

AMENDMENT TO H.R. 3150
OFFERED BY MR. YOUNG OF ALASKA

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

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

Sec. 15. 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:

1 “(1) IN GENERAL.—The responsibility

Page 14, after line 8, insert the following:

2 “(2) ADDITIONAL SCREENING AUTHORITY.—
3 The Under Secretary may perform any such addi-
4 tional screening of passengers and property on pas-
5 senger aircraft in air transportation that originates
6 in the United States or intrastate air transportation
7 that the Under Secretary deems necessary to en-
8 hance aviation security.

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

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

Page 15, after line 24, insert the following:

1 “(7) a requirement that any private security
2 firm retained to provide airport security services be
3 owned and controlled by a citizen of the United
4 States, to the extent that the President determines
5 that there are firms owned and controlled by such
6 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:

7 “(10) a preference for the hiring of any indi-
8 vidual who is a former employee of an air carrier
9 and whose employment with the air carrier was ter-
10 minated as a result of a reduction in the workforce
11 of the air carrier.”.

Page 16, lines 11 and 12, strike “Secure Transpor-
tation for America Act of 2001” and insert “Airport Se-
curity Federalization Act of 2001”.

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

Page 19, line 22, strike “and”.

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

1 (J) the ability to demonstrate daily a fit-
2 ness for duty without any impairment due to il-
3 legal drugs, sleep deprivation, medication, or al-
4 cohol.

Page 21, line 14, strike “and”.

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

5 “(5) require air carriers to provide, on a space-
6 available basis, to an off-duty Federal air marshal a
7 seat on a flight to the airport nearest the marshal’s
8 home at no cost to the marshal or the United States
9 Government if the marshal is traveling to that air-
10 port after completing his or her security duties; and
11 “(6) provide, in choosing among applicants for
12 a position as a Federal air marshal, a preference for
13 the hiring of a pilot of an air carrier whose employ-
14 ment with the air carrier was terminated as a result
15 of a reduction in the workforce of the air carrier if
16 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:

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

3 “(E) availability pay—

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

6 “(ii) received after September 11,
7 2001, by a Federal air marshal of the De-
8 partment of Transportation;”.

Page 24, line 1, strike “Provide” and insert “Estab-
lish performance goals for individuals described in para-
graph (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:

9 “(16) Establish a uniform system of identifica-
10 tion for all State and local law enforcement per-
11 sonnel for use in obtaining permission to carry
12 weapons in aircraft cabins and in obtaining access to
13 a secured area of an airport.

14 “(17) Establish requirements under which air
15 carriers, under the supervision of the Under Sec-
16 retary, could implement trusted passenger programs
17 and use available technologies to expedite the secu-

1 rity screening of passengers who participate in such
2 programs, thereby allowing security screening per-
3 sonnel to focus on those passengers who should be
4 subject to more extensive screening.

5 “(18) In consultation with the Commissioner of
6 Food and Drugs, develop security procedures under
7 which a medical product to be transported on a
8 flight of an air carrier would not be subject to man-
9 ual or x-ray inspection if conducting such an inspec-
10 tion would irreversibly damage the product.

11 “(19) Develop security procedures to allow pas-
12 sengers transporting a musical instrument on a
13 flight of an air carrier to transport the instrument
14 in the passenger cabin of the aircraft, notwith-
15 standing any size or other restriction on carry-on
16 baggage but subject to such other reasonable terms
17 and conditions as may be established by the Under
18 Secretary or the air carrier, including imposing addi-
19 tional charges by the air carrier.

20 “(20) Provide for the use of wireless and wire
21 line data technologies enabling the private and se-
22 cure communication of threats to aid in the screen-
23 ing of passengers and other individuals on airport
24 property who are identified on any State or Federal
25 security-related data base for the purpose of having

1 an integrated response coordination of various au-
2 thorized airport security forces.

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

3 “(d) PROPERTY SECURITY PROGRAM.—

4 “(1) CHECKED BAGGAGE.—

5 “(A) FINAL DEADLINE FOR SCREENING.—

6 A system must be in operation to screen all
7 checked baggage at all airports in the United
8 States no later than December 31, 2003.

9 “(B) USE OF EXPLOSIVE DETECTION
10 EQUIPMENT.—The Under Secretary shall en-
11 sure that explosive detection equipment in-
12 stalled at airports to screen checked baggage is
13 used to the maximum extent possible.

14 “(C) INSTALLATION OF ADDITIONAL EX-
15 PLOSIVE DETECTION EQUIPMENT.—The Under
16 Secretary shall install additional explosive de-
17 tection equipment at airports as soon as pos-
18 sible to ensure that all checked baggage is
19 screened before being placed in an aircraft.

20 “(D) INTERIM BAG-MATCH PROGRAMS.—
21 Until the Under Secretary has installed enough
22 explosive detection equipment at airports to en-
23 sure that all checked baggage is screened, the

1 Under Secretary shall require air carriers to
2 implement bag-match programs that ensure
3 that no checked baggage is placed in an aircraft
4 unless the passenger who checks the baggage is
5 aboard the aircraft.

6 “(2) CARGO DEADLINE.—A system must be in
7 operation to screen all cargo that is to be trans-
8 ported in passenger aircraft in air transportation
9 and intrastate air transportation as soon as possible
10 after the date of enactment of this paragraph.

Page 29, line 10, strike “and” and insert the fol-
lowing:

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

13 “(G) BACKGROUND CHECKS OF CURRENT
14 EMPLOYEES.—A background check (including a
15 criminal history record check and a review of
16 available law enforcement data bases and
17 records of other governmental and international
18 agencies) shall be required for any individual
19 who currently has unescorted access to an air-
20 craft of an air carrier or foreign air carrier,
21 unescorted access to a secured area of an air-
22 port in the United States that serves an air car-
23 rier or foreign air carrier, or is responsible for

1 screening passengers or property, or both, un-
2 less that individual was subject to such a back-
3 ground check before the individual began his or
4 her current employment or is exempted from
5 such a check under section 107.31(m) of title
6 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:

7 “(c) AIRPORT SECURITY.—

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

18 “(2) CONDITIONS.—Before providing financial
19 assistance to an airport operator with funds appro-
20 priated pursuant to paragraph (1), the Secretary

1 shall require the operator to provide assurances that
2 the operator will—

3 “(A) meet with the tenants of the airport
4 (other than air carriers and foreign air carriers)
5 to discuss adjustments of the rent of the ten-
6 ants to account for losses in revenue incurred
7 by the tenants on and after September 11,
8 2001; and

9 “(B) provide to the Secretary an itemized
10 list of costs incurred by the operator to comply
11 with the security requirements described in
12 paragraph (1), including costs relating to land-
13 ing fees, automobile parking revenues, rental
14 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:

1 (d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE
2 PER AIR CARRIER.—Section 103 of such Act is amended
3 by adding at the end the following:

4 “(d) COMPENSATION FOR AIR CARRIERS PROVIDING
5 AIR AMBULANCE SERVICES.—

6 “(1) SET-ASIDE.—The President may set aside
7 a portion of the amount of compensation payable to
8 air carriers under section 101(a)(2) to provide com-
9 pensation to air carriers providing air ambulance
10 services. The President shall reduce the
11 \$4,500,000,000 specified in subsection (b)(2)(A)(i)
12 by the amount set aside under this subsection.

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

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

1 **SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS**
2 **OF OTHER CARRIERS.**

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

5 **“§ 41722. Requirement to honor passenger tickets of**
6 **other carriers**

7 “Each air carrier that provides scheduled air trans-
8 portation on a route shall provide, to the extent prac-
9 ticable, air transportation to passengers ticketed for air
10 transportation on that route by any other air carrier that
11 suspends, interrupts, or discontinues air passenger service
12 on the route by reason of an act of war or terrorism or
13 insolvency or bankruptcy of the carrier.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 such subchapter is amended by adding at the end the fol-
16 lowing:

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

17 **SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION**
18 **MATTERS.**

19 (a) FLIGHT SERVICE STATION EMPLOYEES.—It is
20 the sense of Congress that the Administrator of the Fed-
21 eral Aviation Administration should continue negotiating
22 in good faith with flight service station employees of the
23 Administration with a goal of reaching agreement on a
24 contract as soon as possible.

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

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

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

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

1 **TITLE II—VICTIMS**
2 **COMPENSATION**

3 **SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING**
4 **OUT OF CRASHES OF SEPTEMBER 11,**
5 **2001.**

6 Section 408 of the Air Transportation Safety and
7 System Stabilization Act (Public Law 107–42; 115 Stat.
8 240; 49 U.S.C. 40101 note) is amended—

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

11 **“SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING**
12 **OUT OF CRASHES OF SEPTEMBER 11,**
13 **2001.”;**

14 (2) by amending subsection (a) to read as follows:
15

16 **“(a) GENERAL LIMITATION OF LIABILITY.—**Except
17 as provided in this section, no Federal court or agency
18 or State court or agency shall enforce any Federal or State
19 law holding any person, or any State or political subdivision
20 thereof, liable for any damages arising out of the hijacking
21 and subsequent crashes of American Airlines
22 flights 11 or 77, or United Airlines flights 93 or 175, on
23 September 11, 2001.”;

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

1 “(4) DAMAGES.—If any party to any action
2 brought under this subsection is determined to be
3 liable—

4 “(A) no damages in the aggregate ordered
5 by the court to be paid by such party shall ex-
6 ceed the amount of insurance, minus any pay-
7 ments made pursuant to a court approved set-
8 tlement, which such party is determined to have
9 obtained prior to September 11, 2001, and
10 which is determined to cover such party’s liabil-
11 ity for any damages arising out of the hijacking
12 and subsequent crashes of American Airlines
13 flights 11 or 77, or United Airlines flights 93
14 or 175, on September 11, 2001;

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

18 “(C) the court shall reduce the amount of
19 damages awarded to a plaintiff by the amount
20 of collateral source compensation that the plain-
21 tiff has received or is entitled to receive as a re-
22 sult of the terrorist-related aircraft crashes of
23 September 11, 2001.

24 “(5) ATTORNEYS’ FEES.—Reasonable attor-
25 neys’ fees for work performed in any action brought

1 under this subsection shall be subject to the discre-
2 tion of the court, but in no event shall any attorney
3 charge, demand, receive, or collect for services ren-
4 dered, fees in excess of 20 percent of the damages
5 ordered by the court to be paid pursuant to this sub-
6 section, or in excess of 20 percent of any court ap-
7 proved settlement made of any claim cognizable
8 under this subsection. Any attorney who charges, de-
9 mands, receives, or collects for services rendered in
10 connection with such claim any amount in excess of
11 that allowed under this subsection, if recovery be
12 had, shall be fined not more than \$2,000 or impris-
13 oned not more than one year, or both.”;

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

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

18 “(1) hijacks any aircraft or commits any ter-
19 rorist act; or

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

22 and

23 (5) by adding at the end the following new sub-
24 sections:

1 “(d) DISCLAIMER.—Nothing herein implies that any
2 person is liable for damages arising out of the hijacking
3 and subsequent crashes of American Airlines flights 11
4 or 77, or United Airlines flights 93 or 175, on September
5 11, 2001.

6 “(e) STATE DEFINED.—In this section, the term
7 ‘State’ means any State of the United States, the District
8 of Columbia, the Commonwealth of Puerto Rico, the
9 Northern Mariana Islands, the United States Virgin Is-
10 lands, Guam, American Samoa, and any other territory
11 of possession of the United States or any political subdivi-
12 sion of any of the foregoing.”.