

107TH CONGRESS
2D SESSION

H. R. 5135

To amend title 49, United States Code, to provide for the modification of airport terminal buildings to accommodate explosive detection systems for screening checked baggage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2002

Ms. GRANGER (for herself, Mr. MICA, Mr. SAM JOHNSON of Texas, Mr. FROST, Mr. PASTOR, Mrs. MEEK of Florida, Mr. KINGSTON, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. BONILLA, Mr. BARTON of Texas, Ms. KILPATRICK, Mr. SESSIONS, Mr. ISAKSON, Mr. LEWIS of Georgia, Mr. CUNNINGHAM, Mr. GIBBONS, Ms. JACKSON-LEE of Texas, Mrs. MYRICK, Mr. COLLINS, Mr. HAYWORTH, Mr. BARR of Georgia, Ms. MCCARTHY of Missouri, Mr. LUCAS of Kentucky, Mr. COOKSEY, and Mr. PENCE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide for the modification of airport terminal buildings to accommodate explosive detection systems for screening checked baggage, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Security En-
5 hancement Act of 2002”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The safety and security of the civil air
4 transportation system is critical to the security and
5 national defense of the United States.

6 (2) A large percentage of the Nation's airports
7 will have checked baggage explosive detection sys-
8 tems in place by the statutory deadline of December
9 31, 2002, but the remaining airports will be required
10 to implement expensive interim systems requiring
11 full replacement or relocation (or both) within a
12 short period of time.

13 (3) Implementation and replacement of the in-
14 terim systems will cost millions of taxpayer dollars,
15 will present serious problems in ensuring that a suf-
16 ficient number of operators are hired and trained
17 within the allotted time, and will require unprece-
18 dented demands on lobby space in airports.

19 (4) The statutory deadline of December 31,
20 2002, which was originally believed to be adequate
21 in providing a reasonable time frame for imple-
22 menting an effective baggage screening system, may
23 be insufficient and inefficient to accomplish the mis-
24 sion envisioned by Congress in approving the Avia-
25 tion and Transportation Security Act.

1 (5) In order to meet that critical mission, sig-
2 nificant flexibility was included in that Act to allow
3 the Under Secretary of Transportation for Security
4 to continue using current screening practices until
5 explosive detection systems can be installed. A high
6 level of security can be maintained in the interim
7 using current practices while the longer-term sys-
8 tems are installed.

9 (6) A measured approach to installations will
10 provide the Transportation Security Administration
11 with appropriate leeway to incrementally address in-
12 dividual airport requirements and potentially allow
13 that agency to accommodate technology improve-
14 ments and lessons learned.

15 (7) Such installations should be accomplished
16 without undue delays after the planning phase has
17 been completed.

18 (8) By providing optimal solutions, air pas-
19 sengers will be better protected.

20 **SEC. 3. EXPLOSIVE DETECTION SYSTEMS.**

21 (a) **INSTALLATION OF SYSTEMS.**—Section 44901(d)
22 of title 49, United States Code, is amended by adding at
23 the end the following:

1 “(2) MODIFICATION OF AIRPORT TERMINAL
2 BUILDINGS TO ACCOMMODATE EXPLOSIVE DETEC-
3 TION SYSTEMS.—

4 “(A) NOTIFICATION OF AIRPORTS.—Not
5 later than October 1, 2002, the Under Sec-
6 retary shall notify the owner or operator of each
7 United States airport described in section
8 44903(c) of the number and type of explosive
9 detection systems that will be required to be de-
10 ployed at the airport in order to screen all
11 checked baggage by explosive detection systems
12 without imposing unreasonable delays on the
13 passengers using the airport.

14 “(B) ASSESSMENTS OF AIRPORT TER-
15 MINAL BUILDINGS.—If the owner or operator of
16 a United States airport described in section
17 44903(c) determines that the airport will not be
18 able to make the modifications to the airport’s
19 terminal buildings that are necessary to accom-
20 modate the explosive detection systems required
21 under subparagraph (A) in a cost-effective
22 manner on or before December 31, 2002, the
23 owner or operator shall provide notice of that
24 determination to the Under Secretary not later
25 than November 1, 2002.

1 “(C) PLANS FOR MAKING MODIFICATIONS
2 TO AIRPORT TERMINAL BUILDINGS.—

3 “(i) IN GENERAL.—If the owner or
4 operator of an airport provides notice to
5 the Under Secretary under subparagraph
6 (B), the Under Secretary, in consultation
7 with the owner or operator, shall develop,
8 not later than December 1, 2002, a plan
9 for making necessary modifications to the
10 airport’s terminal buildings so as to deploy
11 and fully utilize explosive detection systems
12 to screen all checked baggage.

13 “(ii) DEADLINE.—A plan developed
14 under this subparagraph shall include a
15 date for completing the plan. All such
16 plans shall be completed as expeditiously
17 as practicable.

18 “(iii) TRANSMISSION OF PLANS TO
19 CONGRESS.—On the date of completion of
20 a plan under this subparagraph, the Under
21 Secretary shall transmit a copy of the plan
22 to Congress. For security purposes, infor-
23 mation contained in the plan shall not be
24 disclosed to the public.

1 “(D) REQUIREMENTS FOR PLANS.—A plan
2 developed and published under subparagraph
3 (C), shall provide for, to the maximum extent
4 practicable—

5 “(i) the deployment of explosive detec-
6 tion systems in the baggage sorting area or
7 other non-public area rather than the lobby
8 of an airport terminal building; and

9 “(ii) the deployment of state of the
10 art explosive detection systems that have
11 high throughput, low false alarm rates,
12 and high reliability without reducing detec-
13 tion rates.

14 “(E) USE OF SCREENING METHODS OTHER
15 THAN EDS.—Notwithstanding the deadline in
16 paragraph (1)(A), after December 31, 2002, if
17 explosive detection systems are not screening all
18 checked baggage at a United States airport de-
19 scribed in section 44903(c), such baggage shall
20 be screened by the methods described in sub-
21 section (e) until such time as all checked bag-
22 gage is screened by explosive detection systems
23 at the airport.

24 “(3) PURCHASE OF EXPLOSIVE DETECTION
25 SYSTEMS.—Any explosive detection system required

1 to be purchased under paragraph (2)(A) shall be
2 purchased by the Under Secretary.

3 “(4) EXPLOSIVE DETECTION SYSTEM DE-
4 FINED.—In this subsection, the term ‘explosive de-
5 tection system’ means a device, or combination of
6 devices, that can detect different types of explo-
7 sives.”.

8 (b) ALTERNATIVE EXPLOSIVE DETECTION SYS-
9 TEMS.—

10 (1) DEMONSTRATION PROJECTS.—The Under
11 Secretary of Transportation for Security shall carry
12 out demonstration projects for the installation and
13 testing of alternative explosive detection systems at
14 not less than 5 United States airports described in
15 section 44903(c) of title 49, United States Code.

16 (2) APPLICATIONS.—

17 (A) SUBMISSION.—Not later than Decem-
18 ber 1, 2002, the owner or operator of an airport
19 seeking to participate in the demonstration
20 projects shall submit to the Under Secretary an
21 application in the form and containing the in-
22 formation that the Under Secretary requires.

23 (B) SELECTION OF AIRPORTS.—Not later
24 than March 31, 2003, the Under Secretary
25 shall select the airports at which the dem-

1 demonstration projects will be conducted from
2 among the applications received.

3 (3) DEMONSTRATION CRITERIA.—In carrying
4 out the demonstration projects, the Under Secretary
5 shall evaluate alternative explosive detection systems
6 based on the following criteria:

7 (A) Probability of detection.

8 (B) Probability of false alarm.

9 (C) Reliability.

10 (D) Detection of explosives, hazardous ma-
11 terials, and chemical weapons.

12 (E) Through put speed.

13 (F) Manpower needed to operate the sys-
14 tems and clear baggage for travel.

15 (4) AIRPORT MODIFICATIONS.—An airport par-
16 ticipating in the demonstration projects shall not be
17 required to make any modification to the airport's
18 terminal facilities to accommodate the deployment of
19 explosive detection systems under 44901(d)(1)(A).

20 (5) CONTINUATION OF APPROVED INSPEC-
21 TIONS.—The Under Secretary shall require an air-
22 port participating in the demonstration projects to
23 continue to deploy the inspection systems deployed
24 at the airport as of January 19, 2002, but may not
25 require the airport to deploy additional explosive de-

1 tection equipment at the airport before December
2 31, 2003.

3 (6) PURCHASE OF ALTERNATIVE EXPLOSIVE
4 DETECTION SYSTEMS.—Any alternative explosive de-
5 tection system purchased as part of a demonstration
6 project under this subsection shall be purchased by
7 the Under Secretary.

8 (7) REPORT TO CONGRESS.—Not later than De-
9 cember 31, 2003, the Under Secretary shall trans-
10 mit to Congress a report describing the results of
11 the demonstration projects, including an evaluation
12 of the alternative explosive detection systems using
13 the criteria specified in paragraph (3).

14 (c) CORRECTION OF REFERENCE.—Section 44901(e)
15 of title 49, United States Code, is amended by striking
16 “(b)(1)(A)” and inserting “(d)(1)(A)”.

○