

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for whistleblower protections for Federal airport security screeners and certain airport employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 2452

To establish the Department of National Homeland Security and the National Office for Combating Terrorism.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. AKAKA

Viz:

1 On page 100, insert between lines 19 and 20 the fol-
2 lowing:

3 **SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL**
4 **EMPLOYEES WHO ARE AIRPORT SECURITY**
5 **SCREENERS.**

6 Section 111(d) of the Aviation and Transportation
7 Security Act (Public Law 107–71; 115 Stat. 620; 49
8 U.S.C. 44935 note) is amended—

1 (1) by striking “(d) SCREENER PERSONNEL.—
2 Notwithstanding any other provision of law,” and in-
3 serting the following:

4 “(d) SCREENER PERSONNEL.—

5 “(1) IN GENERAL.—Notwithstanding any other
6 provision of law (except as provided under para-
7 graph (2)),”; and

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

9 “(2) WHISTLEBLOWER PROTECTION.—

10 “(A) DEFINITION.—In this paragraph, the
11 term “security screener” means—

12 “(i) any Federal employee hired as a
13 security screener under subsection (e) of
14 section 44935 of title 49, United States
15 Code, or

16 “(ii) an applicant for the position of a
17 security screener under that subsection.

18 “(B) IN GENERAL.—Notwithstanding sub-
19 paragraph (A)—

20 “(i) section 2302(b)(8) of title 5,
21 United States Code, shall apply with re-
22 spect to any security screener; and

23 “(ii) chapters 12, 23, and 75 of that
24 title shall apply with respect to a security

1 screener to the extent necessary to imple-
2 ment clause (i).

3 “(C) COVERED POSITION.—The President
4 may not exclude the position of security screen-
5 er as a covered position under section
6 2302(a)(2)(B)(ii) of title 5, United States Code,
7 to the extent that such exclusion would prevent
8 the implementation of subparagraph (B) of this
9 paragraph.”.

10 **SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN**
11 **AIRPORT EMPLOYEES.**

12 (a) IN GENERAL.—Section 42121(a) of title 49,
13 United States Code, is amended—

14 (1) by striking “(a) DISCRIMINATION AGAINST
15 AIRLINE EMPLOYEES.—No air carrier or contractor
16 or subcontractor of an air carrier” and inserting the
17 following:

18 “(a) DISCRIMINATION AGAINST EMPLOYEES.—

19 “(1) IN GENERAL.—No air carrier, contractor,
20 subcontractor, or employer described under para-
21 graph (2)”;

22 (2) by redesignating paragraphs (1) through
23 (4) as subparagraphs (A) through (D), respectively;
24 and

25 (3) by adding at the end the following:

1 “(2) APPLICABLE EMPLOYERS.—Paragraph (1)
2 shall apply to—

3 “(A) an air carrier or contractor or sub-
4 contractor of an air carrier;

5 “(B) an employer of airport security
6 screening personnel, other than the Federal
7 Government, including a State or municipal
8 government, or an airport authority, or a con-
9 tractor of such government or airport authority;
10 or

11 “(C) an employer of private screening per-
12 sonnel described in section 44919 or 44920 of
13 this title.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
15 Section 42121(b)(2)(B) of title 49, United States Code,
16 is amended—

17 (1) in clause (i), by striking “paragraphs (1)
18 through (4) of subsection (a)” and inserting “sub-
19 paragraphs (A) through (D) of subsection (a)(1)”;
20 and

21 (2) in clause (iii), by striking “paragraphs (1)
22 through (4) of subsection (a)” and inserting “sub-
23 paragraphs (A) through (D) of subsection (a)(1)”.