

107TH CONGRESS
2^D SESSION

S. 2735

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 SENATE OF THE UNITED STATES

JULY 16, 2002

Mr. ENSIGN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

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

17 (4) The statutory deadline of December 31,
18 2002, which was originally believed to be adequate
19 in providing a reasonable time frame for imple-
20 menting an effective baggage screening system, may
21 be insufficient and inefficient to accomplish the mis-
22 sion envisioned by Congress in approving the Avia-
23 tion and Transportation Security Act.

24 (5) In order to meet that critical mission, sig-
25 nificant flexibility was included in that Act to allow

1 the Under Secretary of Transportation for Security
2 to continue using current screening practices until
3 explosive detection systems can be installed. A high
4 level of security can be maintained in the interim
5 using current practices while the longer-term sys-
6 tems are installed.

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

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

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

18 **SEC. 3. EXPLOSIVE DETECTION SYSTEMS.**

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

22 “(2) MODIFICATION OF AIRPORT TERMINAL
23 BUILDINGS TO ACCOMMODATE EXPLOSIVE DETEC-
24 TION SYSTEMS.—

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

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

23 “(C) PLANS FOR MAKING MODIFICATIONS
24 TO AIRPORT TERMINAL BUILDINGS.—

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

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

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

23 “(D) REQUIREMENTS FOR PLANS.—A plan
24 developed and published under subparagraph

1 (C), shall provide for, to the maximum extent
2 practicable—

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

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

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

22 “(3) PURCHASE OF EXPLOSIVE DETECTION
23 SYSTEMS.—Any explosive detection system required
24 to be purchased under paragraph (2)(A) shall be
25 purchased by the Under Secretary.

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

6 (b) ALTERNATIVE EXPLOSIVE DETECTION SYS-
7 TEMS.—

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

14 (2) APPLICATIONS.—

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

21 (B) SELECTION OF AIRPORTS.—Not later
22 than March 31, 2003, the Under Secretary
23 shall select the airports at which the dem-
24 onstration projects will be conducted from
25 among the applications received.

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

5 (A) Probability of detection.

6 (B) Probability of false alarm.

7 (C) Reliability.

8 (D) Detection of explosives, hazardous ma-
9 terials, and chemical weapons.

10 (E) Through put speed.

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

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

18 (5) CONTINUATION OF APPROVED INSPEC-
19 TIONS.—The Under Secretary shall require an air-
20 port participating in the demonstration projects to
21 continue to deploy the inspection systems deployed
22 at the airport as of January 19, 2002, but may not
23 require the airport to deploy additional explosive de-
24 tection equipment at the airport before December
25 31, 2003.

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

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

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

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