

110TH CONGRESS
1ST SESSION

S. 509

To provide improved aviation security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2007

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

A BILL

To provide improved aviation security, 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 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Aviation Security Improvement Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

TITLE—AVIATION SECURITY

- Sec. 1. Short title; table of contents.
- Sec. 2. Extension of authorization for aviation security funding.
- Sec. 3. Passenger aircraft cargo screening.

- Sec. 4. Blast-resistant cargo containers.
- Sec. 5. Protection of air cargo on passenger planes from explosives.
- Sec. 6. In-line baggage screening.
- Sec. 7. Enhancement of in-line baggage system deployment.
- Sec. 8. Research and development of aviation transportation security technology.
- Sec. 9. Certain TSA personnel limitations not to apply.
- Sec. 10. Specialized training.
- Sec. 11. Explosive detection at passenger screening checkpoints.
- Sec. 12. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
- Sec. 13. Repair station security.
- Sec. 14. Strategic plan to test and implement advanced passenger prescreening system.
- Sec. 15. General aviation security.
- Sec. 16. Security credentials for airline crews.

1 **SEC. 2. EXTENSION OF AUTHORIZATION FOR AVIATION SE-**
 2 **CURITY FUNDING.**

3 Section 48301(a) of title 49, United States Code, is
 4 amended by striking “and 2006” and inserting “2006,
 5 2007, 2008, and 2009”.

6 **SEC. 3. PASSENGER AIRCRAFT CARGO SCREENING.**

7 (a) IN GENERAL.—Section 44901 of title 49, United
 8 States Code, is amended—

9 (1) by redesignating subsections (g) and (h) as
 10 subsections (h) and (i), respectively; and

11 (2) by inserting after subsection (f) the fol-
 12 lowing:

13 “(g) AIR CARGO ON PASSENGER AIRCRAFT.—

14 “(1) IN GENERAL.—Not later than 3 years
 15 after the date of enactment of the Aviation Security
 16 Improvement Act, the Secretary of Homeland Secu-
 17 rity, acting through the Administrator of the Trans-
 18 portation Security Administration, shall establish a

1 system to screen all cargo transported on passenger
2 aircraft operated by an air carrier or foreign air car-
3 rier in air transportation or intrastate air transpor-
4 tation to ensure the security of all such passenger
5 aircraft carrying cargo.

6 “(2) MINIMUM STANDARDS.—The system re-
7 ferred to in paragraph (1) shall require, at a min-
8 imum, that the equipment, technology, procedures,
9 personnel, or other methods determined by the Ad-
10 ministrator of the Transportation Security Adminis-
11 tration, provide a level of security comparable to the
12 level of security in effect for passenger checked bag-
13 gage.

14 “(3) REGULATIONS.—

15 “(A) INTERIM FINAL RULE.—The Sec-
16 retary of Homeland Security may issue an in-
17 terim final rule as a temporary regulation to
18 implement this subsection without regard to the
19 provisions of chapter 5 of title 5.

20 “(B) FINAL RULE.—

21 “(i) IN GENERAL.—If the Secretary
22 issues an interim final rule under subpara-
23 graph (A), the Secretary shall issue, not
24 later than 1 year after the effective date of
25 the interim final rule, a final rule as a per-

1 manent regulation to implement this sub-
2 section in accordance with the provisions of
3 chapter 5 of title 5.

4 “(ii) FAILURE TO ACT.—If the Sec-
5 retary does not issue a final rule in accord-
6 ance with clause (i) on or before the last
7 day of the 1-year period referred to in
8 clause (i), the Secretary shall submit a re-
9 port to the Congress explaining why the
10 final rule was not timely issued and pro-
11 viding an estimate of the earliest date on
12 which the final rule will be issued. The
13 Secretary shall submit the first such report
14 within 10 days after such last day and
15 submit a report to the Congress containing
16 updated information every 60 days there-
17 after until the final rule is issued.

18 “(iii) SUPERSEDING OF INTERIM
19 FINAL RULE.—The final rule issued in ac-
20 cordance with this subparagraph shall su-
21 persede the interim final rule issued under
22 subparagraph (A).

23 “(4) REPORT.—Not later than 1 year after the
24 date on which the system required by paragraph (1)

1 is established, the Secretary shall transmit a report
2 to Congress that details and explains the system.”.

3 (b) ASSESSMENT OF EXEMPTIONS.—

4 (1) TSA ASSESSMENT OF EXEMPTIONS.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of enactment of this Act,
7 the Secretary of Homeland Security, through
8 the Administrator of the Transportation Secu-
9 rity Administration, shall submit a report to
10 Congress and to the Comptroller General con-
11 taining an assessment of each exemption grant-
12 ed under section 44901(i) of title 49, United
13 States Code, for the screening required by sec-
14 tion 44901(g)(1) of that title for cargo trans-
15 ported on passenger aircraft and an analysis to
16 assess the risk of maintaining such exemption.
17 The Secretary may submit the report in both
18 classified and redacted formats if the Secretary
19 determines that such action is appropriate or
20 necessary.

21 (B) CONTENTS.—The report shall in-
22 clude—

23 (i) the rationale for each exemption;

1 (ii) a statement of the percentage of
2 cargo that is not screened as a result of
3 each exemption;

4 (iii) the impact of each exemption on
5 aviation security;

6 (iv) the projected impact on the flow
7 of commerce of eliminating such exemp-
8 tion;

9 (v) a statement of any plans, and the
10 rationale, for maintaining, changing, or
11 eliminating each exemption.

12 (2) GAO ASSESSMENT.—Not later than 120
13 days after the date on which the report required
14 under paragraph (1) is submitted, the Comptroller
15 General shall review the report and provide to Con-
16 gress an assessment of the methodology used for de-
17 terminations made by the Secretary for maintaining,
18 changing, or eliminating an exemption.

19 **SEC. 4. BLAST-RESISTANT CARGO CONTAINERS.**

20 Section 44901 of title 49, United States Code, is
21 amended by adding at the end thereof the following:

22 “(i) BLAST-RESISTANT CARGO CONTAINERS.—

23 “(1) IN GENERAL.—Before January 1, 2008,
24 the Administrator of the Transportation Security
25 Administration shall—

1 “(A) evaluate the results of the blast-re-
2 sistant cargo container pilot program instituted
3 before the date of enactment of the Aviation Se-
4 curity Improvement Act;

5 “(B) based on that evaluation, begin the
6 acquisition of a sufficient number of blast-re-
7 sistant cargo containers to meet the require-
8 ments of the Transportation Security Adminis-
9 tration’s cargo security program under para-
10 graph (2); and

11 “(C) develop a system under which the Ad-
12 ministrator—

13 “(i) will make such containers avail-
14 able for use by passenger aircraft operated
15 by air carriers or foreign air carriers in air
16 transportation or intrastate air transpor-
17 tation on a random or risk-assessment
18 basis as determined by the Administrator,
19 in sufficient number to enable the carriers
20 to meet the requirements of the Adminis-
21 tration’s cargo security system; and

22 “(ii) provide for the storage, mainte-
23 nance, and distribution of such containers.

24 “(2) DISTRIBUTION TO AIR CARRIERS.—Within
25 90 days after the date on which the Administrator

1 completes development of the system required by
2 paragraph (1)(C), the Administrator of the Trans-
3 portation Security Administration shall implement
4 that system and begin making blast-resistant cargo
5 containers available to such carriers as necessary.”.

6 **SEC. 5. PROTECTION OF AIR CARGO ON PASSENGER**
7 **PLANES FROM EXPLOSIVES.**

8 (a) TECHNOLOGY RESEARCH AND PILOT
9 PROJECTS.—

10 (1) RESEARCH AND DEVELOPMENT.—The Sec-
11 retary of Homeland Security shall expedite research
12 and development for technology that can disrupt or
13 prevent an explosive device from being introduced
14 onto a passenger plane or from damaging a pas-
15 senger plane while in flight or on the ground. The
16 research shall include blast resistant cargo con-
17 tainers and other promising technology and will be
18 used in concert with implementation of section 4 of
19 this Act.

20 (2) PILOT PROJECTS.—The Secretary, in con-
21 junction with the Secretary of Transportation, shall
22 establish a grant program to fund pilot projects—

23 (A) to deploy technologies described in
24 paragraph (1); and

1 (B) to test technology to expedite the re-
2 covery, development, and analysis of informa-
3 tion from aircraft accidents to determine the
4 cause of the accident, including deployable
5 flight deck and voice recorders and remote loca-
6 tion recording devices.

7 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated to the Secretary of
9 Homeland Security for fiscal year 2008 such sums as may
10 be necessary to carry out this section, such funds to re-
11 main available until expended.

12 **SEC. 6. IN-LINE BAGGAGE SCREENING.**

13 (a) **EXTENSION OF AUTHORIZATION.**—Section
14 44923(i)(1) of title 49, United States Code, is amended
15 by striking “2007.” and inserting “2007, and
16 \$450,000,000 for each of fiscal years 2008 and 2009.”.

17 (b) **REPORT.**—Within 30 days after the date of enact-
18 ment of this Act, the Secretary of Homeland Security shall
19 submit the report the Secretary was required by section
20 4019(d) of the Intelligence Reform and Terrorism Preven-
21 tion Act of 2004 (49 U.S.C. 44901 note) to have sub-
22 mitted in conjunction with the submission of the budget
23 for fiscal year 2006.

1 **SEC. 7. ENHANCEMENT OF IN-LINE BAGGAGE SYSTEM DE-**
2 **PLOYMENT.**

3 (a) IN GENERAL.—Section 44923 of title 49, United
4 States Code, is amended—

5 (1) by striking “may” in subsection (a) and in-
6 serting “shall”;

7 (2) by striking “may” in subsection (d)(1) and
8 inserting “shall”;

9 (3) by striking “2007” in subsection (h)(1) and
10 inserting “2028”;

11 (4) by striking paragraphs (2) and (3) of sub-
12 section (h) and inserting the following:

13 “(2) ALLOCATION.—Of the amount made avail-
14 able under paragraph (1) for a fiscal year, not less
15 than \$200,000,000 shall be allocated to fulfill letters
16 of intent issued under subsection (d).

17 “(3) DISCRETIONARY GRANTS.—Of the amount
18 made available under paragraph (1) for a fiscal year,
19 up to \$50,000,000 shall be used to make discre-
20 tionary grants, with priority given to small hub air-
21 ports and non-hub airports.”; and

22 (5) by redesignating subsection (i) as subsection
23 (j) and inserting after subsection (h) the following:

24 “(i) LEVERAGED FUNDING.—For purposes of this
25 section, a grant under subsection (a) to an airport sponsor
26 to service an obligation issued by or on behalf of that spon-

1 sor to fund a project described in subsection (a) shall be
2 considered to be a grant for that project.”.

3 (b) PRIORITIZATION OF PROJECTS.—

4 (1) IN GENERAL.—The Administrator shall cre-
5 ate a prioritization schedule for airport security im-
6 provement projects described in section 44923(b) of
7 title 49, United States Code, based on risk and
8 other relevant factors, to be funded under the grant
9 program provided by that section. The schedule shall
10 include both hub airports (as defined in section
11 41731(a)(3) of title 49, United States Code) and
12 nonhub airports (as defined in section 41731(a)4) of
13 title 49, United States Code).

14 (2) AIRPORTS THAT HAVE COMMENCED
15 PROJECTS.—The schedule shall include airports that
16 have incurred eligible costs associated with develop-
17 ment of partial in-line baggage systems before the
18 date of enactment of this Act in reasonable anticipa-
19 tion of receiving a grant under section 44923 of title
20 49, United States Code, in reimbursement of those
21 costs but that have not received such a grant.

22 (3) REPORT.—Within 180 days after the date
23 of enactment of this Act, the Administrator shall
24 provide a copy of the prioritization schedule, a cor-
25 responding timeline, and a description of the funding

1 allocation under section 44923 of title 49, United
2 States Code, to the Senate Committee on Commerce,
3 Science, and Transportation and the House of Rep-
4 resentatives Committee on Homeland Security.

5 **SEC. 8. RESEARCH AND DEVELOPMENT OF AVIATION**
6 **TRANSPORTATION SECURITY TECHNOLOGY.**

7 Section 137(a) of the Aviation and Transportation
8 Security Act (49 U.S.C. 44912 note) is amended—

9 (1) by striking “2002 through 2006,” and in-
10 sserting “2006 through 2009,”;

11 (2) by striking “aviation” and inserting “trans-
12 portation”; and

13 (3) by striking “2002 and 2003” and inserting
14 “2006 through 2009”.

15 **SEC. 9. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO**
16 **APPLY.**

17 (a) **IN GENERAL.**—Notwithstanding any provision of
18 law to the contrary, any statutory limitation on the num-
19 ber of employees in the Transportation Security Adminis-
20 tration, before or after its transfer to the Department of
21 Homeland Security from the Department of Transpor-
22 tation, does not apply after fiscal year 2007.

23 (b) **AVIATION SECURITY.**—Notwithstanding any pro-
24 vision of law imposing a limitation on the recruiting or
25 hiring of personnel into the Transportation Security Ad-

1 ministration to a maximum number of permanent posi-
2 tions, the Secretary of Homeland Security shall recruit
3 and hire such personnel into the Administration as may
4 be necessary—

5 (1) to provide appropriate levels of aviation se-
6 curity; and

7 (2) to accomplish that goal in such a manner
8 that the average aviation security-related delay expe-
9 rienced by airline passengers is reduced to a level of
10 less than 10 minutes.

11 **SEC. 10. SPECIALIZED TRAINING.**

12 The Administrator of the Transportation Security
13 Administration shall provide advanced training to trans-
14 portation security officers for the development of special-
15 ized security skills, including behavior observation and
16 analysis, explosives detection, and document examination,
17 in order to enhance the effectiveness of layered transpor-
18 tation security measures.

19 **SEC. 11. EXPLOSIVE DETECTION AT PASSENGER SCREEN-**
20 **ING CHECKPOINTS.**

21 (a) IN GENERAL.—Within 90 days after the date of
22 enactment of this Act, the Secretary of Homeland Security
23 shall issue the strategic plan the Secretary was required
24 by section 44925(a) of title 49, United States Code, to
25 have issued within 90 days after the date of enactment

1 of the Intelligence Reform and Terrorism Prevention Act
2 of 2004.

3 (b) DEPLOYMENT.—Section 44925(b) of title 49,
4 United States Code, is amended by adding at the end
5 thereof the following:

6 “(3) FULL DEPLOYMENT.—The Secretary shall
7 fully implement the strategic plan within 1 year
8 after the date of enactment of the Aviation Security
9 Improvement Act.”.

10 **SEC. 12. APPEAL AND REDRESS PROCESS FOR PAS-**
11 **SENGERS WRONGLY DELAYED OR PROHIB-**
12 **ITED FROM BOARDING A FLIGHT.**

13 (a) IN GENERAL.—Subtitle C of title IV of the
14 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
15 is amended by adding at the end the following:

16 **“SEC. 431. APPEAL AND REDRESS PROCESS FOR PAS-**
17 **SENGERS WRONGLY DELAYED OR PROHIB-**
18 **ITED FROM BOARDING A FLIGHT.**

19 “(a) IN GENERAL.—The Secretary shall establish a
20 timely and fair process for individuals who believe they
21 have been delayed or prohibited from boarding a commer-
22 cial aircraft because they were wrongly identified as a
23 threat under the regimes utilized by the Transportation
24 Security Administration, the Bureau of Customs and Bor-
25 der Protection, or any other Department entity.

1 “(b) OFFICE OF APPEALS AND REDRESS.—

2 “(1) ESTABLISHMENT.—The Secretary shall es-
3 tablish an Office of Appeals and Redress to oversee
4 the process established by the Secretary pursuant to
5 subsection (a).

6 “(2) RECORDS.—The process established by the
7 Secretary pursuant to subsection (a) shall include
8 the establishment of a method by which the Office
9 of Appeals and Redress, under the direction of the
10 Secretary, will be able to maintain a record of air
11 carrier passengers and other individuals who have
12 been misidentified and have corrected erroneous in-
13 formation.

14 “(3) INFORMATION.—To prevent repeated
15 delays of an misidentified passenger or other indi-
16 vidual, the Office of Appeals and Redress shall—

17 “(A) ensure that the records maintained
18 under this subsection contain information deter-
19 mined by the Secretary to authenticate the
20 identity of such a passenger or individual; and

21 “(B) furnish to the Transportation Secu-
22 rity Administration, the Bureau of Customs
23 and Border Protection, or any other appro-
24 priate Department entity, upon request, such
25 information as may be necessary to allow such

1 agencies to assist air carriers in improving their
2 administration of the advanced passenger
3 prescreening system and reduce the number of
4 false positives.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is amended by inserting after
7 the item relating to section 430 the following:

“431. Appeal and redress process for passengers wrongly delayed or prohibited
from boarding a flight.”.

8 **SEC. 13. STRATEGIC PLAN TO TEST AND IMPLEMENT AD-**
9 **VANCED PASSENGER PRESCREENING SYS-**
10 **TEM.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Secretary of Homeland Security, in con-
13 sultation with the Administrator of the Transportation Se-
14 curity Administration, shall submit to the Congress a plan
15 that—

16 (1) describes the system to be utilized by the
17 Department of Homeland Security to assume the
18 performance of comparing passenger information, as
19 defined by the Administrator of the Transportation
20 Security Administration, to the automatic selectee
21 and no-fly lists, utilizing appropriate records in the
22 consolidated and integrated terrorist watchlist main-
23 tained by the Federal government;

1 (2) provides a projected timeline for each phase
2 of testing and implementation of the system;

3 (3) explains how the system will be integrated
4 with the prescreening system for passengers on
5 international flights; and

6 (4) describes how the system complies with sec-
7 tion 552a of title 5, United States Code.

8 **SEC. 14. REPAIR STATION SECURITY.**

9 (a) CERTIFICATION OF FOREIGN REPAIR STATIONS
10 SUSPENSION.—If the regulations required by section
11 44924(f) of title 49, United States Code, are not issued
12 within 90 days after the date of enactment of this Act,
13 the Administrator of the Federal Aviation Administration
14 may not certify any foreign repair station under part 145
15 of title 14, Code of Federal Regulations, after such 90th
16 day unless the station was previously certified by the Ad-
17 ministration under that part.

18 (b) 6-MONTH DEADLINE FOR SECURITY REVIEW
19 AND AUDIT.—Subsections (a) and (d) of section 44924
20 of title 49, United States Code, are each amended by strik-
21 ing “18 months” and inserting “6 months”.

22 **SEC. 15. GENERAL AVIATION SECURITY.**

23 Section 44901 of title 49, United States Code, is
24 amended by adding at the end thereof the following:

1 “(i) GENERAL AVIATION AIRPORT SECURITY PRO-
2 GRAM.—

3 “(1) IN GENERAL.—Within 1 year after the
4 date of enactment of the Aviation Security Improve-
5 ment Act the Administrator of the Transportation
6 Security Administration shall—

7 “(A) develop a standardized threat and
8 vulnerability assessment program for general
9 aviation airports (as defined in section
10 47135(m)); and

11 “(B) implement a program to perform
12 such assessments on a risk-assessment basis at
13 general aviation airports.

14 “(2) GRANT PROGRAM.—Within 6 months after
15 date of enactment of the Aviation Security Improve-
16 ment Act the Administrator shall initiate and com-
17 plete a study of the feasibility of a program, based
18 on a risk-managed approach, to provide grants to
19 general aviation airport operators for projects to up-
20 grade security at general aviation airports (as de-
21 fined in section 47135(m)). If the Administrator de-
22 termines that such a program is feasible, the Admin-
23 istrator shall establish such a program.

24 “(3) APPLICATION TO FOREIGN-REGISTERED
25 GENERAL AVIATION AIRCRAFT.—Within 180 days

1 after the date of enactment of the Aviation Security
2 Improvement Act, the Administrator shall develop a
3 risk-based system under which—

4 “(A) foreign-registered general aviation
5 aircraft, as identified by the Administrator, in
6 coordination with the Administrator of the Fed-
7 eral Aviation Administration, are required to
8 submit passenger information to the Transpor-
9 tation Security Administration before entering
10 United States airspace; and

11 “(B) such information is checked against
12 appropriate databases maintained by the Trans-
13 portation Security Administration.”.

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated to the Sec-
16 retary of Homeland Security such sums as may be
17 necessary to carry out any program established
18 under paragraph (2).”.

19 **SEC. 16. SECURITY CREDENTIALS FOR AIRLINE CREWS.**

20 Within 180 days after the date of enactment of this
21 Act, the Administrator of the Transportation Security Ad-
22 ministration shall, after consultation with airline, airport,
23 and flight crew representatives, transmit a report to the
24 Senate Committee on Commerce, Science, and Transpor-
25 tation and the House of Representatives Committee on

1 Transportation and Infrastructure on the status of its ef-
2 forts to institute a sterile area access system or method
3 that will enhance security by properly identifying author-
4 ized airline flight deck and cabin crew members at screen-
5 ing checkpoints and granting them expedited access
6 through screening checkpoints. The Administrator shall
7 include in the report recommendations on the feasibility
8 of implementing the system for the domestic aviation in-
9 dustry beginning 1 year after the date on which the report
10 is submitted. The Administrator shall begin full implemen-
11 tation of the system or method not later than 1 year after
12 the date on which the Administrator transmits the report.

○