

Public Law 107–71  
107th Congress

An Act

To improve aviation security, and for other purposes.  
*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Aviation and Transportation Security Act”.

**TITLE I—AVIATION SECURITY**

**SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

**“§ 114. Transportation Security Administration**

“(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

“(b) UNDER SECRETARY.—

“(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The Under Secretary must—

“(A) be a citizen of the United States; and

“(B) have experience in a field directly related to transportation or security.

“(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

“(c) LIMITATION ON OWNERSHIP OF STOCKS AND BONDS.—The Under Secretary may not own stock in or bonds of a transportation or security enterprise or an enterprise that makes equipment that could be used for security purposes.

“(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

“(1) carrying out chapter 449, relating to civil aviation security, and related research and development activities; and

“(2) security responsibilities over other modes of transportation that are exercised by the Department of Transportation.

“(e) SCREENING OPERATIONS.—The Under Secretary shall—

“(1) be responsible for day-to-day Federal security screening operations for passenger air transportation and intrastate air transportation under sections 44901 and 44935;

“(2) develop standards for the hiring and retention of security screening personnel;

“(3) train and test security screening personnel; and “(4) be responsible for hiring and training personnel to provide security screening at all

airports in the United States where screening is required under section 44901, in consultation with the Secretary of Transportation and the heads of other appropriate Federal agencies and departments.

“(f) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsections (d) and (e), the Under Secretary shall—

- “(1) receive, assess, and distribute intelligence information related to transportation security;
- “(2) assess threats to transportation;
- “(3) develop policies, strategies, and plans for dealing with threats to transportation security;
- “(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;
- “(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;
- “(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;
- “(7) enforce security-related regulations and requirements;
- “(8) identify and undertake research and development activities necessary to enhance transportation security;
- “(9) inspect, maintain, and test security facilities, equipment, and systems;
- “(10) ensure the adequacy of security measures for the transportation of cargo;
- “(11) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;
- “(12) require background checks for airport security screening personnel, individuals with access to secure areas of airports, and other transportation security personnel;
- “(13) work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;
- “(14) work with the International Civil Aviation Organization and appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights by foreign air carriers in foreign air transportation; and
- “(15) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

“(g) NATIONAL EMERGENCY RESPONSIBILITIES.—

- “(1) IN GENERAL.—Subject to the direction and control of the Secretary, the Under Secretary, during a national emergency, shall have the following responsibilities:
  - “(A) To coordinate domestic transportation, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

“(B) To coordinate and oversee the transportation related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

“(C) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation.

“(D) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary shall prescribe.

“(2) AUTHORITY OF OTHER DEPARTMENTS AND AGENCIES.—

The authority of the Under Secretary under this subsection shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

“(3) CIRCUMSTANCES.—The Secretary shall prescribe the circumstances constituting a national emergency for purposes of this subsection.

“(h) MANAGEMENT OF SECURITY INFORMATION.—In consultation with the Transportation Security Oversight Board, the Under Secretary shall—

“(1) enter into memoranda of understanding with Federal agencies or other entities to share or otherwise cross-check as necessary data on individuals identified on Federal agency databases who may pose a risk to transportation or national security;

“(2) establish procedures for notifying the Administrator of the Federal Aviation Administration, appropriate State and local law enforcement officials, and airport or airline security officers of the identity of individuals known to pose, or suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety;

“(3) in consultation with other appropriate Federal agencies and air carriers, establish policies and procedures requiring air carriers—

“(A) to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation or national security; and

“(B) if such an individual is identified, notify appropriate law enforcement agencies, prevent the individual from boarding an aircraft, or take other appropriate action with respect to that individual; and

“(4) consider requiring passenger air carriers to share passenger lists with appropriate Federal agencies for the purpose of identifying individuals who may pose a threat to aviation safety or national security.