

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 TRANSPOR-
8 TATION.—Except as otherwise specifically provided, when-
9 ever in this Act a reference is made to the “Secretary”

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.

1 (5) That the lives, liberties, and properties of
2 the American people have been taken, and are
3 threatened to be taken, by acts of air piracy con-
4 trary to the law of nations.

5 (6) That under Article I, section 8 of the
6 United States Constitution, Congress has the power
7 to define and punish piracies and other offenses
8 against the laws of nations.

9 (7) That under Article I, section 8 of the
10 United States Constitution, Congress has the powers
11 to grant letters of marque and reprisal and to make
12 rules concerning captures on land and water.

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 timidate the Nation and weaken its resolve.

6 (12) A problem exists with the take home pay
7 of frontline airport security personnel which has re-
8 sulted 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”.

1 (2) In section 4294 (33 U.S.C. 382), by insert-
2 ing “or in the skies” immediately after “upon the
3 high seas”.

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 IDEN-
2 TIFIED IN LETTER OF MARQUE AND REPRISAL.—The Re-
3 vised Statutes of the United States are further amended
4 by inserting after 4299 the following new sections:

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

12 “SEC. 4299b. Any person identified as subject to sei-
13 zure under a duly issued letter of marque and reprisal
14 shall be deemed as enemy belligerent of the United States
15 and subject to court-martial jurisdiction thereof for pun-
16 ishment of any violation of the laws of nations, such per-
17 son to be transferred into the custody of the United States
18 as provided for in the letter of marque and reprisal pursu-
19 ant to which such person was seized.”.

20 (d) DEFINITIONS.—

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

1 (2) For the purposes of chapter 81, title 18,
2 United States Code, and chapter 7, title 33, United
3 States Code, the term “vessel” includes “aircraft”
4 and “port” includes “airport”.

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

7 (1) in section 1651—

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

10 (B) by inserting “or if death results, may
11 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 “with-
24 out”;

1 (B) by inserting “or any individual abroad
2 any such private vessel of war or privateer,
3 whether it be a ship or aircraft” after “pri-
4 vateer”;

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:

1 (1)(A) Restrict the opening of a cockpit door
2 during a flight.

3 (B) Fortify cockpit doors to deny access from
4 the cabin to the cockpit.

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

7 (D) Ensure continuous operation of an aircraft
8 transponder in the event of an emergency.

9 (2) Impose standards for the screening or in-
10 spection of persons and vehicles having access to se-
11 cure areas of an airport.

12 (3) Require effective 911 emergency call capa-
13 bility for telephones serving passenger aircraft and
14 passenger trains.

15 (4) Provide for the use of voice stress analysis
16 or other technologies to prevent a person who might
17 pose a danger to air safety or security from boarding
18 the aircraft of an air carrier or foreign air carrier
19 in air transportation or intrastate air transportation.

20 (5) Develop standards and procedures for the
21 issuance, renewal, and revocation of a certificate of
22 qualification for individuals who screen passengers
23 and property at an airport.

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.

1 (11) Update training procedures used by the
2 Federal Aviation Administration, law enforcement
3 agencies, air carriers, and flight crews during hijack-
4 ings to include measures relating to suicidal hijack-
5 ers and other extremely dangerous events not cur-
6 rently described in the training procedures.

7 (12) Provide for background checks of individ-
8 uals seeking instruction (including training through
9 the use of flight simulators) in flying aircraft that
10 has a minimum certificated takeoff weight of more
11 than 12,500 pounds.

12 (13) Enter into agreements with federal, state,
13 and local agencies under which appropriately-trained
14 law of enforcement personnel from such agencies,
15 when traveling on a flight of an air carrier, will
16 carry a firearm and be prepared to assist Federal
17 air marshals.

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.

1 (15) Develop and implement a program to en-
2 sure the security of all property carried on passenger
3 aircraft by either ensuring that such property is
4 screened, or by ensuring that no checked baggage is
5 carried on the aircraft unless the passenger who
6 checks the baggage is aboard the aircraft.

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.—Sec-
22 tion 47102(3) is amended by adding at the end the
23 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).”.

12 (5) CONFORMING AMENDMENT TO AIRPORT
13 AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A)
14 of the Internal Revenue Code of 1986 (relating to
15 airport and airway program) is amended by insert-
16 ing “or the Secure Transportation for America Act
17 of 2001” after “21st Century”.

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.

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

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 proc-
4 ess 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.”.

○