

Schmidt	Space	Velázquez
Schock	Speier	Visclosky
Schrader	Spratt	Walden
Schwartz	Stearns	Walz
Scott (GA)	Stupak	Wamp
Scott (VA)	Sutton	Wasserman
Sensenbrenner	Tanner	Schultz
Serrano	Tauscher	Waters
Sessions	Taylor	Watson
Shadegg	Teague	Watt
Shea-Porter	Terry	Waxman
Sherman	Thompson (CA)	Weiner
Shimkus	Thompson (MS)	Welch
Shuler	Thompson (PA)	Westmoreland
Shuster	Thornberry	Wexler
Simpson	Tiahrt	Whitfield
Sires	Tiberi	Wilson (SC)
Skelton	Tierney	Wittman
Slaughter	Titus	Wolf
Smith (NE)	Tonko	Woolsey
Smith (NJ)	Towns	Wu
Smith (TX)	Tsongas	Yarmuth
Smith (WA)	Turner	Young (AK)
Snyder	Upton	Young (FL)
Souder	Van Hollen	

## NOT VOTING—16

Alexander	Johnson (GA)	Sánchez, Linda
Braley (IA)	Pallone	T.
Conyers	Polis (CO)	Sestak
Cooper	Price (NC)	Stark
Edwards (TX)	Ruppersberger	Sullivan
Honda		Wilson (OH)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1223

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2200.

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

There was no objection.

## TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 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. 2200.

□ 1225

## 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. 2200) to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself as much time as I may consume.

I rise today in support of H.R. 2200, the Transportation Security Administration Authorization Act. This legislation is a product of months of negotiations, and includes significant contribution from Republicans, industry stakeholders, labor, the Government Accountability Office and the Department of Homeland Security's Inspector General.

I want to recognize the bipartisan efforts of my colleagues on the committee, most especially, Ms. JACKSON-LEE, the chair, and Mr. DENT, the ranking member. They worked hard to produce a thorough, comprehensive, well-considered bill.

H.R. 2200 is the first measure to come to the House floor that fully authorizes the Transportation Security Administration since its establishment in 2001. Since that time, TSA has made significant strides and rolled out several important programs to address security challenges. As a result, today our transportation systems are more secure than they were on September 11, 2001. However, they are not as secure as they need to be.

With the change in administrations, TSA is at a critical crossroads in its 8-year history. H.R. 2200 steers TSA on a course to becoming an effective agency that works to enhance security in all our transportation sectors, partners with key stakeholders, and does a better job of utilizing technology to address gaps in security.

Mr. Chairman, this bill fulfills our constitutional responsibility to provide a thorough road map to TSA on where it should go the next 2 years. H.R. 2200 authorizes \$15.6 billion for TSA for fiscal year 2010 and fiscal year 2011. With these resources, the bill directs TSA, for the first time, to work to achieve greater parity between security efforts to protect aviation and surface transportation systems.

In the past few years, attacks on rail stations worldwide have underscored the vulnerabilities to these systems. In response, H.R. 2200 triples funding for surface transportation over what was provided in fiscal year 2009, and authorizes 300 more surface transportation inspectors.

Among its key provisions is the creation of a Transit Security Advisory Committee to provide greater stakeholder input and a Surface Transportation Security Inspection Office to train and manage inspectors.

The bill also strengthens security training for transportation security officers, flight attendants, all cargo pilots, surface transportation workers, and Federal flight deck officers.

I'm particularly pleased that we were able to include provisions to enhance

flight attendants' training and reimbursement for pilots participating in Federal flight deck officers recurrent training.

To bolster airport security and screening, H.R. 2200 authorizes a demonstration project and plan for the implementation of a secure verification system for law enforcement officers flying while armed.

Further, it directs TSA to develop a strategic risk-based plan to enhance security of airport perimeter access controls and a demonstration program for biometric-based access control systems.

For too long we've been told that the wide-scale deployment of biometrics is too difficult and impractical. But just last week, Mr. Chairman, I saw biometrics, including readers, in use in Argentina at a port and a federal building. This bill embraces the promise of this and other 21st-century technologies to address our security challenges.

Additionally, there are a number of other noteworthy provisions that grew out of extensive committee oversight that covers such programs as Registered Traveler, Secure Flight, and the TWIC program.

□ 1230

For example, the bill directs DHS to work with port operators to help workers who are waiting for TWIC cards to be escorted so they can continue to work. The TWIC provision also puts in place strict timelines and flexibility on how cards are transmitted.

A key theme that runs throughout the bill is greater stakeholder participation.

The Aviation Security Advisory Committee is codified in this bill. So, too, is the Air Cargo and General Aviation Working Groups.

General aviation, in particular, gets a great deal of attention in this bill. Members from both sides of the aisle have expressed serious concern about TSA's approach when it comes to general aviation. Until recently, TSA displayed a lack of understanding of the uniqueness of the general aviation environment. H.R. 2200 takes some major steps forward, with the authorization of a strong General Aviation Working Group and the establishment of a new grant program for security improvements to general aviation airports.

Finally, H.R. 2200 makes key improvements to air cargo and checked baggage security. Specifically, H.R. 2200 eliminates the use of bag match as an alternative means of checked baggage screening.

It also directs TSA to develop a process to consider reimbursement claims by airports who invested in in-line explosive detection equipment on a promise that TSA would defray the costs.

With respect to air cargo, it requires TSA to report on the status of the Certified Cargo Screening Program.

TSA, Mr. Chairman, has testified that the 100 percent screening requirement for passenger planes will not be

achieved by 2010 because TSA has had to expend extensive resources on trying to negotiate international agreements with foreign authorities on inbound international cargo. TSA, as a domestic security agency, lacks jurisdiction or expertise to negotiate such agreements. Achievement of this requirement is, therefore, dependent upon assistance from CBP, the State Department and others, and, most specifically, foreign governments.

To ensure that TSA meets the statutory 100 percent screening requirement, section 201 of the bill gives TSA up to 2 more years to negotiate agreements on inbound international cargo. Enactment of H.R. 2200, therefore, will help TSA put needed focus on working to meet mandates for screening all cargo transported between U.S. airports on passenger planes, whether originating in the U.S. or abroad.

This provision in no way eliminates the 100 percent screening requirement. Instead, it sets TSA up for success and is responsive to the real-world challenges of implementing the mandate in jurisdictions where TSA has no jurisdiction.

Mr. Chairman, I look forward to our work today, and I encourage my colleagues to pass H.R. 2200 in a swift, bipartisan fashion in order to better ensure the security of all Americans.

Mr. Chairman, I submit for the RECORD exchanges of letters on this legislation.

Mr. Chair, I rise to address concerns put forth in the Minority Views section of the Committee Report for H.R. 2200. Specifically, I want to address the Minority's assertion that the Majority rejected consideration of proposed amendments during committee consideration of the bill.

As is its custom, the Committee used a roster for amendments during both full and subcommittee consideration of the TSA Authorization bill. Each amendment submitted to be placed on the roster was considered by the Committee unless the sponsor decided to withdraw it from consideration.

Each of the twenty amendments filed prior to the Full Committee markup were placed on the roster for Committee consideration. Of the twenty amendments filed, thirteen were sponsored by Minority Members. All but two of the thirteen amendments filed for the roster by Minority Members were offered. Of the eleven amendments offered by Minority Members for committee consideration, eight were agreed to and included in the reported version of the bill.

H.R. 2200, the TSA Authorization Act, is the product of months of bi-partisan cooperation and negotiations. Provisions proposed by the Minority were included in the bill at each and every stage of its consideration. Contrary to the assertion in the Minority Views, at no point during Committee consideration did the Majority prevent the Minority from putting forth amendments for consideration.

In closing, I would remind the Chair that the Committee on Homeland Security has a strong record of working in a bi-partisan fashion to ensure sound homeland security legislation is put before the House. As Chairman, I am committed to ensuring that practice continues.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, May 15, 2009.

Hon. BART GORDON,  
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2200, the "Transportation Security Administration Authorization Act," introduced by Congresswoman Sheila Jackson-Lee on April 30, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that the Committee on Science and Technology has a jurisdictional interest in certain provisions of H.R. 2200. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Science and Technology.

I will ensure that this exchange of letters is included in the legislative report on H.R. 2200 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,  
Washington, DC, May 15, 2009.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 2200, the Transportation Security Administration Authorization Act. H.R. 2200 was introduced and referred to the Committee on Homeland Security on April 30, 2009.

H.R. 2200 contains provisions that fall within the jurisdiction of the Committee on Science and Technology. I acknowledge the importance of H.R. 2200 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the legislative report on H.R. 2200 and in the Congressional Record when the bill is considered on the House Floor.

I also ask for your commitment to support our request to be conferees during any House-Senate conference on H.R. 2200 or similar legislation.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, May 19, 2009.

Hon. JAMES L. OBERSTAR,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 2200, the "Transportation Security Administration Authorization Act," introduced by Congresswoman Sheila Jackson-Lee on April 30, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge

that the Committee on Transportation and Infrastructure has a jurisdictional interest in certain provisions of H.R. 2200. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill over which your Committee has a jurisdictional interest and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 2200 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
Washington, DC, May 19, 2009.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 2200, the "Transportation Security Administration Authorization Act of 2009".

H.R. 2200 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 2200.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 2200 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 2200 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, May 19, 2009.

Hon. NYDIA M. VELÁZQUEZ,  
Chairwoman, Committee on Small Business, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ: Thank you for your letter regarding H.R. 2200, the "Transportation Security Administration Authorization Act," introduced by Congresswoman Sheila Jackson-Lee on April 30, 2009.

I acknowledge that Section 103 of the reported version of the bill contains a provision within the jurisdictional interest of the

Committee on Small Business. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Small Business. I will be offering a manager's amendment to the legislation that will strike Section 103 of the bill.

I will ensure that this exchange of letters is included in the legislative report on H.R. 2200 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
Washington, DC, April 19, 2009.

Hon. BENNIE THOMPSON,  
*Chairman, Committee on Homeland Security,*  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Small Business in H.R. 2200, Transportation Security Administration Act of 2009.

The Committee on Small Business recognizes the importance of the legislation and the need to move the legislation expeditiously. Therefore, while the Committee on Small Business has a valid claim to jurisdiction of Section 103 of the bill, I will agree not to request a sequential referral even though the Speaker and the Parliamentarian of the House recognize this Committee's valid assertion of jurisdiction over parts of the bill. I appreciate your willingness to striking section 103 of H.R. 2200 from the bill in the manager's amendment.

Nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Small Business. I request that a copy of this letter and of your response acknowledging our valid jurisdictional interest be included as part of the Congressional Record during consideration of this bill by the House.

I share the Chairman's commitment to increase contracting opportunities for small businesses in the federal marketplace and look forward to working with him on this and other matters to achieve this.

Sincerely,

NYDIA M. VELÁZQUEZ,  
*Chairwoman, Small Business Committee.*

Mr. Chairman, I'd also like at this time to acknowledge my ranking Member, Mr. KING from New York, who played a very important role in shepherding this legislation through the committee, and I'd like to acknowledge that at this time.

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

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the very outset, let me commend Chairman THOMPSON and his staff and the majority side for the cooperation that they extended on this bill for making a truly bipartisan effort. I also want to commend the chair of the subcommittee, SHEILA JACKSON-LEE, for her bipartisan spirit and also, in a special way, Congressman DENT, the ranking member of the subcommittee.

This, as the chairman said, was a collaborative effort. There was tremen-

dous cooperation. Obviously, there's some differences between what we wanted and what ended up in this bill, but basically, it's a fine bill.

And, Mr. Chairman, I also want to commend the outstanding men and women of the TSA for the job that they do day in and day out in protecting us. I see Mr. PASCRELL is here. Just in the New York-New Jersey region alone, last year they inspected 110 million passengers coming through those airports, and again, last week alone, they confiscated 23 illegal firearms that were going through airports. So they do a very, very dedicated and outstanding job. And also, as far as rail transportation, VIPER Teams have become a vital part of our homeland security apparatus.

Having said that, let me just mention some of the concerns I do have about the bill.

One is, Mr. Chairman, that there is, as of now, as of yet, no TSA administrator. Also, my understanding is that there is not even anyone in the wings. There's no one being considered, no one's being mentioned to be the TSA administrator, and yet we put together this bill, which I think is a good bill, but without any input from the head of TSA. And since this is a 2-year authorization, we're going to be basically laying out a plan, a plan of action for the next 2 years, I would have preferred that we could have waited until we got an administrator in place to work with us on it.

Additionally, Mr. Chairman, I raised the issue—and I think these two issues are now interrelated—the issue of an authorization bill and the issue of jurisdiction. This will be, as I see it, the second year in a row that the committee will not have done an authorization bill. And yet next week in the appropriations subcommittee, the Homeland Security appropriations bill will be marked up, and the appropriators will act without our committee's input on 80 percent of the Department of Homeland Security's budget. They will act without our input on 75 percent of the Department of Homeland Security's personnel. And they will consider funding of programs, like the 287(g) program, border security, student visa enforcement, FEMA's hurricane response capabilities, the Coast Guard's port security programs, Secret Service protection of the President, to name a few, all without guidance from this committee.

Now, I believe the main reason for this—and I understand the position that the chairman is in—the main, I think, as I see the reason is that because of the multiplicity of jurisdictional claims to homeland security, it is very difficult for our committee to move forward. Now, the 9/11 Commission, one of their strongest recommendations was that homeland security be consolidated in one committee.

Several years ago, there were 88 committees and subcommittees that

claimed some piece of jurisdiction over homeland security. That number is now up to 108, and this should not be a partisan issue. Both Secretary Chertoff in the previous administration and Secretary Napolitano in the Obama administration have called for consolidation, and yet it's not being done.

So, for instance, if we had gone forward and tried to do an authorization bill, we couldn't authorize the Coast Guard or FEMA because the Committee on Transportation and Infrastructure would object. We couldn't authorize Immigration and Customs Enforcement, the Secret Service, or U.S. Citizen Immigration Services because the Committee on Judiciary would object. And we can't authorize Customs and Border Protection because the Ways and Means Committee would object.

So I think it's really important that we make an effort over the next year during this Congress to implement, again, one of the most fundamental concerns of the 9/11 Commission, and that was to consolidate jurisdiction in one committee, the Homeland Security Committee.

And I believe that in 2005 and 2006, when this side of the aisle did control the committee, we did get authorization bills done, and there were jurisdictional disputes. We won them, and I think that was the direction we were going in, and the direction we should continue to go in.

I gave the chairman tremendous credit 2 years ago when we adopted H.R. 1, which implemented many of the 9/11 Commission recommendations, but this fundamental one still has not been done. And I realize that no one likes to cede jurisdiction, no one likes to give up turf, but the fact is we're talking about an issue that threatens the survival of our country, homeland security. And so long as we have this dysfunctional system where jurisdiction is spread out over so many committees of the Congress, I don't believe we can fully do the job that we should do.

The chairman does a good job, the staff does a good job, I believe we do a very good job on our side of the aisle, but we are limited because of these jurisdictional limitations. And so as we go forward on this debate today, I would hope we would keep that in mind, and as we go forward over the course of the year, we keep that in mind, also, as we try to do the job that we were established to do when we became a permanent committee back in 2005.

Mr. Chairman, I ask unanimous consent that Mr. DENT, the ranking member of the subcommittee, be authorized to control the remainder of my time, and I reserve the balance of our time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. KING)?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, may I inquire as to how much time each side has remaining?

The CHAIR. The gentleman from Mississippi (Mr. THOMPSON) has 21½ minutes remaining, and the gentleman from Pennsylvania (Mr. DENT) has 24½ minutes remaining.

Mr. THOMPSON of Mississippi. Mr. Chairman, I'm happy to recognize the vice chair of the full committee for 2 minutes, Ms. SANCHEZ, for a colloquy.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act, and I would like to engage the honorable Member from Mississippi, the chairman, Mr. THOMPSON, in a colloquy regarding the Transportation Worker Identity Credential, or TWIC as it is known here in the Congress.

During the full committee markup, I offered an amendment addressing several important issues within the TWIC program, and I was pleased that my amendment was passed unanimously.

A key provision in my amendment requires that the Secretary of Homeland Security work with owners and operators of facilities and vessels to develop procedures which allow those who are waiting for their TWIC card to have access to secure and restricted areas, as long as they are escorted. This also applies to those who are waiting for a reissuance of an existing card.

Without clear collaboration between DHS and port officials, individuals waiting for their TWIC card have been unable to work. Some workers have waited up to 15 months to receive their TWIC card.

And the goal of my amendment is to ensure that these workers are still able to support themselves and their families.

Many people have been negatively affected by TSA's delays in issuing the TWIC. For example, there's the case of a longshoreman in the Port of Seattle who applied for a TWIC on October 25, 2008, more than 4 months before he was required to do so at his port. And unfortunately, the gentleman was unable to work for several weeks since it took 4 months for TSA to come back to him and to ask for a copy of his birth certificate. You see, he had been born on a military base abroad, and I understand that the gentleman had to drain his savings account to support his family while he waited for his TWIC, and thus, this is unacceptable.

I hope this legislation becomes law soon, and in the meantime, we must act immediately to ensure that our port workers are able to work and support their families.

I want to thank Chairman THOMPSON for his support on this issue.

Mr. THOMPSON of Mississippi. I yield an additional 30 seconds to respond.

I appreciate the gentlewoman from California's leadership on this critical issue. I share her concerns about the impact that applications backlogs has had on port workers around the Nation and appreciate the comprehensive approach she has taken to addressing the

weaknesses in the program that she has identified through her oversight work on the committee and look forward to solving the problem.

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Chairman.

Mr. THOMPSON of Mississippi. I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from the State of Georgia (Mr. BROWN).

Mr. BROWN of Georgia. Recently, while I was on a hunting trip up north, I flew out of an airport in Montana. The number of screeners actually outnumbered the number of passengers. So, when this bill came before the Homeland Security Committee, I offered several amendments, one of which would have required a GAO study of the current staffing levels at TSA to determine their appropriateness and whether or not staffing levels could be reduced by consolidation of duties and functions or by enhanced use of technology.

In March 2009, GAO reported that, "TSA has not followed Federal internal control standards to assist it in implementing DHS's risk management framework and informing resource allocation." I wanted to ensure that hard-earned taxpayer funds were being used in the most cost-effective and efficient manner and ensure that TSA wouldn't become known as Thousands Standing Around.

□ 1245

I'm disappointed that my amendment was not accepted. A number of commonsense provisions were not included by the majority, or were watered down to avoid the jurisdiction of other committees. Rather than produce a good bill and negotiate final language with other committees, our committee only allowed provisions to be considered in committee that were wholly within the Committee on Homeland Security's rule 10 jurisdiction. This bill could be much better.

For example, the majority showed that they saw no value in affirming TSA employees' rights to protect themselves during a public health emergency. One of my amendments offered in committee would have simply allowed any TSA employee to choose to wear a protective face mask in the event of a pandemic flu outbreak or other public health emergency.

TSA employees encounter 2 million domestic and international passengers every day and should not be prohibited by their supervisors from wearing the appropriate personal protective equipment in the event of a public health emergency, particularly when the disease is both contagious and deadly.

The National Treasury Employees Union, which represents many of the employees, voiced strong support for this provision designed to protect the TSA's frontline officers. The only reason this provision was essentially gutted by the majority with a "per-

fecting" amendment and any references to public health emergency was removed is because the provision could have allowed the Committee on Energy and Commerce to review the language requiring the Secretary of Homeland Security to collaborate with the Secretary of Health and Human Services.

Other changes were made to weaken other Republican amendments as well. At the markup, I, along with my fellow Republican members of the committee, unanimously supported an amendment authored by Representative MARK SOUDER that would have placed any detainee that is housed down at Guantanamo Bay on or after January 1, 2009, to place them on TSA's No Fly List. I think that makes sense.

Again, this amendment was gutted, giving the President the sole authority to determine if a former Guantanamo detainee should be assigned to the No Fly List. The committee must assert its jurisdiction and conduct vigorous oversight of the transfer or release of detainees currently housed at Guantanamo Bay.

The Homeland Security Committee is the primary authorizing committee for the Department of Homeland Security, which was created after the 9/11 attacks to protect our homeland. We cannot shirk our responsibility. It is justified and necessary for this committee to take a lead role in protecting and securing American citizens.

I'm pleased, however, that my cybersecurity amendment was included with others in the bipartisan en bloc amendment adopted by the committee. My amendment adds the vulnerability of cyberattack to the list of risks to be assessed and ranked by TSA.

Reports indicate that civilian air traffic computer networks have been penetrated multiple times in recent years.

The CHAIR. The time of the gentleman has expired.

Mr. DENT. I yield an additional 30 seconds to Dr. BROWN.

Mr. BROWN of Georgia. They include an attack that partially shut down air traffic data systems in Alaska. Our transportation systems are networked. Train switches can operate remotely. Even some metro buses can change a traffic light as they approach. It is a very important amendment, and I thank my colleagues for accepting it.

In closing, I would like to thank my colleagues and the staff on this committee from both sides of the aisle for working together on this bill and on numerous other amendments in a bipartisan manner. I'm sorry we cannot come to agreement on all of our amendments.

Going forward, I hope that we can work together to address the jurisdiction concerns that have caused so many problems for our committee.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Paterson, New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise to speak in strong support of H.R. 2200,

the Transportation Security Administration Authorization Act, as this is a necessary piece of legislation that is long overdue. In fact, we have never fully authorized the TSA since the enactment of the Aviation and Transportation Security Act of 2001.

I want to particularly thank Mr. THOMPSON, who chaired this and led this legislation through committee; along with PETER KING, the ranking member; Ms. JACKSON-LEE as the subcommittee chairwoman; and Mr. DENT from Pennsylvania. I want to congratulate all of them for working hard to have a bipartisan piece of legislation.

We recognize that the safety of the American people must be our number one job. Nothing that we do here can supercede that.

The bill authorizes \$7.6 billion in fiscal year 2010 and \$8.1 billion in fiscal 2011 for the activities of the TSA, including key increases, many of which have already been mentioned.

As an original member of the Homeland Security Committee, one thing I observed was that ever since TSA was created in 2001, its focus has been almost solely on aviation security, to the detriment of surface transportation taken by millions of Americans each day.

A strong aspect of this legislation is beginning to put surface transportation security on an equal footing with aviation security, with key surface transportation security enhancements.

I'm glad to see that this authorization also addresses the long unattended issue of airport perimeter security, whose vulnerability to infiltration I have tried to highlight for many years. I think that this is important. We're looking at it. We're studying this issue so we do not overreact but make sure that the perimeters are just as much protected as the inside.

The CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. I think all of us should read Secretary Napolitano's speech yesterday at Aspen, where there were bipartisan group folks studying the security of this country. She laid out five principal areas of concern if we're going to protect America and its neighborhoods. It is a great guidepost to inclusive security. I ask that we do this.

I also ask to consider, Mr. Chairman, in the future the issue and the quality of resilience, which Joshua Cooper Ramo presented in his book which was just published in March. If we truly want to protect America, what about the resiliency and how much can we take that into consideration, God forbid we have another attack.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I rise to enter into a colloquy

with the distinguished chairman of Homeland Security, Mr. THOMPSON.

Mr. THOMPSON, as we prepare to authorize appropriations for the Transportation Security Administration, I'd like to thank you for your leadership in the committee and your efforts to bring this legislation to the floor.

I would also like to bring to your attention an issue that needs to be corrected. In 2003, when I was chairman of the Transportation and Infrastructure Committee, language was included in the Vision 100 Act, Public Law 108-176, which required deployment of TSA screeners in the Alaskan communities of Kenai, Homer, and Valdez. Since that time, the Ted Stevens International Airport has improved bag screening capabilities and can adequately screen bags for the three previously mentioned airports.

Kenai, Homer, and Valdez are serviced by air carriers under a partial program. There are no regulatory requirements to screen bags for partial program carriers, so section 613 of the Vision 100 Act imposes a requirement not in effect for other similarly situated airports. The screeners are no longer needed, and TSA has asked that I repeal the language from Vision 100.

This will not cost any money. Rather, this will save TSA money. TSA has informed me that by including this legislation in the TSA Authorization, it would save \$1 million a year.

I'd like to ask the gentleman to comment on this.

Mr. THOMPSON of Mississippi. Let me say that I appreciate the gentleman from Alaska bringing this to my attention. This is a novel issue for us, but I believe there could be some efficiencies in making the change. I'm pleased to work with you on this issue as the bill moves to conference.

Mr. YOUNG of Alaska. I thank the gentleman for working with us. And this is requested by the TSA, and hopefully when this bill gets to conference, this will be included.

I thank the gentleman for working with me.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. I rise today in support of the TSA reauthorization bill and to thank Chairman THOMPSON for his leadership in this important issue. I also would like to highlight two elements of the bill that I particularly support.

It's been over 7 years since the attacks of September 11 and there are still no guidelines for security training for flight attendants. H.R. 2200 requires that these individuals undergo mandatory and standardized security training.

Flight attendants are the only working group in the cabin aboard every commercial flight. They are literally on the front lines. They are an integral part of air security.

This legislation provides for meaningful training that will equip these

flight attendants with danger detection and self-defense techniques and other important skills needed in the event of a crisis. This mandatory security training, which is needed and wanted by flight attendants, is an important step in ensuring our skies are as safe as they can be.

The second aspect of this legislation that I'd like to address is general aviation. In 2008, there were more than 400,000 general aviation flights from the Las Vegas area serving an estimated 1.3 million passengers. From our three local airports, you can take one of these flights to view the grandeur of the Grand Canyon and the desert which surrounds our city.

General aviation flights are also critical to supplying goods to Las Vegas. And they also are an efficient means for business travelers to reach our great city, one of the most popular business travel destinations.

This is a vital industry to my district, and I will be a voice for it here in Congress. I am hopeful that the TSA will involve this important industry in rulemaking, and I'm confident that they will.

Mr. DENT. Mr. Chairman, may I inquire as to how much time I have remaining on this side?

The CHAIR. The gentleman from Pennsylvania has 18½ minutes. The gentleman from Mississippi has 15 minutes.

Mr. DENT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the distinguished gentleman from the great Commonwealth of Pennsylvania for yielding. I also rise in support of H.R. 2200.

Following the attacks on September 11, 2001, our Nation took unprecedented steps to secure our Nation's airlines. Since then, Congress has continued to provide the needed level of funding to ensure that our airlines are among the safest in the world. But until recently, however, rail and transit security grant programs remain badly underfunded given both the volume of riders carried each day and the known terrorist threat to such passengers.

Each weekday, more than 14 million people use public transportation. Nearly 30 million people ride Amtrak each year, including millions of commuters along the heavily traveled Northeast corridor. Given the attacks on rail and transit in Spain, the United Kingdom, and India, this is a vulnerability that cannot be ignored.

In response, I have worked closely with Congressmen PETER KING, RUSH HOLT, and other Members of this body to focus more of our security efforts on protecting rail and transit riders and infrastructure.

Over the last several years, we have made progress on this front by increasing rail and transit security grant funding, studying foreign rail security practices, and expanding rail and transit canine teams and public awareness campaigns.

I must say, however, that I was extremely discouraged to learn in March that TSA and FEMA have struggled when it comes to spending Federal grant dollars in a timely fashion. In fact, recent reports indicate that large percentages of grant dollars appropriated in fiscal years 2006, 2007, and 2008 had yet to be awarded to local authorities.

For this reason, I strongly support section 307 of this legislation, which requires the Department of Homeland Security's Inspector General to investigate the administration of these security grants and make recommendations for streamlining the grant award process within 180 days.

Mr. Chairman, I look forward to reading the results of the IG's report on the rail and transit security grant distribution process, and I encourage my colleagues to support this important legislation.

□ 1300

Mr. THOMPSON of Mississippi. Mr. Chairman, I recognize for 1½ minutes the gentleman from Oregon (Mr. BLUMENAUER) for the purposes of a colloquy.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate the chairman's leadership.

I rise in a colloquy to discuss with you the TSA revised list of prohibited items on airplanes.

In 2005, they revised rules to allow items up to 7 inches—knitting needles, scissors, screwdrivers—but they continue to prohibit tiny pen knives under 2.5 inches. I find it frustrating for the traveling public who can't understand the distinctions between these items, and it has had a significant commercial impact.

This little Leatherman tool, which is very popular, is manufactured in my district. It is certainly less dangerous, one would think, than the items that they're already letting in the air. Since they have made those rules, it has had a significant impact on the sales because consumers don't think about this when they go through airport security lines and lose the items.

I wonder if it's possible to work with you, Mr. Chairman, to encourage the TSA to conduct periodic comprehensive reviews of this prohibited items list to ensure that it reflects the most current risk-based assessment?

Mr. THOMPSON of Mississippi. I can assure the gentleman—and I thank him for his concerns—that the committee will work with TSA in conducting appropriate and periodic reviews of prohibited items. Your graphic display of those prohibited items speaks volumes as to why this review should occur.

Mr. BLUMENAUER. Thank you, Mr. Chairman. I appreciate your words of encouragement as I appreciate your leadership, and I look forward to working with you.

Mr. DENT. Mr. Chairman, I yield 90 seconds to the distinguished gentleman from Beavercreek, Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the ranking member for yielding.

Mr. Chairman, first of all, I want to thank Chairman THOMPSON, Ranking Member KING, as well as the subcommittee that worked on this, for working in a bipartisan manner.

All of our lives changed after 9/11. This committee plays a very important role in ensuring the safety of all Americans. As a new Member of Congress and as a new member of the Homeland Security Committee, it is good to see this committee work in a bipartisan manner as we push good legislation forward that I support.

Let me just say that, as a member of that subcommittee who heard this bill, we had an opportunity to talk to and to listen to industry groups, to business coalitions, to union representatives, and to subject matter experts. However, it seems to me that we would have had a better opportunity to create an even better bill had we had an opportunity to wait for the administrator of TSA to be appointed and to understand what policies that new administrator was going to put in place. We then would have been able to work around those policies. With that being said, the other side of the aisle decided it was important to move this legislation forward.

I think we've got a good bill before us that does some good things. It will help ensure that the screening processes that are being used for passengers are working. It will help us to address other vulnerabilities in our transportation system, such as underwater tunnels and open rail lines. It will prohibit the outsourcing of terrorist watch lists—No Fly Lists, selectee lists, verifications—to other nongovernmental entities or to private companies. I think those are good things.

I also think there were some good amendments that were offered in this committee that could have strengthened this bill, and we're going to hear about some of those amendments as we proceed.

The CHAIR. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I would like to yield the gentleman an additional 15 seconds.

Mr. AUSTRIA. Just to close, I think we have an opportunity to strengthen this bill, and I would hope that we will continue to work together in a bipartisan manner with this committee to strengthen this bill.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the distinguished chairwoman of the subcommittee, who also is the author of this legislation, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his leadership on this issue, as well as the leadership of the ranking full committee member. As well, I am thankful to have had the opportunity to work with the ranking member of the subcommittee, Mr. DENT.

This has been a bipartisan effort. It has been a tough effort for my colleagues. It is important to realize that the work has been intense and that it has been concerted, direct and, I think, open. I want to applaud the process. Likewise, I would like to acknowledge the Homeland Security Committee's staff and particularly Mike Finan—the subcommittee staff director—for their leadership as well.

So I rise today with great pride in the efforts of my subcommittee and of the full committee, and I look forward to today's swift passage of H.R. 2200, the Transportation Security Administration Authorization Act.

H.R. 2200 provides TSA with the resources it needs by authorizing over \$15.6 billion for the Transportation Security Administration for FY 2010 and FY 2011. At the beginning of this Congress, Chairman THOMPSON stated that the committee will be moving to pass authorizing legislation for the Department of Homeland Security.

It is good to make good on a promise. It is good that this committee recognizes that it is sometimes the only firewall between the security of this Nation and the terrible, heinous acts of 9/11. Sometimes we forget that we are only a few short years away from that terribly tragic day that no one in America will ever forget. We continue to mourn those who have been lost, and we continue to give our support to those families who have experienced those severe and devastating losses.

Therefore, this bill comes before us in the backdrop of recognizing the ultimate challenge of our responsibility. The bill before us, the Transportation Security Administration Authorization Act, helps to further this important effort. I am proud that it is substantiated by over a dozen hearings held over the past 2 years, by countless briefings and by reports from the GAO and from the IG. I am proud of the bipartisan manner in which this comprehensive TSA bill was crafted. I am especially pleased that the gentleman from Pennsylvania (Mr. DENT), as I mentioned earlier, is an original cosponsor of this legislation.

Chairman THOMPSON and Secretary Napolitano agreed during the beginning of this Congress that surface transportation security needed to be on equal footing with aviation at TSA. This bill furthers this important objective.

As the chairwoman of this subcommittee, I have visited a number of surface transportation sites, including the 2nd Street site being built in New York—a multibillion dollar project—as there are many new starts coming about in this country. The existing rail system is utilized by millions of Americans every single day.

Mr. Chairman, this bill acts on recommendations issued in 2008 by the inspector general that were reaffirmed earlier this year by establishing the Surface Transportation Security Inspection Office to house the Surface



Transportation Security Inspection Program, by streamlining its mission and by clarifying its command structure.

The CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Ms. JACKSON-LEE of Texas. In an effort to reach out more constructively to surface transportation security stakeholders, this bill creates the Surface Transportation Security Advisory Committee to give them a formal outlet for giving TSA feedback on security issues.

My subcommittee has heard many worthy criticisms about the dissemination of surface transportation security grants over the last 2 years. Accordingly, this bill has included language that will begin to improve the process so that we can get the inventiveness of America back into the security mainstream so that we can secure this Nation.

This bill also directs the GAO to study the efforts of the Department, its components and other relevant entities to learn from foreign nations whose passenger rail and transit systems have been attacked by terrorists and to access lessons to address security gaps in the United States, such as the tragedy of Mumbai, where I visited to assess the horribleness of the impact of that terrorist act and of the victims who were impacted. In the last several years, we have seen attacks on rail systems from Europe to Asia. H.R. 2200 takes steps to learn important lessons that can be applied at home.

In addition, I have worked with the gentleman from California (Mr. DANIEL E. LUNGREN) on a provision that creates a new class of materials requiring a security background check for truckers. This provision will target the transport of truly sensitive materials, and it will enable companies and their drivers to have a more seamless gateway to the market. I thank the gentleman for his bipartisan cooperation.

In addition to the great strides this bill makes to secure our surface transportation, it also builds on the work we have done over the years. Earlier this year, the Inspector General confirmed that TSA has in the past compromised covert testing operations. We have corrected that. The bill prohibits advanced notice of covert testing. H.R. 2200 also codifies the Aviation Security Advisory Committee. It requires it to perform specific duties. We also have concerns about TSA's proposed rule-making covering general aviation. We have responded to that in this bill.

The bill also requires the rigorous oversight of the Secure Flight passenger watch list matching program by requiring updates to Congress every 90 days. In fact, we are not allowing Guantanamo Bay detainees to travel without, if you will, regulation at all. We are working with the White House.

I also believe it is important to note that we are training flight attendants,

that we are working on technologies and are helping TSA employees.

Mr. Chairman, this is a great bill, and I ask my colleagues to support it.

Mr. DENT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Macomb County, Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Chairman, I rise today in strong support of H.R. 2200, the Transportation Security Administration Authorization Act.

The men and women of the TSA are really dedicated professionals who ensure that our flying public arrive at their destinations safely. Although at times it might be a hassle for us to remove our shoes or to show our boarding passes and identification, these measures have made it much more difficult for terrorists to take advantage of dangerous situations or to bring weapons and explosives on commercial aircraft.

It has been almost 8 years from that horrific day on 9/11 when terrorists turned our airplanes into missiles, taking the lives of almost 3,000 of our fellow Americans. Thankfully, we've not been attacked again, and it's not just because we're lucky. It's because dedicated professionals throughout the government are working day and night to prevent attacks, and we need to provide them with the means to prevent, to deter and to respond to terrorist attacks.

A key piece of our success is that we have not become complacent. We must remain vigilant. Part of that vigilance requires that we make certain that those charged with ensuring our safety are adequately trained. So I was especially pleased to see that a section mandating advanced security training for flight attendants was included in this bill.

As we are all too painfully aware, flight attendants were among the first victims on 9/11. Flight attendants need to know how to handle a crowd and how to be aware of all of the activity that might be surrounding them in such an enclosed space. So security training, good security training, will help prepare them for such a scenario on how to work with the other flight attendants in controlling a crowd or, again, being conscious of other things that are going on in the cabin as well.

In fact, Richard Reid, the convicted shoe bomber, was prevented from detonating his shoe, filled with explosives, because alert flight attendants interrupted him from detonating those explosives.

Also, providing adequate security to the flying public should be a principle goal of this body, so I was dismayed to see that our friends on the other side of the aisle rejected an amendment that would have placed all of the detainees from Guantanamo Bay on the No Fly List. Instead, they watered down this commonsense amendment and left that decision up to the discretion of the President. Now, I don't know about you, but I shudder to think that we

might allow these detainees to actually board a commercial aircraft and to sit next to us and our families.

Isn't the whole purpose of the No Fly List to keep dangerous people off these airplanes? I would say, if the Gitmo detainees don't qualify for the No Fly List, who in the world does qualify for that list? Congress shouldn't allow these dangerous detainees to fly on commercial aircraft. I think we should err on the side of caution and put them on the No Fly List.

I want to recognize the good work of Chairman THOMPSON and certainly of Ranking Member KING. I urge my colleagues to support H.R. 2200.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I thank the gentleman from Mississippi, and I thank all of those who have worked on this very important bill.

I had the opportunity to serve on the committee on oversight. Last week, we had a hearing on H1N1, the flu. Most people have forgotten about the flu already. What was very startling to me was that, like many things, they come and they go in our public consciousness. This flu is coming back by all the scientists' projections, and when it comes back, it's going to have mutated into an even more deadly strain.

The CHAIR. The time of the gentleman has expired.

Mr. THOMPSON of Mississippi. I yield an additional 15 seconds to the gentleman.

Mr. KENNEDY. The average age of death of people from this flu is 19 years old. The average person in an ICU is 24 years old. So this is a whole new phenomenon in terms of your father's Chevrolet. This is a whole new issue we are dealing with. I would hope that Homeland Security would be working with public health and with everyone else to help address this.

Mr. DENT. Mr. Chairman, at this time, I would like to yield 2 minutes to the distinguished naval aviator from Sugar Land, Texas (Mr. OLSON).

Mr. OLSON. Thank you to my friend from Pennsylvania. I will be quick here.

Mr. Chairman, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act, and I urge its immediate passage.

As a member of the Homeland Security Committee, I was pleased by the serious bipartisan manner in which this legislation was considered. In fact, the hard work and dedication that the committee members showed in crafting this bill makes me hopeful that we can enact a much-needed, full Department of Homeland Security authorization bill rather than continue to legislate piece by piece.

□ 1315

I rise specifically today to speak about the general aviation security provisions in the bill and the TSA's Large Aircraft Security Program.

The TSA's notice of proposed rule-making to address the perceived threats posed by general aviation aircraft essentially took the Department's principles of risk-based security measures and threw them out the window. The deficiencies of the proposal were the direct result of consultation without collaboration. The TSA met with industry stakeholders and interested parties and then dismissed their input.

Given the terrible flaws in this process, it is not surprising that the proposed product is less than satisfactory as well. Many of the provisions will place a heavy financial burden on the general aviation community yet result in little genuine improvement in security.

Now is not the time to put a financial squeeze on an industry that contributes so much to our national economy. The TSA has proposed using third-party private contractors to review general aviation manifests and conduct watch list verifications. I find it unacceptable that unaccountable contractors would have access to travelers' personal information and have the authority to bar them from a private flight. Any check against a No Fly List or Terrorist Watch List is an inherently governmental function and must be performed by a democratically accountable agency. I am glad the committee adopted my amendment that will prohibit such a practice.

But let me be clear, I strongly support improving security for general aviation and airports. What I object to is a heavy-handed approach that abandons the risk-based principles upon which TSA operates.

The provision I was able to include in H.R. 2200 is a step in the right direction but there is more to be done in the future. I thank the committee for hearing my concerns and I am pleased to join them in supporting this bill today.

I would like to thank subcommittee Chairman JACKSON-LEE and Chairman THOMPSON for making this a bi-partisan bill and bringing both sides to the negotiating table at an early stage. I would also like to thank subcommittee ranking member DENT and Committee ranking member KING for their work on this important issue.

I urge passage of the bill.

Mr. DENT. Mr. Chairman, may I inquire how much time we have remaining?

The CHAIR. The gentleman from Pennsylvania has 10¼ minutes. The gentleman from Mississippi has 7¾ minutes.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Houston, Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I rise in support of this bill because this bill is inclusive in approach and comprehensive in scope. It's not perfect, Mr. Chairman, yet it does help perfect Homeland Security.

It provides for surface transportation, security enhancement by tri-

pling the funds available. It provides security training and performance enhancement for significant employees. It provides that airport security and screening enhancement policies be put in place. It provides, Mr. Chairman, that foreign repair stations' security be elevated to U.S. standards. It provides transportation security credential improvements to guard against intruders. It provides for domestic air cargo and checked baggage security to better protect the traveling public. It provides for a general aviation enhancement grant program to help general aviation airports. It provides K-9 detection resources to sniff out drugs. It provides research and development to integrate transportation and security technologies.

It's not perfect, yet it does help to perfect Homeland Security. It is inclusive in approach in that we had the inclusion of all parties interested—the partners, all of the stakeholders were brought into this, Republicans and Democrats alike, labor and industry as well. It is comprehensive in scope.

I support this bill. I thank the chairman for the wonderful work he has done, the ranking member, and also the subcommittee chair, SHEILA JACKSON-LEE, the Congresswoman from Texas, my colleague, as well as Mr. DENT, the ranking member.

Mr. DENT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act. This bill will help to enhance our Nation's transportation security and contains many important provisions.

I'm particularly pleased that the manager's amendment includes a provision I authored to clarify the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to the security of pipelines. I thank Chairman THOMPSON for working with me on this issue and for including this in the manager's amendment.

Over the past 36 years, there have been multiple instances of individuals rupturing pipelines in areas surrounding my district. Most recently in November 2007, three teenagers drilled into an anhydrous ammonia pipeline after being told that the pipeline contained money. The pipeline breach necessitated the evacuation of nearly 300 people in my district.

At the time, local officials received conflicting guidance from the Department of Homeland Security and the Department of Transportation about whether this was a security incident or a safety incident.

My provision seeks to resolve issues of this sort by requiring the Comptroller General to study the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipelines and report the results of the

study to the Committee on Homeland Security within 6 months.

Finally, my amendment requires the Secretary of Homeland Security to review and analyze the GAO study and report to the Committee on Homeland Security on her review and analysis, including recommendations for changes to the Annex to the Memorandum of Understanding between DHS and DOT or other improvements to pipeline security activities at DHS. Clarifying the respective roles of DHS and DOT will help to ensure that the officials in the areas that we represent do not receive conflicting guidance in the event of a future pipeline breach.

I'm also pleased that the bill includes my provision that would provide reimbursement to airports that used their own funding to install explosive detection systems after 9/11. These airports installed such systems after receiving assurances from the Federal Government that they would be reimbursed. However, to date, they have not been reimbursed.

Congress addressed this issue in section 1604 of the Implementing Recommendations of the 9/11 Commission Act. But despite this explicit direction in 2007, TSA has not yet reimbursed a single eligible airport. My provision requires TSA to establish a process for resolving reimbursement claims within 6 months of receiving them. It also requires TSA to report to the Committee on Homeland Security an outline of the process used for the consideration for reimbursement claims, including a reimbursement schedule. This is a commonsense provision that will ensure that airports that did the right thing to protect the traveling public after the September 11th attacks will finally get the reimbursement they were promised by TSA and Congress.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, but above all, I thank him for his masterful work in further cleaning up airport transportation security and for the cooperation he established with the minority.

I particularly thank the chair for including helicopters in the General Aviation Working Group section and for the working group itself because, Mr. Chairman, the large-scale airport requirements have begun to creep into general aviation. The best example of that is right here in the Nation's Capital, where we're down from 200 general aviation flights per month to 200 per year—only, I must say, in the District of Columbia because we don't have enough guidance as to how general aviation should be treated.

General Aviation was reopened here in the Nation's Capital for the first time only a couple years ago after the Transportation Committee threatened to hold TSA in contempt if it didn't open Reagan National Airport to general aviation. Then TSA issued regulations that essentially kept general



aviation out of the Nation's Capital, signalling that, 7 or 8 years after 9/11, we still don't know how to keep our capital safe, which surely is not the case. The irrationality begins to mount. In addition, commercial helicopters had been allowed to come to Reagan with the Secret Service's permission, which had kept the helicopter port open because it served certain security purposes but has closed down commercial service now.

So I thank you, Mr. Chairman, for the General Aviation working group to straighten out these issues.

Mr. DENT. Mr. Chairman, I ask unanimous consent to have Mr. MCCAUL control the balance of my time for our side.

The CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MCCAUL. Mr. Chairman, I yield myself 2 minutes.

Recently, I participated in a congressional delegation down in Guantanamo, the first congressional delegation since the President ordered that Guantanamo will be closed. We saw the detainees down there. We saw the top 16 al Qaeda operatives. We saw Khalid Sheikh Mohammed praying, bowing to Mecca. To look at the man who was responsible for the death of 3,000 Americans was perhaps the most chilling experience of my congressional career.

As a former Federal prosecutor, to extend constitutional protections to these detainees as criminal defendants is, in my view, setting a very dangerous precedent. They were captured on the battlefield, and they're enemies of war.

The Souder amendment—while I do support the overall bill—the denial of the Souder amendment raises big concerns, in my view. The idea that detainees held in Guantanamo cannot be placed on the No Fly List begs the question who is qualified to be put on the No Fly List. And since that time, we've released 500 detainees from Guantanamo, 60 of whom have been captured on the battlefield trying to kill our soldiers in Afghanistan.

So I would like to pose a question to the distinguished chairman of the Homeland Security Committee, and I would be happy to yield time to him.

And the question is simply this: We have debated whether the detainees currently being held should be on the No Fly List. In my view it's a no-brainer that we should reach agreement on in a bipartisan way. But as to the 530 who have been released from Guantanamo, does the chairman know whether or not they have been placed on the Terrorist Watch List or the No Fly List?

I yield.

Mr. THOMPSON of Mississippi. At this point, I'll take it in two phases.

There are some obvious misunderstandings of this legislation.

The CHAIR. The time of the gentleman has expired.

Mr. MCCAUL. I am happy to yield myself an additional 2 minutes.

And I yield to Mr. THOMPSON.

Mr. THOMPSON of Mississippi. I thank the gentleman for yielding the time.

If you read the legislation, it talks about those detainees from Gitmo being on the No Fly List. So I don't know what is it we can do to solve the issue other than to refer people to page 87 of House bill 2200 and you can see—and we don't have a disagreement.

Mr. MCCAUL. Reclaiming my time, as to the 530 detainees who we know are dangerous actors who have already been released from Guantanamo, do we know if they've been placed on the No Fly List and the Terrorist Watch List?

Mr. THOMPSON of Mississippi. But that has nothing to do with the legislation before us today.

Mr. MCCAUL. I submit they should be.

The administration has been vague in its response on this issue and perhaps we should entertain the idea of a bill that I would be happy to work with the chairman on to ensure that those who have been captured on the battlefield in Afghanistan, those terrorist suspects who were at Guantanamo who have since been released—many of whom have been returned to the battlefield to kill our soldiers—that at the very least if we're going to put anybody on the No Fly List and the Terrorist Watch List, that these individuals should be placed on this list.

And I will be happy to yield.

Mr. THOMPSON of Mississippi. I agree with you. If those individuals have been captured who have been released, then the procedure automatically places them on the No Fly List. There is no question.

As to how many there are, I don't know. But, again, I say to my colleague from Texas, there is no real debate on the issue of being on the No Fly List.

Mr. MCCAUL. There is a debate on the current detainees—and I know it's pending disposition from the President—in my view, they should automatically be placed on the list. This is not a difficult decision.

With respect to those who have been released, Congress should take a stand and not defer to the administration on this and ensure that the suspected terrorists are never allowed on a U.S. commercial aircraft.

And with that, I reserve.

□ 1330

Mr. THOMPSON of Mississippi. I would like to acknowledge and recognize the gentleman from Oregon (Mr. DEFAZIO) for 1 minute to make another attempt to clarify for this body the issue around Gitmo and detainees on the No Fly List.

Mr. DEFAZIO. I thank the chairman.

"Inclusion of Detainees on No Fly List: The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly

List any individual who was a detainee housed at the Naval Station, Guantanamo Bay, Cuba, on or after January 1, 2009, after a final disposition has been issued by the President." The quibbling seems to be over the final disposition.

The only point at which any of these people might have some opportunity to try and get on an airplane will be after they get out of Guantanamo. The President determines the final disposition, and if they are sent to a third country or transferred elsewhere at that point, they go on the No Fly List. We have terrorists in our super maximum security prisons in the United States who aren't on the No Fly List because they're in a super maximum security prison. If they ever get parole or otherwise get released, they'll go on the No Fly List. But we don't junk up the No Fly List, which already has problems, with a whole bunch of people who are in shackles in ultra-secure locations and are in security already. It doesn't make a lot of sense.

I know you're trying to get political advantage here to say somehow we're soft on terrorism. These people will go on the list if they ever get out.

Mr. MCCAUL. Mr. Chairman, may I inquire as to the remaining time.

The CHAIR. The gentleman from Texas has 3½ minutes. The gentleman from Mississippi has 3½ minutes.

Mr. MCCAUL. Mr. Chairman, I yield 2½ minutes to my distinguished colleague from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my colleague from Texas.

First, I get tired of hearing my own language read back to me. The only language that's relevant here was the part that gutted my amendment which says, "after a final disposition has issued," which eliminates, one, what are they doing until there is a final disposition? If they've been released into America, they are on the planes with us, and we're hoping that the final disposition might occur in—I don't know—2 years, 6 years, 8 years, if they're released. The amendment only covers those who are released. That's if they're on the list. They automatically go on the list. But the big concern is not if they're imprisoned, unless they escape, but whether they're released and that the final disposition, if it is that either we didn't challenge it—in other words, we just released them because we didn't want to have them in trial or that they were found not guilty.

To quote Mr. PASCRELL, my good friend—and we are good friends—he doesn't want, nor does Mr. DEFAZIO want, these potential and actual terrorists—I mean, understand in Gitmo, the people that are there, they are the ones we haven't released. Maybe they were innocently carrying an IED or a Kalashnikov, but these were picked up in Afghanistan on the battlefield. These are military detainees. These aren't kind of casual people here that we're talking about. They have been picked up on the battlefield. The only

question is, how are we going to try them? How are we going to process them?

By the way, the only thing we can get out of the administration as far as the question of being in prison, many are likely already on the No Fly List. The key words here are "many are likely on the No Fly List." They should all be on the No Fly List. Whether they're detained or imprisoned or not, they should be on the No Fly List. We also heard a reference to the Aspen Conference yesterday. Secretary Napolitano said that DHS's role would be—apparently this is a summary—to address the security aspects of the immigration issue regarding the detainees.

Now I was in the El Paso Detention Center. There I saw Arellano Felix, one of the major drug people, about to be released in Ciudad Juarez. We hope they picked him up. But this has been the process. We also had a Chinese illegal who was about to be released. He was in the high-risk detention center with Arellano Felix because he had been violent, beating up guards, particularly beating up other prisoners.

I said, What's going to happen?

They said, Well, China won't take him back. We have to release him into the United States.

So is anybody going to be warned? Are we going to track him?

No, we can't. We can only hold detainees for so long; and then if we want to proceed with another court case, they're released until then.

What happens to him?

Well, he may wind up in a prison if he beats up somebody or does something.

We have an obligation, as Congress, to make sure that none of these detainees are on an airplane with us.

Mr. Chair, during the Committee on Homeland Security consideration of H.R. 2200, Mr. PASCRELL spoke against my amendment to require all detainees at Guantanamo Bay, GTMO, to be placed on the Transportation Security Administration, TSA, No Fly List. Mr. PASCRELL argued that it was presumptive and that the President should have the opportunity to make a final disposition on each case rather than automatically require that all GTMO detainees be prevented from flying on U.S. commercial aircraft.

Specifically, Mr. PASCRELL stated, "We know that many—and it could be all—are bad actors of those 270. But we don't know that yet, do we? We don't know that. And the point of the matter is, the President has a right to exercise his authority. I'm saying, let the President act, and then we can always respond."

I originally intended to include this quote in my oral statement to demonstrate the lack of clarity and understanding regarding what will happen with the GTMO detainees given the President's decision to close the GTMO facility. I agree with Mr. PASCRELL that no one knows yet what will happen. Where I strongly disagree is that Congress should not wait to see what the President decides, which could open up a huge security loophole. Congress must take proactive measures to ensure the safety and security of the American traveling public and my amendment would have en-

sured that they were not going to be sitting next to a suspected terrorist from GTMO on their next flight.

Mr. THOMPSON of Mississippi. Mr. Chairman, may I inquire how much time is remaining?

The CHAIR. The gentleman from Mississippi has 3½ minutes. The gentleman from Pennsylvania has 45 seconds.

Mr. THOMPSON of Mississippi. Mr. Chair, I recognize the gentlelady from California (Ms. RICHARDSON) for 1 minute.

Ms. RICHARDSON. Mr. Chair, I rise in support of H.R. 2200, and I welcome the opportunity for us to get back on topic of what we're really here to discuss today. I want to applaud Chairman THOMPSON who has brought forward this legislation in a bipartisan manner. And if it's not my mistake, I believe this very legislation was brought forward to our committee and supported in a bipartisan fashion. So let's really talk about what this bill is about.

This bill is about ensuring that passengers in the United States, Americans everywhere, that we can have a greater ease and comfort as we travel. The power of this particular bill ensures that, yes, we will have the legislation in place to ensure that we can have training and adequate inspection.

In my district I have the Long Beach Airport and the Compton Woodley Airport less than 30 miles from Los Angeles International where we move over 3,000 tons of air cargo and 3 million passengers.

Now is not the time to play games. Now is the time to pass this legislation. I urge my colleagues, let's get past the rhetoric. Let's read the bill and look at the facts. The facts are, this bill will assist travelers, increase training and ensure that we have a vibrant economy.

Mr. Chair, I rise in strong support of H.R. 2200, the Transportation Security Administration Act of 2009, which fully reauthorizes the Transportation Security Administration (TSA) for the first time since enactment of the Aviation and Transportation Security Act of 2001. I want to thank my Chairman, Mr. THOMPSON for his leadership and skill in shepherding this important legislation to the floor.

I also want to acknowledge the efforts of Congresswoman JACKSON-LEE, the chair of the Transportation Security Subcommittee, who worked so hard to produce a bill that will strengthen the ability of TSA to fulfill its mission of securing all modes of transportation including rail, mass transit, trucking, bus, and aviation.

Mr. Chair, H.R. 2200 authorizes nearly \$16 billion for TSA for the next two fiscal years. This legislation is the result of months of bipartisan negotiations and cooperation and consultations with key stakeholders, including labor organizations, industry groups, the Government Accountability Office, and the Department of Homeland Security.

Mr. Chair, let me list a few reasons why I believe all Members should support this bill.

My district is home to two airports—Long Beach International and Compton Woodley—

and is less than 30 miles from Los Angeles International. Long Beach International alone handles more than 3,000 tons of air cargo each month and 3 million air travelers every year. So this legislation has a particular impact on my district. It protects the travelers and the cargo coming in and out of California that helps to drive the local, regional, and national economy.

#### SURFACE TRANSPORTATION SECURITY

Regarding surface transportation, the bill provides for a tripling in the amount of funding over FY09 levels and authorizes the hiring of an additional 200 surface transportation security inspectors for FY2010 and an additional 100 inspectors for FY2011.

Second, the bill establishes a Surface Transportation Security Inspection Office within TSA to train and manage inspectors to conduct and assist with security activities in surface transportation systems. This is important because personnel with surface transportation security inspection responsibilities should be trained and mentored by persons with substantial expertise in surface transportation security. That has not always been true in the past.

Third, the bill creates a Transit Security Advisory Committee to facilitate stakeholder input to TSA on surface transportation policy.

#### AIRPORT SECURITY AND SCREENING ENHANCEMENTS

Mr. Chair, airport security is of special interest to me because my district includes the Long Beach International Airport. In the area of air transport security, the bill directs TSA to develop a strategic, risk-based plan to enhance security of airport perimeters and it prohibits federal employees and contractors from providing advance notice of covert testing to airport security screeners.

The bill also enhances air travel security training and performance capabilities by:

1. Directing TSA to establish an oversight program for carrier-provided security training for flight attendants and crews;
2. Authorizing resources for the administration of the Federal Flight Deck Officer program and requires additional training sites for recurring training;
3. Directing TSA to develop a security training plan for all-cargo aircraft crews; and
4. Creating an Ombudsman for the federal air marshals.

#### MINORITY, SMALL AND DISADVANTAGED BUSINESS CONTRACTING

Finally, Mr. Chair, I support this bill because of the inclusion of section 103, which establishes reporting requirements for TSA on contracts valued at \$300,000 or more to ensure compliance with existing Federal government-wide participation goals for small and disadvantaged businesses.

For all of these reasons, I strongly support H.R. 2200 and urge my colleagues to join me in voting for the bill and in thanking the Homeland Security Chairman and Ranking Member for producing this excellent legislation.

Mr. DENT. I would like to reserve the balance of my time at this time.

Mr. THOMPSON of Mississippi. Mr. Chair, I recognize the gentlelady from New York (Mrs. LOWEY) for 1 minute.

Mrs. LOWEY. Mr. Chair, I rise in strong support of this legislation, and I thank the chairman for including two initiatives on which I've worked closely with the chairman.

One was to make sure there is notification of covert testing within our

transportation system, and last year we successfully implemented a pilot program to test the effectiveness of physically screening employees who have access to secure and sterile areas in airports nationwide.

While the underlying legislation makes significant improvements in the safety of our air system, I'm disappointed; but I'm very pleased that the chairman is going to address the inability of TSA workers to collectively bargain. Without this change, TSA workers will continue to suffer, and we need to have a strong workforce.

So I thank you, Mr. Chairman. Thank you for including several initiatives, and I look forward to continue working together.

Mr. Chair, I rise in support of H.R. 2200, the Transportation Security Administration Authorization Act. This important legislation will ensure that the traveling public is protected in our skies and on our roads and railways.

The measure incorporates two initiatives on which I have worked closely with Chairman THOMPSON. First, H.R. 2200 includes legislation I authored to prohibit the advance notification of covert testing within our transportation systems. The core principles and goals of covert testing are undermined when individuals are alerted in advance to tests, and these provisions will bolster accountability for and integrity of covert operations.

Last year, we successfully implemented a pilot program to test the effectiveness of physically screening employees with access to secure and sterile areas of airports nationwide. H.R. 2200 builds upon this pilot by testing the use of biometrics for these individuals.

We know there is criminal activity taking place at some airports, which could lead to possible terrorist activity. We cannot wait for the next security breach to take action, and biometric technology will ensure that only those who have permission to be in the most sensitive parts of our airports are granted access.

While the underlying legislation makes significant improvements in the safety of our air systems, I am disappointed that it does not address the inability of TSA workers to collectively bargain. Without this change, TSA workers will continue to suffer from high rates of injury, attrition, and lowest morale of all federal agencies.

These factors and poor workforce management in recent years have created potential gaps in our aviation security. My legislation, the Transportation Security Workforce Enhancement Act, would provide the same rights and protections as other DHS employees to TSA workers, and I look forward to working with Chairman THOMPSON to enact this legislation.

I commend the Committee for crafting H.R. 2200 to enhance our transportation security, and I urge my colleagues to support it.

Mr. DENT. I would just like at this time to thank Chairman BENNIE THOMPSON, Chairwoman SHEILA JACKSON-LEE, PETE KING, everybody else for their collaboration on this important piece of legislation. It is a good bill. I won't get into some of the deficiencies here right now except to say that we need to deal with the Large Aircraft Security Program. I know the Chair

has agreed to holding a committee hearing on that very important issue. It's important that we address that issue.

But there are a few things about this bill that are very, very important. It does prohibit tipping off TSA employees of covert testing efforts. I think that's important. This legislation also requires a secure biometrically enhanced system to verify the status of law enforcement officers traveling armed on commercial passenger aircraft. It also authorizes demonstration projects to test technology design to mitigate a terrorist attack against underwater tunnels or open rail lines. It also prohibits the TSA's outsourcing of the terrorist watch list, No Fly List and selectee list verifications to non-governmental entities.

I yield back the balance of my time. Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of the time.

In closing, I would emphasize the importance of passing the Transportation Security Administration Authorization Act. This bill is the first comprehensive authorization bill for TSA since its creation in 2001. It is the product of extensive bipartisan negotiation and reflects input from GAO, DHS, IG and oversight conducted by the Committee on Homeland Security. It makes major investments in surface transportation and triples the overall funding for TSA activities.

Mr. Chairman, let me for the record say that there are 239 detainees presently housed at Gitmo. Under this legislation, all those individuals, if they were found innocent or guilty, will go on the No Fly List. So there is no question about the intent of this legislation to put those individuals on the No Fly List.

Apart from that, this is a good bill, and I urge its adoption.

Mr. NADLER of New York. Mr. Chair, I rise in opposition to the Transportation Security Administration (TSA) Authorization Act (HR 2200). For the most part, this bill is a good bill. However, it contains a troubling provision extending the deadline to screen 100 percent of air cargo on passenger planes bound for the United States.

Each year, over 6 billion pounds of cargo are transported on passenger planes within, or to, the United States. Almost half of this amount, 3.3 billion pounds of cargo, is carried on passenger planes that originate in foreign countries bound for the United States. There is no active requirement that this cargo be screened for explosives. After the 9/11 terrorist attacks, Congress passed legislation to strengthen aviation security, but it failed to address this glaring loophole.

Just two years ago, Congress finally passed legislation implementing all of the 9/11 Commission recommendations (H.R. 1 in the 110th Congress), requiring 100 percent screening of air cargo by August 2010. Even though this deadline is more than a full year away, Section 201 of H.R. 2200 as reported by the Committee appears to grant TSA up to an additional two years from the date of enactment of this bill to screen inbound cargo for explo-

sives. It makes no good sense to provide an extension a full year in advance of the current deadline.

We must not wait to impose security measures until cargo reaches the United States. If we wait to check for a bomb on a plane when it arrives in Newark, or Miami, or Los Angeles, it may be too late. Congress recognized this and intentionally set a deadline for screening all air cargo abroad. We will have to reach international agreements to implement the requirement, and in some cases that could be challenging, but it is precisely for this reason that Congress set an aggressive deadline. It has been almost eight years since the terrorist attacks of 9/11. We should have implemented 100 percent air cargo screening years ago. Only with vigorous oversight can we be sure that all stakeholders involved finally take action on this vital national security measure.

The Coalition of Airline Pilots Associations (CAPA) and Families of September 11th also oppose the inclusion of this provision. We search little old ladies' shampoo bottles. Certainly, we can screen cargo in the belly of the plane for explosives.

I am also concerned about Section 405 of the bill, which would require that any person detained at the Guantanamo Bay facility on or after January 1, 2009 must be placed on the no-fly list. As the Distinguished Chairman has made clear, "regardless of the nature of the disposition" of their case. This provision could lead to extremely bizarre results. For example, a person who was cleared of any wrongdoing, and who has been shown to be not a threat to the United States, would still be required to be placed on the no-fly list. Where is the sense in that? We now know that most of the people who have been held at Guantanamo at one time or another were not a threat, and were not in fact guilty of engaging in hostilities against the United States. There are people still imprisoned at Guantanamo today who are there, not because they are a threat, but because our government can't figure out what to do with them. The Uigurs, who are viewed as terrorists only by the repressive regime in Beijing, would be labeled as terrorists and added to the no-fly list. Is that the policy we want on the 20th anniversary of the Tiananmen Square massacre?

I must reluctantly vote "no" on final passage.

Ms. ROYBAL-ALLARD. Mr. Chair, I rise today in strong support of H.R. 2200, the Transportation Security Administration Authorization Act.

America's vast, interconnected transportation networks are the lifeblood of our economy, safely conveying millions of Americans to countless destinations from coast to coast. Unfortunately, these arteries of commerce—so critical to our national well-being—also represent a tremendous vulnerability and the difficult task of securing them falls to a single agency: the Transportation Security Administration.

Thankfully, that organization is staffed by thousands of dedicated professionals and their efforts to defend our transportation system will be sensibly strengthened by this legislation. With greater resources, newer technology and more innovative strategies at its disposal, TSA will be better equipped to take on the immense challenge of preserving our freedom of movement.

American aviation faces an array of threats, but guided by this bill, TSA is working to address them in ways that save tax dollars and don't unnecessarily inconvenience travelers.

The Act establishes the Aviation Security Advisory Committee, which will enhance the agency's decision-making processes by bringing together key stakeholders, both in private industry and the law enforcement community. The bill also bars TSA from providing advance notice of covert tests, thus increasing their usefulness as a performance indicator. In addition, it requires TSA to report on the deployment of advanced systems to screen air travelers' baggage, another crucial step in preventing future terror attacks.

While commercial aviation should undoubtedly remain TSA's top priority, the London and Madrid bombings tragically illustrated the vulnerability of mass transit systems. This legislation emphasizes the importance of modes of transportation that were neglected as the agency understandably focused the lion's share of its resources on securing our nation's airports in the years after 9/11.

H.R. 2200 establishes a Surface Transportation Inspection Office and directs the Secretary of Homeland Security to hire additional inspectors. By identifying vulnerabilities and enforcing regulations, these men and women play a crucial role in protecting our mass transit systems and I'm pleased that this legislation will bolster their ranks. In addition, this bill creates a grant program that would aid the efforts of state and local governments to augment the security of their public transportation networks.

While I'm confident that every member of this body is deeply concerned about the security of the nation's transportation system, the issue is especially important to me as a representative of one of America's great cities. Los Angeles is home to our largest container port complex, one of our busiest airports, and a sprawling transit network that covers hundreds of square miles.

Beset by threats both foreign and domestic, all Americans—but especially the inhabitants of urban areas like L.A.—expect that their government will do what is necessary to safeguard the buses they ride across town and the jets they fly across the country. By enacting this legislation, we are working to fulfill that responsibility to our constituents and to the dedicated TSA personnel charged with protecting them.

Please join me in supporting H.R. 2200.

Mr. LIPINSKI. Mr. Chair, I rise today in strong support of H.R. 2200, the Transportation Security Administration Authorization Act. This legislation takes great steps to enhance the ability of TSA to secure our skies, rail lines, and roads and to protect the Americans that rely on these transportation systems daily.

I am especially pleased H.R. 2200 contains a provision to help provide flight attendants with the self defense training needed to keep the traveling public safe.

Mr. Chair, for years, flight attendants across the country have raised concerns over the lack of self defense training provided by carriers. Adequate self defense training for flight attendants will increase the ability of flight attendants to work together to manage a potentially threatening situation. And because a flight attendant's main objective during an attack is to slow it down so the aircraft can land

safely and quickly, self defense training is just common sense.

I would also like to point out this bill simply takes the first step in providing flight attendants with much needed self defense training. The legislation requires one day of five hour training every other year. The cost associated with this additional training—which could occur in conjunction with existing safety training programs—is a small price to pay for increased aviation security.

Mr. MICA. Mr. Chair, I would like to bring to the attention of the House a letter I received this week from dozens of airports across the country concerning a provision in the pending legislation (H.R. 2200) pertaining to background screening services for aviation workers. I ask unanimous consent that the letter, which is addressed to me as well as the distinguished leaders of the Homeland Security Committee and Chairman OBERSTAR, be included in the RECORD.

This is an important issue with which I have a great deal of familiarity as the former Chairman of the House Aviation Subcommittee. Following the tragic events of 9/11, Congress mandated that all workers with access to secure areas of airports be given criminal history background checks. While that now seems like a necessary and reasonable requirement, gaining those checks for nearly a million workers at airports was a daunting task given the fact that the Office of Personnel Management (OPM)—the entity then in charge of processing background checks for aviation workers—routinely took more than 50 days to complete the process for each worker.

Without major upgrades to the process, meeting the congressional mandate was simply not achievable without significant disruptions to the aviation system. Recognizing that fact, the Federal Aviation Administration took the initiative to create a better system to facilitate the required checks and reached out to the private sector to help accomplish that goal. The result was a unique public/private partnership with the creation of the Transportation Security Clearinghouse to process background checks for aviation workers.

The Transportation Security Clearinghouse established the first high-speed, secure connection to the federal fingerprint processing system and ensured that more than 500 airports were able to access that system and complete the necessary background checks. It is my understanding that the TSC reduced a process that took more than 50 days down to an average of four hours, with many checks occurring in a matter of minutes. I am told that error rates with transmissions were reduced to 2 percent, well below the average government error rate of 8 percent.

As a result, the initial mandate for completing background checks was completed successfully. Numerous subsequent security enhancements—issued directly by the Transportation Security Administration, the agency now in charge of aviation security—have likewise been completed successfully. Notably, all aviation workers and many others in the airport environment undergo detailed Security Threat Assessments, a process that has been facilitated by the TSC.

Over the past seven-plus years, the TSC has processed more than 4 million record checks for aviation workers. The costs of the checks for aviation workers have been reduced twice and at \$27 are dramatically lower

than for workers in other modes of transportation that require similar checks, including port workers and hazardous material truckers.

I raise these points to make clear that I concur with the view outlined by numerous airports on this letter. The current process for aviation workers works well and should not be disrupted as TSA seeks to comply with this legislation. Additionally, the agency needs to ensure that there is no diminution of security by requiring that any entity that seeks to provide these services in the future is capable of facilitating all current checks and can meet any other additional requirements deemed critical by the agency.

I appreciate the work of the Homeland Security Committee on this issue and look forward to working with them as this process moves forward.

JUNE 2, 2009.

Hon. BENNIE THOMPSON,  
*Chairman, House Homeland Security Committee, Washington, DC.*

Hon. PETER KING,  
*Ranking Member, House Homeland Security Committee, Washington, DC.*

Hon. JAMES OBERSTAR,  
*Chairman, House Transportation and Infrastructure Committee, Washington, DC.*

Hon. JOHN MICA,  
*Ranking Member, House Transportation and Infrastructure Committee, Washington, DC.*

DEAR CHAIRMAN THOMPSON, CHAIRMAN OBERSTAR, RANKING MEMBER KING, and RANKING MEMBER MICA: with the House poised to consider important TSA authorization legislation (H.R. 2200) in the near future, we are writing to express our strong support for the Transportation Security Clearinghouse (TSC) and to ask that attempts to address competition in security background screening services legislatively do not interfere with the critical security services that the TSC currently facilitates.

Created in the aftermath of September 11th in partnership with the federal government to meet a congressional mandate for the completion of background checks for aviation workers, the TSC has built an incredible record of success over the past seven-plus years. To date, more than four million records have been vetted against federal criminal and terrorist data bases at a cost much lower than other comparable vetting programs. A process that took weeks to complete prior to the creation of the TSC, now takes minutes, collectively saving airports and our industry hundreds of millions of dollars in operational and employee time savings that would otherwise have been spent waiting for background checks and away from their jobs.

For the federal government, the TSC serves as an invaluable partner in ensuring the highest level of security in the background screening process for aviation workers. As TSA has expanded background check requirements for aviation workers and others in the airport environment over the years, the Clearinghouse has repeatedly risen to the occasion—most often at its own expense—to ensure that additional checks are performed quickly and effectively and in a manner that limits disruptions to airport operations. Additionally, the TSC adheres to all federal data and privacy standards and has passed rigorous DHS certification requirements.

For airports, the TSC has repeatedly proven its value in keeping costs low and services high. Difficult TSA mandates have been met with minimal disruption, and Clearinghouse fees have been reduced twice in recent years—currently \$27 per employee and significantly below the costs of similar programs. The TSC was established to serve a

critical need of airports, and the incentives inherent in the TSC model ensure that it will continue to put the needs of airports and the aviation industry at the forefront.

While competition in this area is a worthy goal, it must not come at the expense of a process that works well and that has served our industry and the cause of aviation security admirably for nearly eight years. As you have the opportunity to consider legislation aimed at enhancing competition in security background screening services, we ask that you take steps to ensure that the current process facilitated by the TSC is not disrupted and that any service providers approved to perform similar functions are able to meet the same levels of security and service that are currently provided by the TSC.

We appreciate your attention to this important matter.

Sincerely,

Mr. Benjamin DeCosta, A.A.E. Aviation General Manager Hartsfield-Jackson Atlanta Intl Airport;  
 Mr. John L Martin, Airport Director, San Francisco Int'l Airport;  
 Mr. Jose Abreu, Aviation Director, Miami International Airport;  
 Mr. Mark Gale, A.A.E., Memphis International Airport, Acting Director, Philadelphia Int'l Airport;  
 Mr. Thomas Kinton, Executive Director/CEO, Massachusetts Port Authority;  
 Mr. James Bennett, A.A.E., President & C.E.O., Metropolitan Washington Airports Auth., Dulles International Airport/Washington Regan National Airport.  
 Mr. Timothy Campbell, A.A.E., Executive Director, Baltimore/Washington Int'l Thurgood Marshall;  
 Mr. Brian Sekiguchi, Deputy Director, State Dept. of Transportation, Honolulu International Airport;  
 Mr. Ricky Smith, Director of Airports, Cleveland Airport System;  
 Mr. Larry Cox, A.A.E., President & C.E.O., Memphis-Shelby County Airport Auth., Memphis International Airport;  
 Mr. Bradley Penrod, A.A.E., Executive Director/C.E.O., Allegheny County Airport Authority, Pittsburgh International Airport;  
 Ms. Elaine Roberts, A.A.E., President & C.E.O., Columbus Regional Airport Authority, Port Columbus International Airport.  
 Mr. Sean Hunter, M.B.A., ACE, Director of Aviation, Louis Armstrong New Orleans Int'l Airport;  
 Mr. Bruce Pelly, Director of Airports, Palm Beach International Airport;  
 Mr. Stephen Korta, A.A.E., State Aviation Administrator, Connecticut Department of Transportation, Bradley International Airport;  
 Ms. Christine Klein, A.A.E., Alaska DOT&PF Deputy Commissioner, Acting Airport Director, Ted Stevens Anchorage International Airport;  
 Mr. Kevin Dillon, A.A.E., President & C.E.O., Rhode Island Airport Corp., T.F. Green State;  
 Ms. Krya Bart, A.A.E., President & C.E.O., Reno-Tahoe Airport Authority, Reno-Tahoe Int'l Airport;  
 Mrs. Bonnie Allin, A.A.E., President/C.E.O., Tucson Airport Authority.  
 Mr. Mark Brewer, A.A.E., Airport Director, Manchester-Boston Regional Airport;  
 Mr. Jon Mathiasen, A.A.E., President & C.E.O., Capital Region Airport Commission, Richmond International Airport;

Ms. Monica Lombraña, A.A.E., Director of Aviation, El Paso International Airport;  
 Mr. Jeffrey Mulder, A.A.E., Airport Director, Tulsa Airport Authority, Tulsa International Airport;  
 Ms. Susan Stevens, AAE, Director of Airports, Charleston County Aviation Authority;  
 Mr. Mark Earle, C.M., Aviation Director, Colorado Springs Airport;  
 Mr. James Koslosky, A.A.E., Executive Director, Gerald R. Ford International Airport.  
 Mr. George Speake, Jr., C.M., VP of Operations & Maintenance, Orlando Sanford International Airport;  
 Mr. Timothy Edwards, A.A.E., Executive Director, Susquehanna Area Reg. Airport Auth., Harrisburg International Airport;  
 Mr. Victor White, A.A.E., Wichita Airport Authority, Wichita Mid-Continent Airport;  
 Mr. Brian Searles, Director of Aviation, Burlington International Airport;  
 Mr. Richard McQueen, Airport Director, Akron-Canton Regional Airport;  
 Mr. Richard Tucker, Executive Director, Huntsville International Airport;  
 Mr. James Loomis, A.A.E., Director of Aviation, Lubbock Preston Smith Int'l Airport.  
 Ms. Kelly Johnson, A.A.E., Airport Director, N.W. Arkansas Regional Airport Auth;  
 Mr. Eric Frankl, A.A.E., Executive Director, Lexington Blue Grass Airport;  
 Mr. Dan Mann, A.A.E., Airport Director, The Eastern Iowa Airport;  
 Mr. Anthony Marino, Director of Aviation, Baton Rouge Metropolitan Airport;  
 Mr. Bruce Carter, A.A.E., Director of Aviation, Quad City Int'l Airport;  
 Mr. Gary Cyr, A.A.E., Director of Aviation, Springfield/Branson National Airport;  
 Mr. Thomas Binford, A.A.E., Director of Aviation & Transit, Billings Logan Int'l Airport.  
 Mr. Philip Brown, C.M., Director of Aviation, McAllen Int'l Airport/City of McAllen;  
 Mr. John Schalliol, A.A.E., Executive Director, St. Joseph County Airport Authority, South Bend Regional Airport;  
 Mr. Jon Rosborough, Airport Director, Wilmington International Airport;  
 Mr. Timothy Doll, A.A.E., Airport Director, Eugene Airport;  
 Mr. Torrance Richardson, A.A.E., Executive Director of Airports, Fort Wayne International Airport;  
 Mr. Lew Bleiweis, A.A.E., Deputy Airport Director, Asheville Regional Airport Authority;  
 Mr. Thomas Braaten, Airport Director, Coastal Carolina Regional Airport.  
 Mr. Joseph Brauer, Airport Director, Rhinelander/Oneida County Airport;  
 Mr. Robert Bryant, A.A.E., Airport Director, Salisbury-Ocean City Wicomico Regional Airport, Wicomico Regional Airport;  
 Mr. Barry Centini, Airport Director, Wilkes-Barre/Scranton Int'l Airport;  
 Mr. Patrick Dame, Executive Director, Grand Forks International Airport;  
 Mr. David Damelio, Director of Aviation, Greater Rochester International Airport;  
 Mr. Rod Dinger, A.A.E., Airport Manager, Redding Municipal Airport;  
 Mr. Shawn Dobberstein, A.A.E., Executive Director, Hector International Airport.

Mr. John Duval, A.A.E., ACE, Director of Operations, Planning and Development, Beverly Municipal Airport;  
 Ms. Jennifer Eckman, A.A.E., Finance and Administration Manager, Rapid City Regional Airport;  
 Mr. Luis Elgueazabal, A.A.E., Airport Director, San Angelo Regional Airport;  
 Mr. Jim Elwood, A.A.E., Airport Director, Aspen/Pitkin County Airport;  
 Mr. Jose Flores, Airport Manager, Laredo International Airport;  
 Mr. David Gordon, A.A.E., Airport Director, Fort Collins Loveland Municipal Airport.  
 Mr. Thomas Greer, A.A.E., General Manager, Monterey Peninsula Airport District;  
 Mr. Rick Griffith, A.A.E., Airport Manager, Bert Mooney Airport Authority;  
 Mr. Thomas Hart, Executive Director, Williamsport Regional Airport;  
 Mr. Gregory Haug, Airport Manager, Bismarck Airport;  
 Mr. Glenn Januska, A.A.E., Airport Manager, Casper/Natrona County Int'l Airport.  
 Mr. Cris Jensen, A.A.E., Airport Director, Missoula County Airport Authority, Missoula International Airport;  
 Mr. Gary Johnson, C.M., Airport Director, Stillwater Regional Airport;  
 Mr. Stephen Luebbert, Airport Director, Texarkana Regional Airport-Webb Field;  
 Mrs. Cindi Martin, C.M., Airport Director, Glacier Park International Airport;  
 Mr. Derek Martin, A.A.E., Airport Director, Klamath Falls Airport;  
 Mr. Ronald Mercer, Airport Director, Helena Regional Airport;  
 Mr. Clifton Moshoginis, Airport Director, Kalamazoo Battle Creek Int'l Airport;  
 Mr. Lenard Nelson, A.A.E., Aviation Director, Idaho Falls Regional Airport;  
 Mr. Robert Nicholas, A.A.E., Airport Manager, Ithaca Tompkins Regional Airport.  
 Mr. Robb Parish, Airport Manager, Pullman-Moscow Regional;  
 Mr. Timothy Reid, C.M., Assistant Airport Manager, Cheyenne Regional Airport;  
 Mr. Richard Roof, Airport Manager/Security Coord., Barkley Regional Airport Authority;  
 Mr. David Ruppel, C.M., Airport Manager, Yampa Valley Regional Airport;  
 Mr. Darwin Skelton, Airport Director, Western Nebraska Regional Airport;  
 Mr. Jack Skinner, Airport Manager, Laramie Regional Airport;  
 Mr. John Sutton, Director of Aviation, Killeen-Fort Hood Regional Airport;  
 Mr. Robin Turner, A.A.E., Airport Manager, Lewiston-Nez Perce County Reg. Airport;  
 Mr. Bradley Whited, A.A.E., Airport Director, Fayetteville Regional Airport.

Mr. REICHERT. Mr. Chair, as of February 28, 2009 all port workers must have a Transportation worker Identification Credential, TWIC, to be granted port access. However, many longshoremen have not yet received a TWIC due to large backlogs at TSA.

This backlog is causing undue hardship on longshoremen and their families—many are being prevented from doing their jobs and earning a living. In order to get by, many are depleting their savings to support their families. This problem also unduly disrupts the operations of the ports and the flow of commerce.

Today we will consider important legislation to reauthorize the Transportation Security Administration, TSA, and enhance our surface and aviation transportation security.

I commend the committee for including language in the bill which clarifies that those who perform work in secure areas of our ports be allowed escorted access to such areas while their application for a TWIC is pending.

There is a real need to ensure the safety and security of our ports, however, we must balance this with our need to ensure workers, who pose no threat to the U.S., are able to do their job and earn an honest living.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

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

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

(a) **SHORT TITLE.**—This Act may be cited as the “Transportation Security Administration Authorization Act”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Authorities vested in Assistant Secretary.

#### **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

Sec. 101. Authorization of appropriations.

Sec. 102. Risk-based system for allocation of resources.

Sec. 103. Ensuring contracting with small business concerns and disadvantaged business concerns.

#### **TITLE II—AVIATION SECURITY**

##### **Subtitle A—Amendments to Chapter 449**

Sec. 201. Screening air cargo and checked baggage.

Sec. 202. Prohibition of advance notice of covert testing to security screeners.

Sec. 203. Secure verification system for law enforcement officers.

Sec. 204. Ombudsman for Federal Air Marshal Service.

Sec. 205. Federal flight deck officer program enhancements.

Sec. 206. Foreign repair stations.

Sec. 207. Assistant Secretary defined.

Sec. 208. TSA and homeland security information sharing.

Sec. 209. Aviation security stakeholder participation.

Sec. 210. General aviation security.

Sec. 211. Security and self-defense training.

Sec. 212. Security screening of individuals with metal implants traveling in air transportation.

Sec. 213. Prohibition on outsourcing.

##### **Subtitle B—Other Matters**

Sec. 221. Security risk assessment of airport perimeter access controls.

Sec. 222. Advanced passenger prescreening system.

Sec. 223. Biometric identifier airport access enhancement demonstration program.

Sec. 224. Transportation security training programs.

Sec. 225. Deployment of technology approved by science and technology directorate.

Sec. 226. In-line baggage screening study.

Sec. 227. In-line checked baggage screening systems.

Sec. 228. GAO report on certain contracts and use of funds.

Sec. 229. IG report on certain policies for Federal air marshals.

Sec. 230. Explosives detection canine teams minimum for aviation security.

Sec. 231. Assessments and GAO Report of inbound air cargo screening.

Sec. 232. Status of efforts to promote air cargo shipper certification.

Sec. 233. Full and open competition in security background screening service.

Sec. 234. Registered traveler.

Sec. 235. Report on cabin crew communication.

Sec. 236. Air cargo crew training.

Sec. 237. Reimbursement for airports that have incurred eligible costs.

Sec. 238. Report on whole body imaging technology.

Sec. 239. Protective equipment.

#### **TITLE III—SURFACE TRANSPORTATION SECURITY**

Sec. 301. Assistant Secretary defined.

Sec. 302. Surface transportation security inspection program.

Sec. 303. Visible intermodal prevention and response teams.

Sec. 304. Surface Transportation Security stakeholder participation.

Sec. 305. Human capital plan for surface transportation security personnel.

Sec. 306. Surface transportation security training.

Sec. 307. Security assistance IG Report.

Sec. 308. International lessons learned for securing passenger rail and public transportation systems.

Sec. 309. Underwater tunnel security demonstration project.

Sec. 310. Passenger rail security demonstration project.

Sec. 311. Explosives detection canine teams.

#### **TITLE IV—TRANSPORTATION SECURITY CREDENTIALING**

##### **Subtitle A—Security Credentialing**

Sec. 401. Report and recommendation for uniform security background checks.

Sec. 402. Animal-propelled vessels.

Sec. 403. Requirements for issuance of transportation security cards; access pending issuance.

Sec. 404. Harmonizing security card expirations.

Sec. 405. Securing aviation from extreme terrorist threats.

##### **Subtitle B—SAFE Truckers Act of 2009**

Sec. 431. Short title.

Sec. 432. Surface transportation security.

Sec. 433. Conforming amendment.

Sec. 434. Limitation on issuance of hazmat licenses.

Sec. 435. Deadlines and effective dates.

Sec. 436. Task force on disqualifying crimes.

#### **SEC. 2. DEFINITIONS.**

In this Act, the following definitions apply:

(1) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means Assistant Secretary of Homeland Security (Transportation Security Administration).

(2) **ADMINISTRATION.**—The term “Administration” means the Transportation Security Administration.

(3) **AVIATION SECURITY ADVISORY COMMITTEE.**—The term “Aviation Security Advisory Committee” means the advisory committee established by section 44946 of title 49, United States Code, as added by this Act.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

#### **SEC. 3. AUTHORITIES VESTED IN ASSISTANT SECRETARY.**

Any authority vested in the Assistant Secretary under this Act shall be carried out under the direction and control of the Secretary.

#### **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary \$7,604,561,000 for fiscal year 2010 and \$8,060,835,000 for fiscal year 2011 for the necessary expenses of the Transportation Security Administration for such fiscal years.

##### **SEC. 102. RISK-BASED SYSTEM FOR ALLOCATION OF RESOURCES.**

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives, a report on the status of its implementation of recommendations from the Comptroller General with respect to the use by the Transportation Security Administration of a risk-based system for allocating security resources effectively.

(b) **ASSESSMENTS.**—The report shall include assessments of the Transportation Security Administration’s progress in—

(1) adopting security goals that define specific outcomes, conditions, end points, and performance targets;

(2) conducting comprehensive risk assessments for the transportation sector that meet the criteria established under Homeland Security Presidential Directive-7 in effect as of January 1, 2009, and combine individual assessments of threat, vulnerability, and consequence;

(3) analyzing the assessments described in paragraph (2) to produce a comparative analysis of risk across the entire transportation sector to guide current and future investment decisions;

(4) establishing an approach for gathering data on investments by State, local, and private sector security partners in transportation security;

(5) establishing a plan and corresponding benchmarks for conducting risk assessments for the transportation sector that identify the scope of the assessments and resource requirements for completing them;

(6) working with the Department of Homeland Security to effectuate the Administration’s risk management approach by establishing a plan and timeframe for assessing the appropriateness of the Administration’s intelligence-driven risk management approach for managing risk at the Administration and documenting the results of the assessment once completed;

(7) determining the best approach for assigning uncertainty or confidence levels to analytic intelligence products related to the Transportation Security Administration’s security mission and applying such approach; and

(8) establishing internal controls, including—

(A) a focal point and clearly defined roles and responsibilities for ensuring that the Administration’s risk management framework is implemented;

(B) policies, procedures, and guidance that require the implementation of the Administration’s framework and completion of related work activities; and

(C) a system to monitor and improve how effectively the framework is being implemented.

##### **(c) ASSESSMENT AND PRIORITIZATION OF RISKS.**

(1) **IN GENERAL.**—Consistent with the risk and threat assessments required under sections 114(s)(3)(B) and 44904(c) of title 49, United States Code, the report shall include—

(A) a summary that ranks the risks within and across transportation modes, including vulnerability of a cyber attack; and

(B) a description of the risk-based priorities for securing the transportation sector, both within and across modes, in the order that the priorities should be addressed.

(2) **METHODS.**—The report also shall—

(A) describe the underlying methodologies used to assess risks across and within each transportation mode and the basis for any assumptions regarding threats, vulnerabilities,



and consequences made in assessing and prioritizing risks within and across such modes; and

(B) include the Assistant Secretary's working definition of the terms "risk-based" and "risk-informed".

(d) **FORMAT.**—The report shall be submitted in classified or unclassified formats, as appropriate.

**SEC. 103. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.**

(a) **REQUIREMENTS FOR PRIME CONTRACTS.**—The Assistant Secretary shall include in each contract, valued at \$300,000,000 or more, awarded for procurement of goods or services acquired for the Transportation Security Administration—

(1) a requirement that the contractor shall implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions of higher education receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101 et seq.), and Alaska Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including the terms of such plan; and

(2) a requirement that the contractor shall submit to the Assistant Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with such plan, including specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in subsection (a)(1).

(b) **UTILIZATION OF ALLIANCES.**—The Assistant Secretary shall seek to facilitate award of contracts by the Administration to alliances of small business concerns, institutions, and corporations referred to in subsection (a)(1).

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 31 each year a report on the award of contracts to small business concerns, institutions, and corporations referred to in subsection (a)(1) during the preceding fiscal year.

(2) **CONTENTS.**—The Assistant Secretary shall include in each report—

(A) specification of the value of such contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the United States in such fiscal year;

(B) specification of the total dollar value of such contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (a)(1); and

(C) if the percentage specified under subparagraph (A) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

**TITLE II—AVIATION SECURITY**

**Subtitle A—Amendments to Chapter 449**

**SEC. 201. SCREENING AIR CARGO AND CHECKED BAGGAGE.**

(a) **INBOUND AIR CARGO ON PASSENGER AIRCRAFT.**—Section 44901(g) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

“(3) **INBOUND AIR CARGO ON PASSENGER AIRCRAFT.**—Not later than 2 years after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall establish a system to verify that all cargo transported on passenger aircraft operated by an air carrier or foreign air carrier inbound to the United States be screened for explosives. The system shall include a risk assessment for inbound air cargo on passenger and all air cargo airplanes, and the Assistant Secretary shall use this assessment to address vulnerabilities in cargo screening. The Assistant Secretary shall identify redundancies in inbound cargo inspection on passenger aircraft by agencies and address these to ensure that all cargo is screened without subjecting carriers to multiple inspections by different agencies.”

(b) **MANDATORY SCREENING WHERE EDS IS NOT YET AVAILABLE.**—Section 44901(e)(1) of title 49, United States Code, is amended to read as follows:

“(1) A bag match program, ensuring that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft, is not authorized as an alternate method of baggage screening where explosive detection equipment is available unless there are exigent circumstances as determined by the Assistant Secretary. The Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives within 90 days of the determination that bag match must be used as an alternate method of baggage screening.”

**SEC. 202. PROHIBITION OF ADVANCE NOTICE OF COVERT TESTING TO SECURITY SCREENERS.**

(a) **COVERT TESTING.**—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating the second subsection (i) (as redesignated by section 111(a)(1) of Public Law 107-71 (115 Stat. 616), relating to accessibility of computer-based training facilities) as subsection (k); and

(2) by adding at the end the following new subsection:

“(l) **PROHIBITION OF ADVANCE NOTICE TO SECURITY SCREENERS OF COVERT TESTING AND EVALUATION.**—

“(1) **IN GENERAL.**—The Assistant Secretary shall ensure that information concerning a covert test of a transportation security system to be conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office is not provided to any individual prior to the completion of the test.

“(2) **EXCEPTIONS.**—Notwithstanding paragraph (1)—

“(A) an authorized individual involved in a covert test of a transportation security system may provide information concerning the covert test to—

“(i) employees, officers, and contractors of the Federal Government (including military personnel);

“(ii) employees and officers of State and local governments; and

“(iii) law enforcement officials who are authorized to receive or directed to be provided such information by the Assistant Secretary, the Inspector General of the Department of Homeland Security, or the Comptroller General, as the case may be; and

“(B) for the purpose of ensuring the security of any individual in the vicinity of a site where a covert test of a transportation security system is being conducted, an individual conducting the test may disclose his or her status as an individual conducting the test to any appropriate individual if a security screener or other individual who is not a covered employee identifies

the individual conducting the test as a potential threat.

“(3) **SPECIAL RULES FOR TSA.**—

“(A) **MONITORING AND SECURITY OF TESTING PERSONNEL.**—The head of each covert testing office shall ensure that a person or group of persons conducting a covert test of a transportation security system for the covert testing office is accompanied at the site of the test by a cover team composed of one or more employees of the covert testing office for the purpose of monitoring the test and confirming the identity of personnel involved in the test under subparagraph (B).

“(B) **RESPONSIBILITY OF COVER TEAM.**—Under this paragraph, a cover team for a covert test of a transportation security system shall—

“(i) monitor the test; and

“(ii) for the purpose of ensuring the security of any individual in the vicinity of a site where the test is being conducted, confirm, notwithstanding paragraph (1), the identity of any individual conducting the test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting the test as a potential threat.

“(C) **AVIATION SCREENING.**—Notwithstanding subparagraph (A), the Transportation Security Administration is not required to have a cover team present during a test of the screening of persons, carry-on items, or checked baggage at an aviation security checkpoint at or serving an airport if the test—

“(i) is approved, in coordination with the designated security official for the airport operator by the Federal Security Director for such airport; and

“(ii) is carried out under an aviation screening assessment program of the Department of Homeland Security.

“(D) **USE OF OTHER PERSONNEL.**—The Transportation Security Administration may use employees, officers, and contractors of the Federal Government (including military personnel) and employees and officers of State and local governments to conduct covert tests.

“(4) **DEFINITIONS.**—In this subsection, the following definitions apply:

“(A) **APPROPRIATE INDIVIDUAL.**—The term ‘appropriate individual’, as used with respect to a covert test of a transportation security system, means any individual that—

“(i) the individual conducting the test determines needs to know his or her status as an individual conducting a test under paragraph (2)(B); or

“(ii) the cover team monitoring the test under paragraph (3)(B)(i) determines needs to know the identity of an individual conducting the test.

“(B) **COVERED EMPLOYEE.**—The term ‘covered employee’ means any individual who receives notice of a covert test before the completion of a test under paragraph (2)(A).

“(C) **COVERT TEST.**—

“(i) **IN GENERAL.**—The term ‘covert test’ means an exercise or activity conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office to intentionally test, compromise, or circumvent transportation security systems to identify vulnerabilities in such systems.

“(ii) **LIMITATION.**—Notwithstanding clause (i), the term ‘covert test’ does not mean an exercise or activity by an employee or contractor of the Transportation Security Administration to test or assess compliance with relevant regulations.

“(D) **COVERT TESTING OFFICE.**—The term ‘covert testing office’ means any office of the Transportation Security Administration designated by the Assistant Secretary to conduct covert tests of transportation security systems.

“(E) **EMPLOYEE OF A COVERT TESTING OFFICE.**—The term ‘employee of a covert testing office’ means an individual who is an employee of a covert testing office or a contractor or an employee of a contractor of a covert testing office.”

(b) **UNIFORMS.**—Section 44935(j) of such title is amended—

(1) by striking “The Under Secretary” and inserting the following:

“(1) **UNIFORM REQUIREMENT.**—The Assistant Secretary”; and

(2) by adding at the end the following:

“(2) **ALLOWANCE.**—The Assistant Secretary may grant a uniform allowance of not less than \$300 to any individual who screens passengers and property pursuant to section 44901.”.

**SEC. 203. SECURE VERIFICATION SYSTEM FOR LAW ENFORCEMENT OFFICERS.**

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

“(e) **SECURE VERIFICATION SYSTEM FOR LAW ENFORCEMENT OFFICERS.**—

“(1) **IN GENERAL.**—The Assistant Secretary shall develop a plan for a system to securely verify the identity and status of law enforcement officers flying while armed. The Assistant Secretary shall ensure that the system developed includes a biometric component.

“(2) **DEMONSTRATION.**—The Assistant Secretary shall conduct a demonstration program to test the secure verification system described in paragraph (1) before issuing regulations for deployment of the system.

“(3) **CONSULTATION.**—The Assistant Secretary shall consult with the Aviation Security Advisory Committee, established under section 44946 of title 49, United States Code, when developing the system and evaluating the demonstration program.

“(4) **REPORT.**—The Assistant Secretary shall submit a report to the Committee on Homeland Security of the House of Representatives, evaluating the demonstration program of the secure verification system required by this section.

“(5) **AUTHORIZATION OF APPROPRIATIONS.**—From the amounts authorized under section 101 of the Transportation Security Administration Authorization Act, there is authorized to be appropriated to carry out this subsection \$10,000,000, to remain available until expended.”.

**SEC. 204. OMBUDSMAN FOR FEDERAL AIR MARSHAL SERVICE.**

Section 44917 of title 49, United States Code, as amended by section 203 of this Act, is further amended by adding at the end the following:

“(f) **OMBUDSMAN.**—

“(1) **ESTABLISHMENT.**—The Assistant Secretary shall establish in the Federal Air Marshal Service an Office of the Ombudsman.

“(2) **APPOINTMENT.**—The head of the Office shall be the Ombudsman, who shall be appointed by the Assistant Secretary.

“(3) **DUTIES.**—The Ombudsman shall carry out programs and activities to improve morale, training, and quality of life issues in the Service, including through implementation of the recommendations of the Inspector General of the Department of Homeland Security and the Comptroller General.”.

**SEC. 205. FEDERAL FLIGHT DECK OFFICER PROGRAM ENHANCEMENTS.**

(a) **ESTABLISHMENT.**—Section 44921(a) of title 49, United States Code, is amended by striking the following: “The Under Secretary of Transportation for Security” and inserting “The Secretary of Homeland Security, acting through the Assistant Secretary of Transportation Security”.

(b) **ADMINISTRATORS.**—Section 44921(b) of title 49, United States Code, is amended—

(1) by striking “Under” in paragraphs (1), (2), (4), (6), and (7); and

(2) by adding at the end the following:

“(8) **ADMINISTRATORS.**—The Assistant Secretary shall implement an appropriately sized administrative structure to manage the program, including overseeing—

“(A) eligibility and requirement protocols administration; and

“(B) communication with Federal flight deck officers.”.

(c) **TRAINING, SUPERVISION, AND EQUIPMENT.**—Section 44921(c)(2)(C) of such title is amended by adding at the end the following:

“(iv) **USE OF FEDERAL AIR MARSHAL SERVICE FIELD OFFICE FACILITIES.**—In addition to dedicated Government and contract training facilities, the Assistant Secretary shall require that field office facilities of the Federal Air Marshal Service be used for the administrative and training needs of the program. Such facilities shall be available to Federal flight deck officers at no cost for firearms training and qualification, defensive tactics training, and program administrative assistance.”.

(d) **REIMBURSEMENT.**—Section 44921 of such title is amended by adding at the end the following:

“(1) **REIMBURSEMENT.**—The Secretary, acting through the Assistant Secretary, shall reimburse all Federal flight deck officers for expenses incurred to complete a recurrent and requalifying training requirement necessary to continue to serve as a Federal flight deck officer. Eligible expenses under this subsection include ground transportation, lodging, meals, and ammunition, to complete any required training as determined by the Assistant Secretary.”.

**SEC. 206. FOREIGN REPAIR STATIONS.**

Section 44924(f) of title 49, United States Code, is amended to read as follows:

“(f) **REGULATIONS.**—The Assistant Secretary shall issue regulations establishing security standards for foreign repair stations performing maintenance for aircraft used to provide air transportation and shall ensure that comparable standards apply to maintenance work performed by employees of repair stations certified under part 121 of title 14, Code of Federal Regulations, and maintenance work performed by employees of repair stations certified under part 145 of such title.”.

**SEC. 207. ASSISTANT SECRETARY DEFINED.**

(a) **IN GENERAL.**—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting before section 44933 the following:

**“§44931. Assistant Secretary defined**

“(a) **IN GENERAL.**—In this chapter—

“(1) the term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration); and

“(2) any reference to the Administrator of the Transportation Security Administration, the Under Secretary of Transportation for Security, the Under Secretary of Transportation for Transportation Security, or the Under Secretary for Transportation Security shall be deemed to be a reference to the Assistant Secretary.

“(b) **AUTHORITIES VESTED IN ASSISTANT SECRETARY.**—Any authority vested in the Assistant Secretary under this chapter shall be carried out under the direction and control of the Secretary of Homeland Security.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such subchapter is amended by inserting before the item relating to section 44933 the following:

“44931. Assistant Secretary defined.”.

**SEC. 208. TSA AND HOMELAND SECURITY INFORMATION SHARING.**

(a) **FEDERAL SECURITY DIRECTOR.**—Section 44933 of title 49, United States Code, is amended—

(1) in the section heading, by striking “**Managers**” and inserting “**Directors**”; and

(2) by striking “**Manager**” each place it appears and inserting “**Director**”; and

(3) by striking “**Managers**” each place it appears and inserting “**Directors**”; and

(4) by adding at the end the following:

“(c) **INFORMATION SHARING.**—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall—

“(1) require an airport security plan to have clear reporting procedures to provide that the Federal Security Director of the airport is immediately notified whenever any Federal, State, or

local law enforcement personnel are called to an aircraft at a gate or on an airfield at the airport to respond to any security matter;

“(2) require each Federal Security Director of an airport to meet at least quarterly with law enforcement agencies serving the airport to discuss incident management protocols; and

“(3) require each Federal Security Director at an airport to inform, consult, and coordinate, as appropriate, with the airport operator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with airport operators to ensure coordinated responses to security matters.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 114(f)(6) of title 49, United States Code, is amended by striking “**Managers**” and inserting “**Directors**”.

(2) Section 44940(a)(1)(F) of title 49, United States Code, is amended by striking “**Managers**” and inserting “**Directors**”.

(c) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 449 is amended by striking the item relating to section 44933 and inserting the following:

“44933. Federal Security Directors.”.

**SEC. 209. AVIATION SECURITY STAKEHOLDER PARTICIPATION.**

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

**“§44946. Aviation Security Advisory Committee**

“(a) **ESTABLISHMENT OF AVIATION SECURITY ADVISORY COMMITTEE.**—

“(1) **IN GENERAL.**—The Assistant Secretary shall establish in the Transportation Security Administration an advisory committee, to be known as the Aviation Security Advisory Committee (in this chapter referred to as the ‘Advisory Committee’), to assist the Assistant Secretary with issues pertaining to aviation security, including credentialing.

“(2) **RECOMMENDATIONS.**—The Assistant Secretary shall require the Advisory Committee to develop recommendations for improvements to civil aviation security methods, equipment, and processes.

“(3) **MEETINGS.**—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

“(4) **UNPAID POSITION.**—Advisory Committee members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

“(b) **MEMBERSHIP.**—

“(1) **MEMBER ORGANIZATIONS.**—The Assistant Secretary shall ensure that the Advisory Committee is composed of not more than one individual representing not more than 27 member organizations, including representation of air carriers, all cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, aircraft manufacturers, airport operators, general aviation, and the aviation technology security industry, including biometrics.

“(2) **APPOINTMENTS.**—Members shall be appointed by the Assistant Secretary, and the Assistant Secretary shall have the discretion to review the participation of any Advisory Committee member and remove for cause at any time.

“(c) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee under this section.

“(d) **AIR CARGO SECURITY WORKING GROUP.**—

“(1) **IN GENERAL.**—The Assistant Secretary shall establish within the Advisory Committee an air cargo security working group to provide recommendations for air cargo security issues, including the implementation of the air cargo screening initiatives proposed by the Transportation Security Administration to screen air cargo on passenger aircraft in accordance with established cargo screening mandates.

“(2) MEETINGS.—The working group shall meet at least semiannually and provide annual reports to the Assistant Secretary with recommendations to improve the Administration's cargo screening initiatives established to meet all cargo screening mandates set forth in section 44901(g) of title 49, United States Code.

“(3) MEMBERSHIP.—The working group shall include members from the Advisory Committee with expertise in air cargo operations and representatives from other stakeholders as determined by the Assistant Secretary.

“(4) REPORTS.—

“(A) IN GENERAL.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide cargo screening mandate implementation recommendations.

“(B) SUBMISSION.—Not later than one year after the date of enactment of this section and on an annual basis thereafter, the working group shall submit its first report to the Assistant Secretary, including any recommendations of the group—

“(i) to reduce redundancies and increase efficiencies with the screening and inspection of inbound cargo; and

“(ii) on the potential development of a fee structure to help sustain cargo screening efforts.”.

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

“44946. Aviation Security Advisory Committee.”.

#### SEC. 210. GENERAL AVIATION SECURITY.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, as amended by section 209 of this Act, is further amended by adding at the end the following:

##### “§44947. General aviation security

“(a) GENERAL AVIATION SECURITY GRANT PROGRAM.—

“(1) IN GENERAL.—The Assistant Secretary shall carry out a general aviation security grant program to enhance transportation security at general aviation airports by making grants to operators of general aviation airports for projects to enhance perimeter security, airfield security, and terminal security.

“(2) ELIGIBLE PROJECTS.—Not later than one year after the date of submission of the first report of the working group under subsection (b), the Assistant Secretary shall develop and make publically available a list of approved eligible projects for such grants under paragraph (1) based upon recommendations made by the working group in such report.

“(3) FEDERAL SHARE.—The Federal share of the cost of activities for which grants are made under this subsection shall be 90 percent.

“(b) GENERAL AVIATION SECURITY WORKING GROUP.—

“(1) IN GENERAL.—The Assistant Secretary shall establish, within the Aviation Security Advisory Committee established under section 44946, a general aviation working group to advise the Transportation Security Administration regarding transportation security issues for general aviation facilities general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

“(2) MEETINGS.—The working group shall meet at least semiannually and may convene additional meetings as necessary.

“(3) MEMBERSHIP.—The Assistant Secretary shall appoint members from the Aviation Security Advisory Committee with general aviation experience.

“(4) REPORTS.—

“(A) SUBMISSION.—The working group shall submit a report to the Assistant Secretary with recommendations on ways to improve security at general aviation airports.

“(B) CONTENTS OF REPORT.—The report of the working group submitted to the Assistant Secretary under this paragraph shall include any

recommendations of the working group for eligible security enhancement projects at general aviation airports to be funded by grants under subsection (a).

“(C) SUBSEQUENT REPORTS.—After submitting the report, the working group shall continue to report to the Assistant Secretary on general aviation aircraft and airports.

“(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there is authorized to be appropriated for making grants under subsection (a) \$10,000,000 for each of fiscal years 2010 and 2011.”.

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

“44947. General aviation security.”.

#### SEC. 211. SECURITY AND SELF-DEFENSE TRAINING.

(a) Section 44918(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) SELF-DEFENSE TRAINING PROGRAM.—Not later than 1 year after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall provide advanced self-defense training of not less than 5 hours during each 2-year period for all cabin crewmembers. The Assistant Secretary shall consult with the Advisory Committee, established under section 44946, and cabin crew and air carrier representatives in developing a plan for providing self-defense training in conjunction with existing recurrent training.”;

(2) by striking paragraph (3) and inserting the following:

“(3) PARTICIPATION.—A crewmember shall not be required to engage in any physical contact during the training program under this subsection.”; and

(3) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively.

(b) SECURITY TRAINING.—Section 44918(a)(6) of title 49, United States Code, is amended by adding at the end the following: “The Assistant Secretary shall establish an oversight program for security training of cabin crewmembers that includes developing performance measures and strategic goals for air carriers, and standard protocols for Transportation Security Administration oversight inspectors, in accordance with recommendations by the Inspector General of the Department of Homeland Security and the Comptroller General.”.

#### SEC. 212. SECURITY SCREENING OF INDIVIDUALS WITH METAL IMPLANTS TRAVELING IN AIR TRANSPORTATION.

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

“(m) SECURITY SCREENING OF INDIVIDUALS WITH METAL IMPLANTS.—

“(1) IN GENERAL.—The Assistant Secretary shall ensure fair treatment in the screening of individuals with metal implants traveling in air transportation.

“(2) PLAN.—The Assistant Secretary shall submit a plan to the Committee on Homeland Security of the House of Representatives for improving security screening procedures for individuals with metal implants to limit disruptions in the screening process while maintaining security. The plan shall include benchmarks for implementing changes to the screening process and analysis of approaches to limit such disruptions for individuals with metal implants including participation in the Registered Traveler program, as established pursuant to section 109(a)(3) of the Aviation Transportation Security Act (115 Stat. 597), and the development of a new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of an individual who has a metal implant.

“(3) METAL IMPLANT DEFINED.—In this subsection, the term ‘metal implant’ means a metal device or object that has been surgically implanted or otherwise placed in the body of an individual, including any metal device used in a hip or knee replacement, metal plate, metal screw, metal rod inside a bone, and other metal orthopedic implants.”.

(b) EFFECTIVE DATE.—Not later than 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary of Homeland Security shall submit the plan for security screening procedures for individuals with metal implants, as required by section 44903(m) of title 49, United States Code.

#### SEC. 213. PROHIBITION ON OUTSOURCING.

Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

“(v) OUTSOURCING PROHIBITED.—Upon implementation of the advanced passenger prescreening system required by this section, the Assistant Secretary shall prohibit any non-governmental entity from administering the function of comparing passenger information to the automatic selectee and no fly lists, consolidated and integrated terrorist watchlists, or any list or database derived from such watchlists for activities related to aviation security. The Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate when any non-governmental entity is authorized access to the watchlists described in this clause.”.

#### Subtitle B—Other Matters

#### SEC. 221. SECURITY RISK ASSESSMENT OF AIRPORT PERIMETER ACCESS CONTROLS.

(a) IN GENERAL.—The Assistant Secretary shall develop a strategic risk-based plan to improve transportation security at airports that includes best practices to make airport perimeter access controls more secure at all commercial service and general aviation airports.

(b) CONTENTS.—The plan shall—

(1) incorporate best practices for enhanced perimeter access controls;

(2) evaluate and incorporate major findings of all relevant pilot programs of the Transportation Security Administration;

(3) address recommendations of the Comptroller General on perimeter access controls;

(4) include a requirement that airports update their security plans to incorporate the best practices, as appropriate, based on risk and adapt the best practices to meet the needs specific to their facilities; and

(5) include an assessment of the role of new and emerging technologies, including unmanned and autonomous perimeter security technologies, that could be utilized at both commercial and general aviation facilities.

#### SEC. 222. ADVANCED PASSENGER PRESCHOOLING SYSTEM.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) describes the progress made by the Department of Homeland Security in implementing the advanced passenger prescreening system;

(2) compares the total number of misidentified passengers who must undergo secondary screening or have been prevented from boarding a plane during the 3-month period beginning 90 days before the date of enactment of the Transportation Security Administration Authorization Act with the 3-month period beginning 90 days after such date; and

(3) includes any other relevant recommendations that the Inspector General of the Department of Homeland Security or the Comptroller General determines appropriate.

(b) **SUBSEQUENT REPORTS.**—The Comptroller General shall submit subsequent reports on the implementation to such Committees every 90 days thereafter until the implementation is complete.

**SEC. 223. BIOMETRIC IDENTIFIER AIRPORT ACCESS ENHANCEMENT DEMONSTRATION PROGRAM.**

(a) **IN GENERAL.**—The Assistant Secretary shall carry out a demonstration program under which biometric identifier access systems for individuals with unescorted access to secure or sterile areas of an airport, including airport employees and flight crews, are evaluated for the purposes of enhancing transportation security at airports and to determine how airports can implement uniform biometric identifier and interoperable security systems.

(b) **AIRPORTS PARTICIPATING IN PROGRAM.**—The Assistant Secretary shall select at least 7 airports, including at least 2 large airports, to participate in the demonstration program.

(c) **INITIATION AND DURATION OF PROGRAM.**—

(1) **DEADLINE FOR INITIATION.**—The Assistant Secretary shall conduct the demonstration program not later than one year after the date of enactment of this Act.

(2) **DURATION.**—The program shall have a duration of not less than 180 days and not more than one year.

(d) **REQUIRED ELEMENTS.**—In conducting the demonstration program, the Assistant Secretary shall—

(1) assess best operational, administrative, and management practices in creating uniform, standards-based, and interoperable biometric identifier systems for all individuals with access to secure or sterile areas of commercial service airports; and

(2) conduct a risk-based analysis of the selected airports and other airports, as the Assistant Secretary determines appropriate, to identify where the implementation of biometric identifier systems could benefit security.

(e) **CONSIDERATIONS.**—In conducting the demonstration program, the Assistant Secretary shall consider, at a minimum, the following:

(1) **PARALLEL SYSTEMS.**—Existing parallel biometric transportation security systems applicable to workers with unescorted access to transportation systems, including—

(A) transportation worker identification credentials issued under section 70105 of title 46, United States Code;

(B) armed law enforcement travel credentials issued under section 44903(h)(6) of title 49, United States Code; and

(C) other credential and biometric identifier systems used by the Federal Government, as the Assistant Secretary considers appropriate.

(2) **EFFORTS BY TRANSPORTATION SECURITY ADMINISTRATION.**—Any biometric identifier system or proposals developed by the Assistant Secretary.

(3) **INFRASTRUCTURE AND TECHNICAL REQUIREMENTS.**—The architecture, modules, interfaces, and transmission of data needed for airport security operations.

(4) **EXISTING AIRPORT SYSTEMS.**—Credentialing and access control systems in use in secure and sterile areas of airports.

(5) **ASSOCIATED COSTS.**—The costs of implementing uniform, standards-based, and interoperable biometric identifier systems at airports, including—

(A) the costs to airport operators, airport workers, air carriers, and other aviation industry stakeholders; and

(B) the costs associated with ongoing operations and maintenance and modifications and enhancements needed to support changes in physical and electronic infrastructure.

(6) **INFORMATION FROM OTHER SOURCES.**—Recommendations, guidance, and information from other sources, including the Inspector General of the Department of Homeland Security, the Comptroller General, the heads of other governmental entities, organizations representing air-

port workers, and private individuals and organizations.

(f) **IDENTIFICATION OF BEST PRACTICES.**—In conducting the demonstration program, the Assistant Secretary shall identify best practices for the administration of biometric identifier access at airports, including best practices for each of the following processes:

(1) Registration, vetting, and enrollment.

(2) Issuance.

(3) Verification and use.

(4) Expiration and revocation.

(5) Development of a cost structure for acquisition of biometric identifier credentials.

(6) Development of redress processes for workers.

(g) **CONSULTATION.**—In conducting the demonstration program, the Assistant Secretary shall consult with the Aviation Security Advisory Committee regarding how airports may transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers and others with unescorted access to secure or sterile areas of an airport.

(h) **EVALUATION.**—The Assistant Secretary shall conduct an evaluation of the demonstration program to specifically assess best operational, administrative, and management practices in creating a standard, interoperable, biometric identifier access system for all individuals with access to secure or sterile areas of commercial service airports.

(i) **REPORT TO CONGRESS.**—Not later than 180 days after the last day of that demonstration program ends, the Assistant Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives, a report on the results of the demonstration program. The report shall include possible incentives for airports that voluntarily seek to implement uniform, standards-based, and interoperable biometric identifier systems.

(j) **BIOMETRIC IDENTIFIER SYSTEM DEFINED.**—In this section, the term “biometric identifier system” means a system that uses biometric identifier information to match individuals and confirm identity for transportation security and other purposes.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—From amounts authorized under section 101, there is authorized to be appropriated a total of \$20,000,000 to carry out this section for fiscal years 2010 and 2011.

**SEC. 224. TRANSPORTATION SECURITY TRAINING PROGRAMS.**

Not later than one year after the date of enactment of this Act, the Assistant Secretary shall establish recurring training of transportation security officers regarding updates to screening procedures and technologies in response to weaknesses identified in covert tests at airports. The training shall include—

(1) internal controls for monitoring and documenting compliance of transportation security officers with training requirements;

(2) the availability of high-speed Internet and Intranet connectivity to all airport training facilities of the Administration; and

(3) such other matters as identified by the Assistant Secretary with regard to training.

**SEC. 225. DEPLOYMENT OF TECHNOLOGY APPROVED BY SCIENCE AND TECHNOLOGY DIRECTORATE.**

(a) **IN GENERAL.**—The Assistant Secretary, in consultation with the Directorate of Science and Technology of the Department of Homeland Security, shall develop and submit to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, a strategic plan for the certification and integration of technologies for transportation security with high approval or testing results from the Directorate and the Transportation Security Laboratory of the Department.

(b) **CONTENTS OF STRATEGIC PLAN.**—The strategic plan developed under subsection (a) shall include—

(1) a cost-benefit analysis to assist in prioritizing investments in new checkpoint screening technologies that compare the costs and benefits of screening technologies being considered for development or acquisition with the costs and benefits of other viable alternatives;

(2) quantifiable performance measures to assess the extent to which investments in research, development, and deployment of checkpoint screening technologies achieve performance goals for enhancing security at airport passenger checkpoints; and

(3) a method to ensure that operational tests and evaluations have been successfully completed in an operational environment before deploying checkpoint screening technologies to airport checkpoints.

(c) **REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—The Assistant Secretary shall submit to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, an annual report on the status of all technologies that have undergone testing and evaluation, including technologies that have been certified by the Department, and any technologies used in a demonstration program administered by the Administration. The report shall also specify whether the technology was submitted by an academic institution, including an institution of higher education eligible to receive assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq. and 1101 et seq.)

(2) **FIRST REPORT.**—The first report submitted under this subsection shall assess such technologies for a period of not less than 2 years.

**SEC. 226. IN-LINE BAGGAGE SCREENING STUDY.**

The Assistant Secretary shall consult with the Advisory Committee and report to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, on deploying optimal baggage screening solutions and replacing baggage screening equipment nearing the end of its life cycle at commercial service airports. Specifically, the report shall address the Administration's plans, estimated costs, and current benchmarks for replacing explosive detection equipment that is nearing the end of its life cycle.

**SEC. 227. IN-LINE CHECKED BAGGAGE SCREENING SYSTEMS.**

(a) **FINDINGS.**—Congress finds the following:

(1) Since its inception, the Administration has procured and installed over 2,000 explosive detection systems (referred to in this section as “EDS”) and 8,000 explosive trace detection (referred to in this section as “ETD”) systems to screen checked baggage for explosives at the Nation's commercial airports.

(2) Initial deployment of stand-alone EDS machines in airport lobbies resulted in operational inefficiencies and security risks as compared to using EDS machines integrated in-line with airport baggage conveyor systems.

(3) The Administration has acknowledged the advantages of fully integrating in-line checked baggage EDS systems, especially at large airports. According to the Administration, in-line EDS systems have proven to be cost-effective and more accurate at detecting dangerous items.

(4) As a result of the large upfront capital investment required, these systems have not been deployed on a wide-scale basis. The Administration estimates that installing and operating the optimal checked baggage screening systems could potentially cost more than \$20,000,000,000 over 20 years.

(5) Nearly \$2,000,000,000 has been appropriated for the installation of in-line explosive detection systems, including necessary baggage handling system improvements, since 2007.

(6) Despite substantial funding, the Administration has made limited progress in deploying optimal screening solutions, including in-line systems, to 250 airports identified in its February 2006 strategic planning framework.

(b) GAO REPORT.—The Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Administration's progress in deploying optimal baggage screening solutions and replacing aging baggage screening equipment at the Nation's commercial airports. The report shall also include an analysis of the Administration's methodology for expending public funds to deploy in-line explosive detection systems since 2007. The report shall address, at a minimum—

(1) the Administration's progress in deploying optimal screening solutions at the Nation's largest commercial airports, including resources obligated and expended through fiscal year 2009;

(2) the potential benefits and challenges associated with the deployment of optimal screening solutions at the Nation's commercial airports; and

(3) the Administration's plans, estimated costs, and current milestones for replacing EDS machines that are nearing the end of their estimated useful product lives.

(c) UPDATES REQUIRED.—Not later than 6 months after submitting the report required in subsection (b) and every 6 months thereafter until the funds appropriated for such systems are expended, the Comptroller General shall provide the Committee on Homeland Security of the House of Representatives an update regarding its analysis of the Administration's expenditures for explosive detection and in-line baggage systems.

#### SEC. 228. GAO REPORT ON CERTAIN CONTRACTS AND USE OF FUNDS.

Not later than 60 days after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding any funds made available by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), the Omnibus Appropriations Act, 2009 (Public Law 111-8), or the Economic Stimulus Act of 2008 (Public Law 110-185) used by the Transportation Security Administration to award a contract for any explosive detection screening system or to implement any other screening or detection technology for use at an airport.

#### SEC. 229. IG REPORT ON CERTAIN POLICIES FOR FEDERAL AIR MARSHALS.

Not later than 120 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall review the minimum standards and policies regarding rest periods between deployments and any other standards or policies applicable to Federal air marshals reporting to duty. After such review, the Inspector General shall make any recommendations to such standards and policies the Inspector General considers necessary to ensure an alert and responsible workforce of Federal air marshals.

#### SEC. 230. EXPLOSIVES DETECTION CANINE TEAMS MINIMUM FOR AVIATION SECURITY.

The Assistant Secretary shall ensure that the number of explosives detection canine teams for aviation security is not less than 250 through fiscal year 2011.

#### SEC. 231. ASSESSMENTS AND GAO REPORT OF INBOUND AIR CARGO SCREENING.

Section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (121 Stat. 478) is amended by inserting at the end the following:

“(c) ASSESSMENT OF INBOUND COMPLIANCE.—Upon establishment of the inbound air cargo screening system, the Assistant Secretary shall submit a report to the Committee on Homeland Security in the House of Representatives on the impact, rationale, and percentage of air cargo

being exempted from screening under exemptions granted under section 44901(i)(1) of title 49, United States Code.

“(d) GAO REPORT.—Not later than 120 days after the date of enactment of this Act and quarterly thereafter, the Comptroller General shall review the air cargo screening system for inbound passenger aircraft and report to the Committee on Homeland Security in the House of Representatives on the status of implementation, including the approximate percentage of cargo being screened, as well as the Administration's methods to verify the screening system's implementation.”.

#### SEC. 232. STATUS OF EFFORTS TO PROMOTE AIR CARGO SHIPPER CERTIFICATION.

Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the implementation of the Administration's plan to promote a program to certify the screening methods used by shippers in a timely manner, in accordance with section 44901(g) of title 49, United States Code, including participation by shippers with robust and mature internal security programs.

#### SEC. 233. FULL AND OPEN COMPETITION IN SECURITY BACKGROUND SCREENING SERVICE.

Not later than 9 months after the date of enactment of this section, the Secretary shall publish in the Federal Register a notice that the selection process for security background screening services for persons requiring background screening in the aviation industry is subject to full and open competition. The notice shall include—

(1) a statement that airports and other affected entities are not required to use a single service provider of background screening services and may use the services of other providers approved by the Assistant Secretary;

(2) requirements for disposal of personally identifiable information by the approved provider by a date certain; and

(3) information on all technical specifications and other criteria required by the Assistant Secretary to approve a background screening service provider.

#### SEC. 234. REGISTERED TRAVELER.

(a) ASSESSMENTS AND BACKGROUND CHECKS.—

(1) IN GENERAL.—Subject to paragraph (2) and not later than 120 days after the date of enactment of this Act, to enhance aviation security through risk management at airport checkpoints through use of the Registered Traveler program, established pursuant to section 109(a)(3) of the Aviation Transportation Security Act (115 Stat. 597), the Assistant Secretary shall—

(A) reinstate an initial and continuous security threat assessment program as part of the Registered Traveler enrollment process; and

(B) allow Registered Traveler providers to perform private sector background checks as part of their enrollment process with assurance that the program shall be undertaken in a manner consistent with constitutional privacy and civil liberties protections and be subject to approval and oversight by the Assistant Secretary.

(2) REQUIREMENTS.—The Assistant Secretary shall not reinstate the threat assessment component of the Registered Traveler program or allow certain background checks unless the Assistant Secretary—

(A) determines that the Registered Traveler program, in accordance with this subsection, is integrated into risk-based aviation security operations; and

(B) expedites checkpoint screening, as appropriate, for Registered Traveler members who have been subjected to a security threat assessment and the private sector background check under this subsection.

(b) NOTIFICATION.—

(1) CONTENTS.—Not later than 180 days after the date of enactment of this Act, if the Assistant Secretary determines that the Registered Traveler program can be integrated into risk-based aviation security operations under subsection (a), the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding—

(A) the level of risk reduction provided by carrying out section (a); and

(B) how the Registered Traveler program has been integrated into risk-based aviation security operations.

(2) CHANGES TO PROTOCOL.—The Assistant Secretary shall also set forth what changes to the program, including screening protocols, have been implemented to realize the full potential of the Registered Traveler program.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize any non-governmental entity to perform vetting against the terrorist screening database maintained by the Administration.

#### SEC. 235. REPORT ON CABIN CREW COMMUNICATION.

Not later than one year after the date of enactment of this Act, the Assistant Secretary, in consultation with the Advisory Committee established under section 44946 of title 49, United States Code, shall prepare a report that assesses technologies and includes standards for the use of wireless devices to enhance transportation security on aircraft for the purpose of ensuring communication between and among cabin crew and pilot crewmembers, embarked Federal air marshals, and authorized law enforcement officials, as appropriate.

#### SEC. 236. AIR CARGO CREW TRAINING.

The Assistant Secretary, in consultation with the Advisory Committee established under section 44946 of title 49, United States Code, shall develop a plan for security training for the all-cargo aviation threats for pilots and, as appropriate, other crewmembers operating in all-cargo transportation.

#### SEC. 237. REIMBURSEMENT FOR AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.

Section 1604(b)(2) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (121 Stat. 481) is amended to read as follows:

“(2) AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall establish a process for resolving reimbursement claims for airports that have incurred, before the date of enactment of this Act, eligible costs associated with development of partial or completed in-line baggage systems.

“(B) PROCESS FOR RECEIVING REIMBURSEMENT.—The process shall allow an airport—

“(i) to submit a claim to the Assistant Secretary for reimbursement for eligible costs described in subparagraph (A); and

“(ii) not later than 180 days after date on which the airport submits the claim, to receive a determination on the claim and, if the determination is positive, to be reimbursed.

“(C) REPORT.—Not later than 60 days after the date on which the Assistant Secretary establishes the process under subparagraph (B), the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives a report containing a description of the process, including a schedule for the timely reimbursement of airports for which a positive determination has been made.”.

#### SEC. 238. REPORT ON WHOLE BODY IMAGING TECHNOLOGY.

Upon completion of the ongoing whole body imaging technology pilot, the Assistant Secretary shall submit a report to the Committee on

Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the pilot, including how privacy protections were integrated.

#### SEC. 239. PROTECTIVE EQUIPMENT.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary of Homeland Security shall develop protocols for the use of protective equipment for personnel of the Transportation Security Administration and for other purposes.

(b) **DEFINITION.**—In this section the term “protective equipment” includes surgical masks and N95 masks.

### TITLE III—SURFACE TRANSPORTATION SECURITY

#### SEC. 301. ASSISTANT SECRETARY DEFINED.

Section 1301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) **ASSISTANT SECRETARY.**—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).”

#### SEC. 302. SURFACE TRANSPORTATION SECURITY INSPECTION PROGRAM.

(a) **FINDINGS.**—Congress finds the following:

(1) Surface transportation security inspectors assist passenger rail stakeholders in identifying security gaps through Baseline Assessment for Security Enhancement (“BASE”) reviews, monitor freight rail stakeholder efforts to reduce the risk that toxic inhalation hazard shipments pose to high threat urban areas through Security Action Item (“SAI”) reviews, and assist in strengthening chain of custody security.

(2) Surface transportation security inspectors play a critical role in building and maintaining working relationships with transit agencies and acting as liaisons between such agencies and the Transportation Security Operations Center, relationships which are vital to effective implementation of the surface transportation security mission.

(3) In December 2006, the Transportation Security Administration shifted from a system in which surface transportation security inspectors reported to surface-focused supervisors to a system in which inspectors report to aviation-focused supervisors in the field; a shift which has resulted in a strained chain of command, misappropriation of inspectors to nonsurface activities, the hiring of senior-level inspectors with no surface qualifications, and significant damage to relationships with transit agencies and inspector morale.

(b) **SURFACE TRANSPORTATION SECURITY INSPECTION OFFICE.**—Section 1304 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1113) is amended—

(1) by redesignating subsections (c) through (j) as subsections (b) through (i), respectively; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) **SURFACE TRANSPORTATION SECURITY INSPECTION OFFICE.**—

“(1) **ESTABLISHMENT.**—The Secretary, acting through the Assistant Secretary, shall establish an office to be known as the Surface Transportation Security Inspection Office (in this section referred to as the ‘Office’).

“(2) **MISSION.**—The Secretary shall use the Office to train, employ, and utilize surface transportation security inspectors to—

“(A) assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attacks and other security threats; and

“(B) assist the Secretary in enforcing applicable surface transportation security regulations and directives.

“(3) **OFFICERS.**—

“(A) **DIRECTOR.**—The head of the Office shall be the Director, who shall—

“(i) oversee and coordinate the activities of the Office, including all officers and any corresponding surface transportation modes in which the Office carries out such activities, and the surface transportation security inspectors who assist in such activities; and

“(ii) act as the primary point of contact between the Office and other entities that support the Department’s surface transportation security mission to ensure efficient and appropriate use of surface transportation security inspectors and maintain strong working relationships with surface transportation security stakeholders.

“(B) **DEPUTY DIRECTOR.**—There shall be a Deputy Director of the Office, who shall—

“(i) assist the Director in carrying out the responsibilities of the Director under this subsection; and

“(ii) serve as acting Director in the absence of the Director and during any vacancy in the office of Director.

“(4) **APPOINTMENT.**—

“(A) **IN GENERAL.**—The Director and Deputy Director shall be responsible on a full-time basis for the duties and responsibilities described in this subsection.

“(B) **CLASSIFICATION.**—The position of Director shall be considered a position in the Senior Executive Service as defined in section 201a of title 5, United States Code, and the position of Deputy Director shall be considered a position classified at grade GS–15 of the General Schedule.

“(5) **LIMITATION.**—No person shall serve as an officer under subsection (a)(3) while serving in any other position in the Federal Government.

“(6) **FIELD OFFICES.**—

“(A) **ESTABLISHMENT.**—The Secretary shall establish primary and secondary field offices in the United States to be staffed by surface transportation security inspectors in the course of carrying out their duties under this section.

“(B) **DESIGNATION.**—The locations for, and designation as ‘primary’ or ‘secondary’ of, such field offices shall be determined in a manner that is consistent with the Department’s risk-based approach to carrying out its homeland security mission.

“(C) **COMMAND STRUCTURE.**—

“(i) **PRIMARY FIELD OFFICES.**—Each primary field office shall be led by a chief surface transportation security inspector, who has significant experience with surface transportation systems, facilities, and operations and shall report directly to the Director.

“(ii) **SECONDARY FIELD OFFICES.**—Each secondary field office shall be led by a senior surface transportation security inspector, who shall report directly to the chief surface transportation security inspector of a geographically appropriate primary field office, as determined by the Director.

“(D) **PERSONNEL.**—Not later than 18 months after the date of enactment of the Transportation Security Administration Authorization Act, field offices shall be staffed with—

“(i) not fewer than 7 surface transportation security inspectors, including one chief surface transportation security inspector, at every primary field office; and

“(ii) not fewer than 5 surface transportation security inspectors, including one senior surface transportation security inspector, at every secondary field office.”

(c) **NUMBER OF INSPECTORS.**—Section 1304(e) of such Act (6 U.S.C. 1113(e)), as redesignated by subsection (b) of this section, is amended to read as follows:

“(e) **NUMBER OF INSPECTORS.**—Subject to the availability of appropriations, the Secretary shall hire not fewer than—

“(1) 200 additional surface transportation security inspectors in fiscal year 2010; and

“(2) 100 additional surface transportation security inspectors in fiscal year 2011.”

(d) **COORDINATION.**—Section 1304(f) of such Act (6 U.S.C. 1113(f)), as redesignated by subsection (b) of this section, is amended by striking “114(i)” and inserting “114(s)”.

(e) **REPORT.**—Section 1304(h) of such Act (6 U.S.C. 1113(h)), as redesignated by subsection (b) of this section, is amended by striking “2008” and inserting “2011”.

(f) **PLAN.**—Section 1304(i) of such Act (6 U.S.C. 1113(i)), as redesignated by subsection (b) of this section, is amended to read as follows:

“(i) **PLAN.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a plan for expanding the duties and leveraging the expertise of surface transportation security inspectors to further support the Department’s surface transportation security mission.

“(2) **CONTENTS.**—The plan shall include—

“(A) an analysis of how surface transportation security inspectors could be used to conduct oversight activities with respect to surface transportation security projects funded by relevant grant programs administered by the Department;

“(B) an evaluation of whether authorizing surface transportation security inspectors to obtain or possess law enforcement qualifications or status would enhance the capacity of the Office to take an active role in the Department’s surface transportation security operations; and

“(C) any other potential functions relating to surface transportation security the Secretary determines appropriate.”

(g) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1304 of such Act (6 U.S.C. 1113) is amended by adding at the end the following:

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there are authorized to be appropriated such sums as may be necessary to the Secretary to carry out this section for fiscal years 2010 and 2011.”

(h) **CONFORMING AMENDMENT.**—Section 1304(b) of such Act (6 U.S.C. 1113(b)), as redesignated by subsection (b) of this section, is amended by striking “subsection (e)” and inserting “subsection (d)”.

#### SEC. 303. VISIBLE INTERMODAL PREVENTION AND RESPONSE TEAMS.

Section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is amended—

(1) in subsection (a) by striking “Administrator of the Transportation Security Administration,” and inserting “Assistant Secretary,”;

(2) in subsection (a)(4) by striking “team,” and inserting “team as to specific locations and times within their facilities at which VIPR teams should be deployed to maximize the effectiveness of such deployment and other matters,”; and

(3) by striking subsection (b) and inserting the following:

“(b) **PERFORMANCE MEASURES.**—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop and implement a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations on an ongoing basis, including a mechanism through which the transportation entities listed in subsection (a)(4) may submit feedback on VIPR team operations involving their systems or facilities.

“(c) **PLAN.**—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop and implement a plan for ensuring the interoperability of communications



among all participating VIPR team components as designated under subsection (a)(1) and between VIPR teams and any relevant transportation entities as designated in subsection (a)(4) whose systems or facilities are involved in VIPR team operations, including an analysis of the costs and resources required to carry out the plan.

“(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there are authorized to be appropriated to the Secretary to carry out this section such sums as may be necessary for fiscal years 2010 and 2011.”

#### **SEC. 304. SURFACE TRANSPORTATION SECURITY STAKEHOLDER PARTICIPATION.**

(a) IN GENERAL.—Title XIII of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.) is amended by adding at the end the following:

##### **“SEC. 1311. TRANSIT SECURITY ADVISORY COMMITTEE.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Assistant Secretary shall establish in the Transportation Security Administration an advisory committee, to be known as the Transit Security Advisory Committee (in this section referred to as the ‘Advisory Committee’), to assist the Assistant Secretary with issues pertaining to surface transportation security.

“(2) RECOMMENDATIONS.—

“(A) IN GENERAL.—The Assistant Secretary shall require the Advisory Committee to develop recommendations for improvements to surface transportation security planning, methods, equipment, and processes.

“(B) PRIORITY ISSUES.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, the Advisory Committee shall submit to the Assistant Secretary recommendations on—

“(i) improving homeland security information sharing between components of the Department of Homeland Security and surface transportation security stakeholders, including those represented on the Advisory Committee; and

“(ii) streamlining or consolidating redundant security background checks required by the Department under relevant statutes governing surface transportation security, as well as redundant security background checks required by States where there is no legitimate homeland security basis for requiring such checks.

“(3) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

“(4) UNPAID POSITION.—Advisory Committee Members shall serve at their own expense and receive no salary, reimbursement for travel expenses, or other compensation from the Federal Government.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Assistant Secretary shall ensure that the Advisory Committee is composed of not more than one individual representing not more than 27 member organizations, including representatives from public transportation agencies, passenger rail agencies or operators, railroad carriers, motor carriers, owners or operators of highways, over-the-road bus operators and terminal owners and operators, pipeline operators, labor organizations representing employees of such entities, and the surface transportation security technology industry.

“(2) APPOINTMENTS.—Members shall be appointed by the Assistant Secretary and the Assistant Secretary shall have the discretion to review the participation of any Advisory Committee member and remove for cause at any time.

“(c) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee under this section.

“(d) PASSENGER CARRIER SECURITY WORKING GROUP.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a passenger carrier security working group to provide recommendations for successful implementation of initiatives relating to passenger rail, over-the-road bus, and public transportation security proposed by the Transportation Security Administration in accordance with statutory requirements, including relevant grant programs and security training provisions.

“(2) MEETINGS.—The working group shall meet at least semiannually and provide annual reports to the Assistant Secretary with recommendations to improve the Transportation Security Administration’s initiatives relating to passenger rail, over-the-road bus, and public transportation security, including grant, training, inspection, or other relevant programs authorized in titles XIII and XIV, and subtitle C of title XV of this Act.

“(3) MEMBERSHIP.—The working group shall be composed of members from the Advisory Committee with expertise in public transportation, over-the-road bus, or passenger rail systems and operations, all appointed by the Assistant Secretary.

“(4) REPORTS.—

“(A) IN GENERAL.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide recommendations as described in paragraphs (1) and (2).

“(B) SUBMISSION.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, and on an annual basis thereafter, the working group shall submit a report on the findings and recommendations developed under subparagraph (A) to the Assistant Secretary.

“(e) FREIGHT RAIL SECURITY WORKING GROUP.—

“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a freight rail security working group to provide recommendations for successful implementation of initiatives relating to freight rail security proposed by the Transportation Security Administration in accordance with statutory requirements, including relevant grant programs and security training provisions.

“(2) MEETINGS.—The working group shall meet at least semiannually and provide annual reports to the Assistant Secretary with recommendations to improve the Transportation Security Administration’s initiatives relating to freight rail security, including grant, training, inspection, or other relevant programs authorized in titles XIII and XV of this Act.

“(3) MEMBERSHIP.—The working group shall be composed of members from the Advisory Committee with expertise in freight rail systems and operations, all appointed by the Assistant Secretary.

“(4) REPORTS.—

“(A) IN GENERAL.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide recommendations as described in paragraphs (1) and (2).

“(B) SUBMISSION.—Not later than one year after the date of enactment of the Transportation Security Administration Authorization Act, and on an annual basis thereafter, the working group shall submit a report on the findings and recommendations developed under subparagraph (A) to the Assistant Secretary.”

(b) CONFORMING AMENDMENT.—Section 1(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) is amended by adding at the end of title XIII (Transportation Security Enhancements) the following:

“Sec. 1311. Transit Security Advisory Committee.”

#### **SEC. 305. HUMAN CAPITAL PLAN FOR SURFACE TRANSPORTATION SECURITY PERSONNEL.**

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a human capital plan for hiring, training, managing, and compensating surface transportation security personnel, including surface transportation security inspectors.

(b) CONSULTATION.—In developing the human capital plan, the Assistant Secretary shall consult with the chief human capital officer of the Department of Homeland Security, the Director of the Surface Transportation Security Inspection Office, the Inspector General of the Department of Homeland Security, and the Comptroller General.

(c) APPROVAL.—Prior to submission, the human capital plan shall be reviewed and approved by the chief human capital officer of the Department of Homeland Security.

#### **SEC. 306. SURFACE TRANSPORTATION SECURITY TRAINING.**

(a) STATUS REPORT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the status of the Department’s implementation of sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184), including detailed timeframes for development and issuance of the transportation security training regulations required under such sections.

(b) PRIVATE PROVIDERS.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall identify criteria and establish a process for approving and maintaining a list of approved private third-party providers of security training with whom surface transportation entities may enter into contracts, as needed, for the purpose of satisfying security training requirements of the Department of Homeland Security, including requirements developed under sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184), in accordance with section 103 of this Act.

#### **SEC. 307. SECURITY ASSISTANCE IG REPORT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the roles and responsibilities of the Transportation Security Administration and any other relevant component of the Department of Homeland Security in administering security assistance grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135).

(b) CONTENTS.—The report shall—

(1) clarify and describe the roles and responsibilities of each relevant component of the Department, including the Transportation Security Administration, at different stages of the grant process, including the allocation stage, the award stage, and the distribution stage;

(2) identify areas in which relevant components of the Department, including the Transportation Security Administration, may better integrate or coordinate their activities in order to streamline the grant administration process and improve the efficiency of the project approval process for grantees;

(3) assess the current state of public transportation and passenger rail security expertise possessed by relevant personnel involved in the grant administration or project approval processes carried out by relevant components of the

Department, including the Transportation Security Administration; and

(4) include recommendations for how each relevant component of the Department, including the Transportation Security Administration, may further clarify, coordinate, or maximize its roles and responsibilities in administering grant funds and approving grant projects under section 1406.

**SEC. 308. INTERNATIONAL LESSONS LEARNED FOR SECURING PASSENGER RAIL AND PUBLIC TRANSPORTATION SYSTEMS.**

(a) FINDINGS.—Congress finds that—

(1) numerous terrorist attacks since September 11, 2001, have targeted passenger rail or public transportation systems;

(2) nearly 200 people were killed and almost 2,000 more were injured when terrorists set off 10 simultaneous explosions on 4 commuter trains in Madrid, Spain, on March 11, 2004;

(3) 50 people were killed and more than 700 injured in successive bombings of 3 transit stations and a public bus in London, England, on July 7, 2005, and a second attack against 4 similar targets on July 21, 2005, failed because of faulty detonators;

(4) more than 200 people were killed and more than 700 injured in simultaneous terrorist bombings of commuter trains on the Western Line in the suburbs of Mamba, India, on July 11, 2006;

(5) the acts of terrorism in Mamba, India, on November 26, 2008, included commando-style attacks on a major railway station; and

(6) a disproportionately low amount of attention and resources have been devoted to surface transportation security by the Department of Homeland Security, including the security of passenger rail and public transportation systems, as compared with aviation security, which has been the primary focus of Federal transportation security efforts generally, and of the Transportation Security Administration in particular.

(b) STUDY.—The Comptroller General shall conduct a study on the efforts undertaken by the Secretary and Assistant Secretary, as well as other entities determined by the Comptroller General to have made significant efforts, since January 1, 2004, to learn from foreign nations that have been targets of terrorist attacks on passenger rail and public transportation systems in an effort to identify lessons learned from the experience of such nations to improve the execution of Department functions to address transportation security gaps in the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the study. The report shall also include an analysis of relevant legal differences that may affect the ability of the Department to apply lessons learned.

(2) RECOMMENDATIONS.—The Comptroller General shall include in the report recommendations on how the Department and its components, including the Transportation Security Administration, can expand efforts to learn from the expertise and the security practices of passenger rail and public transportation systems in foreign nations that have experienced terrorist attacks on such systems.

**SEC. 309. UNDERWATER TUNNEL SECURITY DEMONSTRATION PROJECT.**

(a) DEMONSTRATION PROJECT.—The Assistant Secretary, in consultation with the Under Secretary for Science and Technology, shall conduct a full-scale demonstration project to test and assess the feasibility and effectiveness of certain technologies to enhance the security of underwater public transportation tunnels against terrorist attacks involving the use of improvised explosive devices.

(b) INFLATABLE PLUGS.—

(1) IN GENERAL.—At least one of the technologies tested under subsection (a) shall be inflatable plugs that may be rapidly deployed to prevent flooding of a tunnel.

(2) FIRST TECHNOLOGY TESTED.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall carry out a demonstration project that tests the effectiveness of using inflatable plugs for the purpose described in paragraph (1).

(c) REPORT TO CONGRESS.—Not later than 180 days after completion of the demonstration project under this section, the Assistant Secretary shall submit a report to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, on the results of the demonstration project.

(d) AUTHORIZATION OF APPROPRIATION.—Of the amounts made available under section 101 for fiscal year 2010, \$3,000,000 shall be available to carry out this section.

**SEC. 310. PASSENGER RAIL SECURITY DEMONSTRATION PROJECT.**

(a) DEMONSTRATION PROJECT.—The Assistant Secretary, in consultation with the Under Secretary for Science and Technology, shall conduct a demonstration project in a passenger rail system to test and assess the feasibility and effectiveness of technologies to strengthen the security of passenger rail systems against terrorist attacks involving the use of improvised explosive devices.

(b) SECURITY TECHNOLOGIES.—The demonstration project under this section shall test and assess technologies to—

(1) detect improvised explosive devices on station platforms, through the use of foreign object detection programs in conjunction with cameras; and

(2) defeat improvised explosive devices left on rail tracks.

(c) REPORT TO CONGRESS.—Not later than 180 days after completion of the demonstration project under this section, the Assistant Secretary shall submit a report to the appropriate committees of Congress, including the Committee on Homeland Security of the House of Representatives, on the results of the demonstration project.

**SEC. 311. EXPLOSIVES DETECTION CANINE TEAMS.**

Section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking “2010” and inserting “2011”; and

(B) by adding at the end the following new paragraph:

“(3) ALLOCATION.—

“(A) IN GENERAL.—The Secretary shall increase the number of canine teams certified by the Transportation Security Administration for the purpose of passenger rail and public transportation security activities to not less than 200 canine teams by the end of fiscal year 2011.

“(B) COOPERATIVE AGREEMENTS.—The Secretary shall expand the use of canine teams to enhance passenger rail and public transportation security by entering into cooperative agreements with passenger rail and public transportation agencies eligible for security assistance under section 1406 of this Act for the purpose of deploying and maintaining canine teams to such agencies for use in passenger rail or public transportation security activities and providing for assistance in an amount not less than \$75,000 for each canine team deployed, to be adjusted by the Secretary for inflation.

“(C) AUTHORIZATION OF APPROPRIATIONS.—From amounts made available under section 101 of the Transportation Security Administration Authorization Act, there are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph for fiscal years 2010 and 2011.”;

(2) in subsection (d)—

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

(B) in paragraph (4), by striking the period at the end and inserting the following: “; and”;

and

(C) by adding at the end the following new paragraph:

“(5) expand the use of canine teams trained to detect vapor wave trails in passenger rail and public transportation security environments, as the Secretary, in consultation with the Assistant Secretary, determines appropriate.”;

(3) in subsection (e), by striking “, if appropriate,” and inserting “, to the extent practicable,”; and

(4) by striking subsection (f) and inserting the following new subsection (f):

“(f) REPORT.—Not later than one year after the date of the enactment of the Transportation Security Administration Authorization Act, the Comptroller General shall submit to the appropriate congressional committees a report on—

“(1) utilization of explosives detection canine teams to strengthen security in passenger rail and public transportation environments;

“(2) the capacity of the national explosive detection canine team program as a whole; and

“(3) how the Assistant Secretary could better support State and local passenger rail and public transportation entities in maintaining certified canine teams for the life of the canine, including by providing financial assistance.”.

**TITLE IV—TRANSPORTATION SECURITY CREDENTIALING**

**Subtitle A—Security Credentialing**

**SEC. 401. REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.**

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

**SEC. 402. ANIMAL-PROPELLED VESSELS.**

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

(1) the individual has been issued a license, certificate of registry, or merchant mariner's document under part E of subtitle II of title 46, United States Code;

(2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and

(3) the individual is engaged in the operation of a live animal-propelled vessel.

**SEC. 403. REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE.**

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(m) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another

individual who holds a transportation security card.

“(o) **PROCESSING TIME.**—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant's appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.

“(p) **RECEIPT OF CARDS.**—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual's place of residence.

“(q) **FINGERPRINTING.**—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.”

#### **SEC. 404. HARMONIZING SECURITY CARD EXPIRATION.**

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.”

#### **SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST THREATS.**

Section 44903(j)(2)(C) of title 49, United States Code, as amended by section 213 of this Act, is further amended by adding at the end the following:

“(vi) **INCLUSION OF DETAINEES ON NO FLY LIST.**—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the no fly list any individual who was a detainee housed at the Naval Station, Guantanamo Bay, Cuba, on or after January 1, 2009, after a final disposition has been issued by the President. For purposes of this clause, the term ‘detainee’ means an individual in the custody or under the physical control of the United States as a result of armed conflict.”

#### **Subtitle B—SAFE Truckers Act of 2009**

##### **SEC. 431. SHORT TITLE.**

This subtitle may be cited as the “Screening Applied Fairly and Equitably to Truckers Act of 2009” or the “SAFE Truckers Act of 2009”.

##### **SEC. 432. SURFACE TRANSPORTATION SECURITY.**

(a) **IN GENERAL.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

#### **“TITLE XXI—SURFACE TRANSPORTATION SECURITY**

##### **“SEC. 2101. TRANSPORTATION OF SECURITY SENSITIVE MATERIALS.**

“(a) **SECURITY SENSITIVE MATERIALS.**—Not later than 120 days after the date of enactment of this section, the Secretary shall issue final regulations, after notice and comment, defining security sensitive materials for the purposes of this title.

“(b) **MOTOR VEHICLE OPERATORS.**—The Secretary shall prohibit an individual from operating a motor vehicle in commerce while trans-

porting a security sensitive material unless the individual holds a valid transportation security card issued by the Secretary under section 70105 of title 46, United States Code.

“(c) **SHIPERS.**—The Secretary shall prohibit a person from—

“(1) offering a security sensitive material for transportation by motor vehicle in commerce; or

“(2) causing a security sensitive material to be transported by motor vehicle in commerce, unless the motor vehicle operator transporting the security sensitive material holds a valid transportation security card issued by the Secretary under section 70105 of title 46, United States Code.

##### **“SEC. 2102. ENROLLMENT LOCATIONS.**

“(a) **FINGERPRINTING LOCATIONS.**—The Secretary shall—

“(1) work with appropriate entities to ensure that fingerprinting locations for individuals applying for a transportation security card under section 70105 of title 46, United States Code, have flexible operating hours; and

“(2) permit an individual applying for such transportation security card to utilize a fingerprinting location outside of the individual's State of residence to the greatest extent practicable.

“(b) **RECEIPT AND ACTIVATION OF CARDS.**—The Secretary shall develop guidelines and procedures to permit an individual to receive a transportation security card under section 70105 of title 46, United States Code, at the individual's place of residence and to activate the card at any enrollment center.

“(c) **NUMBER OF LOCATIONS.**—The Secretary shall develop and implement a plan—

“(1) to offer individuals applying for a transportation security card under section 70105 of title 46, United States Code, the maximum number of fingerprinting locations practicable across diverse geographic regions; and

“(2) to conduct outreach to appropriate stakeholders, including owners, operators, and relevant entities (and labor organizations representing employees of such owners, operators, and entities), to keep the stakeholders informed of the timeframe and locations for the opening of additional fingerprinting locations.

“(d) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

##### **“SEC. 2103. AUTHORITY TO ENSURE COMPLIANCE.**

“(a) **IN GENERAL.**—The Secretary is authorized to ensure compliance with this title.

“(b) **MEMORANDUM OF UNDERSTANDING.**—The Secretary may enter into a memorandum of understanding with the Secretary of Transportation to ensure compliance with section 2101.

##### **“SEC. 2104. CIVIL PENALTIES.**

“A person that violates this title or a regulation or order issued under this title is liable to the United States Government pursuant to the Secretary's authority under section 114(v) of title 49, United States Code.

##### **“SEC. 2105. COMMERCIAL MOTOR VEHICLE OPERATORS REGISTERED TO OPERATE IN MEXICO OR CANADA.**

“The Secretary shall prohibit a commercial motor vehicle operator licensed to operate in Mexico or Canada from operating a commercial motor vehicle transporting a security sensitive material in commerce in the United States until the operator has been subjected to, and not disqualified as a result of, a security background records check by a Federal agency that the Secretary determines is similar to the security background records check required for commercial motor vehicle operators in the United States transporting security sensitive materials in commerce.

##### **“SEC. 2106. OTHER SECURITY BACKGROUND CHECKS.**

“The Secretary shall determine that an individual applying for a transportation security card under section 70105 of title 46, United States Code, has met the background check re-

quirements for such card if the individual was subjected to, and not disqualified as a result of, a security background records check by a Federal agency that the Secretary determines is equivalent to or more stringent than the background check requirements for such card.

##### **“SEC. 2107. REDUNDANT BACKGROUND CHECKS.**

“(a) **IN GENERAL.**—After the date of enactment of this title, the Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check of an individual seeking to transport hazardous materials.

“(b) **WAIVERS.**—The Secretary may waive the application of subsection (a) with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary to ensure the secure transportation of hazardous materials in the State or political subdivision.

“(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall limit the authority of a State to ensure that an individual has the requisite knowledge and skills to safely transport hazardous materials in commerce.

##### **“SEC. 2108. TRANSITION.**

“(a) **TREATMENT OF INDIVIDUALS RECEIVING PRIOR HAZARDOUS MATERIALS ENDORSEMENTS.**—The Secretary shall treat an individual who has obtained a hazardous materials endorsement in accordance with section 1572 of title 49, Code of Federal Regulations, before the date of enactment of this title, as having met the background check requirements of a transportation security card under section 70105 of title 46, United States Code, subject to reissuance or expiration dates of the hazardous materials endorsement.

“(b) **REDUCTION IN FEES.**—The Secretary shall reduce, to the greatest extent practicable, any fees associated with obtaining a transportation security card under section 70105 of title 46, United States Code, for any individual referred to in subsection (a).

##### **“SEC. 2109. SAVINGS CLAUSE.**

“Nothing in this title shall be construed as affecting the authority of the Secretary of Transportation to regulate hazardous materials under chapter 51 of title 49, United States Code.

##### **“SEC. 2110. DEFINITIONS.**

“In this title, the following definitions apply:

“(1) **COMMERCE.**—The term ‘commerce’ means trade or transportation in the jurisdiction of the United States—

“(A) between a place in a State and a place outside of the State; or

“(B) that affects trade or transportation between a place in a State and a place outside of the State.

“(2) **HAZARDOUS MATERIAL.**—The term ‘hazardous material’ has the meaning given that term in section 5102 of title 49, United States Code.

“(3) **PERSON.**—The term ‘person’, in addition to its meaning under section 1 of title 1, United States Code—

“(A) includes a government, Indian tribe, or authority of a government or tribe offering security sensitive material for transportation in commerce or transporting security sensitive material to further a commercial enterprise; but

“(B) does not include—

“(i) the United States Postal Service; and

“(ii) in section 2104, a department, agency, or instrumentality of the Government.

“(4) **SECURITY SENSITIVE MATERIAL.**—The term ‘security sensitive material’ has the meaning given that term in section 1501 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1151).

“(5) **TRANSPORTS; TRANSPORTATION.**—The term ‘transports’ or ‘transportation’ means the movement of property and loading, unloading, or storage incidental to such movement.”

##### **SEC. 433. CONFORMING AMENDMENT.**

The table of contents contained in section 1(b) of the Homeland Security Act of 2002 (116 Stat.

2135) is amended by adding at the end the following:

**“TITLE XXI—SURFACE TRANSPORTATION SECURITY**

“Sec. 2101. Transportation of security sensitive materials.

“Sec. 2102. Enrollment locations.

“Sec. 2103. Authority to ensure compliance.

“Sec. 2104. Civil penalties.

“Sec. 2105. Commercial motor vehicle operators registered to operate in Mexico or Canada.

“Sec. 2106. Other security background checks.

“Sec. 2107. Redundant background checks.

“Sec. 2108. Transition.

“Sec. 2109. Savings clause.

“Sec. 2110. Definitions.”.

**SEC. 434. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.**

Section 5103a of title 49, United States Code, and the item relating to that section in the analysis for chapter 51 of such title, are repealed.

**SEC. 435. DEADLINES AND EFFECTIVE DATES.**

(a) **ISSUANCE OF TRANSPORTATION SECURITY CARDS.**—Not later than May 31, 2010, the Secretary shall begin issuance of transportation security cards under section 70105 of title 46, United States Code, to individuals who seek to operate a motor vehicle in commerce while transporting security sensitive materials.

(b) **EFFECTIVE DATE OF PROHIBITIONS.**—The prohibitions contained in sections 2101 and 2106 of the Homeland Security Act of 2002 (as added by this subtitle) shall take effect on the date that is 3 years after the date of enactment of this Act.

(c) **EFFECTIVE DATE OF SECTION 434 AMENDMENTS.**—The amendments made by section 434 of this Act shall take effect on the date that is 3 years after the date of enactment of this Act.

**SEC. 436. TASK FORCE ON DISQUALIFYING CRIMES.**

(a) **ESTABLISHMENT.**—The Secretary shall establish a task force to review the lists of crimes that disqualify individuals from transportation-related employment under current regulations of the Transportation Security Administration and assess whether such lists of crimes are accurate indicators of a terrorism security risk.

(b) **MEMBERSHIP.**—The task force shall be composed of representatives of appropriate industries, including labor unions representing employees of such industries, Federal agencies, and other appropriate entities, as determined by the Secretary.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the task force shall submit to the Secretary and the Committee on Homeland Security of the House of Representatives a report containing the results of the review, including recommendations for a common list of disqualifying crimes and the rationale for the inclusion of each crime on the list.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-127. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-127.

Mr. THOMPSON of Mississippi. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Strike section 103 of the bill (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

In section 206 of the bill in the matter to be proposed to be inserted in section 44924(f), strike “FOREIGN” in the section heading.

In section 206 of the bill in the matter to be proposed to be inserted in section 44924(f), insert “and domestic” after “foreign”.

In section 206 of the bill, insert “security” after “comparable”.

In section 210 of the bill in the matter proposed to be inserted as section 44947(b)(1) of title 49, United States Code, strike “facilities general aviation aircraft,” and insert “facilities, general aviation aircraft, heliports.”.

In section 212 of the bill, in the matter proposed to be inserted in section 44903(m) of title 49, United States Code, strike paragraphs (1) through (3) and insert the following:

“(m) **SECURITY SCREENING OF INDIVIDUALS WITH METAL IMPLANTS TRAVELING IN AIR TRANSPORTATION.**—

“(1) **IN GENERAL.**—The Assistant Secretary shall carry out a program to ensure fair treatment in the screening of individuals with metal implants traveling in air transportation.

“(2) **PLAN.**—Not later than 6 months after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall submit a plan to the Committee on Homeland Security of the House of Representatives for improving security screening procedures for individuals with metal implants to limit disruptions in the screening process while maintaining security. The plan shall include an analysis of approaches to limit such disruptions for individuals with metal implants, and benchmarks for implementing changes to the screening process and the establishment of a credential or system that incorporates biometric technology and other applicable technologies to verify the identity of an individual who has a metal implant.

“(3) **PROGRAM.**—Not later than 12 months after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall implement a program to improve security screening procedures for individuals with metal implants to limit disruptions in the screening process while maintaining security, including a credential or system that incorporates biometric technology or other applicable technologies to verify the identity of an individual who has a metal implant.

“(4) **METAL IMPLANT DEFINED.**—In this paragraph, the term ‘metal implant’ means a metal device or object that has been surgically implanted or otherwise placed in the body of an individual, including any metal device used in a hip or knee replacement, metal plate, metal screw, metal rod inside a bone, and other metal orthopedic implants.”.

Strike section 228 of the bill (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

In section 233(2) of the bill, insert “any” before “requirements”.

In section 234 of the bill, strike the section heading and insert the following: “**TRUSTED PASSENGER/REGISTERED TRAVELER PROGRAM.**”.

In section 234 of the bill, insert “a trusted passenger program, commonly referred to as” before “the Registered”.

Strike section 307 of the bill and insert the following: (and conform the table of contents accordingly):

**SEC. 307. IMPROVEMENT OF PUBLIC TRANSPORTATION SECURITY ASSISTANCE.**

(a) **IN GENERAL.**—Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110-53) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by inserting “bollards,” after “including”; and

(B) in subparagraph (D), by inserting after “including” the following: “projects for the purpose of demonstrating or assessing the capability of such systems and”;

(2) by redesignating subsections (e) through (k) as subsections (f) through (l), respectively;

(3) by redesignating subsections (l) and (m) as subsections (n) and (o), respectively;

(4) by inserting after subsection (d) the following new subsection (e):

“(e) **PROCEDURE.**—

“(1) **TIMELINE.**—

“(A) **AVAILABILITY OF APPLICATIONS.**—Applications for grants under this section for a grant cycle shall be made available to eligible applicants not later than 30 days after the date of the enactment of the appropriations Act for the Department of Homeland Security for the same fiscal year as the grant cycle.

“(B) **SUBMISSION OF APPLICATIONS.**—A public transportation agency that is eligible for a grant under this section shall submit an application for a grant not later than 45 days after the applications are made available under subparagraph (A).

“(C) **ACTION.**—The Secretary shall make a determination approving or rejecting each application submitted under subparagraph (B), notify the applicant of the determination, and immediately commence any additional processes required to allow an approved applicant to begin to receive grant funds by not later than 60 days after date on which the Secretary receives the application.

“(2) **PROHIBITION OF COST-SHARING REQUIREMENT.**—No grant under this section may require any cost-sharing contribution from the grant recipient or from any related State or local agency.

“(3) **ANNUAL REPORT.**—Not later than the date that is 180 days after the last determination made under paragraph (1)(C) for a grant cycle, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate a report that includes a list of all grant awarded under this section for that grant cycle for which the grant recipient is not, as of such date, able to receive grant funds and an explanation of why such funds have not yet been released for use by the recipient.

“(4) **PERFORMANCE.**—

“(A) **DURATION.**—The performance period for grants made under this section shall be a period of time not less than 36 months in duration.

“(B) **TIMING.**—The performance period for any grant made under this section shall not begin to run until the recipient of the grant has been formally notified that funds provided under the terms of the grant have been released for use by the recipient.”.

(5) by inserting after subsection (1), as redesignated by paragraph (2) of this section, the following new subsection (m):

“(m) ACCESS.—The Secretary shall ensure that, for each grant awarded under this section, the Inspector General of the Department is authorized to—

“(1) examine any records of the grant recipient or any contractors or subcontractors with which the recipient enters into a contract, or any State or local agency, that directly pertain to and involve transactions relating to grants under this section; and

“(2) interview any officer or employee of the recipient, any contractors or subcontractors with which the recipient enters into a contract, or State or local agency regarding such transactions.”; and

(6) in subsection (o), as redesignated by paragraph (3) of this section—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to make grants under this section—

“(A) \$900,000,000 for fiscal year 2010, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2) of this section; and

“(B) \$1,100,000,000 for fiscal year 2011, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2) of this section.”;

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) the following new paragraph (3):

“(3) EXCEPTION.—The limitation on the percentage of funds that may be used for operational costs under paragraph (1) shall not apply to any costs involved with or relating to explosives detection canine teams acquired or used for the purpose of securing public transportation systems or facilities.”.

(b) TECHNICAL ASSISTANCE PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Assistant Secretary shall conduct and complete a pilot program to provide grants to not more than 7 public transportation agencies eligible for security grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110-53) for the purpose of obtaining external technical support and expertise to assist such agencies in conducting comprehensive security risk assessments of public transportation systems, resources, and facilities.

(B) METHODOLOGY.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary shall identify—

(i) a comprehensive risk methodology for conducting comprehensive security risk assessments using grants made under this subsection that accounts for all three elements of risk, including threat, vulnerability, and consequence; and

(ii) an approved third-party provider of technical support and expertise for the purpose of providing external assistance to grantees in conducting comprehensive security risk assessments.

(C) PARTICIPANTS.—

(i) IN GENERAL.—In selecting public transportation agencies to participate in the pilot program, the Assistant Secretary shall approve eligible agencies based on a combination of factors, including risk, whether the agency has completed a comprehensive security risk assessment referred to in subparagraph (B)(i) within a year preceding the date of enactment of this Act, and geographic representation.

(ii) PRIOR EFFORTS.—No eligible public transportation agency may be denied participation in the pilot program on the grounds that it has applied for other grants administered by the Department for the purpose of

conducting a comprehensive security risk assessment.

(D) PROHIBITIONS.—In carrying out the pilot program the Assistant Secretary shall ensure that—

(i) grants awarded under the pilot program shall supplement and not replace other sources of Federal funding;

(ii) other sources of Federal funding are not taken into consideration when assistance is awarded under the pilot program; and

(iii) no aspect of the pilot program is conducted or administered by a component of the Department other than the Transportation Security Administration.

(2) REPORT.—Not later than 180 days after the completion of the pilot program, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives a report on the results of the pilot program, including an analysis of the feasibility and merit of expanding the pilot program to a permanent program and any recommendations determined appropriate by the Assistant Secretary.

(3) AUTHORIZATION OF APPROPRIATIONS.—Of amounts made available pursuant to section 101 for fiscal year 2010, \$7,000,000 shall be available to the Assistant Secretary to carry out this subsection. Any amount made available to the Assistant Secretary pursuant to this paragraph shall remain available until the end of fiscal year 2011.

(c) REPORT ON RECOMMENDATIONS OF COMPTROLLER GENERAL.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of the Secretary's implementation of the recommendations of the Comptroller General with respect to the improvement of the administration of security grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135; Public Law 110-53).

(2) REVIEW BY INSPECTOR GENERAL.—Before the Secretary submits the report required under paragraph (1), the report shall be reviewed by the Inspector General of the Department of Homeland Security. When the Secretary submits the report to Congress under paragraph (1), the Secretary shall include with the report documentation verifying that the report was reviewed by the Inspector General in accordance with this paragraph.

At the end of title III of the bill, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### SEC. 312. DEPUTY ASSISTANT SECRETARY FOR SURFACE TRANSPORTATION SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Transportation Security Administration's capacity to address surface transportation security would be enhanced significantly by establishing a position of Deputy Assistant Secretary for Surface Transportation Security to lead the Transportation Security Administration's surface transportation security mission; and

(2) a Deputy Assistant Secretary for Surface Transportation Security could provide the focused leadership and resource management necessary to implement the policies and programs that are critical to securing surface transportation modes and ensure the effectiveness of the Surface Transportation Security Inspection Office, security policy and grant functions affecting surface trans-

portation modes, and the Transit Security Advisory Committee.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the feasibility and merit of establishing a Deputy Assistant Secretary for Surface Transportation Security in the Transportation Security Administration to reflect the reality of security threats that are faced by all modes of transportation in the United States and also whether establishing the position of a Deputy Assistant Secretary for Aviation Security would more effectively streamline or enhance the operational and policymaking capabilities of the Transportation Security Administration for all transportation modes.

(2) RECOMMENDATIONS.—The Inspector General shall include in the report recommendations on—

(A) the most effective and efficient ways to organize offices, functions, personnel, and programs of the Transportation Security Administration under or among all respective Deputy Assistant Secretary positions to be created;

(B) what offices, functions, personnel, and programs of the Transportation Security Administration would best remain outside of the scope of any new Deputy Assistant Secretary positions in order that such offices, functions, personnel, and programs maintain the status of reporting directly to the Assistant Secretary; and

(C) any other relevant matters, as the Inspector General determines appropriate.

In the heading of title IV of the bill, strike “**CREDENTIALING**” and insert “**ENHANCEMENTS**”.

In the heading of subtitle A of title IV of the bill, strike “**Credentialing**” and insert “**Enhancements**”.

Add at the end of subtitle A of title IV of the bill the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

#### SEC. 406. PIPELINE SECURITY STUDY.

(a) STUDY.—The Comptroller General shall conduct a study regarding the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipeline security. The study shall address whether—

(1) the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Homeland Security and the Department of Transportation adequately delineates strategic and operational responsibilities for pipeline security, including whether it is clear which Department is responsible for—

(A) protecting against intentional pipeline breaches;

(B) responding to intentional pipeline breaches; and

(C) planning to recover from the effects of intentional pipeline breaches;

(2) the respective roles and responsibilities of each Department are adequately conveyed to relevant stakeholders and to the public; and

(3) the processes and procedures for determining whether a particular pipeline breach is a terrorist incident are clear and effective.

(b) REPORT ON STUDY.—Not later than 180 days after the date of enactment of this section, the Comptroller General shall submit to the Committee on Homeland Security in

the House of Representatives a report containing the findings of the study conducted under subsection (a).

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the issuance of the report regarding the study conducted pursuant to this section, the Secretary of Homeland Security shall review and analyze the study and submit to the Committee on Homeland Security of the House of Representatives a report on such review and analysis, including any recommendations for—

(1) changes to the Annex to the Memorandum of Understanding described in subsection (a)(1); and

(2) other improvements to pipeline security activities at the Department of Homeland Security.

At the end of subtitle A of title IV (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

**SEC. 407. TRANSPORTATION SECURITY ADMINISTRATION CENTRALIZED TRAINING FACILITY.**

(a) **STUDY.**—The Secretary of Homeland Security shall carry out a study on the feasibility of establishing a centralized training center for advanced security training provided by the Transportation Security Administration for the purpose of enhancing aviation security.

(b) **CONSIDERATIONS.**—In conducting the study, the Secretary shall take into consideration the benefits, costs, equipment, personnel needs, and building requirements for establishing such a training center and if the benefits of establishing the center are an efficient use of resources for training transportation security officers.

(c) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the results of the study.

The CHAIR. Pursuant to House Resolution 474, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise to offer my manager's amendment which makes a few perfecting changes to H.R. 2200, the Transportation Security Administration authorization bill. My amendment helps make the bill even more comprehensive by addressing five areas.

First, in the area of public transportation security assistance, my amendment improves the Department of Homeland Security's Transportation Security Grant Program by streamlining the award process. My amendment ensures accountability and transparency by requiring annual reports from TSA on the status of outstanding grant awards. It was developed in response to concerns expressed by public transportation agencies about when the clock should start ticking on the grant performance period. Under my amendment, it doesn't begin until grantees are actually able to access their awards. Additionally, this amendment would prohibit cost sharing for transportation security grants to ensure that grants are awarded effi-

ciently and fairly. It also provides public transportation agencies with the tools and support they need to conduct comprehensive risk assessments in order to better secure their systems.

Second, Mr. Chair, this amendment tackles the question of whether TSA needs to be reorganized to get TSA away from behaving like the Aviation Security Administration. Specifically, it requires an honest assessment of creating two equal positions at the deputy assistant secretary level, one for surface transportation security and one for aviation security. It also articulates a sense of congress that the creation of a deputy assistant secretary for surface transportation security will provide the focused leadership and resource management necessary to secure surface transportation in a manner commensurate with aviation security.

Third, in the area of pipeline security, the amendment contains a provision offered at the markup by the gentleman from Florida (Mr. BILIRAKIS). This provision instructs the Comptroller General to study the roles and responsibilities of DHS and the Department of Transportation with respect to pipeline security in order to better secure our pipelines against intentional breaches.

Fourth, Mr. Chair, regarding workforce improvement, the amendment instructs the DHS Secretary to study the feasibility and merits of establishing a centralized advanced aviation training facility.

Finally, Mr. Chair, the amendment contains a provision to address the special needs of travelers with artificial metal implants.

□ 1345

The amendment contains a provision requiring TSA to establish a program to screen passengers with metal implants.

I urge my colleagues to support this amendment that makes key improvements to an already robust security bill.

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

Mr. DENT. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I am not opposed.

The CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. Mr. Chairman, this amendment addresses a number of concerns raised by transit agencies and the GAO in an upcoming report. One of the biggest concerns of stakeholders was that TSA and FEMA were taking too long in distributing grant funding. This amendment requires that applications for grants be made available within 30 days of passage of an appropriations act. It then requires the transit agency to submit an application within 45 days and the Secretary to act within 60 days of receipt. These are the

same deadlines that are usually required in any appropriations bills.

This amendment also codifies current practice prohibiting cost sharing required for grants. Previously, public transit agencies were required to share up to 25 percent of the cost of a project. Many agencies found this requirement prohibitive, given that they are largely funded by State and local taxpayers and that the costs associated with improving open architecture public transportation systems were considered too expensive.

This amendment also establishes a technical assistance pilot program that gives grants to transit agencies to conduct comprehensive risk assessments using approved third parties. The Office of Domestic Preparedness previously provided grants for such assessments, but these ended when ODP was combined with FEMA and Preparedness. Many State and local agencies do not necessarily have the in-house expertise to conduct comprehensive risk assessments and require outside assistance.

This amendment requires the GAO to examine the roles of the Department of Homeland Security and the Department of Transportation with respect to pipeline security. During a recent release of anhydrous ammonium from a pipeline in Florida, local response personnel were given differing opinions of which Federal agency regulated the security of pipelines. The GAO would examine if current responsibilities for protection against and responding to intentional pipeline breaches are adequately identified in interagency MOUs. The time to identify a lead Federal agency for pipeline security is never after an intentional breach.

So, again, I would just like to say I support this manager's amendment. I think it is a good revision to this legislation of which the underlying bill, of course, is a strong bill too. I support it.

At this time, I would yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, as you have heard, my amendment helps to strengthen the underlying bill and addresses the issues of interest to my colleague. I urge its adoption.

Mr. OBERSTAR. Mr. Chair, I rise in support of the manager's amendment to H.R. 2200, the "Transportation Security Administration Authorization Act of 2009", offered by the gentleman from Mississippi (Mr. THOMPSON), the Chairman of the Committee on Homeland Security.

The manager's amendment modifies section 212 of the reported bill and directs the Transportation Security Administration (TSA) to carry out a program to ensure fair treatment in the screening of passengers with metal implants while traveling in air transportation. The purpose of this provision is to ensure that, consistent with security regulations, such individuals can travel by air with greater ease and be treated with dignity and respect.

According to the Joint Implant Surgery & Research Foundation, there are approximately



500,000 total hip and knee replacements performed in the United States each year. An estimated 11 million people in the United States currently have a medical implant, and this number will grow as the population with implants increases.

In a 2007 study, researchers at the Harvard Medical School found that 100 percent of hip replacements and 90 percent of knee replacements cause commercial airport metal detectors to alert. Whenever a passenger triggers the walk-through metal detector, additional screening must be conducted to locate and resolve the source of the alarm. A Transportation Security Officer (TSO) checks the passenger with a hand-held metal detector and conducts a pat-down inspection of any area that alarms; the TSO then conducts a whole-body pat-down. This additional screening consumes an average five minutes more of a passenger's time at security checkpoints. This excess screening of individuals with metal implants is also an inefficient use of a TSO's time.

This provision is based on H.R. 2335, a bill that I introduced to require the Department of Homeland Security (DHS) to establish a travel credential that incorporates biometric or other applicable technologies to verify the identity of an individual with a metal implant.

The manager's amendment requires TSA to submit a plan to Congress, within six months of the date of enactment, on ways to improve security screening procedures for individuals with metal implants. Within 12 months, TSA must implement the program, including the establishment of a biometric credential to limit disruptions for such travelers.

I thank Chairman THOMPSON for working with me on this provision, which is of great importance to me and millions of travelers with metal implants.

While I support the manager's amendment, I have significant concerns with Subtitle B of Title IV of the underlying bill, entitled the "Safe Trucker Act of 2009". The Safe Trucker provisions, offered as an amendment by the gentleman from California (Mr. LUNGREN) during Committee consideration of the bill, eliminate background checks for most commercial drivers who haul hazardous materials.

Currently, drivers who haul hazardous materials in a commercial motor vehicle in quantities requiring vehicle placards under Department of Transportation (DOT) regulations must have a hazardous materials endorsement (HME). In 2001, Congress enacted the USA Patriot Act (P.L. 107-56), which prohibited states from issuing a license to transport hazardous materials in commerce to any individual without a determination by DHS that the individual does not pose a security risk. Drivers seeking to apply for, renew, or transfer an HME on their state-issued Commercial Driver's License (CDL) must undergo a security threat assessment by TSA.

H.R. 2200 significantly narrows the scope of this requirement. The bill requires background checks only for a small subset of drivers—as few as five percent—who haul "security sensitive materials". Limiting background checks to only those drivers who haul extremely dangerous materials stands to weaken security on our roadways.

It will be extremely difficult to enforce a requirement that only some drivers carrying hazardous materials undergo background checks. If a driver is able to carry these security sen-

sitive materials without special credential on his or her CDL that requires successful completion of a background check, we will have to rely on roadside inspectors to find drivers hauling these materials and verify that the driver has passed a background check. Only a small group of drivers undergo inspections, conducted by the Federal Motor Carrier Safety Administration (FMCSA) and its state partners. Moreover, it will be difficult for inspectors to determine whether a driver is carrying a class of hazmat requiring special verification. To make this system work, it would be necessary to develop a special identification for trucks carrying hazmat for which a driver must have undergone a background check.

The bill repeals the hazardous materials law that sets forth the existing process of conditioning the issuance of a commercial license on the successful completion of a background check. Instead, the bill institutes a vague enforcement requirement that the Secretary of Homeland Security "shall prohibit an individual from operating a motor vehicle in commerce while transporting a security sensitive material" unless the individual holds a Transportation Worker Identification Card (TWIC). Commercial drivers are not like port or airport workers who enter a defined, secure area on a regular basis for their employment, and where verification that they have undergone a background check by TSA inspectors or TWIC card readers can routinely occur.

Roadside inspections target particular carriers with a record of safety problems, not compliance with TSA regulations. Current resources do not result in adequate oversight of this geographically broad industry: in 2008, less than two percent of motor carriers underwent compliance reviews, and 3.5 million roadside inspections were conducted on an industry of 7 million drivers and over 700,000 motor carriers. Under this system, unfortunately, carriers and drivers that are not in compliance with regulations commonly go undetected.

DHS and DOT may recognize these enforcement problems and choose to implement the Safe Trucker requirements by requiring state Departments of Motor Vehicles to have separate processes for granting HMEs to drivers who haul hazardous materials and security sensitive materials. This approach would create a significant administrative burden for states. The associated costs will be shouldered by states, supplemented by Federal motor carrier safety grants funded out of the Highway Trust Fund. The resources diverted to meet this mandate will take away badly-needed funds from critical commercial driver safety activities.

Finally, the Safe Trucker provisions require operators hauling security sensitive materials licensed in Canada or Mexico to undergo a similar background check to U.S. drivers. The Committee on Transportation and Infrastructure included this requirement, applicable to all drivers hauling hazardous materials, in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59). TSA has failed to properly implement this requirement. Instead, TSA currently grants commercial drivers from Mexico authority to transport hazardous materials in the United States (currently limited to commercial zones on the U.S.-Mexico border) without conducting a check of their criminal history in Mexico. Our Committee will seek to address this in our

broader efforts to ensure the safety of Mexico-domiciled carriers on U.S. roads.

I understand the arguments that the background checks associated with the HME and the TWIG are not well coordinated by TSA and the associated problems, including duplicate charges for drivers. I support finding a solution to these implementation issues. However, the solutions included in H.R. 2200 far exceed this problem and stand to strain insufficient motor carrier oversight and enforcement resources while potentially weakening security.

I support Chairman THOMPSON's efforts to move this bill expeditiously through the House, and have made every effort to facilitate the consideration of this legislation. I look forward to working with the gentleman from Mississippi on issues of mutual interest to our Committees as this bill moves ahead.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-127.

Mr. MICA. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

At the end of subtitle B of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

**SEC. 240. ISSUANCE OF REGULATIONS AND SECURITY DIRECTIVES USING EMERGENCY PROCEDURES.**

(a) IN GENERAL.—Section 114(l) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking "immediately in order to protect transportation security" and inserting "in order to respond to an imminent threat of finite duration"; and

(B) in subparagraph (B) by inserting "to determine if the regulation or security directive is needed to respond to an imminent threat of finite duration" before the period at the end of the first sentence;

(2) by striking paragraph (3) and inserting the following:

"(3) FACTORS TO CONSIDER.—

"(A) IN GENERAL.—In determining whether to issue, rescind, or revise a regulation or security directive under this subsection, the Under Secretary shall consider, as factors in the final determination—

"(i) whether the costs of the regulation or security directive are excessive in relation to the enhancement of security the regulation or security directive will provide;

"(ii) whether the regulation or security directive will remain effective for more than a 90-day period; and

"(iii) whether the regulation or security directive will require revision in the subsequent 90-day period.

"(B) AUTHORITY TO WAIVE CERTAIN REQUIREMENTS.—For purposes of subparagraph (A)(i), the Under Secretary may waive requirements for an analysis that estimates the number of lives that will be saved by the regulation or security directive and the monetary value of such lives if the Under Secretary determines that it is not feasible to make such an estimate."; and

(3) by adding at the end the following:

“(5) RULEMAKING REQUIRED.—Any regulation or security directive issued under paragraph (2) that remains effective, with or without revision, for a period of more than 180 days shall be subject to a rulemaking pursuant to subchapter II of chapter 5 of title 5.”.

(b) APPLICABILITY.—The amendment made by subsection (a)(3) shall apply to a regulation issued under section 114(l)(2) of title 49, United States Code, before, on, or after the date of enactment of this Act.

The CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I rise in support of this amendment, which is also offered by Congressman EHLERS, Congressman GRAVES and Congressman PETRI. This amendment would tighten standards for when TSA can issue an emergency regulation or security directive.

After 9/11, Congress wanted to ensure the TSA could act quickly to respond to terrorist threats. I was instrumental in crafting some of that legislation, and we wanted to give TSA the ability to waive the Administrative Procedures Act and issue a security directive any time they believed there was an “immediate threat to transportation security.”

Now we come some 8 years after 9/11 and we see the TSA issuing security directives when the “immediate threat” they are seeking to address is sometimes unclear. And also there are some problems with use of this authority.

First, we have security directives that change from week to week. TSA is also issuing many directives that are unfunded mandates without an opportunity to comment; others are “published” and then remain open for months. And then we have seen examples of even security directives that have been revised seven or eight times.

TSA’s use of the security directive makes us ask the question: What immediate threat is TSA addressing with these security directives in the manner they are proceeding?

This amendment would ensure that the waiver of the Administrative Procedures Act occurs only when there is an “imminent threat of finite duration.” TSA would still have the ability to quickly respond to such threats, but if the directive is in place for longer than 6 months, it would be required to conduct a regular rulemaking process.

This amendment would refine TSA’s security directive issuance process to make it truly responsive to imminent threats and not just the whim of the agency. That is not what we intended. So I ask my colleagues to join other colleagues here in trying to strengthen and clarify this law.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Chair, I yield such time as he may consume to the gentleman from Oregon for the purpose of opposition debate.

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

I share with the gentleman—he and I helped create the Transportation Security Administration—tremendous frustration with bureaucracy that gets over the edge for no real purpose, and I will not say that the current process is perfect. Particularly as relates to general aviation, we have had a couple of problems, one in which the chairman has been very involved, having to do with standards for what constitutes a potential threat aircraft and also the issue of background checks for those who work in the general aviation field.

But beyond that, many of these directives are based on sensitive security information or even classified information. So they could not very well, if you were dealing, say, with the gel and liquids rule, subject that to the bureaucratic rulemaking process. I don’t think the way to solve inadequacies and problems with the current directive process is to create an even more lengthy, expensive bureaucratic process. I don’t think on a normal day the gentleman from Florida would ever present the idea to this Congress that we should expand rulemaking and go back and revisit rules that have already been made and put them through a very lengthy and expensive process. What he wants is more transparency. He wants common sense, and he wants stakeholder groups to have an opportunity to intervene. The legislation does bring stakeholder groups into the process, particularly as relates to general aviation.

The chairman is using his oversight authority to go after nonsensical rules and problems that have occurred. One happened recently with a group of aged veterans on a charter aircraft where the chairman has called the agency to account and asked for a review of the procedures they are using. So I would say there is a new era here.

We are going to make them responsive and responsible and make their work make more sense and meet our true security needs. But if you impose this on the entire structure, you’re going to divert a lot of resources in the Transportation Security Administration over into a bureaucratic, lengthy rulemaking process. They are not going to have the flexibility to change, say, the liquids rule as they did from “all liquids are banned” to “well, prescriptions can go” to “so many ounces can go.” Each of those would have required a 6-month to 2-year change in the process during which we would be locked into whatever the first emergency rule was for only 6 months under the gentleman’s proposal. It is not a practical way to address this.

Mr. MICA. Might I inquire as to the balance of our time?

The CHAIR. The gentleman from Florida has 2½ minutes remaining. The

gentleman from Mississippi has 2½ minutes remaining.

Mr. MICA. I yield 1½ minutes to the gentleman from Michigan (Mr. EHLERS), also a cosponsor of this amendment.

Mr. EHLERS. Somebody asked, Why do this? Just look at the history and the record of the TSA and some of the things they have done. How many of you remember whenever we would fly into Washington National Airport we had to sit in our seats for 30 minutes before landing and we had to sit in the seats for 30 minutes after takeoff? That was a totally nonsensical rule which many of us tried to change.

The point is they make nonsensical rules that are totally unresponsive to our efforts to change it. And that rule was not changed until I offered an amendment on the floor. This was the only case in history I know of where an amendment was passed by acclamation and laughter because everybody supported it.

Now they have done some more regulations about general aviation without consulting the committee, without consulting general aviation interest and doing what I think is really very strange, often stupid regulations. It is clear that they need better review and that they have to use more caution and consult with those affected when they are developing rules. I believe that this amendment is badly needed and will force them to think more carefully and more thoroughly about what they are doing and what they are proposing to do.

So I strongly support this amendment, particularly as it affects general aviation, because that is where a lot of the problems have developed recently.

I urge the body to adopt this amendment.

Mr. THOMPSON of Mississippi. Mr. Chair, I yield 1½ minutes to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chair, may I inquire as to who has the right to close?

The CHAIR. The gentleman from Mississippi has the right to close.

Mr. DEFAZIO. I thank the gentleman for yielding.

First off, last week, I was subjected to the absolutely stupid 30-minute rule. United Airlines can’t get it into their manual that it was repealed 4 years ago. I did ask to have my card sent up to the pilot, but I have complained several times. Some pilots still think that since it is apparently still in the United manual, that it was not created by the TSA. And our former Chairman MICA knows that. That was a Secret Service directive which preempted all of the agencies of the government and the newly created TSA.

The TSA agreed with us that it was an absolutely asinine rule, but we were told it was a higher authority. So that would never have gone through a rule-making process. That was imposed.

Now, those sorts of things could be imposed for 6 months still under the gentleman’s rule. And I don’t know

that the Secret Service would claim that they could preempt even the 6-month limit. So we can't prevent all stupidity, but we push back against it.

Again, back to the gel rule. Under the gentleman's proposed amendment, they would still be amending the gel rule to get down to the 4 ounces or get to 4 ounces or whatever the current limit is. Maybe it is 3.4. I can't remember. That seems to change, too. But you don't need a 2-year process and shouldn't impose a 2-year process and an extraordinary expense to the taxpayers in that sort of a case.

Yes, there are problems. There is stupidity when it comes to the GA rule. The committee is dealing with it through oversight and pressure.

Mr. MICA. Mr. Chairman, do we have 1 minute left on our side?

The CHAIR. The gentleman has 1 minute remaining, and the gentleman from Mississippi has 1 minute remaining.

Mr. MICA. To close for our side, I would like to yield the balance of my time to another distinguished leader of the Transportation and Infrastructure Committee, the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chair, I want to quote the conclusion of the Civil Aviation Threat Assessment released in December 2008 by the Department of Homeland Security. "While terrorist groups maintain the capability and intent to conduct terrorist attacks against U.S. civil aviation and have shown some interest in conducting attacks using general aviation overseas, there is little evidence to suggest that terrorists are turning their attention specifically to the general aviation sector in the homeland."

Mr. Chairman, to the best of my knowledge, to date there has not been a single terrorist attack on U.S. soil using general aviation aircraft. As a pilot more than 20 years myself, I know firsthand how general aviation security operates. The bottom line is that it works.

My remarks before Congress today are not meant to downplay the importance of the TSA. As we all know, the TSA is tasked with ensuring the safety of the traveling public. It is an extremely important and difficult task and one that we all take very seriously.

However, recently the TSA has been focusing their resources, efforts, and taxpayer dollars on further regulating the general aviation industry, which the agency itself concludes there is little evidence to suggest a threat.

Mr. Chairman, the amendment offered by Mr. MICA, co-offered by myself, Mr. PETRI, and Mr. EHLERS, is simple. It does not prohibit the TSA from issuing security directives if and when a threat exists. It simply requires them to go through the normal rulemaking process if a security directive is in place for more than 180 days.

□ 1400

Mr. THOMPSON of Mississippi. I yield 1 minute to the gentleman from

Oregon (Mr. DEFAZIO) for the purpose of closing.

Mr. DEFAZIO. Where the gentleman concluded is where the debate should end, the normal rule-making process. On any ordinary day, the Republicans would not stand up and say that we need more bureaucracy; we need more 2-year rule-making on things that are important to the American people.

We are creating transparency here. We're creating a stakeholder committee.

Yes, they have done some stupid things in GA. But does that mean you're going to go to all of the things that relate to passengers and airports and baggage screening and explosives and everything else and put those out into a public rule-making process with all the sensitive security information that's involved? That's impossible. It's impractical, and it would jeopardize the safety of the American public.

Yes, let's fix the problems with GA. Somebody down there needs to be picked up and shaken upside down to understand what GA's all about. The chairman's doing that. We'll continue to do that. We'll work with you. We're creating a stakeholder group so that GA will have a voice. But don't throw out all of the other critical security directives and the flexibility to put them in place and change them without a bureaucratic process.

Mr. PETRI. Mr. Chair, I rise in support of the amendment offered by my colleague Mr. MICA and co-sponsored by myself and fellow subcommittee members, Congressman EHLERS and Congressman GRAVES.

This amendment seeks to clarify the standard for when TSA is allowed to circumvent the rulemaking process under the Administrative Procedures Act and issue a security directive in order to respond to an "imminent threat" of limited duration. While there are circumstances in which these security directives are necessary to address immediate threats to our transportation systems, they too often have been issued under unclear circumstances and have even been known to change from week to week. This places an unnecessary burden on commercial and general aviation alike—as well as other modes of transportation.

For example, TSA recently issued a security directive that required background checks and restrictive badging requirements for general aviation at airports with commercial service. This directive placed unneeded restrictions on thousands of pilots and others without identifying what imminent threat existed. The TSA subsequently eased the requirements somewhat, but the fact remains that a security directive was used to regulate an entirely new population of airport personnel and users. This is basically regulation by policy statement—not the more proper rulemaking that provides for the opportunity for public comment, consideration of costs and operational impacts, and greater transparency and accountability. By the way, this one Security Directive has been revised 8 times!

We are all aware of the threats our nation's transportation systems face. TSA must have the authority to address imminent threats by bypassing the formal rulemaking process. But

this authority should not be used to impose new security requirements that do not meet the security directive threshold as contemplated by Congress.

This amendment not only will ensure that TSA retains this needed authority, but also establishes a proper balance between security and the protection of our civil liberties by tightening the issuance standard.

I want to express my appreciation to Mr. MICA and others for their work to bring this amendment to the floor, and urge my colleagues to support its adoption.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. THOMPSON of Mississippi. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-127.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MICA:

At the end of subtitle A of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

**SEC. 214. KNOWN AIR TRAVELER CREDENTIAL.**

(a) ESTABLISHMENT.—Section 44903(h) of title 49, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

“(7) KNOWN AIR TRAVELER CREDENTIAL.—Not later than 6 months after the date of enactment of the Transportation Security Administration Authorization Act, the Assistant Secretary shall—

“(A) establish a known air traveler credential that incorporates biometric identifier technology;

“(B) establish a process by which the credential will be used to verify the identity of known air travelers and allow them to bypass airport passenger and carry-on baggage screening;

“(C) establish procedures—

“(i) to ensure that only known air travelers are issued the known air traveler credential;

“(ii) to resolve failures to enroll, false matches, and false nonmatches relating to use of the known air traveler credential; and

“(iii) to invalidate any known air traveler credential that is lost, stolen, or no longer authorized for use;

“(D) begin issuance of the known air traveler credential to each known air traveler that applies for a credential; and

“(E) take such other actions with respect to the known air traveler credential as the Assistant Secretary considers appropriate.”.

(b) KNOWN AIR TRAVELER DEFINED.—Section 44903(h)(8) of such title (as redesignated by subsection (a) of this section) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following:

“(F) KNOWN AIR TRAVELER.—The term ‘known air traveler’ means a United States citizen who—

“(i) has received a security clearance from the Federal Government;

“(ii) is a Federal Aviation Administration certificated pilot, flight crew member, or cabin crew member;

“(iii) is a Federal, State, local, tribal, or territorial government law enforcement officer not covered by paragraph (6);

“(iv) is a member of the armed forces (as defined by section 101 of title 10) who has received a security clearance from the Federal Government; or

“(v) the Assistant Secretary determines has appropriate security qualifications for inclusion under this subparagraph.”.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the amendments made by this section.

The CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

MODIFICATION TO AMENDMENT NO. 3 OFFERED  
BY MR. MICA

Mr. MICA. Mr. Chairman, I ask unanimous consent to modify the amendment with the modification which I have provided at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 3 offered by Mr. MICA:

The amendment as modified is as follows:

In section 234 of the bill, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following:

(C) TREATMENT OF INDIVIDUALS WITH TOP SECRET SECURITY CLEARANCES.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish protocols to—

(1) verify the identity of United States citizens who participate in the Registered Traveler program and possess a valid top secret security clearance granted by the Federal Government; and

(2) allow alternative screening procedures for individuals described in paragraph (1), including random, risk-based screening determined necessary to respond to a specific threat to security identified pursuant to a security threat assessment.

The CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. MICA. I yield myself such time as I may consume.

First of all, I do want to express my sincere gratitude to Chairman THOMPSON, to the majority staff, and to the staff on our side of the aisle and Members from the minority. They worked together, I think, in the best interest of trying to bring forward the best possible Transportation Security Administration authorization and legislation they could, and also worked very closely to modify an amendment that I originally proposed.

My colleagues, Congress has repeatedly directed the Transportation Security Administration to use biometric identifier technology for identification

cards, travel documents and access control programs.

In fact, Mr. Chairman and Members of the House, these are the times, and I was one of the original authors of the TSA legislation, in which we included a similar directive back immediately after 9/11. But these are the times I have passed, or Congress has passed, into law directives, law after law, directive after directive to TSA to use biometric. And I'd like to submit a list of those for the RECORD.

CONGRESSIONAL MANDATES FOR THE UTILIZATION OF BIOMETRIC IDENTIFIER TECHNOLOGY FOR IDENTIFICATION CARDS, TRAVEL DOCUMENTS, AND ACCESS CONTROL PROGRAMS  
\* \* \*

USA PATRIOT Act of 2001

Aviation and Transportation Security Act of 2001

Enhanced Border Security and Visa Entry Reform Act of 2002

Maritime and Transportation Security Act of 2002

Intelligence Reform and Terrorism Prevention Act of 2004

Department of Homeland Security Appropriations Act for FY2006

Unfortunately, to date, TSA has still failed to fully implement this technology for airport security purposes. And while I'm very supportive of the Registered Traveler Program and its use of biometric technology, the TSA still has failed to utilize this program to its fullest potential.

Biometric technology, fingerprint technology, that uses the thumb, the eye, and is used for registered travelers, is very common, not only for, again, our Registered Traveler Program, but also for various Federal agencies. And I have copies of their IDs, which we use, scanning the Department of Energy, the Department of Defense. However, it is, in fact, used also for secure Federal installations, including very sensitive operations at national laboratories, at military bases and other government facilities. However, we still don't have this technology for use, again, with TSA.

The use of biometric identifier technology, I believe, will not only improve the security of our air transportation, but also the efficiency. If we know who a person is, having a thoroughly vetted background of that individual, we can, in fact, confirm their identification through the use of these credentials that incorporate this biometric technology. Then we can cut down on the amount of unnecessary screening at airports and some of the costs incurred and inefficiency. Wait times for all air travelers, hopefully, will be lessened, and the TSA will actually be able to focus their scarce resources on unknown people who do potentially pose a threat to the system.

To this end, my amendment is a simple one. It requires again the Transportation Security Administration to establish protocols, first, to verify the identity of United States citizens who participate in a Registered Traveler Program, and who possess valid Top Secret Security Clearance, and there

are hundreds of thousands that do that. And that clearance is granted by the Federal Government.

It would also allow an alternative screening procedure for those alternatives. And I hope that would be part of the Registered Traveler Program, again, making it more effective, and leveraging existing biometric identifier technology.

So I think we can stop some of the duplication of efforts, the unnecessary screening, creating multiple credentials.

I want to thank, again, Chairman THOMPSON, Ranking Member KING and staffs on both sides of the aisle for working with us to perfect this amendment. I believe it's a win-win for everybody.

And, again, I can't be more grateful for the cooperation in trying to get an amendment that, hopefully, will make a significant difference in our transportation security system.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not in opposition to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise today in support of my colleague's amendment requiring TSA to establish expedited screening protocols for passengers with a Top Secret Security Clearance.

This amendment enhances section 234 by requiring TSA to establish special protocols for individuals in the Registered Traveler Program who possess a valid Top Secret Security Clearance issued by the Federal Government.

These individuals have access to some of the most sensitive secrets this country has. TSA should be able to figure out how to adopt a screening system to take into account that these passengers are well-known to the Federal Government, have this special status and, as added layers of security, are traveling with a biometric card that confirms their identity.

I'm pleased that Mr. MICA worked with me to fine-tune this amendment, and I urge my colleagues to adopt this amendment.

Mr. Chair, I yield back the balance of my time.

Mr. MICA. I only have a short period of time, but I would like to yield it to Mr. DENT.

Mr. DENT. Real quickly, I just want to say that individuals with Top Secret Security Clearance go through an extensive background check and investigation every 5 years and friends, family members, coworkers and even neighbors are interviewed during this process.

This amendment recognizes the expansive nature of the top secret investigation and the reduced risk individuals with these clearances pose. For these reasons, I strongly support this amendment and urge its adoption.

The CHAIR. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. MICA).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BACHUS

The Acting CHAIR (Mr. HOLDEN). It is now in order to consider amendment No. 4 printed in House Report 111-127.

Mr. BACHUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BACHUS:

At the end of subtitle B of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

**SEC. 240. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.**

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

“(n) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

“(1) IN GENERAL.—The Assistant Secretary shall develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces is traveling on official orders while in uniform through a primary airport (as defined by section 47102).

“(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

“(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

“(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

“(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (115 Stat. 613), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

“(3) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.”.

(b) EFFECTIVE DATE.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall establish the plan required by the amendment made by subsection (a).

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Alabama (Mr. BACHUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Mr. Chair, I think there are some issues that may divide us, but there are other issues that unite us as Members, and this is a perfect example of an amendment, I think, that brings us all together.

In fact, this amendment is cosponsored by DENNIS MOORE, my Democratic colleague from Kansas. And Homeland Security Committee Chair-

man BENNIE THOMPSON was very helpful in crafting this amendment. And I express my appreciation to you, also, the ranking member, PETER KING, and to the ranking member of the subcommittee, CHARLIE DENT, and also to the chairman of the subcommittee, Ms. SHEILA JACKSON-LEE. They and the Homeland Security Committee were most helpful.

Mr. Chairman, often, as we go through the airports of America, we and our constituents see our members of the military passing through those airports. Many of them are going to Iraq and Afghanistan. They're leaving their loved ones, facing sometimes an uncertain future. Others are coming in from Iraq and Afghanistan, going home to see loved ones. Sometimes they haven't seen them for over a year. They're often loaded down with heavy gear.

Now, also, at the same time, we see the registered travelers that we talked about earlier, we see United Premium members, we see Delta Platinum members and Gold Medallion members. We all see them getting priority, and that's okay. I have no problem with that.

But if there is any group of Americans who ought to get priority to go to the front of the line, not to skip security, but to go to the front of the line, it's men and women in uniform. So this amendment extends to them the same basic courtesy that we extend to over a million other Americans right now.

In fact, this is my Southwest A-list member. I, because I travel, I get to use that. United members do, Delta members do. But I want to see our military have this same privilege.

I will reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chair, while not opposed to the amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, I am pleased to support the amendment offered by the gentleman from Alabama (Mr. BACHUS). It directs TSA to craft special security screening protocols for men and women of the Armed Forces.

All of us have been in airports. We've seen our men and women returning subject to all kinds of searches. It is absolutely important that we say thank you for putting themselves in harm's way. And I support 100 percent the directive requiring TSA to set up a protocol to recognize their value to the country.

I yield back the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield such time as the gentleman, the ranking member of the subcommittee, Mr. DENT from Pennsylvania, may consume.

Mr. DENT. Mr. Chairman, I strongly support this amendment by Mr. BACHUS. It's a good amendment. Expedited

screening services are provided to frequent flier travelers and registered travelers at our Nation's commercial airports all the time. And yet our servicemen and women, many with metal items such as combat boots, medals and badges, often need additional screening when they set off the magnetometer.

Our brave servicemen and women are on the front lines in the fight against terrorism. Surely some kind of expedited treatment at an airport checkpoint is the least our country can do for them.

Currently there is no formal TSA requirement or process in place to screen our servicemen and women in any expedited fashion. At some airports, Transportation Security Officers may escort members of the Armed Forces to the front of the checkpoint, but at other airports no such special treatment is given.

□ 1415

So Mr. BACHUS' amendment is an excellent one. It's just common sense that a formal checkpoint screening process should be established for servicemen and women who sacrifice so much for their country.

And finally, these men and women place themselves in harm's way to the benefit of our American way of life. The very least we can do is make the airport checkpoint experience as smooth and as pleasurable as possible.

Mr. BACHUS. Mr. Chairman, let me close by saying this.

We received a letter in the last 2 days from Major General Abner Blalock, who says this amendment will make a big difference for our military and for their families. And I hope it does. I think it's a small gesture that we can make.

I also received an e-mail from a young marine who was coming back from Iraq, and this is what he said:

As I returned from Iraq, where I had been for over a year, I had to remove my boots and my blouse—a military term for battle dress uniform—and then a hand wand was used over my entire body.

That was after he waited in line for some period of time. He said he felt humiliated.

There is a way to have proper security, and this amendment does nothing to change those requirements. But we can give those young men in uniform some expedited service, and we also ask TSA to look at when men and women are in uniform, under orders, to consider an expedited way to get them through security.

With that, Mr. Chairman, I ask all the Members to join with me in expressing our appreciation to the men and women who serve us and risk their life for us every day.

Mr. MOORE of Kansas. Mr. Chair, I rise today in support of the amendment I offered with my good friend from Alabama, Representative SPENCER BACHUS.

Like many of my colleagues, I travel home to my district almost every

weekend, and am forced to spend a considerable amount of time in airports. I frequently see members of our armed forces at the airport traveling to fulfill assignments, in full military uniform and often loaded down with gear and equipment.

The amendments Representative BACHUS and I introduced would help ease the burden on these service men and women traveling on official orders.

The Bachus/Moore amendment would direct the Transportation Security Administration (TSA) to establish a dedicated screening process at airport security checkpoints for military personnel travelling in uniform on official orders. The amendment would also enable family members to accompany the service man or woman through the expedited screening process.

While some airports and airlines have expedited screening policies in place for certain types of passengers, there is no group that deserves greater consideration than our brave men and women in uniform. Our servicemen and women, as well as their families, sacrifice so much as a part of their military service.

This amendment represents a small, simple gesture of kindness in order to make travel more convenient and efficient for our heroes.

Mr. BACH. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS  
OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-127.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

In title II, at the end of subtitle B add the following new section:

**SEC. \_\_\_\_ . REPORT ON COMPLAINTS AND CLAIMS  
FOR LOSS OF PROPERTY FROM PAS-  
SENGER BAGGAGE.**

Not later than six months after the date of enactment of this Act, the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives on complaints and claims received by the Administration for loss of property with respect to passenger baggage screened by the Administration, including—

- (1) the number of such claims that are outstanding;
- (2) the total value of property alleged in such outstanding claims to be missing;
- (3) an estimate of the amount of time that will be required to resolve all such outstanding claims;
- (4) the amount of Administration resources that will be devoted to resolving such outstanding claims, including the number of personnel and funding; and
- (5) efforts that the Administration is making or is planning to make to address passenger grievances regarding such losses, enhance passenger property security, and pro-

vide effective oversight of baggage screeners and other Administration personnel who come in contact with passenger property.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I'm pleased to offer an amendment to the Transportation Security Administration authorization legislation requiring the TSA to report on the status of passenger property claims. Between 2003 and 2008, passengers filed almost \$3.5 million in claims for property lost after their bags were mishandled by the TSA, including jewelry, electronics, and other personal effects. This is unacceptable. The American people already deal with numerous hassles at the airports. Worrying about theft from their luggage should not be one of them.

This amendment ensures adequate oversight of the TSA's efforts to address passenger complaints and claims. This amendment requires the TSA to report on the outstanding claims, their value, and the agency's efforts to enhance our passenger property security and provide effective oversight of baggage screeners and other TSA personnel.

Mr. Chairman, the TSA does an outstanding job of protecting our Nation's airports and ensuring the safety and security of the tens of millions of passengers who access our air transportation network each year. This authorization bill—and I compliment Chairman THOMPSON and his staff, as well as the ranking member and their staff, for offering this very good bill—but it offers us an opportunity to improve the TSA's operations and ensure that all Americans can rest assured that their property is safely cared for under the control of TSA personnel.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I rise to claim time in opposition to the amendment, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. Mr. Chairman, this amendment requires the TSA to report on the number of claims it receives for lost and damaged property, as well as the value of that property and an estimation on the time and resources necessary to resolve such claims.

The men and women of the TSA work hard every day to protect the property entrusted into their care. While the underlying premise is faulty, in that it assumes TSA personnel are to blame for loss or damage associated with baggage, the information gleaned from this report might prove useful in allocating additional resources to manage these claims.

The TSA has instituted a process in which a tag is placed inside every bag they open and inspect. This includes bags that are sealed and require a forcible entry.

Unfortunately, the traveling public is sometimes quick to blame the TSA for any loss or damage associated with their luggage, as opposed to the air carriers, baggage handlers, or simple errors in bar code scanning.

This report may prove useful in identifying any possible improvements to the TSA notification and claims process.

So, as I said, I support the amendment.

At this time, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I'm prepared to yield back the balance of my time, and I do so.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. LINCOLN-  
DIAZ BALART OF FLORIDA, AS MODIFIED

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-127.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I offer an amendment, and I ask unanimous consent that my amendment be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LINCOLN DIAZ-BALART of Florida:

In section 237 of the bill, insert “(a) PROCESS.—” before “Section 1604(b)(2)”.

In section 237 of the bill, insert at the end the following:

(b) REIMBURSEMENTS OF AIRPORTS FOR ELIGIBLE COSTS REIMBURSED AT LESS THAN 90 PERCENT.—If the Secretary or Assistant Secretary reimbursed, after August 3, 2007, an airport that incurred before August 3, 2007, an amount for eligible costs under section 44923 of title 49, United States Code, that was less than 90 percent of such costs, the Secretary or Assistant Secretary shall reimburse such airport under such section an amount equal to the difference for such eligible costs.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Mr. LINCOLN DIAZ-BALART of Florida:

The amendment as modified is as follows:

In section 237 of the bill, insert “(a) PROCESS.—” before “Section 1604(b)(2)”.

In section 237 of the bill, insert at the end the following:

(b) REIMBURSEMENTS OF AIRPORTS FOR ELIGIBLE COSTS REIMBURSED AT LESS THAN 90 PERCENT.—If the Secretary or Assistant Secretary reimbursed, after August 3, 2007, an airport that incurred an amount for eligible costs under section 44923 of title 49, United States Code, that was less than 90 percent of such costs, the Secretary or Assistant Secretary shall reimburse such airport under such section an amount equal to the difference for such eligible costs.

The Acting CHAIR. Without objection, the amendment is modified.



There was no objection.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I'd like to thank the distinguished chairman of the committee for his consideration and another clear demonstration of bipartisanship on this House floor.

Mr. Chairman, I rise to offer an amendment that is a matter of simple fairness to airports that are installing congressionally mandated In-Line Explosive Detection Systems, known as EDS.

Airports that were offered TSA discretionary funding for EDS projects in 2008 were not treated equally. This was due to funding language that, in effect, pitted airports against each other, depending upon who was awarded in fiscal year 2008 or fiscal year 2007 appropriations.

In the fall of 2008, TSA had funding at its disposal from fiscal year 2007 and fiscal year 2008 to distribute EDS reimbursement funds. Some airports received Federal discretionary grants for 90 percent of the costs of installing the EDS for airport baggage systems from the fiscal year 2008 appropriations. At the same time, other airports were given grants for 75 percent of their costs from fiscal year 2007 appropriations. Both of these awards were distributed at the same time, in the fall of 2008.

Miami International Airport, which is located in the district that I am honored to represent, and several other large airports around the country fell into the 75 percent category, and these airports are now at a competitive disadvantage which increases costs to the airlines and, of course, to the flying public who ultimately pays the bills.

The TSA and the OMB made an arbitrary funding decision. They picked winners and losers based on no known criteria. This amendment simply restores fairness to TSA's discretionary funding of EDS projects and assures that these critical airport security projects can be completed in a timely basis.

Again, I'd like to thank Chairman THOMPSON and Ranking Member KING and their staffs for working with my office to perfect this amendment.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chairman, this is a classic example of a commonsense amendment. There is no reason why some airports should be reimbursed at 90 percent and others at 75

percent. This corrects that inequity. We support it.

I yield back the balance of my time. Mr. LINCOLN DIAZ-BALART of Florida. I yield back.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-127.

Ms. CASTOR of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. CASTOR of Florida:

In the heading to section 403 of the bill, insert before the period at the end the following (and conform the table of contents of the bill accordingly): “; **REDUNDANT BACKGROUND CHECKS**”.

At the end of section 403 of the bill, strike the closing quotation marks and the final period and insert the following:

“(f) **REDUNDANT BACKGROUND CHECKS.**—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.”.

The Acting CHAIR. Pursuant to House Resolution 474, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, I'm pleased to offer an amendment that promotes economic growth and fairness.

My amendment eliminates redundant and expensive additional background checks that are making the Transportation Worker ID Card less effective and keeping qualified verified workers from jobs at our ports.

The Transportation Worker ID Card was designed to ensure that people working at our ports are not security risks. We now verify that port workers have not been involved in activities related to terrorism or other serious criminal activity.

The TWIC harmonizes port security across the Nation, so that any port authority in the country can be secure in the knowledge that job applicants have been examined by the TSA and deemed qualified and safe to access our ports.

While the Transportation Worker ID Card has standardized port security for the vast majority of States, in Florida a worker who holds that national TWIC card is still not allowed to access ports without additional background checks

and additional fees under a parallel and duplicative State-run system. That's not fair.

A trucker delivering a load to a port in Georgia or South Carolina can simply present the TWIC card and make his or her delivery, as Congress intended when the TWIC program was designed. However, the same trucker in Florida will have to pay additional fees because the State refuses to recognize the TWIC as a sufficient security credential.

Florida is the only State in the country to require two security clearances to enter public seaports. These duplicative clearances not only defeat the purpose of having a Federal port security credential, but they put Florida's seaports, tenants, trucking companies and workers at a competitive disadvantage, and this is hurting Florida's economy. It's a terrible burden on business.

Now, in 2007, this Congress directed TSA to work with Florida to come to a mutually agreeable solution that would allow the TWIC to serve its purpose, but the ensuing years of negotiations led Florida to reaffirm this spring that it would not accept the national standard for port security but would continue to require expensive duplicative and unnecessary extra background checks.

□ 1430

The criminal background checks are almost identical. Both screen for crimes such as trafficking and narcotics, robbery and assault. Both agencies also have the ability to issue waivers to applicants when offenses are judged to represent no threat to port commerce or national security.

The price of the DHS TWIC port credential 5-year card is \$132.50. And if you're in Florida, you have to pay an additional \$100 to \$130 for the Florida clearance for the same 5-year period. This additional financial and bureaucratic burden on Florida port businesses and workers is unnecessary.

The amendment I'm offering will restore a reasonable, rational, and cost-efficient maritime business environment. Duplicative and unnecessary costs erode the efforts to stimulate and grow Florida's economy and decrease the effectiveness of national standards put in place by Congress through the TWIC program.

Now, for those that might be concerned, if Florida can justify additional background checks with legitimate homeland security concerns, this amendment gives them the opportunity to do so, and the parallel program could be maintained. But if the duplicative and expensive background checks required by Florida are not making our ports safer, workers should not have to pay for them.

Mr. Chairman, I urge my colleagues to adopt the amendment.

I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. While the Transportation Worker Identification Credential, TWIC, card was intended to be the one security credential required of port workers nationwide, some State governments could not wait for the Federal Government to establish its programs, and they moved forward with their own.

Currently, as has been stated, Florida is one State requiring a separate and, some argue, duplicative security background check and card for workers entering port facilities. While it's unfortunate that Florida port employees are required to pay for background checks twice, TSA cannot share the results of its background checks with Florida.

Florida State law allows for individuals to be disqualified even if they were found qualified by the TSA due to differences in disqualifying crimes. Perhaps a better amendment would have been to allow TSA to share the results of its TWIC background checks with Florida. I would suggest that as a better amendment than the one currently before us.

As written, this amendment would preempt Florida from continuing their security background check program, a program that the Florida State Legislature strongly supports. Additionally, some workers in port facilities receive criminal background checks, drug and alcohol testing, and credit checks as part of their screening process.

Many have distinguished this type of employment screening from the security-focused screening of the TWIC program. It is unclear if DHS would see the Waterfront Commission's background check as being preempted under this amendment because it is an employment-safety criminal background check, not a security background check.

While the amendment does allow a State to demonstrate a "compelling homeland security reason" that a separate background check is warranted, this places an extraordinary burden on a State legislature. State legislatures should have the right to determine what offenses qualify as disqualifying offenses in their ports, and this amendment would preempt that.

I reserve the balance of my time.

Ms. CASTOR of Florida. Mr. Chairman, I'd like to thank the chair of the committee, Mr. THOMPSON from Mississippi, for his leadership on this issue and the professional Homeland Security staff who are the committee supportive of the amendment.

I'd also submit, for the RECORD, letters of support from the Transportation Trades Department, the Florida Ports Council, Port Everglades, Port Manatee, Port of Miami, the Tampa Port Authority, and the Passenger Vessel Association.

I urge my colleagues to support the amendment and come down on the side

of economic growth in a time of economic disaster; to come down on the side of the hardworking folks at our ports, to say that it's not fair in America that just because you live in one State, that you're going to be subjected to additional bureaucratic barriers to get to your job. I urge approval of the amendment.

#### TRANSPORTATION TRADES

DEPARTMENT, AFL-CIO,  
Washington, DC, June 4, 2009.

#### SUPPORT THE TSA AUTHORIZATION ACT AND THE CASTOR AMENDMENT

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to support the Transportation Security Administration Authorization Act (H.R. 2200) which will make significant improvements to the security of our transportation network. I also urge you to vote for an amendment offered by Representative Castor which seeks to eliminate duplicative security credentials.

As we approach the 8th anniversary of the September 11, 2001 attacks on our country, we are reminded that much work remains to better secure our entire transportation system and to ensure that front-line workers are well-positioned to help address our security vulnerabilities. Toward this end, we applaud Chairman Bennie Thompson and the members of the Homeland Security Committee for reporting out legislation that will impose new security requirements and move to ensure that rules already on the books are quickly implemented.

Specifically, we support the provision in the bill that will finally ensure that flight attendants receive the uniform and mandatory security training they need to respond to threats in the aircraft cabin. Despite claims by some in industry, the costs of this program are minimal—it would add five hours of training to pre-existing safety training and would only occur every other year. This provision is a significant compromise from the original multi-day proposal and we simply do not see how industry can responsibly oppose it. The concept that workers themselves should have to pay for this mandatory training is ludicrous and we thank the Committee for rejecting this concept.

We also support the expanded training and support for the Federal Flight Deck Officer (FFDO) program. The bill provides that Federal Air Marshal Service field office facilities can be used for the FFDO activities. The section also allows for reimbursement of costs incurred by flight deck officers during requalification for this program, which is required to work as a flight deck officer. The bill also provides additional training for cargo pilots. For years, security regulations pertaining to cargo operations have been inadequate and this mandate will take an important step to address this problem.

Section 206 mandates the issuance of security standards for foreign and domestic aircraft repair stations performing maintenance work on U.S. aircraft. The provision also mandates that security standards at foreign stations working on U.S. aircraft are comparable to the security standards for maintenance work done in this country. These regulations were originally mandated by Congress in 2003 and were supposed to be finalized in August 2004. With over 70 percent of maintenance work now outsourced to domestic and foreign stations, security rules and the required inspections must be immediately implemented.

The TSA Authorization makes several urgently needed improvements to the Transportation Worker Identification Credential

(TWIC) program. Section 403 requires the Coast Guard to coordinate with owners and operators of port facilities and vessels to allow TWIC applicants to be escorted on port facilities by a TWIC holder. This will provide relief to workers who have waited up to several months in some cases to receive their credential. Many now are suffering severe financial harm because, through no fault of their own, they cannot access their job sites. This section also reiterates the need for TSA to process applications in a timely manner by instructing TSA to respond to applicants within 30 days after receiving a completed application and creating a 30-day timeline for the review of requests for appeals and waivers. Additionally, this provision addresses serious deficiencies in the TWIC distribution process by allowing credentials to be sent to a card holder's home and subsequently activated at a TWIC enrollment center. These changes are absolutely essential to the creation of a functional and trustworthy TWIC program that improves our nation's maritime and port security.

Rep. Castor's amendment would prohibit a state or local government from imposing a separate, additional security check for a purpose for which a federal transportation security card has already been issued. Workers, for example, who have already applied for and received a TWIC should not be subject to additional and duplicate security checks for entering a port or a maritime vessel. The purpose of the TWIC and other federal security checks was to create a uniform credential that minimizes costs and creates one level of security. To allow states to impose their own security checks without any limitation would defeat one of the main goals of the TWIC and make it hard for workers and cargo to move from state to state. This is a modest prohibition and can be waived by DHS if a state can demonstrate compelling homeland security reason for imposing additional security checks.

Again, I urge you to vote for H.R. 2200 and for the Castor amendment.

Sincerely,

EDWARD WYTKIND,  
President.

FLORIDA PORTS COUNCIL,  
Tallahassee, FL, June 4, 2009.

Hon. KATHY CASTOR,  
U.S. Congresswoman—11th District,  
Cannon HOB, Washington, DC.

DEAR CONGRESSWOMAN CASTOR: On behalf of Florida's fourteen deepwater seaports, I write to express our support for your amendment to H.R. 2200 concerning redundant criminal history checks.

As you know, Florida's seaports help to foster growth in trade and tourism. Our ports generate more than 350,550 jobs with an average wage of more than \$48,000 per year—well above the Florida average wage of approximately \$34,000. In addition, goods and services that move through Florida seaports generates more than \$1.3 billion in state and local revenues. Thus, we are concerned with any unnecessary or redundant costs that impact our ability to stimulate and grow Florida's economy.

Florida has been a leader on seaport security since 2000. Florida's seaports have invested millions in infrastructure and security forces to ensure that our seaports are safe, and that passengers and cargo are protected. However, the State of Florida also has been slow to change unnecessary and duplicative seaport security requirements in light of the significant changes made by the federal government since 9/11. The Florida criminal history background check is a product of out-of-date analysis and requirements.

We believe that the threat assessment conducted by the Transportation Security Administration (TSA) under the Transportation Workers Identification Credential (TWIC) provides a significant level of protection for the country—including Floridians and visitors to Florida. This TSA threat assessment, coupled with the significant investment by Florida's seaports in infrastructure and operational security provides a level of safety and security in Florida second to none.

The redundant criminal history background check has been the law in Florida for over nine (9) years, and has become unnecessary and redundant now that the federal TSA threat assessment is in place and operational. We do not believe that an additional criminal history check provides any additional safety in Florida. However, if the FDLE can provide some compelling reason to continue requiring a second check, your amendment does allow the State of Florida to request a waiver and continue requiring a second check.

Again, thank you for your leadership on this issue, and for offering this business-friendly amendment. We appreciate your efforts to ensure that Florida's seaport have to ability to stimulate and grow Florida's economy.

Respectfully yours,

MICHAEL L. RUBIN,  
Vice President.

BROWARD COUNTY FLORIDA,  
PORT EVERGLADES,  
Fort Lauderdale, FL, June 4, 2009.

DEAR MR. PHILLIPS: On our behalf, please sincerely thank Congresswoman Castor for her amendment to prohibit redundant background checks for any purpose for which a transportation security card (TWIC) is issued.

Port Everglades and all of Florida's seaports have invested millions in infrastructure and security forces to ensure that our seaports are safe, and that passengers and cargo are protected. We believe that the threat assessment conducted by the TSA under the TWIC program provides a significant level of protections for the country—including Floridians and visitors to Florida. This TSA threat assessment, coupled with the investment by Florida's seaports in infrastructure and operations security provides a level of security in Florida second to none.

The redundant background check in Florida has been in Florida law for over nine (9) years. It has become unnecessary now that the federal TWIC process is in place. We do not believe that this redundant check provides for any additional security. However, if the FDLE can provide some compelling reason to continue requiring a second check of port workers, then Congresswoman Castor's amendment does allow the State of Florida to request a waiver and continue requiring a second check.

This issue is eroding efforts to stimulate and grow Florida's economy as the duplicative and unnecessary costs affect the competitive balance between Florida and other Southeastern ports as the additional cost to Florida port employers and port workers is significant. We appreciate Congresswoman Castor's attention to this issue and her business-friendly amendment.

Sincerely,

PHILLIP C. ALLEN,  
Port Director.

Hon. KATHY CASTOR,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSWOMAN CASTOR: I'm writing to make you aware of Port Manatee's sup-

port of your amendment to H.R. 2200, which prohibits states from requiring separate security background checks for access to the nation's seaports.

This important legislation eliminates a competitive disadvantage suffered by all Florida ports when competing for business with ports from other states. The Sunshine State is the only state in the Union requiring both federal and state background checks for Transportation Worker Identification Credentials and Florida port access identification cards.

Please contact me directly if I may be of further assistance regarding this matter and thank you for your continued leadership with regard to Florida's seaport system and in particular, all that you do to make Port Manatee successful.

Respectfully,

DAVID L. McDONALD,  
Executive Director,  
Port Manatee.

DEAR CONGRESSWOMAN CASTOR: Thank you for your sponsorship of the amendment to H.R. 2200 which prohibits states from requiring separate security background checks for access to seaports. Florida's duplicative system places the state at a competitive disadvantage by increasing the cost of doing business at our public seaports.

Thank you for your leadership on this important issue for the Port of Miami.

Regards,

ADDYS KURLA,  
Manager, Intergovernmental Affairs,  
Port of Miami.

TAMPA PORT AUTHORITY,  
Tampa, FL, June 4, 2009.

Re: Amendment to H.R. 2200—Redundant Background Checks

Hon. KATHY CASTOR,  
Cannon House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE CASTOR: The Tampa Port Authority supports the amendment to H.R. 2200 that you have offered to prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a Transportation Workers Identification Credential (TWIC) card is issued under section 403 of the bill. Only one security background check and one transportation security card should be required for entry into Florida ports. Redundant security background and transportation security cards do not enhance security at Florida ports and may place Florida ports at a competitive economic disadvantage with other deepwater ports across the United States. Consequently, we support the proposed legislation.

Sincerely,

RICHARD A. WAINIO,  
Port Director and CEO.

PASSENGER VESSEL ASSOCIATION,  
Alexandria, VA, May 29, 2009.

Hon. KATHY CASTOR,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSWOMAN CASTOR: The Passenger Vessel Association (PVA)—the national trade association for owners and operators of U.S.-flagged passenger vessel operators of all types—commends you for your intended amendment to the TSA authorization legislation (H.R. 2200) to prohibit a state from requiring security background checks for maritime workers that duplicate those already performed by the federal government.

PVA has numerous members throughout Florida and in the Tampa area whose crew members have to obtain the expensive fed-

eral Transportation Worker Identification Credentials (TWIC). A prerequisite for obtaining a TWIC is a successful background check of an individual's criminal record and status on the terrorist watch list.

Requiring a TWIC for certain individuals that work on a dinner cruise, harbor excursion, or sightseeing vessel is burdensome and expensive enough. However, PVA's Florida operators have also had to contend with the duplicative state-mandated FUPAC credential. What additional value does this state requirement provide?

On behalf of our Florida members, including former PVA President Troy Manthey of Yacht Starship Dining Cruises of Tampa, thank you for your advocacy of your amendment. Please let us know how we can assist it in its passage.

Sincerely,

EDMUND B. WELCH,  
Legislative Director.

I yield back the balance of my time. Mr. DENT. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I do rise in opposition to the amendment, the way it is crafted. I thank the gentlelady from Florida. My colleague has very good intentions, but let's look at the results here.

First of all, this isn't going to eliminate the duplication that was referred to. Florida can still issue an identity card, its own identity card. And it would be better to have just one identity card, but they can still issue one identity card.

What this amendment does is it says that the State is prohibited from conducting a separate background check. So what this becomes is a protection and cover for basically thugs and criminals who are at our ports. You cannot do a criminal background check. This actually prohibits that. That's why I'm opposed to it.

The reason we're concerned in Florida about having criminal background checks—this is the Camber Report. I was in Congress when this was conducted in 2000. One of our ports had over 60 percent of those working at the port with criminal backgrounds.

Here's part of the security assessment. I will name this port; Jacksonville. It has a large physical layout of its facilities, three noncontiguous terminals. The port represents a lucrative target to would-be smugglers and terrorists.

So this amendment, by the way it is crafted—and it should be revised—would prohibit Florida from, even if they want to, and still can with this amendment, they can issue their own card, but they can't conduct a criminal background check. That's wrong. That's wrong.

We can't provide cover for thugs and criminals. And you hear from this report that it does pose both a criminal and terrorist threat, and that needs to be addressed.

This amendment, the way it's crafted, does not do that.

Mr. DENT. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-127.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

In the proposed section 44947 of title 49, United States Code, as proposed to be inserted by section 210 of the bill, add at the end of subsection (a) the following new paragraph:

“(5) PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.—

“(A) PRESUMPTION.—It is the presumption of Congress that grants awarded under this section will be awarded using competitive procedures based on risk.

“(B) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Assistant Secretary shall submit to Congress a report explaining why competitive procedures were not used.”.

In subsection (c) of such proposed section 44947, add at the end the following new sentence: “None of the funds appropriated pursuant to this subsection may be used for a congressional earmark as defined in clause 9d, of Rule XXI of the rules of the House of Representatives of the 111th Congress.”.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, let me say from the outset, this is, I believe, a bipartisan amendment. A similar amendment has been adopted in previous authorizations. So I'm pleased to offer it.

H.R. 2200, as we know, establishes a new grant program that would provide grants to operators of general aviation airports for projects to enhance perimeter security, airfield security, and terminal security. Notably absent from the language, however, is the determination of how this grant money is to be spent.

Too often we have seen legitimate grant programs become vehicles for Member projects. Members will simply earmark these funds for projects back home. A great example of this is FEMA's Pre-Disaster Mitigation grant program. Originally, this program was intended to “save lives and reduce property damage” by providing funds “for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.”

Rather than continuing to award grants that have traditionally been awarded on the basis of merit, using a 70-page guidance document that details requirements and criteria, Congress decided in 2007 to earmark about half of that funding.

That same grant program was earmarked in last year's Homeland Security

appropriations bill. I have little doubt that it will be earmarked again this year as well, because once earmarks start to flow, you can rarely cut them off. And so you have legitimate grant programs with a legitimate purpose. You have applicants waiting to apply, only to find that the money in the account has been drained by Member earmarks.

Let me just say another example of this is the COPS grant program. It was slated to cost \$5.5 billion over the past 5 years. These are some of the most heavily earmarked programs that the Congress authorizes.

Specifically, the COPS Law Enforcement and Technology grant program appropriated about \$187 million in fiscal year 2009. That accounted for more than 500 earmarks, included in both the House and the Senate, at the cost of more than \$185 million. This means that nearly 100 percent of the funds for that particular COPS program were earmarked for particular towns and cities.

I'm mentioning this because that's an example of other areas where, in some cases like the Homeland Security program, we said many times we will not earmark these dollars, and yet unless we have a specific prohibition or language prohibiting it, it happens. And so these accounts go wanting later.

I'm offering this amendment obviously to prevent the wasteful use of taxpayer dollars. If we're going to authorize grant programs to meet specific needs, we need to ensure that these are met in a straightforward manner.

This amendment is simple. It would establish the presumption that the general aviation security grants will be awarded using competitive means and based on risk. Should the TSA decide to use an alternative means of awarding these grants, the amendment requires that the TSA provide to Congress a report explaining that decision.

Lastly, the amendment would prohibit this grant program from ever being earmarked. If Congress is serious about enhancing security at general aviation airports, including this kind of instructive language is necessary. History shows that without it, these programs, these accounts will become earmarked and it will nullify any legitimate need for the program to begin with, and I urge support for this bipartisan amendment.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Chair, I'm pleased to support this amendment which reaffirms that grants awarded to general aviation airports under this bill are done so through a competitive process.

Mr. FLAKE's amendment, based on the competition and the risk, is the right thing to do. I support the amendment.

I yield back the balance of my time.

Mr. FLAKE. I thank the gentleman. I also want to thank the chairman for working with my staff to insert language to make sure that these programs, the awarding of these programs will be based on risk. That was a great addition to this amendment.

I appreciate being able to work with the chairman of the committee on this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. LYNCH

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-127.

Mr. LYNCH. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. LYNCH:

In section 239 of the bill, strike subsections (a) and insert the following:

(a) USE OF PERSONAL PROTECTIVE EQUIPMENT.—

(1) IN GENERAL.—Any personnel of the Transportation Security Administration voluntarily may wear personal protective equipment during any emergency.

(2) WRITTEN GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish, coordinate, and disseminate written guidance to personnel of the Transportation Security Administration to allow for the voluntary usage of personal protective equipment.

(3) DEFINITION.—In this subsection, the term “personal protective equipment” includes surgical and N95 masks, gloves, and hand sanitizer.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I want to thank Mr. THOMPSON, the chair of the Homeland Security Committee, for his great work on this bill. Specifically, this amendment that I have offered would address a difficult situation that is faced by our transit security officers, especially those on the Mexican border, but in every port of entry in the United States.

We have about 50,000 of these officers that actually come in contact, physically wading and screening travelers. As you may remember, after the outbreak of the H1N1 virus, the epicenter was actually in Mexico City; yet the officers that we put on the border, especially Laredo, Texas, and other affected States, were not allowed—they were not allowed to wear masks, to wear gloves, or to use hand sanitizer as they proceeded to screen travelers coming through from Mexico.

A bizarre situation developed where our officers actually were able to look across at the Mexican security officers who all had masks on, they all had gloves on, yet our own TSA did not allow our workers to wear masks or gloves.

In fact, when our officers actually took the initiative to protect themselves, they were told by their superiors, Take off those gloves. Take off those masks. You're alarming the traveling public.

□ 1445

Many of these officers actually screen up to 2,000-3,000 visitors, travelers, per shift. So, to a high degree, they were actually exposed to people who were exhibiting influenza. There are a couple of stark instances we received on the committee, affidavits from officers who actually confronted travelers who were visibly sick. Yet they were told, even in those instances, they were not allowed to wear gloves and masks. So what this amendment would do would be to direct the Transportation Security Administration to basically issue guidance that would allow these workers to protect themselves.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. CHAFFETZ. Mr. Chairman, I thank Chairman LYNCH for his great work in identifying this as a challenge.

We have so many great men and women who serve at the TSA on the front lines. They are dealing with literally tens of thousands of people at a time, some of whom inevitably are going to be sick. It seems reasonable to me that we should put first and foremost the protection and the safety and the consideration of those TSA employees so that, if they choose to don a mask or to put on gloves to protect themselves and consequently to protect their loved ones and their livelihoods, we should afford them that opportunity.

We saw in the committee hearing that there was a great deal of confusion with the TSA. This amendment, which I appreciate that Mr. LYNCH has brought forward, helps clarify that so there is no ambiguity and so we can make sure that the TSA employees can have the safety and security that they deserve.

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

Mr. LYNCH. Mr. Chairman, I just want to point out the odd situation we have here. We have the World Health Organization that has actually brought us up to a level 5. They are now considering going to a level 6 on this influenza. Yet you have the Transportation Security Administration and DHS say-

ing they did not think it was medically necessary for our folks to wear these. You have the Centers for Disease Control here in the United States, in Atlanta, alerting Americans just generally to cover their mouths, to avoid unnecessary travel to Mexico, to take prudent steps to protect themselves. Yet we have these officers on the border who are screening 3,000 people per day, and they aren't allowing these individuals to wear masks.

I think it points out a terrible incongruity in our policy. We've been trying to get them to change that policy. They would not do it voluntarily, so we have been put in a position where we have to do this legislatively.

Mr. Chairman, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Utah has 4 minutes remaining.

Mr. LYNCH. I will reserve my time at this point.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield as much time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I stand in support of the gentleman's amendment. I think it's a commonsense amendment on government oversight. We saw how there was an inconsistency with the stated purpose of protecting not only the public in general but also our employees. We also saw that there was a degree of, let's just say, insensitivity to the fact of allowing individuals the decency to be able to protect their own health.

Let me just say this to the author: I think that this issue also kind of addresses a problem that we didn't talk about in our committee, which is the public relations concern that has sort of trumped good common sense and public health, and I think that we should make this clear with your amendment:

Now you have got a supervisor who may be concerned with, if somebody wears a mask, I might get a complaint, and I don't want to put up with that kind of heat. With your amendment, the supervisor may say: If I get a complaint, I have the ability to point to a congressional directive here, and I have the reason as to why I can protect myself—by allowing the employee to make this call himself on behalf of his own public health.

I say this, Mr. Chairman, as a former public employee: It serves not only the public health of the employee, but it also serves the administrative structure because it eliminates and basically reduces the degree of threat they have of being attacked for allowing the employee to have that. I think the heat should stop here. I think the buck stops here. I think we set the example.

I appreciate the gentleman for proposing this amendment. I would like to point out that this is the kind of bipartisan cooperation we have in government oversight, and I am very proud of

it. I am very proud to support your amendment, Mr. Chairman.

Mr. CHAFFETZ. Mr. Chairman, I urge passage, and I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, I just want to point out something that the gentleman from California (Mr. BILBRAY) just raised.

On several occasions, there have been justifications for not allowing people to wear masks and for not allowing these screeners to protect themselves on the border. The justification seems to be that the airlines and transportation officials don't want to alarm the public. I just want to point out that, when you travel around the globe, these are not large, evil-looking devices. These are very simple dust masks that can be used, and they look fairly common. You see them a lot overseas. It's quite a common thing. As they become more widely used, it will sort of, I think, become commonplace, and it will not bring alarm.

The last point I want to make is this: these employees don't have the right to collectively bargain. They don't have the right to send in a representative to file a grievance when they're told to take off their masks or gloves or when they refuse to allow them to use Purell or anything to protect themselves. If these folks had had a collective bargaining representative, they wouldn't have had to come to me. I feel like I'm the business manager for the Transportation employees. While I'm honored to have that responsibility, I think it would be much better handled if they had the right to collectively bargain and if they had the right to have their own employee representatives intervene on their behalf when their own personal safety and the safety of their families are threatened.

Mr. Chairman, I yield back the balance of our time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-127.

Mr. CHAFFETZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHAFFETZ:

In title II, at the end of subtitle A add the following new section:

**SEC. \_\_\_\_ . LIMITATIONS ON USE OF WHOLE-BODY IMAGING TECHNOLOGY FOR AIRCRAFT PASSENGER SCREENING.**

Section 44901 of title 49, United States Code, is amended by adding at the end the following:

“(1) LIMITATIONS ON USE OF WHOLE-BODY IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

“(1) IN GENERAL.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall ensure that

whole-body imaging technology is used for the screening of passengers under this section only in accordance with this subsection.

“(2) PROHIBITION ON USE FOR ROUTINE SCREENING.—Whole-body imaging technology may not be used as the sole or primary method of screening a passenger under this section. Whole-body imaging technology may not be used to screen a passenger under this section unless another method of screening, such as metal detection, demonstrates cause for preventing such passenger from boarding an aircraft.

“(3) PROVISION OF INFORMATION.—A passenger for whom screening by whole-body imaging technology is permissible under paragraph (2) shall be provided information on the operation of such technology, on the image generated by such technology, on privacy policies relating to such technology, and on the right to request a pat-down search under paragraph (4) prior to the utilization of such technology with respect to such passenger.

“(4) PAT-DOWN SEARCH OPTION.—A passenger for whom screening by whole-body imaging technology is permissible under paragraph (2) shall be offered a pat-down search in lieu of such screening.

“(5) PROHIBITION ON USE OF IMAGES.—An image of a passenger generated by whole-body imaging technology may not be stored, transferred, shared, or copied in any form after the boarding determination with respect to such passenger is made.

“(6) REPORT.—Not later than one year after the date of enactment of this section, and annually thereafter, the Assistant Secretary shall submit to Congress a report containing information on the implementation of this subsection, on the number of passengers for whom screening by whole-body imaging technology was permissible under paragraph (2) as a percentage of all screened passengers, on the number of passengers who chose a pat-down search when presented the offer under paragraph (4) as a percentage of all passengers presented such offer, on privacy protection measures taken with respect to whole-body imaging technology, on privacy violations that occurred with respect to such technology, and on the effectiveness of such technology.

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) PAT-DOWN SEARCH.—The term ‘pat-down search’ means a physical inspection of the body of an aircraft passenger conducted in accordance with the Transportation Security Administration’s standard operating procedure as described in the Transportation Security Administration’s official training manual.

“(B) WHOLE-BODY IMAGING TECHNOLOGY.—The term ‘whole-body imaging technology’ means a device, including a device using backscatter x-rays or millimeter waves, used to detect objects carried on individuals and that creates a visual image of the individual’s full body, showing the surface of the skin and revealing objects that are on the body.”.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Utah (Mr. CHAFFETZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Chairman, I would like to recognize for 2 minutes the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chair, I would like to thank Chairman THOMPSON and his staff for their hard work on

this very important bill. I would also like to thank my colleague Mr. CHAFFETZ. We share a deep concern and respect for the privacy of individuals.

When this full-body imaging technology was first introduced, the TSA said that it would only be used as a secondary screening method for those people who set off the metal detectors. Now it has become very clear that the TSA intends for this technology to replace metal detectors at airports all over the country. The New York Times reported as much in an April 7, 2009, article.

The Chaffetz/Shea-Porter amendment would ensure that full-body imaging remains a secondary screening method. It would also ensure that the people who do go through it are well informed and are given the option of a pat-down.

Mr. Chair, we do not take this amendment lightly. As a member of the Armed Services Committee, I am very aware of the security threats that are facing our country. We, too, want to ensure that the Department of Homeland Security and the TSA have the tools they need to prevent future terrorist attacks. However, the steps that we take to ensure our safety should not be so intrusive that they infringe upon the very freedom that we aim to protect.

Two weeks ago, I went to Washington National Airport to view one of these machines. I saw how the technology is being used. I saw the pictures it produces and the inadequate procedures TSA has put into place to protect our privacy. The images are incredibly revealing as I will show you here. This is a gross violation of a person’s right to privacy. It is also illogical because, if we allow this intrusion into our lives, then there should be this same scan at every single train station, at every building that we enter and on every single bus that we board.

So I ask that my fellow Members join me in voting for this resolution and for this amendment.

Mr. DENT. Mr. Chairman, I rise to claim time, reluctantly, in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Just yesterday, I visited Reagan National Airport and took a look at the whole-body imaging machines over there, and I just have to say a couple of things about this.

I was impressed by the technology. It seems that we have a great deal of satisfaction from passengers who utilize that type of screening. There are limitations to the magnetometer. A magnetometer can pick up metallic items, like keys, but other prohibited items, like liquids and C4 for potential explosives, will be detected under the whole-body imaging technology but not under a magnetometer. So I do believe that this technology is valid.

As for the privacy concerns that have been raised, while I understand them, I think they have been overstated. There

are strong, strong restrictions in place to make sure that those individuals, the transportation security officers who actually help the passengers go through the whole-body imaging scanning, are not in contact with the person who is actually viewing the image. Those people are in a separate room, so they’re separated. The face of the individual is also blurred, so that’s another protection.

So I do think that this technology is very valuable. It will help make us safer. Again, I think it is a step in the right direction. So I would reluctantly oppose the amendment. I understand the concerns expressed, but nevertheless, I feel that this technology is valuable and that it enhances security.

At this time, I would like to yield as much time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN), who previously served as the ranking member on the Transportation Security and Infrastructure Protection Subcommittee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I rise in opposition to this amendment.

I happen to be one of those people who happens to have an artificial hip. Every time I go through, I set off the screener. Every time I go through, I get hand-patted down, and even though they do it in a very nice way, frankly, that’s far more intrusive than going out to the Reagan National Airport and going through that particular system that we’re talking about with those pictures.

We have been working for many years since 9/11 to try and come up with devices which will allow us to be able to detect those kinds of things that, if brought on airliners, would be a threat to all passengers. The whole-body imaging technology, which this amendment seeks to stop in terms of its application as a primary means of screening, can detect many things such as small IEDs, plastic explosives, ceramic knives, and other objects that traditional metal detection cannot detect. Let me underscore that: this device that this amendment seeks to take off the table as a primary means of screening can detect small IEDs, plastic explosives, ceramic knives, and other objects that traditional metal detection cannot detect. That ought to be enough for us to understand this.

If you look at the privacy questions, let’s be clear: the person who actually is there, the employee of TSA who is there when you go through this machine, is not the one who reads the picture. That person, he or she, is in another room—isolated. They never see you. They actually talk to one another by way of radio. So this idea that somebody is sitting in this little room, waiting to see what you look like, frankly, is sort of overblown.

All I can say is this: I have been through many, many pat-downs because I happen to have an artificial hip. Going through this at Reagan National Airport was so much quicker



and so less intrusive of my privacy than what we go through now. For us to sit here now and to pass an amendment which is going to stop this development and application, frankly, I think, is misguided.

With all due respect to the gentleman from Utah, who I know is sincere about that, and to the gentlewoman, who is also sincere, I would ask you to rethink this. From my experience, this is far more protective of my privacy than what I have to go through every time I go to the airport, number one; but more importantly, it protects me and every other passenger to a greater extent than any other procedure we have now. We aren't doing this because we want to do it. We're doing it because we have people around the world who want to kill us, who want to destroy our way of life, and they have utilized commercial airliners for that purpose in the greatest attack in our Nation's history since Pearl Harbor.

□ 1500

This is a device which helps us take advantage of our technological know-how to gain an advance on the enemy. I would hope we would not do this by way of this amendment.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield myself as much time as I need.

Whole-body imaging does exactly what it's going to do. It takes a 360-degree image of your body. Now, I want to have as much safety and security on the airplanes I'm flying every week, but there comes a point in which in the name and safety and security we overstep that line and we have an invasion of privacy. This happens to be one of those invasions of privacy.

Now I understand why the gentleman from California expressed his concern. Let me be clear that this amendment on whole-body imaging only limits primary screening. It can be used for secondary screening. You may get people with artificial hips or knees or something else, and they may elect this kind of screening. It's perfect for them.

But to suggest that every single American—that my wife, my 8-year-old daughter—needs to be subjected to this, I think, is just absolutely wrong. Now, the technology will actually blur out your face. The reason it does this is because there is such great specificity on their face, that they have to do that for some privacy. But down in other, more limited parts you could see specifics with a degree of certainty that, according to the TSA as quoted in USA Today, "You could actually see the sweat on somebody's back." They can tell the difference between a dime and a nickel. If they can do that, they can see things that, quite frankly, I don't think they should be looking at in order to secure a plane. You don't need to look at my wife and 8-year-old daughter naked in order to secure that airplane.

Some people say there is radio communication. There is distance. Well,

it's just as easy to say there is a celebrity or some Member of Congress or some weird-looking person. There is communication.

You say you can't record the devices. Many of us have mobile phones or have these little cameras. There is nothing in this technology that would prohibit the recording of these. With 45,000 good, hardworking TSA employees, 450 airports, some two million air traffic travelers a day, there is inevitably going to be a breach of security. And I want our planes to be as safe and secure as we can, but at the same time, we cannot overstep that bound and have this invasion of privacy.

I urge my colleagues to vote in support of this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CHAFFETZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. BORDALLO

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-127.

Ms. BORDALLO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. BORDALLO:

At the end of subtitle B of title II of the bill, insert the following (with the correct sequential provision designations and conform the table of contents accordingly):

**SEC. \_\_\_\_ . REPORT ON CERTAIN SECURITY PLAN.**

Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall submit a report to the appropriate committees of Congress that—

(1) reviews whether the most recent security plans developed by the commercial aviation airports in the United States territories meet the security concerns described in guidelines and other official documents issued by the Transportation Security Administration pertaining to parts 1544 and 1546 of title 49, Code of Federal Regulations, particularly with regard to the commingling of passengers;

(2) makes recommendations regarding best practices supported by the Transportation Security Administration and any adequate alternatives that address the problems or benefits of commingling passengers at such airports to satisfy the concerns described in paragraph (1);

(3) reviews the potential costs of implementing the preferred and alternative methods to address the Administration concerns regarding parts 1544 and 1546 of title 49, Code of Federal Regulations, particularly in regards to the commingling of passengers at the airport; and

(4) identifies funding sources, including grant programs, to implement improved security methods at such airports.

The Acting CHAIR. Pursuant to House Resolution 474, the gentlewoman

from Guam (Ms. BORDALLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam.

Ms. BORDALLO. First I want to thank Congressman BENNIE THOMPSON of Mississippi and Congresswoman SHEILA JACKSON-LEE of Texas for their support of this amendment.

Mr. Chairman, my amendment is very simple and straightforward. It would require the assistant secretary of TSA to conduct a study and to make recommendations on specific methods by which airports in the U.S. territories, including the Guam International Airport in my district, can best and most cost-effectively comply with existing security regulations. Specifically, it asks TSA to review compliance with parts 1544 and 1546 of title 49 of the Code of Federal Regulations relating to the issue of commingling of passengers at U.S. airports. The report would evaluate alternatives and identify the costs for their implementation.

Additionally, TSA is to identify sources of Federal and non-Federal financing to implement the preferred alternative at each of these airports. Guam is a small hub, Mr. Chairman, for a domestic airline. Our airport on Guam facilitates the daily transiting of international passengers to destinations in the United States, other Pacific islands, and major cities in the Pacific Rim, including Japan, Korea, the Philippines, Taiwan, and Australia.

The current security arrangement at the airport on Guam requires significant resources to be expended in constant around-the-clock monitoring by security personnel to prevent the commingling of transiting and departing passengers. The security enhancements made subsequent to the terrorist attacks of September 11, 2001—particularly with respect to preventing the commingling of passengers at our airports all across the country—have been costly, and in some cases, difficult to fully implement. Moreover, the current decrease in tourist arrivals and departures due to the economic downturn further erodes the financial capability of small airports to implement such improvements.

The Guam International Airport Authority has been operating under a waiver from the Transportation Security Administration for several years. Both the TSA and the Guam International Airport Authority agree that the temporary solution, which amounts to placement of removable partitions and use of security staff to prevent commingling of passengers in their movements throughout the terminal, is not feasible for the long term. However, the cost of implementing security arrangements and improvements at the Guam airport to ensure compliance is costly, and since other security enhancements and expansion of the airport, have completely obligated the passenger facility charge.

The amendment before us, Mr. Chairman, simply looks to provide options

for solving this problem on Guam and potentially other airports in the U.S. territories as well. More importantly, it would provide guidance for funding implementation of these security improvements.

And again, Mr. Chairman, I want to thank the chairman and his committee staff for their work with me and my staff on this amendment.

And for the record, I urge passage of the next amendment, No. 12, sponsored by Congressman JACKSON-LEE and Congressman HASTINGS.

I yield back the balance of my time. Mr. DENT. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I have no real objections to the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. DENT. First, I would like to say I support the amendment. Guam International Airport does not segregate passengers traveling internationally from those passengers traveling domestically. There is no physical separation by either a separate floor or by a solid wall. Prior to 9/11, the commingling of domestic and international travelers was not a concern. Guam International is concerned about the security implications of the current system and is looking for a long-term solution to prevent the commingling of domestic and international passengers.

This amendment would simply require that the TSA review the current procedures in place at the airports of the U.S. territories and make recommendations to the airports on how best to address the commingling of passengers. I have no objections. I support the amendment.

I would yield, at this time, to Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the ranking member very much for yielding. And I would like to applaud the gentlelady from Guam for this very thoughtful amendment.

Mr. Chairman, if we are going to have homeland security, we must have expanded homeland security, and that includes our territories. This amendment directs TSA to identify in its report funding sources to recover the costs of any long-term security improvements that will be needed at these airports in the territories.

I believe this is crucial. This is a seamless and important part of homeland security, and I would ask my colleagues to support it, which includes U.S. territories, especially the Guam International Airport, which is subject to significant fluctuations in passenger volumes because of the tourism market.

This is a good amendment, and I ask my colleagues to support it.

Mr. FALOMAVAEGA. Mr. Chair, I rise in strong support of the Bordallo Amendment (#25) that would direct the Secretary of Homeland Security to report to Congress on a review to be conducted by the Transportation

Security Administration (TSA) for preferred and alternative methods of having commercial airports in the territories comply with TSA security regulations.

I thank my colleague from Guam for her leadership and continuing to look out for the interest of all the territories. This amendment is pretty straight forward. It requires TSA to report on options for improving security airports in the U.S. territories with particular attention to the commingling of passengers that are connecting from international flights.

Moreover, this amendment recognizes the importance of the Territories to the national security of the United States. Commercial airports in the U.S. territories, especially the Guam International Airport, are subject to fluctuations in the tourism market, and making substantial security improvements is a costly endeavor for them to finance. Consequently, the amendment asks also that the TSA report would address the cost differences and financing opportunities for the territories to fully comply with the TSA regulations.

This amendment is especially important in light of the military buildup in Guam and I thank my good friend Ms. BORDALLO for bringing this amendment that would strengthen airport security not only in Guam but also in the other territories.

I strongly urge members to support this amendment.

Mr. DENT. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. HASTINGS  
OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-127.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Washington:

In section 230 of the bill, strike "The" and insert the following:

(a) AVIATION SECURITY.—The

In section 230 of the bill, add at the end the following:

(b) CARGO SCREENING.—The Secretary shall increase the number of canine detection teams, as of the date of enactment of this Act, deployed for the purpose of meeting the 100 percent air cargo screening requirement set forth in section 44901(g) of title 49, United States Code, by not less than 100 canine teams through fiscal year 2011.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank my colleagues, Ms. JACKSON-LEE of Texas and Mr. ROGERS of Alabama, for cosponsoring this very important amendment.

Mr. Chairman, highly trained K-9 teams have been successfully employed in the United States to screen airports

and cargo since 1973. Dogs are extremely reliable and their mobility makes them invaluable in screening all types of cargo quickly and effectively.

As we approach the August 2010 deadline to screen 100 percent of cargo transported on passenger airplanes, it is critical that the TSA is able to deal with all types of cargo without necessarily slowing down exports. Within my district, cherry growers transport half of the cherries they export on passenger aircraft, and K-9s are by far the most workable screening method for these highly perishable products.

My amendment would increase the number of K-9 teams specifically dedicated to air cargo by a minimum of 100 dogs. The need for additional K-9s to screen air cargo is clear. For example, the Seattle-Tacoma International Airport began screening all of its cargo earlier this year. In order to meet the needs of all exporters, TSA will bring K-9 teams to the Pacific Northwest and other parts of the country during the cherry harvest to ensure that all cherries are screened in a timely manner. Once a 100 percent screening requirement goes into effect next year, the burden on all existing K-9 teams will only increase.

At a time when our economy is struggling, we should not be adding new roadblocks for American farmers and businesses. I strongly urge my colleagues to support keeping our skies secure without interrupting commerce and vote "yes" on the Hastings/Jackson-Lee/Rogers amendment.

Ms. JACKSON-LEE of Texas. I rise to claim the time in opposition. I will not oppose the amendment, and I thank the chairman.

The Acting CHAIR. Without objection, the gentlewoman from Texas is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. Again, let me thank the chairman of the full committee, Mr. THOMPSON, and as well Mr. KING and my colleague, Mr. DENT. It was a pleasure to work with Mr. HASTINGS and ROGERS of Alabama.

So I rise in support of the Hastings/Rogers/Jackson-Lee amendment. I appreciate their collegiality and their willingness to work with me on this important amendment. We have toured the Homeland Security sites that have had K-9s. I have heard from airports who said, Give me one good dog, and we will provide security for America.

TSA's explosive detection K-9 teams are important and effective tools for securing all modes of transportation in the United States. The use of K-9 teams has managed what few other security measures can boast: They are well-liked by the community and traveling public. Our committee worked hard to reaffirm our support of K-9 teams for explosive detection in the different transportation modes through H.R. 2200. I'm proud to have led these efforts.

This amendment rounds out these important provisions. As we speak,

TSA continues its work meeting the hundred percent cargo screening requirement established by the 9/11 Act. And let me, as an insert, indicate that I am very proud of the language that we have about 100 percent cargo screening. It is one that we worked on with the Department of Homeland Security. We worked with Mr. MARKEY, we worked with our chairman and our ranking member of both committees—the subcommittee and full committee.

We want to have 100 percent cargo screening. A hundred additional K-9 teams that will be deployed under this amendment will help ensure TSA's success. Mr. HASTINGS, Mr. ROGERS, and I have offered what I perceive to be a thoughtful amendment, and I urge my colleagues to support it. I thank Mr. HASTINGS and Mr. ROGERS for their collaboration.

With that, I am going to yield back.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I want to thank my friend from Texas for her thoughtful remarks and for working on this issue. Agri-business is big in our area, and cherry season is a very tight time frame. It is important that nothing slows down the process of getting these cherries to market. So with that, I want to thank my friend from Guam for also endorsing this amendment, and with that, I urge my colleagues to vote for the amendment.

Ms. BORDALLO. Mr. Chair, I rise to express my support for this amendment, and to speak very briefly on its relevance to my district. Presently, a commercial air carrier contracts with the U.S. Postal Service to transport mail from Honolulu to Guam, and vice versa. Movement of U.S. Mail to and from Guam is handled solely by this contract—which includes transportation on both dedicated air cargo freighters as well as daily by passenger aircraft. Right now, the U.S. Postal Service requires mail patrons to affix Customs Declarations to all Guam-bound mail pieces weighing 16 ounces or more—not for customs purposes, but as a security measure to obtain a sender's identity. The reason for this onerous requirement is, in part, because the TSA and airport authorities lack the means and resources to screen all Guam mail. A few years ago, TSA trained and stood-up a canine detection team at our airport on Guam to help with the mail backlog, but this team cannot screen all the mail and keep up with the volume. Additionally, the airport in Honolulu needs a canine team dedicated to screening mail there. This amendment would help our situation. I support this amendment, urge its adoption, and thank my colleague for yielding me the time.

Mr. HASTINGS of Washington. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

□ 1515

AMENDMENT NO. 13 OFFERED BY MR. BUTTERFIELD

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-127.

Mr. BUTTERFIELD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BUTTERFIELD:

At the end of subtitle B of title II, insert the following new section (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

**SEC. 240. STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.**

(a) **STUDY REQUIRED.**—The Assistant Secretary shall carry out a study on the use of the combination of facial and iris recognition to rapidly identify individuals in security checkpoint lines. Such study shall focus on—

(1) increased accuracy of facial recognition;

(2) enhancement of existing iris recognition technology; and

(3) establishment of integrated face and iris features for accurate identification of individuals.

(b) **PURPOSE OF STUDY.**—The purpose of the study required by subsection (a) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to non-intrusively collect biometrics (face image, iris) in less than ten seconds without impeding the movement of individuals.

The Acting CHAIR. Pursuant to House Resolution 474, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. BUTTERFIELD. Mr. Chairman, I rise today in support of the underlying bill, H.R. 2200, the Transportation Security Administration Authorization Act of 2009. This is a necessary bill that will help to safeguard the American people. I want to commend my friend and colleague Chairman BENNIE THOMPSON from Mississippi for steering this legislation through this process. Mr. THOMPSON, your leadership does not go unnoticed by Members of this body and the American people, and we thank you. We also thank the ranking member of this committee, Mr. KING of New York, for his leadership and for his work on homeland security as well as the other members of the committee. I particularly want to thank the hardworking staff of the Homeland Security Committee for all that they do and for the work that they've done in getting this legislation to the floor today.

Mr. Chairman, I offer a very simple amendment to H.R. 2200. It authorizes a study on the feasibility of combining facial and iris recognition technologies for rapid and accurate identification in airport security checkpoint lines. The study would focus on merits of using the combined technologies and the potential for use. Researchers tell us, Mr. Chairman, that this new technology holds great promise for providing a highly reliable, efficient, unobstructed and accurate way to establish and verify identities. Unlike names and dates of birth, which can be changed from time to time, biometrics are unique and virtually impossible to duplicate. Biometric information is already being collected by DHS, the Department of Homeland Security, through its US-VISIT Program. This invaluable information helps prevent people from using fraudulent documents to attempt to enter our country illegally. Collecting biometrics also helps protect travelers' identities in the event travel documents are lost or stolen. One of my constituents had his passport stolen, and it was used fraudulently. He has been unable to travel overseas to visit his family now for more than 1 year. This technology would have made the issuance of new travel documents a less cumbersome process.

Utilizing advanced technologies like special cameras or imaging systems with enhanced interoperability of 2-D and 3-D facial recognition technology and systems, TSA could collect and analyze the biometric data in a few short seconds. The collection, analysis and identification of an individual, Mr. Chairman, would only take as much time as it takes a person to go through that dreaded security line at the airport. In fact, the security process would be sped up and would significantly lessen the time an individual spends in line. By combining the facial and iris recognition data, TSA officials will get an accurate identification of an individual and will have the opportunity to investigate further, if necessary. The effective use of these databases to confirm or discover personal identities is critical in maintaining our national security. Travel is made safer and, again, the technology is nonintrusive.

This study, Mr. Chairman, requested under this amendment will also help to identify any specific environmental and operational factors that might limit these biometric capabilities and provide insight and information for biometric acquisitions and procedures.

It is my hope, therefore, that Members will support this amendment. It is a commonsense approach, using technology to increase the level of security at checkpoints. I want to remind my colleagues that this technology is totally nonintrusive and has the potential for improving accuracy and efficiency and safety for TSA personnel and travelers alike.

At this time I am going to reserve the balance of my time.