

In the House of Representatives, U. S.,

October 23, 2000.

Resolved, That the bill from the Senate (S. 2440) entitled “An Act to amend title 49, United States Code, to improve airport security”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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.—*

7 *(1) IN GENERAL.—Not later than 2 years after*
8 *the date of enactment of this Act, the Administrator*
9 *of the Federal Aviation Administration shall develop,*
10 *in consultation with the Office of Personnel Manage-*
11 *ment and the Federal Bureau of Investigation, the*
12 *pilot program for individual criminal history record*
13 *checks (known as the electronic fingerprint trans-*
14 *mission pilot project) into an aviation industry-wide*
15 *program.*

1 (2) *LIMITATION.*—*The Administrator shall not*
 2 *require any airport, air carrier, or screening com-*
 3 *pany to participate in the program described in sub-*
 4 *section (a) if the airport, air carrier, or screening*
 5 *company determines that it would not be cost effective*
 6 *for it to participate in the program and notifies the*
 7 *Administrator of that determination.*

8 (b) *APPLICATION OF EXPANDED PROGRAM.*—

9 (1) *INTERIM REPORT.*—*Not later than 1 year*
 10 *after the date of enactment of this Act, the Adminis-*
 11 *trator shall transmit to the Committee on Commerce,*
 12 *Science, and Transportation of the Senate and the*
 13 *Committee on Transportation and Infrastructure of*
 14 *the House of Representatives a report describing the*
 15 *status of the Administrator's efforts to utilize the pro-*
 16 *gram described in subsection (a).*

17 (2) *NOTIFICATION CONCERNING SUFFICIENCY OF*
 18 *OPERATION.*—*If the Administrator determines that*
 19 *the program described in subsection (a) is not suffi-*
 20 *ciently operational 2 years after the date of enactment*
 21 *of this Act to permit its utilization in accordance*
 22 *with subsection (a), the Administrator shall notify the*
 23 *committees referred to in paragraph (1) of that deter-*
 24 *mination.*

1 (c) *CHANGES IN EXISTING REQUIREMENTS.*—Section
2 44936(a)(1) of title 49, United States Code, is amended—

3 (1) in subparagraph (A) by striking “, as the
4 Administrator decides is necessary to ensure air
5 transportation security,”;

6 (2) in subparagraph (D) by striking “as a
7 screener” and inserting “in the position for which the
8 individual applied”; and

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

10 “(E) *CRIMINAL HISTORY RECORD CHECKS*
11 *FOR SCREENERS AND OTHERS.*—

12 “(i) *IN GENERAL.*—A criminal history
13 record check shall be conducted for each in-
14 dividual who applies for a position de-
15 scribed in subparagraph (A), (B)(i), or
16 (B)(ii).

17 “(ii) *SPECIAL TRANSITION RULE.*—
18 During the 3-year period beginning on the
19 date of enactment of this subparagraph, an
20 individual described in clause (i) may be
21 employed in a position described in clause
22 (i)—

23 “(I) in the first 2 years of such 3-
24 year period, for a period of not to ex-

1 *ceed 45 days before a criminal history*
 2 *record check is completed; and*

3 *“(II) in the third year of such 3-*
 4 *year period, for a period of not to ex-*
 5 *ceed 30 days before a criminal history*
 6 *record check is completed,*
 7 *if the request for the check has been sub-*
 8 *mitted to the appropriate Federal agency*
 9 *and the employment investigation has been*
 10 *successfully completed.*

11 *“(iii) EMPLOYMENT INVESTIGATION*
 12 *NOT REQUIRED FOR INDIVIDUALS SUBJECT*
 13 *TO CRIMINAL HISTORY RECORD CHECK.—*
 14 *An employment investigation shall not be*
 15 *required for an individual who applies for*
 16 *a position described in subparagraph (A),*
 17 *(B)(i), or (B)(ii), if a criminal history*
 18 *record check of the individual is completed*
 19 *before the individual begins employment in*
 20 *such position.*

21 *“(iv) EFFECTIVE DATE.—This sub-*
 22 *paragraph shall take effect—*

23 *“(I) 30 days after the date of en-*
 24 *actment of this subparagraph with re-*
 25 *spect to individuals applying for a po-*

sition at an airport that is defined as
 a Category X airport in the Federal
 Aviation Administration approved air
 carrier security programs required
 under part 108 of title 14, Code of
 Federal Regulations; and

“(II) 3 years after such date of
 enactment with respect to individuals
 applying for a position at any other
 airport that is subject to the require-
 ments of part 107 of such title.

“(F) EXEMPTION.—An employment inves-
 tigation, including a criminal history record
 check, shall not be required under this subsection
 for an individual who is exempted under section
 107.31(m) of title 14, Code of Federal Regula-
 tions, as in effect on the date of enactment of this
 subparagraph.”.

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Sec-
 tion 44936(b)(1)(B) of title 49, United States Code, is
 amended—

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

(2) in clause (xi) by inserting “or felony un-
 armed” after “armed”;

1 (3) by striking “or” at the end of clause (xii);

2 (4) by redesignating clause (xiii) as clause (xv)

3 and inserting after clause (xii) the following:

4 “(xiii) a felony involving a threat;

5 “(xiv) a felony involving—

6 “(I) willful destruction of prop-

7 erty;

8 “(II) importation or manufacture

9 of a controlled substance;

10 “(III) burglary;

11 “(IV) theft;

12 “(V) dishonesty, fraud, or mis-

13 representation;

14 “(VI) possession or distribution of

15 stolen property;

16 “(VII) aggravated assault;

17 “(VIII) bribery; and

18 “(IX) illegal possession of a con-

19 trolled substance punishable by a max-

20 imum term of imprisonment of more

21 than 1 year, or any other crime classi-

22 fied as a felony that the Administrator

23 determines indicates a propensity for

24 placing contraband aboard an aircraft

25 in return for money; or”; and

1 (5) in clause (xv) (as so redesignated) by striking
 2 “clauses (i)–(xii) of this paragraph” and inserting
 3 “clauses (i) through (xiv)”.

4 **SEC. 3. IMPROVED TRAINING.**

5 (a) *TRAINING STANDARDS FOR SCREENERS.*—Section
 6 44935 of title 49, United States Code, is amended by adding
 7 at the end the following:

8 “(e) *TRAINING STANDARDS FOR SCREENERS.*—

9 “(1) *ISSUANCE OF FINAL RULE.*—Not later than
 10 May 31, 2001, and after considering comments on the
 11 notice published in the Federal Register for January
 12 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator
 13 shall issue a final rule on the certification of screen-
 14 ing companies.

15 “(2) *CLASSROOM INSTRUCTION.*—

16 “(A) *IN GENERAL.*—As part of the final
 17 rule, the Administrator shall prescribe minimum
 18 standards for training security screeners that in-
 19 clude at least 40 hours of classroom instruction
 20 before an individual is qualified to provide secu-
 21 rity screening services under section 44901.

22 “(B) *CLASSROOM EQUIVALENCY.*—Instead
 23 of the 40 hours of classroom instruction required
 24 under subparagraph (A), the final rule may
 25 allow an individual to qualify to provide secu-

1 *rity screening services if that individual has suc-*
 2 *cessfully completed a program that the Adminis-*
 3 *trator determines will train individuals to a*
 4 *level of proficiency equivalent to the level that*
 5 *would be achieved by the classroom instruction*
 6 *under subparagraph (A).*

7 *“(3) ON-THE-JOB TRAINING.—In addition to the*
 8 *requirements of paragraph (2), as part of the final*
 9 *rule, the Administrator shall require that before an*
 10 *individual may exercise independent judgment as a*
 11 *security screener under section 44901, the individual*
 12 *shall—*

13 *“(A) complete 40 hours of on-the-job train-*
 14 *ing as a security screener; and*

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

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

21 *“(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING*
 22 *FACILITIES.—The Administrator shall work with air car-*
 23 *riers and airports to ensure that computer-based training*
 24 *facilities intended for use by security screeners at an air-*
 25 *port regularly serving an air carrier holding a certificate*

1 *issued by the Secretary of Transportation are conveniently*
 2 *located for that airport and easily accessible.”.*

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

4 *Section 44903 of title 49, United States Code, is*
 5 *amended by adding at the end the following:*

6 *“(g) IMPROVEMENT OF SECURED-AREA ACCESS CON-*
 7 *TROL.—*

8 *“(1) ENFORCEMENT.—*

9 *“(A) ADMINISTRATOR TO PUBLISH SANC-*
 10 *TIONS.—The Administrator shall publish in the*
 11 *Federal Register a list of sanctions for use as*
 12 *guidelines in the discipline of employees for in-*
 13 *fractions of airport access control requirements.*
 14 *The guidelines shall incorporate a progressive*
 15 *disciplinary approach that relates proposed*
 16 *sanctions to the severity or recurring nature of*
 17 *the infraction and shall include measures such as*
 18 *remedial training, suspension from security-re-*
 19 *lated duties, suspension from all duties without*
 20 *pay, and termination of employment.*

21 *“(B) USE OF SANCTIONS.—Each airport*
 22 *operator, air carrier, and security screening*
 23 *company shall include the list of sanctions pub-*
 24 *lished by the Administrator in its security pro-*
 25 *gram. The security program shall include a*

1 *process for taking prompt disciplinary action*
2 *against an employee who commits an infraction*
3 *of airport access control requirements.*

4 “(2) *IMPROVEMENTS.—The Administrator*
5 *shall—*

6 “(A) *work with airport operators and air*
7 *carriers to implement and strengthen existing*
8 *controls to eliminate airport access control weak-*
9 *nesses by January 31, 2001;*

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

17 “(C) *require airport operators and air car-*
18 *riers to develop and implement programs that*
19 *foster and reward compliance with airport access*
20 *control requirements and discourage and penal-*
21 *ize noncompliance in accordance with guidelines*
22 *issued by the Administrator to measure employee*
23 *compliance;*

24 “(D) *assess and test for compliance with ac-*
25 *cess control requirements, report findings, and*

1 *assess penalties or take other appropriate en-*
2 *forcement actions when noncompliance is found;*

3 *“(E) improve and better administer the Ad-*
4 *ministrator’s security database to ensure its effi-*
5 *ciency, reliability, and usefulness for identifica-*
6 *tion of systemic problems and allocation of re-*
7 *sources;*

8 *“(F) improve the execution of the Adminis-*
9 *trator’s quality control program by January 31,*
10 *2001; and*

11 *“(G) require airport operators and air car-*
12 *riers to strengthen access control points in se-*
13 *cured areas (including air traffic control oper-*
14 *ations areas) to ensure the security of passengers*
15 *and aircraft by January 31, 2001.”.*

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

17 *(a) IN GENERAL.—In order to ensure physical security*
18 *at Federal Aviation Administration staffed facilities that*
19 *house air traffic control systems, the Administrator of the*
20 *Federal Aviation Administration shall act immediately*
21 *to—*

22 *(1) correct physical security weaknesses at*
23 *air traffic control facilities so the facilities can*
24 *be granted physical security accreditation not*
25 *later than April 30, 2004; and*

1 (2) *ensure that follow-up inspections are*
 2 *conducted, deficiencies are promptly corrected,*
 3 *and accreditation is kept current for all air traf-*
 4 *fic control facilities.*

5 (b) *REPORTS.*—*Not later than April 30, 2001, and an-*
 6 *nually thereafter through April 30, 2004, the Administrator*
 7 *shall transmit to the Committee on Commerce, Science, and*
 8 *Transportation of the Senate and the Committee on Trans-*
 9 *portation and Infrastructure of the House of Representa-*
 10 *tives a report on the progress being made in improving the*
 11 *physical security of air traffic control facilities, including*
 12 *the percentage of such facilities that have been granted*
 13 *physical security accreditation.*

14 **SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.**

15 Section 44903(c)(2) of title 49, United States Code, is
 16 amended by adding at the end the following:

17 “(C) *MANUAL PROCESS.*—

18 “(i) *IN GENERAL.*—*The Administrator*
 19 *shall issue an amendment to air carrier se-*
 20 *curity programs to require a manual proc-*
 21 *ess, at explosive detection system screen lo-*
 22 *cations in airports where explosive detection*
 23 *equipment is underutilized, which will aug-*
 24 *ment the Computer Assisted Passenger*
 25 *Prescreening System by randomly selecting*

1 *additional checked bags for screening so that*
 2 *a minimum number of bags, as prescribed*
 3 *by the Administrator, are examined.*

4 “(ii) *LIMITATION ON STATUTORY CON-*
 5 *STRUCTION.—Clause (i) shall not be con-*
 6 *strued to limit the ability of the Adminis-*
 7 *trator to impose additional security meas-*
 8 *ures on an air carrier or a foreign air car-*
 9 *rier when a specific threat warrants such*
 10 *additional measures.*

11 “(iii) *MAXIMUM USE OF EXPLOSIVE*
 12 *DETECTION EQUIPMENT.—In prescribing*
 13 *the minimum number of bags to be exam-*
 14 *ined under clause (i), the Administrator*
 15 *shall seek to maximize the use of the explo-*
 16 *sive detection equipment.”.*

17 **SEC. 7. AIRPORT NOISE STUDY.**

18 (a) *IN GENERAL.—Section 745 of the Wendell H. Ford*
 19 *Aviation Investment and Reform Act for the 21st Century*
 20 *(49 U.S.C. 47501 note; 114 Stat. 178) is amended—*

21 (1) *in the section heading by striking “GEN-*
 22 *ERAL ACCOUNTING OFFICE”;*

23 (2) *in subsection (a) by striking “Comptroller*
 24 *General of the United States shall” and inserting*

1 *“Secretary shall enter into an agreement with the Na-*
 2 *tional Academy of Sciences to”;*

3 *(3) in subsection (b)—*

4 *(A) by striking “Comptroller General” and*
 5 *inserting “National Academy of Sciences”;*

6 *(B) by striking paragraph (1);*

7 *(C) by adding “and” at the end of para-*
 8 *graph (4);*

9 *(D) by striking “; and” at the end of para-*
 10 *graph (5) and inserting a period;*

11 *(E) by striking paragraph (6); and*

12 *(F) by redesignating paragraphs (2), (3),*
 13 *(4), and (5) as paragraphs (1), (2), (3), and (4),*
 14 *respectively;*

15 *(4) by striking subsection (c) and inserting the*
 16 *following:*

17 *“(c) REPORT.—Not later than 18 months after the date*
 18 *of the agreement entered into under subsection (a), the Na-*
 19 *tional Academy of Sciences shall transmit to the Secretary*
 20 *a report on the results of the study. Upon receipt of the*
 21 *report, the Secretary shall transmit a copy of the report*
 22 *to the appropriate committees of Congress.”.*

23 *“(d) AUTHORIZATION OF APPROPRIATIONS.—There is*
 24 *authorized to be appropriated such sums as may be nec-*
 25 *essary to carry out this section.”.*

1 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 2 *for such Act (114 Stat. 61 et seq.) is amended by striking*
 3 *item relating to section 745 and inserting the following:*

“Sec. 745. Airport noise study.”.

4 **SEC. 8. TECHNICAL AMENDMENTS.**

5 (a) *FEDERAL AVIATION MANAGEMENT ADVISORY*
 6 *COUNCIL.*—*Section 106(p)(2) is amended by striking “15”*
 7 *and inserting “18”.*

8 (b) *NATIONAL PARKS AIR TOUR MANAGEMENT.*—*Title*
 9 *VIII of the Wendell H. Ford Aviation Investment and Re-*
 10 *form Act for the 21st Century (49 U.S.C. 40128 note; 114*
 11 *Stat. 185 et seq.) is amended—*

12 (1) *in section 803(c) by striking “40126” each*
 13 *place it appears and inserting “40128”;*

14 (2) *in section 804(b) by striking “40126(e)(4)”*
 15 *and inserting “40128(f)”;* and

16 (3) *in section 806 by striking “40126” and in-*
 17 *serting “40128”.*

18 (c) *RESTATEMENT OF PROVISION WITHOUT SUB-*
 19 *STANTIVE CHANGE.*—*Section 41104(b) of title 49, United*
 20 *States Code, is amended—*

21 (1) *by striking paragraph (1) and inserting the*
 22 *following:*

23 “(1) *IN GENERAL.*—*Except as provided in para-*
 24 *graph (3), an air carrier, including an indirect air*
 25 *carrier, may not provide, in aircraft designed for*

1 *more than 9 passenger seats, regularly scheduled char-*
 2 *ter air transportation for which the public is pro-*
 3 *vided in advance a schedule containing the departure*
 4 *location, departure time, and arrival location of the*
 5 *flight unless such air transportation is to and from*
 6 *an airport that has an airport operating certificate*
 7 *issued under part 139 of title 14, Code of Federal*
 8 *Regulations (or any subsequent similar regulation).”;*
 9 *and*

10 *(2) by adding at the end the following:*

11 *“(3) EXCEPTION.—This subsection does not*
 12 *apply to any airport in the State of Alaska or to any*
 13 *airport outside the United States.”.*

14 **SEC. 9. EFFECTIVE DATE.**

15 *Except as otherwise expressly provided, this Act and*
 16 *the amendments made by this Act shall take effect 30 days*
 17 *after the date of enactment of this Act.*

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 2440

AMENDMENT