

**STATEMENT OF
THE HONORABLE JAMES L. OBERSTAR
THOMPSON SUBSTITUTE AMENDMENT TO
H.R. 1817, THE DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT
MAY 18, 2005**

Mr. Chairman, I rise in strong support of the Thompson amendment in the nature of a substitute. This amendment sets forth a comprehensive, integrated policy to promote homeland security. This amendment is a true substitute amendment and covers important areas where Federal security plans are sorely needed – such as rail and transit transportation – that are omitted from the underlying bill. Frankly, the Thompson amendment demonstrates that the Democrats in this body have the better plan for securing our Nation.

I'd like to thank the Ranking Member of the Committee on Homeland Security, Congressman Thompson, for actively working with me to develop this comprehensive amendment. In particular, I'd like to thank him for recognizing the important role that the Department of Transportation (DOT) has in devising and implementing transportation security regulations. DOT has extensive experience in security and has the primary responsibility for the efficiency and safety of transportation. For transportation security to work well, it is imperative that the Department of Homeland Security (DHS) and DOT work on security plans in tandem. The transportation provisions in this amendment insure that the

Department of Homeland Security and Department of Transportation will *work together* to ensure that this Nation has the strongest, smartest homeland security procedures, which do not unnecessarily undermine efficiency or compromise safety.

I'd like to highlight some of these provisions. Section 518 of the amendment is the language from H.R. 1496, a bipartisan bill which I cosponsored and which was reported by the Transportation and Infrastructure Committee in April, to allow general aviation to return to National Airport. Opening National Airport to general aviation is long overdue.

In Vision 100, reported by the Transportation Committee and passed by Congress in 2003, Congress mandated that National Airport be open to general aviation after a security plan is established. To date, this Administration has not taken action to comply with this directive. I am disappointed that the Administration has avoided reopening general aviation at National Airport for this long, and this legislation is necessary to fully restore our transportation system, and our economy.

Further, I strongly support Title VI of the Thompson Amendment. This title provides for transit security and passenger and freight rail security. Again, rail and transit security are areas where DOT and DHS must work together. This amendment would provide for that.

Subtitle B is taken directly from H.R. 2351, the “Rail Security Act of 2005,” which I introduced earlier this month. It requires that within 180 days of enactment, the Secretary of Homeland Security and the Secretary of Transportation shall develop and implement a railroad security assessment, a railroad security plan, and prioritized recommendations for improving railroad security. The amendment also requires the Secretary of Homeland Security and the Secretary of Transportation to execute a memorandum of agreement governing the roles and responsibilities of their Departments in addressing railroad transportation security matters.

Moreover, the amendment focuses on an issue that security bills often ignore: the importance of ensuring that key workers have the support and training required to protect our rail system, whether those workers are railroad employees or emergency responders. Rail workers are truly the eyes and ears of the rail industry. They greet passengers, sell tickets, operate trains, maintain track and signal systems, dispatch trains, operate bridges, and repair cars. They are in the most direct position to spot security risks and potential threats. This bill requires rail carriers to provide security training to these workers to ensure that they are prepared to take appropriate action against threat conditions.

While I do support most of these provisions in the Thompson amendment, I have serious concerns about one particular section. Section 519 would mandate that 100 percent of air cargo on passenger planes be physically inspected. While ensuring the security of air cargo is a laudable goal, this mandate is not the best way to accomplish that goal. The effect of this amendment would be to force air carriers to remove all cargo from passenger aircraft, jeopardizing 27,000 direct jobs and \$4 billion in annual revenue.

No available technology exists today to efficiently and effectively screen all air cargo for explosives. Most of the cargo screening technologies referenced by those in favor of this amendment are basic or high energy x-ray systems, which currently are not certified explosive detection systems (EDS) for cargo. U.S. airlines have implemented significant cargo inspection and screening measures mandated by Congress and enforced by TSA. First, only known shippers (shippers who are part of the Known Shipper database) may ship cargo on passenger aircraft. Second, all cargo is subject to random inspection. In addition, U.S. airlines have collaborated with TSA and the U.S. Postal Service to develop and implement a canine mail-screening program for mail carried on passenger airlines. The airlines continue to assist TSA in programs to evaluate the utility of explosive detection systems (EDS) and canines for cargo screening. These programs are the best methods available for ensuring cargo security.

Mr. Chairman, my concerns about the cargo security provision are outweighed by the many good security provisions in the amendment. I support the Thompson amendment. It is a comprehensive approach to providing the best security for our Nation. I urge its passage.