

107TH CONGRESS
2D SESSION

S. 2686

To strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2002

Mr. GRASSLEY (for himself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To strengthen national security by providing whistleblower protections to certain employees at airports, and for other purposes.

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 Employee
5 Whistleblower Protection Act of 2002”.

6 **SEC. 2. WHISTLEBLOWER PROTECTION FOR CERTAIN AIR-**
7 **PORT EMPLOYEES.**

8 (a) IN GENERAL.—Section 42121(a) of title 49,
9 United States Code, is amended—

1 (1) by striking “(a) DISCRIMINATION AGAINST
2 AIRLINE EMPLOYEES.—No air carrier or contractor
3 or subcontractor of an air carrier” and inserting the
4 following:

5 “(a) DISCRIMINATION AGAINST EMPLOYEES.—

6 “(1) IN GENERAL.—No air carrier, contractor,
7 subcontractor, or employer described under para-
8 graph (2)”;

9 (2) by redesignating paragraphs (1) through
10 (4) as subparagraphs (A) through (D), respectively;
11 and

12 (3) by adding at the end the following:

13 “(2) APPLICABLE EMPLOYERS.—Paragraph (1)
14 shall apply to—

15 “(A) an air carrier or contractor or sub-
16 contractor of an air carrier;

17 “(B) an employer of airport security
18 screening personnel, other than the Federal
19 Government, including a State or municipal
20 government, or an airport authority, or a con-
21 tractor of such government or airport authority;
22 or

23 “(C) an employer of private screening per-
24 sonnel described in section 44919 or 44920 of
25 this title.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
 Section 42121(b)(2)(B) of title 49, United States Code,
 is amended—

(1) in clause (i), by striking “paragraphs (1)
 through (4) of subsection (a)” and inserting “sub-
 paragraphs (A) through (D) of subsection (a)(1)”;
 and

(2) in clause (iii), by striking “paragraphs (1)
 through (4) of subsection (a)” and inserting “sub-
 paragraphs (A) through (D) of subsection (a)(1)”.

**SEC. 3. WHISTLEBLOWER PROTECTION FOR FEDERAL EM-
 PLOYEES WHO ARE AIRPORT SECURITY
 SCREENERS.**

Section 111(d) of the Aviation and Transportation
 Security Act (Public Law 107–71; 115 Stat. 620; 49
 U.S.C. 44935 note) is amended—

(1) by striking “(d) SCREENER PERSONNEL.—
 Notwithstanding any other provision of law,” and in-
 serting the following:

“(d) SCREENER PERSONNEL.—

“(1) IN GENERAL.—Notwithstanding any other
 provision of law (except as provided under para-
 graph (2)),”;

(2) by adding at the end the following:

“(2) WHISTLEBLOWER PROTECTION.—

1 “(A) DEFINITION.—In this paragraph, the
2 term “security screener” means—

3 “(i) any Federal employee hired as a
4 security screener under subsection (e) of
5 section 44935 of title 49, United States
6 Code, or

7 “(ii) an applicant for the position of a
8 security screener under that subsection.

9 “(B) IN GENERAL.—Notwithstanding sub-
10 paragraph (A)—

11 “(i) section 2302(b)(8) of title 5,
12 United States Code, shall apply with re-
13 spect to any security screener; and

14 “(ii) chapters 12, 23, and 75 of that
15 title shall apply with respect to a security
16 screener to the extent necessary to imple-
17 ment clause (i).

18 “(C) COVERED POSITION.—The President
19 may not exclude the position of security screen-
20 er as a covered position under section
21 2302(a)(2)(B)(ii) of title 5, United States Code,
22 to the extent that such exclusion would prevent
23 the implementation of subparagraph (B) of this
24 paragraph.”.

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