To promote and strengthen aviation security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 28, 1990

Mr. OBERSTAR (for himself, Mr. HAMMERSCHMIDT, Mr. FASCELL, and Mr. BROOKFIELD) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Foreign Affairs

A BILL

To promote and strengthen 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 Security Improvement Act of 1990'.

SEC. 2. FINDINGS.

Congress finds that--
(1) ensuring the safety and security of passengers of United States air carriers against terrorist threats is the responsibility of and should be given the highest priority by the United States Government;
(2) as detailed in the May 15, 1990, report of the President's Commission on Aviation Security and Terrorism, current aviation security systems are inadequate to provide such protection;
(3) the United States Government should immediately take steps to ensure fuller compliance with existing laws and regulations relating to aviation security;
(4) the United States Government should work through the International Civil Aviation Organization and directly with foreign governments to enhance aviation security on foreign-flag carriers and at foreign airports;
(5) the United States Government should ensure that enhanced security measures are fully implemented by both United States certificated and foreign-flag air carriers;
(6) the United States Government should encourage all other nations to promptly adopt the Montreal Protocol No. 3 revisions to the Warsaw Convention, and Supplementary Compensation Plans thereunder, to provide full recoveries for
passengers killed or injured in terrorist acts against aircraft on international flights, or in other international aviation accidents;
(7) the United States Government should raise in the July 1990 meeting of the Summit Seven Nations that all nations belonging to the Summit Seven should promptly amend the Bonn Declaration to extend sanctions for all terrorist acts, including attacks against airports and air carrier ticket offices;
(8) the United States Government, in bilateral negotiations with foreign governments, should emphasize upgrading international aviation security objectives;
(9) the United States Government should have in place a mechanism by which the Government notifies the public, on a case-by-case basis and through the application of a uniform national standard, of certain credible threats to civil aviation security;
(10) the United States Government has a special obligation to the victims of acts of terrorism directed against this Nation, and it must assure that the Government provides prompt assistance to the families of such victims and that fair and prompt compensation is provided for such victims; and
(11) the United States Government must have the national will to take every feasible action to prevent, counter, and respond to terrorist activities.

TITLE I--AVIATION SECURITY

SEC. 101. ASSISTANT SECRETARY FOR TRANSPORTATION SECURITY AND INTELLIGENCE.

(a) ESTABLISHMENT OF POSITION- Section 102(e) of title 49, United States Code, is amended by striking the period at the end of the second sentence and inserting `and an Assistant Secretary for Transportation Security and Intelligence who shall be appointed by the President for a term of 5 years and who shall not be removed except for cause.‘.

(b) AMENDMENT TO TITLE 5, UNITED STATES CODE- Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:
`Assistant Secretary for Transportation Security and Intelligence of the Department of Transportation.’.

SEC. 102. TRANSFER OF AVIATION SECURITY FUNCTIONS.

(a) IN GENERAL- Section 106(g) of title 49, United States Code, is amended by striking `and’ at the end of paragraph (1), redesignating paragraph (2), and any reference thereto, as paragraph (3), and inserting after paragraph (1) the following new paragraph:
`(2) sections 315 and 316 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356-1357), except for the following duties and powers which shall be vested in the Assistant Secretary for Transportation Security and Intelligence:
(A) Receipt, assessment, and distribution of intelligence information relating to transportation security.
(B) Development of transportation security policies, strategies, plans, and a comprehensive security program based on a systems planning approach.
(C) Development of a long-term strategy for dealing with a potential increase in threats to transportation security.
(D) Other planning relating to transportation security, including coordination of countermeasures with appropriate Federal agencies; and'.

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall take effect on the 180th day after the date of the enactment of this Act.

SEC. 103. ANNUAL AVIATION SECURITY REPORT; BUDGET.

(a) ANNUAL AVIATION SECURITY REPORT- Section 308 of title 49, United States Code, is amended by adding at the end the following new subsection:

(f) TRANSPORTATION SECURITY-

(1) ANNUAL REPORT- The Secretary shall submit to Congress an annual report concerning transportation security, together with such recommendations as the Secretary considers appropriate. Such report shall not contain information contained in semiannual reports required by sections 315(a) of the Federal Aviation Act of 1958, including information described in section 1115(a) of such Act. Such annual report may, as necessary, be submitted in 2 parts with 1 part being classified in nature and 1 part being unclassified.

(2) CONTENTS OF REPORT- The annual report required by this subsection shall include--

(A) a summary of the activities of the Assistant Secretary for Transportation Security and Intelligence in the 12-month period ending on the date of such report;
(B) an assessment of trends and developments in terrorist methods and other threats to civil air transportation;
(C) recommendations for research, engineering, and development activities relating to transportation security;
(D) legislative and regulatory recommendations, if appropriate;
(E) funding and staffing requirements of the Assistant Secretary for Transportation Security and Intelligence;
(F) an assessment of funding and staffing requirements, and attainment of existing staffing goals, for carrying out security functions of the Federal Aviation Administration;
(G) identification of the scope and success of cooperative efforts with other Federal intelligence agencies;
(H) an evaluation of cooperation with foreign civil aviation authorities;
(I) the status of implementation of the recommendations of the President's Commission of Aviation Security and Terrorism and the 1987 Department of Transportation Safety Review Task Force; and
(J) an evaluation of the progress in implementation of changes identified as necessary in the assessment of current and potential threats to the domestic air transportation system conducted by the Administrator of the Federal Aviation Administration, in coordination with the Director of the Federal Bureau of Investigation, pursuant to the Aviation Security Improvement Act of 1990.'.
(b) ANNUAL BUDGET SUBMISSION- The annual budget submission for the Department of Transportation shall include a specific request for the Office of the Assistant Secretary for Transportation Security and Intelligence. In determining the budget request for the Assistant Secretary, the Secretary shall take into consideration recommendations contained in the annual report submitted under section 308(f) of title 49, United States Code.

SEC. 104. ASSISTANT ADMINISTRATOR FOR CIVIL AVIATION SECURITY.

The Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.) is amended by adding at the end of title III the following new section:

`SEC. 318. ASSISTANT ADMINISTRATOR OF CIVIL AVIATION SECURITY.

`(a) ESTABLISHMENT OF POSITION- There is established the position of Assistant Administrator for Civil Aviation Security.
`(b) AUTHORITY OF ADMINISTRATOR- The Assistant Administrator shall report directly to the Administrator and shall be subject to the Administrator's direction and authority.
`(c) RESPONSIBILITIES- The responsibilities of the Assistant Administrator shall include--
` `(1) day-to-day management of and operational guidance to field security resources, including Federal Security Managers;
` `(2) enforcement of security-related requirements;
` `(3) oversight of research and development of security-related projects;
` `(4) inspections of security systems;
` `(5) reporting to the Assistant Secretary of Transportation for Transportation Security such information as may be necessary to permit the Assistant Secretary to fulfill assigned responsibilities; and
` `(6) such other functions as the Administrator considers necessary and appropriate.

`(d) MEASURES TO STRENGTHEN CONTROLS OVER CHECKED BAGGAGE- The Assistant Administrator shall review and, as necessary, prescribe measures to strengthen controls over checked baggage in air transportation, including measures to ensure baggage reconciliation with respect to the baggage of passengers who meet Federal Aviation Administration criteria as possibly having explosive devices in such baggage; control of individuals with access to aircraft; testing of security systems; use of modern x-ray equipment; and prescreening of passengers.'.

SEC. 105. FEDERAL SECURITY MANAGERS AND FOREIGN SECURITY LIAISON OFFICERS.

The Federal Aviation Act of 1958 is further amended by adding after section 318, as added by section 104 of this Act, the following new section:
SEC. 319. FEDERAL SECURITY MANAGERS AND FOREIGN SECURITY LIAISON OFFICERS.

(a) FEDERAL SECURITY MANAGERS-
   (1) ESTABLISHMENT OF POSITION- Not later than 90 days after the date of the enactment of this section, the Administrator shall establish the position of Federal Security Manager and initiate placement of such managers at airports in the United States.
   (2) AUTHORITY OF ASSISTANT ADMINISTRATOR- A Federal Security Manager shall report directly to the Assistant Administrator for Civil Aviation Security.
   (3) STATIONS- The Administrator shall station a Federal Security Manager at each airport in the United States which poses a high risk of introducing danger to international air travel and at such other airports in the United States as the Administrator considers appropriate.
   (4) RESPONSIBILITIES- The responsibilities of a Federal Security Manager with respect to an airport facility shall include--
      (A) receipt of intelligence information relating to aviation security;
      (B) in coordination with affected air carriers and airport facility operators, development of a comprehensive security plan for such facility;
      (C) oversight and enforcement of implementation by air carriers and airport operators of Federal security requirements, including the comprehensive plan developed pursuant to subparagraph (B);
      (D) requiring modifications in procedures, staffing, and other areas by air carriers and airport operators in order to ensure compliance with Federal security requirements and goals;
      (E) serving as a focal point for authority over matters relating to aviation security at such facility;
      (F) coordination of Federal activities relating to aviation security at such facility;
      (G) coordination with local law enforcement efforts relating to aviation security; and
      (H) coordination of activities with Federal Security Managers at other airport facilities, as appropriate.

(b) FOREIGN SECURITY LIAISON OFFICERS-
   (1) ESTABLISHMENT OF POSITION- Not later than 90 days after the date of the enactment of this section, the Administrator shall establish the position of Foreign Security Liaison Officer and shall begin stationing liaison officers outside the United States.
   (2) AUTHORITY OF ASSISTANT ADMINISTRATOR- A Foreign Security Liaison Officer shall report directly to the Assistant Administrator for Civil Aviation Security.
   (3) STATIONS- In stationing Foreign Security Liaison Officers outside the United States, the Administrator shall give priority to airports which pose a high risk of introducing danger to international air travel.
(4) RESPONSIBILITIES- A Foreign Security Liaison Officer shall be responsible for serving as the liaison of the Assistant Administrator with foreign security authorities with respect to implementation of Federal security requirements and, to the extent practicable, shall also be responsible for performing functions assigned to Federal Security Managers under subsection (a)(4).

(c) LONG-TERM IMPLEMENTATION- Not later than 180 days after the date of the enactment of this section, the Administrator shall submit to Congress a plan to fully implement the requirements of this section. Such plan shall include a schedule for implementation and an assessment of personnel and funding needs.'.

SEC. 106. AIR CARRIER AND AIRPORT SECURITY PERSONNEL.

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 subsections:

(g) AIR CARRIER AND AIRPORT SECURITY PERSONNEL-
(1) EMPLOYMENT INVESTIGATIONS-
(A) IN GENERAL- In order to ensure the security of aircraft and their passengers, crew, and cargo, the Administrator shall issue regulations to require individuals employed in positions described in subparagraph (B) to be subjected to such preemployment and postemployment investigations (hereinafter in this subsection referred to as employment investigations'), including fingerprinting, as the Administrator considers appropriate.
(B) INDIVIDUALS WHO MAY BE SUBJECT TO EMPLOYMENT INVESTIGATIONS- An individual shall be subject to an employment investigation under subparagraph (A), if such individual is employed in a position in which such individual has unescorted access, or may authorize others to have unescorted access, to air carrier or foreign air carrier aircraft or to secured areas of United States airports serving air carriers or foreign air carriers.
(C) REQUIREMENTS OF AIR CARRIERS AND AIRPORT OPERATORS- Any air carrier, foreign air carrier, or airport operator who employs an individual in a position described in subparagraph (B), or authorizes or contracts for the services of such individual, shall take such actions as may be necessary to ensure that any employment investigation required by the Administrator under subparagraph (A) is performed.
(2) CRIMINAL HISTORY RECORDS CHECK-
(A) IN GENERAL- If, as part of an employment investigation under paragraph (1)(A), the Administrator requires an identification and criminal history record check of an individual in a position described in paragraph (1)(B) to be conducted by the Attorney General and the fingerprints of such individual are necessary for conducting such check, the Administrator, after consultation with the Attorney General, shall designate officials to transmit such fingerprints to the Attorney General. The costs of any such check shall be paid by the employer of such individual. Notwithstanding any other provision of law, the Attorney
General may for the purposes of this subsection make available the results of any such check to persons designated by the Administrator, after consultation with the Attorney General.

`(B) REGULATIONS- For purposes of administering this subsection, the Administrator shall prescribe regulations to--

` (i) implement procedures for taking fingerprints; and
` (ii) establish requirements for use of information received from the Attorney General under this subsection in order to limit the dissemination of such information and ensure that such information is used solely for the purposes of this subsection.

`(C) CORRECTION OF CHECK INFORMATION- An individual who, as part of an employment investigation under paragraph (1)(A), is subject to an identification and criminal history records check shall have the right to complete and correct the information contained in such check before any final employment decision is made on account of such check.

`(3) EMPLOYMENT RESTRICTIONS- 

`(A) IN GENERAL- Except as provided in subparagraph (B), an air carrier, foreign air carrier, or airport operator shall not employ, or authorize or contract for the services of, any individual in a position described in paragraph (1)(B), if--

` (i) such individual has not been subject to an employment investigation required under paragraph (1)(A); or
` (ii) the results of such investigation establish that such individual in the 10-year period ending on the date of such investigation has been convicted in any jurisdiction of a crime set forth in section 902(b), (c), (h), (i), (j), (k), (l), (m), (n), (q), or (r); a crime set forth in section 32 of title 18, United States Code; murder; assault with intent to murder; espionage; sedition; treason; kidnapping; unlawful possession, sale, distribution, or manufacture of an explosive or weapon; extortion; armed robbery; distribution of, or intent to distribute, a controlled substance; or conspiracy to commit any of the aforementioned criminal acts.

The Administrator may specify other factors which the Administrator determines to be sufficient to make an individual ineligible for employment in a position described in paragraph (1)(B).

`(B) EXCEPTION- It shall not be a violation of subparagraph (A) for an air carrier, foreign air carrier, or airport operator to employ, or authorize or contract for employment of, an individual in a position described in paragraph (1)(B) who has not been subject to an employment investigation required by paragraph (1)(A), if the employment of such individual is carried out pursuant to a plan approved by the Administrator which provides alternate security arrangements.

`(4) FEES AND CHARGES- The Administrator and the Attorney General shall establish reasonable fees and charges to cover expenses incurred in carrying out this subsection. The amount of fees collected under this paragraph shall be credited to the accounts in the Treasury from which such expenses were incurred.
and shall be available to the Administrator and the Attorney General for paying expenses for which such fees are collected.

`(h) EMPLOYMENT STANDARDS- Not later than 270 days after the date of the enactment of this subsection, the Administrator shall prescribe standards for the hiring, continued employment, and contracting of air carrier and airport security personnel. Such standards shall include--

(1) minimum training requirements for new employees;
(2) retraining requirements;
(3) minimum education levels, as appropriate;
(4) minimum staffing levels, as appropriate; and
(5) minimum foreign language skills, as appropriate.

`(i) HUMAN FACTORS- The Administrator, in coordination with air carriers, airport operators, the Secretary of Labor, and others, as appropriate, shall review issues relating to human performance in the aviation security system with the goal of maximizing such performance. Upon completion of the review, the Administrator shall recommend guidelines and prescribe appropriate changes to existing procedures to improve such performance.

`(j) TRAINING OF AIR CARRIER AND AIRPORT SECURITY PERSONNEL- Not later than 180 days after the date of the enactment of this subsection, the Administrator shall prescribe standards for the education and training of--

(1) ground security coordinators;
(2) security supervisory personnel; and
(3) airline pilots as in-flight security coordinators.

Such standards shall include initial training, retraining, and continuing education requirements and methods by which the performance of ground security coordinators and security supervisory personnel shall be measured annually.'.

SEC. 107. ASSESSMENT OF THREATS TO DOMESTIC AIRPORT SECURITY.

(a) GENERAL ASSESSMENT- The Administrator of the Federal Aviation Administration, in coordination with the Director of the Federal Bureau of Investigation, shall conduct an assessment of current and potential threats to the domestic air transportation system. Such assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against the domestic aviation system and the methods by which such individuals might carry out such acts.

(b) ASSESSMENTS WITH RESPECT TO INDIVIDUAL AIRPORTS- The Administrator of the Federal Aviation Administration, in coordination with the Director of the Federal Bureau of Investigation, shall conduct threat and vulnerability assessments with respect to the security of individual airports. Each such assessment shall include consideration of--

(1) the adequacy of security procedures with respect to the handling and transport of checked baggage, cargo, and mail;
(2) space requirements for security personnel and equipment;
(3) separation of screened and unscreened passengers, baggage, cargo, and mail;
(4) separation of the controlled and uncontrolled areas of airport facilities; and
(5) coordination of the activities of security personnel of the United States
Customs Service, the Immigration and Naturalization Service, the Federal
Aviation Administration, air carriers, and of other law enforcement personnel.
(c) ANALYSIS AND MONITORING- The Administrator of the Federal Aviation
Administration and the Director of the Federal Bureau of Investigation, in cooperation
with each other, shall determine and implement the most effective method for the
constant analysis and monitoring of the security threat to the domestic air transportation
system to ensure an appropriate level of security at domestic airports.
(d) REPORT TO CONGRESS- Not later than 1 year after the date of the enactment of
this Act, the Secretary of Transportation shall submit to Congress the results of the
assessment conducted under this section.
(e) USE IN DEVELOPMENT OF STANDARDS- In developing airport construction
standards under section 612(d) of the Federal Aviation Act of 1958, as added by section
112 of this Act, the Administrator shall take into consideration the results of the
assessment conducted under this subsection.

SEC. 108. RESEARCH AND DEVELOPMENT.

Section 316(d) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1351(d)) is amended
by redesignating subsections (d)(1) and (d)(2), and any references thereto, as subsections
(d)(1)(A) and (d)(1)(B), respectively, and by adding at the end the following new
paragraphs:
`(2) PROGRAM TO ACCELERATE RESEARCH-
`(A) IN GENERAL- The Administrator shall establish and carry out a
program to accelerate and expand the research, development, and
implementation of technologies and procedures to counteract terrorist acts
against civil aviation.
`(B) REVIEW OF THREATS- Not later than 180 days after the date of
the enactment of this paragraph, the Administrator shall complete an
intensive review of threats to civil aviation, with particular focus on--
`(i) the explosive materials which present the most significant
threat to civil aircraft;
`(ii) the minimum amounts, configurations, and types of explosive
material which would likely cause catastrophic damage to
commercial aircraft in service and expected to be in service in the
10-year period beginning on such date;
`(iii) the amounts, configurations, and types of explosive material
which can reliably be detected by existing, or reasonably
anticipated, near-term explosive detection technologies;
`(iv) the feasibility of employing various methods to minimize
damage caused by explosive materials which cannot be reliably
detected by existing, or reasonably anticipated, near-term
explosive detection technologies;
`(v) the ability to screen such different entities as passengers,
carry-on baggage, checked baggage, mail, and cargo; and
(vi) the technologies which might be used in the future to attempt to destroy or otherwise threaten commercial aircraft and the methods by which such technologies can be effectively countered.

(C) USE OF RESULTS - The results of such review shall be used by the Administrator in developing the focus and priorities of the program established under this paragraph.

(D) DESIGN AND IMPLEMENTATION - In designing and implementing the program established under this paragraph, the Administrator shall--

(i) consult and coordinate with other Federal agencies conducting similar research;
(ii) identify Federal agencies which would benefit from such research; and
(iii) seek cost-sharing agreements with such Federal agencies.

(3) PURPOSE - It shall be the purpose of the program established under paragraph (2) to develop and have in place not later than 60 months after the date of the enactment of this paragraph such new equipment and procedures as are needed to meet the technological challenges presented by terrorism.

(4) HUMAN FACTORS - The program established under paragraph (2) shall include research and development of both technological improvements and ways to enhance human performance.

(5) GRANTS AND COOPERATIVE AGREEMENTS - Amounts appropriated for each fiscal year under paragraph (8) shall be made available by the Administrator, by way of grants, to colleges, universities, and other appropriate research institutions and facilities with demonstrated ability to conduct research described in paragraph (2). Such grants shall be in such amounts, and subject to such terms and conditions, as the Administrator may prescribe. The Administrator may also enter into such cooperative agreements with such governmental entities as the Administrator considers appropriate.

(6) REVIEW - In administration of the program established under paragraph (2), the Administrator shall review and consider the annual reports of the Secretary of Transportation submitted to Congress on transportation security and intelligence.

(7) SCIENTIFIC ADVISORY BOARD - The Administrator shall establish a scientific advisory board for the purpose of reviewing, commenting on, and advising the Administrator on the progress of and any needed modifications to the program established under paragraph (2). The board shall consist of individuals with expertise in explosive detection, representing--

(A) Federal research facilities;
(B) educational institutions;
(C) the National Academy of Sciences;
(D) the Office of Technology Assessment;
(E) private industry; and
(F) such other entities as considered appropriate by the Administrator.

(8) AUTHORIZATION OF APPROPRIATIONS - There are authorized to be appropriated from the Airport and Airway Trust Fund, after completion of the
review required by paragraph (2)(B), such sums as may be necessary for the purpose of carrying out the grant program established by paragraph (5).

SEC. 109. DEPLOYMENT OF EXPLOSIVE DETECTION EQUIPMENT.

The Federal Aviation Act of 1958 is further amended by adding after section 319, as added by section 105 of this Act, the following new section:

`SEC. 320. DEPLOYMENT OF EXPLOSIVE DETECTION EQUIPMENT.

`No deployment or purchase of any explosive detection equipment pursuant to section 108.7(b)(8) and 108.20 of title 14, Code of Federal Regulations, or any similar rule, shall be required after the date of the enactment of this section, unless the Administrator certifies that, based on the results of tests conducted pursuant to independently developed protocols reviewed and approved by the Scientific Advisory Board established under section 316, such equipment alone or as part of an integrated system can reliably detect the minimum amounts, configurations, and types of explosive material which can cause catastrophic damage to commercial aircraft with 60 or more passenger seats.`

SEC. 110. THREATS TO CIVIL AVIATION; PUBLIC NOTIFICATION.

The Federal Aviation Act of 1958 is further amended by adding after section 320, as added by section 109 of this Act, the following new section:

`SEC. 321. REPORTING OF THREATS TO CIVIL AVIATION.

`(a) IN GENERAL- Any air carrier, airport operator, travel agent, or individual employed by such an entity, receiving information, other than through a communication directed by the Federal Government, of a threat to civil aviation, shall immediately provide such information to--

` (1) an official of the Federal Aviation Administration;
` (2) the Assistant Secretary of Transportation for Transportation Security and Intelligence; or
` (3) other appropriate officials, as specified by the Administrator.

`(b) FLIGHT CANCELLATIONS- In the event that a determination is made that a particular threat to civil aviation cannot be addressed in a manner adequate to ensure, to the extent feasible, the safety of the passengers and crew of a particular flight or series of flights, the Administrator shall order the cancellation of such flight or series of flights.

`(c) GUIDELINES FOR PUBLIC NOTIFICATION- The Administrator, in coordination with the Secretary of State and the Attorney General, shall develop guidelines for issuing notification to the public of threats to civil aviation.

`(d) RESPONSIBILITIES- The guidelines developed under subsection (c) shall identify officials responsible for--

` (1) determining, on a case-by-case basis, if public notification of a threat is in the best interest of the United States and the traveling public;
(2) ensuring that public notification, when considered appropriate, is made in a timely and effective manner, including the use of a toll-free telephone number; and
(3) cancelling the departure of a flight or series of flights under subsection (b).

(e) CRITERIA- The guidelines developed pursuant to subsection (c) shall provide for the consideration of-
(1) the specificity of the threat;
(2) the severity of the threat;
(3) the reliability of intelligence information related to the threat;
(4) the ability to effectively counter the threat;
(5) the protection of intelligence information sources and methods;
(6) cancellation, by an air carrier or the Administrator, of a flight or series of flights instead of public notification;
(7) the ability of passengers and crew to take steps to reduce the risk to their safety as a result of any notification; and
(8) such other factors as the Administrator considers appropriate.

(f) DISTRIBUTION- The guidelines developed pursuant to subsection (c) shall be distributed for use by appropriate officials of the Department of Transportation, the Department of State, the Department of Justice, and air carriers.

(g) SELECTIVE NOTIFICATION PROHIBITED- In no event shall there be notification of a threat to civil aviation to only selective potential travelers unless such threat applies only to them.

(h) ACCESS TO INFORMATION- The Administrator, in cooperation with the Secretary of State, the Attorney General, intelligence agencies, law enforcement officials, and others involved in the collection and analysis of intelligence information relating to aviation security, shall develop procedures to minimize the number of individuals having access to threat information. Any restrictions adopted pursuant to this subsection shall not diminish the ability of the Federal Government to effectively discharge its responsibilities relating to aviation security.

SEC. 111. SCREENING OF MAIL AND CARGO.

The Federal Aviation Act of 1958 is further amended by adding after section 321, as added by section 110 of this Act, the following new section:

SEC. 322. SCREENING OF MAIL AND CARGO.

(a) DEFINITION OF MAIL- Not later than 180 days after the date of the enactment of this section, the Postmaster General shall issue regulations to modify the definition of mail `sealed against inspection' in order to preclude from such classification items capable of containing explosive materials which can cause catastrophic damage to commercial aircraft.

(b) SCREENING CRITERIA- The Postmaster General shall issue regulations to permit the screening by air carriers of mail not sealed against inspection, as required by the Administrator.
(c) REQUIREMENTS- The Administrator shall require the screening of mail and cargo by air carriers or their agents before the transport of such materials. Such requirements shall correspond as closely as possible to required measures relating to checked baggage. In developing such requirements, the Administrator shall consider, among other things:

`(1) existing and reasonably anticipated explosive detection technologies capable of screening mail and cargo;
`(2) the compatibility of screening procedures for mail and cargo with procedures for checked baggage;
`(3) the variation in threat presented by mail and cargo from various locations;
`(4) the use of inspection procedures specific to mail and cargo;
`(5) the protection, to the extent possible, of the privacy of the senders and recipients of mail;
`(6) precise detection of explosive materials which can cause catastrophic damage to commercial aircraft; and
`(7) the desirability of not unduly delaying the delivery of mail and cargo.

The Administrator may provide for the phasing in of requirements for screening of mail and cargo by air carriers.'.

SEC. 112. AIRPORT CONSTRUCTION STANDARDS.

Section 612 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1432) is amended by adding at the end the following new subsection:

`(d) AIRPORT CONSTRUCTION STANDARDS- The Administrator, in consultation with airport authorities, air carriers, and such others as the Administrator considers appropriate, shall develop model standards for airport design and construction to allow for maximum security enhancement.'.

SEC. 113. INTELLIGENCE.

(a) INTERNATIONAL TERRORISM REPORTING- Not later than 180 days after the date of the enactment of this Act, the heads of the agencies of the intelligence community shall promulgate policies and procedures to ensure that intelligence reports concerning international terrorism are made available, as appropriate, to other members of the intelligence community and the Federal Aviation Administration.
(b) STRATEGIC PLANNING- The intelligence community shall consider placing greater emphasis on strategic intelligence efforts through the establishment of a unit for strategic planning concerning terrorism.
(c) CENTRAL INTELLIGENCE AGENCY LIAISON- Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence, in consultation with the Secretary of Transportation, shall designate not less than one intelligence officer of the Central Intelligence Agency to serve in a senior staff position in the Office of the Secretary of the Department of Transportation.
(d) REVIEW OF MEMORANDUMS OF UNDERSTANDING- Not later than 180 days after the date of the enactment of this Act, the intelligence community and the Federal Aviation Administration shall conduct a review of and, as appropriate, revise all
memorandums of understanding and other written working agreements between the intelligence community and the Federal Aviation Administration.

(e) INTELLIGENCE COMMUNITY- For purposes of this section the term `intelligence community' means the intelligence and intelligence-related activities of the following agencies of the United States Government:

1. The Central Intelligence Agency.
2. The Department of Defense.
3. The Defense Intelligence Agency.
5. The Department of the Army, the Department of the Navy, and the Department of the Air Force.
6. The Department of State.
7. The Department of the Treasury.
8. The Department of Energy.
10. The Drug Enforcement Administration.

TITLE II--UNITED STATES RESPONSE TO TERRORISM AFFECTING AMERICANS ABROAD

SEC. 201. INTERNATIONAL NEGOTIATIONS CONCERNING AVIATION SECURITY.

(a) UNITED STATES POLICY- It is the policy of the United States--
   (1) to seek bilateral agreements to achieve United States aviation security objectives with foreign governments;
   (2) to continue to press vigorously for security improvements through the Foreign Airport Security Act and the foreign airport assessment program; and
   (3) to continue to work through the International Civil Aviation Organization to improve aviation security internationally.

(b) NEGOTIATIONS FOR AVIATION SECURITY- The Department of State, in consultation with the Department of Transportation, shall be responsible for negotiating requisite aviation security agreements with foreign governments concerning the implementation of United States rules and regulations which affect the foreign operations of United States air carriers, foreign air carriers, and foreign airports.

(c) LIMITED APPLICATION- In any case in which, and to the extent that, a rule or regulation cannot be implemented without the cooperation and approval of a foreign government, such rule or regulation shall apply to the applicable foreign operations of United States air carriers, foreign air carriers, and foreign airports only to the extent that the requisite cooperation and approval is obtained.

SEC. 202. COORDINATOR FOR INTERNATIONAL AVIATION SECURITY.

There is established within the Department of State the position of Coordinator for International Aviation Security. The Coordinator shall be appointed by the President, with the advice and consent of the Senate, and shall have the rank of ambassador.
SEC. 203. PASSENGER MANIFEST.

(a) MANDATORY AVAILABILITY OF PASSENGER MANIFEST- Section 316 of the Federal Aviation Act of 1958 is amended by adding after subsection (j) the following new subsection:

`(k) PASSENGER MANIFEST-

`(1) Not later than 60 days after the date of the enactment of this subsection, the Administrator shall require all air carriers, including foreign air carriers, to provide a passenger manifest for any flight to appropriate representatives of the United States Department of State not more than one hour after any such carrier is notified of an aviation disaster outside the United States which involves such flight.

`(2) To the extent possible, for purposes of this subsection a passenger manifest should include the following information:

`(A) the full name of each passenger;
`(B) the passport number of each passenger, if required for travel; and
`(C) the name and telephone number of an emergency contact for each passenger.’.

(b) IMPLEMENTATION- In implementing the requirement pursuant to the amendment under subsection (a) of this section, the Administrator shall consider the necessity and feasibility of--

(1) requiring United States carriers to collect passenger manifest information as a condition for passenger boarding of any flight subject to such requirement; and
(2) restricting United States landing rights to foreign carriers that implement a requirement comparable to that imposed pursuant to subsection (a).

(c) INFORMATION FROM UNITED STATES PASSPORTS- Notwithstanding any other provision of law, for any fiscal year and in amounts determined by the Secretary of State, passport fees collected by the Department of State may be credited to a Department of State account and may be available without fiscal year limitation. Amounts credited to that account shall be available only for the purchase and installation of machines able to read United States passports and facilitate the collection of data for the purposes of section 316(k) of the Federal Aviation Act of 1958.

SEC. 204. DEPARTMENT OF STATE NOTIFICATION OF FAMILIES OF VICTIMS.

(a) DEPARTMENT OF STATE POLICY- It is the policy of the Department of State pursuant to section 43 of the State Department Basic Authorities Act to directly and promptly notify the families of victims of aviation disasters abroad concerning citizens of the United States directly affected by such a disaster, including timely written notice. The Secretary of State shall ensure that such notification by the Department of State is carried out notwithstanding notification by any other person.

(b) DEPARTMENT OF STATE GUIDELINES- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall issue such regulations, guidelines, and circulars as are necessary to ensure that the policy under subsection (a) is fully implemented.
SEC. 205. DESIGNATION OF STATE DEPARTMENT-FAMILY LIAISON AND TOLL-FREE FAMILY COMMUNICATIONS SYSTEM.

(a) DESIGNATION OF STATE DEPARTMENT-FAMILY LIAISON- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall issue such rules and guidelines as are necessary to provide that in the event of an aviation disaster directly involving United States citizens abroad, if possible, the Department of State will assign a specific individual, and an alternate, as the Department of State liaison for the family of each such citizen.

(b) TOLL-FREE COMMUNICATIONS SYSTEM- In the establishment of the Department of State toll-free communications system to facilitate inquiries concerning the affect of any disaster abroad on United States citizens residing or traveling abroad, the Secretary of State shall ensure that a toll-free telephone number is reserved for the exclusive use of the families of citizens who have been determined to be directly involved in any such disaster.

SEC. 206. DISASTER TRAINING FOR STATE DEPARTMENT PERSONNEL.

(a) ADDITIONAL TRAINING- The Secretary of State shall institute a supplemental program of training in disaster management for all consular officers.

(b) TRAINING IMPROVEMENTS-

(1) In expanding the training program under subsection (a), the Secretary of State shall consult with death and bereavement counselors concerning the particular demands posed by aviation tragedies and terrorist activities.

(2) In providing such additional training under subsection (a) the Secretary of State shall consider supplementing the current training program through--

(A) providing specialized training to create a team of `disaster specialists' to deploy immediately in a crisis; or

(B) securing outside experts to be brought in during the initial phases to assist consular personnel.

SEC. 207. DEPARTMENT OF STATE RESPONSIBILITIES AND PROCEDURES AT INTERNATIONAL DISASTER SITE.

(a) DISPATCH OF SENIOR STATE DEPARTMENT OFFICIAL TO SITE- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall issue such rules and guidelines as are necessary to provide that in the event of an international aviation disaster directly involving significant numbers of United States citizens abroad not less than one senior officer from the Bureau of Consular Affairs of the Department of State shall be dispatched to the site of such disaster.

(b) CRITERIA FOR DEPARTMENT OF STATE STAFFING AT DISASTER SITE- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall promulgate criteria for Department of State staffing of disaster sites abroad. Such criteria shall define responsibility for staffing decisions and shall consider the deployment of crisis teams under subsection (d). The Secretary of State shall promptly
issue such rules and guidelines as are necessary to implement criteria developed pursuant to this subsection.

(c) STATE DEPARTMENT OMBUDSMAN- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall issue such rules and guidelines as are necessary to provide that in the event of an international aviation disaster involving significant numbers of United States citizens abroad not less than one officer or employee of the Department of State shall be dispatched to the disaster site to provide on-site assistance to families who may visit the site and to act as an ombudsman in matters involving the foreign local government authorities and social service agencies.

(d) CRISIS TEAMS- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall promulgate procedures for the deployment of a `crisis team', which would include public affairs, forensic, and bereavement experts, to the site of any international disaster involving United States citizens abroad to augment in-country Embassy and consulate staff. The Secretary of State shall promptly issue such rules and guidelines as are necessary to implement procedures developed pursuant to this subsection.

SEC. 208. RECOVERY AND DISPOSITION OF REMAINS AND PERSONAL EFFECTS.

It is the policy of the Department of State (pursuant to section 43 of the State Department Basic Authorities Act) to provide liaison with foreign governments and persons and with United States air carriers concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as the disposition of personal effects. The Secretary of State shall ensure that regulations and guidelines of the Department of State reflect such policy and that such assistance is rendered to the families of United States citizens who are killed in terrorist incidents and disasters abroad.

SEC. 209. ASSESSMENT OF LOCKERBIE EXPERIENCE.

The Secretary of State shall compile an assessment of the Department of State response to the Pan American Airways Flight 103 aviation disaster over Lockerbie, Scotland, on December 21, 1988, together with guidelines for future Department of State responses to comparable disasters, for general distribution to all Embassy and consular posts abroad.

SEC. 210. OFFICIAL DEPARTMENT OF STATE RECOGNITION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall promulgate guidelines for appropriate ceremonies or other official expressions of respect and support for the families of United States citizens who are killed through acts of terrorism abroad.

SEC. 211. PROPOSAL TO INCREASE LIMIT ON CARRIER LIABILITY UNDER THE WARSAW CONVENTION.
It is the sense of the Congress that the United States should propose a protocol to the Convention for the Unification of Certain Rules Relating to International Transportation by Air (concluded at Warsaw, Poland, October 12, 1929) commonly known as the Warsaw Convention, which would raise the limit on carrier liability above the $130,000 limit set under Montreal Protocol 3 to the Warsaw Convention.

SEC. 212. UNITED STATES GOVERNMENT COMPENSATION FOR VICTIMS OF TERRORISM.

(a) COMPENSATION- The President shall submit to the Congress, not later than one year after the date of the enactment of this Act, a legislative proposal to authorize the United States to provide monetary and tax relief as compensation to United States citizens who are victims of terrorism.

(b) BOARD- The President may establish a board to develop criteria for compensation and to recommend changes to existing laws to establish a single comprehensive approach to victim compensation for terrorist acts.

SEC. 213. OVERSEAS SECURITY ELECTRONIC BULLETIN BOARD.

Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall issue such rules and regulations as may be necessary to establish, under the Bureau of Consular Affairs, an electronic bulletin board accessible to the general public. Such bulletin board shall contain all information, updated daily, which is available on the Overseas Security Electronic Bulletin Board of the Bureau of Diplomatic Security.

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