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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49,

UNITED STATES CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the
“Secure Transportation for America Act of 2001”.

(b) References to Secretary of Transport-
tation.—Except as otherwise specifically provided, when-
ever in this Act a reference is made to the “Secretary”
it shall be understood that this refers to the Secretary of Transportation.

(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.

SEC. 2. FINDINGS.

The Congress finds the following:

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

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

(3) That the perpetrators of the terrorist attacks were aided and abetted by enemy belligerents contrary to the law of nations.

(4) That similar acts of air piracy are planned for future execution by persons and organizations enjoying safe harbor by nations contrary to the law of nations.
(5) That the lives, liberties, and properties of the American people have been taken, and are threatened to be taken, by acts of air piracy contrary to the law of nations.

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

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

(8) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in New York City, New York, and another of the aircraft into the Pentagon outside of Washington, D.C.

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

(10) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.
(11) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of United States strength and success, clearly were intended to 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 turnover rates.

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

(14) The best economic system avoids government regulation and trusts consumer sovereignty.

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

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

(17) As our President has recognized, tax relief is preferable to tax increases and increased government spending.

SEC. 3. AVIATION SAFETY AND SUPPRESSION OF TERRORISM.

Notwithstanding any other provision of law, no department or agency of the Federal Government shall prohibit any pilot, copilot, or navigator of an aircraft, or any
law enforcement personnel specifically detailed for the protection of that aircraft, from carrying a firearm.

SEC. 4. SECURITY PROGRAMS.

Section 44903(e) is amended in the first sentence of paragraph (1) by inserting after “at each of those airports” the following: “and at each location at those airports where passenger are screened”.

SEC. 5. SUPPRESSION OF PIRACY.

(a) EXPANSION OF APPLICATION OF PIRACY LAWS.—For purposes of sections 4293 through 4299b of the Revised Statutes of the United States, as amended by this Act, each of the terms “piratical aggressions and depredation” and “act of piracy” includes all such aggressions, depredations, and other such acts whether committed upon land or sea or in the air in relation to any ship or aircraft.

(b) CONFORMING AMENDMENTS.—The Revised Statutes of the United States are amended as follows:

(1) In section 4293 (33 U.S.C. 381)—

(A) by inserting “, including commercial aircraft,” after “merchant vessels”; and

(B) by inserting “, or of the citizens thereof,” after “the United States”.


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

(3) In section 4295 (33 U.S.C. 383)—

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

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

(4) In section 4298 (33 U.S.C. 386)—

(A) by striking “or the commanders of any other suitable vessels,” and inserting “or the commander or other leader of any other suitable entity operating under the authority of any letters of marque and reprisal granted by Congress”; and

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

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(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:

"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.

"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."

(d) Definitions.—

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

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

(1) in section 1651—

(A) by inserting "or in the skies" after "on the high seas"; and

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

(2) in section 1652—

(A) by inserting "or in the skies" after "on the high seas"; and

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

(3) in section 1653—

(A) by inserting "on land, or in the sky" after "on the sea"; and

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

(4) in section 1654—

(A) by inserting "or within" after "without";
(B) by inserting “or any individual abroad any such private vessel of war or privateer, whether it be a ship or aircraft” after “privateer”;

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

and

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

(5) in section 1655—

(A) by inserting “or an airman, including steward, stewardess, pilot, copilot or other airplane officer” after “being a seaman”;

(B) by inserting “, including the pilot or copilot of an aircraft” after “upon his commander”;

(C) by inserting “or persons” after “or goods”; and

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

(6) in section 1656—

(A) by inserting “or being a captain, pilot, or other officer or service member of an aircraft” after “the United States,”;

(B) by inserting “or flies” after “runs”; and
(C) by inserting “or if death results, may be sentenced to death” after “fined under this title”; and

(7) in section 1657—

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

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

(C) by inserting “or passenger” after “merchandise”;

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

(E) by inserting “or being an airman confines the pilot of any aircraft” after “of any vessel”; and

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

SEC. 6. DEPLOYMENT OF FEDERAL AIR MARSHALS.

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

§ 44917. Deployment of Federal air marshals

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

“(1) provide for deployment of Federal air marshals on selected passenger flights of air carriers in air transportation or intrastate air transportation;
“(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

“(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey; and

“(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight.

“(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—

The Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

“(c) INTERIM MEASURES.—Until the Secretary completes implementation of subsection (a), the Secretary may use, for consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.”.

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

“44917. Deployment of Federal air marshals.”.
SEC. 7. ASSESSMENTS OF THREATS TO AIRPORTS.

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

“(d) PASSENGER VEHICLES.—

“(1) THREAT ASSESSMENT.— An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

“(2) REMOVAL OF CERTAIN RESTRICTIONS.—

If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.”.

SEC. 8. TRANSPORTATION SECURITY OVERSIGHT.

A new subcommittee of the House Transportation Committee and the Senate Committee on Commerce, Science and Transportation, “the subcommittee on airline security is hereby created, the Membership of which is to
be determined in accordance with the rules of each
House.”.

SEC. 9. PASSENGER MANIFESTS.

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

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

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

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

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

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

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

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

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

“(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Secretary prescribes.”.

SEC. 10. TAX EXEMPTION.

The salary of any individual screener or security personnel employed in airport security shall be exempt from federal income taxation.

SEC. 11. TAX CREDIT FOR ENHANCED SECURITY.

(a) In General.—A credit against Federal taxation shall be given to a corporation for all expenditures it takes which are intended to make the following improvements, provided that such corporation is in compliance with all provisions of section 12 of this Act:
(1)(A) Restrict the opening of a cockpit door during a flight.

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

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

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

(2) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

(3) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

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

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

(6) Provide for the use of threat image projection or similar devices to test individuals described
in paragraph (5) and establish procedures to revoke
the certification of such individuals if the individuals
fail to maintain a required level of proficiency.

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

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

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

(10) After consultation with the Administrator,
provide for the installation of switches in an aircraft
cabin to enable flight crews to discreetly notify the
pilots in the case of a security breach occurring in
the cabin.
(11) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

(12) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

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

(14) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and record of other government and international agencies to help determine whether the person may be a threat to civil aviation.
(15) Develop and implement a program to ensure the security of all property carried on passenger aircraft by either ensuring that such property is screened, or by ensuring that no checked baggage is carried on the aircraft unless the passenger who checks the baggage is aboard the aircraft.

(16) Provide uniforms to security personnel.

(b) Tax Credit for Airport Improvement Programs.—

(1) Competition Plan.—Section 47106(f) is amended—

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

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

“(3) Special Rule for Fiscal Year 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.”.

(2) Airport Development Defined.—Section 47102(3) is amended by adding at the end the following:

“(J) Hiring, training, compensating, or reimbursement for law enforcement personnel at
a non-hub or small hub airport (as defined in section 41731).

“(K) In fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

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

(3) REIMBURSEMENT FOR PAST EXPENSES.—

Section 47110(b)(2) is amended—

(A) by striking “or” at the end of subparagraph (B);

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

(C) by inserting at the end the following:

“(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3)
without regard to the date of execution of a
grant agreement under this subchapter.”.

(4) Federal share.—Section 47109(a) is
amended—

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

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

(C) by adding at the end the following:

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

(5) Conforming amendment to airport
and airway trust fund.—Section 9502(d)(1)(A)
of the Internal Revenue Code of 1986 (relating to
airport and airway program) is amended by insert-
ing “or the Secure Transportation for America Act
of 2001” after “21st Century”.

Sec. 12. Employment standards and training.

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

(1) A requirement that all personnel who screen
passengers and property be citizens of the United
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.

(b) Final Rules Establishing Training Standards for Screeners.—Section 44935(e)(1) is amended by striking “May 31, 2001” and inserting “6 months after the date of enactment of the Secure Transportation for America Act of 2001”.

(e) Employment Standards for Screeners; Uniforms.—Section 44935 is amended by adding at the end the following:

“(g) Training for All Screeners, Supervisors, and Instructors.—

“(1) In General.—The employer shall require any individual who screens passengers and property pursuant to section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate spe-
cialized training necessary to ensure compliance with the requirements of this section.

“(2) All persons engaged in the screening process are required to successfully pass alcohol and controlled substance testing.

“(3) **Education.**—A screener shall have a high school diploma, or a general equivalency diploma.

“(4) **Basic Aptitudes and Physical Abilities.**—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

“(A) the ability to identify the components that may constitute an explosive or an incendiary device;

“(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

“(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

“(D) for screeners operating any screening equipment, the ability to distinguish each color
displayed on every type of screening equipment and explain what each color signifies;

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

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

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

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

“(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person’s entire body.
“(5) Command of English Language.—A screener shall be able to read, speak, write, and understand the English language well enough to—

“(A) carry out written and oral instructions regarding the proper performance of screening duties;

“(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

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

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

(d) Criminal History Record Check for Screeners and Others.—Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirements of this subparagraph in
advance of the effective date if the Secretary ap-
proves of such early implementation and if the air-
port operator, air carriers, and certified screening
companies amend their security programs to con-
form those programs to the requirements of this
subparagraph.”; and
   (2) in paragraph (2)—
   (A) by striking “or airport operator” and
inserting “airport operator, or certificated
screening company”; and
   (B) by adding at the end the following: “In
this paragraph, the term ‘certificated screening
company’ means a screening company to which
the Secretary has issued a screening company
certificate authorizing the screening company to
provide security screening.”.

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