

S 2949

Aviation Security Improvement Act

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Sep 17, 2002

Current Status: Referred to the Subcommittee on Commerce, Trade and Consumer Protection, for a period to be subsequent

Latest Action: Referred to the Subcommittee on Commerce, Trade and Consumer Protection, for a period to be subsequently determined by the Chairman. (Nov 22, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/2949>

Sponsor

Name: Sen. Hollings, Ernest F. [D-SC]

Party: Democratic • **State:** SC • **Chamber:** Senate

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boxer, Barbara [D-CA]	D · CA		Sep 17, 2002
Sen. Hutchison, Kay Bailey [R-TX]	R · TX		Sep 17, 2002
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Sep 17, 2002
Sen. Kerry, John F. [D-MA]	D · MA		Sep 23, 2002
Sen. McCain, John [R-AZ]	R · AZ		Sep 23, 2002
Sen. Reid, Harry [D-NV]	D · NV		Sep 23, 2002
Sen. Feinstein, Dianne [D-CA]	D · CA		Oct 1, 2002

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Sep 30, 2002
Energy and Commerce Committee	House	Referred to	Nov 22, 2002
Transportation and Infrastructure Committee	House	Referred To	Nov 19, 2002

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

No related bills are listed.

Aviation Security Improvement Act - **Title I: Air Cargo Security** - (Sec. 101) Requires the screening of cargo that is to be transported in passenger aircraft operated by domestic and foreign air carriers in interstate and intrastate air transportation (currently, only those transported by all-cargo aircraft).

(Sec. 102) Provides for the regular inspection of shipping facilities for cargo shipment to ensure the observation of appropriate security controls. Requires the Under Secretary to enter into arrangements with the appropriate officials of foreign countries to ensure that inspections are conducted on a regular basis at shipping facilities for cargo transported in air transportation to the United States. Authorizes the Under Secretary to increase the number of inspectors to implement such requirements.

(Sec. 103) Provides for an industry-wide pilot program database of known shippers of cargo that is to be transported in passenger aircraft of domestic or foreign air carriers in air transportation or intrastate air transportation. Requires the Under Secretary to conduct random inspections of indirect air carrier facilities to determine if they meet certain security requirements.

Requires the Under Secretary to assess the security aspects of the indirect air carrier program, and report the result of the assessment, together with any recommendations for necessary modifications of the program to specified congressional committees. Requires the Under Secretary to report to specified congressional committees on random screening of air cargo security programs based on threat assessments and other relevant information.

Authorizes appropriations.

(Sec. 104) Provides a training program for cargo handlers to ensure that cargo is properly handled and safe-guarded from security breaches.

(Sec. 105) Requires air carriers operating all-cargo aircraft to have an approved plan for the security of their operations area, the cargo placed aboard the aircraft, and persons having access to their aircraft on the ground or in flight. Sets forth certain plan requirements.

Title II: Passenger Identification - (Sec. 201) Directs the Under Secretary to develop protocols to provide guidance to air carriers for detection of false or fraudulent passenger identification. Authorizes the Under Secretary to establish and carry out a program to require the installation and use at airports of appropriate identification verification technologies (including identification scanners, biometrics, or retinal, iris, or facial scanners) to assist in the screening of air passengers.

Title III: Circumvention of Airport Security - (Sec. 301) Sets forth both civil and criminal penalties for persons who intentionally circumvent airport security systems and procedures.

Title IV: Blast Resistant Cargo Container Technology - (Sec. 401) Directs the Under Secretary and the Administrator of the Federal Aviation Administration (FAA) to report jointly to Congress regarding the use of blast-resistant cargo container technology.

Title V: Flight Schools - (Sec. 501) Requires a background check of alien flight school applicants without regard to the maximum certificated weight of the aircraft for which they seek training. (Currently, a background check is required for aircraft with a maximum certificated takeoff weight of 12,500 pounds or more.) Exempts from such requirement any alien who: (1) has earned a FAA-type rating in an aircraft; or (2) holds a current pilot's license or foreign equivalent commercial

pilot's license that permits the person to fly an aircraft with a maximum certificated takeoff weight of more than 12,500 pounds. Provides that classroom instruction (also known as ground training) shall not be considered training requiring an applicant alien to have background check and may be provided to such alien during the 45-day period that the Attorney General has to determine whether the applicant presents a risk to aviation or national security. Requires overseas U.S. Embassies and Consulates that have fingerprinting capability to provide fingerprinting services to aliens that want to attend U.S. flight school provided the Attorney General requires such fingerprinting, and to transmit such fingerprints to the Department of Justice and any other appropriate agency. Requires the Secretary and the Attorney General to report jointly to specified congressional committees on the effectiveness of the background check requirement.

Title VI: Miscellaneous - (Sec. 601) Directs the Secretary to maintain for a 180-day period the restrictions imposed under FAA Notice to Airmen FDC 2/0199 (relating to flight restrictions over major sporting events and other major open assemblies of people). Rescinds any existing waiver of or exemption from such restrictions. Prohibits the waiver of or exemption from such restrictions, except as authorized by air traffic control for operational or safety purposes, including operational and safety and security purposes of an event, stadium, or other venue, broadcast coverage for any broadcast rights holder, or to operate an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic procedures. Authorizes the Secretary, after a specified time, to modify or terminate such restrictions, or issue waivers of or exemptions from such restrictions, if the Secretary promulgates, after public notice and an opportunity for comment, a rule setting forth standards under which the Secretary may grant a waiver or exemption. Declares that nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.

Title VII: Technical Corrections - (Sec. 701) Permits an individual who was born in the United States or honorably discharged from service in the U.S. Armed Forces, or who is an alien lawfully admitted into the United States for permanent residence and was employed to perform security screening services at an U.S. airport, to be hired as an airport security screener.

Prohibits an individual from being deployed as a security screener until such individual meets certain requirements, including that the individual be able to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

Sets forth the maximum civil penalty for aviation security violations committed by an airman that operates a passenger aircraft for compensation (except an airman serving as an airman).

Directs the Under Secretary to implement procedures that are designed to prevent the transmission of nonrelevant information to an applicant's or employee's qualifications for unescorted access to secure areas of an airport when that applicant or employee is undergoing a criminal history records check.

Title VIII: NTSB Authorization - National Transportation Safety Board Reauthorization Act of 2002 - (Sec. 802) Amends Federal transportation law to reauthorize appropriations for FY 2003 through 2005 for the National Transportation Safety Board (NTSB). Authorizes appropriations necessary to increase the NTSB emergency fund to, and maintain it at, a level not to exceed \$3 million (such amount available for NTSB expenses for accident investigations).

Authorizes appropriations for FY 2003 through 2005 for the NTSB for necessary expenses of the NTSB Academy. Authorizes the NTSB to impose and collect a fee as an offsetting collection for NTSB Academy services.

Directs the NTSB to report annually to Congress on NTSB Academy activities and operations.

(Sec. 803) Requires the NTSB, in cases where it has relinquished investigative priority with respect to an aircraft accident or a railroad accident, to assist the agency to which it has relinquished such priority in assisting families with respect to the accident.

Requires the NTSB and the Federal Bureau of Investigation to revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section and to submit a copy of the revised agreement to specified congressional committees.

(Sec. 804) Authorizes the NTSB, with respect to its duties to investigate transportation-related accidents, to enter into contracts without regard to laws requiring a competitive bid process if it is necessary to expedite an investigation. Requires the NTSB, as a component of its annual report to Congress, to include an enumeration of each contract for \$25,000 or more executed during the preceding calendar year.

Title IX: Child Passenger Safety - Anton's Law - (Sec. 902) Directs the Secretary to initiate a rulemaking proceeding to establish certain performance requirements for child restraints, including booster seats, for the restraint of children weighing more than 50 pounds.

(Sec. 903) Directs the Secretary to report to specified congressional committees on the current schedule and status of Department of Transportation activities to develop, evaluate, and certify a commercially available dummy that simulates a ten-year old child for use in testing the effectiveness of child restraints used in passenger motor vehicles.

(Sec. 904) Directs the Secretary to complete a rulemaking proceeding to amend certain Code of Federal Regulations motor vehicle safety standards relating to occupant crash protection in order to: (1) require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less (except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular position in a particular type of passenger motor vehicle, then the Secretary may exclude such position from the requirement); and (2) apply such requirement to passenger motor vehicles in a certain phase-in schedule. Requires the Secretary to report to specified congressional committees if installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of motor vehicle.

(Sec. 905) Amends the Transportation Equity Act for the 21st Century to extend the child passenger protection education grants program for a two-year period.

(Sec. 906) Amends Federal highway law to direct the Secretary to: (1) establish appropriate criteria applicable to child restraint laws for purposes of eligibility for grants on improving child passenger safety programs for children under the age of 16 years; and (2) make such grants to each State and Indian tribe that has a child restraint law in effect as of September 30, 2004. Sets forth certain grant requirements.

(Sec. 908) Authorizes appropriations.

Actions Timeline

- **Nov 22, 2002:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection, for a period to be subsequently determined by the Chairman.
- **Nov 19, 2002:** Message on Senate action sent to the House.
- **Nov 19, 2002:** Received in the House.
- **Nov 19, 2002:** 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.
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- **Nov 18, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S11296-11306; text of measure as reported in Senate: CR S11296-11300)
- **Nov 18, 2002:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(text: CR S11300-11304)
- **Nov 18, 2002:** Passed Senate with amendments by Unanimous Consent. (text: CR S11300-11304)
- **Sep 30, 2002:** Committee on Commerce, Science, and Transportation. Reported by Senator Hollings with amendments. With written report No. 107-293.
- **Sep 30, 2002:** Committee on Commerce, Science, and Transportation. Reported by Senator Hollings with amendments. With written report No. 107-293.
- **Sep 30, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 623.
- **Sep 19, 2002:** Committee on Commerce, Science, and Transportation. Ordered to be reported with amendments favorably.
- **Sep 17, 2002:** Introduced in Senate
- **Sep 17, 2002:** Read twice and referred to the Committee on Commerce, Science, and Transportation.