

1 **SEC. 425. EXPLOSIVE DETECTION SYSTEMS.**

2 Section 44901(d) of title 49, United States
3 Code, is amended by adding at the end the fol-
4 lowing:

5 “(2) DEADLINE.—

6 “(A) IN GENERAL.—If, in his discretion or
7 at the request of an airport, the Under Sec-
8 retary of Transportation for Security deter-
9 mines that the Transportation Security Admin-
10 istration is not able to deploy explosive detec-
11 tion systems required to be deployed under
12 paragraph (1) at all airports where explosive
13 detection systems are required by December 31,
14 2002, then with respect to each airport for
15 which the Under Secretary makes that
16 determination—

17 “(i) the Under Secretary shall submit
18 to the Senate Committee on Commerce,
19 Science, and Transportation and the
20 House of Representatives Committee on
21 Transportation and Infrastructure a de-
22 tailed plan (which may be submitted in
23 classified form) for the deployment of the
24 number of explosive detection systems at
25 that airport necessary to meet the require-
26 ments of paragraph (1) as soon as prac-



1 ticable at that airport but in no event later
2 than December 31, 2003; and

3 “(ii) the Under Secretary shall take
4 all necessary action to ensure that alter-
5 native means of screening all checked bag-
6 gage is implemented until the requirements
7 of paragraph (1) have been met.

8 “(B) CRITERIA FOR DETERMINATION.—In
9 making a determination under subparagraph
10 (A), the Under Secretary shall take into
11 account—

12 “(i) the nature and extent of the re-
13 quired modifications to the airport’s ter-
14 minal buildings, and the technical, engi-
15 neering, design and construction issues;

16 “(ii) the need to ensure that such in-
17 stallations and modifications are effective;
18 and

19 “(iii) the feasibility and cost-effective-
20 ness of deploying explosive detection sys-
21 tems in the baggage sorting area or other
22 non-public area rather than the lobby of an
23 airport terminal building.

24 “(C) RESPONSE.—The Under Secretary
25 shall respond to the request of an airport under



1 subparagraph (A) within 14 days of receiving
2 the request. A denial of request shall create no
3 right of appeal or judicial review.

4 “(D) AIRPORT EFFORT REQUIRED.—Each
5 airport with respect to which the Under Sec-
6 retary makes a determination under subpara-
7 graph (A) shall—

8 “(i) cooperate fully with the Trans-
9 portation Security Administration with re-
10 spect to screening checked baggage and
11 changes to accommodate explosive detec-
12 tion systems; and

13 “(ii) make security projects a priority
14 for the obligation or expenditure of funds
15 made available under chapter 417 or 471
16 until explosive detection systems required
17 to be deployed under paragraph (1) have
18 been deployed at that airport.

19 “(3) REPORTS.—Until the Transportation Se-
20 curity Administration has met the requirements of
21 paragraph (1), the Under Secretary shall submit a
22 classified report every 30 days after the date of en-
23 actment of the Aviation Security Improvement Act
24 to the Senate Committee on Commerce, Science, and
25 Transportation and the House of Representatives

1 Committee on Transportation and Infrastructure de-
2 scribing the progress made toward meeting such re-
3 quirements at each airport.”.

4 **SEC. 426. TRANSPORTATION SECURITY.**

5 (a) TRANSPORTATION SECURITY OVERSIGHT
6 BOARD.—

7 (1) ESTABLISHMENT.—Section 115(a) of title
8 49, United States Code, is amended by striking “De-
9 partment of Transportation” and inserting “Depart-
10 ment of Homeland Security”.

11 (2) MEMBERSHIP.—Section 115(b)(1) of title
12 49, United States Code, is amended—

13 (A) by striking subparagraph (G);

14 (B) by redesignating subparagraphs (A)
15 through (F) as subparagraphs (B) through (G),
16 respectively; and

17 (C) by inserting before subparagraph (B)
18 (as so redesignated) the following:

19 “(A) The Secretary of Homeland Security,
20 or the Secretary’s designee.”.

21 (3) CHAIRPERSON.—Section 115(b)(2) of title
22 49, United States Code, is amended by striking
23 “Secretary of Transportation” and inserting “Sec-
24 retary of Homeland Security”.

