

108TH CONGRESS
2D SESSION

S. 2393

To improve aviation security.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2004

Mr. ROCKEFELLER (for himself, Mr. MCCAIN, and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve aviation security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Security Ad-
5 vancement Act”.

6 **SEC. 2. AVIATION SECURITY STAFFING.**

7 (a) STAFFING LEVEL STANDARDS.—

8 (1) DEVELOPMENT OF STANDARDS.—Within 90
9 days after the date of enactment of this Act, the
10 Secretary of Homeland Security, in consultation
11 with the Secretary of Transportation and Federal

1 Security Directors, shall develop standards for deter-
2 mining the appropriate aviation security staffing
3 standards for all commercial airports in the United
4 States necessary—

5 (A) to provide necessary levels of aviation
6 security; and

7 (B) to ensure that the average aviation se-
8 curity-related delay experienced by airline pas-
9 sengers does not exceed 10 minutes.

10 (2) GAO ANALYSIS.—The Comptroller General
11 shall, as soon as practicable after the date on which
12 the Secretary of Homeland Security has developed
13 standards under paragraph (1), conduct an expe-
14 dited analysis of the standards for effectiveness, ad-
15 ministrability, ease of compliance, and consistency
16 with the requirements of existing law.

17 (3) REPORT TO CONGRESS.—Within 120 days
18 after the date of enactment of this Act, the Sec-
19 retary of Homeland Security and the Comptroller
20 General shall transmit a report to the Senate Com-
21 mittee on Commerce, Science, and Transportation
22 and the House of Representatives Committee on
23 Transportation and Infrastructure on the standards
24 developed under paragraph (1), together with rec-

1 ommendations for further improving the efficiency
2 and effectiveness of the screening process.

3 (b) INTEGRATION OF FEDERAL AIRPORT WORK-
4 FORCE AND AVIATION SECURITY.—The Secretary of
5 Homeland Security shall conduct a study of the feasibility
6 of combining operations of Federal employees involved in
7 screening at commercial airports and aviation security re-
8 lated functions under the aegis of the Department of
9 Homeland Security in order to coordinate security-related
10 activities, increase the efficiency and effectiveness of those
11 activities, and increase commercial air transportation se-
12 curity.

13 **SEC. 3. IMPROVED AIR CARGO AND AIRPORT SECURITY.**

14 (a) IN GENERAL.—There are authorized to be appro-
15 priated to the Secretary of Homeland Security for the use
16 of the Transportation Security Administration, in addition
17 to any amounts otherwise authorized by law, for the pur-
18 pose of improving aviation security related to the transpor-
19 tation of cargo on both passenger aircraft and all-cargo
20 aircraft—

- 21 (1) \$200,000,000 for fiscal year 2005;
22 (2) \$200,000,000 for fiscal year 2006; and
23 (3) \$200,000,000 for fiscal year 2007.

24 (b) NEXT-GENERATION CARGO SECURITY GRANT
25 PROGRAM.—

1 (1) IN GENERAL.—The Secretary shall establish
2 and carry out a grant program to facilitate the de-
3 velopment, testing, purchase, and deployment of
4 next-generation air cargo security technology. The
5 Secretary shall establish such eligibility criteria, es-
6 tablish such application and administrative proce-
7 dures, and provide for such matching funding re-
8 quirements, if any, as may be necessary and appro-
9 priate to ensure that the technology is deployed as
10 fully and as rapidly as practicable.

11 (2) RESEARCH AND DEVELOPMENT; DEPLOY-
12 MENT.—To carry out paragraph (1), there are au-
13 thorized to be appropriated to the Secretary for re-
14 search and development related to next-generation
15 air cargo security technology as well as for deploy-
16 ment and installation of next-generation air cargo
17 security technology, such sums are to remain avail-
18 able until expended—

19 (A) \$100,000,000 for fiscal year 2005;

20 (B) \$100,000,000 for fiscal year 2006; and

21 (C) \$100,000,000 for fiscal year 2007.

22 (c) AUTHORIZATION FOR EXPIRING AND NEW
23 LOIs.—There are authorized to be appropriated to the
24 Secretary \$150,000,000 for each of fiscal years 2005
25 through 2007 to fund projects and activities for which let-

1 ters of intent are issued under section 44923 of title 49,
2 United States Code, after the date of enactment of this
3 Act.

4 (d) REPORTS.—The Secretary shall transmit periodic
5 reports no less frequently than every 6 months to the Sen-
6 ate Committee on Commerce, Science, and Transportation
7 and the House of Representatives Committee on Trans-
8 portation and Infrastructure on—

9 (1) the progress being made toward, and the
10 status of, deployment and installation of next-gen-
11 eration air cargo security technology under sub-
12 section (b); and

13 (2) the amount and purpose of grants under
14 subsection (b) and the locations of projects funded
15 by such grants.

16 **SEC. 4. AIR CARGO SECURITY MEASURES.**

17 (a) ENHANCEMENT OF AIR CARGO SECURITY.—The
18 Secretary of Homeland Security, in consultation with the
19 Secretary of Transportation, shall develop and implement
20 a plan to enhance air cargo security at airports for com-
21 mercial passenger and cargo aircraft that incorporates the
22 recommendations made by the Cargo Security Working
23 Group of the Aviation Security Advisory Committee.

24 (b) SUPPLY CHAIN SECURITY.—The Administrator
25 of the Transportation Security Administration shall—

1 (1) promulgate regulations requiring the evalua-
2 tion of indirect air carriers and ground handling
3 agents, including background checks and checks
4 against all Administration watch lists; and

5 (2) evaluate the potential efficacy of increased
6 use of canine detection teams to inspect air cargo on
7 passenger and all-cargo aircraft.

8 (c) ALL-CARGO AIRCRAFT SECURITY.—Subchapter I
9 of chapter 449, United States Code, is amended by adding
10 at the end the following:

11 “§ 44925. **All-cargo aircraft security**

12 “(a) ACCESS TO FLIGHT DECK.—Within 180 days
13 after the date of enactment of this Act, the Administrator
14 of the Transportation Security Administration, in coordi-
15 nation with the Federal Aviation Administrator, shall—

16 “(1) issue an order (without regard to the pro-
17 visions of chapter 5 of title 5)—

18 “(A) requiring, to the extent consistent
19 with engineering and safety standards, that all-
20 cargo aircraft operators engaged in air trans-
21 portation or intrastate air transportation main-
22 tain a barrier, which may include the use of a
23 hardened cockpit door, between the aircraft
24 flight deck and the aircraft cargo compartment
25 sufficient to prevent unauthorized access to the

1 flight deck from the cargo compartment, in ac-
2 cordance with the terms of a plan presented to
3 and accepted by the Administrator of the
4 Transportation Security Administration in con-
5 sultation with the Federal Aviation Adminis-
6 trator; and

7 “(B) prohibiting the possession of a key to
8 a flight deck door by any member of the flight
9 crew who is not assigned to the flight deck; and

10 “(2) take such other action, including modifica-
11 tion of safety and security procedures and flight
12 deck redesign, as may be necessary to ensure the
13 safety and security of the flight deck.

14 “(b) SCREENING AND OTHER MEASURES.—Within 1
15 year after the date of enactment of this Act, the Adminis-
16 trator of the Transportation Security Administration, in
17 coordination with the Federal Aviation Administrator,
18 shall issue an order (without regard to the provisions of
19 chapter 5 of title 5) requiring—

20 “(1) all-cargo aircraft operators engaged in air
21 transportation or intrastate air transportation to
22 physically screen each person, and that person’s bag-
23 gage and personal effects, to be transported on an
24 all-cargo aircraft engaged in air transportation or
25 intrastate air transportation;

1 “(2) each such aircraft to be physically
2 searched before the first leg of the first flight of the
3 aircraft each day, or, for inbound international oper-
4 ations, at aircraft operator’s option prior to the de-
5 parture of any such flight for a point in the United
6 States; and

7 “(3) each such aircraft that is unattended over-
8 night to be secured or sealed or to have access
9 stairs, if any, removed from the aircraft.

10 “(c) ALTERNATIVE MEASURES.—The Administrator
11 of the Transportation Security Administration, in coordi-
12 nation with the Federal Aviation Administrator, may au-
13 thorize alternative means of compliance with any require-
14 ment imposed under this section.”.

15 (d) CONFORMING AMENDMENT.—The subchapter
16 analysis for subchapter I of chapter 449, United States
17 Code, is amended by adding at the end the following:

“44925. All-cargo aircraft security.”.

18 **SEC. 5. EXPLOSIVE DETECTION SYSTEMS.**

19 (a) IN-LINE PLACEMENT OF EXPLOSIVE-DETECTION
20 EQUIPMENT.—Within 180 days after the date of enact-
21 ment of this Act, the Secretary of Homeland Security shall
22 establish a schedule for replacing trace-detection equip-
23 ment used for in-line baggage screening purposes as soon
24 as practicable with explosive detection system equipment.
25 The Secretary shall notify the Senate Committee on Com-

1 merce, Science, and Transportation and the House of Rep-
2 resentatives Committee on Transportation and Infrastruc-
3 ture of the schedule and provide an estimate of the impact
4 of replacing such equipment, facility modification and bag-
5 gage conveyor placement, on aviation security-related
6 staffing needs and levels.

7 (b) NEXT GENERATION EDS.—There are authorized
8 to be appropriated to the Secretary of Homeland Security
9 for the use of the Transportation Security Administration
10 \$100,000,000, in addition to any amounts otherwise au-
11 thorized by law, for the purpose of research and develop-
12 ment of next generation explosive detection systems for
13 aviation security under section 44913 of title 49, United
14 States Code. The Secretary shall develop a plan and guide-
15 lines for implementing improved explosive detection sys-
16 tem equipment.

17 (c) PORTAL DETECTION SYSTEMS.—There are au-
18 thorized to be appropriated to the Secretary of Homeland
19 Security for the use of the Transportation Security Ad-
20 ministration \$250,000,000, in addition to any amounts
21 otherwise authorized by law, for research and development
22 and installation of portal detection systems or similar de-
23 vices for the detection of biological, radiological, and explo-
24 sive materials. The Secretary of Homeland Security, in
25 consultation with the Secretary of Transportation, shall

1 establish a pilot program at not more than 10 commercial
2 service airports to evaluate the use of such systems.

3 (d) **REPORTS.**—The Secretary shall transmit periodic
4 reports no less frequently than every 6 months to the Sen-
5 ate Committee on Commerce, Science, and Transportation
6 and the House of Representatives Committee on Trans-
7 portation and Infrastructure on research and development
8 projects funded under subsection (b) or (c), and the pilot
9 program established under subsection (c), including cost
10 estimates for each phase of such projects and total project
11 costs.

12 **SEC. 6. AIR MARSHAL PROGRAM.**

13 (a) **CROSS-TRAINING.**—The Secretary of Homeland
14 Security shall transmit to the Senate Committee on Com-
15 merce, Science, and Transportation and the House of Rep-
16 resentatives Committee on Transportation and Infrastruc-
17 ture a report on the potential for cross-training of individ-
18 uals who serve as air marshals and on the need for pro-
19 viding contingency funding for air marshal operations.

20 (b) **AUTHORIZATION OF ADDITIONAL APPROPRIA-**
21 **TIONS.**—There are authorized to be appropriated to the
22 Secretary of Homeland Security for the use of the Trans-
23 portation Security Administration, in addition to any
24 amounts otherwise authorized by law, for the deployment
25 of Federal Air Marshals under section 44917 of title 49,

1 United States Code, \$83,000,000 for the 3 fiscal year pe-
2 riod beginning with fiscal year 2005, such sums to remain
3 available until expended.

4 **SEC. 7. TSA-RELATED BAGGAGE CLAIM ISSUES STUDY.**

5 Within 90 days after the date of enactment of this
6 Act, the Secretary of Homeland Security, in consultation
7 with the Secretary of Transportation, shall transmit to the
8 Senate Committee on Commerce, Science, and Transpor-
9 tation and the House of Representatives Committee on
10 Transportation and Infrastructure a report on the present
11 system for addressing lost, stolen, damaged, or pilfered
12 baggage claims relating to air transportation security
13 screening procedures. The report shall include—

14 (1) information concerning the time it takes to
15 settle such claims under the present system;

16 (2) a comparison and analysis of the number,
17 frequency, and nature of such claims before and
18 after enactment of the Aviation and Transportation
19 Security Act using data provided by the major
20 United States airlines; and

21 (3) recommendations on how to improve the in-
22 volvement and participation of the airlines in the
23 baggage screening and handling processes and better
24 coordinate the activities of Federal baggage screen-
25 ers with airline operations.

1 **SEC. 8. REPORT ON IMPLEMENTATION OF GAO HOMELAND**
2 **SECURITY INFORMATION SHARING REC-**
3 **COMMENDATIONS.**

4 Within 30 days after the date of enactment of this
5 Act, the Secretary of Homeland Security, after consulta-
6 tion with the heads of Federal departments and agencies
7 concerned, shall transmit to the Senate Committee on
8 Commerce, Science, and Transportation and the House of
9 Representatives Committee on Transportation and Infra-
10 structure a report on implementation of recommendations
11 contained in the General Accounting Office's report titled
12 "Homeland Security: Efforts To Improve Information
13 Sharing Need To Be Strengthened" (GAO-03-760), Au-
14 gust, 2003.

15 **SEC. 9. AVIATION SECURITY RESEARCH AND DEVELOP-**
16 **MENT.**

17 (a) BIOMETRICS.—There are authorized to be appro-
18 priated to the Secretary of Homeland Security for the use
19 of the Transportation Security Administration
20 \$20,000,000, in addition to any amounts otherwise au-
21 thorized by law, for research and development of biometric
22 technology applications to aviation security.

23 (b) BIOMETRICS CENTERS OF EXCELLENCE.—There
24 are authorized to be appropriated to the Secretary of
25 Homeland Security for the use of the Transportation Se-
26 curity Administration \$1,000,000, in addition to any

1 amounts otherwise authorized by law, for the establish-
2 ment of competitive centers of excellence at the national
3 laboratories.

4 **SEC. 10. PERIMETER ACCESS TECHNOLOGY.**

5 There are authorized to be appropriated to the Sec-
6 retary of Homeland Security \$100,000,000 for airport pe-
7 rimeter security technology, fencing, security contracts,
8 vehicle tagging, and other perimeter security related oper-
9 ations, facilities, and equipment, such sums to remain
10 available until expended.

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