109TH CONGRESS  
1ST SESSION  
H. R. 1818

To amend title 49, United States Code, to make funds available for the Aviation Security Capital Fund, to establish a Checkpoint Screening Security Fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES  
APRIL 26, 2005

Mr. Oberstar (for himself, Mr. Costello, Mr. DeFazio, Mr. Cummings, Ms. Corrine Brown of Florida, Mr. Rahall, Mr. Boswell, Mrs. Tauscher, Ms. Norton, Mr. Matheson, Mr. Holden, Ms. Eddie Bernice Johnson of Texas, Mr. Weiner, Mr. Nadler, Mr. Menendez, Ms. Millender-McDonald, Mr. Salazar, Mr. Honda, Mr. Pascrell, and Mr. Carnahan) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to make funds available for the Aviation Security Capital Fund, to establish a Checkpoint Screening Security Fund, and for other purposes.

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

This Act may be cited as the “Airport Screener Technology Improvement Act of 2005”.

SEC. 2. PURPOSE.

The purpose of this Act is to facilitate airport growth, increase the efficiency of the air transportation system, and increase security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Airport and airline officials have reported to the Government Accountability Office (in this section referred to as “GAO”) that installing in-line baggage screening systems at airports would reduce congestion at airline ticket counters by removing stand-alone explosive detection systems and explosive trace detection machines from crowded airport lobbies, thereby improving airline passenger flow and queuing in the terminals.

(2) Airport and airline officials have reported to GAO that the installation of in-line baggage screening systems would allow for airport growth because in-line explosive detection systems could screen checked baggage faster than stand alone explosive detection and explosive trace detection machines and could be upgraded to accommodate growth in airline passenger traffic.
(3) The National Commission on Terrorist Attacks Upon the United States (in this section referred to as the “9/11 Commission”) specifically recommended that the Transportation Security Administration (in this section referred to as “TSA”) should expedite the installation of advanced in-line baggage screening equipment.

(4) In testimony before Congress, the chairman of the 9/11 Commission expressed support for moving explosives units out of airport lobbies and into a secured area where they can be integrated into the process of moving the bags from the check-in counter to the loading area in a seamless, in-line process.

(5) The chairman stated that moving explosives units into a secured area will promote greater security because—

(A) screening machines will not be exposed to the public;

(B) screeners will be able to focus on screening bags rather than moving them; and

(C) fewer people will be congregated around machines in the public area.

(6) The chairman further stated that processing bags from checking to loading through an in-line
system is functionally more efficient, making travel
more convenient as well as more secure.

(7) GAO reports that 86 of the 130 airports
surveyed are planning or are considering installing
in-line baggage screening systems throughout or at
a portion of their airports.

(8) TSA and airport operators rely on letters of
intent as their principal method for funding the
modification of airport facilities to incorporate in-
line baggage screening systems. As of January 2005,
TSA has issued 8 letters of intent to cover the costs
of installing systems at 9 airports for a total cost to
the Federal Government of $957,100,000 over 4
years.

(9) GAO reports that, as of July 2004, TSA
had identified 27 additional airports that TSA be-
lieves would benefit from receiving letters of intent
for in-line baggage screening systems because such
systems are needed to screen an increasing number
of bags due to current or projected growth in pas-
senger traffic. TSA officials stated that without such
systems these airports would not remain in compli-
ance with the congressional mandate to screen all
checked baggage using explosive detection systems
or explosive trace detection.
(10) GAO reports that TSA has estimated that in-line baggage screening systems at the 9 airports that received letter of intent funding could save the Federal Government $1,300,000,000 over 7 years. TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over 1 year.

(11) TSA has stated that it currently does not have sufficient resources in their budget to fund any additional letters of intent.

(12) Based on current evidence, greater investment in in-line baggage screening systems is economically justified and would facilitate airport growth, increase the efficiency of the air transportation system, and increase security.

(13) The 9/11 Commission specifically recommended that TSA and Congress give priority attention to improving the ability of screening checkpoints to detect explosives on aviation passengers.

(14) Recent reports by the Inspector General of the Department of Homeland Security and the Government Accountability Office indicate that improvements are still needed in the aviation passenger screening process to ensure that dangerous, prohibited items are not being carried into the sterile area.
of airports or allowed to enter the checked baggage system.

(15) The Inspector General of the Department of Homeland Security stated, “Despite the fact that the majority of screeners with whom our testers came into contact were diligent in the performance of their duties and conscious of the responsibility those duties carry, lack of improvement since our last audit indicates that significant improvement in performance may not be possible without greater use of technology.”.

(16) The Inspector General further stated, “We encourage TSA to expedite its testing programs and give priority to technologies, such as backscatter x-ray, that will enable the screening workforce to better detect both weapons and explosives.”.

(17) The TSA concurs with the Inspector General’s statement that significant improvements in screener performance will only be possible with the introduction of new technology.

SEC. 4. AVIATION SECURITY CAPITAL FUND.

(a) In General.—Section 44923(h)(1) of title 49, United States Code, is amended—

(1) in the second sentence by striking “in each of fiscal years 2004 through 2007” and inserting
“in each of fiscal years 2004 and 2005, and $650,000,000 in each of fiscal years 2006 and 2007,”; and

(2) in the third sentence by striking “at least $250,000,000 in each of such fiscal years” and inserting “at least $250,000,000 in each of fiscal years 2004 and 2005, and at least $650,000,000 in each of fiscal years 2006 and 2007.”.

(b) DISCRETIONARY GRANTS.—Section 44923(h)(3) of such title is amended by striking “for a fiscal year, $125,000,000” and inserting “, $125,000,000 for each of fiscal years 2004 and 2005, and $525,000,000 for each of fiscal years 2006 and 2007.”.

SEC. 5. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting “, other than subsection (i),” before “except to”; and

(2) by adding at the end the following:

“(i) CHECKPOINT SCREENING SECURITY FUND.—

“(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the ‘Checkpoint Screening Security Fund’.
“(2) Deposits.—In fiscal year 2006, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

“(3) Fees.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2006 for deposit into the Fund.

“(4) Availability of Amounts.—Amounts in the Fund shall be available until expended for the purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.”.