

107TH CONGRESS  
2D SESSION

# S. 2949

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## AN ACT

To provide for enhanced 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; AMENDMENT OF TITLE 49.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Aviation Security Improvement Act”.

1 (b) AMENDMENT OF TITLE 49.—Except as otherwise  
 2 expressly provided, whenever in this Act an amendment  
 3 or repeal is expressed in terms of an amendment to, or  
 4 a repeal of, a section or other provision, the reference shall  
 5 be considered to be made to a section or other provision  
 6 of title 49, United States Code.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title; amendment of title 49.  
 Sec. 2. Table of contents.

TITLE I—AIR CARGO SECURITY

- Sec. 101. Inspection of cargo carried aboard passenger aircraft.  
 Sec. 102. Air cargo shipping.  
 Sec. 103. Cargo carried aboard passenger aircraft.  
 Sec. 104. Training program for cargo handlers.  
 Sec. 105. Cargo carried aboard all-cargo aircraft.

TITLE II—PASSENGER IDENTIFICATION

- Sec. 201. Passenger identification.  
 Sec. 202. Passenger identification verification.

TITLE III—CIRCUMVENTION OF AIRPORT SECURITY

- Sec. 301. Prohibition on unauthorized circumvention of airport security systems  
 and procedures.

TITLE IV—BLAST RESISTANT CARGO CONTAINER TECHNOLOGY

- Sec. 401. Blast-resistant cargo container technology.

TITLE V—FLIGHT SCHOOLS

- Sec. 501. Modification of requirements regarding training to operate aircraft

TITLE VI—MISCELLANEOUS

- Sec. 601. FAA Notice to Airmen FDC 2/0199.

TITLE VII—TECHNICAL CORRECTIONS

- Sec. 701. Technical corrections.

TITLE VIII—NTSB AUTHORIZATION

- Sec. 801. Short title.  
 Sec. 802. Authorization of appropriations.  
 Sec. 803. Assistance to families of passengers involved in aircraft accidents.

Sec. 804. Relief from contracting requirements for investigations services.

#### TITLE IX—CHILD PASSENGER SAFETY

Sec. 901. Short title.

Sec. 902. Improvement of safety of child restraints in passenger motor vehicles.

Sec. 903. Report on development of crash test dummy simulating a 10-year old child.

Sec. 904. Requirements for installation of lap and shoulder belts.

Sec. 905. Two-year extension of child passenger protection education grants program.

Sec. 906. Grants for improving child passenger safety programs.

Sec. 907. Definitions.

Sec. 908. Authorization of appropriations.

## 1 **TITLE I—AIR CARGO SECURITY**

### 2 **SEC. 101. INSPECTION OF CARGO CARRIED ABOARD PAS-** 3 **SENGER AIRCRAFT.**

4 Section 44901(f) is amended to read as follows:

5 “(f) CARGO.—

6 “(1) IN GENERAL.—The Under Secretary of  
7 Transportation for Security shall establish systems  
8 to screen, inspect, or otherwise ensure the security  
9 of all cargo that is to be transported in—

10 “(A) passenger aircraft operated by an air  
11 carrier or foreign air carrier in air transpor-  
12 tation or intrastate air transportation; or

13 “(B) all-cargo aircraft in air transpor-  
14 tation and intrastate air transportation.

15 “(2) STRATEGIC PLAN.—The Under Secretary  
16 shall develop a strategic plan to carry out paragraph  
17 (1).”.

1 **SEC. 102. AIR CARGO SHIPPING.**

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

4 **“§ 44921. Regular inspections of air cargo shipping**  
5 **facilities**

6 “The Under Secretary of Transportation for Security  
7 shall establish a system for the regular inspection of ship-  
8 ping facilities for shipments of cargo transported in air  
9 transportation or intrastate air transportation to ensure  
10 that appropriate security controls, systems, and protocols  
11 are observed, and shall enter into arrangements with the  
12 civil aviation authorities, or other appropriate officials, of  
13 foreign countries to ensure that inspections are conducted  
14 on a regular basis at shipping facilities for cargo trans-  
15 ported in air transportation to the United States.”.

16 (b) ADDITIONAL INSPECTORS.—The Under Secretary  
17 may increase the number of inspectors as necessary to im-  
18 plement the requirements of title 49, United States Code,  
19 as amended by this subtitle.

20 (c) CONFORMING AMENDMENT.—The chapter anal-  
21 ysis for chapter 449 is amended by adding at the end the  
22 following:

“44921. Regular inspections of air cargo shipping facilities”.

23 **SEC. 103. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.**

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

1 **“§ 44922. Air cargo security**

2       “(a) DATABASE.—The Under Secretary of Transpor-  
3 tation for Security shall establish an industry-wide pilot  
4 program database of known shippers of cargo that is to  
5 be transported in passenger aircraft operated by an air  
6 carrier or foreign air carrier in air transportation or intra-  
7 state air transportation. The Under Secretary shall use  
8 the results of the pilot program to improve the known  
9 shipper program.

10       “(b) INDIRECT AIR CARRIERS.—

11               “(1) RANDOM INSPECTIONS.—The Under Sec-  
12 retary shall conduct random audits, investigations,  
13 and inspections of indirect air carrier facilities to de-  
14 termine if the indirect air carriers are meeting the  
15 security requirements of this title.

16               “(2) ENSURING COMPLIANCE.—The Under Sec-  
17 retary may take such actions as may be appropriate  
18 to promote and ensure compliance with the security  
19 standards established under this title.

20               “(3) NOTICE OF FAILURES.—The Under Sec-  
21 retary shall notify the Secretary of Transportation  
22 of any indirect air carrier that fails to meet security  
23 standards established under this title.

24               “(4) SUSPENSION OR REVOCATION OF CERTIFI-  
25 CATE.—The Secretary, as appropriate, shall suspend  
26 or revoke any certificate or authority issued under

1 chapter 411 to an indirect air carrier immediately  
2 upon the recommendation of the Under Secretary.  
3 Any indirect air carrier whose certificate is sus-  
4 pended or revoked under this subparagraph may ap-  
5 peal the suspension or revocation in accordance with  
6 procedures established under this title for the appeal  
7 of suspensions and revocations.

8 “(5) INDIRECT AIR CARRIER.—In this sub-  
9 section, the term ‘indirect air carrier’ has the mean-  
10 ing given that term in part 1548 of title 49, Code  
11 of Federal Regulations.

12 “(c) CONSIDERATION OF COMMUNITY NEEDS.—In  
13 implementing air cargo security requirements under this  
14 title, the Under Secretary may take into consideration the  
15 extraordinary air transportation needs of small or isolated  
16 communities and unique operational characteristics of car-  
17 riers that serve those communities.”.

18 (b) ASSESSMENT OF INDIRECT AIR CARRIER PRO-  
19 GRAM.—The Under Secretary of Transportation for Secu-  
20 rity shall assess the security aspects of the indirect air  
21 carrier program under part 1548 of title 49, Code of Fed-  
22 eral Regulations, and report the result of the assessment,  
23 together with any recommendations for necessary modi-  
24 fications of the program to the Senate Committee on Com-  
25 merce, Science, and Transportation and the House of Rep-

1 representatives Committee on Transportation and Infrastruc-  
2 ture within 45 days after the date of enactment of this  
3 Act. The Under Secretary may submit the report and rec-  
4 ommendations in classified form.

5 (c) REPORT TO CONGRESS ON RANDOM AUDITS.—  
6 The Under Secretary of Transportation for Security shall  
7 report to the Senate Committee on Commerce, Science,  
8 and Transportation and the House of Representatives  
9 Committee on Transportation and Infrastructure on ran-  
10 dom screening, audits, and investigations of air cargo se-  
11 curity programs based on threat assessments and other  
12 relevant information. The report may be submitted in clas-  
13 sified form.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to the Secretary of  
16 Transportation such sums as may be necessary to carry  
17 out this section.

18 (e) CONFORMING AMENDMENT.—The chapter anal-  
19 ysis for chapter 449, as amended by section 102, is  
20 amended by adding at the end the following:

“44922. Air cargo security”.

21 **SEC. 104. TRAINING PROGRAM FOR CARGO HANDLERS.**

22 The Under Secretary of Transportation for Security  
23 shall establish a training program for any persons that  
24 handle air cargo to ensure that the cargo is properly han-  
25 dled and safe-guarded from security breaches.

1 **SEC. 105. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.**

2 (a) IN GENERAL.—The Under Secretary of Trans-  
3 portation for Security shall establish a program requiring  
4 that air carriers operating all-cargo aircraft have an ap-  
5 proved plan for the security of their air operations area,  
6 the cargo placed aboard such aircraft, and persons having  
7 access to their aircraft on the ground or in flight.

8 (b) PLAN REQUIREMENTS.—The plan shall include  
9 provisions for—

10 (1) security of each carrier’s air operations  
11 areas and cargo acceptance areas at the airports  
12 served;

13 (2) background security checks for all employ-  
14 ees with access to the air operations area;

15 (3) appropriate training for all employees and  
16 contractors with security responsibilities;

17 (4) appropriate screening of all flight crews and  
18 persons transported aboard all-cargo aircraft;

19 (5) security procedures for cargo placed on all-  
20 cargo aircraft as provided in section 44901(f)(1)(B)  
21 of title 49, United States Code; and

22 (6) additional measures deemed necessary and  
23 appropriate by the Under Secretary.

24 (c) CONFIDENTIAL INDUSTRY REVIEW AND COM-  
25 MENT.—

1           (1) CIRCULATION OF PROPOSED PROGRAM.—

2           The Under Secretary shall—

3                   (A) propose a program under subsection

4                   (a) within 90 days after the date of enactment  
5                   of this Act; and

6                   (B) distribute the proposed program, on a  
7                   confidential basis, to those air carriers and  
8                   other employers to which the program will  
9                   apply.

10           (2) COMMENT PERIOD.—Any person to which  
11           the proposed program is distributed under para-  
12           graph (1) may provide comments on the proposed  
13           program to the Under Secretary not more than 60  
14           days after it was received.

15           (3) FINAL PROGRAM.—The Under Secretary of  
16           Transportation shall issue a final program under  
17           subsection (a) not later than 45 days after the last  
18           date on which comments may be provided under  
19           paragraph (2). The final program shall contain time  
20           frames for the plans to be implemented by each air  
21           carrier or employer to which it applies.

22           (4) SUSPENSION OF PROCEDURAL NORMS.—  
23           Neither chapter 5 of title 5, United States Code, nor  
24           the Federal Advisory Committee Act (5 U.S.C.

1 App.) shall apply to the program required by this  
2 section.

3 **TITLE II—PASSENGER**  
4 **IDENTIFICATION**

5 **SEC. 201. PASSENGER IDENTIFICATION.**

6 (a) IN GENERAL.—Subchapter I of chapter 449, as  
7 amended by title II of this Act, is further amended by  
8 adding at the end the following:

9 **“§ 44923. Passenger identification**

10 “(a) IN GENERAL.—Not later than 180 days after  
11 the date of enactment of the Aviation Security Improve-  
12 ment Act, the Under Secretary of Transportation for Se-  
13 curity, in consultation with the Administrator of the Fed-  
14 eral Aviation Administration, appropriate law enforce-  
15 ment, security, and terrorism experts, representatives of  
16 air carriers and labor organizations representing individ-  
17 uals employed in commercial aviation, shall develop proto-  
18 cols to provide guidance for detection of false or fraudu-  
19 lent passenger identification. The protocols may consider  
20 new technology, current identification measures, training  
21 of personnel, and issues related to the types of identifica-  
22 tion available to the public.

23 “(b) AIR CARRIER PROGRAMS.—Within 60 days after  
24 the Under Secretary issues the protocols under subsection  
25 (a) in final form, the Under Secretary shall provide them

1 to each air carrier. The Under Secretary shall establish  
 2 a joint government and industry council to develop rec-  
 3 ommendations on how to implement the protocols. The  
 4 Under Secretary shall report to the Senate Committee on  
 5 Commerce, Science, and Transportation and the House of  
 6 Representatives Committee on Transportation and Infra-  
 7 structure within 1 year after the date of enactment of the  
 8 Aviation Security Improvement Act on the actions taken  
 9 under this section.”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-  
 11 ysis for chapter 449, is amended by adding at the end  
 12 the following:

“44923. Passenger identification”.

13 **SEC. 202. PASSENGER IDENTIFICATION VERIFICATION.**

14 (a) REQUIREMENT.—Subchapter I of chapter 449, is  
 15 further amended by adding at the end the following:

16 **“§ 44924. Passenger identification verification**

17 “(a) PROGRAM REQUIRED.—The Under Secretary of  
 18 Transportation for Security may establish and carry out  
 19 a program to require the installation and use at airports  
 20 in the United States of such identification verification  
 21 technologies as the Under Secretary considers appropriate  
 22 to assist in the screening of passengers boarding aircraft  
 23 at such airports.

24 “(b) TECHNOLOGIES EMPLOYED.—The identification  
 25 verification technologies required as part of the program

1 under subsection (a) may include identification scanners,  
 2 biometrics, retinal, iris, or facial scanners, or any other  
 3 technologies that the Under Secretary considers appro-  
 4 priate for purposes of the program.

5 “(c) COMMENCEMENT.—If the Under Secretary de-  
 6 termines that the implementation of such a program is  
 7 appropriate, the installation and use of identification  
 8 verification technologies under the program shall com-  
 9 mence as soon as practicable after the date of that deter-  
 10 mination.”.

11 (b) CONFORMING AMENDMENT.—The chapter anal-  
 12 ysis for chapter 449 is amended by adding at the end the  
 13 following:

“44924. Passenger identification verification”.

14 **TITLE III—CIRCUMVENTION OF**  
 15 **AIRPORT SECURITY**

16 **SEC. 301. PROHIBITION ON UNAUTHORIZED CIRCUMVEN-**  
 17 **TION OF AIRPORT SECURITY SYSTEMS AND**  
 18 **PROCEDURES.**

19 (a) PROHIBITION.—Section 46503 is amended—

20 (1) by inserting “(a) INTERFERENCE WITH SE-  
 21 CURITY SCREENING PERSONNEL.—” before “An in-  
 22 dividual”; and

23 (2) by adding at the end the following new sub-  
 24 section:

1       “(b) UNAUTHORIZED CIRCUMVENTION OF SECURITY  
 2 SYSTEMS AND PROCEDURES.—An individual in an area  
 3 within a commercial service airport in the United States  
 4 who intentionally circumvents, in an unauthorized man-  
 5 ner, a security system or procedure in the airport shall  
 6 be fined under title 18, imprisoned for not more than 10  
 7 years, or both.”.

8       (b) CONFORMING AND CLERICAL AMENDMENTS.—

9           (1) The section heading of that section is  
 10 amended to read as follows:

11 **“§ 46503. Interference with security screening per-**  
 12 **sonnel; unauthorized circumvention of**  
 13 **security systems or procedures”.**

14           (2) The chapter analysis for chapter 465 is  
 15 amended by striking the item relating to section  
 16 46503 and inserting the following:

“46503. Interference with security screening personnel; unauthor-  
 tion of security systems or procedures”.

17 **TITLE IV—BLAST RESISTANT**  
 18 **CARGO CONTAINER TECH-**  
 19 **NOLOGY**

20 **SEC. 401. BLAST-RESISTANT CARGO CONTAINER TECH-**  
 21 **NOLOGY.**

22       Not later than 6 months after the date of enactment  
 23 of this Act, the Under Secretary of Transportation for Se-  
 24 curity, and the Administrator of the Federal Aviation Ad-

1 ministration, shall jointly submit a report to Congress  
2 that—

3           (1) evaluates blast-resistant cargo container  
4 technology to protect against explosives in passenger  
5 luggage and cargo;

6           (2) examines the advantages associated with  
7 this technology in preventing the damage and loss of  
8 aircraft from terrorist action, any operational im-  
9 pacts which may result (particularly added weight  
10 and costs) and whether alternatives exist to mitigate  
11 such impacts, and options available to pay for this  
12 technology; and

13           (3) provides recommendations on what further  
14 action, if any, should be taken with respect to the  
15 use of blast-resistant cargo containers on passenger  
16 aircraft.

## 17 **TITLE V—FLIGHT SCHOOLS**

### 18 **SEC. 501. MODIFICATION OF REQUIREMENTS REGARDING**

#### 19 **TRAINING TO OPERATE AIRCRAFT.**

20           (a) ALIENS COVERED BY WAITING PERIOD.—Sub-  
21 section (a) of section 44939 is amended—

22           (1) by resetting the text of subsection (a) after  
23 “(a) WAITING PERIOD.—” as a new paragraph 2  
24 ems from the left margin;

1           (2) by striking “A person” in that new para-  
2 graph and inserting “(1) IN GENERAL.—A person”;

3           (3) by redesignating paragraphs (1) and (2) as  
4 subparagraphs (A) and (B), respectively;

5           (4) by striking “any aircraft having a maximum  
6 certificated takeoff weight of 12,500 pounds or  
7 more” and inserting “an aircraft”;

8           (5) by striking “paragraph (1)” in paragraph  
9 (1)(B), as redesignated, and inserting “subpara-  
10 graph (A)”;

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

12           “(2) EXCEPTION.—The requirements of para-  
13 graph (1) shall not apply to an alien who—

14                   “(A) has earned a Federal Aviation Ad-  
15 ministration type rating in an aircraft; or

16                   “(B) holds a current pilot’s license or for-  
17 eign equivalent commercial pilot’s license that  
18 permits the person to fly an aircraft with a  
19 maximum certificated takeoff weight of more  
20 than 12,500 pounds as defined by the Inter-  
21 national Civil Aviation Organization in Annex 1  
22 to the Convention on International Civil Avia-  
23 tion.”.

24           (b) COVERED TRAINING.—Section 44936(c) is  
25 amended to read as follows:

1 “(c) COVERED TRAINING.—

2 “(1) IN GENERAL.—For purposes of subsection  
3 (a), training includes in-flight training, training in a  
4 simulator, and any other form or aspect of training.

5 “(2) EXCEPTION.—For the purposes of sub-  
6 section (a), training does not include classroom in-  
7 struction (also known as ground training), which  
8 may be provided to an alien during the 45-day pe-  
9 riod applicable to the alien under that subsection.”.

10 (c) PROCEDURES.—

11 (1) IN GENERAL.—Not later than 30 days after  
12 the date of enactment of this Act, the Attorney Gen-  
13 eral shall promulgate regulations to implement sec-  
14 tion 113 of the Aviation and Transportation Secu-  
15 rity Act.

16 (2) USE OF OVERSEAS FACILITIES.—In order to  
17 implement the amendments made to section 44939  
18 of title 49, United States Code, by this section,  
19 United States Embassies and Consulates that have  
20 fingerprinting capability shall provide fingerprinting  
21 services to aliens covered by that section if the At-  
22 torney General requires their fingerprinting in the  
23 administration of that section, and transmit the fin-  
24 gerprints to the Department of Justice and any  
25 other appropriate agency. The Attorney General of

1 the United States shall cooperate with the Secretary  
2 of State to carry out this paragraph.

3 (d) EFFECTIVE DATE.—Not later than 120 days  
4 after the date of enactment of this Act, the Attorney Gen-  
5 eral shall promulgate regulations to implement the amend-  
6 ments made by this section. The Attorney General may  
7 not interrupt or prevent the training of any person de-  
8 scribed in section 44939(a)(1) of title 49, United States  
9 Code, who commenced training on aircraft with a max-  
10 imum certificated takeoff weight of 12,500 pounds or less  
11 before, or within 120 days after, the date of enactment  
12 of this Act unless the Attorney General determines that  
13 the person represents a risk to aviation or national secu-  
14 rity.

15 (e) REPORT.—Not later than 1 year after the date  
16 of enactment of this Act, the Secretary of Transportation  
17 and the Attorney General shall jointly submit to the Sen-  
18 ate Committee on Commerce, Science, and Transportation  
19 and the House of Representatives Committee on Trans-  
20 portation and Infrastructure a report on the effectiveness  
21 of the activities carried out under section 44939 of title  
22 49, United States Code, as amended by this section, in  
23 reducing risks to aviation and national security

1       **TITLE VI—MISCELLANEOUS**

2       **SEC. 601. FAA NOTICE TO AIRMEN FDC 2/0199.**

3       (a)     IN     GENERAL.—The     Secretary     of  
4     Transportation—

5             (1) shall maintain in full force and effect the  
6     restrictions imposed under Federal Aviation Admin-  
7     istration Notice to Airmen FDC 2/0199 (including  
8     any local Notices to Airmen of similar effect or im-  
9     port), as those restrictions are in effect on the date  
10    of enactment of this Act, for a period of 180 days  
11    after that date;

12            (2) shall rescind immediately any waivers or ex-  
13    emptions from those restrictions that are in effect on  
14    the date of enactment of this Act; and

15            (3) may not grant any waivers or exemptions  
16    from those restrictions, except—

17             (A) as authorized by air traffic control for  
18    operational or safety purposes;

19             (B) for operational purposes of an event,  
20    stadium, or other venue, including (in the case  
21    of a sporting event) equipment or parts, trans-  
22    port of team members, officials of the governing  
23    body and immediate family members of team  
24    members and officials to and from the event,  
25    stadium, or other venue;

1           (C) for broadcast coverage for any broad-  
2           cast rights holder;

3           (D) for safety and security purposes of the  
4           event, stadium, or other venue; or

5           (E) to operate an aircraft in restricted air-  
6           space to the extent necessary to arrive at or de-  
7           part from an airport using standard air traffic  
8           procedures.

9           (b) WAIVERS.—Beginning no earlier than 180 days  
10          after the date of enactment of this Act, the Secretary may  
11          modify or terminate such restrictions, or issue waivers or  
12          exemptions from such restrictions, if the Secretary pro-  
13          mulgates, after public notice and an opportunity for com-  
14          ment, a rule setting forth the standards under which the  
15          Secretary may grant a waiver or exemption. Such stand-  
16          ards shall provide a level of security at least equivalent  
17          to that provided by the waiver policy applied by the Sec-  
18          retary as of the date of enactment of this Act.

19          (c) BROADCAST CONTRACTS NOT AFFECTED.—  
20          Nothing in this section shall be construed to affect con-  
21          tractual rights pertaining to any broadcasting agreement.

1                   **TITLE VII—TECHNICAL**  
2                   **CORRECTIONS**

3 **SEC. 701. TECHNICAL CORRECTIONS.**

4           (a) Section 114(j)(1)(D) is amended by inserting  
5 “Under” before “Secretary”.

6           (b) Section 115(c)(1) is amended—

7               (1) by striking “and ratify or disapprove”; and

8               (2) by striking “security” the second place it  
9 appears and inserting “Security”.

10          (c) Section 40109(b) is amended by striking  
11 “40103(b)(1) and (2), 40119, 44901, 44903, 44906, and  
12 44935—44937” and inserting “40103(b)(1) and (2) and  
13 40119”.

14          (d) Section 44901(e) is amended by striking “sub-  
15 section (b)(1)(A)” and inserting “subsection (d)(1)(A)”.

16          (e) Section 44901(g)(2) is amended by striking “Ex-  
17 cept at airports required to enter into agreements under  
18 subsection (e), the” and inserting “The”.

19          (f) Section 44903 is amended—

20               (1) by striking “Administrator” in subsection  
21 (c)(3) and inserting “Under Secretary”; and

22               (2) by redesignating the second subsection (h),  
23 subsection (i), and the third subsection (h) as sub-  
24 sections (i), (j), and (k), respectively.

25          (g) Section 44909 is amended—

1           (1) by striking “Not later than March 16,  
2           1991, the” in subsection (a)(1) and inserting “The”;  
3           and

4           (2) by inserting “of Transportation for Secu-  
5           rity” after “Under Secretary” in subsection  
6           (e)(2)(F).

7           (h) Section 44935 is amended—

8           (1) by striking “States;” in subsection  
9           (e)(2)(A)(ii) and inserting “States or described in  
10           subparagraph (C);”;

11           (2) by redesignating subparagraph subsection  
12           (e)(2)(C) as subparagraph (D);

13           (3) by inserting after subsection (e)(2)(B) the  
14           following:

15                   “(C) OTHER INDIVIDUALS.—An individual  
16           is described in this subparagraph if that  
17           individual—

18                           “(i) is a national of the United States  
19                           (as defined in section 101(a)(22) of the  
20                           Immigration and Nationality Act (8 U.S.C.  
21                           1101(a)(22)));

22                           “(ii) was born in a territory of the  
23                           United States;

1           “(iii) was honorably discharged from  
2           service in the Armed Forces of the United  
3           States; or

4           “(iv) is an alien lawfully admitted for  
5           permanent residence, as defined in section  
6           101(a)(20) of the Immigration and Nation-  
7           ality Act and was employed to perform se-  
8           curity screening services at an airport in  
9           the United States on the date of enactment  
10          of the Aviation and Transportation Secu-  
11          rity Act (Public Law 107–71).”;

12          (4) by inserting “and” after the semicolon in  
13          subsection (e)(2)(A) (iii);

14          (5) by striking “establish; and” in subsection  
15          (e)(2)(A)(iv) and inserting “establish.”;

16          (6) by striking subsection (e)(2)(A)(v);

17          (7) by adding at the end of subsection (f)(1)  
18          the following:

19                 “(E) The individual shall be able to dem-  
20                 onstrate daily a fitness for duty without any  
21                 impairment due to illegal drugs, sleep depriva-  
22                 tion, medication, or alcohol.”; and

23          (8) by redesignating the second subsection (i)  
24          as subsection (k).

1 (i) Section 44936(a)(1)(A) is amended by striking  
2 “Transportation Security,” and inserting “Security,”.

3 (j) Section 44940 is amended—

4 (1) by striking “Federal law enforcement per-  
5 sonnel pursuant to section 44903(h).” in subsection  
6 (a)(1)(G) and inserting “law enforcement personnel  
7 pursuant to this title.”;

8 (2) by inserting “FOR” after “RULES” in the  
9 caption of subsection (d)(2); and

10 (3) by striking subsection (d)(4) and inserting  
11 the following:

12 “(4) FREE COLLECTION.—Fees may be collected  
13 under this section as provided in advance in appro-  
14 priations Acts.”.

15 (k) Section 46301(a) is amended by adding at the  
16 end the following:

17 “(8) AVIATION SECURITY VIOLATIONS.—Not-  
18 withstanding paragraphs (1) and (2) of this sub-  
19 section, the maximum civil penalty for violating  
20 chapter 449 or another requirement under this title  
21 administered by the Under Secretary of Transpor-  
22 tation for Security is \$10,000, except that the max-  
23 imum civil penalty is \$25,000 in the case of a person  
24 operating an aircraft for the transportation of pas-

1       sengers or property for compensation (except an air-  
2       man serving as an airman).”.

3       (l) Section 46301(d)(2) is amended—

4             (1) by striking “46302, 46303,” in the first  
5       sentence;

6             (2) by striking the second sentence and insert-  
7       ing “The Under Secretary of Transportation for Se-  
8       curity may impose a civil penalty for a violation of  
9       section 114(l), section 40113, 40119, chapter 449  
10       (except sections 44902, 44903(d), 44907(a)—  
11       (d)(1)(A), 44907(d)(1)(C)—(F), 44908, and  
12       44909), section 46302, 46303, or 46318 of this title,  
13       or a regulation prescribed or order issued under any  
14       of those provisions.”.

15       (m) Section 46301(g) is amended by striking “Sec-  
16       retary” and inserting “Secretary, the Under Secretary of  
17       Transportation for Security,”.

18       (n) Chapter 465 is amended—

19             (1) by striking “**screening**” in the caption of  
20       section 46503; and

21             (2) by striking “screening” in the item relating  
22       to section 46503 in the chapter analysis.

23       (o) Section 47115(i) is amended by striking “non-fed-  
24       eral” each place it appears and inserting “non-Federal”.

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

4 (q) Sections 44903(i)(1) (as redesignated), 44942(b),  
5 and 44943(e) are each amended by striking “Under Sec-  
6 retary for Transportation Security” each place it appears  
7 and inserting “Under Secretary”.

8 (r) Section 44936 is amended by adding at the end  
9 the following:

10 “(f) PROTECTION OF PRIVACY OF APPLICANTS AND  
11 EMPLOYEES.—The Under Secretary shall formulate and  
12 implement procedures that are designed to prevent the  
13 transmission of information not relevant to an applicant’s  
14 or employee’s qualifications for unescorted access to se-  
15 cure areas of an airport when that applicant or employee  
16 is undergoing a criminal history records check.”.

17 (s) Sections 44942(a)(1) and 44943(a) are each  
18 amended by striking “Under Secretary for Transportation  
19 Security” and inserting “Under Secretary of Transpor-  
20 tation for Security”.

21 (t) Subparagraphs (B) and (C) of section  
22 44936(a)(1) are each amended by striking “Under Sec-  
23 retary of Transportation for Transportation Security” and  
24 inserting “Under Secretary”.

1 (u) Section 44943(c) is amended by inserting “and  
2 Transportation” after “Aviation”.

3 (v) Section 44942(b) is amended—

4 (1) by striking “(1) PERFORMANCE PLAN AND  
5 REPORT.—”;

6 (2) redesignating subparagraphs (A) and (B) as  
7 paragraphs (1) and (2), respectively; and

8 (3) redesignating clauses (i) and (ii) of para-  
9 graph (1), as redesignated, as subparagraphs (A)  
10 and (B), respectively.

11 (w) The chapter analysis for chapter 449 is amended  
12 by inserting after the item relating to section 44941 the  
13 following:

“44942. Performance goals and objectives  
“44943. Performance management plans”.

14 (x) Section 44944(a)(1) is amended by striking  
15 “Under Secretary of Transportation for Transportation  
16 Security” and inserting “Under Secretary of Transpor-  
17 tation for Security”.

18 (y) Section 106(b)(2)(B) of the Aviation and Trans-  
19 portation Security Act is amended by inserting “Under”  
20 before “Secretary”.

21 (z) Section 119(c) of the Aviation and Transportation  
22 Security Act is amended by striking “section  
23 47192(3)(J)” and inserting “section 47102(3)(J)”.

1 (aa) Section 132(a) of the Aviation and Transpor-  
 2 tation Security Act is amended by striking “12,500  
 3 pounds or more.” and inserting “more than 12,500  
 4 pounds.”.

## 5 **TITLE VIII—NTSB** 6 **AUTHORIZATION**

### 7 **SEC. 801. SHORT TITLE.**

8 This title may be cited as the “National Transpor-  
 9 tation Safety Board Reauthorization Act of 2002”.

### 10 **SEC. 802. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) FISCAL YEARS 2003–2005.—Section 1118(a) of  
 12 title 49, United States Code, is amended—

13 (1) by striking “and”; and

14 (2) by striking “such sums to” and inserting  
 15 the following: “\$73,325,000 for fiscal year 2003,  
 16 \$84,999,000 for fiscal year 2004, and \$89,687,000  
 17 for fiscal year 2005. Such sums shall”.

18 (b) EMERGENCY FUND.—Section 1118(b) of such  
 19 title is amended by striking the second sentence and in-  
 20 serting the following: “In addition, there are authorized  
 21 to be appropriated such sums as may be necessary to in-  
 22 crease the fund to, and maintain the fund at, a level not  
 23 to exceed \$3,000,000.”.

24 (c) NTSB ACADEMY.—Section 1118 of such title is  
 25 amended by adding at the end the following:

1 “(c) ACADEMY.—

2 “(1) AUTHORIZATION.—There are authorized to  
3 be appropriated to the Board for necessary expenses  
4 of the National Transportation Safety Board Acad-  
5 emy, not otherwise provided for, \$3,347,000 for fis-  
6 cal year 2003, \$4,896,000 for fiscal year 2004, and  
7 \$4,995,000 for fiscal year 2005. Such sums shall re-  
8 main available until expended.

9 “(2) FEES.—The Board may impose and collect  
10 such fees as it determines to be appropriate for serv-  
11 ices provided by or through the Academy.

12 “(3) RECEIPTS CREDITED AS OFFSETTING COL-  
13 LECTIONS.—Notwithstanding section 3302 of title  
14 31, any fee collected under this paragraph—

15 “(A) shall be credited as offsetting collec-  
16 tions to the account that finances the activities  
17 and services for which the fee is imposed;

18 “(B) shall be available for expenditure only  
19 to pay the costs of activities and services for  
20 which the fee is imposed; and

21 “(C) shall remain available until expended.

22 “(4) REFUNDS.—The Board may refund any  
23 fee paid by mistake or any amount paid in excess of  
24 that required.”.

1 (d) REPORT ON ACADEMY OPERATIONS.—The Na-  
 2 tional Transportation Safety Board shall transmit an an-  
 3 nual report to the Congress on the activities and oper-  
 4 ations of the National Transportation Safety Board Acad-  
 5 emy.

6 **SEC. 803. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**  
 7 **VOLVED IN AIRCRAFT ACCIDENTS.**

8 (a) RELINQUISHMENT OF INVESTIGATIVE PRI-  
 9 ORITY.—Section 1136 of title 49, United States Code, is  
 10 amended by adding at the end the following:

11 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-  
 12 ORITY.—

13 “(1) GENERAL RULE.—This section (other than  
 14 subsection (g)) shall not apply to an aircraft acci-  
 15 dent if the Board has relinquished investigative pri-  
 16 ority under section 1131(a)(2)(B) and the Federal  
 17 agency to which the Board relinquished investigative  
 18 priority is willing and able to provide assistance to  
 19 the victims and families of the passengers involved  
 20 in the accident.

21 “(2) BOARD ASSISTANCE.—If this section does  
 22 not apply to an aircraft accident because the Board  
 23 has relinquished investigative priority with respect to  
 24 the accident, the Board shall assist, to the maximum  
 25 extent possible, the agency to which the Board has

1       relinquished investigative priority in assisting fami-  
2       lies with respect to the accident.”.

3       (b) **REVISION OF MOU.**—Not later than 1 year after  
4 the date of enactment of this Act, the National Transpor-  
5 tation Safety Board and the Federal Bureau of Investiga-  
6 tion shall revise their 1977 agreement on the investigation  
7 of accidents to take into account the amendments made  
8 by this section and shall submit a copy of the revised  
9 agreement to the Committee on Transportation and Infra-  
10 structure of the House of Representatives and the Com-  
11 mittee on Commerce, Science, and Transportation of the  
12 Senate.

13 **SEC. 804. RELIEF FROM CONTRACTING REQUIREMENTS**  
14 **FOR INVESTIGATIONS SERVICES.**

15       Section 1113(b) of title 49, United States Code, is  
16 amended—

17           (1) by striking “Statutes;” in paragraph (1)(B)  
18       and inserting “Statutes, and, for investigations con-  
19       ducted under section 1131, enter into such agree-  
20       ments or contracts without regard to any other pro-  
21       vision of law requiring competition if necessary to  
22       expedite the investigation;”; and

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

24       “(3) The Board, as a component of its annual report  
25 under section 1117, shall include an enumeration of each

1 contract for \$25,000 or more executed under this section  
 2 during the preceding calendar year.”.

3 **TITLE IX—CHILD PASSENGER**  
 4 **SAFETY**

5 **SEC. 901. SHORT TITLE.**

6 This title may be cited as “Anton’s Law”.

7 **SEC. 902. IMPROVEMENT OF SAFETY OF CHILD RE-**  
 8 **STRAINTS IN PASSENGER MOTOR VEHICLES.**

9 (a) IN GENERAL.—Not later than 12 months after  
 10 the date of the enactment of this Act, the Secretary of  
 11 Transportation shall initiate a rulemaking proceeding to  
 12 establish performance requirements for child restraints,  
 13 including booster seats, for the restraint of children weigh-  
 14 ing more than 50 pounds.

15 (b) ELEMENTS FOR CONSIDERATION.—In the rule-  
 16 making proceeding required by subsection (a), the Sec-  
 17 retary shall—

18 (1) consider whether to include injury perform-  
 19 ance criteria for child restraints, including booster  
 20 seats and other products for use in passenger motor  
 21 vehicles for the restraint of children weighing more  
 22 than 40 pounds, under the requirements established  
 23 in the rulemaking proceeding;

1           (2) consider whether to establish performance  
2 requirements for seat belt fit when used with booster  
3 seats and other belt guidance devices;

4           (3) consider whether to develop a solution for  
5 children weighing more than 40 pounds who only  
6 have access to seating positions with lap belts, such  
7 as allowing tethered child restraints for such chil-  
8 dren; and

9           (4) review the definition of the term “booster  
10 seat” in Federal motor vehicle safety standard No.  
11 213 under section 571.213 of title 49, Code of Fed-  
12 eral Regulation, to determine if it is sufficiently  
13 comprehensive.

14       (c) COMPLETION.—The Secretary shall complete the  
15 rulemaking proceeding required by subsection (a) not later  
16 than 30 months after the date of the enactment of this  
17 Act.

18 **SEC. 903. REPORT ON DEVELOPMENT OF CRASH TEST**  
19 **DUMMY SIMULATING A 10-YEAR OLD CHILD.**

20       Not later than 120 days after the date of the enact-  
21 ment of this Act, the Secretary of Transportation shall  
22 submit to the Committee on Commerce, Science, and  
23 Transportation of the Senate and the Committee on En-  
24 ergy and Commerce of the House of Representatives a re-  
25 port on the current schedule and status of activities of

1 the Department of Transportation to develop, evaluate,  
2 and certify a commercially available dummy that simulates  
3 a 10-year old child for use in testing the effectiveness of  
4 child restraints used in passenger motor vehicles.

5 **SEC. 904. REQUIREMENTS FOR INSTALLATION OF LAP AND**  
6 **SHOULDER BELTS.**

7 (a) IN GENERAL.—Not later than 24 months after  
8 the date of the enactment of this Act, the Secretary of  
9 Transportation shall complete a rulemaking proceeding to  
10 amend Federal motor vehicle safety standard No. 208  
11 under section 571.208 of title 49, Code of Federal Regula-  
12 tions, relating to occupant crash protection, in order to—

13 (1) require a lap and shoulder belt assembly for  
14 each rear designated seating position in a passenger  
15 motor vehicle with a gross vehicle weight rating of  
16 10,000 pounds or less, except that if the Secretary  
17 determines that installation of a lap and shoulder  
18 belt assembly is not practicable for a particular des-  
19 ignated seating position in a particular type of pas-  
20 senger motor vehicle, the Secretary may exclude the  
21 designated seating position from the requirement;  
22 and

23 (2) apply that requirement to passenger motor  
24 vehicles in phases in accordance with subsection (b).

1 (b) IMPLEMENTATION SCHEDULE.—The requirement  
2 prescribed under subsection (a)(1) shall be implemented  
3 in phases on a production year basis beginning with the  
4 production year that begins not later than 12 months after  
5 the end of the year in which the regulations are prescribed  
6 under subsection (a). The final rule shall apply to all pas-  
7 senger motor vehicles with a gross vehicle weight rating  
8 of 10,000 pounds or less that are manufactured in the  
9 third production year of the implementation phase-in  
10 under the schedule.

11 (c) REPORT ON DETERMINATION TO EXCLUDE.—

12 (1) REQUIREMENT.—If the Secretary deter-  
13 mines under subsection (a)(1) that installation of a  
14 lap and shoulder belt assembly is not practicable for  
15 a particular designated seating position in a par-  
16 ticular type of motor vehicle, the Secretary shall  
17 submit to the Committee on Commerce, Science, and  
18 Transportation of the Senate and the Committee on  
19 Energy and Commerce of the House of Representa-  
20 tives a report specifying the reasons for the deter-  
21 mination.

22 (2) DEADLINE.—The report under paragraph  
23 (1) shall be submitted, if at all, not later than 30  
24 days after the date on which the Secretary issues a  
25 final rule under subsection (a).

1 **SEC. 905. TWO-YEAR EXTENSION OF CHILD PASSENGER**  
 2 **PROTECTION EDUCATION GRANTS PROGRAM.**

3 Section 2003(b)(7) of the Transportation Equity Act  
 4 for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328)  
 5 is amended by striking “and 2001.” and inserting  
 6 “through 2004.”

7 **SEC. 906. GRANTS FOR IMPROVING CHILD PASSENGER**  
 8 **SAFETY PROGRAMS.**

9 (a) IN GENERAL.—Chapter 4 of title 23, United  
 10 States Code, is amended by adding at the end the fol-  
 11 lowing new section:

12 **“§ 412. Grant program for improving child passenger**  
 13 **safety programs**

14 “(a) STANDARDS AND REQUIREMENTS REGARDING  
 15 CHILD RESTRAINT LAWS.—Not later than October 1,  
 16 2003, the Secretary shall establish appropriate criteria ap-  
 17 plicable to child restraint laws for purposes of eligibility  
 18 for grants under this section. The criteria shall be con-  
 19 sistent with the provisions of Anton’s Law.

20 “(b) REQUIREMENT TO MAKE GRANTS.—

21 “(1) IN GENERAL.—The Secretary shall make a  
 22 grant to each State and Indian tribe that, as deter-  
 23 mined by the Secretary, has a child restraint law in  
 24 effect on September 30, 2004.

1           “(2) LIMITATION ON NUMBER OF GRANTS.—  
2           Not more than one grant may be made to a State  
3           or Indian tribe under this section.

4           “(3) COMMENCEMENT.—The requirement in  
5           paragraph (1) shall commence on October 1, 2004.

6           “(c) GRANT AMOUNT.—The amount of the grant to  
7           a State or Indian tribe under this section shall be the  
8           amount equal to five times the amount provided to the  
9           State or Indian tribe, as the case may be, under section  
10          2003(b)(7) of the Transportation Equity Act for the 21st  
11          Century (23 U.S.C. 405 note) in fiscal year 2003.

12          “(d) USE OF GRANT AMOUNTS.—

13                  “(1) IN GENERAL.—A State or Indian tribe  
14                  shall use any amount received by the State or Indian  
15                  tribe, as the case may be, under this section to carry  
16                  out child passenger protection programs for children  
17                  under the age of 16 years, including programs for  
18                  purposes as follows:

19                          “(A) To educate the public concerning the  
20                          proper use and installation of child restraints,  
21                          including booster seats.

22                          “(B) To train and retain child passenger  
23                          safety professionals, police officers, fire and  
24                          emergency medical personnel, and educators

1           concerning all aspects of the use of child re-  
2           straints.

3           “(C) To provide child restraint systems, in-  
4           cluding booster seats and the hardware needed  
5           for their proper installation, to families that  
6           cannot otherwise afford such systems.

7           “(D) To support enforcement of the child  
8           restraint law concerned.

9           “(2) LIMITATION ON FEDERAL SHARE.—The  
10          Federal share of the cost of a program under para-  
11          graph (1) that is carried out using amounts from a  
12          grant under this section may not exceed 80 percent  
13          of the cost of the program.

14          “(e) ADMINISTRATIVE EXPENSES.—The amount of  
15          administrative expenses under this section in any fiscal  
16          year may not exceed the amount equal to five percent of  
17          the amount available for making grants under this section  
18          in the fiscal year.

19          “(f) APPLICABILITY OF CHAPTER 1.—The provisions  
20          of section 402(d) of this title shall apply to funds author-  
21          ized to be appropriated to make grants under this section  
22          as if such funds were highway safety funds authorized to  
23          be appropriated to carry out section 402 of this title.

24          “(g) DEFINITIONS.—In this section:

1           “(1) CHILD RESTRAINT LAW.—The term ‘child  
2           restraint law’ means a law that—

3                   “(A) satisfies standards established by the  
4                   Secretary under Anton’s Law for the proper re-  
5                   straint of children who are over the age of 3  
6                   years or who weigh at least 40 pounds;

7                   “(B) prescribes a penalty for operating a  
8                   passenger motor vehicle in which any occupant  
9                   of the vehicle who is under the age of 16 years  
10                  is not properly restrained in an appropriate re-  
11                  straint system (including seat belts, booster  
12                  seats used in combination with seat belts, or  
13                  other child restraints); and

14                  “(C) meets any criteria established by the  
15                  Secretary under subsection (a) for purposes of  
16                  this section.

17           “(2) PASSENGER MOTOR VEHICLE.—The term  
18           ‘passenger motor vehicle’ has the meaning given that  
19           term in section 405(f)(5) of this title.

20           “(3) STATE.—The term ‘State’ has the mean-  
21           ing given in section 101 of this title and includes  
22           any Territory or possession of the United States.”.

23           (b) CLERICAL AMENDMENT.—The table of sections  
24           at the beginning of that chapter is amended by inserting

1 after the item relating to section 411 the following new  
2 item:

“412. Grant program for improving child passenger safety programs.”.

3 **SEC. 907. DEFINITIONS.**

4 In this title:

5 (1) CHILD RESTRAINT.—The term “child re-  
6 straint” means any product designed to provide re-  
7 straint to a child (including booster seats and other  
8 products used with a lap and shoulder belt assem-  
9 bly) that meets applicable Federal motor vehicle  
10 safety standards prescribed by the National High-  
11 way Traffic Safety Administration.

12 (2) PRODUCTION YEAR.—The term “production  
13 year” means the 12-month period between Sep-  
14 tember 1 of a year and August 31 of the following  
15 year.

16 (3) PASSENGER MOTOR VEHICLE.—The term  
17 “passenger motor vehicle” has the meaning given  
18 that term in section 405(f)(5) of title 23, United  
19 States Code.

20 **SEC. 908. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Sec-  
22 retary of Transportation such sums as may be necessary  
23 to carry out this title, including the making of grants

1 under section 412 of title 23, United States Code, as  
2 added by section 906.

Passed the Senate November 18, 2002.

Attest:

*Secretary.*

107TH CONGRESS  
2D SESSION

**S. 2949**

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**AN ACT**

To provide for enhanced aviation security, and for  
other purposes.