

107TH CONGRESS  
1ST SESSION

# S. 1461

To amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small-to medium-size airports with security enhancements.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2001

Mr. DURBIN 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 amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small-to medium-size airports with security enhancements.

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 “Airline Passenger Safe-  
5 ty Enhancement Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The screening of passengers and property at  
2 United States airports is, by law, the responsibility  
3 of airlines.

4           (2) There are more than 18,000 airport secu-  
5 rity personnel in the United States who do the  
6 screening.

7           (3) The security personnel are employed by pri-  
8 vate companies that perform the screening under  
9 contract with the airlines. The personnel are gen-  
10 erally paid at rates that are at or only slightly above  
11 minimum wage. They receive minimal benefits.

12           (4) The General Accounting Office has found  
13 that the average employment turnover rate for air-  
14 port screening personnel at 19 major United States  
15 airports was 125 percent. The turnover rate in some  
16 cases was as high as 416 percent.

17           (5) Other countries have registered employment  
18 turnover rates for airport screening personnel that  
19 are less than 50 percent, including Belgium, which  
20 has a turnover rate of four percent.

21           (6) In addition to identifying the instability in  
22 the workforce of airport screening personnel, the  
23 General Accounting Office has found that insuffi-  
24 cient security precautions are being taken at airport  
25 entrances and checkpoints where airport employees

1 are screened, including entrances and checkpoints  
2 for ramp areas.

3 (7) Investigators of the Office of the Inspector  
4 General of the Department of Transportation, in un-  
5 announced tests, have successfully gained access to  
6 supposedly secure areas of United States airports  
7 without proper credentials in 68 percent of those  
8 tests, and have then been able to board aircraft un-  
9 challenged 117 times.

10 (8) The General Accounting Office has deter-  
11 mined that undercover agents have been able to pen-  
12 etrate restricted areas of United States commercial  
13 airports with counterfeit or otherwise invalid badges  
14 or other credentials, giving those agents the oppor-  
15 tunity (if they so intended) to carry weapons, explo-  
16 sives, chemical or biological agents, or other dan-  
17 gerous materials into those areas.

18 **SEC. 3. AIRPORT SECURITY STUDY.**

19 (a) REQUIREMENT FOR STUDY.—The Administrator  
20 of the Federal Aviation Administration shall carry out a  
21 comprehensive study to determine how the performance of  
22 security functions at airports in the United States should  
23 be organized and carried out, in cooperation with air car-  
24 riers and airport administrators, to secure the safety of

1 passengers and workers in all areas of airports and into  
2 the aircraft boarded at the airports.

3 (b) PLAN.—The Administrator shall develop a com-  
4 prehensive plan for ensuring security at airports in the  
5 United States. The Administrator shall consider the re-  
6 sults of the study under subsection (a) in developing the  
7 plan.

8 (c) REPORT.—The Administrator shall submit a re-  
9 port on the results of the study, together with the plan,  
10 to Congress. The report shall include any recommenda-  
11 tions for legislation that the Administrator considers nec-  
12 essary to achieve the objective stated in subsection (a).

13 (d) TIME FOR COMPLETION.—The Administrator  
14 shall complete the study under subsection (a) and the de-  
15 velopment of the plan under subsection (b), and shall sub-  
16 mit the report under subsection (c), not later than 30 days  
17 after the date of the enactment of this Act.

18 **SEC. 4. SCREENING OF AIR PASSENGERS AND PROPERTY**

19 **BY FAA.**

20 (a) REQUIREMENT.—Section 44901 of title 49,  
21 United States Code, is amended—

22 (1) in the second sentence of subsection (a)—

23 (A) by inserting after “used or operated  
24 by” the following: “an employee of the United  
25 States pursuant to subsection (d) (or by”;

1 (B) by inserting before the period at the  
2 end the following: “before subsection (d) is fully  
3 implemented”); and

4 (2) by adding at the end the following:

5 “(d) SCREENING TO BE CONDUCTED BY FEDERAL  
6 EMPLOYEES.—The screening of passengers and property  
7 under subsection (a) shall be carried out by employees of  
8 the Federal Aviation Administration or other employees  
9 of the United States. The Administrator may expand and  
10 prioritize the undertaking of screening responsibilities  
11 with respect to an airport based on the Administrator’s  
12 assessment of the security threat to the airport.”.

13 (b) TRANSITION.—(1) The Administrator of the Fed-  
14 eral Aviation Administration shall complete the full imple-  
15 mentation of subsection (d) of section 44901 of title 49,  
16 United States Code (as added by subsection (a)), as soon  
17 as is practicable. The Administrator may make or con-  
18 tinue such arrangements for the screening of passengers  
19 and property under that section as the Administrator de-  
20 termines necessary pending full implementation of sub-  
21 section (d) of such section.

22 (2) The Administrator shall promptly direct the oper-  
23 ators of airports in the United States to make immediate  
24 arrangements for armed, uniformed law enforcement per-  
25 sonnel to be stationed at passenger and property screening

1 points in the airports to monitor the performance of  
2 screening at those points and to be stationed at airport  
3 employee security checkpoints in the airports. The Admin-  
4 istrator shall require that the arrangements be maintained  
5 until full implementation of the plan developed under sec-  
6 tion 3(b).

7 (c) OTHER SECURITY PERSONNEL.—(1) Subchapter  
8 II of chapter 449 of title 49, United States Code, is  
9 amended by adding at the end the following:

10 **“§ 44939. Airport security personnel**

11 (a) RESPONSIBILITIES OF FEDERAL PERSONNEL.—  
12 At airports in the United States, employees of the United  
13 States shall perform all functions that relate to the secu-  
14 rity of passengers and airport personnel under the direc-  
15 tion of the Administrator of the Federal Aviation Adminis-  
16 tration.

17 (b) SOURCE OF PERSONNEL.—In carrying out the  
18 responsibilities under subsection (a), the Administrator  
19 may—

20 (1) employ security personnel within the Fed-  
21 eral Aviation Administration;

22 (2) use security personnel detailed by other  
23 agencies of the United States; and

24 (3) in cooperation with the Secretary of  
25 Transportation, establish any organization, including

1 any Government corporation or Government con-  
2 trolled corporation (as defined in section 103 of title  
3 5), that the Administrator determines appropriate  
4 and effective for employing and providing the secu-  
5 rity personnel for airports in the United States.”.

6 (2) The analysis for subchapter II of chapter 449 of  
7 title 49, United States Code, is amended by adding at the  
8 end the following new item:

“44939. Airport security personnel.”.

9 (d) FUNDING.—Section 45301 of title 49, United  
10 States Code, is amended—

11 (1) by adding at the end of subsection (a) the  
12 following new paragraphs:

13 “(3) Passenger and property screening under  
14 section 44901 of this title and other airport security  
15 services.”; and

16 (2) by adding at the end of subsection (b) the  
17 following new paragraph:

18 “(3) FEE FOR SECURITY OPERATIONS.—The  
19 fee imposed under subsection (a)(3) may not exceed  
20 \$1.00 per domestic flight segment. Amounts col-  
21 lected under subsection (a)(3) are hereby made  
22 available for obligation and expenditure to carry out  
23 sections 44901 and 44939 of this title.”.

1 **SEC. 5. SMALL- AND MEDIUM-SIZE AIRPORTS.**

2       The Administrator of the Federal Aviation Adminis-  
3 tration shall develop a plan to provide small- to medium-  
4 size airports with technical support to enhance security  
5 operations, including screening operations, and to provide  
6 such airports with financial assistance to defray the costs  
7 of security enhancements.

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