

106TH CONGRESS  
2D SESSION

# S. 2440

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2000

Referred to the Committee on Transportation and Infrastructure

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## AN ACT

To amend title 49, United States Code, to improve airport security.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Airport Security Im-  
5       provement Act of 2000”.

1 **SEC. 2. CRIMINAL HISTORY RECORD CHECKS.**

2 (a) EXPANSION OF FAA ELECTRONIC PILOT PRO-  
3 GRAM.—Within 12 months after the date of enactment of  
4 this Act, the Administrator of the Federal Aviation Ad-  
5 ministration shall, in consultation with the Office of Per-  
6 sonnel Management and the Federal Bureau of Investiga-  
7 tion, develop the pilot program for individual criminal his-  
8 tory record checks, known as the electronic fingerprint  
9 transmission pilot project, into an aviation industry-wide  
10 program.

11 (b) APPLICATION OF EXPANDED PROGRAM.—Begin-  
12 ning 1 year after the date of enactment of this Act, the  
13 Administrator shall utilize the program described in sub-  
14 section (a) to carry out section 44936 of title 49, United  
15 States Code, for individuals described in subsection  
16 (a)(1)(A), (a)(1)(B)(i), or (a)(1)(B)(ii) of that section. If  
17 the Administrator determines that the program is not suf-  
18 ficiently operational 1 year after the date of enactment  
19 of this Act to permit its utilization in accordance with sub-  
20 section (a), the Administrator shall notify the Senate  
21 Committee on Commerce, Science, and Transportation  
22 and the House of Representatives Committee on Trans-  
23 portation and Infrastructure of the determination.

24 (c) CHANGES IN EXISTING REQUIREMENTS.—Sec-  
25 tion 44936(a)(1) of title 49, United States Code is  
26 amended—

1           (1) by striking “conducted, as the Adminis-  
2           trator decides is necessary to ensure air transpor-  
3           tation security, of” in subparagraph (A) and insert-  
4           ing “conducted of”; and

5           (2) by striking “subparagraph (C))” in sub-  
6           paragraph (B) and inserting “subparagraph (D))”;

7           (3) by redesignating subparagraphs (C) and  
8           (D) as subparagraphs (D) and (E);

9           (4) by inserting after subparagraph (B) the fol-  
10          lowing:

11                 “(C) A criminal history record check shall  
12                 be conducted for every individual who applies  
13                 for a position described in subparagraph (A) or  
14                 in subparagraph (B)(i) or (ii) after the date of  
15                 enactment of the Airport Security Improvement  
16                 Act of 2000. For the 12-month period begin-  
17                 ning on the date of enactment of that Act, an  
18                 individual described in the preceding sentence  
19                 may be employed in such a position before the  
20                 check is completed if the individual is subject to  
21                 supervision except in a case described in clause  
22                 (i), (ii), (iii), (iv), or (v) of subparagraph (D).  
23                 After that 12-month period, such an individual  
24                 may not be so employed until the check is com-  
25                 pleted.”;

1           (5) by striking “subparagraph (C),” in sub-  
2       paragraph (E), as redesignated, and inserting “sub-  
3       paragraph (D),”; and

4           (6) by striking “as a screener” in subparagraph  
5       (E), as redesignated, and inserting “in the position  
6       for which the individual applied”.

7       (d) LIST OF OFFENSES BARRING EMPLOYMENT.—  
8       Section 44936(b)(1)(B) of title 49, United States Code,  
9       is amended—

10           (1) by inserting “(or found not guilty by reason  
11       of insanity)” after “convicted”;

12           (2) by inserting “or felony unarmed” after  
13       “armed” in clause (xi);

14           (3) by striking “or” after the semicolon in  
15       clause (xii);

16           (4) by redesignating clause (xiii) as clause (xv)  
17       and inserting after clause (xii) the following:

18                       “(xiii) felony involving a threat;

19                       “(xiv) a felony involving—

20                               “(I) willful destruction of prop-  
21                               erty;

22                               “(II) importation or manufacture  
23                               of a controlled substance;

24                               “(III) burglary;

25                               “(IV) theft;

1 “(V) dishonesty, fraud, or mis-  
2 representation;

3 “(VI) possession or distribution  
4 of stolen property;

5 “(VII) aggravated assault; or

6 “(VIII) bribery; or”; and

7 (5) by striking “clauses (i)–(xii) of this para-  
8 graph.” in clause (xv), as redesignated, and insert-  
9 ing “clauses (i) through (xiv) of this subpara-  
10 graph.”.

11 **SEC. 3. IMPROVED TRAINING.**

12 (a) COMPLETION OF RULEMAKING ON CERTIFI-  
13 CATION OF AVIATION SCREENING COMPANIES.—

14 (1) INTERIM RULE.—No later than 30 days  
15 after the date of enactment of this Act, the Adminis-  
16 trator of the Federal Aviation Administration shall  
17 issue as an interim final rule the proposed rule on  
18 Certification of Screening Companies published in  
19 the Federal Register for January 5, 2000. For pur-  
20 poses of the interim final rule, the analyses and doc-  
21 umentation prepared for the proposed rules are  
22 deemed to meet the requirements of chapter 5 of  
23 title 5, United States Code, applicable to rulemaking  
24 and any other procedural requirement imposed by  
25 law on rulemaking.

1           (2) FINAL RULE.—No later than May 31,  
 2           2001, the Administrator shall issue a final rule on  
 3           the Certification of Screening Companies, after tak-  
 4           ing into account any comments received on the pro-  
 5           posed rule issued as an interim final rule under  
 6           paragraph (1).

7           (b) MINIMUM INSTRUCTIONAL STANDARDS FOR  
 8           SCREENERS.—Section 44935 of title 49, United States  
 9           Code, is amended by adding at the end thereof the fol-  
 10          lowing:

11          “(e) TRAINING STANDARDS FOR SCREENERS.—

12               “(1) IN GENERAL.—The Administrator shall  
 13               prescribe minimum standards for training security  
 14               screeners that include at least 40 hours of classroom  
 15               instruction before an individual is qualified to pro-  
 16               vide security screening services under section 44901  
 17               of this title.

18               “(2) CLASSROOM EQUIVALENCY.—The success-  
 19               ful completion of a program certified by the Admin-  
 20               istrator as a program that will train individuals to  
 21               a level of proficiency meets the classroom instruction  
 22               requirement of paragraph (1).

23               “(3) ON-THE-JOB TRAINING.—In addition to  
 24               the requirements of paragraph (1), before an indi-  
 25               vidual may exercise independent judgment as a secu-

1        rity screener under section 44901 of this title the in-  
 2        dividual shall—

3                “(A) complete 40 hours of on-the-job train-  
 4                ing; and

5                “(B) successfully complete an on-the-job  
 6                training examination prescribed by the Admin-  
 7                istrator.”.

8        (c) COMPUTER-BASED TRAINING FACILITIES.—Sec-  
 9        tion 4935 of title 49, United States Code, as amended by  
 10       subsection (b) is further amended by adding at the end  
 11       thereof the following:

12        “(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING  
 13       FACILITIES.—The Administrator shall work with air car-  
 14       riers and airports to ensure that computer-based training  
 15       facilities intended for use by security screeners at an air-  
 16       port regularly serving an air carrier holding a certificate  
 17       issued by the Secretary be conveniently located for that  
 18       airport and easily accessible.”.

19       **SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.**

20        Section 44903 of title 49, United States Code, is  
 21       amended—

22                (1) by redesignating subsections (e) and (f) as  
 23                subsections (f) and (g); and

24                (2) by inserting after subsection (d) thereof the  
 25                following:

1       “(e) IMPROVEMENT OF SECURED-AREA ACCESS  
2 CONTROL.—

3               “(1) ENFORCEMENT.—

4                       “(A) ADMINISTRATOR TO PUBLISH SANC-  
5 TIONS.—The Administrator shall publish in the  
6 Federal Register a list of sanctions for use as  
7 guidelines in the discipline of employees for in-  
8 fractions of airport access control requirements.  
9 The guidelines shall incorporate a progressive  
10 disciplinary approach that relates proposed  
11 sanctions to the severity or recurring nature of  
12 the infraction, and shall include, but are not  
13 limited to, measures such as remedial training,  
14 suspension from security-related duties, suspen-  
15 sion from all duties without pay, and termi-  
16 nation of employment.

17                       “(B) USE OF SANCTIONS.—Each airport,  
18 air carrier, and security screening company  
19 shall include the list of sanctions published by  
20 the Administrator in its security program. The  
21 security program shall include a process for  
22 taking prompt disciplinary action against an  
23 employee who commits an infraction of airport  
24 access control requirements.



1           “(2) IMPROVEMENTS.—The Administrator  
2 shall—

3           “(A) work with airport operators and air  
4 carriers to implement and strengthen existing  
5 controls to eliminate access control weaknesses  
6 by September 30, 2000;

7           “(B) require airport operators and air car-  
8 riers to develop and implement comprehensive  
9 and recurring training programs that teach em-  
10 ployees their role in airport security, the impor-  
11 tance of their participation, how their perform-  
12 ance will be evaluated, and what action will be  
13 taken if they fail to perform;

14           “(C) require airport operators and air  
15 carriers—

16           “(i) to develop and implement pro-  
17 grams that foster and reward compliance  
18 with access control requirements, and dis-  
19 courage and penalize noncompliance in ac-  
20 cordance with guidelines issued by the Ad-  
21 ministrator to measure employee compli-  
22 ance; and

23           “(ii) to enforce individual compliance  
24 requirements under Administration over-  
25 sight;

“(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

“(E) improve and better administer the Administration security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

“(F) improve the execution of the Administration’s quality control program by September 30, 2000; and

“(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by September 30, 2000.”.

**SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.**

In order to ensure physical security at Federal Aviation Administration facilities that house air traffic control systems, the Administrator shall—

(1) correct identified physical security weaknesses at inspected facilities so these air traffic control facilities can be granted physical

1 security accreditation as expeditiously as possible,  
2 sible, but no later than April 30, 2001; and

3 (2) ensure that annual or triennial follow-  
4 up inspections are conducted, deficiencies are  
5 promptly corrected, and accreditation is kept  
6 current for all air traffic control facilities.

7 **SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.**

8 The Administrator of the Federal Aviation Adminis-  
9 tration shall immediately begin to increase gradually the  
10 random selection factor embedded in the Administration's  
11 Commuter-Assisted Passenger Prescreening System at  
12 airports where bulk explosive detection equipment is being  
13 used.

14 **SEC. 7. TECHNICAL AMENDMENT TO TITLE 49.**

15 Section 106(p)(2) is amended by striking "15" and  
16 inserting "18".

Passed the Senate October 3 (legislative day, Sep-  
tember 22), 2000.

Attest:

GARY SISCO,  
*Secretary.*