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Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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; unauthorized circumven-
 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.—
21 Subsection (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
10 “subparagraph (A)”; and

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 Transpor-
4 tation—

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.

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. TECHNICAL CORRECTIONS.

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

(b) Section 115(c)(1) is amended—

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

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

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

(d) Section 44901(e) is amended by striking “subsection (b)(1)(A)” and inserting “subsection (d)(1)(A)”.

(e) Section 44901(g)(2) is amended by striking “Except at airports required to enter into agreements under subsection (c), the” and inserting “The”.

(f) Section 44903 is amended—

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

(2) by redesignating the second subsection (h), subsection (i), and the third subsection (h) as subsections (i), (j), and (k), respectively.

(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 (c)(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 indi-
17 vidual—

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) FEE 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.—
18 Notwithstanding 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
16 “Secretary” and inserting “Secretary, the Under Sec-
17 retary of 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(c) 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;

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

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.

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:

JERI THOMSON,
Secretary.