

107TH CONGRESS  
1ST SESSION

# S. 1515

To provide for enhanced security with respect to aircraft.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 2001

Mr. KOHL 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 enhanced security with respect to aircraft.

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. ENHANCED SECURITY FOR AIRCRAFT.**

4       (a) SECURITY FOR LARGER AIRCRAFT.—

5               (1) PROGRAM REQUIRED.—Not later than 90  
6       days after the date of the enactment of this Act, the  
7       Administrator of the Federal Aviation Administra-  
8       tion shall commence implementation of a program to  
9       provide security screening for all aircraft operations  
10      conducted with respect to any aircraft having a max-  
11      imum certified takeoff weight of more than 12,500  
12      pounds that is not operating as of the date of the

1 implementation of the program under security proce-  
2 dures prescribed by the Administrator.

3 (2) WAIVER.—

4 (A) AUTHORITY TO WAIVE.—The Adminis-  
5 trator may waive the applicability of the pro-  
6 gram under paragraph (1) with respect to any  
7 aircraft or class of aircraft otherwise described  
8 by that paragraph if the Administrator deter-  
9 mines that aircraft described in that paragraph  
10 can be operated safely without the applicability  
11 of the program to such aircraft or class of air-  
12 craft, as the case may be.

13 (B) LIMITATIONS.—A waiver under sub-  
14 paragraph (A) may not go into effect—

15 (i) unless approved by the Secretary  
16 of Transportation; and

17 (ii) until 10 days after the date on  
18 which notice of the waiver has been sub-  
19 mitted to the appropriate committees of  
20 Congress.

21 (3) PROGRAM ELEMENTS.—The program under  
22 paragraph (1) shall require the following:

23 (A) The search of any aircraft covered by  
24 the program before takeoff.

1           (B) The screening of all crew members,  
2           passengers, and other persons boarding any air-  
3           craft covered by the program, and their prop-  
4           erty to be brought on board such aircraft, be-  
5           fore boarding.

6           (4) PROCEDURES FOR SEARCHES AND SCREEN-  
7           ING.—The Administrator shall develop procedures  
8           for searches and screenings under the program  
9           under paragraph (1). Such procedures may not be  
10          implemented until approved by the Secretary.

11          (b) SECURITY FOR SMALLER AIRCRAFT.—

12           (1) PROGRAM REQUIRED.—Not later than one  
13           year after the date of the enactment of this Act, the  
14           Administrator shall commence implementation of a  
15           program to provide security for all aircraft oper-  
16           ations conducted with respect to any aircraft having  
17           a maximum certified takeoff weight of 12,500  
18           pounds or less that is not operating as of the date  
19           of the implementation of the program under security  
20           procedures prescribed by the Administrator. The  
21           program shall address security with respect to crew  
22           members, passengers, baggage handlers, mainte-  
23           nance workers, and other individuals with access to  
24           aircraft covered by the program, and to baggage.

1           (2) REPORT ON PROGRAM.—Not later than 180  
2 days after the date of the enactment of this Act, the  
3 Secretary shall submit to the appropriate committees  
4 of Congress a report containing a proposal for the  
5 program to be implemented under paragraph (1).

6           (c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN  
7 CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

8           (1) REQUIREMENT.—Notwithstanding any  
9 other provision of law and subject to paragraph (3),  
10 no person or entity may sell, lease, or charter any  
11 aircraft to an alien, or any other individual specified  
12 by the Secretary for purposes of this subsection,  
13 within the United States unless the Attorney Gen-  
14 eral issues a certification of the completion of a  
15 background investigation of the alien, or other indi-  
16 vidual, as the case may be, that meets the require-  
17 ments of paragraph (2).

18           (2) BACKGROUND INVESTIGATION.—A back-  
19 ground investigation or an alien or individual under  
20 this subsection shall consist of the following:

21           (A) A determination whether or not there  
22 is a record of a criminal history for the alien or  
23 individual, as the case may be, and, if so, a re-  
24 view of the record.

1           (B) In the case of an alien, a determina-  
2           tion of the status of the alien under the immi-  
3           gration laws of the United States.

4           (C) A determination whether the alien or  
5           individual, as the case may be, presents a risk  
6           to the national security of the United States.

7           (3) EXPIRATION.—The prohibition in para-  
8           graph (1) shall expire as follows:

9           (A) In the case of an aircraft having a  
10           maximum certified takeoff weight of more than  
11           12,500 pounds, upon implementation of the  
12           program required by subsection (a).

13           (B) In the case of an aircraft having a  
14           maximum certified takeoff weight of 12,500  
15           pounds or less, upon implementation of the pro-  
16           gram required by subsection (b).

17           (4) ALIEN DEFINED.—In this subsection, the  
18           term “alien” has the meaning given that term in  
19           section 101(a)(3) of the Immigration and Nation-  
20           ality Act (8 U.S.C. 1101(a)(3)).

21           (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
22           FINED.—In this section, the term “appropriate commit-  
23           tees of Congress” means—

24           (1) the Committee on Commerce, Science, and  
25           Transportation of the Senate; and

1                   (2) the Committee on Commerce of the House  
2                   of Representatives.

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