Aviation and Transportation Security Act (ATSA) §108

**SEC. 108. SECURITY SCREENING BY PRIVATE COMPANIES.**

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United

States Code, is amended by adding at the end the following:

**‘‘§ 44919. Security screening pilot program**

‘‘(a) ESTABLISHMENT OF PROGRAM.—The Under Secretary shall

establish a pilot program under which, upon approval of an application

submitted by an operator of an airport, the screening of passengers

and property at the airport under section 44901 will be

carried out by the screening personnel of a qualified private

screening company under a contract entered into with the Under

Secretary.

‘‘(b) PERIOD OF PILOT PROGRAM.—The pilot program under this

section shall begin on the last day of the 1-year period beginning

on the date of enactment of this section and end on the last

day of the 3-year period beginning on such date of enactment.

‘‘(c) APPLICATIONS.—An operator of an airport may submit to

the Under Secretary an application to participate in the pilot program

under this section.

‘‘(d) SELECTION OF AIRPORTS.—From among applications submitted

under subsection (c), the Under Secretary may select for

participation in the pilot program not more than 1 airport from

each of the 5 airport security risk categories, as defined by the

Under Secretary.

‘‘(e) SUPERVISION OF SCREENED PERSONNEL.—The Under Secretary

shall provide Federal Government supervisors to oversee

all screening at each airport participating in the pilot program

under this section and provide Federal Government law enforcement

officers at the airport pursuant to this chapter.

‘‘(f) QUALIFIED PRIVATE SCREENING COMPANY.—A private

screening company is qualified to provide screening services at

an airport participating in the pilot program under this section

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if the company will only employ individuals to provide such services

who meet all the requirements of this chapter applicable to Federal

Government personnel who perform screening services at airports

under this chapter and will provide compensation and other benefits

to such individuals that are not less than the level of compensation

and other benefits provided to such Federal Government personnel

in accordance with this chapter.

‘‘(g) STANDARDS FOR PRIVATE SCREENING COMPANIES.—The

Under Secretary may enter into a contract with a private screening

company to provide screening at an airport participating in the

pilot program under this section only if the Under Secretary determines

and certifies to Congress that the private screening company

is owned and controlled by a citizen of the United States, to the

extent that the Under Secretary determines that there are private

screening companies owned and controlled by such citizens.

‘‘(h) TERMINATION OF CONTRACTS.—The Under Secretary may

terminate any contract entered into with a private screening company

to provide screening services at an airport under the pilot

program if the Under Secretary finds that the company has failed

repeatedly to comply with any standard, regulation, directive, order,

law, or contract applicable to the hiring or training of personnel

to provide such services or to the provision of screening at the

airport.

‘‘(i) ELECTION.—If a contract is in effect with respect to

screening at an airport under the pilot program on the last day

of the 3-year period beginning on the date of enactment of this

section, the operator of the airport may elect to continue to have

such screening carried out by the screening personnel of a qualified

private screening company under a contract entered into with the

Under Secretary under section 44920 or by Federal Government

personnel in accordance with this chapter.

**‘‘§ 44920. Security screening opt-out program**

‘‘(a) IN GENERAL.—On or after the last day of the 2-year period

beginning on the date on which the Under Secretary transmits

to Congress the certification required by section 110(c) of the Aviation

and Transportation Security Act, an operator of an airport

may submit to the Under Secretary an application to have the

screening of passengers and property at the airport under section

44901 to be carried out by the screening personnel of a qualified

private screening company under a contract entered into with the

Under Secretary.

‘‘(b) APPROVAL OF APPLICATIONS.—The Under Secretary may

approve any application submitted under subsection (a).

‘‘(c) QUALIFIED PRIVATE SCREENING COMPANY.—A private

screening company is qualified to provide screening services at

an airport under this section if the company will only employ

individuals to provide such services who meet all the requirements

of this chapter applicable to Federal Government personnel who

perform screening services at airports under this chapter and will

provide compensation and other benefits to such individuals that

are not less than the level of compensation and other benefits

provided to such Federal Government personnel in accordance with

this chapter.

‘‘(d) STANDARDS FOR PRIVATE SCREENING COMPANIES.—The

Under Secretary may enter into a contract with a private screening

company to provide screening at an airport under this section

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only if the Under Secretary determines and certifies to Congress

that—

‘‘(1) the level of screening services and protection provided

at the airport under the contract will be equal to or greater

than the level that would be provided at the airport by Federal

Government personnel under this chapter; and

‘‘(2) the private screening company is owned and controlled

by a citizen of the United States, to the extent that the Under

Secretary determines that there are private screening companies

owned and controlled by such citizens.

‘‘(e) SUPERVISION OF SCREENED PERSONNEL.—The Under Secretary

shall provide Federal Government supervisors to oversee

all screening at each airport at which screening services are provided

under this section and provide Federal Government law

enforcement officers at the airport pursuant to this chapter.

‘‘(f) TERMINATION OF CONTRACTS.—The Under Secretary may

terminate any contract entered into with a private screening company

to provide screening services at an airport under this section

if the Under Secretary finds that the company has failed repeatedly

to comply with any standard, regulation, directive, order, law, or

contract applicable to the hiring or training of personnel to provide

such services or to the provision of screening at the airport.’’.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter

is amended by adding after the item relating to section 44918

the following:

‘‘44919. Security screening pilot program.

‘‘44920. Security screening opt-out program.’’.