

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

June 8, 2000

Purpose: To revise the criminal history record check provisions and make other improvements.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—106TH Cong., 2D Sess.**

S. 2440, 106TH Congress, 2D Session

JUNE 15, 2000

INTENDED to be proposed by Mrs. HUTCHISON (for herself,
Mr. MCCAIN, Mr. ———, and Mr. ———)

Viz: Strike out all after the enacting clause and insert the
following:

1 **SECTION 1. SHORT TITLE.**

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

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

5 (a) EXPANSION OF FAA ELECTRONIC PILOT PRO-
6 GRAM.—Within 12 months after the date of enactment of
7 this Act, the Administrator of the Federal Aviation Ad-
8 ministration shall develop the pilot program for individual
9 criminal history record checks, known as the electronic fin-
10 gerprint transmission project, into a nationwide, and avia-
11 tion industry-wide, program.

1 (b) APPLICATION OF EXPANDED PROGRAM.—Begin-
2 ning 1 year after the date of enactment of this Act, the
3 Administrator shall utilize the program described in sub-
4 section (a) to carry out section 44936 of title 49, United
5 States Code, for individuals described in subsection
6 (a)(1)(B)(i) or (ii) of that section. If the Administrator
7 determines that the program is not sufficiently operational
8 1 year after the date of enactment of this Act to permit
9 its utilization in accordance with subsection (a), the Ad-
10 ministrator shall—

11 (1) begin utilization of the program in accord-
12 ance with the preceding sentence as soon thereafter
13 as practicable; and

14 (2) notify the Senate Committee on Commerce,
15 Science, and Transportation and the House of Rep-
16 resentatives Committee on Transportation and In-
17 frastructure of the determination.

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

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

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

3 “(E) Subparagraph (D) does not apply
4 to—

5 “(i) an individual described in clause
6 (i), (ii), (iii), or (iv) of subparagraph (C)
7 after the date of enactment of the Airport
8 Security Improvement Act of 2000 ; or

9 “(ii) any individual after the program
10 described in section 2(a) of that Act is
11 fully implemented.”.

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

15 (1) by inserting “or unarmed” after “armed” in
16 clause (xi);

17 (2) by striking “or” after the semicolon in
18 clause (xii);

19 (3) by redesignating clause (xiii) as clause (xxv)
20 and inserting after clause (xii) the following:

21 “(xiii) felony involving a threat;

22 “(xiv) willful destruction of property;

23 “(xv) possession, use, importation, or
24 manufacture of a controlled substance;

25 “(xvi) burglary;

1 “(xvii) theft;

2 “(xviii) dishonesty, fraud, or misrepre-
3 sentation;

4 “(xvix) possession or distribution of
5 stolen property;

6 “(xx) aggravated assault;

7 “(xxi) bribery;

8 “(xxii) multiple offenses for driving
9 while intoxicated;

10 “(xxiii) weapons violations;

11 “(xxiv) any offense for which the indi-
12 vidual was found not guilty by reason of
13 insanity; or”

14 (e) CHECKS TO BE MADE EXPEDITIOUSLY.—Section
15 44936(a) of that title is amended by adding at the end
16 the following:

17 “(4) The Administrator shall provide by regula-
18 tion that criminal background checks under this sub-
19 section are to be done expeditiously.”.

20 **SEC. 3. IMPROVED TRAINING.**

21 (a) COMPLETION OF RULEMAKING ON CERTIFI-
22 CATION OF AVIATION SCREENING COMPANIES.—

23 (1) INTERIM RULE.—No later than 30 days
24 after the date of enactment of this Act, the Adminis-
25 trator of the Federal Aviation Administration shall

1 issue as an interim final rule the proposed rule on
2 Certification of Screening Companies published in
3 the Federal Register for January 5, 2000. For pur-
4 poses of the interim final rule, the analyses and doc-
5 umentation prepared for the proposed rules are
6 deemed to meet the requirements of chapter 5 of
7 title 5, United States Code, applicable to rulemaking
8 and any other procedural requirement imposed by
9 law on rulemaking.

10 (2) FINAL RULE.—No later than May 31,
11 2001, the Administrator shall issue a final rule on
12 the Certification of Screening Companies, after tak-
13 ing into account any comments received on the pro-
14 posed rule issued as an interim final rule under
15 paragraph (1).

16 (b) MINIMUM INSTRUCTIONAL STANDARDS FOR
17 SCREENERS.—Section 44935 of title 49, United States
18 Code, is amended by adding at the end thereof the fol-
19 lowing:

20 “(e) TRAINING STANDARDS FOR SCREENERS.—

21 “(1) IN GENERAL.—The Administrator shall
22 prescribe minimum standards for training security
23 screeners that include at least 40 hours of classroom
24 instruction and at least 40 hours of practical train-
25 ing before an individual is qualified to provide secu-

1 rity screening services under section 44901 of this
2 title.

3 “(2) CLASSROOM EQUIVALENCY.—The success-
4 ful completion of a program certified by the Admin-
5 istrator as a program that will train individuals to
6 a level of proficiency meets the classroom instruction
7 requirement of paragraph (1).

8 “(3) ON-THE-JOB TRAINING.—In addition to
9 the requirements of paragraph (1), before an indi-
10 vidual may exercise independent judgment as a secu-
11 rity screener under section 44901 of this title the in-
12 dividual shall—

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

15 “(B) successfully complete an on-the-job
16 training examination prescribed by the Admin-
17 istrator.”.

18 (c) COMPUTER-BASED TRAINING FACILITIES.—Sec-
19 tion 44935 of title 49, United States Code, as amended
20 by subsection (b) is further amended by adding at the end
21 thereof the following:

22 “(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING
23 FACILITIES.—The Administrator shall by regulation re-
24 quire that computer-based training facilities intended for
25 use by security screeners at an airport regularly serving

1 an air carrier holding a certificate issued by the Secretary
2 be conveniently located for that airport and easily acces-
3 sible.”.

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

5 Section 44903 of title 49, United States Code, is
6 amended—

7 (1) by redesignating subsections (e) and (f) as
8 subsections (f) and (g); and

9 (2) by inserting after subsection (d) thereof the
10 following:

11 “(e) IMPROVEMENT OF SECURED-AREA ACCESS CON-
12 TROL.—

13 “(1) ENFORCEMENT.—

14 “(A) ADMINISTRATOR TO PUBLISH SANC-
15 TIONS FOR OTHERS TO USE.—The Adminis-
16 trator shall publish in the Federal Register a
17 list of sanctions for use as guidelines in the dis-
18 cipline of employees under subparagraph (B)
19 for infractions of airport access control require-
20 ments. The guidelines shall incorporate a pro-
21 gressive disciplinary approach that relates pro-
22 posed sanctions to the severity or recurring na-
23 ture of the infraction, and shall include meas-
24 ures such as remedial training, suspension from
25 security-related duties, suspension from all du-

1 ties without pay, and termination of employ-
2 ment.

3 “(B) USE OF ADMINISTRATOR’S SANC-
4 TIONS.—Each airport, air carrier, and security
5 screening company shall include the list of sanc-
6 tions published by the Administrator in its se-
7 curity program. The security program shall in-
8 clude a process for taking prompt disciplinary
9 action against an employee who commits an in-
10 fraction of airport access control requirements.

11 “(2) IMPROVEMENTS.—The Administrator
12 shall—

13 “(A) work with airport operators and air
14 carriers to implement and strengthen existing
15 controls to eliminate access control weaknesses
16 by September 30, 2000;

17 “(B) require airport operators and air car-
18 riers to develop and implement comprehensive
19 and recurring training programs that teach em-
20 ployees their role in airport security, the impor-
21 tance of their participation, how their perform-
22 ance will be evaluated, and what action will be
23 taken if they fail to perform;

24 “(C) require airport operators and air
25 carriers—

1 “(i) to develop and implement pro-
2 grams that foster and reward compliance
3 with access control requirements, and dis-
4 courage and penalize noncompliance in ac-
5 cordance with guidelines issued by the Ad-
6 ministrator to measure employee compli-
7 ance; and

8 “(ii) to enforce individual compliance
9 requirements under Administration over-
10 sight;

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

16 “(E) improve and better administer the
17 Administration security database to ensure its
18 efficiency, reliability, and usefulness for identi-
19 fication of systemic problems and allocation of
20 resources;

21 “(F) improve the execution of the Adminis-
22 tration’s quality control program by September
23 30, 2000; and

24 “(G) require airport operators and air car-
25 riers to strengthen access control points in se-

1 cured areas (including air traffic control oper-
2 ations areas) to ensure the security of pas-
3 sengers and aircraft by September 30, 2000.”.

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

5 In order to ensure physical security at Federal Avia-
6 tion Administration facilities that house air traffic control
7 systems, the Administrator shall—

8 (1) correct identified physical security weak-
9 nesses at inspected facilities so these air traffic con-
10 trol facilities can be granted physical security ac-
11 creditation as expeditiously as possible, but no later
12 than April 30, 2001; and

13 (2) ensure that annual or triennial follow-up in-
14 spections are conducted, deficiencies are promptly
15 corrected, and accreditation is kept current for all
16 air traffic control facilities.

17 **SEC. 6. BULK EXPLOSIVES DETECTION EQUIPMENT.**

18 In order to achieve 100 percent checked baggage
19 screening by 2009, the Administrator of the Federal Avia-
20 tion Administration shall immediately begin to increase
21 gradually the random selection factor embedded in the Ad-
22 ministration’s Computer-Assisted Passenger Prescreening
23 System.

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

2 Section 106(p)(2) is amended by striking “15” and
3 inserting “18”.

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