

107TH CONGRESS
2^D SESSION

H. R. 5506

To amend title 49, United States Code, to provide relief to the airline industry, to reform the Federal Aviation Administration, and to make technical corrections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2002

Mr. MICA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide relief to the airline industry, to reform the Federal Aviation Administration, and to make technical corrections, 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 “Aviation Industry Sta-
5 bilization and Reform Act of 2002”.

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or a repeal of, a section or other
2 provision, the reference shall be considered to be made to
3 a section or other provision of title 49, United States
4 Code.

5 **TITLE I—AIR CARRIER RELIEF**

6 **SEC. 101. AIR CARRIER LIABILITY FOR THIRD PARTY** 7 **CLAIMS ARISING OUT OF ACTS OF TER-** 8 **RORISM.**

9 Section 44303 is amended—

10 (1) by inserting “(a) IN GENERAL.—” before
11 “The Secretary of Transportation”;

12 (2) by moving the text of paragraph (2) of sec-
13 tion 201(b) of the Air Transportation Safety and
14 System Stabilization Act (115 Stat. 235) to the end
15 and redesignating such paragraph as subsection (b);

16 (3) in subsection (b) (as so redesignated)—

17 (A) by striking the subsection heading and
18 inserting “AIR CARRIER LIABILITY FOR THIRD
19 PARTY CLAIMS ARISING OUT OF ACTS OF TER-
20 RORISM.—”;

21 (B) in the first sentence by striking “the
22 180-day period following the date of enactment
23 of this Act, the Secretary of Transportation”
24 and inserting “the period beginning on Sep-

1 tember 22, 2001, and ending on December 31,
2 2003, the Secretary”; and

3 (C) in the last sentence by striking “this
4 paragraph” and inserting “this subsection”;
5 and

6 (4) by moving the text of subsection (b) (as so
7 redesignated) 2 ems to the left.

8 **SEC. 102. EXTENSION OF CERTAIN INSURANCE POLICIES.**

9 Section 44302 is amended by adding at the end the
10 following:

11 “(f) **EXTENSION OF CERTAIN POLICIES.**—The Sec-
12 retary shall extend through December 31, 2003, the termi-
13 nation date of any insurance policy that the Department
14 of Transportation issued to an air carrier under subsection
15 (a) and that is in effect on the date of enactment of this
16 subsection on no less favorable terms to the air carrier
17 than existed in the policy on June 19, 2002; except that
18 the Secretary shall amend the insurance policy to provide
19 coverage for losses or injuries to aircraft hull, passenger,
20 and crew on such terms and conditions as the Secretary
21 may prescribe at an additional premium comparable to the
22 premium charged for third-party casualty coverage under
23 such policy and except that in no event shall the total pre-
24 mium paid by the air carrier for the policy, as amended,

1 be more than twice the premium that the air carrier was
2 paying for the policy as of June 19, 2002.”.

3 **SEC. 103. CORRECTION OF REFERENCE.**

4 Effective November 19, 2001, section 147 of the
5 Aviation and Transportation Security Act (Public Law
6 107–71) is amended by striking “(b)” and inserting “(c)”.

7 **SEC. 104. LOAN GUARANTEES.**

8 (a) EXTENSION OF APPLICATION PERIOD.—Notwith-
9 standing section 1300.16 of title 14, Code of Federal Reg-
10 ulations, or any other provision of law or regulation, appli-
11 cations for Federal credit instruments authorized by sec-
12 tion 101 of the Air Transportation Safety and System
13 Stabilization Act (49 U.S.C. 40101 note; 115 Stat. 230)
14 may be filed at any time after the date on which armed
15 hostilities between the United States and Iraq commence
16 and for 60 days after the date on which such hostilities
17 end.

18 (b) PUBLICATION OF NOTICE.—The Secretary of
19 Transportation shall publish a notice in the Federal Reg-
20 ister announcing that applications may be filed under sub-
21 section (a) and another notice when the time for such ap-
22 plications will end.

23 (c) TREATMENT OF TIME PERIOD.—The 2-year pe-
24 riod referred to in section 104(a) of the Air Transpor-
25 tation Safety and System Stabilization Act (49 U.S.C.

1 40101 note; 115 Stat. 233) shall be treated with respect
2 to an application filed in accordance with subsection (a)
3 of this section as being the 2-year period beginning on the
4 date of enactment of this Act.

5 (d) TERMINATION DATE.—This section shall cease to
6 be in effect if the Secretary does not publish a notice
7 under subsection (b) within 6 months after the date of
8 enactment of this Act.

9 **SEC. 105. AIR MARSHALS.**

10 Not later than 90 days after all cockpit doors that
11 are required to be strengthened under section 104(a) of
12 the Aviation and Transportation Security Act (49 U.S.C.
13 44903 note; 115 Stat. 605–606) are strengthened, the
14 Under Secretary shall reconsider whether it is necessary
15 to require Federal air marshals to be seated in the first
16 class cabin of an aircraft with strengthened cockpit doors
17 and report to Congress (in classified form if necessary)
18 on the results of such reconsideration.

19 **SEC. 106. SCREENING OF MAIL.**

20 (a) IMPROVED SCREENING.—Not later than 30 days
21 after the date of enactment of this Act, the Under Sec-
22 retary of Transportation for Security shall undertake,
23 without a decrease in aviation security, such action as may
24 be necessary to improve the screening of mail so that it
25 can be carried on passenger flights of air carriers.

1 (b) POSTAL EMPLOYEES.—Section 44901(a) is
2 amended by striking “, United States Code)” and insert-
3 ing the following: “or, in the case of United States mail,
4 by an employee or officer of the United States Postal Serv-
5 ice under standards and procedures established by the
6 Under Secretary.”.

7 (c) REPORT.—Not later than 120 days after the date
8 of enactment of this Act, the Under Secretary shall trans-
9 mit Congress a report on the Transportation Security Ad-
10 ministration’s pilot program to determine whether canine
11 teams can be used to screen mail weighing over 16 ounces
12 before being placed aboard passenger-carrying aircraft,
13 and on the Administration’s consultations, if any, with the
14 United States Postal Service to determine whether Postal
15 Service personnel can be used to perform screening serv-
16 ices for such mail.

17 **SEC. 107. REIMBURSEMENT OF AIR CARRIERS FOR CER-**
18 **TAIN SCREENING AND RELATED ACTIVITIES.**

19 The Under Secretary of Transportation for Security,
20 within available resources, shall reimburse air carriers and
21 airports for the following:

22 (1) All screening and related activities that the
23 air carriers or airports are still performing or con-
24 tinuing to be responsible for, including—

25 (A) the screening of catering supplies;

1 (B) checking documents at security check-
2 points;

3 (C) screening of passengers; and

4 (D) screening of persons with access to
5 aircraft.

6 (2) The provision of space and facilities used to
7 perform screening functions if such space and facili-
8 ties have been previously used, or were intended to
9 be used, for revenue-producing purposes.

10 **SEC. 108. REIMBURSEMENT OF AIR CARRIERS FOR FOR-**
11 **TIFYING COCKPIT DOOR.**

12 The Under Secretary of Transportation for Security
13 shall reimburse air carriers for the cost of fortifying cock-
14 pit doors in accordance with section 48301(b) of title 49,
15 United States Code.

16 **SEC. 109. REQUIREMENT FOR ISSUANCE OF FINAL RULE**
17 **FOR COCKPIT DOORS ON ALL-CARGO AIR-**
18 **CRAFT.**

19 Neither the Transportation Security Administration
20 nor the Federal Aviation Administration may issue or en-
21 force a final rule requiring the strengthening or locking
22 of cockpit doors on all-cargo aircraft until the Under Sec-
23 retary of Transportation for Security has considered and
24 addressed, in writing, all comments received regarding
25 such strengthening or locking and has determined that

1 such strengthening or locking is necessary for aviation se-
2 curity.

3 **SEC. 110. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) the Transportation Security Administration
6 should implement a trusted traveler or similar pro-
7 gram as soon as possible and this program should
8 start with the credentialing of airport and air carrier
9 employees;

10 (2) any insurance coverage extended to air car-
11 riers by the Secretary of Transportation should also
12 be extended to any other person under contract to
13 provide services to that carrier at an airport served
14 by that carrier, including catering, fueling, security,
15 and ground handling services; and

16 (3) the Transportation Security Administration
17 should maximize the use of the certified explosive
18 detection systems currently installed at airports.

19 **TITLE II—FEDERAL AVIATION**
20 **REFORM**

21 **SEC. 201. MANAGEMENT ADVISORY COMMITTEE MEMBERS.**

22 Section 106(p) is amended—

23 (1) in the subsection heading by inserting “AND
24 AIR TRAFFIC SERVICES BOARD” after “COUNCIL”;

25 (2) in paragraph (2)—

1 (A) by striking “consist of” and all that
2 follows through “members, who” and inserting
3 “consist of 13 members, who”;

4 (B) by inserting after “Senate” in sub-
5 paragraph (C)(i) “, except that initial appoint-
6 ments made after October 1, 2002, shall be
7 made by the Secretary of Transportation”;

8 (C) by striking the semicolon at the end of
9 subparagraph (C)(ii) and inserting “; and”; and

10 (D) by striking “employees, by—” in sub-
11 paragraph (D) and all that follows through the
12 period at the end of subparagraph (E) and in-
13 serting “employees, by the Secretary of Trans-
14 portation.”.

15 **SEC. 202. REORGANIZATION OF THE AIR TRAFFIC SERV-**
16 **ICES SUBCOMMITTEE.**

17 Section 106(p) is amended—

18 (1) in paragraph (3)—

19 (A) by striking “(A) NO FEDERAL OFFI-
20 CER OR EMPLOYEE.—”;

21 (B) by striking “or (2)(E)” and inserting
22 “or to the Air Traffic Services Board”; and

23 (C) by striking subparagraphs (B) and
24 (C);

1 (2) in paragraph (4)(C) by inserting “or Air
2 Traffic Services Board” after “Council” each place
3 it appears;

4 (3) in paragraph (5) by inserting “, the Air
5 Traffic Services Board,” after “Council”;

6 (4) in paragraph (6)(C)—

7 (A) by striking “SUBCOMMITTEE” in the
8 subparagraph heading and inserting “BOARD”;
9 and

10 (B) by striking “member” and inserting
11 “members”;

12 (C) by striking “under paragraph (2)(E)”
13 the first place it appears and inserting “to the
14 Air Traffic Services Board”; and

15 (D) by striking “of the members first” and
16 all that follows through the period at the end
17 and inserting “the first members of the Board
18 shall be the members of the Air Traffic Services
19 Subcommittee of the Council on the day before
20 the day of enactment of the Aviation Industry
21 Stabilization and Reform Act of 2002 who shall
22 serve as members of the Board until their re-
23 spective terms as members of the Subcommittee
24 would have ended under this subparagraph, as
25 in effect on such day.”;

1 (5) in paragraph (6)(D) by striking “under
2 paragraph (2)(E)” and inserting “to the Board”;

3 (6) in paragraph (6)(E) by inserting “or
4 Board” after “Council”;

5 (7) in paragraph (6)(F) by inserting “of the
6 Council or Board” after “member”;

7 (8) in the second sentence of subparagraph
8 (6)(G)—

9 (i) by striking “Council” and inserting
10 “Board”; and

11 (ii) by striking “appointed under
12 paragraph (2)(E)”;

13 (9) in paragraph (6)(H)—

14 (i) by striking “SUBCOMMITTEE” in
15 the subparagraph heading and inserting
16 “BOARD”;

17 (ii) by striking “under paragraph
18 (2)(E)” in clause (i) and inserting “to the
19 Board”; and

20 (iii) by striking “Air Traffic Services
21 Subcommittee” and inserting “Board”;

22 (10) in paragraph (6)(I)(i)—

23 (A) by striking “appointed under para-
24 graph (2)(E) is” and inserting “is serving as”;

25 and

1 (B) by striking “Subcommittee” and in-
2 serting “Board”; and

3 (11) in paragraph (6)(I)(ii)—

4 (A) by striking “appointed under
5 paragraph (2)(E)” and inserting “who is a
6 member of the Board”; and

7 (B) by striking “Subcommittee” and
8 inserting “Board”;

9 (12) in paragraph (6)(K) by inserting “or
10 Board” after “Council”;

11 (13) in paragraph (6)(L) by inserting “or
12 Board” after “Council” each place it appears; and

13 (14) in paragraph (7)—

14 (A) by striking “SUBCOMMITTEE” in the
15 paragraph heading and inserting “BOARD”;

16 (B) by striking subparagraph (A) and in-
17 serting the following:

18 “(A) ESTABLISHMENT.—The Adminis-
19 trator shall establish a board that is inde-
20 pendent of the Council by converting the Air
21 Traffic Services Subcommittee of the Council,
22 as in effect on the day before the date of enact-
23 ment of the Aviation Industry Stabilization and
24 Reform Act of 2002, into such board. The
25 board shall be known as the Air Traffic Serv-

1 ices Board (in this subsection referred to as the
2 ‘Board’).”;

3 (C) by redesignating subparagraphs (B)
4 through (F) as subparagraphs (D) through
5 (H), respectively;

6 (D) by inserting after subparagraph (A)
7 the following:

8 “(B) MEMBERSHIP AND QUALIFICA-
9 TIONS.—Subject to paragraph (6)(C), the
10 Board shall consist of 5 members, one of whom
11 shall be the Administrator and shall serve as
12 chairperson. The remaining members shall be
13 appointed by the President with the advice and
14 consent of the Senate and—

15 “(i) shall have a fiduciary responsi-
16 bility to represent the public interest;

17 “(ii) shall be citizens of the United
18 States; and

19 “(iii) shall be appointed without re-
20 gard to political affiliation and solely on
21 the basis of their professional experience
22 and expertise in one or more of the fol-
23 lowing areas and, in the aggregate, should
24 collectively bring to bear expertise in all of
25 the following areas:

1 “(I) management of large service
2 organizations;

3 “(II) customer service;

4 “(III) management of large pro-
5 curements;

6 “(IV) information and commu-
7 nications technology;

8 “(V) organizational development;

9 “(VI) labor relations.

10 “(C) PROHIBITIONS ON MEMBERS OF
11 BOARD.—No member of the Board may—

12 “(i) have a pecuniary interest in, or
13 own stock in or bonds of, an aviation or
14 aeronautical enterprise, except an interest
15 in a diversified mutual fund or an interest
16 that is exempt from the application of sec-
17 tion 208 of title 18;

18 “(ii) engage in another business re-
19 lated to aviation or aeronautics; or

20 “(iii) be a member of any organization
21 that engages, as a substantial part of its
22 activities, in activities to influence aviation-
23 related legislation.”;

24 (E) by striking “Subcommittee” each place
25 it appears in subparagraphs (D) and (E), as re-

1 designated by subparagraph (C) of this para-
2 graph, and inserting “Board”;

3 (F) by striking “approve” in subparagraph
4 (E)(v)(I), as so redesignated, and inserting
5 “make recommendations on”;

6 (G) by striking “request” in subparagraph
7 (E)(v)(II), as so redesignated, and inserting
8 “recommendations”;

9 (H) by striking “ensure that the budget
10 request supports” in subparagraph (E)(v)(III),
11 as so redesignated, and inserting “base such
12 budget recommendations on”; and

13 (I) by striking “The Secretary shall sub-
14 mit” in subparagraph (E), as so redesignated,
15 and all that follows through the period at the
16 end of such subparagraph (E) and inserting
17 “The Secretary shall submit the budget rec-
18 ommendations referred to in clause (v) to the
19 President who shall transmit such recommenda-
20 tions to the Committee on Transportation and
21 Infrastructure and the Committee on Appro-
22 priations of the House of Representatives and
23 the Committee on Commerce, Science, and
24 Transportation and the Committee on Appro-
25 priations of the Senate together with the annual

1 budget request of the Federal Aviation Admin-
2 istration.”;

3 (J) by striking subparagraph (F), as so re-
4 designated, and inserting the following:

5 “(F) BOARD PERSONNEL MATTERS.—The
6 Board may appoint and terminate any per-
7 sonnel that may be necessary to enable the
8 Board to perform its duties, and may procure
9 temporary and intermittent services under sec-
10 tion 3109(b) of title 5, United States Code.”;

11 (K) in subparagraph (G), as so redesign-
12 nated—

13 (i) by striking clause (i);

14 (ii) by redesignating clauses (ii), (iii),
15 and (iv) as clauses (i), (ii), and (iii), re-
16 spectively; and

17 (iii) by striking “Subcommittee” each
18 place it appears in clauses (i), (ii), and
19 (iii), as so redesignated, and inserting
20 “Board”;

21 (L) in subparagraph (H), as so redesign-
22 nated

23 (i) by striking “Subcommittee” each
24 place it appears and inserting “Board”;
25 and

1 (ii) by striking “Administrator, the
2 Council” each place it appears in clauses
3 (i) and (ii) and inserting “Secretary”; and
4 (M) by adding at the end the following:

5 “(I) AUTHORIZATION.—There is author-
6 ized to be appropriated to the Board such sums
7 as may be necessary for the Board to carry out
8 its activities.”.

9 **SEC. 203. CLARIFICATION OF THE RESPONSIBILITIES OF**
10 **THE CHIEF OPERATING OFFICER.**

11 Section 106(r) is amended—

12 (1) in each of paragraphs (1)(A) and (2)(A) by
13 striking “Air Traffic Services Subcommittee of the
14 Aviation Management Advisory Council” and insert-
15 ing “Air Traffic Services Board”;

16 (2) in paragraph (3) by striking “Air Traffic
17 Control Subcommittee of the Aviation Management
18 Advisory Council” and inserting “Air Traffic Serv-
19 ices Board”; and

20 (3) in paragraph (4) by striking “Transpor-
21 tation and Congress” and inserting “Transportation,
22 the Committee on Transportation and Infrastructure
23 of the House of Representatives, and the Committee
24 on Commerce, Science, and Transportation of the
25 Senate”;

1 (4) in paragraph (5)(A)—

2 (A) by striking “develop a” and inserting
3 “implement the”; and

4 (B) by striking “, including the establish-
5 ment of” and inserting “in order to further”;

6 (5) in paragraph (5)(B)—

7 (A) by striking “review” and all that fol-
8 lows through “Administration,” and inserting
9 “oversee the day-to-day operational functions of
10 the Administration for air traffic control,”;

11 (B) by striking “and” at the end of clause
12 (ii);

13 (C) by striking the period at the end of
14 clause (iii) and inserting “; and”; and

15 (D) by adding at the end the following:

16 “(iv) the management of cost-
17 reimburseable contracts.”.

18 (6) in paragraph (5)(C)(i) by striking “pre-
19 pared by the Administrator”;

20 (7) in paragraph (5)(C)(ii) by striking “and the
21 Secretary of Transportation” and inserting “and the
22 Board”; and

23 (8) in paragraph (5)(C)(iii)—

24 (A) by inserting “agency’s” before “an-
25 nual”; and

1 (B) by striking “developed under subpara-
2 graph (A) of this subsection.” and inserting
3 “for air traffic control services.”.

4 **TITLE III—AVIATION AND**
5 **SECURITY IMPROVEMENTS**

6 **SEC. 301. AMENDMENTS TO CHAPTER 1.**

7 (a) ADDITIONAL DUTIES OF UNDER SECRETARY OF
8 TRANSPORTATION FOR SECURITY.—

9 (1) IN GENERAL.—Section 114(f) is amended—

10 (A) by striking “and” at the end of para-
11 graph (14);

12 (B) by striking period at the end of para-
13 graph (15) and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(16) review and, as necessary, develop ways to
16 strengthen air transportation security, including
17 ways—

18 “(A) to strengthen controls over checked
19 baggage in air transportation, including ways to
20 ensure baggage reconciliation and inspection of
21 items in passenger baggage that could poten-
22 tially contain explosive devices;

23 “(B) to strengthen controls over individ-
24 uals having access to aircraft;

1 “(C) to improve testing of security sys-
2 tems;

3 “(D) to ensure the use of best available
4 equipment for air transportation security pur-
5 poses;

6 “(E) to strengthen preflight screening of
7 passengers;

8 “(F) to strengthen and enhance the ability
9 to detect or neutralize nonexplosive weapons,
10 such as biological, chemical, or similar sub-
11 stances; and

12 “(G) to evaluate such additional measures
13 as may be appropriate to enhance inspection of
14 passengers, baggage, and cargo.”.

15 (2) CONFORMING AMENDMENT.—Effective No-
16 vember 19, 2001, section 110(a) of the Aviation and
17 Transportation Security Act (115 Stat. 614) is re-
18 pealed.

19 (b) ACQUISITIONS BY THE UNDER SECRETARY.—
20 Section 114(j)(1)(D) is amended by striking “Secretary”
21 and inserting “Under Secretary”.

22 (c) AUTHORITY OF GSA.—Section 114(j) is amended
23 by adding at the end the following:

24 “(3) AUTHORITY OF GSA.—Notwithstanding
25 paragraph (1), the Under Secretary may not under-

1 take any project for which congressional approval is
2 required under section 3307 of title 40.”.

3 (d) ACQUISITION MANAGEMENT SYSTEMS.—

4 (1) TSA SYSTEM.—Section 114(o) is amend-
5 ed—

6 (A) by striking “equipment, supplies, and
7 materials” each place it appears and inserting
8 “supplies, services, and property”; and

9 (B) by adding at the end the following:
10 “Any appeal of a decision made under the ac-
11 quisition system developed under this sub-
12 section shall be conducted in accordance with
13 section 46110.”.

14 (2) FAA SYSTEM.—Section 40110(d) is amend-
15 ed—

16 (A) by redesignating paragraph (4) as
17 paragraph (5); and

18 (B) by inserting after paragraph (3) the
19 following:

20 “(4) APPEALS.—Any appeal of a decision made
21 under the acquisition system developed under this
22 subsection shall be conducted in accordance with
23 section 46110.”.

1 (e) NONDISCLOSURE OF SECURITY ACTIVITIES.—
2 Section 114 is amended by adding at the end the fol-
3 lowing:

4 “(s) NONDISCLOSURE OF SECURITY ACTIVITIES.—

5 “(1) IN GENERAL.—Notwithstanding section
6 552 of title 5, the Under Secretary shall prescribe
7 regulations prohibiting the disclosure of information
8 obtained or developed in carrying out security under
9 authority of the Aviation and Transportation Secu-
10 rity Act (Public Law 107–71) or under chapter 449
11 of this title if the Under Secretary decides that dis-
12 closing the information would—

13 “(A) be an unwarranted invasion of per-
14 sonal privacy;

15 “(B) reveal a trade secret or privileged or
16 confidential commercial or financial informa-
17 tion; or

18 “(C) be detrimental to the security of
19 transportation.

20 “(2) AVAILABILITY OF INFORMATION TO CON-
21 GRESS.—Paragraph (1) does not authorize informa-
22 tion to be withheld from a committee of Congress
23 authorized to have the information.

24 “(3) LIMITATION ON TRANSFERABILITY OF DU-
25 TIES.—Except as otherwise provided by law, the

1 Under Secretary may not transfer a duty or power
2 under this subsection to another department, agen-
3 cy, or instrumentality of the United States.”.

4 (f) TRANSPORTATION OVERSIGHT BOARD.—Section
5 115(c) is amended by inserting “and” after the semicolon
6 at the end of paragraph (5).

7 **SEC. 302. AMENDMENT TO CHAPTER 3.**

8 The second sentence of section 326(a) is amended by
9 striking “aviation duties and powers” and inserting “the
10 duties and powers of the Department”.

11 **SEC. 303. AMENDMENTS TO CHAPTER 401.**

12 (a) AUTHORITY TO EXEMPT.—Section 40109(b) is
13 amended to read as follows:

14 “(b) SAFETY REGULATIONS.—The Administrator of
15 the Federal Aviation Administration may grant an exemp-
16 tion from a regulation prescribed by the Administrator in
17 carrying out sections 40103(b)(1), 40103(b)(2), and
18 40119 if the Administrator decides the exemption is in
19 the public interest.”.

20 (b) SECURITY AND RESEARCH DEVELOPMENT AC-
21 TIVITIES.—Section 40119 is amended—

22 (1) in subsection (a)—

23 (A) by inserting “and the Administrator of
24 the Federal Aviation Administration each” after
25 “for Security”; and

1 (B) by striking “criminal violence and air-
 2 craft piracy” and inserting “criminal violence,
 3 aircraft piracy, and terrorism and to ensure se-
 4 curity”; and

5 (2) in subsection (b)(1)—

6 (A) by striking “, the Under Secretary”
 7 and inserting “and the establishment of a De-
 8 partment of Homeland Security, the Secretary
 9 of Transportation”;

10 (B) by striking “carrying out” and all that
 11 follows through “if the Under Secretary” and
 12 inserting “ensuring security under this title if
 13 the Secretary of Transportation”; and

14 (C) in subparagraph (C) by striking “the
 15 safety of passengers in transportation” and in-
 16 serting “transportation safety”.

17 **SEC. 304. AMENDMENTS TO CHAPTER 449.**

18 (a) CHAPTER ANALYSIS.—The analysis for sub-
 19 chapter II of chapter 449 of title 49, United States Code,
 20 is amended by inserting after the item relating to section
 21 44941 the following:

“44942. Performance goals and objectives.

“44943. Performance management system.”.

22 (b) SCREENING PASSENGERS AND PROPERTY.—Sec-
 23 tion 44901 is amended—

24 (1) in subsection (d)—

1 (A) by striking “(d) EXPLOSIVE DETEC-
2 TION SYSTEMS.—” and all the follows through
3 “ensure that—” and inserting “(d) EXPLOSIVE
4 DETECTION SYSTEMS.—The Under Secretary
5 of Transportation for Security shall take all
6 necessary action to ensure that—”; and

7 (B) by redesignating subparagraphs (A),
8 (B), and (C) as paragraphs (1), (2), and (3),
9 respectively, and aligning such paragraphs with
10 paragraphs (1) through (4) of subsection (e);

11 (2) in subsection (e) by striking “(b)(1)(A)”
12 and inserting “(d)(1)”;

13 (3) by adding at the end of subsection (g)(1)
14 the following: “The Under Secretary may allow law
15 enforcement personnel to be stationed other than at
16 the airport security screening location if that would
17 be preferable for law enforcement purposes and if
18 such personnel would still be able to provide prompt
19 responsiveness to problems occurring at the screen-
20 ing location.”; and

21 (4) in subsection (g)(2) by striking “Except at
22 airports required to enter into agreements under
23 subsection (c), the Under Secretary” and inserting
24 “The Under Secretary”.

1 (c) AIR TRANSPORTATION SECURITY.—Section
2 44903 is amended—

3 (1) in subsection (c)(3) by striking “Adminis-
4 trator” and inserting “Under Secretary”;

5 (2) by redesignating subsection (i) (relating to
6 short-term assessment and deployment of emerging
7 security technologies and procedures) as subsection
8 (j);

9 (3) by redesignating the second subsection (h)
10 (relating to authority to arm flight deck crew with
11 less-than-lethal weapons) as subsection (i);

12 (4) by redesignating the third subsection (h)
13 (relating to limitation on liability for acts to thwart
14 criminal violence for aircraft piracy) as subsection
15 (k); and

16 (5) in subsection (j)(1) (as so redesignated) by
17 striking “for Transportation Security”.

18 (d) PASSENGER MANIFESTS.—Section 44909 is
19 amended—

20 (1) in subsection (a)(1) by striking “Not later
21 than March 16, 1991, the Secretary” and inserting
22 “The Secretary”; and

23 (2) in subsection (c)(2)(F) by inserting “of
24 Transportation for Security” after “Under Sec-
25 retary”.

1 (e) RESEARCH AND DEVELOPMENT.—Section
2 44912(b)(1) is amended by aligning subparagraph (E)
3 with subparagraphs (B), (C), and (D).

4 (f) EMPLOYMENT STANDARDS AND TRAINING.—Sec-
5 tion 44935 is amended—

6 (1) in subsection (e)(2)(A)—

7 (A) by inserting “or its territories or pos-
8 sessions” before the semicolon at the end of
9 clause (ii);

10 (B) by inserting “and” after the semicolon
11 at the end of clause (iii);

12 (C) by striking “; and” at the end of
13 clause (iv) and inserting a period; and

14 (D) by striking clause (v);

15 (2) by inserting at the end of subsection
16 (f)(1)(B) the following:

17 “(vi) Screeners shall be fit for duty on
18 a daily basis without any impairment due
19 to illegal drugs, sleep deprivation, medica-
20 tion, or alcohol.”; and

21 (3) by redesignating the last subsection, relat-
22 ing to accessibility of computer-based training facili-
23 ties, as subsection (k).

24 (g) EMPLOYMENT INVESTIGATIONS AND RESTRIC-
25 TIONS.—Section 44936(a)(1) is amended—

1 (1) in subparagraph (A) by striking “Under
2 Secretary of Transportation for Transportation Se-
3 curity,,” and inserting “Under Secretary,”; and

4 (2) in subparagraph (B)—

5 (A) in clause (iii) by striking “Adminis-
6 trator” and inserting “Under Secretary”; and

7 (B) by aligning clause (iii) with clauses (i)
8 and (ii).

9 (h) REVISED PROCEDURES AND WAIVER PROCESS.—

10 Section 44936 is amended by adding at the end the fol-
11 lowing:

12 “(f) REVISED PROCEDURES.—The Under Secretary
13 shall revise the procedures established under subsection
14 (c) to ensure that—

15 “(1) information received from the Attorney
16 General under subsection (c) is released only to the
17 Under Secretary or the designee of the Under Sec-
18 retary; and

19 “(2) the Under Secretary or designee informs
20 the employer or prospective employer of an indi-
21 vidual, within 3 days (excluding weekends and holi-
22 days) of receiving information from the Attorney
23 General concerning the individual, whether the in-
24 vestigation of the individual under subsection (c) es-
25 tablishes that, in the 10-year period ending on the

1 date of the investigation, the individual was con-
2 victed (or found not guilty by reason of insanity) of
3 any of the crimes listed in subsection (b).

4 “(g) LIMITATION ON DESIGNEE.—A designee of the
5 Under Secretary under the second sentence of subsection
6 (c) or under subsection (f) may not be—

7 “(1) an employer or prospective employer of the
8 individual who is subject to fingerprinting, a record
9 check, or an investigation; or

10 “(2) an entity that represents or is otherwise
11 associated with the employer or prospective em-
12 ployer.

13 “(h) WAIVER PROCESS.—

14 “(1) IN GENERAL.—The Under Secretary shall
15 establish a process to permit an individual who was
16 convicted of a crime listed in subsection (b) to ob-
17 tain a waiver from the Under Secretary to permit
18 that individual’s employment.

19 “(2) FACTORS.—In deciding whether to grant a
20 waiver under this subsection, the Under Secretary
21 shall give consideration to the circumstances of the
22 disqualifying crime, restitution made by the indi-
23 vidual, Federal and State mitigation remedies, and
24 other factors that would tend to indicate that the in-
25 dividual does not pose a security or terrorism risk.

1 “(3) APPEALS PROCESS.—The Under Secretary
2 shall establish an appeals process for individuals who
3 are denied waivers under this subsection.”.

4 (i) TRAINING TO OPERATE CERTAIN AIRCRAFT.—
5 Section 44939 is amended—

6 (1) in subsection (a) by striking “12,500
7 pounds or more” and inserting “more than 12,500
8 pounds”; and

9 (2) in subsection (c) by inserting “(other than
10 recurrent training)” before the period at the end.

11 (j) PERFORMANCE GOALS AND OBJECTIONS.—Sec-
12 tion 44942 is amended—

13 (1) in the heading for subsection (a) by striking
14 “SHORT TERM” and inserting “SHORT-TERM”;

15 (2) in subsection (a)(1) by striking “Under Sec-
16 retary for Transportation Security” and inserting
17 “Under Secretary of Transportation for Security”;

18 (3) in subsection (b)—

19 (A) by striking “(1) PERFORMANCE PLAN
20 AND REPORT.—”;

21 (B) by redesignating subparagraphs (A)
22 and (B) as paragraphs (1) and (2), respectively;

23 (C) by redesignating clauses (i) and (ii) of
24 paragraph (1) (as so redesignated) as subpara-
25 graphs (A) and (B), respectively;

1 (D) by moving paragraphs (1) and (2) (as
2 so redesignated) 2 ems to the left;

3 (E) by striking “Under Secretary for
4 Transportation Security” each place it appears
5 and inserting “Under Secretary”; and

6 (F) in paragraph (1)(A) (as so redesign-
7 ated) by striking “the Secretary” and insert-
8 ing “the Secretary of Transportation”.

9 (k) PERFORMANCE MANAGEMENT SYSTEM.—Section
10 44943 is amended—

11 (1) in subsection (a) by striking “Under Sec-
12 retary for Transportation Security” and inserting
13 “Under Secretary of Transportation for Security”;

14 (2) in subsections (b)(1) by striking “of Trans-
15 portation for Security”; and

16 (3) in subsection (c)—

17 (A) by striking “Under Secretary for
18 Transportation Security” and inserting “Under
19 Secretary”; and

20 (B) by striking “Aviation Security Act”
21 and inserting “Aviation and Transportation Se-
22 curity Act”.

23 (l) VOLUNTARY PROVISION OF EMERGENCY SERV-
24 ICES.—Section 44944(a)(1) is amended by striking
25 “Under Secretary of Transportation for Transportation

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

3 **SEC. 305. AMENDMENTS TO CHAPTER 463.**

4 (a) GENERAL PENALTIES.—Section 46301(a) is
5 amended by adding at the end the following:

6 “(8) AVIATION SECURITY VIOLATIONS.—Not-
7 withstanding paragraphs (1) and (2) of this sub-
8 section, the maximum civil penalty for violating
9 chapter 449 or another requirement under this title
10 administered by the Under Secretary of Transpor-
11 tation for Security shall be \$10,000; except that the
12 maximum civil penalty shall be \$25,000 in the case
13 of a person operating an aircraft for the transpor-
14 tation of passengers or property for compensation
15 (except an individual serving as an airman).”.

16 (b) ADMINISTRATIVE IMPOSITION OF PENALTIES.—
17 Section 46301(d)(2) is amended—

18 (1) in the first sentence by striking “46302,
19 46303,”; and

20 (2) in the second sentence by striking “or a
21 regulation prescribed or order issued under such
22 chapter 449” and inserting “or section 46302,
23 46303, or 46318 of this title or a regulation pre-
24 scribed or order issued under any of those provi-
25 sions”.

1 (c) JUDICIAL REVIEW.—Section 46301(g) is amend-
2 ed by inserting “, the Under Secretary,” after “Sec-
3 retary”.

4 **SEC. 306. AMENDMENTS TO CHAPTER 465.**

5 (a) CHAPTER ANALYSIS.—The analysis for chapter
6 465 is amended—

7 (1) by striking “46503. Repealed.”; and

8 (2) in the item relating to section 46503 by
9 striking “screening”.

10 (b) INTERFERENCE WITH SECURITY PERSONNEL.—
11 Section 46503 is amended—

12 (1) in the section heading by striking
13 “**screening**”; and

14 (2) in the first sentence by striking “or air car-
15 rier employee” and inserting “air carrier, or contract
16 employee”.

17 **SEC. 307. AMENDMENTS TO CHAPTER 471.**

18 (a) ALLOWABLE PROJECT COSTS.—Section
19 47110(b)(2) is amended by aligning subparagraph (D)
20 with subparagraph (B).

21 (b) DISCRETIONARY FUND.—Section 47115(i) is
22 amended by striking “non-federal” each place it appears
23 and inserting “non-Federal”.

1 **SEC. 308. AMENDMENT TO CHAPTER 481.**

2 Section 48107 is amended by striking
3 “44912(a)(4)(A)” and inserting “44912(a)(5)(A)”.

4 **SEC. 309. AMENDMENTS TO CHAPTER 483.**

5 (a) CHAPTER HEADING.—Part C of subtitle VII is
6 amended by striking

7 **“CHAPTER 483—AVIATION SECURITY FUNDING”**

8 and inserting the following:

9 **“CHAPTER 483—AVIATION SECURITY**
10 **FUNDING”.**

11 (b) SUBTITLE ANALYSIS.—The analysis for subtitle
12 VII is amended in the item relating to chapter 483 by
13 striking “Aviation Security Funding” and inserting
14 “AVIATION SECURITY FUNDING”.

15 **SEC. 310. AMENDMENTS TO AVIATION AND TRANSPOR-**
16 **TATION SECURITY ACT.**

17 (a) PERIMETER SECURITY FOR SMALL AND MEDIUM
18 AIRPORTS.—Section 106(b)(2) of the Aviation and Trans-
19 portation Security Act (49 U.S.C. 44903 note; 115 Stat.
20 609) is amended—

21 (1) in subparagraph (A) by striking “described
22 in paragraph (1)”; and

23 (2) in subparagraph (B) by striking “Sec-
24 retary” and inserting “Under Secretary”.

25 (b) TRUSTED PASSENGER PROGRAMS.—Section
26 109(a)(3) of the Aviation and Transportation Security Act

1 (49 U.S.C. 114 note; 115 Stat. 613) is amended by insert-
2 ing “(and their property)” after “passengers” each place
3 it appears.

4 (c) DEADLINE FOR DEPLOYMENT OF SCREENERs.—
5 Section 110(e)(1) of the Aviation and Transportation Se-
6 curity Act (115 Stat. 616) is amended by striking “Fed-
7 eral” before “law enforcement”.

8 (d) EXPEDITED PROCESSING OF SECURITY-RELATED
9 PFC REQUESTS.—Section 119(c) of the Aviation and
10 Transportation Security Act (115 Stat. 629) is amended
11 by striking “47192(3)(J)” and inserting “47102(3)(J)”.

12 (e) GENERAL AVIATION AND AIR CHARTERS.—Sec-
13 tion 132 of the Aviation and Transportation Security Act
14 (49 U.S.C. 44903 note; 115 Stat. 635) is amended—

15 (1) in subsection (a)—

16 (A) by striking “for Transportation Secu-
17 rity” and inserting “for Security; and

18 (B) by striking “12,500 pounds or more”
19 and inserting “more than 12,500 pounds”;

20 (2) in subsection (b) by striking “of Transpor-
21 tation for Transportation Security”; and

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

23 “(c) EXEMPTION FOR CHARTER OPERATIONS TO
24 PROVIDE TRANSPORTATION FOR THE ARMED FORCES.—

1 “(1) IN GENERAL.—The provisions of this Act,
2 including the amendments made by this Act, shall
3 not apply to the operation of, or to the passengers
4 and property carried by, aircraft when employed to
5 provide charter transportation for the Armed
6 Forces, except for an operation to or from an airport
7 described in section 44903(c) of title 49, United
8 States Code. For an operation to or from an airport
9 described in section 44903(c) of such title, the
10 screening, and passenger manifest provisions of this
11 Act, including the amendments made by this Act,
12 shall not apply to passengers and property carried
13 by such aircraft.

14 “(2) SECURITY PROCEDURES.—The Secretary
15 of Defense, in consultation with the Secretary of
16 Transportation, shall establish security procedures
17 relating to the operation of such aircraft to or from
18 an airport described in section 44903(c) of title 49,
19 United States Code.”.

20 “(f) LOCATION OF AMENDMENTS.—Effective Novem-
21 ber 19, 2001—

22 (1) section 123(a) of the Aviation and Trans-
23 portation Security Act (115 Stat. 630) is amended
24 by inserting “of title 49, United States Code,” after
25 “Section 47106(f)”;

1 (2) section 124(b) of such Act (115 Stat. 631)
2 is amended by inserting “of title 49, United States
3 Code,” after “Section 44306(c)”; and

4 (3) section 144 of such Act (115 Stat. 643) is
5 amended by inserting “of title 49, United States
6 Code,” after “Section 44303”.

7 **SEC. 311. AMENDMENT TO TITLE 5.**

8 Section 5313 of title 5, United States Code, is
9 amended by striking “The” before “Under Secretary of
10 Transportation for Security”.

○