

109TH CONGRESS
1ST SESSION

H. R. 2688

To amend title 49, United States Code, to establish a deadline for the screening of all individuals, goods, property, vehicles, and other equipment entering a secure area of an airport, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mrs. LOWEY (for herself, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. ANDREWS, and Mr. MCNULTY) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend title 49, United States Code, to establish a deadline for the screening of all individuals, goods, property, vehicles, and other equipment entering a secure area of an airport, 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.**

4 This Act may be cited as the “Guaranteeing Airport
5 Physical Screening Standards Act of 2005”.

1 **SEC. 2. SCREENING OF ALL INDIVIDUALS AND PROPERTY**
2 **ENTERING SECURE AREAS OF AN AIRPORT.**

3 (a) DEADLINE.—Section 44903(h)(4)(A) of title 49,
4 United States Code, is amended by striking “as soon as
5 practicable after the date of enactment of this subsection”
6 and inserting “not later than 120 days after the date of
7 enactment of the Guaranteeing Airport Physical Screening
8 Standards Act of 2005”.

9 (b) SCREENING AND INSPECTION REQUIREMENTS.—
10 Section 44903(h)(4)(B) of such title is amended by insert-
11 ing before the semicolon at the end the following: “and
12 will include at a minimum physical screening for metal
13 objects”.

14 (c) INTERIM MEASURES.—The Secretary of Home-
15 land Security shall require random screenings and inspec-
16 tions of individuals, goods, property, vehicles, and other
17 equipment at the entrances of, and within, secure areas
18 of an airport until such date as the Secretary has fully
19 complied with the requirements of section 44903(h)(4)(A)
20 of such title. The random screenings and inspections shall
21 be conducted in a manner that assures the level of protec-
22 tion described in section 44903(h)(4)(B) of such title, as
23 amended by this section. The random screenings and in-
24 spections shall be unannounced and shall be conducted 24
25 hours a day.

1 **SEC. 3. HIRING OF SCREENERS.**

2 (a) NUMBER OF SCREENERS.—Notwithstanding any
3 other provision of law, the Secretary of Homeland Security
4 may hire the number of passenger and baggage screeners
5 that the Secretary determines necessary to ensure aviation
6 security.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as may be
9 necessary to carry out this section.

10 **SEC. 4. AIRPORT SITE ACCESS AND PERIMETER SECURITY.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the security directives issued by the Acting Ad-
13 ministrator of the Transportation Security Administration
14 on July 6, 2004, regarding security measures concerning
15 access to sensitive airport areas constitute an improve-
16 ment over current practice but are not sufficient to pro-
17 vide adequate airport access controls.

18 (b) ACCESS TO STERILE AREAS.—Not later than 6
19 months after the date of enactment of this Act, the Sec-
20 retary of Homeland Security shall require airport per-
21 sonnel accessing airport sterile areas from unrestricted
22 areas to undergo security screening equivalent to screen-
23 ing of passengers and carry-on baggage. The Secretary
24 may issue a waiver of this provision on an airport-by-air-
25 port basis, subject to the following requirements:

1 (1) The Secretary shall promptly notify Con-
2 gress of any waivers granted under this section, the
3 purpose for which such waivers were granted, and
4 the duration of the waiver.

5 (2) Under no circumstances shall a waiver be
6 granted for more than 7 days, although the Sec-
7 retary may issue as many waivers to an airport as
8 is deemed appropriate by the Secretary. In the event
9 of multiple waivers, the Secretary shall provide to
10 Congress an estimate of when the airport will be in
11 compliance with this subsection.

12 (c) BACKGROUND CHECKS FOR WORKERS.—The
13 Secretary shall ensure that all unescorted airport per-
14 sonnel accessing airport sterile and secured areas have
15 successfully undergone a background check. The back-
16 ground checks required under this section shall include,
17 at a minimum:

18 (1) A fingerprint-based criminal history records
19 check, or, if such a check is not possible, a check of
20 the National Criminal Information Center.

21 (2) A local criminal history check.

22 (3) Verification of previous employment.

23 (4) Verification of identity, to include, but not
24 be limited to, social security number.

1 (5) A check of all terrorist watch lists operated
2 by the Federal Government, or upon certification by
3 the Secretary that it is suitably comprehensive, the
4 terrorist watch list operated by the Terrorist Screen-
5 ing Center.

6 This subsection shall apply to all airport personnel hired
7 more than 3 months after the date of enactment of this
8 Act and for all airport personnel, regardless of the date
9 on which they were hired, no more than one year after
10 such date of enactment.

11 (d) REPORT.—The Assistant Secretary of Homeland
12 Security (Transportation Security Administration) shall
13 submit to Congress, no later than January 31, 2006, a
14 report that contains a description of ongoing efforts and
15 projected timelines for__

16 (1) developing and implementing uniform
17 screening standards for airport personnel with ac-
18 cess to sterile areas;

19 (2) completing an assessment of available tech-
20 nologies that are applicable to securing airport pe-
21 rimeters and making this information available to
22 airport operators; and

23 (3) developing and implementing a standardized
24 approach to conducting airport vulnerability assess-
25 ments and compliance inspections.

1 (e) LIMITATION ON STATUTORY CONSTRUCTION.—
2 Nothing in this section shall be construed to provide pas-
3 sengers, airport workers, or other personnel not granted
4 regular access to secure areas before the date of enact-
5 ment of this Act authority to do so, regardless of whether
6 such person has undergone security screening.

7 (f) DEFINITIONS.—In this section, the following defi-
8 nitions apply:

9 (1) STERILE AREA.—The term “sterile area”
10 means any part of an airport that is regularly acces-
11 sible to passengers after having cleared a passenger
12 security screening checkpoint.

13 (2) SECURE AREA.—The term “secure area”
14 means parts of an airport complex not typically ac-
15 cessible to passengers, including areas outside of ter-
16 minal buildings, baggage handling and loading
17 areas, parked aircraft, runways, air control towers,
18 and similar areas.

19 (3) AIRPORT PERSONNEL.—The term “airport
20 personnel” means persons, whether employed by the
21 airport, air carriers, or by companies, that conduct
22 business in airports.

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