

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.

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## 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. PASCARELL, 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

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Airport Screener Tech-  
3 nology Improvement Act of 2005”.

4 **SEC. 2. PURPOSE.**

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

8 **SEC. 3. FINDINGS.**

9 Congress finds the following:

10 (1) Airport and airline officials have reported to  
11 the Government Accountability Office (in this sec-  
12 tion referred to as “GAO”) that installing in-line  
13 baggage screening systems at airports would reduce  
14 congestion at airline ticket counters by removing  
15 stand-alone explosive detection systems and explosive  
16 trace detection machines from crowded airport lob-  
17 bies, thereby improving airline passenger flow and  
18 queuing in the terminals.

19 (2) Airport and airline officials have reported to  
20 GAO that the installation of in-line baggage screen-  
21 ing systems would allow for airport growth because  
22 in-line explosive detection systems could screen  
23 checked baggage faster than stand alone explosive  
24 detection and explosive trace detection machines and  
25 could be upgraded to accommodate growth in airline  
26 passenger traffic.

1           (3) The National Commission on Terrorist At-  
2           tacks Upon the United States (in this section re-  
3           ferred to as the “9/11 Commission”) specifically rec-  
4           ommended that the Transportation Security Admin-  
5           istration (in this section referred to as “TSA”)  
6           should expedite the installation of advanced in-line  
7           baggage screening equipment.

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

15          (5) The chairman stated that moving explosives  
16          units into a secured area will promote greater secu-  
17          rity because—

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

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

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

24          (6) The chairman further stated that processing  
25          bags from checking to loading through an in-line

1 system is functionally more efficient, making travel  
2 more convenient as well as more secure.

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

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

15 (9) GAO reports that, as of July 2004, TSA  
16 had identified 27 additional airports that TSA be-  
17 lieves would benefit from receiving letters of intent  
18 for in-line baggage screening systems because such  
19 systems are needed to screen an increasing number  
20 of bags due to current or projected growth in pas-  
21 senger traffic. TSA officials stated that without such  
22 systems these airports would not remain in compli-  
23 ance with the congressional mandate to screen all  
24 checked baggage using explosive detection systems  
25 or explosive trace detection.

1           (10) GAO reports that TSA has estimated that  
2 in-line baggage screening systems at the 9 airports  
3 that received letter of intent funding could save the  
4 Federal Government \$1,300,000,000 over 7 years.  
5 TSA further estimated that it could recover its ini-  
6 tial investment in the in-line systems at these air-  
7 ports in a little over 1 year.

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

11           (12) Based on current evidence, greater invest-  
12 ment in in-line baggage screening systems is eco-  
13 nomically justified and would facilitate airport  
14 growth, increase the efficiency of the air transpor-  
15 tation system, and increase security.

16           (13) The 9/11 Commission specifically rec-  
17 ommended that TSA and Congress give priority at-  
18 tention to improving the ability of screening check-  
19 points to detect explosives on aviation passengers.

20           (14) Recent reports by the Inspector General of  
21 the Department of Homeland Security and the Gov-  
22 ernment Accountability Office indicate that improve-  
23 ments are still needed in the aviation passenger  
24 screening process to ensure that dangerous, prohib-  
25 ited items are not being carried into the sterile area

1 of airports or allowed to enter the checked baggage  
2 system.

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

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

17 (17) The TSA concurs with the Inspector Gen-  
18 eral’s statement that significant improvements in  
19 screener performance will only be possible with the  
20 introduction of new technology.

21 **SEC. 4. AVIATION SECURITY CAPITAL FUND.**

22 (a) IN GENERAL.—Section 44923(h)(1) of title 49,  
23 United States Code, is amended—

24 (1) in the second sentence by striking “in each  
25 of fiscal years 2004 through 2007” and inserting

1 “in each of fiscal years 2004 and 2005, and  
2 \$650,000,000 in each of fiscal years 2006 and  
3 2007,”; and

4 (2) in the third sentence by striking “at least  
5 \$250,000,000 in each of such fiscal years” and in-  
6 serting “at least \$250,000,000 in each of fiscal  
7 years 2004 and 2005, and at least \$650,000,000 in  
8 each of fiscal years 2006 and 2007,”.

9 (b) DISCRETIONARY GRANTS.—Section 44923(h)(3)  
10 of such title is amended by striking “for a fiscal year,  
11 \$125,000,000” and inserting “, \$125,000,000 for each of  
12 fiscal years 2004 and 2005, and \$525,000,000 for each  
13 of fiscal years 2006 and 2007,”.

14 **SEC. 5. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DE-**  
15 **TECTION.**

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

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

20 (2) by adding at the end the following:

21 “(i) CHECKPOINT SCREENING SECURITY FUND.—

22 “(1) ESTABLISHMENT.—There is established in  
23 the Department of Homeland Security a fund to be  
24 known as the ‘Checkpoint Screening Security Fund’.

1           “(2) DEPOSITS.—In fiscal year 2006, after  
2 amounts are made available under section 44923(h),  
3 the next \$250,000,000 derived from fees received  
4 under subsection (a)(1) shall be available to be de-  
5 posited in the Fund.

6           “(3) FEES.—The Secretary of Homeland Secu-  
7 rity shall impose the fee authorized by subsection  
8 (a)(1) so as to collect at least \$250,000,000 in fiscal  
9 year 2006 for deposit into the Fund.

10           “(4) AVAILABILITY OF AMOUNTS.—Amounts in  
11 the Fund shall be available until expended for the  
12 purchase, deployment, and installation of equipment  
13 to improve the ability of security screening personnel  
14 at screening checkpoints to detect explosives.”.

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