Public Law 101-370
101st Congress

An Act

To amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes.

Aug. 15, 1990
[H.R. 5131]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Aircraft and air carriers.

SECTION 1. CIVIL PENALTY ASSESSMENT DEMONSTRATION PROGRAM.

Section 905(d)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1475(d)(4)) is amended by striking "the 31-month period beginning on the date of the enactment of this section" and inserting "the period beginning on the date of the enactment of this section and ending on August 1, 1992".

SEC. 2. AIRPORT SECURITY PROGRAMS.

Section 316 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357) is amended by adding at the end the following new subsection:

"(g) AIRPORT TENANTS SECURITY PROGRAMS.—The Administrator may approve under this section a security program of an airport operator, and may approve an amendment to a security program of an airport operator approved by the Administrator under subsection (b), which incorporates a security program of an airport tenant (other than an air carrier separately complying with part 108 or 129 of title 14 of the Code of Federal Regulations) having access to the secured areas of the airport—

"(1) if such program or amendment incorporates the measures by which the tenant will carry out, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the airport operator, the security requirements imposed by the Administrator on the airport operator pursuant to the access control system requirements of section 107.14 of such title or to other requirements of part 107 of such title; and

"(2) if such program or amendment incorporates the methods by which the airport operator will monitor and audit the tenant's compliance with such security requirements and provides that the tenant will be required to pay financial penalties to the airport operator in the event the tenant fails to carry out any such security requirement in accordance with a contractual provision or requirement imposed by the airport operator.

If the Administrator approves a program or amendment described in this subsection, the airport operator may not be found to be in violation of a requirement of this section in any case in which the airport operator demonstrates that the tenant or an employee, permittee, or invitee of the tenant is responsible for such violation and that the airport operator has complied with all measures in its security program for securing compliance with its security program by the tenant.".

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49 USC app. 1482 note.

SEC. 3. ADMINISTRATIVE CONFERENCE EVALUATION OF ADJUDICATORY PROCEDURES.

(a) STUDY AND EVALUATION.—The Administrative Conference of the United States shall conduct a study and evaluation of the administrative adjudicatory procedures of the Federal Aviation Administration and the National Transportation Safety Board and shall make a recommendation not later than 18 months after the date of the enactment of this Act as to whether the authority to adjudicate administrative complaints under the Federal Aviation Act of 1958 should remain with the Department of Transportation, should be transferred to the National Transportation Safety Board, or should be otherwise modified.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000 for fiscal year 1991. Such funds shall be in addition to amounts authorized to be appropriated under section 576 of title 5, United States Code, and shall remain available until expended.

Approved August 15, 1990.

LEGISLATIVE HISTORY—H.R. 5131:

HOUSE REPORTS: No. 101-602 (Comm. on Public Works and Transportation).
SENATE REPORTS: No. 101-425 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 136 (1990):
July 16, considered and passed House.
Aug. 4, considered and passed Senate.