

107TH CONGRESS
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H. R. 3110

To improve aviation security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2001

Mr. OBERSTAR (for himself, Mr. GEPHARDT, Mr. LIPINSKI, Mr. DEFazio, Mr. BORSKI, Mr. RAHALL, Mr. BOSWELL, Mr. HOLDEN, Mr. CLEMENT, Mr. COSTELLO, Mr. NADLER, Ms. BROWN of Florida, Mr. BARCIA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mrs. TAUSCHER, Mr. MATHESON, Mr. HONDA, Mr. MASCARA, Mr. BALDACCI, Mr. CUMMINGS, Mr. PASCRELL, Mr. MCGOVERN, Mr. LAMPSON, Mr. BAIRD, Mr. CARSON of Oklahoma, Mr. SANDLIN, Mr. BLUMENAUER, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Mr. LARSEN of Washington, Mr. FILNER, Mr. MENENDEZ, Mr. BERRY, Mr. HOLT, Mrs. CAPPs, and Mr. LANTOS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To improve aviation security, 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; AMENDMENTS TO TITLE 49,**

4 **UNITED STATES CODE.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Transportation Security Enhancement Act of 2001”.

1 (b) AMENDMENTS TO TITLE 49, UNITED STATES
2 CODE.—Except as otherwise specifically provided, when-
3 ever in this Act an amendment or repeal is expressed in
4 terms of an amendment to, or repeal of, a section or other
5 provision of law, the reference shall be considered to be
6 made to a section or other provision of title 49, United
7 States Code.

8 **SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.**

9 (a) IN GENERAL.—Chapter 1 is amended by adding
10 at the end the following:

11 **“§ 114. Transportation Security Administration**

12 “(a) IN GENERAL.—The Transportation Security
13 Administration shall be an administration of the Depart-
14 ment of Transportation.

15 “(b) UNDER SECRETARY.—

16 “(1) APPOINTMENT.—The head of the Adminis-
17 tration shall be the Under Secretary of Transpor-
18 tation for Security. The Under Secretary shall be
19 appointed by the President, by and with the advice
20 and consent of the Senate.

21 “(2) QUALIFICATIONS.—The Under Secretary
22 must—

23 “(A) be a citizen of the United States; and

24 “(B) have experience in a field directly re-
25 lated to transportation or security.

1 “(3) TERM.—The term of office of an indi-
2 vidual appointed as the Under Secretary shall be 5
3 years.

4 “(c) LIMITATION ON PECUNIARY INTERESTS.—The
5 Under Secretary may not have a pecuniary interest in, or
6 own stock in or bonds of, a transportation or security en-
7 terprise, or an enterprise that makes equipment that could
8 be used for security purposes.

9 “(d) FUNCTIONS.—The Under Secretary shall be re-
10 sponsible for security in all modes of transportation,
11 including—

12 “(1) carrying out chapter 449, and section
13 40119, relating to civil aviation security; and

14 “(2) security responsibilities over nonaviation
15 modes of transportation that are exercised by Ad-
16 ministrations of the Department of Transportation
17 (other than the Federal Aviation Administration).

18 “(e) ADDITIONAL DUTIES AND POWERS.—In addi-
19 tion to carrying out the functions specified in subsection
20 (d), the Under Secretary shall—

21 “(1) receive, assess, and distribute intelligence
22 information related to transportation security;

23 “(2) assess threats to transportation;

24 “(3) develop policies, strategies, and plans for
25 dealing with threats to transportation security;

1 “(4) make other plans related to transportation
2 security, including coordinating countermeasures
3 with appropriate departments, agencies, and instru-
4 mentalities of the United States Government;

5 “(5) serve as the primary liaison for transpor-
6 tation security to the intelligence and law enforce-
7 ment communities;

8 “(6) on a day-to-day basis, manage and provide
9 operational guidance to the field security resources
10 of the Administration, including Federal Security
11 Managers as provided by section 44933;

12 “(7) enforce security-related regulations and re-
13 quirements;

14 “(8) identify and undertake research and devel-
15 opment activities necessary to enhance transpor-
16 tation security;

17 “(9) inspect, maintain, and test security facili-
18 ties, equipment, and systems;

19 “(10) ensure the adequacy of security measures
20 for the transportation of mail and cargo;

21 “(11) oversee the implementation, and ensure
22 the adequacy, of security measures at airports;

23 “(12) oversee the implementation, and ensure
24 the adequacy, of background checks for airport secu-
25 rity screening personnel, individuals with unescorted

1 access to secure areas of airports, and other trans-
2 portation security personnel;

3 “(13) develop standards for the hiring, training,
4 and retention of airport security screening personnel;
5 and

6 “(14) carry out such other duties, and exercise
7 such other powers, relating to transportation secu-
8 rity as the Under Secretary considers appropriate, to
9 the extent authorized by law.

10 “(f) ACQUISITIONS.—

11 “(1) IN GENERAL.—The Under Secretary is
12 authorized—

13 “(A) to acquire (by purchase, lease, con-
14 demnation, or otherwise) such real property, or
15 any interest therein, within and outside the con-
16 tinental United States, as the Under Secretary
17 considers necessary;

18 “(B) to acquire (by purchase, lease, con-
19 demnation, or otherwise) and to construct, re-
20 pair, operate, and maintain such personal prop-
21 erty (including office space and patents), or any
22 interest therein, within and outside the conti-
23 nental United States, as the Under Secretary
24 considers necessary;

1 “(C) to lease to others such real and per-
2 sonal property and to provide by contract or
3 otherwise for necessary facilities for the welfare
4 of employees of the Administration and to ac-
5 quire maintain and operate equipment for these
6 facilities;

7 “(D) to acquire (by purchase, lease, con-
8 demnation, or otherwise) and to construct, re-
9 pair, operate, and maintain research and test-
10 ing sites and facilities; and

11 “(E) in cooperation with the Administrator
12 of the Federal Aviation Administration and the
13 heads of other Administrations in the Depart-
14 ment of Transportation, to utilize the research
15 and development facilities of those Administra-
16 tions, including the facilities of the Federal
17 Aviation Administration located in Atlantic
18 City, New Jersey.

19 “(2) TITLE.—Title to any property or interest
20 therein acquired pursuant to this subsection shall be
21 held by the Government of the United States.

22 “(g) TRANSFERS OF FUNDS.—The Under Secretary
23 is authorized to accept transfers of unobligated balances
24 and unexpended balances of funds appropriated to other
25 Federal agencies (as such term is defined in section

1 551(1) of title 5) to carry out functions transferred, on
2 or after the date of enactment of this section, by law to
3 the Under Secretary.

4 “(h) REGULATIONS.—

5 “(1) IN GENERAL.—The Under Secretary is au-
6 thorized to issue, rescind, and revise such regula-
7 tions as are necessary to carry out the functions of
8 the Administration.

9 “(2) FACTORS TO CONSIDER.—In determining
10 whether to issue, rescind, or a revise a regulation
11 under this section, the Under Secretary shall con-
12 sider, as one factor in the final determination,
13 whether the costs of the regulation are excessive in
14 relation to the enhancement of security the regula-
15 tion will provide. In making such determination, the
16 Under Secretary shall not undertake a cost benefit
17 analysis that places a monetary value on human life
18 or attempts to estimate the number of lives that will
19 be saved by the regulation.

20 “(3) LIMITATION.—The Under Secretary shall
21 not decide against issuing a regulation under this
22 section because the regulation fails to satisfy a
23 quantitative cost-benefit test.

24 “(4) EMERGENCY PROCEDURES.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law or executive order (in-
3 cluding an executive order requiring a cost-ben-
4 efit analysis) if the Under Secretary determines
5 that a regulation or security directive must be
6 issued immediately in order to protect transpor-
7 tation security, the Under Secretary shall issue
8 the regulation or security directive without pro-
9 viding notice or an opportunity for comment.

10 “(B) REVIEW BY TRANSPORTATION SECUR-
11 ITY OVERSIGHT BOARD.—Any regulation or
12 security directive issued under this paragraph
13 shall remain effective unless disapproved by the
14 Transportation Security Oversight Board estab-
15 lished under section 44951 or rescinded by the
16 Under Secretary.

17 “(i) PERSONNEL AND SERVICES; COOPERATION BY
18 UNDER SECRETARY.—In carrying out the functions of the
19 Administration, the Under Secretary shall have the same
20 authority as is provided to the Administrator of the Fed-
21 eral Aviation Administration under subsections (l) and
22 (m) of section 106.

23 “(j) ACQUISITION MANAGEMENT SYSTEM.—The ac-
24 quisition management system established by the Adminis-
25 trator of the Federal Aviation Administration under sec-

1 tion 40110 shall apply to acquisitions of equipment and
2 materials by the Transportation Security Administration,
3 except that subject to the requirements of such section,
4 the Under Secretary may make such modifications to the
5 acquisition management system with respect to such ac-
6 quisitions of equipment and materials as the Under Sec-
7 retary considers appropriate.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 1 is amended by adding at the end the following:
“114. Transportation Security Administration.”.

10 (c) POSITION OF UNDER SECRETARY IN EXECUTIVE
11 SCHEDULE.—Section 5313 of title 5, United States Code,
12 is amended by adding at the end the following:

13 “The Under Secretary of Transportation for
14 Security”.

15 (d) REFERENCES TO FAA IN CHAPTER 449.—Chap-
16 ter 449 is amended—

17 (1) in section 44904(b)(5) by striking “the Ad-
18 ministration” and inserting “the Transportation Se-
19 curity Administration”;

20 (2) in the second sentence of section
21 44913(a)(1) by striking “of the Administration” and
22 inserting “of the Transportation Security Adminis-
23 tration”;

24 (3) in section 44916(a)—

1 (A) in the first sentence by striking “Ad-
2 ministrator” and inserting “Under Secretary of
3 Transportation for Security”; and

4 (B) in the second sentence by striking
5 “Administration” and inserting “Transpor-
6 tation Security Administration”;

7 (4) in each of sections 44933(a) and 44934(b)
8 by striking “Assistant Administrator for Civil Avia-
9 tion Security” and inserting “Under Secretary”;

10 (5) in section 44934(b)(1) by striking “Assist-
11 ant Administrator” and inserting “Under Sec-
12 retary”;

13 (6) by striking sections 44931 and 44932 and
14 the items relating to such sections in the analysis for
15 such chapter;

16 (7) by striking “Administrator” each place it
17 appears in such chapter (except in subsections (f)
18 and (h) of section 44936) and inserting “Under Sec-
19 retary”;

20 (8) by striking “Administrator’s” each place it
21 appears in such chapter and inserting “Under Sec-
22 retary’s”; and

23 (9) by striking “of the Federal Aviation Admin-
24 istration” each place it appears in such chapter (ex-

1 cept in section 44936(f)) and inserting “of Trans-
2 portation for Security”.

3 **SEC. 3. REVIEW AND RECOMMENDATION.**

4 (a) COMMENCEMENT OF REVIEW.—Not later than 6
5 months after the date of enactment of this Act, the Presi-
6 dent shall commence a review of whether security would
7 be enhanced by transfer of the Transportation Security
8 Administration to another Department or Office in the
9 United States Government.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment, the President shall report to Congress on
12 the conclusions reached in the review and on recommenda-
13 tions for any legislation needed to carry out a rec-
14 ommended change.

15 **SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.**

16 Section 44901 of title 49, United States Code, is
17 amended to read as follows:

18 **“§ 44901. Screening passengers and property**

19 “(a) IN GENERAL.—The Under Secretary of Trans-
20 portation for Security shall be responsible for the screen-
21 ing of all passengers and property that will be carried in
22 an aircraft in air transportation or intrastate air transpor-
23 tation and for issuing implementing regulations. The
24 screening must take place before boarding of such pas-
25 sengers and loading of property and be carried out by se-

1 curity screening personnel using equipment and processes
2 approved for that purpose by the Under Secretary.

3 “(b) FEDERAL SECURITY SCREENING PER-
4 SONNEL.—Except as provided in subsection (c), the Under
5 Secretary shall carry out the screening function under
6 subsection (a) using—

7 “(1) employees of the Transportation Security
8 Administration who are citizens of the United
9 States; or

10 “(2) employees of another department, agency,
11 or instrumentality of the United States Government
12 who are citizens of the United States, with the con-
13 sent of the head of the department, agency, or in-
14 strumentality.

15 “(c) TRANSITION PERIOD.—

16 “(1) IN GENERAL.—As soon as practicable, but
17 not later than the last day of the 1-year period be-
18 ginning on the date of enactment of the Transpor-
19 tation Security Enhancement Act of 2001, the
20 Under Secretary shall carry out the screening func-
21 tion under subsection (a) using solely Federal secu-
22 rity screening personnel described in subsection (b).
23 In such 1-year period, screening functions may be
24 performed by personnel other than Federal security
25 screening personnel (including personnel provided by

1 a contractor under an agreement with the Under
2 Secretary). During such 1-year period, the Under
3 Secretary shall begin to assign Federal security
4 screening personnel to airports as soon as prac-
5 ticable.

6 “(2) RESPONSIBILITIES OF AIR CARRIERS.—In
7 the 1-year period referred to in paragraph (1), until
8 otherwise directed by the Under Secretary, an air
9 carrier, intrastate air carrier, or foreign air carrier
10 shall continue to carry out the screening of pas-
11 sengers and their property in accordance with the
12 requirements of this section (including regulations
13 issued to carry out this section), as in effect on the
14 day before the date of enactment of the Transpor-
15 tation Security Enhancement Act of 2001. During
16 the period in which carriers continue to be respon-
17 sible for such screening, the Under Secretary shall
18 use Federal security screening personnel to supple-
19 ment the screening personnel provided by the car-
20 riers and oversee the screening process as necessary
21 to ensure the safety and security of operations.

22 “(3) ASSIGNMENT OF CONTRACTS.—Upon re-
23 quest of the Under Secretary, an air carrier, intra-
24 state air carrier, or foreign air carrier carrying out
25 a screening function described in subsection (a) may

1 enter into an agreement with the Under Secretary to
2 transfer any contract the carrier has entered into
3 with respect to carrying out such function. In enter-
4 ing into any such agreement, the Under Secretary
5 shall include such terms and conditions as are nec-
6 essary to ensure that the Under Secretary has the
7 authority to oversee performance of the contractor,
8 to supervise personnel carrying out screening at an
9 airport, and to require the replacement of unsatis-
10 factory personnel.”.

11 **SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.**

12 (a) DEVELOPMENT.—The Under Secretary of Trans-
13 portation for Security shall develop a personnel system for
14 screeners employed by the Transportation Security Ad-
15 ministration governing such matters as their compensa-
16 tion and benefits and the authority of the Administration
17 to suspend or terminate such employees.

18 (b) GUIDING PRINCIPLES.—In developing the per-
19 sonnel system, the Under Secretary—

20 (1) shall not be required to follow laws and reg-
21 ulations governing Federal civil service employees or
22 other Federal employees; and

23 (2) shall be guided by the following principles:

24 (A) the need to establish levels of com-
25 pensation which will attract employees with

1 competence and expertise comparable to other
2 Federal inspectors and law enforcement per-
3 sonnel;

4 (B) the need for the Administration to
5 have suspension and termination authority
6 which will ensure that security will not be com-
7 promised and that the screener work force will
8 be composed of employees with a high level of
9 competence and dedication to their responsibil-
10 ities; and

11 (C) the need for employees to be protected
12 against arbitrary or unsubstantiated decisions
13 which result in the permanent loss of their jobs;
14 except that the Under Secretary shall ensure
15 that the procedures developed to protect em-
16 ployees are consistent with the need to maintain
17 security at all times and, in establishing the
18 procedures, shall consider the procedures estab-
19 lished in private sector firms for employees with
20 important safety and security responsibilities.

21 **SEC. 6. SECURITY PROGRAMS.**

22 Section 44903(c) is amended—

23 (1) in the first sentence of paragraph (1) by in-
24 serting after “at each of those airports” the fol-

1 lowing: “, including at each location at those air-
2 ports where passengers are screened,”;

3 (2) in paragraph (2)(C)(i) by striking “shall
4 issue an amendment to air carrier security programs
5 to require” and inserting “shall require”; and

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

7 “(3) ANNUAL REVIEW AND APPROVAL.—On an
8 annual basis, the Administrator shall review, and ap-
9 prove or disapprove, the security program of an air-
10 port operator.”.

11 **SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.**

12 (a) EMPLOYMENT STANDARDS.—Section 44935(a) is
13 amended—

14 (1) in the first sentence by inserting “, per-
15 sonnel (including Federal employees) who screen
16 passengers and property,” after “air carrier per-
17 sonnel”;

18 (2) by striking “and” at the end of paragraph

19 (4);

20 (3) by striking the period at the end of para-
21 graph (5) and inserting a semicolon; and

22 (4) by adding at the end the following:

23 “(6) citizenship requirements, including require-
24 ments consistent with section 44901(b), when appro-
25 priate; and

1 “(7) minimum compensation levels, when ap-
2 propriate.”.

3 (b) EMPLOYMENT STANDARDS FOR SCREENERS.—

4 Section 44935 is amended by adding at the end the fol-
5 lowing:

6 “(g) TRAINING FOR ALL SCREENERS, SUPERVISORS,
7 AND INSTRUCTORS.—

8 “(1) IN GENERAL.—The Under Secretary shall
9 require any individual who screens passengers and
10 property pursuant to section 44901, and the super-
11 visors and instructors of such individuals, to have
12 satisfactorily completed all initial, recurrent, and ap-
13 propriate specialized training necessary to ensure
14 compliance with the requirements of this section.

15 “(2) ON-THE-JOB PORTION OF SCREENER’S
16 TRAINING.—Notwithstanding paragraph (1), the
17 Under Secretary may permit an individual, during
18 the on-the-job portion of training, to perform secu-
19 rity functions if the individual is closely supervised
20 and does not make independent judgments as to
21 whether persons or property may enter secure areas
22 or aircraft or whether cargo or mail may be loaded
23 aboard aircraft without further inspection.

24 “(3) EFFECT OF SCREENER’S FAILURE OF OP-
25 ERATION TEST.—The Under Secretary may not

1 allow an individual to perform a screening function
2 after the individual has failed an operational test re-
3 lated to that function until the individual has suc-
4 cessfully completed remedial training.”.

5 (c) MINIMUM EMPLOYMENT STANDARDS FOR
6 SCREENING PERSONNEL.—Beginning on the 30th day fol-
7 lowing the date of enactment of this Act, subject to sub-
8 section (d), the following requirements, at a minimum,
9 shall apply to an individual (including a Federal employee)
10 who screens passengers or property, or both (in this sub-
11 section referred to as a “screener”).

12 (1) EDUCATION.—A screener shall have a high
13 school diploma, a general equivalency diploma, or a
14 combination of education and experience that the
15 Under Secretary has determined to have equipped
16 the individual to perform the duties of the screening
17 position.

18 (2) BASIC APTITUDES AND PHYSICAL ABILI-
19 TIES.—A screener shall have basic aptitudes and
20 physical abilities (including color perception, visual
21 and aural acuity, physical coordination, and motor
22 skills) and shall have—

23 (A) the ability to identify the components
24 that may constitute an explosive or an incen-
25 diary device;

1 (B) the ability to identify objects that ap-
2 pear to match those items described in all cur-
3 rent regulations, security directives, and emer-
4 gency amendments;

5 (C) for screeners operating X-ray and ex-
6 plosives detection system equipment, the ability
7 to distinguish on the equipment monitors the
8 appropriate images;

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

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

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

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

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

4 (I) for screeners performing pat-down or
5 hand-held metal detector searches of persons,
6 sufficient dexterity and capability to thoroughly
7 conduct those procedures over a person's entire
8 body.

9 (3) COMMAND OF ENGLISH LANGUAGE.—A
10 screener shall be able to read, speak, write, and un-
11 derstand the English language well enough to—

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

15 (B) read English language identification
16 media, credentials, airline tickets, documents,
17 air waybills, invoices, and labels on items nor-
18 mally encountered in the screening process;

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

23 (D) write incident reports and statements
24 and log entries into security records in the
25 English language.

1 (d) MORE STRINGENT EMPLOYMENT STANDARDS.—
2 The Under Secretary of Transportation for Security has
3 the authority to impose at any time more stringent re-
4 quirements to individuals referred to in subsection (c)
5 than those minimum requirements in subsection (e).

6 **SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.**

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

9 **“§ 44917. Deployment of Federal air marshals**

10 “(a) IN GENERAL.—The Under Secretary of Trans-
11 portation for Security under the authority provided by sec-
12 tion 44903(d) shall—

13 “(1) provide for appropriate deployment of Fed-
14 eral air marshals on passenger flights of air carriers
15 in air transportation or intrastate air transportation;

16 “(2) provide for appropriate background and
17 fitness checks for candidates for appointment as
18 Federal air marshals;

19 “(3) provide for appropriate training, super-
20 vision, and equipment of Federal air marshals;

21 “(4) require air carriers providing flights de-
22 scribed in paragraph (1) to provide seating for a
23 Federal air marshal on any such flight without re-
24 gard to the availability of seats on the flight;

1 “(5) establish procedures to ensure that Fed-
2 eral air marshals are made aware of any armed or
3 unarmed law enforcement personnel on a flight;

4 “(6) establish a program to permit Federal,
5 State, and local law enforcement officers to be
6 trained to participate in the Federal air marshals
7 program of the Administration as volunteers when
8 such officers are otherwise traveling in an aircraft
9 operated by an air carrier; and

10 “(7) in establishing the qualifications for posi-
11 tions as Federal air marshals, establish a maximum
12 age for initial employment which is high enough to
13 allow qualified retiring law enforcement officials to
14 fill such positions.

15 “(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—
16 The Under Secretary shall work with appropriate aéro-
17 nautic authorities of foreign governments under section
18 44907 to address security concerns on passenger flights
19 in foreign air transportation.

20 “(c) INTERIM MEASURES.—Until the Under Sec-
21 retary completes implementation of subsection (a), the
22 Under Secretary may use, after consultation with the
23 heads of other Federal agencies and departments, per-
24 sonnel from those agencies and departments, on a reim-

1 bursable or nonreimbursable basis, to provide air marshal
2 service.”.

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

“44917. Deployment of Federal air marshals.”.

6 **SEC. 9. ENHANCED SECURITY MEASURES.**

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

9 **“§ 44918. Enhanced security measures**

10 “(a) IN GENERAL.—The Under Secretary of Trans-
11 portation shall take the following actions to enhance avia-
12 tion security:

13 “(1) After consultation with the Administrator
14 of the Federal Aviation Administration, develop and
15 implement methods to—

16 “(A) restrict the opening of a cockpit door
17 during a flight;

18 “(B) modify cockpit doors to deny access
19 from the cabin to the cockpit;

20 “(C) use video monitors or other devices to
21 alert pilots in the cockpit to activity in the
22 cabin; and

23 “(D) ensure continuous operation of an
24 aircraft transponder in the event of an emer-
25 gency.

1 “(2) Provide for the installation of technology
2 in an aircraft cabin to enable flight crews to dis-
3 creetly notify the pilots in the case of a security
4 breach occurring in the cabin.

5 “(3) Enhance security for secured areas of air-
6 ports, including—

7 “(A) requiring screening of all persons, ve-
8 hicles, and other equipment before entry into a
9 secured area;

10 “(B) requiring catering companies and
11 other companies whose employees have access
12 to a secured area to develop security programs;

13 “(C) requiring that all persons, including
14 persons who are accompanied by persons hold-
15 ing an identification card, seeking access to a
16 secured areas be issued identification cards, fol-
17 lowing background checks, criminal history
18 record checks, and checks of Federal security
19 databases;

20 “(D) revalidating approvals of all persons
21 previously authorized to entered a secured area,
22 including full background and criminal history
23 record checks and checks of Federal security
24 databases;

1 “(E) maximizing use of enhanced tech-
2 nology, such as biometrics, to positively verify
3 the identity of persons entering a secured area;
4 and

5 “(F) improving procedures to ensure that
6 identification cards which are revoked cannot be
7 utilized.

8 “(4) Develop alternative sources of explosive de-
9 tection equipment for screening baggage, mail, and
10 cargo and maximize the use of such equipment by
11 ensuring that equipment already installed at an air-
12 port is used to its full capacity and by developing
13 and implementing a program to purchase additional
14 equipment so that, not later than 3 years after the
15 date of enactment of this section, all baggage, mail,
16 and cargo will be inspected by such equipment.

17 “(5) Establish a uniform system of identifica-
18 tion for all State and local law enforcement per-
19 sonnel to use in obtaining permission to carry weap-
20 ons in aircraft cabins and in obtaining access to a
21 secured area of an airport.

22 “(6) Work with intelligence and law enforce-
23 ment agencies to develop procedures to ensure that
24 air carrier and airport systems have necessary law
25 enforcement and national security intelligence data,

1 to enhance the effectiveness of their security pro-
2 grams.

3 “(7) Ensure that the Computer Assisted Pas-
4 senger Pre-Screening System of the Transportation
5 Security Administration includes necessary intel-
6 ligence information, is used to evaluate all pas-
7 sengers before they board an aircraft, and includes
8 procedures to ensure that selectees of such system
9 and their carry-on and checked baggage are ade-
10 quately screened.

11 “(8) Restrict carry-on baggage to one piece of
12 carry-on baggage, plus one personal item, per pas-
13 senger (including children under the age of 2); ex-
14 cept exempt any child safety seat to be used during
15 a flight to restrain a child passenger under 40
16 pounds or 40 inches and any assistive device for a
17 disabled passenger.

18 “(9) After consultation with the Administrator
19 of the Federal Aviation Administration, develop pro-
20 cedures and authorize equipment for flight crews
21 and cabin crews to use to defend an aircraft against
22 acts of violence or piracy.

23 “(10) Develop realistic crew training programs
24 as follows:

1 “(A) No later than 30 days after the date
2 of enactment of this paragraph and in consulta-
3 tion with the Federal Aviation Administration,
4 appropriate law enforcement, security, and ter-
5 rorism experts, and air carrier, pilot, and flight
6 attendant representatives, develop a realistic
7 crew training program to prepare crew mem-
8 bers for current threat conditions.

9 “(B) Require air carriers to train all crew
10 members not later than 60 days after such date
11 of enactment.

12 “(C) Required crew training shall include,
13 but not be limited to—

14 “(i) determination of the seriousness
15 of any occurrence;

16 “(ii) crew communication and coordi-
17 nation;

18 “(iii) self-defense;

19 “(iv) use of Transportation Security
20 Administration approved protection devices
21 assigned to crewmembers, including appro-
22 priate certifications for use of such devices;
23 and

1 “(v) psychology of terrorism to cope
2 with hijacker behavior and passenger reac-
3 tion.

4 “(D) Develop a plan for updating the
5 training program and retraining crew members
6 as each new security threat becomes known.

7 “(11) Require training of gate, ticket, and
8 curbside agents to respond appropriately when the
9 system referred to in paragraph (7) identifies a pas-
10 senger as a threat to security.

11 “(12) Establish a toll-free telephone number for
12 air carrier and airport employees and their cus-
13 tomers to use to report instances of inadequate secu-
14 rity.

15 “(13) Require effective 911 emergency call ca-
16 pabilities for telephones serving passenger aircraft
17 and trains.

18 “(14) In consultation with the Federal Aviation
19 Administration, require that all pilot licenses incor-
20 porate a photograph of the license holder and appro-
21 priate biometric imprints.

22 “(15) Provide for background checks, criminal
23 history record checks, and checks against Federal
24 security data bases of individuals seeking instruction

1 in flying aircraft that weigh more than 12,500
2 pounds.

3 “(16) Require training of employees of a flight
4 school to recognize suspicious circumstances and ac-
5 tivities for individuals enrolling in or attending flight
6 school and to notify the Administration.

7 “(b) REPORT.—Not later than 6 months after the
8 date of enactment of this section, and annually thereafter,
9 the Under Secretary shall transmit to Congress a report
10 on the progress of the Under Secretary in evaluating and
11 taking actions under subsection (a), including any legisla-
12 tive recommendations that the Under Secretary may have
13 for enhancing transportation security.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 449 is amended by inserting after the item relat-
16 ing to section 44917 the following:

“44918. Enhanced security measures.”.

17 (c) REPEAL OF EXISTING REPORTING REQUIRE-
18 MENT.—

19 (1) IN GENERAL.—Section 44938 is amended—

20 (A) in the section heading by striking
21 “**REPORTS**” and inserting “**REPORT**”; and

22 (B) by striking “(a) TRANSPORTATION SE-
23 CURITY.—” and all that follows through “(b)
24 SCREENING AND FOREIGN AIR CARRIER AND
25 AIRPORT SECURITY.—The Administrator” and

1 inserting “The Under Secretary of Transpor-
2 tation for Security”.

3 (2) CHAPTER ANALYSIS.—The analysis for
4 chapter 449 is amended by striking the item relating
5 section 44938 and inserting the following:

“44938. Report.”.

6 **SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREEN-**
7 **ERS AND OTHERS.**

8 Section 44936(a) is amended—

9 (1) in paragraph (1)(E)(iv)(II) by striking the
10 period at the end and inserting “; except that at
11 such an airport, the airport operator, air carriers,
12 and screening companies may elect to implement the
13 requirements of this subparagraph in advance of the
14 effective date if the Under Secretary approves of
15 such early implementation and if the airport oper-
16 ator, air carriers, and screening companies amend
17 their security programs to conform those programs
18 to the requirements of this subparagraph.”; and

19 (2) in paragraph (2) by striking “or airport op-
20 erator” and inserting “airport operator, or screening
21 company”.

22 **SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.**

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

1 **“§ 44939. Passenger and baggage screening fee**

2 “(a) GENERAL AUTHORITY.—

3 “(1) PASSENGER FEES.—The Under Secretary
4 of Transportation for Security shall impose a fee on
5 passengers in air transportation and intrastate air
6 transportation to pay for the costs of the screening
7 of passengers and property pursuant to section
8 44901(d). Such costs include salaries and expenses,
9 training, and equipment acquisition, operation, and
10 maintenance.

11 “(2) AIR CARRIER FEES.—

12 “(A) AUTHORITY.—In addition to the fee
13 imposed pursuant to paragraph (1), the Under
14 Secretary may impose a fee on air carriers to
15 pay for the costs of providing security for air
16 carriers and their passengers and crews.

17 “(B) LIMITATION.—The amounts of fees
18 collected under this paragraph may not exceed,
19 in the aggregate, the amounts paid in calendar
20 year 2000 by air carriers for security described
21 in paragraph (1), adjusted for inflation.

22 “(b) SCHEDULE OF FEES.—In imposing fees under
23 subsection (a), the Under Secretary shall ensure that the
24 fees are directly related to the Transportation Security
25 Administration’s costs of providing services rendered.

1 “(c) LIMITATION ON FEE.—Fees imposed under sub-
2 section (a)(1) may not exceed \$2.50 on a 1-way trip in
3 air transportation or intrastate air transportation.

4 “(d) IMPOSITION OF FEE.—

5 “(1) IN GENERAL.—Notwithstanding the proce-
6 dural requirements of section 553 of title 5, the
7 Under Secretary shall impose the fee under sub-
8 section (a)(1), and may impose a fee under sub-
9 section (a)(2), through the publication of notice of
10 such fee in the Federal Register and begin collection
11 of the fee within 60 days of the date of enactment
12 of this Act, or as soon as possible thereafter.

13 “(2) SUBSEQUENT RULEMAKING.—After impos-
14 ing a fee in accordance with paragraph (1), the
15 Under Secretary shall conduct a rulemaking pro-
16 ceeding on imposition and collection of the fee in ac-
17 cordance with the requirements of section 553 of
18 title 5 and shall issue a final rule to continue or
19 modify imposition or collection of the fee, or both.

20 “(e) FEES PAYABLE TO UNDER SECRETARY.—All
21 fees imposed and amounts collected under this section are
22 payable to the Under Secretary of Transportation for Se-
23 curity.

1 “(f) RECEIPTS CREDITED TO ACCOUNT.—Notwith-
2 standing section 3302 of title 31, any fee collected under
3 this section—

4 “(1) shall be credited to a separate account es-
5 tablished in the Treasury;

6 “(2) shall be available immediately for expendi-
7 ture but only to pay the costs of activities and serv-
8 ices for which the fee is imposed; and

9 “(3) shall remain available until expended.

10 “(g) REFUNDS.—The Under Secretary may refund
11 any fee paid by mistake or any amount paid in excess of
12 that required.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 449 is amended by adding after the item relating
15 to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

16 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPER-**
17 **ATIONS.**

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

20 **“§ 44940. Authorization of appropriations for oper-**
21 **ations**

22 “(a) OPERATIONS OF TRANSPORTATION SECURITY
23 ADMINISTRATION.—There are authorized to be appro-
24 priated such sums as may be necessary for the operations
25 of the Transportation Security Administration, including

1 the functions of the Administration under section
2 44901(d) if the fees imposed under section 44939 are in-
3 sufficient to cover the costs of such functions.

4 “(b) AIRCRAFT SECURITY.—There is authorized to
5 be appropriated \$500,000,000 to the Secretary of Trans-
6 portation to make grants to air carriers to (1) modify
7 cockpit doors to deny access from the cabin to the pilots
8 in the cockpit, (2) use video monitors or other devices to
9 alert the cockpit crew to activity in the passenger cabin,
10 and (3) ensure continuous operation of the aircraft trans-
11 pponder in the event the crew faces an emergency. Such
12 sums shall remain available until expended.

13 “(c) AIRPORT SECURITY.—There is authorized to be
14 appropriated \$500,000,000 for fiscal year 2002 to the
15 Secretary to reimburse airport operators for direct costs
16 that such operators incurred to comply with new, addi-
17 tional, or revised security requirements imposed on airport
18 operators by the Federal Aviation Administration on or
19 after September 11, 2001. Such sums shall remain avail-
20 able until expended.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 449 is amended by adding after the item relating
23 to section 44939 the following:

“44940. Authorization of appropriations for operations.”.

24 (c) SECURITY FACILITY FEES.—Section 40117 is
25 amended by adding at the end the following:

1 “(1) INCREASED SECURITY.—

2 “(1) IN GENERAL.—The Secretary may author-
3 ize an eligible agency to impose an additional secu-
4 rity facility fee of up to \$1 on each paying passenger
5 of an air carrier or foreign air carrier boarding an
6 aircraft at an airport the agency controls, to reim-
7 burse the agency for direct costs the agency incurs
8 to comply with new, additional, or revised security
9 requirements imposed on airport operators by the
10 Federal Aviation Administration on and after Sep-
11 tember 11, 2001.

12 “(2) PROCEDURES.—Notwithstanding any pro-
13 visions of this section, the Secretary shall develop
14 special procedures for approval of any application
15 under this subsection which will promptly authorize
16 a fee under this subsection if there is a reasonable
17 basis for concluding that an agency is likely to incur
18 increased costs for security requirements which jus-
19 tify the fee.”.

20 **SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.**

21 (a) IN GENERAL.—Chapter 449 is amended by add-
22 ing at the end the following:

1 “SUBCHAPTER III—TRANSPORTATION
2 SECURITY OVERSIGHT BOARD

3 **“§ 44951. Transportation Security Oversight Board**

4 “(a) IN GENERAL.—There is established a board to
5 be known as a ‘Transportation Security Oversight Board’.

6 “(b) MEMBERSHIP.—

7 “(1) NUMBER AND APPOINTMENT.—The Board
8 shall be composed of 5 members as follows:

9 “(A) The Secretary of Transportation (or
10 the Secretary’s designee).

11 “(B) The Attorney General (or the Attor-
12 ney General’s designee).

13 “(C) The Secretary of the Treasury (or the
14 Secretary’s designee).

15 “(D) The Secretary of Defense (or the
16 Secretary’s designee).

17 “(E) One member appointed by the Presi-
18 dent to represent the National Security Council
19 or the Office of Homeland Security.

20 “(2) CHAIRPERSON.—The Chairperson of the
21 Board shall be the Secretary of Transportation.

22 “(c) DUTIES.—The Board shall—

23 “(1) review any regulation or security directive
24 issued by the Under Secretary of Transportation for
25 security under section 114(h)(4) within 30 days

1 after the date of issuance of such regulation or di-
2 rective;

3 “(2) share intelligence information with the
4 Under Secretary;

5 “(3) review—

6 “(A) plans for transportation security;

7 “(B) standards established for perform-
8 ance of airport security screening personnel;

9 “(C) compensation being paid to airport
10 security screening personnel;

11 “(D) procurement of security equipment;

12 “(E) selection, performance, and com-
13 pensation of senior executives in the Transpor-
14 tation Security Administration; and

15 “(F) budget requests of the Under Sec-
16 retary; and

17 “(4) make recommendations to the Under Sec-
18 retary regarding matters reviewed under paragraph
19 (3).

20 “(d) QUARTERLY MEETINGS.—The Board shall meet
21 at least quarterly.

22 “(e) CONSIDERATION OF SECURITY INFORMATION.—
23 A majority of the Board may vote to close a meeting of
24 the Board to the public when classified security informa-
25 tion will be discussed.

1 **“§ 44952. Advisory council**

2 “(a) ESTABLISHMENT.—The Under Secretary of
3 Transportation for Security shall establish an advisory
4 council to be known as the ‘Transportation Security Advi-
5 sory Council’.

6 “(b) MEMBERSHIP.—The Council shall be composed
7 of members appointed by the Under Secretary to represent
8 all modes of transportation, transportation labor, organi-
9 zations representing families of victims of transportation
10 disasters, and other entities affected or involved in the
11 transportation security process.

12 “(c) DUTIES.—The Council shall provide advice and
13 counsel to the Under Secretary on issues which affect or
14 are affected by the operations of the Transportation Secu-
15 rity Administration. The Council shall function as a re-
16 source for management, policy, spending, and regulatory
17 matters under the jurisdiction of the Transportation Secu-
18 rity Administration.

19 “(d) ADMINISTRATIVE MATTERS.—

20 “(1) MEETINGS.—The Council shall meet on a
21 regular and periodic basis or at the call of the Chair-
22 person or the Under Secretary.

23 “(2) ACCESS TO DOCUMENTS AND STAFF.—The
24 Under Secretary may give the Council appropriate
25 access to relevant documents and personnel of the
26 Administration, and the Under Secretary shall make

1 available, consistent with the authority to withhold
2 commercial and other proprietary information under
3 section 552 of title 5 (commonly known as the
4 ‘Freedom of Information Act’), cost data associated
5 with the acquisition and operation of security screen-
6 ing equipment. Any member of the Council who re-
7 ceives commercial or other proprietary data from the
8 Under Secretary shall be subject to the provisions
9 of section 1905 of title 18, pertaining to unauthor-
10 ized disclosure of such information.

11 “(3) CHAIRPERSON AND VICE CHAIRPERSON.—
12 The Council shall elect a Chairperson and a Vice
13 Chairperson from among the members, each of
14 whom shall serve for a term of 2 years. The Vice
15 Chairperson shall perform the duties of the Chair-
16 person in the absence of the Chairperson.

17 “(4) TRAVEL AND PER DIEM.—Each member of
18 the Council shall be paid actual travel expenses, and
19 per diem in lieu of subsistence expenses when away
20 from his or her usual place of residence, in accord-
21 ance with section 5703 of title 5.

22 “(5) DETAIL OF PERSONNEL FROM THE ADMIN-
23 ISTRATION.—The Under Secretary shall make avail-
24 able to the Council such staff, information, and ad-
25 ministrative services and assistance as may reason-

1 ably be required to enable the Council to carry out
2 its responsibilities under this section.

3 “(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO
4 APPLY.—The Federal Advisory Committee Act (5 U.S.C.
5 App.) does not apply to the Council.”.

6 (b) CONFORMING AMENDMENT.—The analysis for
7 chapter 449 is amended by adding at the end the fol-
8 lowing:

9 “SUBCHAPTER III—TRANSPORTATION SECURITY
10 OVERSIGHT BOARD

“44951. Transportation Security Oversight Board.
“44952. Advisory council.”.

11 **SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.**

12 (a) IN GENERAL.—As provided by the Inspector Gen-
13 eral Act (5 U.S.C. App.) and other applicable statutes,
14 the Inspector General of the Department of Transpor-
15 tation (in addition such other authority as the Inspector
16 General may have) shall have authority to conduct the fol-
17 lowing:

18 (1) Audits of the Transportation Security Ad-
19 ministration’s programs, operations, and activities.

20 (2) Criminal investigations of alleged violations
21 of Federal laws or Department of Transportation
22 regulations pertaining to aviation and other modes
23 of transportation security.

1 (3) Investigations into waste, fraud, abuse, and
2 any other allegations involving wrongdoing within
3 the Administration.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, and periodically thereafter, the
6 Inspector General shall report to Congress on the imple-
7 mentation, efficiency, and effectiveness of the Administra-
8 tion’s programs, operations, and activities. The report
9 shall focus on the Administration’s main programs and
10 contain recommendations, as necessary, for further legis-
11 lation.

12 **SEC. 15. TECHNICAL CORRECTION.**

13 Section 106(a) of the Air Transportation Safety and
14 System Stabilization Act (P.L. 107–42) is amended by
15 striking “February 1, 2001” and inserting “February 1,
16 2002”.

17 **SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TEST-**
18 **ING.**

19 Chapter 451 is amended—

20 (1) by striking “contract personnel” each place
21 it appears and inserting “personnel”;

22 (2) by striking “contract employee” each place
23 it appears and inserting “employee”;

24 (3) in section 45106(c) by striking “contract
25 employees” and inserting “employees”;

1 (4) by inserting after section 45106 the fol-
2 lowing:

3 **“§ 45107. Transportation security administration**

4 “(a) TRANSFER OF FUNCTIONS RELATING TO TEST-
5 ING PROGRAMS WITH RESPECT TO AIRPORT SECURITY
6 SCREENING PERSONNEL.—The authority of the Adminis-
7 trator of the Federal Aviation Administration under this
8 chapter with respect to programs relating to testing of air-
9 port security screening personnel are transferred to the
10 Under Secretary of Transportation for Security. Notwith-
11 standing section 45102(a), the regulations prescribed
12 under section 45102(a) shall require testing of such per-
13 sonnel by their employers instead of by air carriers and
14 foreign air carriers.

15 “(b) APPLICABILITY OF CHAPTER WITH RESPECT TO
16 EMPLOYEES OF ADMINISTRATION.—The provisions of this
17 chapter that apply with respect to employees of the Fed-
18 eral Aviation Administration whose duties include respon-
19 sibility for safety-sensitive functions shall apply with re-
20 spect to employees of the Transportation Security Admin-
21 istration whose duties include responsibility for security-
22 sensitive functions. The Under Secretary of Transpor-
23 tation for Security, the Transportation Security Adminis-
24 tration, and employees of the Transportation Security Ad-
25 ministration whose duties include responsibility for secu-

1 rity-sensitive functions shall be subject to and comply with
 2 such provisions in the same manner and to the same ex-
 3 tent as the Administrator of the Federal Aviation Admin-
 4 istration, the Federal Aviation Administration, and em-
 5 ployees of the Federal Aviation Administration whose du-
 6 ties include responsibility for safety-sensitive functions, re-
 7 spectively.”; and

8 (5) in the analysis for such chapter by inserting
 9 after the item relating to section 45106 the fol-
 10 lowing:

“45107. Transportation Security Administration”.

11 **SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.**

12 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-
 13 CANTS.—Part A of subtitle VII is amended—

14 (1) by moving subsections (f), (g), and (h) of
 15 section 44936 from section 44936, inserting them at
 16 the end of section 44703, and redesignating them as
 17 subsections (h), (i), and (j), respectively; and

18 (2) in subsections (i) and (j) of section 44703
 19 (as moved to the end of section 44703 by paragraph
 20 (1) of this subsection), by striking “subsection (f)”
 21 each place it appears and inserting “subsection (h)”.

22 (b) INVESTIGATIONS AND PROCEDURES.—Chapter
 23 461 is amended—

24 (1) in each of sections 46101(a)(1), 46102(a),
 25 46103(a), 46104(a), 46105(a), 46106, 46107(b),

1 and 46110(a) by inserting after “(or” the following:
2 “the Under Secretary of Transportation for Security
3 with respect to security duties and powers des-
4 ignated to be carried out by the Under Secretary
5 or”;

6 (2) by striking “or Administrator” each place it
7 appears and inserting “, Under Secretary, or Ad-
8 ministrator”;

9 (3) in section 46101(a)(2) by striking “of
10 Transportation or the” and inserting “, Under Sec-
11 retary, or”;

12 (4) in section 46102(b) by striking “and the
13 Administrator” and inserting “, the Under Sec-
14 retary, and the Administrator”;

15 (5) in section 46102(c) by striking “and Ad-
16 ministrator” each place it appears and inserting “,
17 Under Secretary, and Administrator”;

18 (6) in each of sections 46102(d) and 46104(b)
19 by inserting “the Under Secretary,” after “Sec-
20 retary,”;

21 (7) in the heading to section 46106 by striking
22 “**Secretary of Transportation and Admin-**
23 **istrator of the Federal Aviation Adminis-**
24 **tration**” and inserting “**Department of**
25 **Transportation**”; and

1 (8) in the item relating to section 46106 of the
2 analysis for such chapter by striking “Secretary of
3 Transportation and Administrator of the Federal
4 Aviation Administration” and inserting “Depart-
5 ment of Transportation”.

6 (c) ADMINISTRATIVE.—Section 40113 is amended—

7 (1) in subsection (a)—

8 (A) by inserting after “(or” the following:
9 “the Under Secretary of Transportation for Se-
10 curity with respect to security duties and pow-
11 ers designated to be carried out by the Under
12 Secretary or”; and

13 (B) by striking “or Administrator” and in-
14 serting “, Under Secretary, or Administrator”;
15 and

16 (2) in subsection (d)—

17 (A) by inserting after “The” the following:
18 “Under Secretary of Transportation for Secu-
19 rity or the”;

20 (B) by striking “Administration” the sec-
21 ond place it appears and inserting “Transpor-
22 tation Security Administration or Federal Avia-
23 tion Administration, as the case may be,”; and

1 (C) by striking “the Administrator de-
2 cides” and inserting “the Under Secretary or
3 Administrator, as the case may be, decides”.

4 (d) PENALTIES.—Chapter 463 is amended—

5 (1) in section 46301(d)(2)—

6 (A) by striking “, chapter 449 (except sec-
7 tions 44902, 44903(d), 44907(a)–(d)(1)(A) and
8 (d)(1)(C)–(f), 44908, and 44909),”;

9 (B) by inserting after the first sentence
10 the following: “The Under Secretary of Trans-
11 portation for Security may impose a civil pen-
12 alty for a violation of chapter 449 (except sec-
13 tions 44902, 44903(d), 44907(a)–(d)(1)(A),
14 44907(d)(1)(C)–(f), 44908, and 44909) or a
15 regulation prescribed or order issued under
16 such chapter 449.”; and

17 (C) by inserting “Under Secretary or” be-
18 fore “Administrator shall”;

19 (2) in each of paragraphs (3) and (4) of section
20 46301(d) by striking “Administrator” each place it
21 appears and inserting “Under Secretary or Adminis-
22 trator”;

23 (3) in section 46301(d)(8) by striking “Admin-
24 istrator” and inserting “Under Secretary, Adminis-
25 trator,”;

1 (4) in section 46301(h)(2) by inserting after
2 “(or” the following: “the Under Secretary of Trans-
3 portation for Security with respect to security duties
4 and powers designated to be carried out by the
5 Under Secretary or”;

6 (5) in section 46311—

7 (A) by inserting after “Transportation,”
8 the following: “the Under Secretary of Trans-
9 portation for Security with respect to security
10 duties and powers designated to be carried out
11 by the Under Secretary,”;

12 (B) by inserting after “Secretary,” each
13 place it appears the following: “Under Sec-
14 retary,”; and

15 (C) by striking “or Administrator” each
16 place it appears and inserting “, Under Sec-
17 retary, or Administrator”;

18 (6) in each of sections 46313 and 46316 by in-
19 serting after “(or” the following: “the Under Sec-
20 retary of Transportation for Security with respect to
21 security duties and powers designated to be carried
22 out by the Under Secretary or”.

○