

107TH CONGRESS  
1ST SESSION

# S. 1429

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

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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

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## 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

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;”; and

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; and19 “(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 RESTRI-  
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.”.

