

TITLE XVI--CORRECTIONS TO EXISTING LAW RELATING TO AIRLINE
TRANSPORTATION
SECURITY

SEC. 1601. RETENTION OF SECURITY SENSITIVE INFORMATION AUTHORITY AT
DEPARTMENT OF TRANSPORTATION.

(a) Section 40119 of title 49, United States Code, is amended--

(1) in subsection (a)--

(A) by inserting `and the Administrator of the Federal
Aviation Administration each' after `for Security'; and

(B) by striking `criminal violence and aircraft piracy' and
inserting `criminal violence, aircraft piracy, and terrorism
and to ensure security'; and

(2) in subsection (b)(1)--

(A) by striking `, the Under Secretary' and inserting `and
the establishment of a Department of Homeland Security, the
Secretary of Transportation';

(B) by striking `carrying out' and all that follows through
`if the Under Secretary' and inserting `ensuring security
under this title if the Secretary of Transportation'; and

(C) in subparagraph (C) by striking `the safety of
passengers in transportation' and inserting `transportation
safety'.

(b) Section 114 of title 49, United States Code, is amended by adding
at the end the following:

`(s) NONDISCLOSURE OF SECURITY ACTIVITIES-

`(1) IN GENERAL- Notwithstanding section 552 of title 5, the
Under Secretary shall prescribe regulations prohibiting the
disclosure of information obtained or developed in carrying out
security under authority of the Aviation and Transportation
Security Act (Public Law 107-71) or under chapter 449 of this
title if the Under Secretary decides that disclosing the
information would--

`(A) be an unwarranted invasion of personal privacy;

`(B) reveal a trade secret or privileged or confidential
commercial or financial information; or

`(C) be detrimental to the security of transportation.

`(2) AVAILABILITY OF INFORMATION TO CONGRESS- Paragraph (1) does not authorize information to be withheld from a committee of Congress authorized to have the information.

`(3) LIMITATION ON TRANSFERABILITY OF DUTIES- Except as otherwise provided by law, the Under Secretary may not transfer a duty or power under this subsection to another department, agency, or instrumentality of the United States.'

SEC. 1602. INCREASE IN CIVIL PENALTIES.

Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

`(8) AVIATION SECURITY VIOLATIONS- Notwithstanding paragraphs (1) and (2) of this subsection, the maximum civil penalty for violating chapter 449 or another requirement under this title administered by the Under Secretary of Transportation for Security shall be \$10,000; except that the maximum civil penalty shall be \$25,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).'

SEC. 1603. ALLOWING UNITED STATES CITIZENS AND UNITED STATES NATIONALS AS SCREENERS.

Section 44935(e)(2)(A)(ii) of title 49, United States Code, is amended by striking `citizen of the United States' and inserting `citizen of the United States or a national of the United States, as defined in section 1101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))'.