

Panel Endorses \$15.6 Billion TSA Reauthorization

By Rob Margetta and Kate Davidson, CQ Staff

The House Homeland Security Committee Thursday approved legislation ([HR 2200](#)) to authorize \$15.6 billion for the Transportation Security Administration for fiscal 2010 and 2011.

The vote was 22-0, an outcome that belied the battles during the lengthy markup. The session featured party-line debates on several amendments, including a proposal to put the names of Guantánamo Bay detainees on the TSA's no-fly list.

The bill is the first reauthorization bill since the agency was created in 2001, according to committee Chairman Bennie Thompson, D-Miss.

The measure would strengthen the TSA's role in assuring the security of non-aviation forms of transportation. It would create a surface transportation advisory council, improve the grant process for surface transportation security and require assessments of the effectiveness of technologies to improve tunnel and rail security.

While members of both parties said the bill was written in a bipartisan manner, some Republicans expressed concern that neither the TSA nor the Department of Homeland Security contributed, because the Obama administration has not yet appointed an agency leader. Charlie Dent, R-Pa., compared the situation to "a ship without a captain."

Outside of the markup, Thompson said the committee has to proceed with its legislative work and can't wait on the administration's appointment timetable.

"We made every effort with TSA on this process," he said. "We kept them informed."

During its work on the bill, the committee adopted a substitute amendment by Thompson that incorporated bipartisan provisions that would:

- Direct the TSA to establish a system to verify screening of all air cargo on inbound foreign passenger flights.
- Require flight attendants to complete five hours of TSA-administered self defense training.
- Require the TSA to establish a security training program for pilots and other crew operating cargo planes.

The substitute amendment also would direct the TSA to submit to Congress a plan on improving security screening for people with metal implants, and require reports on the TSA's expenditures for in-line checked baggage screening systems and its implementation of the air cargo screening system.

There was heated discussion on several amendments — most notably a proposal to put the names of Guantánamo detainees on the no-fly list.

“Regardless of your view on Gitmo, regardless of your views on the no-fly list, it is inconceivable to me that members of Congress would not want to restrict Gitmo detainees,” said Indiana Republican Mark Souder, who introduced the amendment.

Souder was countered by New Jersey Democrat Bill Pascrell Jr., who noted that Obama has created three task forces to look at Guantánamo detainees on an individual basis and determine whether they should be tried in U.S. courts, tried in a different manner or deported.

“As drafted, [the amendment] is predicated on the false premise that the president of the United States will release dangerous criminals into our communities to rack up frequent flyer miles,” Pascrell said.

Pascrell proposed a modification to Souder’s amendment, saying the names would be added to the no-fly list only after the president issues a “final disposition.” Pascrell’s amendment was approved, on a 14-11 party line vote.

The panel then approved the Souder amendment, as amended, by voice vote.

Republicans said the discussion over the amendment, and Thompson’s decision to cut off debate after members started interrupting and talking loudly over each other, was symbolic of a larger issue — what they called Democratic reticence to talk about what will happen to Guantánamo detainees after the facility closes.

“It’s clear they’re afraid of the debate,” Souder said outside the markup.

Thompson agreed that a larger Guantánamo debate is needed, but said the markup was not the place for it, and that Souder’s amendment was seizing authority that belongs to President Obama.

Also approved by voice vote were amendments to:

- Allow the TSA workers to wear face masks to avoid disease.
- Loosen the background checks for truckers who do not haul hazardous materials.
- Direct the TSA to consult with port owners and operators to give workers waiting on Transportation Worker Identification Credential cards access to secure areas.

The committee also adopted by voice vote another 10 amendments in an en bloc vote, including a mandate to increase the number of TSA-certified canine teams for rail and public transportation safety, a report on the use of whole-body imaging technology and a ban on the hiring of private entities to compare passenger information to the no-fly and terrorism watch lists.