

## Calendar No. 808

108TH CONGRESS  
2D SESSION**S. 2393****[Report No. 108–417]**

To improve aviation security.

## IN THE SENATE OF THE UNITED STATES

MAY 6, 2004

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

NOVEMBER 19, 2004

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italie*]**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”.



1 **SEC. 2. AVIATION SECURITY STAFFING.**

2 **SEC. 2. IMPROVED PILOT LICENSES.**

3       (a) *IN GENERAL.*—Within 90 days after the date of  
4 enactment of this Act, the Federal Aviation Administrator  
5 shall develop a system for the issuance of any pilot's license  
6 issued more than 180 days after the date of enactment of  
7 this Act that—

8               (1) *are resistant to tampering, alteration, and*  
9       *counterfeiting;*

10              (2) *include a photograph of the individual to*  
11       *whom the license is issued; and*

12              (3) *are capable of accommodating a digital pho-*  
13       *tograph, a biometric measure, or other unique identi-*  
14       *fier that provides a means of—*

15                       (A) *ensuring its validity; and*

16                       (B) *revealing whether any component or se-*  
17       *curity feature of the license has been com-*  
18       *promised.*

19       (b) *USE OF DESIGNEES.*—The Administrator of the  
20 Federal Aviation Administration shall use designees to  
21 carry out subsection (a) to the extent feasible in order to  
22 minimize the burden of such requirements on pilots.

23       (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
24 authorized to be appropriated to the Administrator for fis-  
25 cal year 2005, \$50,000,000 to carry out subsection (a).



1 **SEC. 3. AIRCRAFT CHARTER CUSTOMER SCREENING.**

2 (a) *IN GENERAL.*—Within 90 days after the date of  
3 enactment of this Act, the Secretary of Homeland Security  
4 shall implement a procedure under which—

5 (1) any person engaged in the business of char-  
6 tering fixed wing or rotary aircraft to the public may  
7 contact the Transportation Security Administration  
8 before permitting passengers to board the aircraft for  
9 the first time;

10 (2) the Transportation Security Administration  
11 immediately will compare information about the in-  
12 dividual seeking to charter an aircraft and any pas-  
13 sengers proposed to be transported onboard the air-  
14 craft with a comprehensive, consolidated database  
15 containing information about known or suspected ter-  
16 rorists and their associates; and

17 (3) control of the aircraft will not be relin-  
18 quished if the Transportation Security Agency deter-  
19 mines that such individual, pilot, or passenger is  
20 identified as a flight security or terrorism risk.

21 (b) *PRIVACY SAFEGUARDS.*—Under the procedure, the  
22 Secretary shall ensure that—

23 (1) the person required to compare the informa-  
24 tion will not be given any information about the in-  
25 dividual whose name is being checked other than



1       *whether permission to charter the aircraft is granted*  
 2       *or denied; and*

3               *(2) an individual denied access to an aircraft*  
 4       *under the procedure is given an opportunity to con-*  
 5       *sult the Transportation Security Agency immediately,*  
 6       *or as expeditiously as practicable, for the purpose of*  
 7       *correcting mis-identification errors, resolving confu-*  
 8       *sion resulting from names that are the same as or*  
 9       *similar to names on the list, or addressing other erro-*  
 10       *neous information that may have resulted in the de-*  
 11       *nial.*

12       (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 13       *authorized to be appropriated to the Secretary of Homeland*  
 14       *Security such sums as may be necessary to carry out the*  
 15       *provisions of this section.*

16       ***SEC. 4. AIRCRAFT RENTAL CUSTOMER SCREENING.***

17       (a) *IN GENERAL.—Within 90 days after the date of*  
 18       *enactment of this Act, the Secretary of Homeland Security*  
 19       *shall implement a procedure under which—*

20               *(1) any person engaged in the business of renting*  
 21       *fixed wing or rotary aircraft to the public may con-*  
 22       *tact the Transportation Security Administration be-*  
 23       *fore permitting an individual seeking to rent an air-*  
 24       *craft to have access to the aircraft for the first time;*



1           (2) *the Transportation Security Administration*  
2           *immediately will compare information about the in-*  
3           *dividual seeking to rent the aircraft with a com-*  
4           *prehensive, consolidated database containing informa-*  
5           *tion about known or suspected terrorists and their as-*  
6           *sociates; and*

7           (3) *the individual will not be permitted to take*  
8           *control of the aircraft if the Transportation Security*  
9           *Agency determines that the individual is a flight se-*  
10          *curity or terrorism risk.*

11          (b) *PILOT PROGRAM.*—*Before fully implementing the*  
12          *program under subsection (a), the Secretary shall test the*  
13          *program through a demonstration project.*

14          (c) *PRIVACY SAFEGUARDS.*—*Under the procedure, the*  
15          *Secretary shall ensure that—*

16               (1) *the person required to compare the informa-*  
17               *tion will not be given any information about the in-*  
18               *dividual whose name is being checked other than*  
19               *whether permission to rent the aircraft is granted or*  
20               *denied; and*

21               (2) *an individual denied access to an aircraft*  
22               *under the procedure is given an opportunity to con-*  
23               *sult the Transportation Security Agency immediately,*  
24               *or as expeditiously as practicable, for the purpose of*  
25               *correcting mis-identification errors, resolving confu-*



1        *sion resulting from names that are the same as or*  
 2        *similar to names on the list, or addressing other erro-*  
 3        *neous information that may have resulted in the de-*  
 4        *nial.*

5        *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*  
 6        *authorized to be appropriated to the Secretary of Homeland*  
 7        *Security such sums as may be necessary to carry out the*  
 8        *provisions of this section.*

9        **SEC. 5. AVIATION SECURITY STAFFING.**

10        (a) STAFFING LEVEL STANDARDS.—

11                (1) DEVELOPMENT OF STANDARDS.—Within 90  
 12        days after the date of enactment of this Act, the  
 13        Secretary of Homeland Security, in consultation  
 14        with the Secretary of Transportation and Federal  
 15        Security Directors, shall develop standards for deter-  
 16        mining the appropriate aviation security staffing  
 17        standards for all commercial airports in the United  
 18        States necessary—

19                (A) to provide necessary levels of aviation  
 20        security; and

21                (B) to ensure that the average aviation se-  
 22        curity-related delay experienced by airline pas-  
 23        sengers ~~does not exceed 10 minutes.~~ *is mini-*  
 24        *mized.*



1           (2) GAO ANALYSIS.—The Comptroller General  
2       shall, as soon as practicable after the date on which  
3       the Secretary of Homeland Security has developed  
4       standards under paragraph (1), conduct an expedited analysis of the standards for effectiveness, administrability, ease of compliance, and consistency  
5       with the requirements of existing law.

6           (3) REPORT TO CONGRESS.—Within 120 days  
7       after the date of enactment of this Act, the Secretary of Homeland Security and the Comptroller  
8       General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation  
9       and the House of Representatives Committee on Transportation and Infrastructure on the standards  
10      developed under paragraph (1), together with recommendations for further improving the efficiency  
11      and effectiveness of the screening process.

12       (b) INTEGRATION OF FEDERAL AIRPORT WORK-  
13      FORCE AND AVIATION SECURITY.—The Secretary of  
14      Homeland Security shall conduct a study of the feasibility  
15      of combining operations of Federal employees involved in  
16      screening at commercial airports and aviation security related functions under the aegis of the Department of  
17      Homeland Security in order to coordinate security-related  
18      activities, increase the efficiency and effectiveness of those



1 activities, and increase commercial air transportation se-  
 2 curity.

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

4 **SEC. 6. IMPROVED AIR CARGO AND AIRPORT SECURITY.**

5 (a) IN GENERAL.—There are authorized to be appro-  
 6 priated to the Secretary of Homeland Security for the use  
 7 of the Transportation Security Administration, in addition  
 8 to any amounts otherwise authorized by law, for the pur-  
 9 pose of improving aviation security related to the transpor-  
 10 tation of cargo on both passenger aircraft and all-cargo  
 11 aircraft—

12 (1) \$200,000,000 for fiscal year 2005;

13 (2) \$200,000,000 for fiscal year 2006; and

14 (3) \$200,000,000 for fiscal year 2007.

15 (b) NEXT-GENERATION CARGO SECURITY GRANT  
 16 PROGRAM.—

17 (1) IN GENERAL.—The Secretary shall establish  
 18 and carry out a grant program to facilitate the de-  
 19 velopment, testing, purchase, and deployment of  
 20 next-generation air cargo security technology. The  
 21 Secretary shall establish such eligibility criteria, es-  
 22 tablish such application and administrative proce-  
 23 dures, and provide for such matching funding re-  
 24 quirements, if any, as may be necessary and appro-



1        appropriate to ensure that the technology is deployed as  
 2        fully and as rapidly as practicable.

3            (2) RESEARCH AND DEVELOPMENT; DEPLOY-  
 4        MENT.—To carry out paragraph (1), there are au-  
 5        thorized to be appropriated to the Secretary for re-  
 6        search and development related to next-generation  
 7        air cargo security technology as well as for deploy-  
 8        ment and installation of next-generation air cargo  
 9        security technology, such sums are to remain avail-  
 10      able until expended—

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

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

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

14      ~~(e) AUTHORIZATION FOR EXPIRING AND NEW~~  
 15 ~~LOIS.—There are authorized to be appropriated to the~~  
 16 ~~Secretary \$150,000,000 for each of fiscal years 2005~~  
 17 ~~through 2007 to fund projects and activities for which let-~~  
 18 ~~ters of intent are issued under section 44923 of title 49,~~  
 19 ~~United States Code, after the date of enactment of this~~  
 20 ~~Act.~~

21      *(c) AUTHORIZATION FOR EXPIRING AND NEW LOIS.—*

22            *(1) IN GENERAL.—There are authorized to be ap-*  
 23            *propriated to the Secretary \$150,000,000 for each of*  
 24            *fiscal years 2005 through 2007 to fund projects and*  
 25            *activities for which letters of intent are issued under*



1        *section 44923 of title 49, United States Code, after the*  
 2        *date of enactment of this Act.*

3            (2) *PERIOD OF REIMBURSEMENT.—Notwith-*  
 4        *standing any other provision of law, the Secretary*  
 5        *may provide that the period of reimbursement under*  
 6        *any letter of intent may extend for a period not to*  
 7        *exceed 10 years after the date that the Secretary*  
 8        *issues such letter, subject to the availability of appro-*  
 9        *priations. This paragraph applies to letters of intent*  
 10       *issued under section 44923 of title 49, United States*  
 11       *Code, or section 367 of the Department of Transpor-*  
 12       *tation and Related Agencies Appropriation Act, 2003*  
 13       *(49 U.S.C. 47110 note).*

14        (d) *REPORTS.—The Secretary shall transmit* ~~periodic~~  
 15 ~~reports no less frequently than every 6 months~~ *an annual*  
 16 *report* to the Senate Committee on Commerce, Science,  
 17 and Transportation and the House of Representatives  
 18 Committee on Transportation and Infrastructure on—

19            (1) the progress being made toward, and the  
 20        status of, deployment and installation of next-gen-  
 21        eration air cargo security technology under sub-  
 22        section (b); and

23            (2) the amount and purpose of grants under  
 24        subsection (b) and the locations of projects funded  
 25        by such grants.



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

2 **SEC. 7. AIR CARGO SECURITY MEASURES.**

3 (a) ENHANCEMENT OF AIR CARGO SECURITY.—The  
 4 Secretary of Homeland Security, in consultation with the  
 5 Secretary of Transportation, shall develop and implement  
 6 a plan to enhance air cargo security at airports for com-  
 7 mercial passenger and cargo aircraft that incorporates the  
 8 recommendations made by the Cargo Security Working  
 9 Group of the Aviation Security Advisory Committee.

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

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

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

19 (c) *INCREASED CARGO INSPECTIONS.*—*Within 1 year*  
 20 *after the date of enactment of this Act, the Secretary of*  
 21 *Homeland Security shall require that the volume of prop-*  
 22 *erty screened or inspected is at least two-fold the volume*  
 23 *that is screened or inspected on the date of enactment of*  
 24 *this Act. For purposes of the preceding sentence, the term*  
 25 *“property” means mail, cargo, and other articles carried*



1 *aboard a passenger aircraft operated by an air carrier or*  
 2 *foreign air carrier in air transportation.*

3 ~~(c)~~ (d) ALL-CARGO AIRCRAFT SECURITY.—Sub-  
 4 chapter I of chapter 449, United States Code, is amended  
 5 by adding at the end the following:

6 **“§ 44925. All-cargo aircraft security**

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

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

13 “(A) requiring, to the extent consistent  
 14 with engineering and safety standards, that all-  
 15 cargo aircraft operators engaged in air trans-  
 16 portation or intrastate air transportation main-  
 17 tain a barrier, which may include the use of a  
 18 hardened cockpit door, between the aircraft  
 19 flight deck and the aircraft cargo compartment  
 20 sufficient to prevent unauthorized access to the  
 21 flight deck from the cargo compartment, in ac-  
 22 cordance with the terms of a plan presented to  
 23 and accepted by the Administrator of the  
 24 Transportation Security Administration in con-



1           sultation with the Federal Aviation Adminis-  
2           trator; and

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

6           “(2) take such other action, including modifica-  
7           tion of safety and security procedures and flight  
8           deck redesign, as may be necessary to ensure the  
9           safety and security of the flight deck.

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

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

22           “(2) each such aircraft to be physically  
23       searched before the first leg of the first flight of the  
24       aircraft each day, or, for inbound international oper-  
25       ations, at aircraft operator’s option prior to the de-



1       parture of any such flight for a point in the United  
2       States; and

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

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

11      ~~(d)~~ (e) CONFORMING AMENDMENT.—The subchapter  
12      analysis for subchapter I of chapter 449, United States  
13      Code, is amended by adding at the end the following:

“44925. All-cargo aircraft security.”.

14      **SEC. 5. EXPLOSIVE DETECTION SYSTEMS.**

15      **SEC. 8. EXPLOSIVE DETECTION SYSTEMS.**

16      (a) IN-LINE PLACEMENT OF EXPLOSIVE-DETECTION  
17      EQUIPMENT.—Within 180 days after the date of enact-  
18      ment of this Act, the Secretary of Homeland Security shall  
19      establish a schedule for replacing trace-detection equip-  
20      ment used for in-line baggage screening purposes as soon  
21      as practicable *where appropriate* with explosive detection  
22      system equipment. The Secretary shall notify the Senate  
23      Committee on Commerce, Science, and Transportation  
24      and the House of Representatives Committee on Trans-  
25      portation and Infrastructure of the schedule and provide



1 an estimate of the impact of replacing such equipment,  
2 facility modification and baggage conveyor placement, on  
3 aviation security-related staffing needs and levels.

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

14 (c) PORTAL DETECTION SYSTEMS.—There are au-  
15 thorized to be appropriated to the Secretary of Homeland  
16 Security for the use of the Transportation Security Ad-  
17 ministration \$250,000,000, in addition to any amounts  
18 otherwise authorized by law, for research and development  
19 and installation of portal detection systems or similar de-  
20 vices for the detection of biological, radiological, and explo-  
21 sive materials. The Secretary of Homeland Security, in  
22 consultation with the Secretary of Transportation, *Secu-*  
23 *rity* shall establish a pilot program at not more than 10  
24 commercial service airports to evaluate the use of such  
25 systems.



1 (d) REPORTS.—The Secretary shall transmit ~~periodic~~  
 2 ~~reports no less frequently than every 6 months~~ *an annual*  
 3 *report* to the Senate Committee on Commerce, Science,  
 4 and Transportation and the House of Representatives  
 5 Committee on Transportation and Infrastructure on re-  
 6 search and development projects funded under subsection  
 7 (b) or (c), and the pilot program established under sub-  
 8 section (c), including cost estimates for each phase of such  
 9 projects and total project costs.

10 **~~SEC. 6. AIR MARSHAL PROGRAM.~~**

11 ***SEC. 9. AIR MARSHAL PROGRAM.***

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

19 (b) AUTHORIZATION OF ADDITIONAL APPROPRIA-  
 20 TIONS.—There are authorized to be appropriated to the  
 21 Secretary of Homeland Security for the use of the Trans-  
 22 portation Security Administration, in addition to any  
 23 amounts otherwise authorized by law, for the deployment  
 24 of Federal Air Marshals under section 44917 of title 49,  
 25 United States Code, \$83,000,000 for the 3 fiscal year pe-



1 riod beginning with fiscal year 2005, such sums to remain  
 2 available until expended.

3 **~~SEC. 7. TSA-RELATED BAGGAGE CLAIM ISSUES STUDY.~~**

4 ***SEC. 10. 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 **OMMENDATIONS.**

4 **SEC. 11. REPORT ON IMPLEMENTATION OF GAO HOMELAND**  
 5 **SECURITY INFORMATION SHARING REC-**  
 6 **OMMENDATIONS.**

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

18 **SEC. 9. AVIATION SECURITY RESEARCH AND DEVELOP-**  
 19 **MENT.**

20 **SEC. 12. AVIATION SECURITY RESEARCH AND DEVELOP-**  
 21 **MENT.**

22       (a) BIOMETRICS.—There are authorized to be appro-  
 23 priated to the Secretary of Homeland Security for the use  
 24 of the Transportation Security Administration  
 25 \$20,000,000, in addition to any amounts otherwise au-



1 thorized by law, for research and development of biometric  
 2 technology applications to aviation security.

3 (b) BIOMETRICS CENTERS OF EXCELLENCE.—There  
 4 are authorized to be appropriated to the Secretary of  
 5 Homeland Security for the use of the Transportation Se-  
 6 curity Administration \$1,000,000, in addition to any  
 7 amounts otherwise authorized by law, for the establish-  
 8 ment of competitive centers of excellence at the national  
 9 laboratories.

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

11 **SEC. 13. PERIMETER ACCESS TECHNOLOGY.**

12 There are authorized to be appropriated to the Sec-  
 13 retary of Homeland Security \$100,000,000 for airport pe-  
 14 rimeter security technology, fencing, security contracts,  
 15 vehicle tagging, and other perimeter security related oper-  
 16 ations, facilities, and equipment, such sums to remain  
 17 available until expended.

18 **SEC. 14. BEREAVEMENT FARES.**

19 (a) *IN GENERAL.*—Chapter 415 of title 49, United  
 20 States Code, is amended by adding at the end the following:

21 **“§41512. Bereavement fares**

22 “Air carriers shall offer, with appropriate documenta-  
 23 tion, bereavement fares to the public for air transportation  
 24 in connection with the death of a relative or other relation-  
 25 ship (as determined by the air carrier) and shall make such



1 fares available, to the greatest extent practicable, at the low-  
 2 est fare offered by the air carrier for the flight for which  
 3 the bereavement fare is requested.”.

4 (b) *CONFORMING AMENDMENT.*—The chapter analysis  
 5 for chapter 415 is amended by inserting after the item relat-  
 6 ing to section 41511 the following:

“41512. Bereavement fares.”.

7 **SEC. 15. REVIEW AND REVISION OF PROHIBITED ITEMS**  
 8 **LIST.**

9 Not later than 60 days after the date of enactment of  
 10 this Act, the Transportation Security Administration shall  
 11 complete a review of its Prohibited Items List, set forth in  
 12 49 CFR 1540, and release a revised rule that—

13 (1) prohibits passengers from carrying butane  
 14 lighters onboard passenger aircraft; and

15 (2) modifies the Prohibited Items List in such  
 16 other ways as the agency may deem appropriate.

17 **SEC. 16. REPORT ON PROTECTING COMMERCIAL AIRCRAFT**  
 18 **FROM THE THREAT OF MAN-PORTABLE AIR**  
 19 **DEFENSE SYSTEMS.**

20 (a) *REQUIREMENT.*—The Secretary of Homeland Se-  
 21 curity, in coordination with the head of the Transportation  
 22 Security Administration and the Under Secretary for  
 23 Science and Technology, shall prepare a report on pro-  
 24 tecting commercial aircraft from the threat of man-portable



1 *air defense systems (referred to in this section as*  
2 *“MANPADS”).*

3 *(b) CONTENT.—The report required by subsection (a)*  
4 *shall include the following:*

5 *(1) An estimate of the number of organizations,*  
6 *including terrorist organizations, that have access to*  
7 *MANPADS and a description of the risk posed by*  
8 *each organization.*

9 *(2) A description of the programs carried out by*  
10 *the Secretary of Homeland Security to protect com-*  
11 *mercial aircraft from the threat posed by MANPADS.*

12 *(3) An assessment of the effectiveness and feasi-*  
13 *bility of the systems to protect commercial aircraft*  
14 *under consideration by the Under Secretary for*  
15 *Science and Technology for use in phase II of the*  
16 *counter-MANPADS development and demonstration*  
17 *program.*

18 *(4) A justification for the schedule of the imple-*  
19 *mentation of phase II of the counter-MANPADS de-*  
20 *velopment and demonstration program.*

21 *(5) An assessment of the effectiveness of other*  
22 *technology that could be employed on commercial air-*  
23 *craft to address the threat posed by MANPADS, in-*  
24 *cluding such technology that is—*

25 *(A) either active or passive;*



1                   (B) employed by the Armed Forces; or

2                   (C) being assessed or employed by other  
3                   countries.

4                   (6) An assessment of alternate technological ap-  
5                   proaches to address such threat, including ground-  
6                   based systems.

7                   (7) A discussion of issues related to any con-  
8                   tractor liability associated with the installation or use  
9                   of technology or systems on commercial aircraft to ad-  
10                  dress such threat.

11                  (8) A description of the strategies that the Sec-  
12                  retary may employ to acquire any technology or sys-  
13                  tems selected for use on commercial aircraft at the  
14                  conclusion of phase II of the counter-MANPADS de-  
15                  velopment and demonstration program, including—

16                       (A) a schedule for purchasing and installing  
17                       such technology or systems on commercial air-  
18                       craft; and

19                       (B) a description of—

20                               (i) the priority in which commercial  
21                               aircraft will be equipped with such tech-  
22                               nology or systems;

23                               (ii) any efforts to coordinate the sched-  
24                               ules for installing such technology or system  
25                               with private airlines;



1                   (iii) any efforts to ensure that aircraft  
2                   manufacturers integrate such technology or  
3                   systems into new aircraft; and

4                   (iv) the cost to operate and support  
5                   such technology or systems on a commercial  
6                   aircraft.

7               (9) A description of the plan to expedite the use  
8               of technology or systems on commercial aircraft to ad-  
9               dress the threat posed by MANPADS if intelligence or  
10              events indicate that the schedule for the use of such  
11              technology or systems, including the schedule for car-  
12              rying out development and demonstration programs  
13              by the Secretary, should be expedited.

14             (10) A description of the efforts of the Secretary  
15             to survey and identify the areas at domestic and for-  
16             eign airports where commercial aircraft are most vul-  
17             nerable to attack by MANPADS.

18             (11) A description of the cooperation between the  
19             Secretary and the Administrator of the Federal Avia-  
20             tion Administration to certify the airworthiness and  
21             safety of technology and systems to protect commer-  
22             cial aircraft from the risk posed by MANPADS in an  
23             expeditious manner.

24             (c) TRANSMISSION TO CONGRESS.—The report re-  
25             quired by subsection (a) shall be transmitted to Congress



1 *along with the budget for fiscal year 2006 submitted by the*  
2 *President pursuant to section 1105(a) of title 31, United*  
3 *States Code.*

4 ***SEC. 17. SCREENING DEVICES TO DETECT CHEMICAL AND***  
5 ***PLASTIC EXPLOSIVES.***

6 *Not later than 90 days after the date of enactment of*  
7 *this Act, the Secretary of Homeland Security shall provide*  
8 *to the Senate Committee on Commerce, Science, and Trans-*  
9 *portation a report on the current status of efforts, and the*  
10 *additional needs, regarding passenger and carry-on baggage*  
11 *screening equipment at United States airports to detect*  
12 *chemical and plastic explosives. The report shall include the*  
13 *cost of and timetable for installing such equipment and any*  
14 *recommended legislative actions.*

15 ***SEC. 18. REPORTS ON THE FEDERAL AIR MARSHALS PRO-***  
16 ***GRAM.***

17 *Not later than 90 days after the date of enactment of*  
18 *this Act, and every 90 days thereafter, the Secretary of*  
19 *Homeland Security shall provide to the Senate Committee*  
20 *on Commerce, Science, and Transportation a classified re-*  
21 *port on the number of individuals serving as Federal air*  
22 *marshals. Such report shall include the number of Federal*  
23 *air marshals who are women, minorities, or employees of*  
24 *departments or agencies of the United States Government*  
25 *other than the Department of Homeland Security, the per-*



1 centage of domestic and international flights that have a  
 2 Federal air marshal aboard, and the rate at which individ-  
 3 uals are leaving service as Federal air marshals.

4 **SEC. 19. SECURITY OF AIR MARSHAL IDENTITY.**

5 (a) *IN GENERAL.*—The Secretary of the Department  
 6 of Homeland Security shall designate individuals and par-  
 7 ties to whom Federal air marshals shall be required to iden-  
 8 tify themselves.

9 (b) *PROHIBITION.*—Notwithstanding any other provi-  
 10 sion of law, no procedure, guideline, rule, regulation, or  
 11 other policy shall expose the identity of an air marshal to  
 12 anyone other than those designated by the Secretary under  
 13 subsection (a).

14 **SEC. 20. SECURITY MONITORING CAMERAS FOR AIRPORT**  
 15 **BAGGAGE HANDLING AREAS.**

16 (a) *IN GENERAL.*—The Under Secretary of Homeland  
 17 Security for Border Transportation and Security shall pro-  
 18 vide assistance to public airports that have baggage han-  
 19 dling areas that are not open to public view in the acquisi-  
 20 tion and installation of security monitoring cameras for  
 21 surveillance of such areas in order to deter theft from  
 22 checked baggage and to aid in the speedy resolution of li-  
 23 ability claims against the Transportation Security Admin-  
 24 istration.



1       **(b) AUTHORIZATION OF APPROPRIATIONS.**—*There are*  
2 *authorized to be appropriated to the Secretary of Homeland*  
3 *Security for fiscal year 2005 such sums as may be necessary*  
4 *to carry out this section, such sums to remain available*  
5 *until expended.*







**Calendar No. 808**

108TH CONGRESS  
2D SESSION

**S. 2393**

**[Report No. 108-417]**

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**A BILL**

To improve aviation security.

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NOVEMBER 19, 2004

Reported with amendments