

107TH CONGRESS  
1ST SESSION

# H. R. 3220

To improve aviation security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2001

Mr. PAUL introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To improve aviation security, 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; AMENDMENTS TO TITLE 49,

4 UNITED STATES CODE: TABLE OF CONTENTS.

5 (a) SHORT TITLE.—This Act may be cited as the

## 6. “Secure Transportation for America Act of 2001”

7 (b) REFERENCES TO SECRETARY OF TRANSPORT

<sup>8</sup> TATION. Event or otherwise specifically mentioned, such as

<sup>8</sup> See, e.g., *United States v. Gandy*, 452 U.S. 397 (1981).

1 it shall be understood that this refers to the Secretary of  
2 Transportation.

3 (c) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Aviation safety and suppression of terrorism.  
Sec. 4. Security programs.  
Sec. 5. Suppression of piracy.  
Sec. 6. Deployment of federal air marshals.  
Sec. 7. Assessments of threats to airports.  
Sec. 8. Transportation security oversight.  
Sec. 9. Passenger manifests.  
Sec. 10. Tax exemption.  
Sec. 11. Tax Credit for enhanced security and airport improvement programs.  
Sec. 12. Employment standards and training.

4 SEC. 2. FINDINGS.

5 The Congress finds the following:

6 (1) That the terrorist attacks on September 11,  
7 2001, were acts of air piracy contrary to the law of  
8 nations.

9 (2) That the terrorist attacks were not just  
10 criminal actions, but belligerent attacks designed to  
11 destroy the sovereign independence of the United  
12 States of America contrary to the law of nations.

13 (3) That the perpetrators of the terrorist at-  
14 tacks were aided and abetted by enemy belligerents  
15 contrary to the law of nations.

16 (4) That similar acts of air piracy are planned  
17 for future execution by persons and organizations  
18 enjoying safe harbor by nations contrary to the law  
19 of nations.

13 (8) On September 11, 2001, terrorists hijacked  
14 4 civilian aircraft, crashing 2 of the aircraft into the  
15 towers of the World Trade Center in New York City,  
16 New York, and another of the air craft into the Pen-  
17 tagon outside of Washington, D.C.

18 (9) Thousands of innocent people were killed or  
19 injured as a result of these attacks, including the  
20 passengers and crews of the 4 aircraft, workers in  
21 the World Trade Center and in the Pentagon, rescue  
22 workers, and bystanders.

23 (10) These attacks destroyed both towers of the  
24 World Trade Center, as well as adjacent buildings,  
25 and seriously damaged the Pentagon.

1 (11) These attacks were by far the deadliest  
2 terrorist attacks ever launched against the United  
3 States and, by targeting symbols of United States  
4 strength and success, clearly were intended to in-  
5 intimidate the Nation and weaken its resolve.

(12) A problem exists with the take home pay of frontline airport security personnel which has resulted in high turn over rates.

9 (13) Economic incentives conveyed through the  
10 tax code are preferable to government mandates.

11 (14) The best economic system avoids govern-  
12 ment regulation and trusts consumer sovereignty.

13 (15) New taxes and fees upon passengers will  
14 serve as a disincentive to air travel.

15 (16) It is in the interests of the United States  
16 economy to promote increased air safety and travel.

17 (17) As our President has recognized, tax relief  
18 is preferable to tax increases and increased govern-  
19 ment spending.

20 SEC. 3. AVIATION SAFETY AND SUPPRESSION OF TER-  
21 RORISM.

22 Notwithstanding any other provision of law, no de-  
23 partment or agency of the Federal Government shall pro-  
24 hibit any pilot, copilot, or navigator of an aircraft, or any

1 law enforcement personnel specifically detailed for the pro-  
2 tection of that aircraft, from carrying a firearm.

3 **SEC. 4. SECURITY PROGRAMS.**

4 Section 44903(c) is amended in the first sentence of  
5 paragraph (1) by inserting after “at each of those air-  
6 ports” the following: “and at each location at those air-  
7 ports where passenger are screened”.

8 **SEC. 5. SUPPRESSION OF PIRACY.**

9 (a) **EXPANSION OF APPLICATION OF PIRACY**  
10 **LAWS.**—For purposes of sections 4293 through 4299b of  
11 the Revised Statutes of the United States, as amended by  
12 this Act, each of the terms “piratical aggressions and dep-  
13 redation” and “act of piracy” includes all such aggres-  
14 sions, depredations, and other such acts whether com-  
15 mitted upon land or sea or in the air in relation to any  
16 ship or aircraft.

17 (b) **CONFORMING AMENDMENTS.**—The Revised Stat-  
18 utes of the United States are amended as follows:

19 (1) In section 4293 (33 U.S.C. 381)—  
20 (A) by inserting “, including commercial  
21 aircraft,” after “merchant vessels”; and  
22 (B) by inserting “, or of the citizens there-  
23 of,” after “the United States”.

4 (3) In section 4295 (33 U.S.C. 383)—

5 (A) by inserting “and lawful passengers”  
6 after “crew”; and

7 (B) by inserting “, including commercial  
8 aircraft,” after “merchant vessel”.

9 (4) In section 4298 (33 U.S.C. 386)—

10 (A) by striking “or the commanders of any  
11 other suitable vessels,” and inserting “or the  
12 commander or other leader of any other suit-  
13 able entity operating under the authority of any  
14 letters of marque and reprisal granted by Con-  
15 gress”; and

16 (B) by inserting “, or, whether on the high  
17 seas, in the skies or on land, subdue, seize, and  
18 take persons and property, using such force as  
19 may be necessary to defend the lives, liberties,  
20 and property of the citizens of the United  
21 States against piratical aggressions and deg-  
22 radations, as authorized by any letter of  
23 marque and reprisal granted by Congress” after  
24 “that section”.

1       (c) TREATMENT OF PROPERTY AND PERSONS IDENTIFIED IN LETTER OF MARQUE AND REPRISAL.—The Revised Statutes of the United States are further amended by inserting after 4299 the following new sections:

5       “SEC. 4299a. Property identified as subject to seizure under a duly issued letter of marque and reprisal shall be deemed enemy property and subject to confiscation and forfeiture, and further, shall be deemed the property of the captors or of the United States in such proportions as provided for in the letter of marque and reprisal pursuant to which said property was seized.

12       “SEC. 4299b. Any person identified as subject to seizure under a duly issued letter of marque and reprisal shall be deemed as enemy belligerent of the United States and subject to court-martial jurisdiction thereof for punishment of any violation of the laws of nations, such person to be transferred into the custody of the United States as provided for in the letter of marque and reprisal pursuant to which such person was seized.”.

20       (d) DEFINITIONS.—

21           (1) For the purpose of chapter 81, title 18, United States Code, the term “piracy as defined by the law of nations” means robbery on the high seas and in the air.

5 (e) PUNISHMENTS FOR PIRACY.—Chapter 81 of title  
6 18, United States Code, is amended—

7 (1) in section 1651—

(B) by inserting “or if death results, may be sentenced to death” after “life”;

12 (2) in section 1652—

13 (A) by inserting “or in the skies” after “on  
14 the high seas”; and

15 (B) by inserting “or, if death results may  
16 be sentenced to death” after “life”;

17 (3) in section 1653—

18 (A) by inserting “on land, or in the sky”  
19 after “on the sea”; and

20 (B) by inserting “or, if death results may  
21 be sentenced to death” after “life”;

22 (4) in section 1654—

23 (A) by inserting “or within” after “within”  
24 out”;

5 (C) by striking “fined under this title or”;  
6 and

7 (D) by striking “not more than ten years  
8 or both.” and inserting “for life.”;

9 (5) in section 1655—

10 (A) by inserting "or an airman, including  
11 steward, stewardess, pilot, copilot or other air-  
12 plane officer" after "being a seaman";

13 (B) by inserting “, including the pilot or  
14 copilot of an aircraft” after “upon his com-  
15 mander”;

16 (C) by inserting "or persons" after "or  
17 goods"; and

18 (D) by inserting “or if death results, may  
19 be sentenced to death” after “life”:

20 (6) in section 1656—

21 (A) by inserting “or being a captain, pilot,  
22 or other officer or service member of an air-  
23 craft” after “the United States.”;

24 (B) by inserting “or flies” after “runs”;  
25 and

1 (C) by inserting “or if death results, may  
2 be sentenced to death” after “fined under this  
3 title”; and

4 (7) in section 1657—

5 (A) by inserting “or captain, pilot, copilot  
6 or service member” after “mariner”;

7 (B) by inserting “or fly” after “run”;

8 (C) by inserting "or passenger" after  
9 "merchandise";

10 (D) by inserting “or in the skies” after  
11 “upon the seas” both places it appears;

12 (E) by inserting “or being an airman con-  
13 fines the pilot of any aircraft” after “of any  
14 vessel”; and

15 (F) before the dash by striking “three”  
16 and inserting “ten”.

## 17 SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

18 (a) IN GENERAL.—Subchapter I of chapter 449 is  
19 amended by adding at the end of the following:

## 20 “§ 44917. Deployment of Federal air marshals

21        "(a) IN GENERAL.—The Secretary of Transportation  
22 under the authority provided by section 44903(d) shall—

23               “(1) provide for deployment of Federal air mar-  
24       shals on selected passenger flights of air carriers in  
25       air transportation or intrastate air transportation;

1               “(2) provide for appropriate background and  
2               fitness checks for candidates for appointment as  
3               Federal air marshals;

4               “(3) provide for appropriate training, super-  
5               vision, and equipment of Federal air marshals at the  
6               facility of the Federal Aviation Administration in  
7               New Jersey; and

8               “(4) require air carriers providing flights de-  
9               scribed in paragraph (1) to provide seating for a  
10               Federal air marshal on any such flight without re-  
11               gard to the availability of seats on the flight.

12               “(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—  
13               The Secretary shall work with appropriate aeronautic au-  
14               thorities of foreign governments under section 44907 to  
15               address security concerns on passenger flights in foreign  
16               air transportation.

17               “(c) INTERIM MEASURES.—Until the Secretary com-  
18               pletes implementation of subsection (a), the Secretary may  
19               use, for consultation with the heads of other Federal agen-  
20               cies and departments, personnel from those agencies and  
21               departments, on a nonreimbursable basis, to provide air  
22               marshal service.”.

23               (b) CONFORMING AMENDMENT.—The analysis for  
24               chapter 449 is amended by adding after the item relating  
25               to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

1 **SEC. 7. ASSESSMENTS OF THREATS TO AIRPORTS.**

2 Section 44904 is amended by adding at the end the  
3 following:

4 **“(d) PASSENGER VEHICLES.—**

5 **“(1) THREAT ASSESSMENT.—** An operator of  
6 an airport with scheduled passenger service, in con-  
7 sultation with appropriate State or local law enforce-  
8 ment authorities, may conduct a threat assessment  
9 of the airport to determine whether passenger vehi-  
10 cles should be permitted to park within 300 feet of  
11 the airport terminal building.

12 **“(2) REMOVAL OF CERTAIN RESTRICTIONS.—**  
13 If the airport operator, after consultation with the  
14 appropriate State or local law enforcement authori-  
15 ties, determines that safeguards are in place to suffi-  
16 ciently protect public safety and so certifies, in writ-  
17 ing, to the Secretary of Transportation, any rule,  
18 order, or other directive of the Secretary prohibiting  
19 the parking of passenger vehicles within 300 feet of  
20 an airport terminal building shall not apply to the  
21 terminal building at such airport.”.

22 **SEC. 8. TRANSPORTATION SECURITY OVERSIGHT.**

23 A new subcommittee of the House Transportation  
24 Committee and the Senate Committee on Commerce,  
25 Science and Transportation, “the subcommittee on airline  
26 security is hereby created, the Membership of which is to

1 be determined in accordance with the rules of each  
2 House.”.

3 **SEC. 9. PASSENGER MANIFESTS.**

4 Section 44909 is amended by adding at the end the  
5 following:

6 “(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO  
7 THE UNITED STATES.—

8 “(1) IN GENERAL.—Not later than 60 days  
9 after the date of enactment of this subsection, the  
10 Secretary of Transportation shall require each air  
11 carrier and foreign air carrier operating a passenger  
12 flight in foreign air transportation to the United  
13 States to provide to the Secretary by electronic  
14 transmission a passenger and crew manifest con-  
15 taining the information specified in subsection (b).

16 “(2) INFORMATION.—A passenger and crew  
17 manifest for a flight required under paragraph (1)  
18 shall contain the following information:

19 “(A) The full name of each passenger and  
20 crew member.

21 “(B) The date of birth and citizenship of  
22 each passenger and crew member.

23 “(C) The sex of each passenger and crew  
24 member.

1                 “(D) The passport number and country of  
2                 issuance of each passenger and crew member if  
3                 required for travel.

4                 “(E) The United States visa number or  
5                 resident alien card number of each passenger  
6                 and crew member, as applicable.

7                 “(F) The passenger name record of each  
8                 passenger.

9                 “(3) TRANSMISSION OF MANIFEST.—Subject to  
10                 paragraph (4), a passenger and crew manifest re-  
11                 quired for a flight under paragraph (1) shall be  
12                 transmitted to the Secretary in advance of the air-  
13                 craft landing in the United States in such manner,  
14                 time, and form as the Secretary prescribes.”.

15 **SEC. 10. TAX EXEMPTION.**

16                 The salary of any individual screener or security per-  
17                 sonnel employed in airport security shall be exempt from  
18                 federal income taxation.

19 **SEC. 11. TAX CREDIT FOR ENHANCED SECURITY.**

20                 (a) IN GENERAL.—A credit against Federal taxation  
21                 shall be given to a corporation for all expenditures it takes  
22                 which are intended to make the following improvements,  
23                 provided that such corporation is in compliance with all  
24                 provisions of section 12 of this Act:

5 (C) Use video monitors or other devices to alert  
6 pilots in the cockpit to activity in the cabin.

24 (6) Provide for the use of threat image projec-  
25 tion or similar devices to test individuals described

1       in paragraph (5) and establish procedures to revoke  
2       the certification of such individuals if the individuals  
3       fail to maintain a required level of proficiency.

4               (7) In consultation with air carriers and other  
5       government agencies, establish policies and proce-  
6       dures requiring air carriers to use information from  
7       government agencies to identify individuals on pas-  
8       senger lists who may be a threat to civil aviation  
9       and, if such an individual is identified, to notify ap-  
10      propriate law enforcement agencies and prohibit the  
11      individual from boarding an aircraft.

12               (8) Provide for the enhanced use of computer  
13       profiling to more effectively screen passengers and  
14       property that will be carried in the cabin of an air-  
15      craft.

16               (9) Provide for the use of electronic technology  
17       that positively verifies the identify of each employee  
18       and law enforcement officer who enters a secure  
19      area of an airport.

20               (10) After consultation with the Administrator,  
21       provide for the installation of switches in an aircraft  
22       cabin to enable flight crews to discreetly notify the  
23       pilots in the case of a security breach occurring in  
24      the cabin.

18 (14) Require more thorough background checks  
19 of persons described in subparagraphs (A), (B)(i),  
20 and (B)(ii) of section 44936(a) and paragraph (13)  
21 of this subsection, including a review of immigration  
22 records, law enforcement databases, and record of  
23 other government and international agencies to help  
24 determine whether the person may be a threat to  
25 civil aviation.

7 (16) Provide uniforms to security personnel.

8        (b) TAX CREDIT FOR AIRPORT IMPROVEMENT PRO-  
9 GRAMS.—

10 (1) COMPETITION PLAN.—Section 47106(f) is  
11 amended—

12 (A) by redesignating paragraph (3) as  
13 paragraph (4); and

14 (B) by inserting after paragraph (2) the  
15 following:

16                   “(3) SPECIAL RULE FOR FISCAL YEAR 2002.—  
17                   This subsection does not apply to any passenger fa-  
18                   cility fee approved, or grant made, in fiscal year  
19                   2002 if the fee or grant is to be used to improve se-  
20                   curity at a covered airport.”.

21 (2) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the  
22 following:

24                             “(J) Hiring, training, compensating, or re-  
25                             imbursement for law enforcement personnel at

1 a non-hub or small hub airport (as defined in  
2 section 41731).

3 “(K) In fiscal year 2002, any activity, in-  
4 cluding operational activities, of an airport that  
5 is not a primary airport if that airport is lo-  
6 cated within the confines of enhanced class B  
7 airspace, as defined by Notice to Airmen FDC  
8 1/0618 issued by the Federal Aviation Adminis-  
9 tration.

10 “(L) In fiscal year 2002, payments for  
11 debt service on indebtedness incurred to carry  
12 out a project at an airport owned or controlled  
13 by the sponsor if the Secretary determines that  
14 such payments are necessary to prevent a de-  
15 fault on the indebtedness.”.

16 (3) REIMBURSEMENT FOR PAST EXPENSES.—  
17 Section 47110(b)(2) is amended—

18 (A) by striking “or” at the end of subpara-  
19 graph (B);

20 (B) by inserting after the semicolon at the  
21 end of the subparagraph (C)(iii) “or”; and

22 (C) by inserting at the end the following:  
23 “(D) if the cost is incurred after Sep-  
24 tember 11, 2001, for a project described in sub-  
25 paragraphs (J), (K), or (L) of section 47102(3)

1 without regard to the date of execution of a  
2 grant agreement under this subchapter.”.

3 (4) FEDERAL SHARE.—Section 47109(a) is  
4 amended—

5 (A) by striking “and” at the end of para-  
6 graph (3);

7 (B) by striking the period at the end of  
8 paragraph (4) and inserting “; and”; and

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

10               “(5) 100 percent for a project described in sub-  
11               paragraphs (J), (K), or (L) of section 47102(3).”.

## 18 SEC. 12. EMPLOYMENT STANDARDS AND TRAINING.

19 (a) Any corporation described in section 11(a) and  
20 seeking the tax credit detailed therein must implement the  
21 following policies in order to be eligible for such credit:

22 (1) A requirement that all personnel who screen  
23 passengers and property be citizens of the United  
24 States or permanent resident aliens.

(2) A preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces, or who was affected by the tragic events of September 11 and is either a survivor of that incident, a family member of a victim or who lost employment as the result of being employed in a sector directly affected by the incident.

11 (b) FINAL RULES ESTABLISHING TRAINING STAND-  
12 ARDS FOR SCREENERS.—Section 44935(e)(1) is amended  
13 by striking “May 31, 2001” and inserting “6 months after  
14 the date of enactment of the Secure Transportation for  
15 America Act of 2001”.

16 (c) EMPLOYMENT STANDARDS FOR SCREENERS;  
17 UNIFORMS.—Section 44935 is amended by adding at the  
18 end the following:

19        "(g) TRAINING FOR ALL SCREENERS, SUPERVISORS,  
20 AND INSTRUCTORS.—

21       “(1) IN GENERAL.—The employer shall require  
22       any individual who screens passengers and property  
23       pursuant to section 44901, and the supervisors and  
24       instructors of such individuals, to have satisfactorily  
25       completed all initial, recurrent, and appropriate spe-

1       cialized training necessary to ensure compliance with  
2       the requirements of this section.

3           “(2) All persons engaged in the screening pro-  
4       cess are required to successfully pass alcohol and con-  
5       trolled substance testing.

6           “(3) EDUCATION.—A screener shall have a high  
7       school diploma, or a general equivalency diploma.

8           “(4) BASIC APTITUDES AND PHYSICAL ABILI-  
9       TIES.—A screener shall have basic aptitudes and  
10       physical abilities (including color perception, visual  
11       and aural acuity, physical coordination, and motor  
12       skills) and shall have—

13           “(A) the ability to identify the components  
14       that may constitute an explosive or an incen-  
15       diary device;

16           “(B) the ability to identify objects that ap-  
17       pear to match those items described in all cur-  
18       rent regulations, security directives, and emer-  
19       gency amendments;

20           “(C) for screeners operating X-ray and ex-  
21       plosives detection system equipment, the ability  
22       to distinguish on the equipment monitors the  
23       appropriate images;

24           “(D) for screeners operating any screening  
25       equipment, the ability to distinguish each color

1           displayed on every type of screening equipment  
2           and explain what each color signifies;

3           “(E) the ability to hear and respond to the  
4           spoken voice and to audible alarms generated  
5           by screening equipment in an active checkpoint  
6           or other screening environment;

7           “(F) for screeners performing manual  
8           searches or other related operations, the ability  
9           to efficiently and thoroughly manipulate and  
10           handle such baggage, containers, cargo, and  
11           other objects subject to security processing;

12           “(G) for screeners performing manual  
13           searches of cargo, the ability to use tools that  
14           allow for opening and closing boxes, crates, or  
15           other common cargo packaging;

16           “(H) for screeners performing screening of  
17           cargo, the ability to stop the transfer of suspect  
18           cargo to passenger air carriers; and

19           “(I) for screeners performing pat-down or  
20           hand-held metal detector searches of persons,  
21           sufficient dexterity and capability to thoroughly  
22           conduct those procedures over a person’s entire  
23           body.

1                 “(5) COMMAND OF ENGLISH LANGUAGE.—A  
2 screener shall be able to read, speak, write, and un-  
3 derstand the English language well enough to—

4                 “(A) carry out written and oral instruc-  
5 tions regarding the proper performance of  
6 screening duties;

7                 “(B) read English language identification  
8 media, credentials, airline tickets, documents,  
9 air waybills, invoices, and labels on items nor-  
10 mally encountered in the screening process;

11                 “(C) provide direction to and understand  
12 and answer questions from English-speaking  
13 persons undergoing screening or submitting  
14 cargo for screening; and

15                 “(D) write incident reports and statements  
16 and log entries into security records in the  
17 English language.”.

18                 (d) CRIMINAL HISTORY RECORD CHECK FOR  
19 SCREENERS AND OTHERS.—Section 44936(a) is  
20 amended—

21                 (1) in paragraph (1)(E)(iv)(II) by striking the  
22 period at the end and inserting “; except that at  
23 such an airport, the airport operator, air carriers,  
24 and certified screening companies may elect to im-  
25 plement the requirements of this subparagraph in

1 advance of the effective date if the Secretary ap-  
2 proves of such early implementation and if the air-  
3 port operator, air carriers, and certified screening  
4 companies amend their security programs to con-  
5 form those programs to the requirements of this  
6 subparagraph.”; and

7 (2) in paragraph (2)—

8 (A) by striking “or airport operator” and  
9 inserting “airport operator, or certificated  
10 screening company”; and

11 (B) by adding at the end the following: “In  
12 this paragraph, the term ‘certificated screening  
13 company’ means a screening company to which  
14 the Secretary has issued a screening company  
15 certificate authorizing the screening company to  
16 provide security screening.”.

○