

107TH CONGRESS
1ST SESSION

S. 1429

To provide for the improvement of security at airports and seaports.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2001

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

A BILL

To provide for the improvement of security at airports and
seaports.

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 and Seaport
5 Terrorism Prevention Act”.

1 **TITLE I—SEAPORT SECURITY**
2 **IMPROVEMENT**

3 **SEC. 101. PORT SECURITY INFRASTRUCTURE IMPROVE-**
4 **MENT.**

5 (a) IN GENERAL.—Title XI of the Merchant Marine
6 Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended by
7 adding at the end thereof the following:

8 **“SEC. 1113. GRANTS FOR PORT SECURITY INFRASTRUC-**
9 **TURE IMPROVEMENTS.**

10 “(a) IN GENERAL.—The Secretary, under section
11 1103(a) and subject to the terms the Secretary shall pre-
12 scribe, and after consultation with the United States Coast
13 Guard and the United States Customs Service, shall pro-
14 vide grants for seaport security infrastructure improve-
15 ments for an eligible project at any United States seaport
16 involved in international trade.

17 “(b) ELIGIBLE PROJECTS.—A project is eligible for
18 a grant under subsection (a) if it is for the construction,
19 acquisition, or deployment of surveillance equipment and
20 technology, including—

21 “(1) surveillance cameras with video feed to re-
22 gional and national offices of the United States Cus-
23 toms Service that provide real-time information, ob-
24 servation, and situation status;

1 “(2) a pilot program for iris recognition or
2 similar biometric technology for port workers with
3 access to secure areas;

4 “(3) x-ray, ultrasound, and laser scanners to
5 scan cargo containers; and

6 “(4) radiation monitors and other devices capa-
7 ble of detecting weapons of mass destruction, includ-
8 ing chemical, biological, or similar substances.

9 “(c) AMOUNT OF GRANTS.—The Secretary shall de-
10 termine the amount of each grant based on available fund-
11 ing, not to exceed \$250,000 for any one grant.

12 “(d) PROJECT PROPOSALS.—Each proposal for a
13 grant under this section shall include the following:

14 “(1) The name of the individual or entity re-
15 sponsible for conducting the project.

16 “(2) A succinct statement of the purposes of
17 the project.

18 “(3) A description of the qualifications of the
19 individuals who will conduct the project.

20 “(4) An estimate of the funds and time re-
21 quired to complete the project.

22 “(5) Evidence of support of the project by ap-
23 propriate representatives of States or territories of
24 the United States or other government jurisdictions
25 in which the project will be conducted.

1 “(6) Information regarding the source and
2 amount of matching funding available to the appli-
3 cant, as appropriate.

4 “(7) Any other information the Secretary con-
5 siders to be necessary for evaluating the eligibility of
6 the project for funding under this title.”.

7 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated to the Secretary of
9 Transportation for grants under section 1113 of the Mer-
10 chant Marine Act, 1936, such funds as may be necessary
11 for each of the fiscal years 2002, 2003, 2004, and 2005.

12 **SEC. 102. PILOT PROGRAM FOR TRACKING AND ANTI-TAM-**
13 **PERING.**

14 (a) **IN GENERAL.**—The Secretary of Transportation
15 shall, in cooperation with the United States Customs Serv-
16 ice and private shippers, establish a pilot program to track
17 cargo within the United States, so that cargo can be
18 tracked from the time it arrives in the United States until
19 it reaches its final destination.

20 (b) **ANTI-TAMPERING PROGRAM.**—The Secretary
21 shall, in cooperation with the United States Customs Serv-
22 ice and the Maritime Administration, develop and imple-
23 ment anti-tampering standards to ensure that cargo con-
24 tainers cannot be opened or tampered with during ship-
25 ment within the United States.

1 **SEC. 103. EVALUATION OF TECHNOLOGY.**

2 The Coast Guard and the Maritime Administration
3 shall work with the National Academy of Sciences to es-
4 tablish a panel to evaluate and assess technologies de-
5 ployed to improve port security and to facilitate develop-
6 ment of public-private partnerships to assess and improve
7 seaport security.

8 **SEC. 104. COAST GUARD DOMESTIC PORT SECURITY UNITS.**

9 (a) IN GENERAL.—The Commandant of the Coast
10 Guard and the Administrator of the Maritime Administra-
11 tion shall establish Domestic Port Security Units and shall
12 develop port response plans. The Domestic Port Security
13 Units shall consist of teams of personnel trained in anti-
14 terrorism activities that can be rapidly deployed to any
15 port area threatened with terrorist activity.

16 (b) AUTHORIZATION.—There are authorized to be ap-
17 propriated \$8,000,000 each fiscal year for each Domestic
18 Port Security Unit.

19 **TITLE II—AIRPORT SECURITY**
20 **IMPROVEMENT**

21 **SEC. 201. SCREENING PASSENGERS AND PROPERTY.**

22 Section 44901 of title 49, United States Code, is
23 amended by adding at the end the following new sub-
24 section:

25 “(d) ADDITIONAL ACTIONS.—The Administrator
26 shall immediately undertake a study of additional actions

1 that can be taken by security personnel at airports and
 2 on air carriers to enhance security and make security more
 3 visible. Not later than 6 months after the date of enact-
 4 ment of the Airport and Seaport Terrorism Prevention
 5 Act, the Administrator shall report to Congress the results
 6 of the study.

7 **SEC. 202. AIR TRANSPORTATION SECURITY.**

8 Section 44903 of title 49, United States Code, is
 9 amended—

10 (1) in subsection (c)(2)(C), by adding at the
 11 end the following:

12 “(iv) MAXIMUM USE OF CHEMICAL
 13 AND BIOLOGICAL WEAPON DETECTION
 14 EQUIPMENT.—The Administrator shall re-
 15 quire airports to maximize the use of tech-
 16 nology and equipment that is designed to
 17 detect potential chemical or biological
 18 weapons.

19 “(v) MAXIMUM USE OF ADDITIONAL
 20 INSPECTION AND DETECTION TECH-
 21 NOLOGY.—The Administrator shall require
 22 airports to maximize the use of available
 23 nonintrusive and other inspection and de-
 24 tection technology that may be approved

1 by the Administrator for the purpose of
2 screening passengers, baggage, or cargo.”;

3 (2) by adding at the end of subsection (d) the
4 following flush sentence: “The Secretary of Trans-
5 portation, with the approval of the Attorney General
6 and the Secretary of State, shall prescribe regula-
7 tions specifying the law enforcement officers, includ-
8 ing United States Customs agents, Federal Bureau
9 of Investigation agents, and State and local law en-
10 forcement officers that may make arrests on
11 planes.”;

12 (3) by adding at the end of subsection (g)(1)
13 the following new subparagraph:

14 “(C) REPORT OF INFRACTIONS.—The Ad-
15 ministrator shall report to the Committee on
16 Commerce, Science, and Transportation of the
17 Senate and the Committee on Commerce of the
18 House of Representatives at least once a year
19 the number of violations or infractions by em-
20 ployees, including information regarding the
21 sanctions taken. The report shall be confidential
22 to protect national security interests.”;

23 (4) by amending subsection (g)(2)(A) to read as
24 follows:

1 “(A) immediately work with airport opera-
2 tors, air carriers, and Federal law enforcement
3 officers, as deemed appropriate by the airport
4 security officer, to implement new and strength-
5 en existing controls to eliminate airport access
6 control weaknesses on an ongoing basis, includ-
7 ing the use of inspection or detection technology
8 capable of detecting chemical, biological, or
9 other potentially hazardous substances;”;

10 (5) by amending subsection (g)(2)(D) to read
11 as follows:

12 “(D) on an ongoing basis, assess and test
13 for compliance with access control require-
14 ments, report annually findings of the assess-
15 ments, and assess the effectiveness of penalties
16 in ensuring compliance with security procedures
17 and take any other appropriate enforcement ac-
18 tions when noncompliance is found;”;

19 (6) by amending subsection (g)(2)(G) to read
20 as follows:

21 “(G) require airport operators and air car-
22 riers to strengthen access control points in se-
23 cured areas (including air traffic control oper-
24 ations areas, maintenance areas, crew lounges,
25 baggage handling areas, and catering delivery

1 areas) to ensure the security of passengers and
2 aircraft by using biometric or similar tech-
3 nologies that identify individuals based on
4 unique personal characteristics.”.

5 **SEC. 203. DOMESTIC AIR TRANSPORTATION SYSTEM SECU-**
6 **RITY.**

7 (a) **ASSESSING THREATS.**—The first sentence of sec-
8 tion 44904(a) of title 49, United States Code, is amended
9 to read as follows: “The Administrator of the Federal
10 Aviation Administration and the Director of the Federal
11 Bureau of Investigation jointly, and in consultation with
12 the United States Customs Service, the Immigration and
13 Naturalization Service, and such other Federal agencies
14 as the Administrator may deem appropriate or as rec-
15 ommended by the Airport Director of Intelligence and Se-
16 curity and, if appropriate, with the Center for Civil Force
17 Protection, shall assess current and potential threats to
18 the domestic air transportation system. Such assessments
19 shall begin not later than 30 days after the date of enact-
20 ment of the Airport and Seaport Terrorism Prevention
21 Act.”.

22 (b) **AIRPORT SECURITY COMMITTEES.**—Section
23 44904 is amended by adding at the end the following new
24 subsection:

25 “(d) **AIRPORT SECURITY.**—

1 “(1) ESTABLISHMENT OF COMMITTEES.—The
2 Administrator shall establish within each of the larg-
3 est 100 airports an airport security committee. Each
4 committee shall be responsible for—

5 “(A) defining the physical boundaries with-
6 in which to conduct vulnerability assessments,
7 taking into account the unique characteristics
8 of each airport;

9 “(B) reviewing airport security vulner-
10 ability assessments;

11 “(C) helping to coordinate the planning
12 and other necessary security activities by con-
13 ducting meetings not less frequently than 4
14 times each year;

15 “(D) disseminating information that will
16 facilitate law enforcement activities; and

17 “(E) conducting an exercise at least once
18 every 3 years to verify the effectiveness of each
19 airport security plan.

20 “(2) MEMBERSHIP.—In establishing airport se-
21 curity committees, the Administrator shall require
22 that each committee include representatives of—

23 “(A) Federal, State, and local government;

24 “(B) Federal, State, and local government
25 law enforcement agencies;

1 “(C) labor organizations and transpor-
2 tation workers;

3 “(D) air carriers using the airport; and

4 “(E) other private sector representatives as
5 deemed appropriate by the Federal Security
6 Manager.

7 “(3) CHAIRPERSON.—Each airport security
8 committee shall be chaired by the Federal Security
9 Manager.

10 “(4) EXEMPTION FROM FACA.—The Federal
11 Advisory Committee Act (5 U.S.C. App.) shall not
12 apply to an airport security committee.

13 “(5) ACCEPTANCE OF CONTRIBUTIONS; JOINT
14 VENTURE ARRANGEMENTS.—In carrying out its re-
15 sponsibilities under this title, an airport security
16 committee, or a member organization or representa-
17 tive acting with the committee’s consent, may accept
18 contributions of funds, material, services, and the
19 use of personnel and facilities from public and pri-
20 vate entities by contract or other arrangement if the
21 confidentiality of security-sensitive information is
22 maintained and access to such information is limited
23 appropriately.”.

1 **SEC. 204. TRAVEL ADVISORIES.**

2 (a) IN GENERAL.—Section 44908 of title 49, United
3 States Code, is amended—

4 (1) by amending subsection (a)(2) to read as
5 follows:

6 “(2) shall publicize the advisory widely, includ-
7 ing both at domestic airports and on the Depart-
8 ment of Transportation and Federal Aviation Ad-
9 ministration websites.”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(d) STATE OF EMERGENCY.—In the event the Presi-
13 dent declares a state of emergency, the Administrator of
14 the Federal Aviation Administration shall have the author-
15 ity to establish additional security protections and restric-
16 tions as deemed appropriate to ensure the safety of pas-
17 sengers and the national aviation system. The Adminis-
18 trator shall report to Congress and to the President any
19 action the Administrator proposes to take before imple-
20 menting such action.”.

21 **SEC. 205. PASSENGER MANIFESTS.**

22 Section 44909(a) of title 49, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

25 “(4) In the case of flights originating outside the
26 United States, passenger manifests, including passport

1 numbers, shall be transmitted to the United States Cus-
 2 toms Service before the plane lands in the United States.
 3 The Secretary of Transportation may impose a similar re-
 4 quirement on foreign air carriers.”.

5 **SEC. 206. INTELLIGENCE.**

6 (a) POLICIES AND PROCEDURES.—Section 44911(b)
 7 of title 49, United States Code, is amended by striking
 8 “international terrorism” and inserting “international and
 9 domestic terrorism”.

10 (b) UNIT FOR STRATEGIC PLANNING ON TER-
 11 RORISM.—Section 44911(c) is amended—

12 (1) by striking “shall consider placing” and in-
 13 serting “shall establish”; and

14 (2) by adding at the end the following: “The
 15 head of each unit shall work with Federal Security
 16 Managers at individual airports.”.

17 **SEC. 207. RESEARCH AND DEVELOPMENT.**

18 Section 44912(b) of title 49, United States Code, is
 19 amended—

20 (1) in paragraph (1)(B), by striking “November
 21 16, 1990” and inserting “October 1, 2001”;

22 (2) by redesignating subparagraphs (D)
 23 through (F) as subparagraphs (E) through (G), re-
 24 spectively; and

1 (3) by inserting after subparagraph (C) the fol-
2 lowing new subparagraph:

3 “(D) the potential release of chemical, bio-
4 logical, or similar weapons or devices either
5 within an aircraft or within an airport;”.

6 **SEC. 208. EXPLOSIVE DETECTION.**

7 Section 44913(a)(3) of title 49, United States Code,
8 is amended by adding at the end the following new sen-
9 tence: “The Administrator of the Federal Aviation Admin-
10 istration shall deploy the most up-to-date technology that
11 is available and certified for inspecting passengers, bag-
12 gage, and cargo for chemical, biological, or similar sub-
13 stance.”.

14 **SEC. 209. ASSESSMENTS AND EVALUATIONS.**

15 (a) PERIODIC ASSESSMENTS.—Section 44916(a) of
16 title 49, United States Code, is amended by striking “peri-
17 odic audits of such assessments” and inserting “audits of
18 such assessments at least once a year”.

19 (b) INVESTIGATIONS.—Section 44916(b) of title 49,
20 United States Code, is amended by adding at the end the
21 following new sentence: “The Administrator shall report
22 to Congress on a confidential basis the results of the inves-
23 tigation.

1 **SEC. 210. REVIEW AND DEVELOPMENT OF WAYS TO**
2 **STRENGTHEN SECURITY.**

3 Section 44932(c) of title 49, United States Code, is
4 amended—

5 (1) by striking “and” at the end of paragraph
6 (4);

7 (2) by striking the period at the end of para-
8 graph (5) and inserting “;”; and

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

10 “(6) to strengthen and enhance the ability to
11 detect nonexplosive weapons, such as biological,
12 chemical, or similar substances;

13 “(7) to ensure the use of the best available x-
14 ray and other equipment for air transportation in-
15 spection and security purposes;

16 “(8) to evaluate such additional measures as
17 may be appropriate to enhance physical inspection of
18 passengers, luggage, and cargo; and

19 “(9) to inspect aircraft cabins, holds, and other
20 areas prior to boarding passengers to ensure safety
21 of the aircraft and to ensure that no item that may
22 be used as a weapon is on the plane.”.

23 **SEC. 211. FEDERAL SECURITY MANAGERS.**

24 (a) IN GENERAL.—Section 44933(a) of title 49,
25 United States Code, is amended by striking “at each air-
26 port” and inserting “at at least the 100 largest airports”.

1 (b) DUTIES.—Section 44933(b) of title 49, United
2 States Code, is amended—

3 (1) by striking “and” at the end of paragraph
4 (6);

5 (2) by striking the period at the end of para-
6 graph (7) and inserting “; and”; and

7 (3) by adding at the end the following new
8 paragraph:

9 “(8) shall serve as chairperson of the airport
10 security committee established under section
11 44904.”.

12 **SEC. 212. EMPLOYMENT STANDARDS AND TRAINING.**

13 Section 44935 of title 49, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(g) **ADDITIONAL REQUIREMENTS.**—The Adminis-
17 trator shall prescribe regulations requiring additional
18 training for existing screeners to ensure that the screeners
19 are proficient in using the most up-to-date new technology
20 and to ensure their proficiency in recognizing new threats
21 and weapons. The Administrator shall make periodic as-
22 sessments to determine if there are “dual use” items and
23 shall inform the Federal Security Managers, who will then
24 inform security screening personnel, of the existence of
25 such items. Current lists of dual use items shall be part

1 of the ongoing training for screeners. For purposes of this
2 subsection, the term “dual use item” means an item that
3 may seem harmless but that may be used as a weapon
4 if allowed in carry-on luggage.”.

5 **SEC. 213. EMPLOYMENT INVESTIGATIONS AND RESTRIC-**
6 **TIONS.**

7 Section 44936(a) of title 49, United States Code, is
8 amended by adding at the end the following new para-
9 graphs:

10 “(4) The Administrator of the Federal Aviation Ad-
11 ministration shall consider the feasibility of requiring
12 background checks of personnel that may be performing
13 contract services for airports or air carriers, including con-
14 struction contractors, caterers, and other personnel who
15 have access to airports or air carriers. The Administrator
16 of the Federal Aviation Administration shall immediately
17 strengthen existing and develop new security measures re-
18 lating to contractors, caterers, and other personnel that
19 are not currently subject to background checks.

20 “(5) The Administrator shall establish pilot programs
21 in no fewer than 20 airports to test and evaluate new and
22 emerging technology for providing access control and other
23 security protections for closed or secure areas of the air-
24 ports. Such technology may include biometric or other

1 technology that ensures only authorized access to secure
2 areas.”.

3 **SEC. 214. ADDITIONAL ASSESSMENTS AND REPORTS.**

4 (a) IN GENERAL.—Subchapter II of chapter 449 of
5 title 49, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 44939. Additional assessments and reports**

8 “(a) IN GENERAL.—The Administrator of the Fed-
9 eral Aviation Administration shall study options for im-
10 proving the physical security of airports and of airplanes
11 (in conjunction with private industry as appropriate), with
12 a view towards—

13 “(1) improving security of the cockpit and
14 flight attendant areas;

15 “(2) establishing emergency communication de-
16 vices in the cockpit and flight attendant areas that
17 are linked to the Federal Aviation Administration;
18 and

19 “(3) providing real-time audio feed in the event
20 of an emergency.

21 “(b) ASSESSMENT.—The Administrator shall conduct
22 an assessment, in conjunction with such other Government
23 agencies as may be appropriate, of the vulnerability of the
24 air traffic control system and other computer-based sys-
25 tems in place at airports.

1 “(c) REPORT.—The Administrator shall report to
 2 Congress, not later than 90 days after the date of enact-
 3 ment of the Airport and Seaport Terrorism Prevention
 4 Act, on the progress made by Federal Aviation Adminis-
 5 tration to comply with existing requirements and regula-
 6 tions governing air traffic control security, security check-
 7 point screener certification, background checks, and de-
 8 ployment of inspection and detection technology.

9 “(d) EXAMINATION OF SCREENING RESPONSIBIL-
 10 ITIES.—The Administrator shall examine the feasibility of
 11 moving screening responsibilities to the Federal govern-
 12 ment away from airports and air carriers. The examina-
 13 tion shall include an evaluation by the Federal Aviation
 14 Administration of problems associated with high turnover
 15 of screeners, including low wages, minimal benefits, job
 16 stress, level training, and other factors as may be appro-
 17 priate.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
 19 subchapter II of chapter 449 of title 49, United States
 20 Code, is amended by adding at the end the following:

“44939. Additional assessments and reports.”.

○