

# Union Calendar No. 330

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4056

**[Report No. 108-565, Part I]**

To encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. MICA (for himself, Mr. DEFAZIO, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, 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

JUNE 23, 2004

Additional sponsors: Mr. MCINNIS and Mr. BURGESS

JUNE 23, 2004

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JUNE 23, 2004

Referral to the Committee on International Relations extended for a period ending not later than June 23, 2004

JUNE 23, 2004

Committee on International Relations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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# A BILL

To encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

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 “Commercial Aviation*  
5 *MANPADS Defense Act of 2004”.*

6 **SEC. 2. FINDINGS.**

7       *Congress finds the following:*

8               (1) *MANPADS constitute a threat to military*  
9 *and civilian aircraft.*

10              (2) *The threat posed by MANPADS requires the*  
11 *development of both short-term and long-term plans.*

12              (3) *The threat posed by MANPADS requires an*  
13 *international as well as domestic response.*

14              (4) *There should be an international effort to ad-*  
15 *dress the issues of MANPADS proliferation and de-*  
16 *fense.*

17              (5) *The Government is pursuing and should con-*  
18 *tinue to pursue diplomatic efforts to prevent the pro-*  
19 *liferation of MANPADS.*

1 **SEC. 3. INTERNATIONAL COOPERATIVE EFFORTS.**

2 (a) *TO LIMIT AVAILABILITY AND TRANSFER OF*  
3 *MANPADS.*—*The President is encouraged to pursue fur-*  
4 *ther strong international diplomatic and cooperative efforts,*  
5 *including bilateral and multilateral treaties, in the appro-*  
6 *priate forum to limit the availability, transfer, and pro-*  
7 *liferation of MANPADS worldwide.*

8 (b) *TO ACHIEVE DESTRUCTION OF MANPADS.*—*The*  
9 *President should continue to pursue further strong inter-*  
10 *national diplomatic and cooperative efforts, including bi-*  
11 *lateral and multilateral treaties, in the appropriate forum*  
12 *to assure the destruction of excess, obsolete, and illicit stocks*  
13 *of MANPADS worldwide.*

14 (c) *REPORTING AND BRIEFING REQUIREMENTS.*—*Not*  
15 *later than 180 days after the date of enactment of this Act,*  
16 *the President shall transmit to the appropriate congres-*  
17 *sional committees a report that contains a detailed descrip-*  
18 *tion of the status of diplomatic efforts under subsections (a)*  
19 *and (b). Annually thereafter until completion of such diplo-*  
20 *matic efforts, the Secretary of State shall brief the appro-*  
21 *priate congressional committees on the status of such diplo-*  
22 *matic efforts.*

1 **SEC. 4. FAA AIRWORTHINESS CERTIFICATION OF MISSILE**  
2 **DEFENSE SYSTEMS FOR COMMERCIAL AIR-**  
3 **CRAFT.**

4 (a) *IN GENERAL.*—As soon as practicable, but not  
5 later than, the date of completion of Phase II of the Depart-  
6 ment of Homeland Security’s counter-man-portable air de-  
7 fense system (MANPADS) development and demonstration  
8 program, the Administrator of the Federal Aviation Admin-  
9 istration shall establish a process for conducting airworthi-  
10 ness and safety certification of missile defense systems for  
11 commercial aircraft certified as effective and functional by  
12 the Department of Homeland Security. The process shall  
13 require a certification by the Administrator that such sys-  
14 tems can be safely integrated into aircraft systems and en-  
15 sure airworthiness and aircraft system integrity.

16 (b) *CERTIFICATION ACCEPTANCE.*—Under the process,  
17 the Administrator shall accept the certification of the De-  
18 partment of Homeland Security that a missile defense sys-  
19 tem is effective and functional to defend commercial air-  
20 craft against MANPADS.

21 (c) *EXPEDITIOUS CERTIFICATION.*—Under the process,  
22 the Administrator shall expedite the airworthiness and safe-  
23 ty certification of missile defense systems for commercial  
24 aircraft certified by the Department of Homeland Security.

25 (d) *REPORTS.*—Not later than 90 days after the first  
26 airworthiness and safety certification for a missile defense

1 *system for commercial aircraft is issued by the Adminis-*  
2 *trator, and annually thereafter until December 31, 2008,*  
3 *the Federal Aviation Administration shall transmit to the*  
4 *Committee on Transportation and Infrastructure of the*  
5 *House of Representatives and the Committee on Commerce,*  
6 *Science, and Transportation of the Senate a report that*  
7 *contains a detailed description of each airworthiness and*  
8 *safety certification issued for a missile defense system for*  
9 *commercial aircraft.*

10 **SEC. 5. PROGRAMS TO REDUCE MANPADS.**

11 *(a) IN GENERAL.—The President is encouraged to pur-*  
12 *sue strong programs to reduce the number of MANPADS*  
13 *worldwide so that fewer MANPADS will be available for*  
14 *trade, proliferation, and sale.*

15 *(b) REPORTING AND BRIEFING REQUIREMENTS.—Not*  
16 *later than 180 days after the date of enactment of this Act,*  
17 *the President shall transmit to the appropriate congres-*  
18 *sional committees a report that contains a detailed descrip-*  
19 *tion of the status of the programs being pursued under sub-*  
20 *section (a). Annually thereafter until the programs are no*  
21 *longer needed, the Secretary of State shall brief the appro-*  
22 *priate congressional committees on the status of programs.*

23 *(c) FUNDING.—There is authorized to be appropriated*  
24 *such sums as may be necessary to carry out this section.*

1 **SEC. 6. MANPADS VULNERABILITY ASSESSMENTS REPORT.**

2       (a) *IN GENERAL.*—Not later than one year after the  
3 date of enactment of this Act, the Secretary of Homeland  
4 Security shall transmit to the Committee on Transportation  
5 and Infrastructure of the House of Representatives and the  
6 Committee on Commerce, Science, and Transportation of  
7 the Senate a report describing the Department of Homeland  
8 Security’s plans to secure airports and the aircraft arriving  
9 and departing from airports against MANPADS attacks.

10       (b) *MATTERS TO BE ADDRESSED.*—The Secretary’s  
11 report shall address, at a minimum, the following:

12               (1) *The status of the Department’s efforts to con-*  
13 *duct MANPADS vulnerability assessments at United*  
14 *States airports at which the Department is con-*  
15 *ducting assessments.*

16               (2) *How intelligence is shared between the*  
17 *United States intelligence agencies and Federal,*  
18 *State, and local law enforcement to address the*  
19 *MANPADS threat and potential ways to improve*  
20 *such intelligence sharing.*

21               (3) *Contingency plans that the Department has*  
22 *developed in the event that it receives intelligence in-*  
23 *dicating a high threat of MANPADS attack on air-*  
24 *craft at or near United States airports.*

25               (4) *The feasibility and effectiveness of imple-*  
26 *menting public education and neighborhood watch*

1        *programs in areas surrounding United States air-*  
2        *ports in cases in which intelligence reports indicate*  
3        *there is a high risk of MANPADS attacks on aircraft.*

4            (5) *Any other issues that the Secretary deems*  
5        *relevant.*

6            (c) *FORMAT.—The report required by this section may*  
7        *be submitted in a classified format.*

8        **SEC. 7. DEFINITIONS.**

9        *In this Act, the following definitions apply:*

10            (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
11        *TEES.—The term “appropriate congressional commit-*  
12        *tees” means—*

13            (A) *the Committee on Armed Services, the*  
14        *Committee on International Relations, and the*  
15        *Committee on Transportation and Infrastructure*  
16        *of the House of Representatives; and*

17            (B) *the Committee on Armed Services, the*  
18        *Committee on Foreign Relations, and the Com-*  
19        *mittee on Commerce, Science, and Transpor-*  
20        *tation of the Senate.*

21            (2) *MANPADS.—The term “MANPADS”*  
22        *means—*

23            (A) *surface-to-air missile systems designed*  
24        *to be man-portable and carried and fired by a*  
25        *single individual; and*

1                    *(B) any other surface-to-air missile systems*  
2                    *designed to be operated and fired by more than*  
3                    *one individual acting as a crew and portable by*  
4                    *several individuals.*



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