditional
marijuana, and is as dangerous as co-
caine.

So if we are going to seal these bor-
ders, at least to some degree and keep
the commerce going, we have to have
more personnel to open more lanes.
We cannot simultaneously say that we
want commerce to work, we want more
American jobs, we do not want to de-
press our economy; and, by the way,
we do not want terrorists, illegal drugs
and illegal products in the United
States and immigration problems; we
want the border secure, without saying
then we are going to put sufficient
people to keep all the lanes open where we
have built the facilities and able to do
that. Now, at Champlain, they still
need more personnel, but they have
more personnel; their backups were
less, substantially less, but their traf-
fic is way down as well. The question is
what will happen when the traffic picks
up, but there they do not have the fa-
cilities. There the trucks were backing
up and they need a new truck facility to
be able to process the trucks. At
Highgate they have new equipment
coming in for scanning and they are
making some progress with that as well
at Champlain, but these are im-
portant things, because in the trucks is
a great place to stick illegal narcotics.
They find them in the axles, they find
them in tires, they find them packaged
inside other containers. But among
other things, you can hide illegal im-
migrants and equipment in the back of
those trucks as well. Often they find
people sneaking in inside those trucks too.
Third, single-person staffing and not 24 hours is not acceptable at key border crossings. Short term, we are double staffing and keeping them open 24 hours. But unless we get more agents, this is not going to work.

Fourth, we have lots of unmanned roads in a variety of ways and we cover them with a variety of mixes: Of monitors, of roadblocks, of local people identifying, and it actually works pretty well, but we need some additional help. Media has been really fond of particularly picking on the Vermont border right now as well as, to some degree, the New York border because of some incidents that have occurred. But what has not been told is that in almost all the cases, the news media has been caught. Even though they originally did not think that they were being caught, they were being tracked and eventually caught. Part of the argument is how fast they were caught. But in some of the places, they are catching them because agents go out and run the roads along the border on the Canadian side, and only if one takes a right turn or a left turn, depending on the place into U.S. territory and then do not report, is one violating the law. So it can take, are they doing the right thing and tracking appropriately, 10 to 15 minutes before somebody catches you, because you were not illegal most of the time, and some of the media has been reporting has, quite frankly, been inaccurate. We have done a better job of probing the border than one would think, but we still need additional things, because as we put the pressure on, so will those who want to violate the law, including terrorists.

Fifth, the water. In Lake Champlain we obviously need a little bit better protection, but in fact we have a pretty good method of watching, we just need a little bit of additional protection on the eastern part of the lake, the north east part of the lake.

Sixth, we have an Indian reservation over by Mecina to the west that is cooperative, but because it is in effect an independent Nation, we treat Indian reservations differently than other areas as far as border crossing, and even though the local tribal council has cooperated, it is problematic how to deal with this, particularly when there is, in Canada they call them the first nations, when they have a reservation on the other side, because the law enforcement policies are different. So it takes excellent cooperation.

Seventh is just walking in the woods. Because they have caught a lot of people carrying these potent drugs in backpacks just walking through the woods across the border. Now, this becomes problematic. But remember what I said is we caught many of them.

The interesting thing here is the reason, and this could depress us to listen, because this is just the Vermont and the 50 miles here. But the encouraging thing is if we can concentrate the pressure at the major crossings and fan them out so that they have to go wider and wider, just like we have worked with immigration policy along the Mexican border, it is easier to catch somebody going through open desert than it is when they get lost in a crowd at San Ysidro at the San Diego crossing. The same is north country. You may think you can walk through the mountains or in the woods of Maine or Vermont or upstate New Hampshire, but there are several things working against you. One, it is cold there a good part of the year. You are going to leave foot prints, even snow-shoe prints. You are going to have to eventually hook up with the car, and we are monitoring, and the other thing are the locals. Just like on airplanes, where the private citizens on the plane need to be watchful as well, the same thing is true on the borders. It is amazing in these tight knit local communities, they know when somebody strange is coming across and they report. And when American citizens join in, we can, in fact, make many of these borders much more secure than one would think at first glance.

Now, on October 17, our subcommittee also held a hearing entitled, Keeping a Strong Federal Law Enforcement System that featured U.S. Immigration and Naturalization Service, the INS Director James Ziglar, as well as Assistant Commissioner at U.S. Customs and the office of U.S. Marshals. They made several key points. Because bottom line is, we cannot control or seal the border if we do not have the agents.

In Congress, we passed this really bold bill. We said we want 3,000 new Border Patrol and INS agents. Well, that sounds real great until we get to the point of last week, we did not add agents, we lost 5 agents just before we had one meeting. What we were told at those hearings is that only 10 percent of the INS agents are looking at leaving in the next couple of years, and we are talking about adding them. This is our frontline of defense.

Well, what are some of the problems? We have 6,000 miles of border and 300 points of entry. The budget calls for 3,000 to 3,500 new Border Patrol agents and immigration inspectors. In 1999, INS had to attract 75,000 applicants to fill 2,000 positions. Of those 2,000 positions, 75 percent did not have any offers. Now, they say they do not recruit from the military, but, in fact, they recruit from people who are retired, and many people who retire are looking at whether it is going to be a satisfactory job, so people who have job options will leave the military, and re-enlistment has become a big problem. 30 percent come from local law enforcement. That was one of the debates we had here tonight on the Airline Security Act. If the Federal Government nationalizes all security at the airport, where are the guards going to come from?

Last week, last Sunday, to be exact, Philadelphia reported that they had 37 murders compared to 25 last September and directly attributed it to the fact that so many policemen had been taken off of traditional law enforcement and moved towards antiterrorism efforts. Twelve people died because we were chasing things that did not happen in Philadelphia. That has been repeated all over America. We cannot do more things with the same number of people without diverting resources from one place to another. People are dying daily because of drugs; children are being abused, wives are beaten, all sorts of things are happening in our country. If we do not have adequate law enforcement or if that law enforcement is chasing anthrax hoaxes or worried about things they previously did not have to deal with, and we have to reconcile this that if we are going to do more law enforcement, then we are going to need more agents. And if we are going to get more agents, given how hard it is to hold, retain, then we are going to need some changes are going to need to be made.

Well, like what? One, for the INS Border Patrol, they need a waiver of the overtime cap. I mentioned earlier at the borders that we visited this past week, they exceeded the overtime cap. They have people with no vacations and they are working overtime, and yet we capped them out of overtime, so that is not even going to be an option. Then, what are we going to do? We said we were going to hire 3,000 new Border Patrol, we are going to say okay, we have used all of our overtime, we do not have any a little, I guess we will now just open up the borders completely. I do not think so. We have to address this rapidly.

Secondly, we need comprehensive pay reform. Part of the problem is that INS and Border Patrol they are topped out at a G9 and anybody who has been there a while if they have an option like tonight they have a new INS, where do sky marshals come from? They come from Border Patrol and INS, but we just said we are going to hire 3,000 more of them but we are taking them and moving them to sky marshals. We have to figure out how we are going to get people in those places, which means, for example, recruitment bonuses.

In San Francisco, because of the cost of living and the shortage of applicants, they had to pay bonuses and then they got the applicants. In the year 2000 they used $2,000 recruiting bonuses. Just sitting on the border is not the most exciting thing and then being held accountable if one person in every 500,000 slip through, it is difficult. If we do not pay adequately, we are not going to be able to recruit people. We also need law enforcement status for INS inspectors. They are expected to do law enforcement work; they are expected to catch criminals, and yet at the same time, we do not pay them that way.

We also need to really raise the earnings caps, and we also need language
bonuses. I referred to that earlier. We need some changes in how those language bonuses are worked. It is not that they are not good, they are 3 percent of their salary. But if they are viewed as unachievable and not relevant, then nobody wants the bonuses. We should be seeking that, and if we tie that to people’s pay: if we say, look, we will give you 5 percent more if you learn Farsi. It would make me feel more secure if we had people on the borders who speak Farsi, and if we are going to give them a pay raise, let us tie it to something, but let us make it achievable. They do not have to be a teacher in Farsi; they need to be able to understand it and have basic communication with somebody who is crossing the border, or Arabic or Spanish or French or whatever language we need, the Asian languages on the West Coast in particular, but increasingly across the country.

We are hearing this week student on visas in the Committee on Education and the Workforce, and let me make a couple of points with that. First, let me put it in context. The only real way we are going to stop terrorists and, for that matter, illegal drugs, is before it gets to the United States. One of the chief planners of the September 11 attacks was on a student visa, was not a student. How can we protect ourselves if people are here on visas that they have jumped, and nobody would suggest several things. First, let me state one other problem.

Foreign students, of which we have hundreds of thousands, or we have at least several hundred thousand plus, apply to multiple universities, just like we do in the United States and our kids do. Presumably, the student may tell the university, I think most of them either put a down payment down, they pay it, they get a dorm, they get their classes, and presumably, the government requires that the student, when they get their visa, say what university they are going to, but the university is not told they are coming, so the university could have a student headed for UCLA or Indiana University, the University of Notre Dame, and they might have it on the student visa, but the university may very well not know they are coming. So one thing we need to fix is to let the university know that the student got the visa in that university’s name.

Then, the university has an obligation to let the United States Government know: did the student actually check in and start classes? Did the student drop out? And/or did the student graduate? In other words, once they have completed the criteria on their visa or fail on the criteria of their visa, they are the first line of defense to let the government know. They do not have to be by the government, they are not their job to go out and find the student, but the government does not know where to find them or whether they have even jumped the visa if the university will not help. The only way we learn usually is after they have committed a felony. That is how we learn whether somebody has violated their visa. So we need to get a better system with that.

Why would suggest, because not every student is obviously a case at risk here, and we are not talking about American citizens or immigrants who have come to America and are going to college, let us get this straight. We are talking about people who are here because of our country, and just like when our students go overseas, they are a guest in that country, and when they go overseas, there are certain criteria that they have to follow.

For example, let me tie this to another incident, and I mentioned one of the terrorists. A number of years ago, when we were looking at stolen Chinese secrets which basically made us much more vulnerable to attack from China, the son of the equivalent of the head of the CIA of China had come to the United States. The way we turned this up in the Committee on Government Reform is we were investigating Johnny Chung and he worked for him. He was a lower level in the process of Chinese secrets which basically made us much more vulnerable to attack from China, the son of the CIA, and George W., if he had visited in China to be a student, do Members think China would have lost George W., being a student there? I do not think so. It is incredible that at a time in the very period when our secrets were stolen, we did not know where the son of the head of their CIA was in the United States because it was not reported that he did not show up on a student visa.

So this has happened before. It is not now, and it happens a number of times, but we are looking for a needle in a haystack in the terrorist question unless, what I would suggest is that they start with a simple process.

The INS does not have enough people to look up everybody who jumps their visa. This is not just students, it also applies to workers and when somebody sponsors a visitor. They ought to be held accountable for notifying the government if they have jumped.

We need to give additional dollars then to the INS. I said, we cannot get the borders covered, the basic work covered even for felons, so if we are going to put a new thing on them, we have to give them the money to be responsible.

It is a waste of money to do this for everybody right now because everybody is not at risk, but how about if we start something simple: If you are a student from a terrorist nation, one that the State Department listed as funding or supporting terrorism, and there are seven, then those students ought to be tracked, those workers ought to be tracked, and those guest ought to be tracked.

Further, if they have overstayed or violated the terms of their visa, and it ought to be reported to the government by their sponsor if they know that they have violated it, it is not their sponsor’s responsibility to track them, but it is to let the government know, and the INS will track. There ought to be a penalty if you do not report.

Further, in addition to those terrorist countries, we ought to add Afghanistan. Right now Afghanistan is not on the terrorist list. It kind of surprised me when I heard that, because we do not recognize there is a government there, they are not on the terrorist list.

It would not be too hard to come up with another list, and that is if the country is not itselfs a terrorist threat but there is reason to believe that that country is the home nation of a lot of terrorists.

As an example, for example, Saudi Arabia, where I believe 15 of the 17 were from; that then students from that country, even though their government may be completely innocent, that we track them. In other words, let us look at the facts. If you are a terrorist nation and certified as such by our State Department, or you are Afghanistan with the Taliban, or you are from Saudi Arabia right now, you are at much more likely risk if you have violated your visa, and we are not talking about people who are following the law.

I would place a bet right now that the average American thought this was already happening. We would have thought that if there was a student who sponsors terrorism, and they had a work visa or a student visa or a tourist visa, Members probably thought that once they were here longer than they were supposed to be, or were not doing what they were supposed to be, that we know. Well, we do not. It is time we fix that right away.

I also want to comment on the role of the Mexican government, the Mexicans, and the commerce.

As I mentioned, we started this process through the parliament groups. Both sides of the border are interested in fixing this. We know the importance. The Massachusetts Chamber of Commerce leader said that $1.4 billion in trade in that community of 80,000 people.

Fourteen percent of the people who work in the area work for a Canadian-owned company. I have multiple Canadian-owned companies in Fort Wayne, which is 140 miles from the Windsor-Detroit border. We have become totally interconnected in big cities, and in Michigan, Texas, Arizona, far more than Indiana. We all know there needs to be
We are working on an antiterrorism law and are working on their immigration laws, but they have different traditions and we have to work through it. If we are going to have accelerated border checks, background checks, fast passes, they need to understand they are going to have to make changes in their countries just like we are, because the American people as well as the people in their countries are not going to tolerate living in fear of nuts. I want to also talk tonight in addition to the terrorism on the border, a little bit about our anti-narcotics efforts. In our subcommittee, we have oversight of narcotics. It is a lot like terrorism. We are going to learn how difficult it is to fight terrorism, because if Members think the drug war was hard, the antiterrorism war is going to be even harder because there are fewer people and they have more targets. At least in drugs we know the networks and know where it is coming from.

Number one, it is coming from Colombia, the heroin and cocaine. It is then coming either through the Caribbean corridor or the Pacific corridor or by air. Sometimes when we put the pressure on the Caribbean, it moves to the Pacific. When we put pressure on the Pacific, it moves to the Caribbean.

It used to be all through the Andean region, but Bolivia got most of theirs eradicated. We need to make sure that stays firm. In Peru, they got most eradicated but it is coming back. It has moved to Colombia. Chances are overwhelming, about 90-some percent, if you have heroin in your community, as every community basically does, if you have cocaine in your community, as every community basically does, it is coming from Colombia. We know where it is at. We have to get it there. The war in that country. We have had a big controversy in this Congress about the so-called Plan Colombia. We passed over $1 billion, and if I have heard it once, I have heard it 50 times on this floor when we debated the Andean initiative this year, how can we keep pouring money into Colombia. Plan Colombia did not work.

As we heard in our drug task force today from Rand Beers who heads international narcotics for the State Department, we are going to have to recall this from memory because I do not have it written down, but of the Blackhawks that we put in our package, four arrived in September, two for the CNP and two for the military, and six more will arrive by the end of the year.

Of the Huey helicopters that we had in the budget, they are arriving in January. In other words, how can Plan Colombia fail when it is not there yet? I am tired of hearing how Plan Colombia failed. When we budget for a helicopter, we do not just pull it out of a Wal-Mart. We have to build it. There is a backlog of orders because we do not have right now as big a military establishment as we have had before. It takes a while to get the helicopters built, and the new Huey IIs, we do not just all of a sudden ramp up an assembly line like G.I. Joe. These are real helicopters which are complicated. It takes a while to get there.

We do not know whether Plan Colombia does not work. We will know more in 6 to 12 months. What we know is the Colombians were bravely fighting a battle, and we had aid there, but not the size of the aid we are talking about.

If we are successful in putting pressure on Colombia, we know the pattern. They are going to move to Ecuador, move to Bolivia, move to Peru, and forth. Sometimes when we put pressure on the Caribbean, it moves to the Pacific. When we put pressure on the Pacific, it moves to the Caribbean.

Now, I want to also talk tonight about the Andean initiative this year. How can we keep pouring money into this Congress about the so-called Plan Colombia because if this process works in Colombia, it is going to move as it always does.

People say if you legalize drugs in the United States it is going to go help the making of living, there is all this money are going to say, right, I am going to go broke now. No, they are going to step people up to other things. We are not going to legalize cocaine and heroin, even if we legalize marijuana, which would be a huge mistake.

So it is important now. We are having a big debate in Congress. We understand if we cut back the Andean initiative, that the net result of this is going to be more terror and violence in our country. We are going to hear in our hearings from mothers whose husbands were whacked out on drugs and came home and beat them
and their kids, or used up all their money for health care and for education to fuel their drug habits; or as I have talked to former and current drug addicts, when they need money, they just go out and rob somebody, mug them, or kill them if necessary to get the money.

We visited juvenile detention centers and had some young guys tell us, one of them had killed somebody when he was stealing his car to fund his drug habit. The question was, why did you kill him? He said, what does it matter? I will be dead by the time I am 25, anyway.

So when we look at that, it is a tough thing. If we cannot get it in the source countries, then it moves out into the Pacific and the Caribbean. Then we come back to the border question I was talking about before. Once it gets to the border, it is like looking for a needle in a haystack in a city.

We dare not cut back the Andean initiative because that is where we have already cut it back. I know there are many money pressures, but we have to simultaneously say if we are going to go after terrorism, we are not going to go after terrorism at cutting back on illegal drugs.

Alcohol and illegal drugs account for, in every district, every city in this country, 70 percent to 85 percent of all crime, including child abuse and domestic violence. If we are going to get at other wars in the society, we have to get rid of the enablers.

Let me talk a little further about a couple of other things. The DEA has finally started to crack down on some of the medicinal marijuana problems. We have had a huge problem in this country with so-called medicinal marijuana. There is nothing medicinal about marijuana. Lots of poisonous things have some good ingredients in them.

There is no medicinal marijuana. There are components inside marijuana, as there are in arsenic and other things, that are healthy. But in California, this has become a way, for example, they got into one housing addition where it looked from the air like it was a housing addition, but they were all fake homes growing quantities of marijuana.

In my home State of Indiana, where they have what is more commonly called cannabis, they have now been bringing in BC Bud and mixing it with Indiana ditchweed. Indiana has become the fifth largest exporter in the United States of marijuana, and it is shipping to the east and west coast mixed with this BC Bud, and we are talking about in Indiana a raid just like in Colombia.

They plant it in the corn and it is not even necessarily that the farmer knows it is there. They plant the marijuana inside the corn. It is hidden under there. You have to catch it with different sneaking methods from the air or ocean, or from tips. It is extraordinary how wishy-washy some of our leaders back here are. And my favorite chart that I do not have with me tonight showed directly that in 1992 to 1994, with the combination of the signals we sent from our top down of "I did not inhale," and joking about it, to the movies, to the music, and then, combined with the drug war, in source country interdiction in the drug budgets from 1992 to 1994, the drug use in the United States soared at such a level that to get back to that in 2001, we have to have a 50 percent reduction in all drug use and we are talking back to where it was when President Clinton first took office in 1992, a 50 percent reduction.

A 50 percent reduction. That is how bad it was. And it was directly correlated. In 2 years it soared that much. And what we saw was the purity soar. We saw the price go down, and we saw the use go up. In 1995 and 1996 it started to stabilize. In the last years of the Clinton administration with General McCaffrey as drug czar we started to make progress again; but we have challenges.

I want to read from The New York Times Magazine from this past weekend about a man named Adam Sorkin, who is the key person behind "West Wing," and I am just going to read out of this magazine. As you may know he was busted again. This article talks about how he has a drug habit. It also shows the problem with our drug treatment program because he has been through a treatment program, and he is cynical about ever being cured; yet they keep saying he is cured.

Quote: "While Sorkin seems to derive a very similar kind of relief from writing hyper-articulate dialogue and from inhaling crack, he keeps his two worlds separate. That is not to say he never writes about drugs. His teleplays are sprinkled with roach clips and bong pipes and all the references are slyly appreciative. Five weeks into the West Wing pilot this year, a high-priced call girl with whom he will soon become appreciative for her intelligence and strength of character, greets the day by lighting up a joint and saying, 'It is not like I am a drug person. I just love pot.'"

"We in Congress can work and work at it, but if we have the producers of "West Wing" and other people, "West Wing," by the way, is a tired, formerly creative TV show, that is basically trying to rehash what former President Clinton was facing in the crises that they can develop each week; and it is starting to become old, but it is entertaining in many ways. But it is also here from the producer bragging about working in pro-drug statements.

What kind of example is this? How are we supposed to fight it on the one hand when our TV producers glamorize drug use on television. Then we wonder why we are failing the drug war when people tell all it medicine, when TV producers glamorize it.

Furthermore, to quote an article this week in the Washington Post, which is something we have been talking to the South American and Central American countries about, our drug habits because of irresponsible leaders in the media and in political offices and people in the TV industry, because of our usage, they now have produced such a demand that in these countries the use is increasing and doubling in many of these countries.

This article this week in the Washington Post, which I would ask to be inserted in the Record, says "Mexico finds drug abuse is now its problem too."

Let me read from one of the paragraphs: "Mexico used to think that people like this Arellano were an American nightmare. By Mexico's reckoning, Americans were the ones using drugs. And their insatiable demand was the reason that violent cartels, which continue to conduct daily assassinations on the border, existed here. Places like Tijuana, where people used to drown themselves because coke-heads from Malibu to Maine could not get enough, it was said. But that is changing fast. Mexico is not now the only major transit point for drugs shipped into the United States. It has a growing demand problem of its own."

[From the Washington Post, Oct. 31, 2001]

MEXICO FINDS DRUG ABUSE IS NOW ITS PROBLEM, TOO

Tijuana Streets Team with Addicted Youths (By Mary Jordan)

TIJUANA, MEXICO.—Berencice Arellano Gil celebrated her 29th birthday by doing what she does most days: She slipped $3 into another addict's hand on a downtown street corner and bought a two-inch vial filled with crack cocaine.

"I feel like a dog running wild on the freeway, not knowing if I am going to make it off the road alive," she said, cupping her hands around the smoking white powder and inhaling deeply, letting the crack fill her lungs and surge into her bloodstream.

She opened her glassy eyes, looked toward the United States, beyond a metal fence a few yards away, and her story tumbled out. She had a good life once in Los Angeles, in- stalleding carpet for $10 an hour, but she got caught and deported and despair led to crack, and at least now she has cut back and is spending only $10 a day on her habit instead of the $100 she used to waste, and she hates her job making $5 a day working in a restaurant but will never, never, never again have sex with a stranger, to make a few bucks for crack, and you just can't believe how hard it is to get unhooked.

"It's my birthday, you know," she said. "I used to think that most people like Arellano were an American nightmare. By Mexico's reckoning, Americans were the ones using the drugs, and their insatiable demand was the reason that violent cartels—which continue to conduct daily assassinations on the border—existed here. Places like Tijuana, where people didn't even use drugs, were suffering because cokeheads from Malibu to Maine couldn't get enough, it was said.

But that is changing fast. Mexico is now not only the major transit point for drugs shipped into the United States, it has a growing demand problem of its own."

[From the Washington Post, Oct. 31, 2001]
This gritty city of 1.2 million is Mexico’s drug-use capital. Between 1993 and 1998, government surveys found a five-fold increase in the number of people saying they had used drugs. People are afraid of what people will do when they are high on crack and crystal meth.” He said poor addicts are most visible because they often use drugs in the street. But he said middle-class children are taking them, too—in homes and disco at parties, out of their public eye.

The increasing drug use is generally traced to a change in the practices of Mexican traffickers who ship drugs into the United States. In the mid-1990s, according to Mexican law enforcement officials, the traffickers started paying local employees—who also handled such jobs as fueling planes and renting warehousing—in drugs. Those people needed to create their own market, and they began selling drugs in their hometowns.

At the same time, the price of cocaine and other drugs has fallen. Drugs used to be handled as cargo on airplanes and ships. Today, they are handled as cargo in trucks. They said the most popular drug is the cheapest: crystal methamphetamine, or “ice,” a synthetic drug that goes for $1 to $2 a hit.

Some Mexican law enforcement officials say the problem has become far worse since the Sept. 11 terror attacks in the United States. U.S. border security has sharply increased, making it harder for the cartel to move their cocaine, marijuana and heroin across the border. That has led to concerns that the backlog is being dumped in Mexican towns, where youths have a growing appetite for drugs.

U.S. law enforcement officials say they doubt the border security has curtailed drug trafficking. They note that U.S. street prices for drugs have not risen, a sign of steady supply.

But Pedro Jose Penalvo, who oversees crime prevention efforts in Mexico’s attorney general’s office, recently said that “the consumption in the entire country has risen alarmingly since the Sept. 11 attacks.” He said the “sealing of the northern border by the United States” has led traffickers to focus in the south, on imports of cocaine from Colombia and drugs normally destined for the United States and flood the market in Mexico.

In Mexico, drug consumption is seen largely as a health problem and is rarely prosecuted. In most places it is not a crime to consume small amounts. But despite concern over health, anti-drug efforts have had little effect.

Two people who have been treated in such centers said in interviews that techniques there include dousing addicts with ice-cold water, beating them and chaining them to make them think they have frozen. Tijuana newspapers recently ran photos of teenage addicts chained down in one of the centers. The youths had been placed there with the permission of their parents, who said they didn’t know where else to turn.

Such techniques are “not uncommon” in the private centers, said Enrique Durantes, a psychologist who heads Tijuana’s drug prevention program in the city’s health ministry. “We are totally against this method.”

He said more federal funding is desperately needed to open centers that use accepted treatment techniques. Last year the federal government issued national regulations and guidelines for drug rehabilitation centers, but officials said there has been little effort to enforce them.

“The government is leaving in the hands of private groups the process of rehabilitation,” said Clark Alfaro. “They are closing their eyes to human rights violations that occur there.”

Arellano, the crack addict, said she would not enter a private rehabilitation center. “They are horrible. It’s not like you have in the States. No, no, never, never, will I go into one of those places. I must try to get unhooked myself.”

A recent tour of open-air drug markets in Tijuana found many people inhaling crystal meth or sniffing heroin.

Most of the users were in their twenties. One man sat on the curb on Ninos Heroes Street, the hood of a parka pulled over his face on a day when the temperature was near 80 degrees, a vial of crack supped in his hands.

A half-block away, Manuel Lopez, 32, slouched against an abandoned house, high on a mixture of crystal meth and crack. He said he was a “speedball.” He was too incoherent to speak. Another man in much the same condition wandered into traffic on Interstate Highway, nearly getting run over before his friends pulled him back.

Police in Tijuana have long been connected to major drug traffickers. Now those corrupt links extend to street-corner drug dealers, who say that association has created new bribery patterns.

Money paid to the police by drug cartels is often called “piled.” High-ranking police officers decide how big the bribe should be, and how it should be distributed within the ranks. But now cops on the street are taking “express” bribes to sell drugs, often selling meth, which costs a $5 to $10, depending on quality, according to local drug users. That is for as little as $2 special on some of this potency. We have a huge problem in the United States. We do not just have problems with anthrax, which is scary. We have people overdosing, terrorizing their neighborhoods every day because of illegal narcotics.

The ranking member of the subcommittee from Maryland (Mr. CUMMINGS) has said it well. We are already under chemical attack. The chemical attack is illegal narcotics. The way we address trying to protect our borders from the terrorists, from chemical attacks, from drugs, is the way we address these things and we are not doing that.

Just the other night there was a “Dateline” special on some of this potency. We have a huge problem in the United States. We do not just have problems with anthrax, which is scary. We have people overdosing, terrorizing their neighborhoods every day because of illegal narcotics.

The way we address trying to protect our borders from the terrorists, from chemical attacks, from drugs, is the way we address these things and we are not doing that.

We are working in multiple ways. This week in the committees alone we have done the postal. We did the student tracking. We have done field hearings at the border. We did airport security tonight. We are doing the best we can to try to address it. We cannot stop every terrorist. We cannot stop every illegal drug. But we will do the best we can and with the cooperation; and the support of people in their home neighborhoods we in fact can make progress. We will never eliminate sin in America; but if we work together, we certainly can limit it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Brown of Ohio) to revise
and extend their remarks and include extraneous material: 

Mr. PALLONE, for 5 minutes, today. 

Ms. MCKINNEY, for 5 minutes, today. 

Ms. NORTON, for 5 minutes, today. 

Mr. BROWN of Ohio, for 5 minutes, today. 

Mr. STUPAK, for 5 minutes, today. 

Mr. ABERCROMBIE, for 5 minutes, today. 

(The following Members (at the request of Mr. FERGUSON) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today. 

Mr. HULSHOF, for 5 minutes, November 6. 

Mr. BURTON of Indiana, for 5 minutes, today. 

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn. 

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes p.m.) under its previous order, the House adjourned until Monday, November 5, 2001, at 2 p.m. 

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows: 

4460. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule—Resolution Funding Corporation Operations (RIN: 1556-AS99) received October 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services. 


4471. A letter from the Director, OSHA Directorate of Safety Standards, Department of Labor, transmitting the Department's final rule—Occupational Injury and Illness Recording and Reporting Requirements (Docket No. R-02A) (RIN: 1218-AC00) received October 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce. 

4472. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling: Health Claims; Plant Sterol/Stanols and Coronary Heart Disease (Docket Nos. 00P-1275 and 00P-1276) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4473. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Substance Abuse and Mental Health Services Administration Mental Health and Substance Abuse Emergency Response Center (RIN: 0416-AC08) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4474. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Operation of a Public Alley in Square 2140, S.O. 99-228, Act of 2001 received November 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4475. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promotion of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of Effective Date and Extension of Comment Period (RIN: 2050-AE86) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 


4477. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; State of Maine (ME-063-7012a-A1-FFL-7085-5) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4478. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promotion of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of Effective Date and Extension of Comment Period (RIN: 2050-AE86) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4479. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promotion of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of Effective Date and Extension of Comment Period (RIN: 2050-AE86) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4480. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promotion of Implementation Plans; New York Ozone State Implementation Plan Revision; Delay of Effective Date and Extension of Comment Period (RIN: 2050-AE86) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4481. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities; and Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Non-attainment Area; and Approval of Miscellaneous Revisions (PA-175-4179; FRL-7077-6) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 


4484. A letter from the Chairman, Council of the District of Columbia, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform. 

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4486. A letter from the Chairman, Council of the District of Columbia, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform. 

4487. A letter from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting a report on the Federal Activities Inventory Reform Act; to the Committee on Government Reform. 

4488. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities; and Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Non-attainment Area; and Approval of Miscellaneous Revisions (PA-175-4179; FRL-7077-6) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4489. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities; and Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Non-attainment Area; and Approval of Miscellaneous Revisions (PA-175-4179; FRL-7077-6) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4490. A letter from the Acting Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of Offshore Oil and Gas Facilities; and Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of Pittsburgh-Beaver Valley Ozone Non-attainment Area; and Approval of Miscellaneous Revisions (PA-175-4179; FRL-7077-6) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 

4491. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (RIN: 3150-AG77) received October 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce. 


4494. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-156, “Cooperative Pur-
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. BERMAN):
H.R. 3204. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. GRAVES, Mr. BERMAN, and Mr. CANNON):
H.R. 3205. A bill to enhance the border security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA:
H.R. 3206. A bill to authorize the Government National Mortgage Association to guaranty loans backed by certain conventional mortgages; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CAPUANO, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. COLE, Mr. DELAHUNT, Mr. ENGEL, Ms. ESHO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLIFIELD of Rhode Island, Mr. KLECKA, Mr. KIRK, Mr. CLAY, Mr. LANTOS, Ms. LEE, Mrs. MCCARTHY of New York, Ms. MCCULLOCH, Mr. KENNEDY of Massachusetts, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Ms. NADLER, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. RUSH, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):
H.R. 3206. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the magazine from being loaded while the magazine is not attached; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mr. DOOLEY of California):
H.R. 3208. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to improve water yield and environmental benefits, as well as improved water system reliability, water quality, water management, water transfer, and levee protection; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. SENSENIBRNER, Mr. CONYERS, Mr. WOLF, Mr. SCOTT, and Mr. FURGUSON):
H.R. 3209. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. OXLEY (for himself, Mr. BAKER, Mrs. ROUKEMA, Mr. BACHUS, Mrs. MILLER of Alaska, Mr. ROYCE, Mr. MALONEY of Connecticut, Mr. LUCAS of Oklahoma, Mr. POMEROY, Mr. NEY, Mr. BARR of Georgia, Mr. GILLMOR, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. RILEY, Mr. JONES of North Carolina, Mr. OSE, Mrs. BIDGENT, Mr. GREEN of Wisconsin, Mr. SHAYS, Mr. SHADEGG, Mr. FORSELLA, Mr. GARY G. MILLER of California, Mr. CANTOR, Mr. GRUCCI, Mr. FERGUSON, Mr. ROGERS of Michigan, Mr. TUREN, Mr. FOLEY, and Mr. ISSA):
H.R. 3210. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:
H.R. 3206. A bill to authorize the Government National Mortgage Association to guaranty loans backed by certain conventional mortgages; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. CAPUANO, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. COLE, Mr. DELAHUNT, Mr. ENGEL, Ms. ESHO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. HOEFFEL, Mr. HOLIFIELD of Rhode Island, Mr. KLECKA, Mr. KIRK, Mr. CLAY, Mr. LANTOS, Ms. LEE, Mrs. MCCARTHY of New York, Ms. MCCULLOCH, Mr. KENNEDY of Massachusetts, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Ms. NADLER, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. RUSH, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):
H.R. 3206. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the magazine from being loaded while the magazine is not attached; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Mr. DOOLEY of California):
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H.R. 3209. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. OXLEY (for himself, Mr. BAKER, Mrs. ROUKEMA, Mr. BACHUS, Mrs. MILLER of Alaska, Mr. ROYCE, Mr. MALONEY of Connecticut, Mr. LUCAS of Oklahoma, Mr. POMEROY, Mr. NEY, Mr. BARR of Georgia, Mr. GILLMOR, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. RILEY, Mr. JONES of North Carolina, Mr. OSE, Mrs. BIDGENT, Mr. GREEN of Wisconsin, Mr. SHAYS, Mr. SHADEGG, Mr. FORSELLA, Mr. GARY G. MILLER of California, Mr. CANTOR, Mr. GRUCCI, Mr. FERGUSON, Mr. ROGERS of Michigan, Mr. TUREN, Mr. FOLEY, and Mr. ISSA):
H.R. 3210. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA:
H.R. 3206. A bill to authorize the Government National Mortgage Association to guaranty loans backed by certain conventional mortgages; to the Committee on Financial Services.
facilities and renovating existing facilities of such Centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:
H.R. 3224. To direct the Secretary of Agriculture to conduct a program to improve cooperation and eliminate duplication in the area of food safety inspection, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, to the Committee on the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROUKEMA:
H.R. 3221. A bill to establish a temporary moratorium on the issuance of visas for nonimmigrant foreign students and other exchange program participants and to improve reporting requirements for universities under the foreign student monitoring program; to the Committee on the Judiciary.

By Mr. TANCREDO:
H.R. 3222. A bill to limit the number of H-1B nonimmigrant visas issued in any fiscal year; to the Committee on the Judiciary.

By Mr. UDAAL of New Mexico (for himself, Mrs. WILSON, Mr. KILDNER, Mr. YOUNG of Alaska, Mr. SKEEN, Mr. KENNEDY of Rhode Island, Mr. HAYWORTH, Mr. GREGG MILLER of California, and Mr. THOMPSON of California):
H.R. 3223. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct the Jicarilla Apache Nation Municipal Water Delivery and Wastewater Collection Systems in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. SKEEN, and Mr. GIBBONS):
H.R. 3225. A bill to express the sense of the Congress that a uniform standard for declaring relief efforts undertaken by charitable organizations as follows:

By Mr. DARLES, Mrs. NAPOLITANO, Mr. KILDEE, Mr. WICKER.

By Mr. LEWIS of Kentucky, Mr. FLETCHER, Mr. McGOVERN, Mr. BAKER, Mr. HUNTER.

By Ms. BROWN of Florida, Mr. KIRK.

By Mr. JOHNSON of Georgia, Mr. DINGELL, Mr. PFEIFFER, and Mr. OWENS.

By Mr. JOHNSON of Connecticut, Mr. ROGERS of Michigan, Mr. PRICE of North Carolina, Mr. LANTOS, Mr. QUINN, and Mr. BISHOP.

By Mr. CAPUANO and Mr. OWENS.

By Mr. RIVERS.

By Mr. THOMPSON of California, Mr. WATSON, Mr. STENHOLM.

By Mr. RODRIGUEZ.

By Mr. NEY.

By Mr. STENHOLM.

By Mr. KING, Mr. SHERMAN, and Mrs. ROYBAL-ALLARD.

By Mr. COOK.

By Mr. CROWLEY.

By Mr. LOBIONDO.

By Mrs. LOWRY, Mr. TIBERI, Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.

By Ms. NORTON and Mr. CROWLEY.

By Mr. ROGERS of Michigan, Mr. PRICE of North Carolina, Mr. KERN, Mr. FRALEY, and Mr. OWENS.

By Mr. ESHOO and Mr. LEWIS of California.

By Mr. CARSTEN and Mr. LANG.

By Mr. R. BAKER, Mr. PAYNE, Mr. ROBBINS, and Mr. HAYWORTH.

By Mr. BRUSS and Mr. BRICKER.

By Mr. HUNTER, Mr. SMITH of North Carolina, Mr. SMITH of West Virginia, Mr. PAYNE, and Mr. HAYWORTH.

By Mr. PRICE of Georgia, Mr. JOHNSON of Georgia, Mr. ABERCORN, Mr. PAYNE, Mr. BRADLEY, Mr. RISE and Mr. BAKER.

By Mr. ROGERS of Texas, Mr. HAYWORTH, Mr. KENNEDY of California, Mr. BRUSS, Mr. BRICKER, and Mr. WICKER.

By Mr. PRICE of North Carolina.

By Ms. LEE, Mr. BRAMAN.

By Mr. BRUN.

By Mr. DICK.

By Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.

By Mr. CROWLEY.

By Ms. CAPPS, Mr. LUTHER, and Mr. STUPAK.

By Mr. CALVET and Mr. OSBORNE.

By Mr. KELLER.

By Mr. BURTON of Indiana, Mr. SHERMAN, Mr. WELCH, Mr. OBERSTAR, Ms. VELAZQUEZ, Mr. ENGLE, Mr. JONES of North Carolina, Mr. BLAGOJEVICH, Mr. MCCARTHY of Wisconsin, Mr. PARKER, Mr. BERKLEY, Mr. MASCARA, Mr. CHAFFEY.

By Mr. HUNTER, Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.

By Mr. WATSON of Florida.

By Mr. BURTON of Indiana, Mr. SHERMAN, Mr. WELCH, Mr. OBERSTAR, Ms. VELAZQUEZ, Mr. ENGLE, Mr. JONES of North Carolina, Mr. BLAGOJEVICH, Mr. MCCARTHY of Wisconsin, Mr. PARKER, Mr. BERKLEY, Mr. MASCARA, Mr. CHAFFEY.

By Ms. NORTON and Mr. CROWLEY.

By Mr. ROGERS of Michigan, Mr. PRICE of North Carolina, Mr. KERN, Mr. FRALEY, and Mr. OWENS.

By Mr. ESHOO and Mr. LEWIS of California.

By Mr. CARSTEN and Mr. LANG.

By Mr. HUNTER, Mr. SMITH of North Carolina, Mr. SMITH of West Virginia, Mr. PAYNE, and Mr. HAYWORTH.

By Mr. ROGERS of Texas, Mr. HAYWORTH, Mr. KENNEDY of California, Mr. BRUSS, Mr. BRICKER, and Mr. WICKER.

By Mr. PRICE of North Carolina.

By Ms. LEE, Mr. BRAMAN.

By Mr. BRUN.

By Mr. DICK.

By Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.

By Mr. BURTON of Indiana, Mr. SHERMAN, Mr. WELCH, Mr. OBERSTAR, Ms. VELAZQUEZ, Mr. ENGLE, Mr. JONES of North Carolina, Mr. BLAGOJEVICH, Mr. MCCARTHY of Wisconsin, Mr. PARKER, Mr. BERKLEY, Mr. MASCARA, Mr. CHAFFEY.

By Mr. HUNTER, Mr. KENNEDY of Rhode Island, and Mr. ISAKSON.
H.R. 3131: Mr. Johnson, Mr. Price of North Carolina, Mr. Lantos, and Ms. Solis.
H.R. 3161: Mrs. Davis of California, Ms. Rivers, and Mr. Boshwell.
H.R. 3181: Mr. Deal of Georgia, Mr. Stump, and Mr. Goode.
H.R. 3188: Mr. Becerra and Mr. Lewis of Georgia.
H.R. 3194: Mr. Bonior, Mr. Crowley, Mr. Moore, Mr. Gonzalez, Mr. Brown of Ohio, Mr. Israel, Mr. Davis of Illinois, Mr. Ford, Mr. Pastur, Mr. Udall of New Mexico, Mr. Evans, Mr. Hoyer, Mr. Kind, Mr. McIntyre, Mr. Holden, Ms. McCollum, Mr. Pascrell, Mr. Kleczka, Mr. Doyle, Mr. Baird, Mr. Larson of Connecticut, Mr. Hastings of Florida, Mr. Baldacci, Mr. Langevin, Mr. Rahall, Ms. Kaptur, Mr. Borski, Mr. Holt, Mr. Mascara, Mr. McDermott, Ms. DeLauro, Mr. Conyers, Mr. Frank, Mr. Neal of Massachusetts, Mr. Oliver, Ms. Schakowsky, Mr. Maloney of Connecticut, Mr. Inlple, Ms. Hooley of Oregon, Mrs. Thurman, Mr. Brady of Pennsylvania, Mr. Clement, Mr. Taylor of Mississippi, Ms. Lofgren, Ms. Berkley, Mr. Rodriguez, Mr. Edwards, Mr. Green of Texas, Mr. Gutiérrez, Mr. Blumenauer, Mr. Meeke of New York, Ms. Show, Mr. Ackerman, Mr. Watt of North Carolina, Ms. Lynch, Mr. Bentsen, Ms. Lee, Mr. Cummings, Mr. Hoeffel, Mr. Kaptorski, Mr. Sandlin, Mr. Visclosky, Mr. Berry, Mr. Moran of Virginia, Mr. Reyes, Mr. Osh, Mr. King, Mr. John, Mrs. Meek of Florida, Mr. Sawyer, Mr. Allen, and Mr. Shays.
H.J. Res. 67: Mr. Holt, Mr. Matsen, Mr. Smith of Washington, Mr. Leach, Mr. Ryan of Wisconsin, Mr. Simmons, Mr. Abercrombie, Mr. Weiner, Mr. Capuano, Mr. Hooley of Oregon, Mr. Shows, Mr. Udall of Colorado, Mr. Munth, Mr. Brown of Ohio, Mr. Stupak, Mr. Farr of California, Ms. Pelosi, Mr. Waxman, Ms. Eshoo, Ms. Waters, Mr. Peterson of Minnesota, Mr. Langevin, Mr. Bents, Mr. Fattah, Mr. Hoeffel, Ms. Hart, and Mr. Udall of New Mexico.
H. Con. Res. 26: Mr. Doyle.
H. Con. Res. 220: Mr. Stump.
H. Con. Res. 242: Mr. Berman, Ms. McCarthy of Missouri, Ms. Kaptur, Mr. Gilman, Ms. DeLauro, Mr. Putnam, Mr. Oxley, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. Bereuter, Mr. Galligher, Mr. Chabot, Mr. Ackerman, Mr. Ballenger, Mr. Markley, Mr. Hoeffel, Ms. Pelosi, Ms. Berkley, Mr. Payne, Mr. Hilliard, Ms. Lee, Mr. Wexler, Mrs. Napolitano, Mr. Leach, and Mr. Royce.
H. Con. Res. 249: Mr. Towns, Mr. Meeks of New York, Mr. Engle, Ms. Slaughter, Mr. Wynn, Mr. Serrano, and Mr. Nadler.
H. Con. Res. 254: Mr. Doyle, Mr. Peterson of Pennsylvania, Ms. Hart, Mr. English, Mr. Shuster, Mr. Sherman, and Mr. Platts.
H. Con. Res. 256: Mr. Visclosky and Mr. Doyle.
H. Res. 98: Mr. Lantos and Mr. Owens.
H. Res. 224: Mr. Menendez.
H. Res. 235: Mr. Engel and Mr. Owens.
H. Res. 243: Mr. Souder.
H. Res. 255: Mr. Bentsen, Mr. DeFazio, Mr. Frank, Mrs. Lowry, Mr. Osborn, Ms. Rivers, Mr. Rothman, and Mr. Terry.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H.R. 981: Mr. Callahan, Mr. Kolbe, Ms. Northup, Mr. Skiew, Mr. LaHood, and Mr. Goode.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

DOD APPROPRIATIONS BILL
OFFERED BY: Mr. Filner

AMENDMENT No. 3: In title X (the emergency supplemental provisions), in the item relating to “DEPARTMENT OF JUSTICE—IMMIGRATION AND NATURALIZATION SERVICE—SALARIES AND EXPENSES”, insert before the period at the end the following:

: Provided, That, of the amount provided under this heading, $20,000,000 shall be for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs and to maintain the maximum number of border inspection lanes open while providing the maximum amount of security for the United States.
HIGHLIGHTS

See Résumé of Congressional Activity.


The House agreed to the conference report on H.R. 2647, Legislative Branch Appropriations.

The House agreed to the conference report on H.R. 2311, Energy and Water Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11299–S11398

Measures Introduced: Nineteen bills and two resolutions were introduced, as follows: S. 1609–1627, and S. Res. 175–176.

Measures Reported:

S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, with amendments. (S. Rept. No. 107–92)

Measures Passed:

Honoring Penn State Coach Joe Paterno: Senate agreed to S. Res. 175, honoring Penn State football coach Joe Paterno.

Labor/HHS/Education Appropriations Act: Senate continued consideration of H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto:

Adopted:

By 81 yeas to 19 nays (Vote No. 317), Landrieu Amendment No. 2058, to redistribute certain funds under title I of the Elementary and Secondary Education Act of 1965.

Inhofe Amendment No. 2018, to amend the funding levels for certain activities under the Impact Aid program under the Elementary and Secondary Education Act of 1965.

Reid (for Bingaman/Domenici) Amendment No. 2062, to provide for an election of an annuity under section 377 of title 28, United States Code, for any qualified magistrate judge.

Reid (for Sessions/Helms) Amendment No. 2063, to require the Inspector General of the Department of Health and Human Services to audit all Federal amounts allocated for AIDS prevention programs and to report to Congress concerning programs offering sexually explicit workshops using any of such amounts.

Reid (for Sessions) Amendment No. 2064, to provide for a study and report regarding Federal student loan disbursements to students attending foreign schools.

Reid (for Brownback/Roberts) Amendment No. 2065, to provide clarifying language regarding Section 134 of H.R. 2217, with respect to Indian gaming industry.

Reid (for Clinton) Amendment No. 2066, to provide funding for services for children relating to crises.

Reid (for Torricelli) Amendment No. 2067, to express the sense of the Senate concerning the provisions of assistance for airport career centers to enable such centers to serve workers in the airline and related industries who have been dislocated as a result
of the September 11, 2001 attack on the World Trade Center.

Reid (for Torricelli) Amendment No. 2068, to express the sense of the Senate concerning assistance for individuals with disabilities who require vocational rehabilitation services as a result of the September 11, 2001 attack on the World Trade Center.

Reid (for Torricelli) Amendment No. 2069, to express the sense of the Senate regarding reimbursement of certain hospitals testing and treating individuals for exposure to anthrax.

Reid (for Torricelli) Amendment No. 2070, to express the sense of the Senate regarding lead poisoning screenings and treatments under the Medicaid program.

Reid (for Torricelli) Amendment No. 2071, to express the sense of the Senate that States should be authorized to use SCHIP funds for lead poisoning screenings and treatments.

Reid (for Torricelli) Amendment No. 2072, to express the sense of the Senate that the Secretary of Health and Human Services should establish a bonus program for improvement of childhood lead screening rates.

Subsequently, the amendment was modified.

Reid (for Specter) Amendment No. 2073, to strike provisions regarding allowable use of federal funds for stem cell research.

Harkin (for Miller) Amendment No. 2076, to provide current year funding for the National Skills Standards Board.

Harkin Amendment No. 2077, to provide for administrative expenses reduction from departmental management for the Department of Labor, Department of Health and Human Services, and the Department of Education.

Harkin (for Feingold) Amendment No. 2078, to provide for increased funding for automatic external defibrillators in rural communities, offset by administrative cost reductions.

Harkin (for Graham) Amendment No. 2079, to provide additional funding to carry out the Ecstasy Anti-Proliferation Act of 2000.

Harkin (for DeWine/Rockefeller) Amendment No. 2080, to increase the appropriation for the Promoting Safe and Stable Families program.

Harkin (for Landrieu) Amendment No. 2081, to increase the appropriation for the Close Up Fellowship Program.

Harkin (for Clinton) Amendment No. 2082, to make funding available under title V of the Public Health Service Act for mental health providers serving public safety workers affected by the terrorist attacks of September 11, 2001.

Harkin (for Hatch/Reid/Domenici) Amendment No. 2083, to provide funding for cancer prevention and screening programs under the Radiation Exposure Compensation Act Amendments of 2000.

Harkin (for Bingaman) Amendment No. 2084, to provide funding for Hispanic education programs.

Harkin (for Smith (NH)) Amendment No. 2085, to express the sense of the Senate concerning research on, and services for individuals with, post-abortion depression and psychosis.

Harkin (for Lieberman) Amendment No. 2086, to amend the Public Health Service Act to provide a short title for a children’s traumatic stress program.

Harkin Amendment No. 2087, to modify the calculation of State expenditures for eligible States under title IV of the Higher Education Act of 1965.

Rejected:

By 46 yeas to 54 nays (Vote No. 316), Gregg/DeWine Amendment No. 2056, to provide funding for targeted grants under the Elementary and Secondary Education Act of 1965.

By 40 yeas to 59 nays (Vote No. 318), Huchinson/Nickles Amendment No. 2074, to prohibit the use of funds under the National Labor Relations Act for the finding of unfair labor practices relating to certain no-solicitation or no-access rules.

Kyl Amendment No. 2075, to provide that the Federal government give priority to Indian, Military and Impact Aid schools when it allocates funds for school renovation and repair. (By 57 yeas to 41 nays (Vote No. 319), Senate tabled the amendment.)

Pending:

Daschle Amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Gramm Modified Amendment No. 2055 (to Amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers.

Energy and Water Development Appropriations—Conference Report: By 96 yeas to 2 nays
(Vote No. 320), Senate agreed to the conference report on H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, clearing the measure for the President. Pages S11333–37, S11338–40, S11344

Legislative Branch Appropriations—Conference Report: By 83 yeas to 15 nays (Vote No. 321), Senate agreed to the conference report on H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, clearing the measure for the President. Pages S11329–33, S11344–45

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a notice stating that the emergency declared with respect to the Government of Sudan on November 3, 1997 is to continue in effect beyond November 3, 2001; to the Committee on Banking, Housing, and Urban Affairs. (PM—53) Page S11361

Transmitting, pursuant to law, the Periodic Report on the National Emergency with respect to Sudan for the period beginning May 2001 and ending October 2001; to the Committee on Banking, Housing, and Urban Affairs. (PM—54) Page S11361

Nominations Received: Senate received the following nominations:

Kenneth P. Moorefield, of Florida, to be Ambassador to the Gabonese Republic.

Frederick R. Heebe, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

David Preston York, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

John D. Ong, of Ohio, to be Ambassador to Norway.


Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador. Page S11398

Messages From the House: Page S11361

Measures Placed on Calendar: Page S11300

Executive Communications: Page S11361

Executive Reports of Committees: Pages S11361–62

Additional Cosponsors: Pages S11362–63

Statements on Introduced Bills/Resolutions: Pages S11363–90

Additional Statements: Pages S11360–61

Amendments Submitted: Pages S11390–96

Notices of Hearings/Meetings: Pages S11396–97

Authority for Committees to Meet: Page S11397

Privilege of the Floor: Page S11397

Record Votes: Six record votes were taken today. (Total—321) Pages S11315, S11329, S11344–45

Recess: Senate met at 10 a.m., and recessed at 8:09 p.m., until 10 a.m., on Friday, November 2, 2001.

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: On Wednesday, October 31, Committee ordered favorably reported S. 1519, to amend the Consolidated Farm and Rural Development Act to provide farm credit assistance for activated reservists.

Also, committee approved the credit title provisions, which will assist beginning farmers and ranchers gain greater access to federal farm lending programs, of the new federal farm bill, and announced the following subcommittee assignments:

Subcommittee on Production and Price Competitiveness: Senators Conrad (Chairman), Daschle, Baucus, Lincoln, Miller, Dayton, Roberts (Ranking Member), Helms, Cochran, Fitzgerald, and McConnell.

Subcommittee on Marketing, Inspection, and Product Promotion: Senators Baucus (Chairman), Leahy, Conrad, Lincoln, Nelson, Wellstone, Fitzgerald (Ranking Member), Helms, Cochran, Roberts, and Thomas.

Subcommittee on Forestry, Conservation, and Rural Revitalization: Senators Lincoln (Chairman), Leahy, Daschle, Baucus, Stabenow, Dayton, Crapo (Ranking Member), McConnell, Thomas, Allard, and Hutchinson.

Subcommittee on Research, Nutrition, and General Legislation: Senators Leahy (Chairman), Conrad, Miller, Stabenow, Ben Nelson, Wellstone, McConnell
(Ranking Member), Allard, Hutchinson, Crapo, and Helms.

BUSINESS MEETING
Committee on Armed Services: Committee ordered favorably reported S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, with an amendment.

DEPOSIT INSURANCE REFORM: RETIREMENT ACCOUNTS
Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions concluded oversight hearings to examine the expansion of federal deposit insurance coverage for retirement accounts, after receiving testimony from L. William Seidman, CNBC–TV, Washington, D.C., former Chairman of the Federal Deposit Insurance Corporation and the Resolution Trust Corporation; Howell E. Jackson, Harvard Law School, Cambridge, Massachusetts; and Glenn C. Dahlke, Dahlke Financial Group, Glastonbury, Connecticut.

RAIL TRANSPORTATION SAFETY
Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine certain initiatives to provide improved safety and security measures for the national rail transportation system, including related measures S. 1550 (pending on Senate calendar), and S. 1530, after receiving testimony from Senators Biden, Carper, Durbin, and Gramm; Allan Rutter, Administrator, Federal Railroad Administration, and Mark R. Dayton, Deputy Assistant Inspector General, both of the Department of Transportation; George D. Warrington, President and Chief Executive Officer, National Railroad Passenger Corporation (Amtrak); and Edward R. Hamburger, Association of American Railroads, Frank Turner, American Short Line and Regional Railroad Association, and Edward Wytkind, Transportation Trades Department (AFL–CIO), all of Washington, D.C.

NOMINATIONS
Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of R. David Paulison, of Florida, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, and the nomination of Arden Bement, Jr., of Indiana, to be Director of the National Institute of Standards and Technology, Department of Commerce, after the nominees testified and answered questions in their own behalf. Mr. Paulison was introduced by Senator Bill Nelson, and Mr. Bement was introduced by Representative Morella.

CLEAN POWER ACT
Committee on Environment and Public Works: Committee concluded hearings on S. 556, to amend the Clean Air Act to reduce emissions from electric powerplants, focusing on the bill’s impact on the environment, economy, energy supply, achievement of regulatory and statutory goals, including the National Ambient Air Quality Standards, and relevant costs and benefits, after receiving testimony from Representative Boehlert; Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, Environmental Protection Agency; Mary J. Hutzler, Acting Administrator, Energy Information Administration, Department of Energy; Michael O. Callaghan, West Virginia Department of Environmental Protection, Charleston; Kenneth A. Colburn, New Hampshire Department of Environmental Services, Concord; David Ouimette, Colorado Department of Public Health and the Environment, Denver; and Brock M. Nicholson, North Carolina Department of Environment and Natural Resources, Raleigh.

Hearings continue on Thursday, November 15.

INFRASTRUCTURE SECURITY
Committee on Environment and Public Works: Committee concluded hearings on legislative proposals to promote infrastructure security, chemical site security, and economic recovery for the city of New York, after receiving testimony from Michael D. Brown, Acting Deputy Director, Federal Emergency Management Agency; F. Joseph Moravec, Commissioner, Public Buildings Service, General Services Administration; David A. Sampson, Assistant Secretary of Commerce for Economic Development; Richard A. Meserve, Chairman, Nuclear Regulatory Commission; Herbert L. Mitchell, Associate Administrator for Disaster Assistance, Small Business Administration; and Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency.

NOMINATION
Committee on Finance: Committee ordered favorably reported the following business items:
S. 942, to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; and
The nomination of Jo Anne Barnhart, of Delaware, to be Commissioner of Social Security.
BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 721, to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, with an amendment in the nature of a substitute; and

S. 1597, to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, with an amendment in the nature of a substitute; and

S. 1094, to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer, with an amendment in the nature of a substitute.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, M. Christina Armijo, to be United States District Judge for the District of New Mexico, Karon O. Bowdre, to be United States District Judge for the Northern District of Alabama, Stephen P. Friot, to be United States District Judge for the Western District of Oklahoma, Larry R. Hicks, to be United States District Judge for the District of Nevada; and Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices, Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, Leura Garrett Canary, to be United States Attorney for the Middle District of Alabama, Paul K. Charlton, to be United States Attorney for the District of Arizona, Jeffrey Gilbert Collins, to be United States Attorney for the Eastern District of Michigan, William S. Duffey, Jr., to be United States Attorney for the Northern District of Georgia, Dunn Lampton, to be United States Attorney for the Southern District of Mississippi, Alice Howze Martin, to be United States Attorney for the Northern District of Alabama, William Walter Mercer, to be United States Attorney for the District of Montana, Thomas E. Moss, to be United States Attorney for the District of Idaho, J. Strom Thurmond, Jr., to be the United States Attorney for the District of South Carolina, Maxwell Wood, to be United States Attorney for the Middle District of Georgia, and Drew Howard Wrigley, to be United States Attorney for the District of North Dakota, all of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: On Wednesday, October 31, committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Measures Introduced: 24 public bills, H.R. 3204–3227; and 3 resolutions, H. Con. Res. 258–260, were introduced. Pages H7717–18

Reports Filed: No reports were filed today.

Journal: Agreed to the Speaker's approval of the Journal of Tuesday, Oct. 31 by a recorded vote of 380 ayes to 33 noes with 1 voting "present", Roll No. 418. Pages H7593, H7617


Agreed to H. Res. 272, the rule that waived points of order against the conference report by a yea-and-nay vote of 421 yeas to 2 nays, Roll No. 415. Pages H7596–99


H. Res. 273, the rule that waived points of order against the conference report was agreed to on Oct. 31, 2001.


By a yea-and-nay vote of 201 yeas to 227 nays, Roll No. 424, rejected the Oberstar motion that sought to recommit the bill to the Committee on Transportation and Infrastructure with instructions
to report it back forthwith with an amendment in the nature of a substitute that sought to establish the Transportation Security Enhancement Act and create the Transportation Security Administration.

Pages H7689–96

Agreed to the Young of Alaska amendment that makes various technical changes, authorizes airlines to use technologies to create a secure and expedited passenger screening process, and extends $1.5 billion authorized for airport security to 2003 by a recorded vote of 223 ayes to 202 noes, Roll No. 421.

Pages H7656–61

Rejected the Oberstar amendment No. 2 printed in H. Rept. 107–264 that sought to incorporate the text of S. 1447, to improve aviation security, as passed the Senate by a recorded vote of 214 ayes to 218 noes, Roll No. 423.

Pages H7661–89

Earlier, during debate on the Oberstar amendment, rejected the DeFazio motion that the Committee rise by a recorded vote of 11 ayes to 402 noes, Roll No. 422.

The House agreed to H. Res. 274, the rule that provided for consideration of the bill by voice vote. Earlier the House agreed to the Reynolds amendment that makes in order substitute text in lieu of Young of Alaska amendment No. 1 printed in H. Rept. 107–264 by a recorded vote of 379 ayes to 50 noes, Roll No. 420.

Pages H7681–82

Earlier agreed to order the previous question on amendment and the rule by a yea-and-nay vote of 218 yea to 207 nays, Roll No. 419. Pages H7628–29

Legislative Program: The Majority Leader announced the Legislative program for the week of Nov. 5.

Pages H7696–97

Meeting Hour—Monday, Nov. 5: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, Nov. 5, 2001 in pro forma session.

Page H7697

Meeting Hour—Tuesday, Nov. 6: Agreed that when the House adjourns on Monday, Nov. 5 it adjourn to meet at 12:30 p.m. on Tuesday, Nov. 6, 2001 for morning hour debate.

Page H7697

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Nov. 7.

Page H7697

Honoring the New Jersey State Law Enforcement Association: The House agreed to H. Res. 224, honoring the New Jersey State Law Enforcement Officers Association.

Pages H7696–99

Center for Russian Leadership Development: The Chair announced the Speaker’s appointment of Representative Cramer to the Board of Trustees of the Center for Russian Leadership Development for a term of three years.

Page H7700

Presidential Messages: Read the following messages from the President:

Continuation of the National Emergency Re Sudan: Message wherein he transmitted a notice that the Sudan emergency is to continue in effect beyond November 3, 2001—referred to the Committee on International Relations and ordered printed H. Doc. 107–140; and

Pages H7699–H7700

Six Month Periodic Report on the National Emergency Re Sudan: Message wherein he transmitted a 6 month periodic report on the National Emergency with respect to Sudan—referred to the Committee on International Relations and ordered printed H. Doc. 107–141.

Page H7700

Amendments: Amendment ordered printed pursuant to the rule appears on page H7719.


Adjournment: The House met at 10 a.m. and adjourned at 11:06 p.m.

Committee Meetings

AMERICAN WORKER—RETIREMENT SECURITY

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on Retirement Security for the American Worker: Opportunities and Challenges. Testimony was heard from William J. Scanlon, Director, Health Care Services, GAO; and public witnesses.

OSHA

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on the Role of Consensus Standard Setting Organizations With OSHA. Testimony was heard from public witnesses.

BIOTERRORISM PREPAREDNESS PROGRAMS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “A Review of Federal Bioterrorism Preparedness Programs: Building an Early Warning Public Health Surveillance System.” Testimony was heard from Claire Broome, M.D., Senior Advisor, Integrated Health Information Systems, Office of the Director, Centers for Disease Control and Prevention, Department of Health and Human Services; Anita Barry, M.D., Director, Communicable Disease Control, Public Health Service, State of Massachusetts; Arthur
M.D., Director, Communicable Disease Control, Public Health Service, State of Massachusetts; Arthur J. Davidson, M.D., Director, Public Health Informatics, Public Health Department, State of Colorado; Alan P. Zeloff, Senior Scientist, Center for National Security and Arms Control, Sandia National Laboratories; and public witnesses.

REFORMULATED GASOLINE—USE OF MTBE
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “Issues Concerning the Use of MTBE in Reformulated Gasoline: An Update.” Testimony was heard from Jeffery Holmstead, Assistant Administrator, Air and Radiation, EPA; Robert S. Kripowicz, Acting Assistant Secretary, Fossil Energy, Department of Energy; John Stephenson, Director, Natural Resources and Environment, GAO; Robert Hirsch, Associate Director, Water, U.S. Geological Survey, Department of the Interior; Denise Chamberlain, Deputy Secretary, Air, Recycling and Radiation Protection, Department of Environmental Protection, State of Pennsylvania; and public witnesses.

DOT KIDS NAME ACT
Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on H.R. 2417, Dot Kids Name Act of 2001. Testimony was heard from Nancy J. Victory, Administrator and Assistant Secretary, National Telecommunications and Information Administration, Department of Commerce; and public witnesses.

GIVING CONSUMERS CREDIT
Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “Giving Consumers Credit: How is the Credit Industry Treating its Customers?” Testimony was heard from Dolores S. Smith, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; Elaine Kolish, Assistant Director, Bureau of Consumer Protection, Division of Enforcement, FTC; and public witnesses.

NATIONAL VACCINE INJURY COMPENSATION PROGRAM
Committee on Government Reform: Held a hearing entitled “The National Vaccine Injury Compensation Program: Is It Working as Congress Intended?” Testimony was heard from Thomas Balbier, Director, Vaccine Injury Compensation Program, Department of Health and Human Services; Paul Harris, Deputy Assistant Attorney General, Civil Division, Department of Justice; and public witnesses.

SERVICES ACQUISITION REFORM
Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on Moving Forward with Services Acquisition Reform: A Legislative Approach to Utilizing Commercial Best Practices. Testimony was heard from William Woods, Acting Director, Acquisition and Sourcing Management, GAO; Angela Styles, Administrator, Office of Federal Procurement Policy, OMB; Stephen Perry, Administrator, GSA; Diedre Lee, Director, Procurement, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 3189, Export Expansion Act of 2001; H.R. 2121, Russian Democracy Act of 2001; H. Con. Res. 102, Hunger to Harvest Resolution: A Decade of Concern for Africa; H. Con. Res. 211, commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of Congress with respect to the Government of Burma; and H. Con. Res. 242, recognizing Radio Free Europe/Radio Liberty’s success in promoting democracy and its continuing contribution to United States national interests.

AFGHAN PEOPLE—AMERICA’S ASSISTANCE
Committee on International Relations: Held a hearing on America’s Assistance to the Afghan People. Testimony was heard from the following officials of the Department of State: Andrew Natsios, Administrator, AID; and Alan Kreczko, Acting Assistant Secretary, Bureau of Population, Refugees and Migration; and public witnesses.

BASIC PILOT EXTENSION ACT; PRIVATE RELIEF MEASURES

The Subcommittee also considered pending private relief bills.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1606, to amend section
507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations; and H.R. 2388, National Heritage Areas Policy Act of 2001. Testimony was heard from Representative Clyburn; Katherine Stevenson, Associate Director, Cultural Resource Stewardship and Partnerships, National Park Service, Department of the Interior; and public witnesses.

BUDGET RESPONSIBILITY AND EFFICIENCY ACT


U.S. ENERGY SECURITY

Committee on Science: Subcommittee on Energy held a hearing on U.S. Energy Security: Options to Decrease Petroleum Use in the Transportation Sector. Testimony was heard from David Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; R. James Woolsey, former Director, CIA; and public witnesses.

COMPETITIVE TELECOMMUNICATIONS SERVICES—SMALL BUSINESS ACCESS

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on Small Business Access to Competitive Telecommunications Services. Testimony was heard from public witnesses.

TEA 21 SUCCESS STORIES

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on TEA 21 Success Stories. Testimony was heard from Pete K. Rahn, Secretary, State Highway and Transportation Department, State of New Mexico; William D. Ankner, Director, Department of Transportation, State of Rhode Island; David A. Galt, Director of Highways, Department of Transportation, State of Montana; Joseph L. Perkins, Commissioner, Department of Transportation and Public Facilities, State of Alaska; Jeffrey A. Warsh, Executive Director, Transit, State of New Jersey; and public witnesses.

TERRORIST ATTACKS—SSA’S RESPONSE

Committee on Ways and Means, Subcommittee on Social Security held a hearing on the SSA’s response to the September 11 terrorist attacks. Testimony was heard from Representative Kelly; and the following officials of the SSA: Larry G. Massanari, Acting Commissioner; and James G. Huse Jr., Inspector General.

Joint Meetings

AUTHORIZATION—NATIONAL DEFENSE

Conferees met in closed session to resolve the differences between the Senate and House passed versions of S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 2, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues concerning smallpox, 9 a.m., SD–192.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine the support of children in times of crisis, 10 a.m., SD–106.

House


Joint Meetings

Joint Economic Committee: to hold hearings on the employment-unemployment situation for October, focusing on the Bureau of Labor Statistics employment data for industry sectors such as manufacturing, construction, and services, and evaluate the economic situation following the events of September 11, 9:30 a.m., 2360 Rayburn Building.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY
January 3 through October 31, 2001

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>144</td>
<td>116</td>
<td></td>
</tr>
<tr>
<td>Time in session</td>
<td>1,023 hrs.</td>
<td>735 hrs., 39'</td>
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<tr>
<td>Congressional Record:</td>
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<tr>
<td>Pages of proceedings</td>
<td>11,297</td>
<td>7,592</td>
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<tr>
<td>Extensions of Remarks</td>
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<td>1,978</td>
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<tr>
<td>Public bills enacted into law</td>
<td>15</td>
<td>43</td>
<td>58</td>
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<tr>
<td>Private bills enacted into law</td>
<td>1</td>
<td></td>
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<tr>
<td>Bills in conference</td>
<td>14</td>
<td>10</td>
<td></td>
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<tr>
<td>Measures passed, total</td>
<td>287</td>
<td>419</td>
<td>706</td>
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<tr>
<td>Senate bills</td>
<td>56</td>
<td>13</td>
<td></td>
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<tr>
<td>House bills</td>
<td>55</td>
<td>184</td>
<td></td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>7</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>8</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>28</td>
<td>4</td>
<td></td>
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<tr>
<td>House concurrent resolutions</td>
<td>30</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>103</td>
<td>157</td>
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<tr>
<td>Measures reported, total</td>
<td>174</td>
<td>247</td>
<td>421</td>
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<td>Senate bills</td>
<td>102</td>
<td>2</td>
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<td>House bills</td>
<td>19</td>
<td>155</td>
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<td>Senate joint resolutions</td>
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<tr>
<td>House joint resolutions</td>
<td>6</td>
<td>5</td>
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<tr>
<td>Senate concurrent resolutions</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>3</td>
<td>11</td>
<td></td>
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<tr>
<td>Simple resolutions</td>
<td>36</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>Special reports</td>
<td>20</td>
<td>8</td>
<td></td>
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<tr>
<td>Conference reports</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Measures pending on calendar</td>
<td>98</td>
<td>46</td>
<td></td>
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<tr>
<td>Measures introduced, total</td>
<td>1,880</td>
<td>3,807</td>
<td>5,687</td>
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<td>Bills</td>
<td>1,600</td>
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<tr>
<td>Joint resolutions</td>
<td>26</td>
<td>71</td>
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<tr>
<td>Concurrent resolutions</td>
<td>80</td>
<td>257</td>
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<tr>
<td>Simple resolutions</td>
<td>174</td>
<td>276</td>
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<tr>
<td>Quorum calls</td>
<td>3</td>
<td>4</td>
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<tr>
<td>Yea-and-nay votes</td>
<td>315</td>
<td>237</td>
<td></td>
</tr>
<tr>
<td>Recorded votes</td>
<td></td>
<td>173</td>
<td></td>
</tr>
<tr>
<td>Bills vetoed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 91 reports have been filed in the Senate, a total of 264 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS
January 3 through October 31, 2001

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian nominations, totaling 826, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>425</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Withdrawn</td>
<td>67</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>162</td>
<td></td>
<td></td>
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<tr>
<td>Other Civilian nominations totaling 2,099, disposed of as follows:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>1,188</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>660</td>
<td></td>
<td></td>
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<tr>
<td>Returned to White House</td>
<td>251</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Force nominations, totaling 6,780, disposed of as follows:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>6,726</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>46</td>
<td></td>
<td></td>
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<tr>
<td>Army nominations, totaling 6,138, disposed of as follows:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>5,939</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>91</td>
<td></td>
<td></td>
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<tr>
<td>Returned to White House</td>
<td>108</td>
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<tr>
<td>Navy nominations, totaling 5,591, disposed of as follows:</td>
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<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>5,518</td>
<td></td>
<td></td>
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<tr>
<td>Unconfirmed</td>
<td>44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returned to White House</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marine Corps nominations, totaling 3,611, disposed of as follows:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confirmed</td>
<td>3,571</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unconfirmed</td>
<td>19</td>
<td></td>
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</tr>
<tr>
<td>Returned to White House</td>
<td>21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Summary

- Total Nominations carried over from the First Session: 0
- Total Nominations Received this Session: 25,045
- Total Confirmed: 23,367
- Total Unconfirmed: 994
- Total Withdrawn: 67
- Total Returned to White House: 617
Next Meeting of the SENATE
10 a.m., Friday, November 2

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, November 5

House Chamber

Program for Monday: Pro forma session.