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107TH CONGRESS
2^D SESSION

S. 2949

[Report No. 107-293]

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, Mrs. BOXER, Mr. REID, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 30, 2002

Reported by Mr. HOLLINGS, with amendments

[Omit the part struck through and insert the part printed in *italie*]

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”.

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—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—FLIGHT SCHOOLS

- Sec. 701. Modification of requirements regarding training to operate aircraft*

TITLE VIII—MISCELLANEOUS

- Sec. 801. Applications for nonlethal cockpit weapons*
Sec. 802. FAA Notices to Airmen FDC 1/3353 and 2/95823.

TITLE ~~VII~~ IX—TECHNICAL CORRECTIONS

Sec. ~~701~~. 901. Technical corrections.

1 **TITLE I—EXPLOSIVE DETECTION**
 2 **SYSTEMS**

3 **SEC. 101. EXPLOSIVE DETECTION SYSTEMS.**

4 Section 44901(d) is amended by adding at the
 5 end the following:

6 “(2) ~~FAILURE TO MEET DEADLINE~~ *DEAD-*
 7 *LINE.*—

8 “(A) IN GENERAL.—If the Under Sec-
 9 retary of Transportation for Security deter-
 10 mines that the Transportation Security Admin-
 11 istration is not able to deploy explosive detec-
 12 tion systems required to be deployed under
 13 paragraph (1) at all airports where explosive
 14 detection systems are required by December 31,
 15 2002, then with respect to each airport for
 16 which the Under Secretary makes that deter-
 17 mination—

18 “(i) the Under Secretary shall submit
 19 to the Senate Committee on Commerce,
 20 Science, and Transportation and the
 21 House of Representatives Committee on
 22 Transportation and Infrastructure a de-
 23 tailed plan (which may be submitted in
 24 classified form) for the deployment of the

1 number of explosive detection systems at
2 that airport necessary to meet the
3 requirements of paragraph (1) as soon as
4 practicable at that airport; and

5 “(ii) the Under Secretary shall take
6 all necessary action to ensure that alter-
7 native means of screening all checked bag-
8 gage is implemented until the requirements
9 of paragraph (1) have been met.

10 “(B) CRITERIA FOR DETERMINATION.—In
11 making a determination under subparagraph
12 (A), the Under Secretary shall take into ac-
13 count—

14 “(i) the nature and extent of the re-
15 quired modifications to the airport’s ter-
16 minal buildings, and the technical, engi-
17 neering, design and construction issues;

18 “(ii) the need to ensure that such in-
19 stallations and modifications are effective;
20 and

21 “(iii) the feasibility and cost-effective-
22 ness of deploying explosive detection sys-
23 tems in the baggage sorting area or other
24 non-public area rather than the lobby of an
25 airport terminal building.

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

4 “(D) AIRPORT EFFORT REQUIRED.—Each
5 airport with respect to which the Under Sec-
6 retary makes a determination under subpara-
7 graph (A) shall—

8 “(i) cooperate fully with the Trans-
9 portation Security Administration with re-
10 spect to screening checked baggage and
11 changes to accommodate explosive detec-
12 tion systems; and

13 “(ii) make security projects a priority
14 for the obligation or expenditure of funds
15 made available under chapter 417 or 471
16 until explosive detection systems required
17 to be deployed under paragraph (1) have
18 been deployed at that airport.

19 “(3) REPORTS.—

20 “(A) IN GENERAL.—Until the Transpor-
21 tation Security Administration has met the re-
22 quirements of paragraph (1), the Under Sec-
23 retary shall submit a classified report every 30
24 days after the date of enactment of the Aviation
25 Security Improvement Act to the Senate Com-

1 mittee on Commerce, Science, and Transpor-
 2 tation and the House of Representatives Com-
 3 mittee on Transportation and Infrastructure
 4 describing the progress made toward meeting
 5 such requirements at each airport.

6 “(B) LIMIT ON NUMBER OF REPORTS.—
 7 The Under Secretary shall submit reports for
 8 each airport until the requirements of para-
 9 graph (1) have been met, but may not submit
 10 more than 6 12 reports for any airport.”.

11 **TITLE II—AIR CARGO SECURITY**

12 **SEC. 201. INSPECTION OF CARGO CARRIED ABOARD PAS-** 13 **SENGER AIRCRAFT.**

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

15 “(f) CARGO.—

16 “(1) IN GENERAL.—The Under Secretary of
 17 Transportation for Security shall establish ~~a system~~
 18 *systems* to screen, inspect, or otherwise ensure the
 19 security of all cargo that is to be transported in—

20 “(A) passenger aircraft operated by an air
 21 carrier or foreign air carrier in air transpor-
 22 tation or intrastate air transportation; or

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

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

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

4 “§ 44922. **Air cargo security**

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

13 “(b) INDIRECT AIR CARRIERS.—

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

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

23 “~~(2)~~ (3) NOTICE OF FAILURES.—The Under
24 Secretary shall notify the Secretary of Transpor-
25 tation of any indirect air carrier that fails to meet
26 security standards established under this title.

1 “~~(3)~~ (4) SUSPENSION OR REVOCATION OF CER-
 2 TIFICATE.—The Secretary, as appropriate, shall sus-
 3 pend or revoke any certificate *or authority* issued
 4 under chapter 411 to an indirect air carrier imme-
 5 diately upon the recommendation of the Under Sec-
 6 retary. Any indirect air carrier whose certificate is
 7 suspended or revoked under this subparagraph may
 8 appeal the suspension or revocation in accordance
 9 with procedures established under this title for the
 10 appeal of suspensions and revocations.

11 “~~(4)~~ (5) INDIRECT AIR CARRIER.—In this sub-
 12 section, the term ‘indirect air carrier’ has the mean-
 13 ing given that term in part ~~109 of title 14~~, 1548 of
 14 *title 49*, Code of Federal Regulations.”.

15 (b) ASSESSMENT OF INDIRECT AIR CARRIER PRO-
 16 GRAM.—The Under Secretary of Transportation for Secu-
 17 rity shall assess the security aspects of the indirect air
 18 carrier program under part ~~109 of title 14~~, 1548 of *title*
 19 49, Code of Federal Regulations, and report the result of
 20 the assessment, together with any recommendations for
 21 necessary modifications of the program to the Senate
 22 Committee on Commerce, Science, and Transportation
 23 and the House of Representatives Committee on Trans-
 24 portation and Infrastructure within 45 days after the date

1 of enactment of this Act. The Under Secretary may sub-
2 mit the report and recommendations in classified form.

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

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

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

“44922. Air cargo security.”.

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

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

1 **SEC. 205. 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)~~
21 *44901(f)(1)(B)* 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 III—PASSENGER**
4 **IDENTIFICATION**

5 **SEC. 301. 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. 302. 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~~ *retinal*, *iris*, or facial scanners, or any
 3 other technologies that the Under Secretary considers ap-
 4 propriate 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
 13 the following:

“44924. Passenger identification verification.”.

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

16 **SEC. 401. 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 item relating to that section in the
 15 table of sections at the beginning of chapter 465 is
 16 amended to read as follows:

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

17 **TITLE V—WAR RISK INSURANCE**

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

19 Section 44302 is amended by adding at the end the
 20 following:

21 “(f) WAR RISK INSURANCE.—

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

1 “(A) extend for 270 days from such date
2 of enactment the termination date of any avia-
3 tion war risk insurance policies the Department
4 issued that were in effect on such date of enact-
5 ment on terms that are no less favorable than
6 the terms of those policies as the policies were
7 in effect on June 19, 2002; and

8 “(B) offer to amend each policy the term
9 of which is extended to provide coverage for
10 losses or injuries to hull, passengers, and crew,
11 in addition to coverage for injury to third par-
12 ties (with respect to both persons and prop-
13 erty), on such terms and conditions as the Sec-
14 retary may prescribe, at an additional premium
15 comparable to the premium charged for the
16 third-party casualty coverage under existing
17 *Federal Aviation Administration* policies.

18 “(2) REPORT.—Not later than 90 days after
19 the date of enactment of the Aviation Security Im-
20 provement Act, the Secretary shall transmit to the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate and the Committee on Trans-
23 portation and Infrastructure of the House of Rep-
24 resentatives a report that—

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

4 “(B) analyzes the economic effect upon air
5 carriers and other aviation entities of available
6 war risk insurance; and

7 “(C) describes the manner in which the
8 Department could provide an alternative means
9 of providing aviation war risk reinsurance cov-
10 ering passengers, crew, and third parties
11 through use of a risk-retention group or by
12 other means.”.

13 **TITLE VI—BLAST RESISTANT**
14 **CARGO CONTAINER TECH-**
15 **NOLOGY**

16 **SEC. 601. BLAST-RESISTANT CARGO CONTAINER TECH-**
17 **NOLOGY.**

18 Not later than 6 months after the date of enactment
19 of this Act, the Under Secretary of Transportation for Se-
20 curity, and the Administrator of the Federal Aviation Ad-
21 ministration, shall jointly submit a report to Congress
22 that—

23 (1) evaluates blast-resistant cargo container
24 technology to protect against explosives in passenger
25 luggage and cargo;

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

8 (3) provides recommendations on what further
 9 action, if any, should be taken with respect to the
 10 use of blast-resistant cargo containers on passenger
 11 aircraft.

12 ***TITLE VII—FLIGHT SCHOOLS***

13 ***SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING*** 14 ***TRAINING TO OPERATE AIRCRAFT.***

15 (a) *ALIENS COVERED BY WAITING PERIOD.*—Sub-
 16 section (a) of section 44939 is amended—

17 (1) *by resetting the text of subsection (a) after*
 18 “*(a) WAITING PERIOD.—*” *as a new paragraph 2 ems*
 19 *from the left margin;*

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

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

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

4 (5) by striking “paragraph (1)” in paragraph
5 (1)(B), as redesignated, and inserting “subparagraph
6 (A)”; and

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

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

10 “(A) has earned a Federal Aviation Admin-
11 istration type rating in an aircraft; or

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

20 (b) *COVERED TRAINING.*—Section 44936(c) is amend-
21 ed to read as follows:

22 “(c) *COVERED TRAINING.*—

23 “(1) *IN GENERAL.*—For purposes of subsection
24 (a), training includes in-flight training, training in

1 *a simulator, and any other form or aspect of train-*
2 *ing.*

3 “(2) *EXCEPTION.*—*For the purposes of subsection*
4 *(a), training does not include classroom instruction*
5 *(also known as ground training), which may be pro-*
6 *vided to an alien during the 45-day period applicable*
7 *to the alien under that subsection.”.*

8 *(c) PROCEDURES.*—

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

14 (2) *USE OF OVERSEAS FACILITIES.*—*In order to*
15 *implement the amendments made to section 44939 of*
16 *title 49, United States Code, by this section, United*
17 *States Embassies and Consulates that have*
18 *fingerprinting capability shall provide fingerprinting*
19 *services to aliens covered by that section if the Attor-*
20 *ney General requires their fingerprinting in the ad-*
21 *ministration of that section, and transmit the finger-*
22 *prints to the Department of Justice and any other*
23 *appropriate agency. The Attorney General of the*
24 *United States shall cooperate with the Secretary of*
25 *State to carry out this paragraph.*

1 *ing authority for the use of less-than-lethal-weapons by its*
2 *flight crews.*

3 **SEC. 802. FAA NOTICES TO AIRMEN FDC 1/3353 AND 2/95823.**

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

5 *(1) shall maintain in full force and effect the re-*
6 *strictions imposed under Federal Aviation Adminis-*
7 *tration Notices to Airmen FDC 1/3353 and 2/9583*
8 *(including any local Notices to Airmen of similar ef-*
9 *fect or import) as those restrictions are in effect on*
10 *the date of enactment of this Act for a period of 180*
11 *days after that date;*

12 *(2) may not grant any waivers or exemptions*
13 *from those restrictions, except as authorized by air*
14 *traffic control for operational or safety purposes; and*

15 *(3) shall rescind immediately any waivers or ex-*
16 *emptions from those restrictions that are in effect on*
17 *the date of enactment of this Act.*

18 *(b) WAIVERS.—Beginning no earlier than 180 days*
19 *after the date of enactment of this Act, the Secretary may*
20 *modify or terminate such restrictions, or issue waivers or*
21 *exemptions from such restrictions, if the Secretary promul-*
22 *gates, after public notice and an opportunity for comment,*
23 *a rule under which the Secretary may grant a waiver or*
24 *exemption only if—*

1 (1) *the application for the waiver or exemption*
 2 *was received by the Secretary not less than 5 days*
 3 *(excluding Saturdays, Sundays, and holidays) before*
 4 *the proposed operation for which it is requested;*

5 (2) *the application is for a specific stadium or*
 6 *venue, during a specified period of time, for a specific*
 7 *aircraft, and contains the names of the pilot, crew,*
 8 *and passengers who will be aboard the aircraft;*

9 (3) *the pilot and each crewmember have passed*
 10 *a fingerprint-based criminal history records check by*
 11 *the Federal Bureau of Investigation;*

12 (4) *the names of all individuals aboard the air-*
 13 *craft have been compared with names on appropriate*
 14 *security watch lists;*

15 (5) *access to the aircraft will be secured before*
 16 *the proposed operation; and*

17 (6) *timely notice has been, or will be, given to*
 18 *the operators of the affected stadium or other venue.*

19 **TITLE VII IX—TECHNICAL**
 20 **CORRECTIONS**

21 **SEC. ~~701.~~ 901. TECHNICAL CORRECTIONS.**

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

24 (b) Section 115(c)(1) is amended—

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

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

3 (c) Section 40109(b) is amended by striking
4 “40103(b)(1) and (2), 40119, 44901, 44903, 44906, and
5 44935—44937” and inserting “40103(b)(1) and (2) and
6 40119”.

7 (d) Section 44901(a) is amended by inserting “or, in
8 the case of United States mail, by an officer or employee
9 of the United States Postal Service under standards and
10 procedures established by the Under Secretary,” after “
11 Code),”.

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

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

17 (g) Section 44903 is amended—

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

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

23 (h) 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 (c)(2)(F).

7 (i) Section 44935 is amended—

8 ~~(1) by striking “States;” in subsection~~
9 ~~(e)(2)(A)(ii) and inserting “States or a national of~~
10 ~~the United States, as defined in section 1101(a)(22)~~
11 ~~of the Immigration and Nationality Act (8 U.S.C.~~
12 ~~1101(a)(22));”;~~ and

13 (1) *by striking “States;” in subsection*
14 *(e)(2)(A)(ii) and inserting “States or described in*
15 *subparagraph (C);”;*

16 (2) *by redesignating subparagraph subsection*
17 *(e)(2)(C) as subparagraph (D);*

18 (3) *by inserting after subsection (e)(2)(B) the fol-*
19 *lowing:*

20 “(C) *OTHER INDIVIDUALS.—An individual*
21 *is described in this subparagraph if that indi-*
22 *vidual—*

23 *“(i) is a national of the United States*
24 *(as defined in section 101(a)(22) of the Im-*

1 *migration and Nationality Act (8 U.S.C.*
2 *1101(a)(22))*;

3 “(ii) *was born in a territory of the*
4 *United States*;

5 “(iii) *was honorably discharged from*
6 *service in the Armed Forces of the United*
7 *States; or*

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

16 ~~(2)~~ (4) by redesignating the second subsection
17 (i) as subsection (k).

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

20 (k) Section 44940 is amended—

21 (1) by striking “Federal law enforcement per-

22 sonnel pursuant to section 44903(h).” in subsection

23 (a)(1)(G) and inserting “law enforcement personnel

24 pursuant to this title.”;

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

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

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

8 (l) Section 46301(a) is amended by adding at the end
9 the following:

10 “(8) AVIATION SECURITY VIOLATIONS.—Not-
11 withstanding paragraphs (1) and (2) of this sub-
12 section, the maximum civil penalty for violating
13 chapter 449 or another requirement under this title
14 administered by the Under Secretary of Transpor-
15 tation for Security is \$10,000, except that the max-
16 imum civil penalty is \$25,000 in the case of a person
17 operating an aircraft for the transportation of pas-
18 sengers or property for compensation (except an air-
19 man serving as an airman).”.

20 (m) Section 46301(d)(2) is amended—

21 (1) by striking “46302, 46303,” in the first
22 sentence;

23 (2) by striking the second sentence and insert-
24 ing “The Under Secretary of Transportation for Se-
25 curity may impose a civil penalty for a violation of

1 section 114(l), section 40113, 40119, chapter 449
2 (except sections 44902, 44903(d), 44907(a)–
3 (d)(1)(A), 44907(d)(1)(C)–(F), 44908, and 44909),
4 section 46302, 46303, or 46318 of this title, or a
5 regulation prescribed or order issued under any of
6 those provisions.”.

7 (n) Section 46301(g) is amended by striking “Sec-
8 retary” and inserting “Secretary, the Under Secretary of
9 Transportation for Security,”.

10 (o) Chapter 465 is amended—

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

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

15 (p) Section 47115(i) is amended by striking “non-
16 federal” each place it appears and inserting “non-Fed-
17 eral”.

18 (q) Section 48107 is amended by striking “section
19 44912(a)(4)(A).” and inserting “section
20 44912(a)(5)(A).”.

21 (r) Sections 44903(i)(1) (as redesignated), 44942(b),
22 and 44943(e) are each amended by striking “Under Sec-
23 retary for Transportation Security” each place it appears
24 and inserting “Under Secretary”.

1 (s) Section 44936 is amended by adding at the end
2 the following:

3 “(f) PROTECTION OF PRIVACY OF APPLICANTS AND
4 EMPLOYEES.—The Under Secretary shall formulate and
5 implement procedures that are designed to prevent the
6 transmission of information not relevant to an applicant’s
7 or employee’s qualifications for unescorted access to se-
8 cure areas of an airport when that applicant or employee
9 is undergoing a criminal history records check.”.

10 (t) Sections 44942(a)(1) and 44943(a) are each
11 amended by striking “Under Secretary for Transportation
12 Security” and inserting “Under Secretary of Transpor-
13 tation for Security”.

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

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

20 (w) Section 44942(b) is amended—

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

23 (2) redesignating subparagraphs (A) and (B) as
24 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 (x) 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 (y) Section 44944(a)(1) is amended by striking
8 “Under Secretary of Transportation for Transportation
9 Security” and inserting “Under Secretary of Transpor-
10 tation for Security”.

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

14 (aa) Section 119(c) of the Aviation and Transpor-
15 tation Security Act is amended by striking “section
16 47192(3)(J)” and inserting “section 47102(3)(J)”.

17 (bb) Section 132(a) of the Aviation and Transpor-
18 tation Security Act is amended by striking “12,500
19 pounds or more.” and inserting “more than 12,500
20 pounds.”.

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107TH CONGRESS
2^D SESSION

S. 2949

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A BILL

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

SEPTEMBER 30, 2002

Reported with amendment