

107TH CONGRESS
2D SESSION

S. 2949

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2002

Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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”.

6 (b) AMENDMENT OF TITLE 49.—Except as otherwise
7 expressly provided, whenever in this Act an amendment
8 or repeal is expressed in terms of an amendment to, or
9 a repeal of, a section or other provision, the reference shall

1 be considered to be made to a section or other provision
2 of title 49, United States Code.

3 **SEC. 2. TABLE OF CONTENTS.**

4 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—EXPLOSIVE DETECTION SYSTEMS

- Sec. 101. Explosive detection systems.

TITLE II—AIR CARGO SECURITY

- Sec. 201. Inspection of cargo carried aboard passenger aircraft.
- Sec. 202. Air cargo shipping.
- Sec. 203. Cargo carried aboard passenger aircraft.
- Sec. 204. Training program for cargo handlers.
- Sec. 205. Cargo carried aboard all-cargo aircraft.

TITLE III—PASSENGER IDENTIFICATION

- Sec. 301. Passenger identification.
- Sec. 302. Passenger identification verification.

TITLE IV—CIRCUMVENTION OF AIRPORT SECURITY

- Sec. 401. Prohibition on unauthorized circumvention of airport security systems and procedures.

TITLE V—WAR RISK INSURANCE

- Sec. 501. War risk insurance for certain aircraft.

TITLE VI—BLAST RESISTANT CARGO CONTAINER TECHNOLOGY

- Sec. 601. Blast-resistant cargo container technology.

TITLE VII—TECHNICAL CORRECTIONS

- Sec. 701. Technical corrections.

5 **TITLE I—EXPLOSIVE DETECTION**
6 **SYSTEMS**

7 **SEC. 101. EXPLOSIVE DETECTION SYSTEMS.**

8 Section 44901(d) is amended by adding at the end
9 the following:

10 “(2) FAILURE TO MEET DEADLINE.—

1 “(A) IN GENERAL.—If the Under Sec-
2 retary of Transportation for Security deter-
3 mines that the Transportation Security Admin-
4 istration is not able to deploy explosive detec-
5 tion systems required to be deployed under
6 paragraph (1) at all airports where explosive
7 detection systems are required by December 31,
8 2002, then with respect to each airport for
9 which the Under Secretary makes that deter-
10 mination—

11 “(i) the Under Secretary shall submit
12 to the Senate Committee on Commerce,
13 Science, and Transportation and the
14 House of Representatives Committee on
15 Transportation and Infrastructure a de-
16 tailed plan (which may be submitted in
17 classified form) for the deployment of the
18 number of explosive detection systems at
19 that airport necessary to meet the
20 requirements of paragraph (1) as soon as
21 practicable at that airport; and

22 “(ii) the Under Secretary shall take
23 all necessary action to ensure that alter-
24 native means of screening all checked bag-

1 gage is implemented until the requirements
2 of paragraph (1) have been met.

3 “(B) CRITERIA FOR DETERMINATION.—In
4 making a determination under subparagraph
5 (A), the Under Secretary shall take into ac-
6 count—

7 “(i) the nature and extent of the re-
8 quired modifications to the airport’s ter-
9 minal buildings, and the technical, engi-
10 neering, design and construction issues;

11 “(ii) the need to ensure that such in-
12 stallations and modifications are effective;
13 and

14 “(iii) the feasibility and cost-effective-
15 ness of deploying explosive detection sys-
16 tems in the baggage sorting area or other
17 non-public area rather than the lobby of an
18 airport terminal building.

19 “(C) LIMITATION.—The Under Secretary
20 may not make a determination under subpara-
21 graph (A) in the case of more than 40 airports.

22 “(D) AIRPORT EFFORT REQUIRED.—Each
23 airport with respect to which the Under Sec-
24 retary makes a determination under subpara-
25 graph (A) shall—

1 “(i) cooperate fully with the Trans-
2 portation Security Administration with re-
3 spect to screening checked baggage and
4 changes to accommodate explosive detec-
5 tion systems; and

6 “(ii) make security projects a priority
7 for the obligation or expenditure of funds
8 made available under chapter 417 or 471
9 until explosive detection systems required
10 to be deployed under paragraph (1) have
11 been deployed at that airport.

12 “(3) REPORTS.—

13 “(A) IN GENERAL.—Until the Transpor-
14 tation Security Administration has met the re-
15 quirements of paragraph (1), the Under Sec-
16 retary shall submit a classified report every 30
17 days after the date of enactment of the Aviation
18 Security Improvement Act to the Senate Com-
19 mittee on Commerce, Science, and Transpor-
20 tation and the House of Representatives Com-
21 mittee on Transportation and Infrastructure
22 describing the progress made toward meeting
23 such requirements at each airport.

24 “(B) LIMIT ON NUMBER OF REPORTS.—

25 The Under Secretary shall submit reports for

1 each airport until the requirements of para-
 2 graph (1) have been met, but may not submit
 3 more than 6 reports for any airport.”.

4 **TITLE II—AIR CARGO SECURITY**

5 **SEC. 201. INSPECTION OF CARGO CARRIED ABOARD PAS-** 6 **SENGER AIRCRAFT.**

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

8 “(f) CARGO.—

9 “(1) IN GENERAL.—The Under Secretary of
 10 Transportation for Security shall establish a system
 11 to screen, inspect, or otherwise ensure the security
 12 of all cargo that is to be transported in—

13 “(A) passenger aircraft operated by an air
 14 carrier or foreign air carrier in air transpor-
 15 tation or intrastate air transportation; or

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

18 “(2) STRATEGIC PLAN.—The Under Secretary
 19 shall develop a strategic plan to carry out paragraph
 20 (1).”.

21 **SEC. 202. AIR CARGO SHIPPING.**

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

1 **“§ 44921. Regular Inspections of air cargo shipping**
 2 **facilities**

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

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

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

16 **SEC. 203. CARGO CARRIED ABOARD PASSENGER AIRCRAFT.**

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

19 **“§ 44922. Air cargo security**

20 “(a) DATABASE.—The Under Secretary of Transpor-
 21 tation for Security shall establish an industry-wide data-
 22 base of known shippers of cargo that is to be transported
 23 in passenger aircraft operated by an air carrier or foreign
 24 air carrier in air transportation or intrastate air transpor-

1 tation. The Under Secretary shall use the database to im-
2 prove the known shipper program.

3 “(b) INDIRECT AIR CARRIERS.—

4 “(1) RANDOM INSPECTIONS.—The Under Sec-
5 retary shall conduct random audits, investigations,
6 and inspections of indirect air carrier facilities to de-
7 termine if the indirect air carriers are meeting the
8 security requirements of this title.

9 “(2) NOTICE OF FAILURES.—The Under Sec-
10 retary shall notify the Secretary of Transportation
11 of any indirect air carrier that fails to meet security
12 standards established under this title.

13 “(3) SUSPENSION OR REVOCATION OF CERTIFI-
14 CATE.—The Secretary, as appropriate, shall suspend
15 or revoke any certificate issued under chapter 411 to
16 an indirect air carrier immediately upon the rec-
17 ommendation of the Under Secretary. Any indirect
18 air carrier whose certificate is suspended or revoked
19 under this subparagraph may appeal the suspension
20 or revocation in accordance with procedures estab-
21 lished under this title for the appeal of suspensions
22 and revocations.

23 “(4) INDIRECT AIR CARRIER.—In this sub-
24 section, the term ‘indirect air carrier’ has the mean-

1 ing given that term in part 109 of title 14, Code of
2 Federal Regulations.”.

3 (b) ASSESSMENT OF INDIRECT AIR CARRIER PRO-
4 GRAM.—The Under Secretary of Transportation for Secu-
5 rity shall assess the security aspects of the indirect air
6 carrier program under part 109 of title 14, Code of Fed-
7 eral Regulations, and report the result of the assessment,
8 together with any recommendations for necessary modi-
9 fications of the program to the Senate Committee on Com-
10 merce, Science, and Transportation and the House of Rep-
11 resentatives Committee on Transportation and Infrastruc-
12 ture within 45 days after the date of enactment of this
13 Act. The Under Secretary may submit the report and rec-
14 ommendations in classified form.

15 (c) REPORT TO CONGRESS ON RANDOM AUDITS.—
16 The Under Secretary of Transportation for Security shall
17 report to the Senate Committee on Commerce, Science,
18 and Transportation and the House of Representatives
19 Committee on Transportation and Infrastructure on ran-
20 dom screening, audits, and investigations of air cargo se-
21 curity programs based on threat assessments and other
22 relevant information. The report may be submitted in clas-
23 sified form.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary of

1 Transportation such sums as may be necessary to carry
2 out this section.

3 (e) CONFORMING AMENDMENT.—The chapter anal-
4 ysis for chapter 449, as amended by section 202, is
5 amended by adding at the end the following:

“44922. Air cargo security.”.

6 **SEC. 204. TRAINING PROGRAM FOR CARGO HANDLERS.**

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

11 **SEC. 205. CARGO CARRIED ABOARD ALL-CARGO AIRCRAFT.**

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

18 (b) PLAN REQUIREMENTS.—The plan shall include
19 provisions for—

20 (1) security of each carrier’s air operations
21 areas and cargo acceptance areas at the airports
22 served;

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

1 (3) appropriate training for all employees and
2 contractors with security responsibilities;

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

5 (5) security procedures for cargo placed on all-
6 cargo aircraft as provided in section 44901(f) of title
7 49, United States Code; and

8 (6) additional measures deemed necessary and
9 appropriate by the Under Secretary.

10 (c) CONFIDENTIAL INDUSTRY REVIEW AND COM-
11 MENT.—

12 (1) CIRCULATION OF PROPOSED PROGRAM.—

13 The Under Secretary shall—

14 (A) propose a program under subsection
15 (a) within 90 days after the date of enactment
16 of this Act; and

17 (B) distribute the proposed program, on a
18 confidential basis, to those air carriers and
19 other employers to which the program will
20 apply.

21 (2) COMMENT PERIOD.—Any person to which
22 the proposed program is distributed under para-
23 graph (1) may provide comments on the proposed
24 program to the Under Secretary not more than 60
25 days after it was received.

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

8 (4) SUSPENSION OF PROCEDURAL NORMS.—
9 Neither chapter 5 of title 5, United States Code, nor
10 the Federal Advisory Committee Act (5 U.S.C.
11 App.) shall apply to the program required by this
12 section.

13 **TITLE III—PASSENGER** 14 **IDENTIFICATION**

15 **SEC. 301. PASSENGER IDENTIFICATION.**

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

19 **“§ 44923. Passenger identification**

20 “(a) IN GENERAL.—Not later than 180 days after
21 the date of enactment of the Aviation Security Improve-
22 ment Act, the Under Secretary of Transportation for Se-
23 curity, in consultation with the Administrator of the Fed-
24 eral Aviation Administration, appropriate law enforce-
25 ment, security, and terrorism experts, representatives of

1 air carriers and labor organizations representing individ-
2 uals employed in commercial aviation, shall develop proto-
3 cols to provide guidance for detection of false or fraudu-
4 lent passenger identification. The protocols may consider
5 new technology, current identification measures, and
6 issues related to the types of identification available to the
7 public.

8 “(b) AIR CARRIER PROGRAMS.—Within 60 days after
9 the Under Secretary issues the protocols under subsection
10 (a) in final form, the Under Secretary shall provide them
11 to each air carrier. The Under Secretary shall establish
12 a joint government and industry council to develop rec-
13 ommendations on how to implement the protocols. The
14 Under Secretary shall report to the Senate Committee on
15 Commerce, Science, and Transportation and the House of
16 Representatives Committee on Transportation and Infra-
17 structure within 1 year after the date of enactment of the
18 Aviation Security Improvement Act on the actions taken
19 under this section.”.

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

“44923. Passenger identification.”.

23 **SEC. 302. PASSENGER IDENTIFICATION VERIFICATION.**

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

1 **“§ 44924. Passenger identification verification**

2 “(a) PROGRAM REQUIRED.—The Under Secretary of
3 Transportation for Security may establish and carry out
4 a program to require the installation and use at airports
5 in the United States of such identification verification
6 technologies as the Under Secretary considers appropriate
7 to assist in the screening of passengers boarding aircraft
8 at such airports.

9 “(b) TECHNOLOGIES EMPLOYED.—The identification
10 verification technologies required as part of the program
11 under subsection (a) may include identification scanners,
12 biometrics, retinal or facial scanners, or any other tech-
13 nologies that the Under Secretary considers appropriate
14 for purposes of the program.

15 “(c) COMMENCEMENT.—If the Under Secretary de-
16 termines that the implementation of such a program is
17 appropriate, the installation and use of identification
18 verification technologies under the program shall com-
19 mence as soon as practicable after the date of that deter-
20 mination.”.

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

“44924. Passenger identification verification.”.

1 **TITLE IV—CIRCUMVENTION OF**
2 **AIRPORT SECURITY**

3 **SEC. 401. PROHIBITION ON UNAUTHORIZED CIRCUMVEN-**
4 **TION OF AIRPORT SECURITY SYSTEMS AND**
5 **PROCEDURES.**

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

7 (1) by inserting “(a) INTERFERENCE WITH SE-

8 CURITY SCREENING PERSONNEL.—” before “An in-

9 dividual”; and

10 (2) by adding at the end the following new sub-

11 section:

12 “(b) UNAUTHORIZED CIRCUMVENTION OF SECURITY

13 SYSTEMS AND PROCEDURES.—An individual in an area

14 within a commercial service airport in the United States

15 who intentionally circumvents, in an unauthorized man-

16 ner, a security system or procedure in the airport shall

17 be fined under title 18, imprisoned for not more than 10

18 years, or both.”.

19 (b) CONFORMING AND CLERICAL AMENDMENTS.—

20 (1) The section heading of that section is

21 amended to read as follows:

1 **“§ 46503. Interference with security screening per-**
 2 **sonnel; unauthorized circumvention of**
 3 **security systems or procedures”.**

4 (2) The item relating to that section in the
 5 table of sections at the beginning of chapter 465 is
 6 amended to read as follows:

“46503. Interference with security screening personnel; unauthorized circumvention of security systems or procedures.”.

7 **TITLE V—WAR RISK INSURANCE**

8 **SEC. 501. WAR RISK INSURANCE FOR CERTAIN AIRCRAFT.**

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

11 “(f) WAR RISK INSURANCE.—

12 “(1) IN GENERAL.—Not later than 30 days
 13 after the date of enactment of the Aviation Security
 14 Improvement Act, the Secretary shall—

15 “(A) extend for 270 days from such date
 16 of enactment the termination date of any avia-
 17 tion war risk insurance policies the Department
 18 issued that were in effect on such date of enact-
 19 ment on terms that are no less favorable than
 20 the terms of those policies as the policies were
 21 in effect on June 19, 2002; and

22 “(B) offer to amend each policy the term
 23 of which is extended to provide coverage for
 24 losses or injuries to hull, passengers, and crew,

1 in addition to coverage for injury to third par-
2 ties (with respect to both persons and prop-
3 erty), on such terms and conditions as the Sec-
4 retary may prescribe, at an additional premium
5 comparable to the premium charged for the
6 third-party casualty coverage under existing
7 policies.

8 “(2) REPORT.—Not later than 90 days after
9 the date of enactment of the Aviation Security Im-
10 provement Act, the Secretary shall transmit to the
11 Committee on Commerce, Science, and Transpor-
12 tation of the Senate and the Committee on Trans-
13 portation and Infrastructure of the House of Rep-
14 resentatives a report that—

15 “(A) evaluates the availability of war risk
16 insurance for air carriers and other aviation en-
17 tities for passengers and third parties;

18 “(B) analyzes the economic effect upon air
19 carriers and other aviation entities of available
20 war risk insurance; and

21 “(C) describes the manner in which the
22 Department could provide an alternative means
23 of providing aviation war risk reinsurance cov-
24 ering passengers, crew, and third parties

1 through use of a risk-retention group or by
2 other means.”.

3 **TITLE VI—BLAST RESISTANT**
4 **CARGO CONTAINER TECH-**
5 **NOLOGY**

6 **SEC. 601. BLAST-RESISTANT CARGO CONTAINER TECH-**
7 **NOLOGY.**

8 Not later than 6 months after the date of enactment
9 of this Act, the Under Secretary of Transportation for Se-
10 curity, and the Administrator of the Federal Aviation Ad-
11 ministration, shall jointly submit a report to Congress
12 that—

13 (1) evaluates blast-resistant cargo container
14 technology to protect against explosives in passenger
15 luggage and cargo;

16 (2) examines the advantages associated with
17 this technology in preventing the damage and loss of
18 aircraft from terrorist action, any operational im-
19 pacts which may result (particularly added weight
20 and costs) and whether alternatives exist to mitigate
21 such impacts, and options available to pay for this
22 technology; and

23 (3) provides recommendations on what further
24 action, if any, should be taken with respect to the

1 use of blast-resistant cargo containers on passenger
2 aircraft.

3 **TITLE VII—TECHNICAL** 4 **CORRECTIONS**

5 **SEC. 701. TECHNICAL CORRECTIONS.**

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

8 (b) Section 115(c)(1) is amended—

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

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

12 (c) Section 40109(b) is amended by striking
13 “40103(b)(1) and (2), 40119, 44901, 44903, 44906, and
14 44935—44937” and inserting “40103(b)(1) and (2) and
15 40119”.

16 (d) Section 44901(a) is amended by inserting “or, in
17 the case of United States mail, by an officer or employee
18 of the United States Postal Service under standards and
19 procedures established by the Under Secretary,” after “
20 Code),”.

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

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

1 (g) Section 44903 is amended—

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

4 (2) by redesignating the second subsection (h),
5 subsection (i), and the third subsection (h) as sub-
6 sections (i), (j), and (k), respectively.

7 (h) Section 44909 is amended—

8 (1) by striking “Not later than March 16,
9 1991, the” in subsection (a)(1) and inserting “The”;
10 and

11 (2) by inserting “of Transportation for Secu-
12 rity” after “Under Secretary” in subsection
13 (c)(2)(F).

14 (i) Section 44935 is amended—

15 (1) by striking “States;” in subsection
16 (e)(2)(A)(ii) and inserting “States or a national of
17 the United States, as defined in section 1101(a)(22)
18 of the Immigration and Nationality Act (8 U.S.C.
19 1101(a)(22));”; and

20 (2) by redesignating the second subsection (i)
21 as subsection (k).

22 (j) Section 44936(a)(1)(A) is amended by striking
23 “Transportation Security,,” and inserting “Security,”.

1 (k) Section 44939(a) is amended by striking “12,500
2 pounds or more” and inserting “more than 12,500
3 pounds”.

4 (l) Section 132(a) of the Aviation and Transportation
5 Security Act is amended by striking “12,500 pounds or
6 more” and inserting “more than 12,500 pounds”.

7 (m) Section 44940 is amended—

8 (1) by striking “Federal law enforcement per-
9 sonnel pursuant to section 44903(h).” in subsection
10 (a)(1)(G) and inserting “law enforcement personnel
11 pursuant to this title.”;

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

14 (3) by striking subsection (d)(4) and inserting
15 the following:

16 “(4) FEE COLLECTION.—Fees may be collected
17 under this section as provided in advance in appro-
18 priations Acts.”.

19 (n) Section 46301(a) is amended by adding at the
20 end the following:

21 “(8) AVIATION SECURITY VIOLATIONS.—Not-
22 withstanding paragraphs (1) and (2) of this sub-
23 section, the maximum civil penalty for violating
24 chapter 449 or another requirement under this title
25 administered by the Under Secretary of Transpor-

1 tation for Security is \$10,000, except that the max-
2 imum civil penalty is \$25,000 in the case of a person
3 operating an aircraft for the transportation of pas-
4 sengers or property for compensation (except an air-
5 man serving as an airman).”.

6 (o) Section 46301(d)(2) is amended—

7 (1) by striking “46302, 46303,” in the first
8 sentence;

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

18 (p) Section 46301(g) is amended by striking “Sec-
19 retary” and inserting “Secretary, the Under Secretary of
20 Transportation for Security,”.

21 (q) Chapter 465 is amended—

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

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

1 (r) Section 47115(i) is amended by striking “non-fed-
2 eral” each place it appears and inserting “non-Federal”.

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

5 (t) Sections 44903(i)(1), 44942(b), 44943(a), and
6 44943(c) are each amended by striking “Under Secretary
7 for Transportation Security” each place it appears and in-
8 serting “Under Secretary”.

9 (u) Sections 44942(a)(1), 44943(a), and 44944(a)(1)
10 are each amended by striking “Under Secretary for Trans-
11 portation Security” and inserting “Under Secretary of
12 Transportation for Security”.

13 (v) Subparagraphs (B) and (C) of section
14 44936(a)(1) are each amended by striking “Under Sec-
15 retary of Transportation for Transportation Security” and
16 inserting “Under Secretary”.

17 (w) Section 44943(c) is amended by inserting “and
18 Transportation” after “Aviation”.

19 (x) Section 44942(b) is amended—

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

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

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

4 (y) The chapter analysis for chapter 449 is amended
5 by inserting after the item relating to section 44941 the
6 following:

 “44942. Performance goals and objectives.

 “44943. Performance management plans.”.

7 (z) Section 106(b)(2)(B) of the Aviation and Trans-
8 portation Security Act is amended by inserting “Under”
9 before “Secretary”.

10 (aa) Section 119(c) of the Aviation and Transpor-
11 tation Security Act is amended by striking “47192(3)(j)”
12 and inserting “47102(3)(J)”.

13 (bb) Section 44936 is amended by adding at the end
14 the following:

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

○