

## **H. Res. 274**

### ***In the House of Representatives, U.S.,***

*November 1, 2001.*

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3150) to improve aviation security, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided

and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Notwithstanding any other provision of this resolution, the amendment specified in section 3 of this resolution shall be in order in lieu of the amendment printed in House Report 107–264 and numbered 1.

SEC. 3. The amendment referred to in section 2 is as follows:

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

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

Sec. 15. Technical corrections.

Page 2, before line 9, insert the following:

# 1     **TITLE I—AVIATION SECURITY**

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

Conform the table of contents of the bill, accordingly.

Page 13, line 17, strike “(1) in subsection (a) by striking” and inserting the following:

- 2           (1) in subsection (a)—  
 3                 (A) by striking “a cabin of”; and  
 4                 (B) by striking

Page 14, line 2, strike “The responsibility” and insert the following:

- 5           “(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

- 6           “(2) ADDITIONAL SCREENING AUTHORITY.—  
 7           The Under Secretary may perform any such additional  
 8           screening of passengers and property on passenger  
 9           aircraft in air transportation that originates  
 10          in the United States or intrastate air transportation  
 11          that the Under Secretary deems necessary to enhance  
 12          aviation security.

Page 14, line 20, strike the closing quotation marks and the final period and insert the following:

1       “(g) DEPUTIZATION OF AIRPORT SCREENING PER-  
 2 SONNEL.—The Under Secretary shall deputize, for en-  
 3 forcement of such Federal laws as the Under Secretary  
 4 determines appropriate, all airport screening personnel as  
 5 Federal transportation security agents and shall ensure  
 6 that such agents operate under common standards and  
 7 common uniform, insignia, and badges. The authority to  
 8 arrest an individual may be exercised only by supervisory  
 9 personnel who are sworn, full-time law enforcement offi-  
 10 cers.”.

Page 15, after line 24, insert the following:

11       “(7) a requirement that any private security  
 12 firm retained to provide airport security services be  
 13 owned and controlled by a citizen of the United  
 14 States, to the extent that the President determines  
 15 that there are firms owned and controlled by such  
 16 citizens;

Page 16, line 1, strike “(7)” and insert “(8)”.

Page 16, line 2, strike “and”.

Page 16, line 3, strike “(8)” and insert “(9)”.

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

1           “(10) a preference for the hiring of any indi-  
2           vidual who is a former employee of an air carrier  
3           and whose employment with the air carrier was ter-  
4           minated as a result of a reduction in the workforce  
5           of the air carrier.”.

Page 16, lines 11 and 12, strike “Secure Transportation for America Act of 2001” and insert “Airport Security Federalization Act of 2001”.

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

Page 19, line 22, strike “and”.

Page 20, line 2, strike the period and insert “; and” and the following:

6           (J) the ability to demonstrate daily a fit-  
7           ness for duty without any impairment due to il-  
8           legal drugs, sleep deprivation, medication, or al-  
9           cohol.

Page 21, line 14, strike “and”.

Page 21, line 20, strike the period and insert a semicolon and the following:

1           “(5) require air carriers to provide, on a space-  
 2           available basis, to an off-duty Federal air marshal a  
 3           seat on a flight to the airport nearest the marshal’s  
 4           home at no cost to the marshal or the United States  
 5           Government if the marshal is traveling to that air-  
 6           port after completing his or her security duties; and

7           “(6) provide, in choosing among applicants for  
 8           a position as a Federal air marshal, a preference for  
 9           the hiring of a pilot of an air carrier whose employ-  
 10          ment with the air carrier was terminated as a result  
 11          of a reduction in the workforce of the air carrier if  
 12          the pilot is otherwise qualified for the position.

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

Page 22, before line 10, insert the following:

13          (c) BASIC PAY DEFINED.—Section 8331(3)(E) of  
 14 title 5, United States Code, is amended to read as follows:

15                   “(E) availability pay—

16                           “(i) received by a criminal investigator  
 17                           under section 5545a of this title; or

18                           “(ii) received after September 11,  
 19                           2001, by a Federal air marshal of the De-  
 20                           partment of Transportation;”.

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

Page 24, lines 2 and 3, strike “individuals described in paragraph (6)” and insert “such individuals,”.

Page 26, after line 2, insert the following:

1           “(16) Establish a uniform system of identifica-  
2           tion for all State and local law enforcement per-  
3           sonnel for use in obtaining permission to carry  
4           weapons in aircraft cabins and in obtaining access to  
5           a secured area of an airport.

6           “(17) Establish requirements under which air  
7           carriers, under the supervision of the Under Sec-  
8           retary, could implement trusted passenger programs  
9           and use available technologies to expedite the secu-  
10          rity screening of passengers who participate in such  
11          programs, thereby allowing security screening per-  
12          sonnel to focus on those passengers who should be  
13          subject to more extensive screening.

14          “(18) In consultation with the Commissioner of  
15          Food and Drugs, develop security procedures under  
16          which a medical product to be transported on a  
17          flight of an air carrier would not be subject to man-

1 ual or x-ray inspection if conducting such an inspec-  
 2 tion would irreversibly damage the product.

3 “(19) Develop security procedures to allow pas-  
 4 sengers transporting a musical instrument on a  
 5 flight of an air carrier to transport the instrument  
 6 in the passenger cabin of the aircraft, notwith-  
 7 standing any size or other restriction on carry-on  
 8 baggage but subject to such other reasonable terms  
 9 and conditions as may be established by the Under  
 10 Secretary or the air carrier, including imposing addi-  
 11 tional charges by the air carrier.

12 “(20) Provide for the use of wireless and wire  
 13 line data technologies enabling the private and se-  
 14 cure communication of threats to aid in the screen-  
 15 ing of passengers and other individuals on airport  
 16 property who are identified on any State or Federal  
 17 security-related data base for the purpose of having  
 18 an integrated response coordination of various au-  
 19 thorized airport security forces.

Page 26, strike line 19 and all that follows through  
 line 7 on page 27 and insert the following:

20 “(d) PROPERTY SECURITY PROGRAM.—

21 “(1) CHECKED BAGGAGE.—

22 “(A) FINAL DEADLINE FOR SCREENING.—

23 A system must be in operation to screen all

1 checked baggage at all airports in the United  
2 States no later than December 31, 2003.

3 “(B) USE OF EXPLOSIVE DETECTION  
4 EQUIPMENT.—The Under Secretary shall en-  
5 sure that explosive detection equipment in-  
6 stalled at airports to screen checked baggage is  
7 used to the maximum extent possible.

8 “(C) INSTALLATION OF ADDITIONAL EX-  
9 PLOSIVE DETECTION EQUIPMENT.—The Under  
10 Secretary shall install additional explosive de-  
11 tection equipment at airports as soon as pos-  
12 sible to ensure that all checked baggage is  
13 screened before being placed in an aircraft.

14 “(D) INTERIM BAG-MATCH PROGRAMS.—  
15 Until the Under Secretary has installed enough  
16 explosive detection equipment at airports to en-  
17 sure that all checked baggage is screened, the  
18 Under Secretary shall require air carriers to  
19 implement bag-match programs that ensure  
20 that no checked baggage is placed in an aircraft  
21 unless the passenger who checks the baggage is  
22 aboard the aircraft.

23 “(2) CARGO DEADLINE.—A system must be in  
24 operation to screen all cargo that is to be trans-  
25 ported in passenger aircraft in air transportation

1 and intrastate air transportation as soon as possible  
2 after the date of enactment of this paragraph.

Page 29, line 10, strike “and” and insert the following:

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

5 “(G) BACKGROUND CHECKS OF CURRENT  
6 EMPLOYEES.—A background check (including a  
7 criminal history record check and a review of  
8 available law enforcement data bases and  
9 records of other governmental and international  
10 agencies) shall be required for any individual  
11 who currently has unescorted access to an air-  
12 craft of an air carrier or foreign air carrier,  
13 unescorted access to a secured area of an air-  
14 port in the United States that serves an air car-  
15 rier or foreign air carrier, or is responsible for  
16 screening passengers or property, or both, un-  
17 less that individual was subject to such a  
18 background check before the individual began  
19 his or her current employment or is exempted  
20 from such a check under section 107.31(m) of  
21 title 14, Code of Federal Regulations.”; and

Page 29, line 11, strike “(2)” and insert “(3)”.

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

1       “(c) AIRPORT SECURITY.—

2               “(1) IN GENERAL.—There is authorized to be  
3       appropriated to the Secretary for fiscal years 2002  
4       and 2003 a total of \$1,500,000,000 to reimburse  
5       airport operators for direct costs incurred by such  
6       operators to comply with new, additional, or revised  
7       security requirements imposed on such operators by  
8       the Federal Aviation Administration or Transpor-  
9       tation Security Administration on or after Sep-  
10      tember 11, 2001. Such sums shall remain available  
11      until expended.

12              “(2) CONDITIONS.—Before providing financial  
13      assistance to an airport operator with funds appro-  
14      priated pursuant to paragraph (1), the Secretary  
15      shall require the operator to provide assurances that  
16      the operator will—

17                      “(A) meet with the tenants of the airport  
18                      (other than air carriers and foreign air carriers)  
19                      to discuss adjustments of the rent of the ten-  
20                      ants to account for losses in revenue incurred  
21                      by the tenants on and after September 11,  
22                      2001; and

1           “(B) provide to the Secretary an itemized  
 2           list of costs incurred by the operator to comply  
 3           with the security requirements described in  
 4           paragraph (1), including costs relating to land-  
 5           ing fees, automobile parking revenues, rental  
 6           cars, restaurants, and gift shops.”.

Page 36, line 9, strike “subsection (b)” and insert  
 “paragraph (2)”.

Page 39, lines 16 and 17, strike “Secure Transpor-  
 tation for America Act of 2001” and insert “Airport Se-  
 curity Federalization Act of 2001”.

Page 43, line 22, after “sponsor” insert “or at a pri-  
 vately owned or operated airport passenger terminal fi-  
 nanced by indebtedness incurred by the sponsor”.

Page 44, beginning on line 25, strike “Secure  
 Transportation for America Act of 2001” and insert  
 “Airport Security Federalization Act of 2001”.

Page 45, after line 15, insert the following:

7           (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE  
 8 PER AIR CARRIER.—Section 103 of such Act is amended  
 9 by adding at the end the following:  
 10           “(d) COMPENSATION FOR AIR CARRIERS PROVIDING  
 11 AIR AMBULANCE SERVICES.—

1           “(1) SET-ASIDE.—The President may set aside  
 2           a portion of the amount of compensation payable to  
 3           air carriers under section 101(a)(2) to provide com-  
 4           pensation to air carriers providing air ambulance  
 5           services. The President shall reduce the  
 6           \$4,500,000,000 specified in subsection (b)(2)(A)(i)  
 7           by the amount set aside under this subsection.

8           “(2) DISTRIBUTION OF AMOUNTS.—The Presi-  
 9           dent shall distribute the amount set aside under this  
 10          subsection proportionally among air carriers pro-  
 11          viding air ambulance services based on an appro-  
 12          priate auditable measure, as determined by the  
 13          President.”.

At the end of the bill, add the following (and con-  
 form the table of contents of the bill accordingly):

14 **SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS**  
 15 **OF OTHER CARRIERS.**

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

18 **“§ 41722. Requirement to honor passenger tickets of**  
 19 **other carriers**

20          “Each air carrier that provides scheduled air trans-  
 21 portation on a route shall provide, to the extent prac-  
 22 ticable, air transportation to passengers ticketed for air  
 23 transportation on that route by any other air carrier that

1 suspends, interrupts, or discontinues air passenger service  
 2 on the route by reason of an act of war or terrorism or  
 3 insolvency or bankruptcy of the carrier.”.

4 (b) CONFORMING AMENDMENT.—The analysis for  
 5 such subchapter is amended by adding at the end the fol-  
 6 lowing:

“41722. Requirement to honor passenger tickets of other carriers.”.

7 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**  
 8 **MATTERS.**

9 (a) FLIGHT SERVICE STATION EMPLOYEES.—It is  
 10 the sense of Congress that the Administrator of the Fed-  
 11 eral Aviation Administration should continue negotiating  
 12 in good faith with flight service station employees of the  
 13 Administration with a goal of reaching agreement on a  
 14 contract as soon as possible.

15 (b) WAR RISK INSURANCE.—It is the sense of Con-  
 16 gress that the Secretary of Transportation should imple-  
 17 ment section 202 of the Air Transportation Safety and  
 18 System Stabilization Act (Public Law 107–42) so as to  
 19 make war risk insurance available to vendors, agents, and  
 20 subcontractors of general aviation aircraft.

21 (c) TRANSPORT OF ANIMALS.—It is the sense of Con-  
 22 gress that an air carrier that transports mail under a con-  
 23 tract with the United States Postal Service should trans-  
 24 port any animal that the Postal Service allows to be  
 25 shipped through the mail.

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

9 (e) CONTRACTS FOR AIRPORT SECURITY SERV-  
 10 ICES.—It is the sense of Congress that, in awarding a con-  
 11 tract for airport security services, the Under Secretary of  
 12 Transportation for Security should, to the maximum ex-  
 13 tent practicable, award the contract to a firm that is  
 14 owned and controlled by a citizen of the United States.

## 15 **TITLE II—VICTIMS**

### 16 **COMPENSATION**

17 **SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING**  
 18 **OUT OF CRASHES OF SEPTEMBER 11,**  
 19 **2001.**

20 Section 408 of the Air Transportation Safety and  
 21 System Stabilization Act (Public Law 107–42; 115 Stat.  
 22 240; 49 U.S.C. 40101 note) is amended—

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

1 **“SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING**  
2 **OUT OF CRASHES OF SEPTEMBER 11,**  
3 **2001.”;**

4 (2) by amending subsection (a) to read as follows:  
5

6 “(a) GENERAL LIMITATION OF LIABILITY.—Except  
7 as provided in this section, no Federal court or agency  
8 or State court or agency shall enforce any Federal or State  
9 law holding any person, or any State or political subdivision  
10 thereof, liable for any damages arising out of the hijacking  
11 and subsequent crashes of American Airlines  
12 flights 11 or 77, or United Airlines flights 93 or 175, on  
13 September 11, 2001.”;

14 (3) in subsection (b), by adding at the end the  
15 following new paragraphs:

16 “(4) DAMAGES.—If any party to any action  
17 brought under this subsection is determined to be  
18 liable—

19 “(A) no damages in the aggregate ordered  
20 by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have  
21 obtained prior to September 11, 2001, and  
22 which is determined to cover such party’s liability for any damages arising out of the hijacking  
23  
24  
25  
26

1 and subsequent crashes of American Airlines  
2 flights 11 or 77, or United Airlines flights 93  
3 or 175, on September 11, 2001;

4 “(B) such party shall not be liable for in-  
5 terest prior to the judgment or for punitive  
6 damages intended to punish or deter; and

7 “(C) the court shall reduce the amount of  
8 damages awarded to a plaintiff by the amount  
9 of collateral source compensation that the plain-  
10 tiff has received or is entitled to receive as a re-  
11 sult of the terrorist-related aircraft crashes of  
12 September 11, 2001.

13 “(5) ATTORNEYS’ FEES.—Reasonable attor-  
14 neys’ fees for work performed in any action brought  
15 under this subsection shall be subject to the discre-  
16 tion of the court, but in no event shall any attorney  
17 charge, demand, receive, or collect for services ren-  
18 dered, fees in excess of 20 percent of the damages  
19 ordered by the court to be paid pursuant to this sub-  
20 section, or in excess of 20 percent of any court ap-  
21 proved settlement made of any claim cognizable  
22 under this subsection. Any attorney who charges, de-  
23 mands, receives, or collects for services rendered in  
24 connection with such claim any amount in excess of  
25 that allowed under this subsection, if recovery be

1 had, shall be fined not more than \$2,000 or impris-  
2 oned not more than one year, or both.”;

3 (4) by amending subsection (c) to read as fol-  
4 lows:

5 “(c) EXCLUSION.—Nothing in this section shall in  
6 any way limit any liability of any person who—

7 “(1) hijacks any aircraft or commits any ter-  
8 rorist act; or

9 “(2) knowingly participates in a conspiracy to  
10 hijack any aircraft or commit any terrorist act.”;

11 and

12 (5) by adding at the end the following new sub-  
13 sections:

14 “(d) DISCLAIMER.—Nothing herein implies that any  
15 person is liable for damages arising out of the hijacking  
16 and subsequent crashes of American Airlines flights 11  
17 or 77, or United Airlines flights 93 or 175, on September  
18 11, 2001.

19 “(e) STATE DEFINED.—In this section, the term  
20 ‘State’ means any State of the United States, the District  
21 of Columbia, the Commonwealth of Puerto Rico, the  
22 Northern Mariana Islands, the United States Virgin Is-  
23 lands, Guam, American Samoa, and any other territory

1 of possession of the United States or any political subdivi-  
2 sion of any of the foregoing.”.

Attest:

*Clerk.*