

112TH CONGRESS  
2D SESSION

# S. 3303

To require security screening of passengers at airports to be carried out by private screening companies, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 14, 2012

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require security screening of passengers at airports to be carried out by private screening companies, 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. REQUIREMENT THAT PASSENGER SECURITY**  
4 **SCREENING BE CONDUCTED BY PRIVATE**  
5 **SCREENING COMPANIES.**

6 (a) IN GENERAL.—Section 44901(a) of title 49,  
7 United States Code, is amended in the second sentence  
8 by striking “except as otherwise” and all that follows  
9 through the end period and inserting “except—

1           “(1) that screening of passengers shall be con-  
2           ducted by employees of a private screening company  
3           under a contract entered into pursuant to subsection  
4           (m)(1);

5           “(2) for identifying passengers and baggage for  
6           screening under the CAPPS and known shipper pro-  
7           grams and conducting positive bag-match programs;  
8           and

9           “(3) as otherwise provided in section 44919 or  
10          44920.”.

11          (b) REQUIREMENTS.—Section 44901 of such title 49,  
12          United States Code, is amended by adding at the end the  
13          following:

14          “(m) CONDUCT OF PASSENGER SCREENING BY PRI-  
15          VATE SCREENING COMPANIES.—

16                 “(1) CONTRACTS.—

17                         “(A) IN GENERAL.—Except as provided in  
18                         subparagraph (B), the Assistant Secretary of  
19                         Homeland Security (Transportation Security  
20                         Administration) shall enter into a contract with  
21                         a private screening company selected by the op-  
22                         erator of an airport under which employees of  
23                         that company will conduct the screening of pas-  
24                         sengers at the airport under subsection (a)(1).

1           “(B) COMPANIES WITH UNSATISFACTORY  
 2           PERFORMANCE RECORDS.—The operator of an  
 3           airport may not select a private security screen-  
 4           ing company for purposes of subparagraph (A)  
 5           if the Assistant Secretary determines that the  
 6           performance record of the company is unsatis-  
 7           factory.

8           “(2) EMPLOYMENT AND TERMINATION DECI-  
 9           SIONS.—Notwithstanding section 44903(g)(1)(C),  
 10          section 44935(e), or any other provision of this  
 11          chapter, the operator of an airport and the private  
 12          screening company conducting passenger screening  
 13          at that airport pursuant to a contract entered into  
 14          under paragraph (1)(A) shall have the authority to  
 15          make final decisions with respect to the employment  
 16          and termination of individuals conducting passenger  
 17          screening at that airport.”.

18          (c) MANDATORY APPROVAL OF APPLICATIONS  
 19          UNDER SECURITY SCREENING OPT-OUT PROGRAM.—  
 20          Section 44920 of title 49, United States Code, is amend-  
 21          ed—

22                 (1) in subsection (a)—

23                         (A) by striking “Under Secretary” the first  
 24                         place it appears and inserting “Assistant Sec-  
 25                         retary (Transportation Security Administration)

1 (in this section referred to as the ‘Assistant  
2 Secretary’); and

3 (B) by striking “passengers and”;

4 (2) by striking “Under Secretary” each place it  
5 appears and inserting “Assistant Secretary”;

6 (3) by amending subsection (b) to read as fol-  
7 lows:

8 “(b) APPROVAL OF APPLICATIONS.—The Assistant  
9 Secretary shall approve all applications submitted under  
10 subsection (a).”; and

11 (4) in subsection (h), by striking “and pas-  
12 senger”.

13 (d) CONFORMING AMENDMENTS.—

14 (1) ENFORCEMENT OF SECURED-AREA ACCESS  
15 CONTROL REQUIREMENTS.—

16 (A) IN GENERAL.—Section 44903(g)(1) of  
17 title 49, United States Code, is amended—

18 (i) in subparagraph (A), in the first  
19 sentence, by striking “employees” and in-  
20 serting “Federal employees”; and

21 (ii) by adding at the end the fol-  
22 lowing:

23 “(C) SANCTIONS FOR EMPLOYEES OF PRI-  
24 VATE SECURITY SCREENING COMPANIES.—The  
25 Under Secretary shall develop and publish in

1 the Federal Register a list of sanctions for use  
2 as guidelines in the discipline of employees of  
3 private screening companies conducting pas-  
4 senger screening at airports for infractions of  
5 airport access control requirements in consulta-  
6 tion with those companies.”.

7 (B) PUBLICATION OF GUIDELINES.—Not  
8 later than 180 days after the date of the enact-  
9 ment of this Act, the Secretary of Homeland  
10 Security shall publish in the Federal Register—

11 (i) such revisions to the guidelines  
12 under subparagraph (A) of section  
13 44903(g)(1) of title 49, United States  
14 Code, as are necessary to implement the  
15 amendments made by subparagraph (A);  
16 and

17 (ii) guidelines under subparagraph (C)  
18 of that section (as added by subparagraph  
19 (A)).

20 (2) THREAT AND VULNERABILITY ASSESS-  
21 MENTS.—Section 44904(b)(5) of title 49, United  
22 States Code, is amended by striking “the United  
23 States Customs Service, the Immigration and Natu-  
24 ralization Service, and air carriers” and inserting  
25 “U.S. Customs and Border Protection, U.S. Immi-

1       gration and Customs Enforcement, private screening  
2       companies conducting passenger screening at air-  
3       ports, and air carriers”.

4           (3) QUALIFICATIONS OF SECURITY SCREEN-  
5       ERS.—

6           (A) IN GENERAL.—Section 44935(e)(2)(A)  
7       of title 49, United States Code, is amended in  
8       the first sentence by inserting “and individuals  
9       employed by private screening companies to  
10      conduct screening of passengers at airports”  
11     after “personnel”.

12          (B) REVISIONS TO QUALIFICATION STAND-  
13      ARDS.—Not later than 180 days after the date  
14      of the enactment of this Act, the Secretary of  
15      Homeland Security shall make such revisions to  
16      the qualification standards for security screen-  
17      ing personnel under section 44935(e)(2)(A) of  
18      title 49, United States Code, as are necessary  
19      as a result of the amendment made by subpara-  
20      graph (A).

21          (e) REDUCTION IN EMPLOYEES OF TRANSPORTATION  
22      SECURITY ADMINISTRATION.—The Assistant Secretary of  
23      Homeland Security (Transportation Security Administra-  
24      tion) shall decrease the number of employees of the Trans-  
25      portation Security Administration assigned to an airport

1 by an amount that is equivalent to the increase in the  
2 number of employees of private screening companies as-  
3 signed to the airport pursuant to a contract entered into  
4 under subsection (m)(1) of section 44901 of title 49,  
5 United States Code, as added by subsection (b) of this  
6 section, as soon as practicable after the contract takes ef-  
7 fect.

8 (f) EFFECTIVE DATE.—The amendments made by  
9 this section shall—

10 (1) take effect on the date of the enactment of  
11 this Act; and

12 (2) apply with respect to the screening of pas-  
13 sengers at airports on and after the date that is 180  
14 days after such date of enactment.

15 **SEC. 2. RIGHT TO WORK FOR EMPLOYEES OF PRIVATE PAS-**  
16 **SENGER SCREENING COMPANIES.**

17 (a) AMENDMENT TO NATIONAL LABOR RELATIONS  
18 ACT.—Section 8 of the National Labor Relations Act (29  
19 U.S.C. 158) is amended by adding at the end the fol-  
20 lowing:

21 “(h) RIGHT TO WORK FOR EMPLOYEES OF PRIVATE  
22 PASSENGER SCREENING COMPANIES.—Notwithstanding  
23 any other provision of this Act, the first and second pro-  
24 visos of subsection (a)(3) shall not apply to an employer  
25 that is a private passenger screening company conducting

1 passenger screening at an airport. In the case of a labor  
2 organization representing the employees of such employer,  
3 paragraphs (2) and (5) of subsection (b) shall be applied  
4 without regard to whether there is an agreement author-  
5 ized under subsection (a)(3).”.

6 (b) AMENDMENT TO RAILWAY LABOR ACT.—Title II  
7 of the Railway Labor Act (45 U.S.C. 181 et seq.) is  
8 amended by adding at the end the following:

9 **“SEC. 209. RIGHT TO WORK FOR EMPLOYEES OF PRIVATE**  
10 **PASSENGER SCREENING COMPANIES.**

11 “Notwithstanding any other provision of this Act,  
12 paragraph Eleventh of section 2 shall not apply to any  
13 employee of a private passenger screening company that  
14 has entered into a contract with a carrier by air.”.

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