

# CRS Report for Congress

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## **Aviation Security-Related Findings and Recommendations of the 9/11 Commission**

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# Aviation Security-Related Findings and Recommendations of the 9/11 Commission

## Summary

The 9/11 Commission found that al Qaeda operatives exploited known weaknesses in U.S. aviation security to carry out the terrorist attacks of September 11, 2001. While legislation and administration actions after September 11, 2001 were implemented to strengthen aviation security, the 9/11 Commission concluded that several weaknesses continue to exist. These include perceived vulnerabilities in cargo and general aviation security as well as inadequate screening and access controls at airports.

The 9/11 Commission issued several recommendations designed to strengthen aviation security by: enhancing passenger pre-screening; improving measures to detect explosives on passengers; addressing human factors issues at screening checkpoints; expediting deployment of in-line baggage screening systems; intensifying efforts to identify, track, and screen potentially dangerous cargo; and deploying hardened cargo containers on passenger aircraft. In addition to these specific recommendations, an overarching recommendation for transportation security policy asserts that priorities should be set based on risk, and the most practical and cost effective deterrents should be implemented assigning appropriate roles and missions to federal, state, and local authorities, as well as private stakeholders.

In response to the 9/11 Commission's aviation security-related recommendations, two bills — H.R. 5121 and H.R. 10 — introduced in the House contain several provisions to enhance aviation security. Additionally, floor amendments to S. 2845, the National Intelligence Reform Act of 2004, contain numerous aviation security provisions, many of which address 9/11 Commission recommendations related to aviation safety. S. 2845 was passed (96-2) by the Senate on October 6, 2004. The House passed H.R. 10 on October 8 by a vote of 282-134. A conference has been requested to resolve numerous differences between H.R. 10 and S. 2845.

This report will be updated as needed.

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# Aviation Security-Related Findings and Recommendations of the 9/11 Commission

The Intelligence Authorization Act for FY2003 (P.L. 107-306; 116 Stat. 2383) established the National Commission on Terrorists Attacks Upon the United States (the 9/11 Commission). The bipartisan 9/11 Commission was charged with the responsibilities of examining and reporting on the facts and causes of the September 11, 2001 terrorist attacks and presenting its findings, conclusions, and recommendations for corrective measures to prevent future acts of terrorism to the President and the Congress. The 9/11 Commission concluded its investigation and released its final report on July 22, 2004. This CRS report discusses the 9/11 Commission's findings and recommendations pertaining to aviation security.

## Exploited Weaknesses in Aviation Security

The National Commission on Terrorists Attacks Upon the United States (the 9/11 Commission) found that al Qaeda terrorists exploited weaknesses in the aviation security system to carry out the attacks of September 11, 2001. Weaknesses in aviation security exploited by the 9/11 terrorists included

- A pre-screening process that focused on detecting potential aircraft bombers and not potential hijackers;
- Lax checkpoint screening and permissive rules regarding small knives;
- A lack of in-flight security measures such as air marshals and reinforced cockpit doors;
- An industry-wide strategy of complying with hijackers in a non-confrontational manner; and
- A lack of protocols and capabilities for executing a coordinated Federal Aviation Administration (FAA) and military response to multiple hijackings and suicidal hijackers.

The 9/11 Commission found that underlying these specific weaknesses and vulnerabilities in the aviation system was what they termed a failure of imagination among senior policymakers and agencies responsible for intelligence, national defense, and aviation security. The 9/11 Commission concluded that while suicide hijackings were by no means a far-fetched possibility given al Qaeda's past methods and motives, "...these scenarios were slow to work their way into the thinking of aviation security experts."<sup>1</sup> While some agencies were concerned about hijackings

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<sup>1</sup> National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission* (continued...)

and had speculated about various hijack scenarios, there were no specific constructive actions taken to defend against these possible threats prior to September 11, 2001. Furthermore, the likelihood of a suicide hijacking scenario was greatly underestimated. The 9/11 Commission also concluded that, before September 11, 2001, congressional oversight of aviation security was lacking while Congress focused its aviation oversight activities on airport congestion and passenger service. Regarding Congress's aviation related activities prior to September 11, 2001, The 9/11 Commission wrote: "Heeding calls for improved air service, Congress concentrated its efforts on a 'passenger bill of rights' to improve capacity, efficiency, and customer satisfaction in the aviation system. There was no focus on terrorism."<sup>2</sup>

## Legislative Actions Following the 9/11 Attacks

In the aftermath of September 11, 2001, Congress moved quickly to pass the Aviation and Transportation Security Act (ATSA, P.L. 107-71). Designed to correct weaknesses in aviation security exploited by the 9/11 hijackers as well as other potential vulnerabilities in transportation systems, ATSA established the Transportation Security Administration (TSA) as a new organization within the Department of Transportation responsible for security matters in all modes of transportation. Highlights of ATSA included

- Establishing a federal security screener workforce under TSA at airports;
- Requiring explosive detection screening of all checked bags;
- Deploying air marshals on all high risk flights; and
- Hardening cockpit doors.

ATSA also gave the TSA broad authority to assess threats to security in all transportation modes, primarily focusing on aviation, and implement appropriate security measures. In this regard, ATSA was seen as a comprehensive legislative vehicle for addressing transportation security with a specific emphasis on aviation security.

The following year, the Homeland Security Act of 2002 (P. L. 107-296) established the Department of Homeland Security (DHS) and placed the TSA within this new department. The act also authorized the arming of airline pilots as an additional measure to protect aircraft against terrorist hijackers. Additional aviation security measures were included in the most recent FAA reauthorization act, Vision 100 - Century of Aviation Reauthorization Act (P.L. 108-176). Most notably, Vision 100 established an aviation security capital fund to help pay for placing explosive detection systems (EDS) "in-line" with baggage conveyers and sorting facilities in an effort to improve the efficiency and effectiveness of checked baggage screening and expanded the program to arm pilots to include pilots of all-cargo aircraft.

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<sup>1</sup> (...continued)

*Report* (New York, NY: W. W. Norton & Co., 2004), p. 344.

<sup>2</sup> *The 9/11 Commission Report*, pp. 85-86.

Despite these actions, congressional and administration oversight of aviation security has identified several areas of vulnerability that persist. These include air cargo operations; general aviation; access controls for airport employees; screener performance; and possible terrorist attacks using shoulder-fired missiles.

## Recommendations of the 9/11 Commission

The 9/11 Commission also recognized many of these vulnerabilities. The 9/11 Commission concluded that “[m]ajor vulnerabilities still exist in cargo and general aviation security. These, together with inadequate screening and access controls, continue to present aviation security challenges.”<sup>3</sup> Based on these findings, the 9/11 Commission made specific recommendations regarding improvements to airport passenger and baggage screening, and air cargo security. While the commission identified potential threats posed by inadequate access controls to secured areas of airports and general aviation operations, it did not issue any recommendations pertaining to these risks. Also, while the 9/11 Commission acknowledged concerns raised by previous and current administrations over possible shoulder-fired missile attacks against commercial airliners, it did not make any specific recommendations regarding this threat.

The 9/11 Commission delineated its recommendations regarding aviation security in a section titled “A Layered Security System.” As suggested by this title, the 9/11 Commission concluded that the TSA must implement a multi-layered security system that takes into consideration the full array of possible terrorist tactics. The 9/11 Commission noted that these various layers of security must each be effective in their own right and must be coordinated with other layers in a manner that creates redundancies to catch possible lapses in any one layer. This conclusion is consistent with aviation security mandates under ATSA and TSA’s concept of “concentric rings of security.”<sup>4</sup> Since many facets of aviation security have been addressed through legislation and administration actions since the 9/11 attacks, the 9/11 Commission focused its aviation security recommendations on persisting vulnerabilities in commercial aviation.

While not all recommendations offered in the 9/11 Commission’s final report were formally labeled as such, CRS has identified six aviation-specific recommendations.<sup>5</sup> These are: 1) enhancing passenger pre-screening; 2) improving measures to detect explosives on passengers; 3) addressing human factors issues at screening checkpoints; 4) expediting deployment of in-line baggage screening systems; 5) intensifying efforts to identify, track, and screen potentially dangerous cargo; and 6) deploying hardened cargo containers on passenger aircraft. In addition to these six aviation-specific recommendations, the 9/11 Commission also issued an overarching recommendation for transportation security policy to set priorities based

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<sup>3</sup> *Ibid.*, p. 391.

<sup>4</sup> Transportation Security Administration. *Budget Estimates: Fiscal Year 2004*. March 2003

<sup>5</sup> For clarity, multi-part 9/11 Commission recommendations have been separately identified in this report.

on risk and implement the most practical and cost effective deterrents assigning appropriate roles and missions to federal, state, and local authorities, as well as private stakeholders.

## Enhancing Passenger Pre-Screening

On September 11, 2001, passenger pre-screening consisted of three measures: the Computer Assisted Passenger Prescreening System (CAPPS), answers to two security-related questions asked by airline ticketing and gate agents, and the presentation of photo identification to airline personnel. More than half of the September 11, 2001 hijackers were identified as “selectees” based on one or more of these pre-screening techniques. However, there was little consequence to their selection because, at the time, pre-screening was used solely as a tool to screen for individuals that might try to bomb a passenger jet using methods similar to those employed in the bombing of Pan Am flight 103. While the CAPPS system is still in use, its purpose has since been expanded to screen for possible hijackers as well. CAPPS is maintained directly by the airlines as part of their security program and uses computer algorithms to identify “selectees” based on matching passengers’ behaviors (e.g., method of ticket purchase) to hijacker and bomber profiles.

The follow-on to CAPPS, dubbed CAPPS II, has been embroiled in controversy for the past two years over concerns regarding protection of personal data and civil liberties. As proposed, CAPPS II would implement a two step process to: 1) authenticate a passenger’s identity using commercial databases; and 2) check that name against terrorist watch lists maintained by the federal government. If flagged by the system, passengers could be either denied boarding or selected for secondary screening. The 9/11 Commission recommended that improved passenger pre-screening capabilities should not be delayed while the argument about a successor to CAPPS continues. The 9/11 Commission further recommended that the prescreening system should utilize the larger set of watchlists maintained by the federal government. Both the Homeland Security Appropriations Act for FY2004 (P.L. 108-90) and Vision 100 directed the Department of Homeland Security to address these concerns and limited implementation of CAPPS II to system testing until the Government Accountability Office (GAO) verifies that adequate steps have been taken to address these concerns. However, in February 2004, the GAO found that the TSA had adequately addressed only one of the eight concerns regarding CAPPS II implementation.<sup>6</sup> Continued reluctance by the airlines to provide data for testing CAPPS II due to liability concerns has also stymied progress. The 9/11 Commission recommended that airlines should be required to supply the information needed to test and implement passenger pre-screening.

Recent media reports indicate that the CAPPS II program has essentially been scrapped over privacy concerns, however Secretary of Homeland Security Tom Ridge has suggested that a new program with a different name might eventually take its

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<sup>6</sup> U.S. General Accounting Office. *Aviation Security: Computer-Assisted Passenger Prescreening System Faces Significant Implementation Challenges*. GAO-04-385, February 2004.

place.<sup>7</sup> In light of the 9/11 Commission recommendation to forge forward with implementing a passenger pre-screening system and the current lack of progress toward developing such a system, Congress may intensify its oversight of the Secure Flight program, the successor to CAPPs, and engage in debate over the best way to proceed. H.R. 10 contains a provision that would require the TSA to take over responsibility for prescreening from the airlines within 180 days on enactment and begin testing of the system by November 1, 2004. This measure is in line with administration plans for the testing and roll-out of the Secure Flight program.

## **Improving Measures to Detect Explosives on Passengers**

Evidence highlighted by the 9/11 Commission indicated that al Qaeda has had a keen interest in bombing airliners for some time. The 9/11 Commission's report describes Ramzi Yousef's 1994 bombing of a Philippines Airlines flight bound for Tokyo as a precursor to a larger operation — the so-called "Bojinka" plot — to bomb multiple U.S.-bound airliners over the Pacific ocean. In the Philippines Airlines bombing, Yousef reportedly assembled an improvised explosive device (IED) in the airplane's lavatory and hid it under a seat during the previous flight affixing a digital watch timer he had invented.

Concerns over IEDs were brought to public attention in December 2001, when Richard Reid attempted to down a transatlantic flight using explosives concealed in a shoe. Concerns over IEDs were again raised by the media in October 2003 when a college student, Nathaniel Heatwole, snuck banned items and materials resembling plastic explosives aboard passenger jets. While neither of these high profile incidents was cited in the 9/11 Commission report, the 9/11 Commission acknowledged persisting weaknesses in the ability to detect explosives on passengers by formally recommending that the TSA and Congress give priority to improving detection of explosives on passengers. The 9/11 Commission further recommended that, as a start, all individuals selected for secondary screening undergo explosives screening.

Current screening technologies and procedures offer limited capabilities to detect explosives carried on passengers. While carry-on items and sometimes shoes are x-rayed and may be subjected to secondary chemical trace detection screening methods, passengers are typically only screened by metal detectors. New technology offers the capability to detect bomb-making chemicals on individuals using trace detection methods. These systems are being operationally tested in various transportation settings including ongoing field tests at five airport sites: T.F. Green State Airport, Providence, RI; Greater Rochester International Airport, NY; San Diego International Airport, CA; Tampa International Airport, FL; and Gulfport-Biloxi International Airport, MS. Other possible methods for detecting explosives on passengers involve body scan imaging using low dose x-ray backscatter or other techniques. Body scan technology is considered somewhat more controversial because it renders a nude image of the scanned individual which is regarded by some as overly intrusive. Alternative methods to these technologies

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<sup>7</sup> Mimi Hall and Barbara DeLollis. "Plan to collect flier data canceled." *USA Today*, July 14, 2004.



include the use of bomb-sniffing dogs and physical searches of individuals. In light of the 9/11 Commission recommendation, Congress may debate whether and how to implement and fund an initiative for screening passengers using the most effective means available. (See CRS Report RS21920, *Detection of Explosives on Airline Passengers: Recommendation of the 9/11 Commission and Related Issues*)

## **Addressing Human Factors Issues at Screening Checkpoints**

The 9/11 Commission also recommended that the TSA conduct a human factors study to understand problems in screener performance and set attainable objectives for improving performance at screening checkpoints. Screener performance deficiencies were highlighted by a recent DHS Inspector General's audit that found poor screener performance among both federal and contract screeners during covert testing at screening checkpoints.<sup>8</sup> The TSA has launched several initiatives to address these concerns. For example, the TSA has greatly expanded the use of threat image projection (TIP), a system that tests screener on-the-job performance by projecting images of threat objects on x-ray monitors. Using data from TIP, researchers can assess certain human performance needs in aviation security. The TSA is also examining ways to improve the recurrent training of screeners.

Key human factors issues are likely to include screener selection and training, fitness for duty, and human interaction with screening technologies. While the TSA maintains a small cadre of human factors researchers and some ongoing research in this area is being conducted by universities and contractors, research on aviation security human factors and funding for these activities pales in comparison to human factors research programs in the Department of Defense and FAA's safety-related human factors activities. Also, there presently is a lack of a comprehensive strategic plan for addressing human factors in aviation security.

In light of this recommendation and persisting concerns over screener performance, Congress may conduct oversight to identify areas where TSA's human factors research efforts may not be adequately addressing concerns over passenger and baggage screening performance. Congress may also consider whether to task the National Academy of Sciences or some other independent body with examining human factors needs in aviation security. While the National Academy of Sciences did address human factors in its 1999 assessment of aviation security technologies, it has not conducted a focused study of human factors needs in the aviation security system and has not examined this issue since the terrorist attacks of September 11, 2001.<sup>9</sup> H.R. 10 contains a provision that would require the TSA to conduct human factors studies to improve screener performance as part of a pilot program to examine next-generation checkpoint screening technologies.

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<sup>8</sup> Statement of Clark Kent Ervin, Inspector General, U.S. Department of Homeland Security. Before the Committee on Transportation and Infrastructure, Subcommittee on Aviation, U.S. House of Representatives, April 22, 2004

<sup>9</sup> National Research Council. *Assessment of Technologies Deployed to Improve Aviation Security: First Report*. Publication NMA-482-5. Washington, DC: National Academy Press, 1999.

## Expediting Deployment of In-Line Baggage Screening Systems

The 9/11 Commission recommended that the TSA expedite installation of in-line baggage screening systems. Therefore, Congress may debate the adequacy of current funding for this activity. While Vision 100 authorizes up to \$500 million annually to be deposited into the aviation security capital fund, only \$250 million was appropriated in FY2004 and requested in FY2005 for this activity. Since the total cost of integrating EDS equipment at all passenger airports is estimated to exceed \$4 billion, it may take several years to complete integration of baggage screening systems given current funding levels. Letters of intent (LOIs) issued to airports by the TSA were established as a vehicle to leverage limited federal funding by stretching obligations over several years. LOIs were created in appropriations legislation as a means for TSA to convey to airports its intent to obligate future funds for the purpose of EDS integration. However, the TSA has, thus far, implemented LOIs by reimbursing airports for expenses as they are incurred. This approach could further slow the progress of integrating EDS systems at airports.

The 9/11 Commission also recommended that “[b]ecause the aviation industry will derive substantial benefits from [in-line EDS] deployment, it should pay a fair share of the costs.”<sup>10</sup> However, defining that fair share has been a significant point of contention. Airlines already indirectly pay the federal share of EDS integration because the first \$250 million annually, all that was budgeted in FY2004 for this activity, must come directly from aviation security fees paid by the airlines and their passengers. Airports pay a portion of the costs too, albeit a much smaller one. Under the scheme adopted by Vision 100, large and medium-sized airports contribute 10% of the cost while small airports contribute 5%. However, the TSA has proposed to reduce the federal obligations for these programs and increase the local share to 25% at large and medium-sized airports and 10% at small airports, a proposal that airports obviously oppose. The 9/11 Commission did not specifically say what they would consider to be a more equitable contribution from industry, however their recommendation implies that they believe industry is not paying its fair share under the current scheme.

Congress may continue debate over the equity of cost-sharing for EDS integration in light of this recommendation. The House homeland security appropriations bill (H.R. 4567) as reported included language to limit the federal share for airport security projects to 75% at large and medium hubs and 90% at all other airports, however, this language was stricken by a point of order during floor debate.

Legislation introduced in the House (H.R. 5121) seeks to double the amount collected in aviation security fees that must be designated for aviation security capital fund from \$250 million annually to \$500 million annually for FY2005 through FY2007. H.R. 5121 also seeks to increase the TSA’s flexibility to meet checked baggage security screening requirements by allowing it to enter into multi-year contracts, not to exceed 10-years, with airports or third party vendors to provide EDS imaging capabilities. While most of the aviation security-related provisions of H.R.

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<sup>10</sup> *The 9/11 Commission Report*, p. 393.

5121 were incorporated into H.R. 10, neither of these measures were included in H.R. 10.

## **Intensifying Efforts to Identify, Screen, and Track Cargo**

The 9/11 Commission recommended that the TSA needs to intensify its efforts to identify suspicious cargo, and appropriately screen and track potentially dangerous cargo in aviation as well as in maritime operations. Stemming from recommendations of the Aviation Security Advisory Committee (ASAC), a standing committee of aviation stakeholders, the TSA unveiled a strategic plan for cargo security in November 2003. That plan consists a multi-layered risk-based approach with four key strategic objectives: 1) enhancing shipper and supply chain security; 2) identifying elevated risk cargo through pre-screening; 3) identifying technology for performing targeted air cargo inspections; and, 4) securing all-cargo aircraft through appropriate facility security measures.<sup>11</sup> Goals of the plan include pre-screening all cargo shipments in order to determine their level of relative risk; working with industry and federal partners to ensure that 100% of items considered to pose an elevated risk are inspected; developing and ensuring that new information and technology solutions are deployed; and, implementing operational and regulatory programs that support enhanced security measures.<sup>12</sup> The 9/11 Commission recommendations seem to imply that it concurs with TSA's overall approach as outlined in this strategic plan but feels that progress toward achieving these objectives must be accelerated, and perhaps, augmented. Since the 9/11 Commission recommendation provides no specific guidance on how to intensify the identification, tracking, and screening of cargo, Congress may further scrutinize TSA's efforts on cargo security and further debate approaches to air cargo security.

Recent debate in Congress over air cargo security has focused on the level of physical screening or inspection of cargo needed to adequately mitigate the risks posed by cargo placed on passenger aircraft. While proposals have been offered to require 100% physical screening or inspection of all cargo placed on passenger aircraft, Congress has thus far supported TSA's plan to, instead, implement a risk-based approach that relies heavily on the known-shipper program and database to assess shipments placed aboard passenger aircraft. Both H.R. 10 and S. 2845 contain measures to improve the screening and tracking of cargo. S. 2845 would specifically require the TSA to double the amount of air cargo screened within one year. (see CRS Report RL32022, *Air Cargo Security*).

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<sup>11</sup> Transportation Security Administration. *Air Cargo Strategic Plan*. November, 2003.

<sup>12</sup> There has been considerable confusion regarding the terms *screening* and *inspection* as they pertain to air cargo, and presently no statutory or regulatory definitions of these terms exist. In general, the TSA refers to screening as a vetting process, such as the use of a known-shipper database, to assess the level of risk associated with a cargo shipment. TSA uses the term inspections, on the other hand, to refer to physical scrutiny of cargo through any of several available means such as canine teams, hand searches, or the use of x-ray equipment or explosives detection systems. In this report, the term pre-screening has been used in place of what TSA commonly calls screening to avoid confusion since this does not refer to a physical screening process.

## Deploying Hardened Cargo Containers

In addition to these measures to improve cargo security, the 9/11 Commission specifically recommended the deployment of at least one hardened cargo container on every passenger aircraft that also hauls cargo to carry suspicious cargo. The National Research Council examined this very concept in 1999 and concluded it would cost \$125 million to acquire a sufficient number of hardened containers.<sup>13</sup> They also estimated that the annual industry-wide cost of lost revenue due to reduced aircraft revenue payload and increased fuel burn would total \$11 million. Thus, even if a proposal were made to federally fund this initiative, passenger airlines may oppose it because it would increase operational costs.

It is likely that opponents of deploying hardened cargo containers would also argue that, if recommended initiatives are implemented to improve the identification, tracking, and screening of cargo, then hardened cargo containers are not needed. On the other hand, proponents of deploying hardened cargo containers may argue that doing so creates a redundant layer of defense, analogous to a hardened cockpit door, that is consistent with the overarching goal of establishing a multi-layered security system with built-in redundancies.

However, using just one hardened cargo container per passenger aircraft still leaves the system open to potential vulnerabilities that are directly tied to the effectiveness of measures to conduct risk-based assessments of cargo and flag suspicious cargo. For this reason, the TSA currently requires that all cargo from shippers that have not been properly vetted and verified through the known-shipper program be carried in all-cargo airplanes and not aboard passenger airplanes. While TSA is working on expanding its capabilities to detect high risk cargo, it is unclear how this system could be adapted to assign risk levels that would permit certain suspect cargo to travel in hardened cargo containers on board passenger airplanes. Also, from a policy standpoint, it is unclear what criteria could be used to permit shipment of suspicious cargo on passenger aircraft in hardened cargo containers instead of offloading that shipment from passenger aircraft altogether. Congress may debate whether deployment of hardened cargo containers could provide an effective layer of security to protect against potential cargo bombings. A key policy issue in this debate is likely to be the possible implications of allowing suspicious cargo to travel on passenger aircraft even if they are secured in hardened cargo containers.

H.R. 10 contains a provision that would require TSA to carry out a pilot program to evaluate the use of blast-resistant containers for carrying baggage and cargo on passenger airliners. While S. 2845 does not contain a similar provision, legislation passed by the Senate on May 9, 2003 (S. 165), would require the DHS in coordination with the FAA to submit a report evaluating blast-resistant cargo container technology.

## Risk-Based Prioritization as the Basis for Transportation Security Policy

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<sup>13</sup> National Research Council. *Assessment of Technologies Deployed to Improve Aviation Security: First Report*.

In addition to the aviation specific recommendations discussed above, the 9/11 Commission also issued an overarching recommendation that risk-based priorities for protecting all transportation assets be established. Based on this assessment of risks, the 9/11 Commission recommended that TSA select the most practical and cost effective approaches for implementing defenses of transportation assets and develop a plan, budget, and funding to implement this effort. The plan, according to the 9/11 Commission, should assign roles and missions to federal, state, and local authorities, as well as to private stakeholders.

**Strategic Plan for Aviation Security.** The risk-based approach to aviation security is nothing new and has been viewed for some time as the principal policy tool for allocating limited resources. What is lacking, however, is a unified strategic plan for aviation security. To some extent, ATSA has set the strategy for aviation security following the terrorist attacks of September 11, 2001. The TSA's initial focus was on meeting the mandates of ATSA, particularly deploying air marshals and federal screeners. Now that TSA has achieved some level of normal operations, it should be better poised to focus on developing a more formal strategy for national aviation security policy. Based on TSA's strategic approaches to date, particularly in addressing air cargo security needs, it is likely that a risk-based multi-layered approach to aviation security will form the core of future aviation security policy. This appears to be largely in step with what the 9/11 Commission is recommending.

In light of the 9/11 Commission recommendation, Congress may consider whether to formally task the TSA with developing a national strategy for aviation security that addresses funding needs, budgetary implications, and the appropriate roles of federal, local, and state authorities, and industry stakeholders. While some may argue that such a plan already exists in various TSA program plans and budget documents, others may argue that a more formal strategic planning document for aviation security needs to be developed.

**Cooperation and Integration.** While aviation security relies extensively on cooperation and the integration of shared responsibilities, challenges persist in defining roles and allocating resources for state and local participation and industry involvement. At airports, the local role is defined in the airport security program which is tailored for each airport location. Physical security of the airport site is ultimately the role of local jurisdictions carried out by airport operators, while TSA maintains the overall role of security oversight and enforcement as well as direct responsibility for passenger screening. The role of local governments, and in some cases state authorities, in aviation security often involves both law enforcement support for airport site security and law enforcement presence at screening checkpoints. Passenger air carriers must also participate in security through procedures and training for controlling access to aircraft and secured areas of airports, carrying out security inspections of aircraft, and so on. In air cargo and general aviation, security measures rely heavily on the direct participation of aircraft owners and operators, while the federal role is one of oversight and enforcement of aviation security requirements.

While implementing aviation security already involves federal, state, local, and industry participation, what appears to be lacking is a unified plan or strategy for: assigning roles and missions to each stakeholder based on careful consideration of

logistics and costs; and adopting a systems approach to define how each element contributes to the overall security strategy.

In light of the 9/11 Commission recommendation, Congress and the TSA may consider ways to improve the strategic planning, resource allocation, and integration of federal, state, local, and private-sector resources for aviation security. Congress and the TSA may also consider how the specific strategies and approaches to aviation security may be integrated with an overarching transportation security strategy that encompasses rail, maritime, and highway security as well and addresses logistics, funding, and resource allocation to meet security needs in all modes of transportation. H.R. 10 requires the Department of Homeland Security (DHS) to prepare and update a transportation security plan and modal security plans including a modal plan for aviation to: set risk-based priorities; select the most practical and cost-effective methods for protecting aviation assets; and assign roles and missions to Federal, State, regional, and local authorities, and aviation stakeholders.

## **Congressional Actions in Response to the 9/11 Commission Recommendations**

Since the release of the 9/11 Commission report, Congress has given considerable attention to the recommendations contained in the report. The Senate Committee on Commerce, Science and Transportation held a hearing on the 9/11 Commission recommendations regarding transportation security on August 16, 2004, and the House Subcommittee on Aviation held a hearing reviewing the aviation security recommendations of the 9/11 Commission.

Legislation has been introduced in the House to address the specific recommendations of the 9/11 Commission as well as other perceived aviation security needs. On September 22, 2004, Representative Don Young of Alaska introduced H.R. 5121, a bill designed to further protect the U.S. aviation system from terrorist attacks. Several aviation security-related provisions of H.R. 5121 were incorporated into H.R. 10, the “9/11 Recommendations Implementation Act”, which was introduced in the House on September 24, 2004. These provisions directly address all but one of the 9/11 Commission recommendations pertaining to aviation security to varying degrees and include numerous miscellaneous provisions pertaining to aviation security that were not formally or specifically recommended by the 9/11 Commission. The one 9/11 Commission recommendation not addressed in the provisions incorporated into H.R. 10 was the recommendation to expedite deployment of in-line baggage screening systems. Two provisions in H.R. 5121 aimed at addressing this recommendation by increasing the deposits in the Aviation Security Capital Fund from aviation security fees from \$250 million to \$500 million and allowing TSA to enter into multi-year contracts for EDS imaging were not incorporated into H.R. 10. Additionally, floor amendments to H.R. 10 seek to: provide TSA security screeners, along with other individuals in border and transportation security roles, with access to law enforcement intelligence information; require the DHS to initiate rulemaking to require prescreening of international passengers before departure; and permits the DHS to take actions aimed at expediting installation and use of advanced in-line baggage screening equipment at airports.

On October 5, 2004, the Senate agreed to include two amendments pertaining to aviation security into S. 2845, the National Intelligence Reform Act of 2004. Prior to these floor actions, this primary Senate vehicle for addressing recommendations of the 9/11 Commission was silent regarding matters to enhance aviation security. S.Amdt. 3711, offered by Senator Hutchison, contains several provisions that primarily address air cargo security while S.Amdt. 3712, offered by Senator Rockefeller, contains numerous provisions that have the intent of improving aviation security. Air cargo security provisions in S.Amdt. 3711 are similar to provisions in S. 165, which was passed by the Senate on May 9, 2003. S.Amdt. 3712, as submitted, is similar to a bill (S. 2393) introduced on May 6, 2004. In addition to these two amendments, additional amendments have been incorporated into S. 2845 that address international air cargo threats, TSA's future needs for information technology and communications capabilities, and watchlist criteria to address privacy and civil liberties concerns regarding the passenger prescreening process.

As compared to H.R. 10, S. 2845 contains more specific mandates regarding security measures for air cargo and general aviation. While the 9/11 Commission specifically recommended actions to intensifying efforts to screen, and track air cargo, the 9/11 Commission made no specific recommendations regarding general aviation security, although it acknowledged that this was an area of continued concern. Table 1 below provides a listing of the aviation security-related provisions in H.R. 10 and S. 2845 as amended along with the corresponding 9/11 Commission recommendations identified by CRS.

**Table 1. Comparison of 9/11 Commission Recommendations to H.R. 10 and S. 2845**

<b>9/11 Commission Recommendation</b>	<b>H.R. 10</b>	<b>S. 2845</b>
<p><b>Enhancing Passenger Prescreening</b></p>	<p><b>Section 2173. Next Generation Airline Passenger Prescreening</b></p> <p>Directs the TSA to begin testing the next generation passenger prescreening system by November 1, 2004. Directs the TSA to assume the function of passenger prescreening — comparing passenger name records (PNRs) to “automatic selectee” and “no fly lists”, and ultimately to the consolidated and integrated terrorist watch list — within 180 days of the completion of system testing.</p> <p>Requires the TSA to: develop procedures for passengers delayed or denied boarding to appeal a determination that they pose a security threat and correct erroneous information in the prescreening system; ensure that the system does not generate large numbers of false positives; create an internal oversight board; establish safeguards to reduce opportunities for abuse of the system; implement security measures to protect the system from unauthorized access; adopt policies for oversight of system use and operation; and ensure there are no privacy concerns associated with the technological architecture of the system. Requires the Government Accountability Office (GAO) to report on the adequacy of TSA’s steps to address these requirements within 90 days after TSA assumes responsibility for passenger prescreening.</p> <p>Requires airlines to provide PNR data to the TSA for system implementation within 60 days of the completion of system testing.</p>	<p><b>S.Amdt. 3712 (Sec. 2). Aircraft Charter Customer Precreening</b></p> <p>Would require the DHS to establish procedures within one year of enactment under which charter operators of aircraft weighing more than 12,500 pounds may provide the names of new charter customers to the TSA for comparison against a comprehensive, consolidated database of known or suspected terrorists and their associates. The procedures are to be implemented in such a manner that the charter operator will only receive a reply from the TSA as to whether the charter request is granted or denied, and the individual denied the charter will be provided opportunity to consult the TSA and resolve any erroneous information that may have resulted in the denial.</p> <p><b>S.Amdt. 3712 (Sec. 3). Aircraft Rental Customer Precreening</b></p> <p>Would require the DHS to establish procedures within one year of enactment under which operators of aircraft weighing more than 12,500 pounds may provide the names of prospective aircraft renters to the TSA for comparison against a comprehensive, consolidated database of known or suspected terrorists and their associates. Provides privacy safeguards similar to those outlined for charter customer prescreening.</p>



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	<p>Requires the screening of the following individuals against records in the consolidated terrorist watch list: those receiving FAA certificates (e.g., pilots, mechanics, dispatchers); those seeking access credentials to secured areas of airports or the air operations area (AOA) of an airport. Requires the establishment of a timely and fair process to review and correct erroneous information of individuals who appeal a finding that they pose a threat to aviation security.</p>	<p><b>S.Amdt. 3712 (Sec. 4). Report on Rental and Charter Customer Prescreening Procedures</b></p> <p>Requires the DHS to provide Congress with a report on the feasibility of expanding prescreening to rental and charter aircraft weighing less than 12,500 pounds. The analysis should focus on the risks posed by such aircraft and the impact of prescreening procedures on rental and charter commerce.</p> <p><b>S. Amdt 3915. Terrorist Screening Center</b></p> <p>Requires the DHS to report on criteria used for placing individuals on the consolidated watch list and standards for information accuracy. Requires DHS to establish a process for removing the names of individuals erroneously placed on the “Automatic Selectee” and “No Fly” lists. Requires the Privacy and Civil Liberties Oversight Board, in cooperation with the GAO, to report on the impact of these lists on privacy and civil liberties including recommendations to minimize the adverse effects of these lists on privacy, discrimination, due process, and other civil liberties, and the implications of using these lists in other transportation modes.</p>
<p><b>Improving Measures to Detect Explosives on Passengers</b></p>	<p><b>Section 2174. Deployment and Use of Explosive Detection Equipment at Airport Screening Checkpoints</b></p> <p>Directs TSA to give priority to developing, testing, and deploying technologies to detect non-metallic weapons and explosives carried on individuals. Directs TSA to provide a</p>	<p><b>S.Amdt. 3712 (Sec. 8). Explosive Detection Systems</b></p> <p>(c) Portal Detection Systems: Authorizes an additional \$250 million for research and development of portal detection systems or similar devices for detecting biological, radiological, and explosive material. Requires the DHS to establish a pilot program at up to 10 airports to evaluate these</p>

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	<p>strategic plan to Congress within 90 days of enactment on the optimal utilization and deployment of explosive detection systems to screen individuals and carry-on items at airport screening checkpoints.</p> <p><b>Section 2177.</b> <b>Airport Checkpoint Screening Explosives Detection</b></p> <p>Creates a new “Checkpoint Screening Security Fund” that would be funded at a level of \$30 million per year in FY2005 and FY2006. The fund would receive \$30 million in deposits from aviation security fees collected after the first \$500 million of these fees are deposited into the Aviation Security Capital Fund as described in <b>Section 3</b> of the bill. Requires the DHS to ensure that the fee structure imposed in FY2005 and FY2006 will guarantee deposits of at least \$30 million into the “Checkpoint Screening Security Fund.” This fund is to be designated for equipment to improve explosives detection at screening checkpoints.</p>	<p>systems.</p> <p><b>S.Amdt. 3712 (Sec. 17). Screening Devices to Detect Chemical and Plastic Explosives</b></p> <p>Requires the DHS to report on efforts and needs to address detecting explosives, including chemical and plastic explosives, on passengers and in carry-on bags.</p>
<p><b>Addressing Human Factors Issues at Screening Checkpoints</b></p>	<p><b>Section 2178.</b> <b>Next Generation Security Checkpoint</b></p> <p>Would require the TSA to develop a pilot program to test, integrate, and deploy next generation checkpoint screening technology at five or more airports. Requires human factors studies to improve screener performance as part of this pilot program.</p>	
<p><b>Expediting Deployment of In-Line Baggage Screening Systems</b></p>		<p><b>S.Amdt. 3712 (Sec. 6). Improved Air Cargo and Airport Security</b></p>

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		<p>(c) Authorization for Expiring and New LOIs: authorizes \$150 million each year in fiscal years 2005-2007 to fund airport security projects that have received letters of intent (LOIs). Allows LOI reimbursements to span over a period not to exceed 10 years.</p> <p><b>S.Amdt. 3712 (Sec. 8). Explosive Detection Systems</b></p> <p>Requires the DHS to establish a schedule to replace explosive trace detection systems with in-line explosive detection system equipment as soon as practicable where appropriate. Authorizes an additional \$100 million for research and development of next-generation EDS equipment. Requires the DHS to develop a plan and guidelines for implementing improved EDS equipment.</p>
<b>Intensifying Efforts to Screen, and Track Cargo</b>	<p><b>Section 2176. Air Cargo Screening Technology</b></p> <p>Requires the TSA to develop technology to better identify, track, and screen air cargo.</p>	<p><b>S.Amdt. 3711</b></p> <p>Requires the screening, inspection, or implementation of other means to ensure the security of cargo transported in passenger and all-cargo aircraft. Requires the DHS to develop a strategic plan for air cargo security. Mandates a pilot program for evaluating cargo screening measures. Requires implementation of a system for regular inspections of air cargo shipping facilities and allows the DHS to increase the number of inspectors to carry out these inspections. Requires the creation of an industry-wide known-shipper database pilot</p>

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		<p>program. Requires the DHS to conduct random audits and inspections of security at freight forwarder(indirect air carrier) facilities and ensure compliance with security standards. Requires the DHS to implement a security program for all-cargo operators covering: security of the cargo operations and acceptance areas; access to aircraft; and security of cargo shipments. Under this program, background checks would be required for all employees accessing the air operations area, and flight crews and persons carried aboard all-cargo aircraft would be screened.</p> <p><b>S.Amdt. 3712 (Sec. 6). Improved Air Cargo and Airport Security</b></p> <p>Authorizes an additional \$200 million each year in fiscal years 2005-2007 for improving cargo security on passenger and all-cargo aircraft. Establishes a grant program for next-generation air cargo security technology and authorizes \$100 million each year in fiscal years 2005-2007 for this purpose. Requires annual reports for fiscal years 2005-2007 detailing the progress and status of deployment and installation of next-generation air cargo security technology and grants issued for this purpose.</p> <p><b>S.Amdt. 3712 (Sec 7). Air Cargo Security Measures</b></p> <p>Requires the DHS, in consultation with the DOT, to develop and implement a plan for cargo security for passenger and all-cargo operations based on the recommendations of the Cargo Security Working Group of the Aviation Security Advisory Committee, a stakeholder advisory group to TSA. Requires</p>

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		<p>the TSA to promulgate regulations to evaluate freight forwarders (indirect air carriers) and ground handling agents, including background checks and terrorist watchlist checks of employees of these organizations. Requires the TSA to evaluate the increased used on canine teams to inspect air cargo including targeted inspections of high risk items.</p> <p>Requires the DHS to double the amount of air cargo screened or inspected within one year of enactment as compared to levels at the end of FY2004.</p> <p>Requires the TSA, in coordination with the FAA, to require all-cargo aircraft to use barrier, such as a hardened cockpit door, to prevent unauthorized access to the flight deck from a cargo compartment. Requires physical screening of all persons and their effects transported on all-cargo aircraft within one year of enactment. Requires searches of all-cargo aircraft at the beginning of each day and that all-cargo aircraft be secured or sealed or access stairs removed when unattended.</p> <p><b>S. Amdt 3910. Report on International Air Cargo Threats</b></p> <p>Requires the DHS, in consultation with the FAA and the Department of Defense, to report on current procedures to address explosive, incendiary, chemical, biological, or nuclear threats on all-cargo aircraft in-bound to the United States and provide an analysis of the potential for establishing secure facilities along established international air routes for diverting and securing suspect all-cargo aircraft.</p>

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<p><b>Deploying Hardened Cargo Containers</b></p>	<p><b>Section 2175. Pilot Program to Evaluate Use of Blast-Resistant Cargo and Baggage Containers.</b></p> <p>Would require TSA to carry out a pilot program to evaluate the use of blast-resistant containers for carrying baggage and cargo on passenger airliners. Provides financial assistance to cover increased costs to air carriers as incentives to volunteer for the pilot program. Requires the TSA to report to Congress on the results of the pilot program within one year of enactment. Authorizes \$2 million to carry out the pilot program.</p> <p>CRS has identified the following bills that contain similar provisions: S. 165, H.R. 2144, H.R. 5054.</p>	
<p><b>Risk Based Prioritization: Strategic Plan for Aviation Security</b></p>	<p><b>Section 2172. Transportation Security Strategic Planning</b></p> <p>Requires the Department of Homeland Security (DHS) to prepare and update a transportation security plan and modal security plans. The modal plan for aviation should, at a minimum: set risk-based priorities; select the most practical and cost-effective methods for protecting aviation assets; assign roles and missions to Federal, State, regional, and local authorities, and aviation stakeholders; establish a mitigation and recovery plan for the aviation system in the event of a terrorist attack; and establish a threat matrix showing layers of security to protect against each threat.</p> <p>Requires the DHS to report to Congress 180 days after enactment and annually thereafter on the transportation security plan.</p>	

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<p><b>Miscellaneous aviation security provisions not linked to specific 9/11 Commission recommendations</b></p>	<p><b>Section 2171. Provision for the Use of Biometric or Other technology</b></p> <p>Requires issuance of guidance for the use of biometric technology for airport access control systems including comprehensive technical and operational requirements; performance standards; lists of products and vendors that meet such standards; procedures for implementation; and descriptions of best practices for using biometrics in airport access control systems.</p> <p>Requires establishing a biometric credential for federal, state, and local law enforcement officers seeking to carry a weapon on board an aircraft and procedures to use the credential to verify the identity of such an officer.</p> <p>The bill authorizes such sums as may be necessary for these activities. The bill also expands grant authority to airports to include projects to implement biometric technologies and increases authorization of funds in FY2005 to \$345 million (currently set at \$250 million).</p> <p>The provisions of this section are identical to provisions in H.R. 4914.</p> <p><b>Section 2179. Penalty for Failure to Secure Cockpit Door</b></p> <p>Would authorize imposing a civil penalty on an airline not to exceed \$25,000 for each violation of requirements to secure the</p>	<p><b>S.Amdt. 3711 (Sec. 7). Passenger Identification Verification</b></p> <p>Permits the DHS to implement a program as soon as practicable using identification verification technologies, such as identification document and biometric scanners, for screening passengers.</p> <p><b>S. Amdt 3712 (Sec. 1). Improved Pilot Licences</b></p> <p>Requires that the FAA develop tamper-resistant, photo identification pilot licences that uses either a digital photograph, a biometric, or other unique identifier for validation of authenticity. Permits the use of designees to carry out the implementation of issuing new pilots licences and authorizes \$50 million in FY2005 for creating the licensing system.</p> <p><b>S. Amdt 3712 (Sec. 5). Aviation Security Staffing</b></p> <p>Requires the DHS to develop standards for screener staffing to provide adequate security and minimize security-related passenger delay within 90 days of enactment. Requires the GAO to conduct an expedited analysis of these standards as soon as practicable after they are produced. Requires the DHS and the GAO to report to Congress within 120 days after enactment regarding the standards and efforts to increase effectiveness and efficiency of the screening process with a target average delay time of 10 minutes or less.</p>

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	<p>cockpit door during operation of the aircraft.</p> <p>Makes technical corrections to give the DHS, instead of the Department of Transportation (DOT) and the Federal Aviation Administration (FAA), authority to impose such fines as well as penalties for unauthorized carriage or attempts to carry a concealed dangerous weapon on board an aircraft.</p> <p><b>Section 2180. Federal Air Marshal Anonymity</b></p> <p>Requires continued development of procedures to protect the identity of Federal Air Marshals by November 1, 2004.</p> <p><b>Section 2181. Federal Law Enforcement In-Flight Counterterrorism Training</b></p> <p>Would provide training for in-flight counterterrorism procedures and tactics to be made available to federal law enforcement officers who fly while on duty.</p> <p><b>Section 2182. Federal Flight Deck Officer Weapon Carriage Pilot Program</b></p> <p>Would require the TSA to implement a pilot program allowing Federal Flight Deck Officers (FFDOs) to carry their firearms on their persons within 90 days of enactment. Requires TSA to report to Congress on the results of the pilot program with respect to safety within one year of initiating the pilot program.</p> <p><b>Sec. 4101. International Agreements to Allow Maximum Deployment of Federal Flight Deck Officers</b></p>	<p><b>S. Amdt 3712 (Sec. 9) Air Marshal Program</b></p> <p>Requires DHS to report on the potential for cross-training of individuals who serve as air marshals and any need for contingency funding of air marshal operations. Authorizes an additional \$83 million in FY2005-FY2007 for air marshal deployment.</p> <p><b>S. Amdt 3712 (Sec. 10) TSA-Related Baggage Claim Issues Study</b></p> <p>Requires the DHS, in consultation with the DOT to report on the system to address claims related to baggage loss, damage, or theft attributable to baggage security measures and make recommendations to improve airline involvement in the baggage screening and handling process.</p> <p><b>S. Amdt 3712 (Sec. 11). Report on Implementation of GAO Homeland Security Information Sharing Recommendations</b></p> <p>Requires DHS to report on its efforts to implement recommendations in GAO Report GAO-03-760.</p> <p><b>S. Amdt 3712 (Sec. 12). Aviation Security Research and Development</b></p> <p>Authorizes an additional \$20 million for research and development of biometric technology applications for aviation security and authorizes \$1 million to establish centers of excellence in biometrics.</p>



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	<p>Encourages the President to aggressively pursue international agreements allowing FFDOs on flights to international destinations.</p> <p><b>Section 2183. Registered Traveler Program</b></p> <p>Requires that the TSA expedite implementation of the registered traveler program.</p> <p><b>Section 2184. Wireless Communication</b></p> <p>Requires the TSA in coordination with the FAA to study the viability of providing wireless technologies or other methods to provide discrete communication with the pilot in cases of security or safety incidents in the cabin. TSA is directed to consider readily available technology in conducting the study and must report the results of the study to Congress within 180 days of enactment.</p> <p><b>Section 2185. Secondary Flight Deck Barriers</b></p> <p>Requires the TSA to file a report to Congress within six months of enactment regarding the costs and benefits of using secondary flight deck barriers and a recommendation as to whether such barriers should be mandated for all air carriers.</p> <p><b>Section 2186. Extension</b></p> <p>Would extend authorization for appropriations of such sums as</p>	<p><b>S. Admt 3712 (Sec. 13). Perimeter Access Technology</b></p> <p>Authorizes \$100 million for airport perimeter security measures.</p> <p><b>S. Admt 3712 (Sec. 14). Bereavement Fares</b></p> <p>Requires air carriers to offer bereavement fares to the public that, to the greatest extent possible, should be provided at the lowest fare offered by a carrier for a requested flight.</p> <p><b>S. Admt 3712 (Sec. 15). Review and revision of prohibited items</b></p> <p>Requires the TSA to review and revise its list of prohibited items and explicitly prohibits butane lighters to be carried by airline passengers.</p> <p><b>S. Amdt 3712 (Sec 16). Report on Protecting Commercial Aircraft from the Threat of Man-Portable Air Defense Systems</b></p> <p>Requires the DHS to prepare a report on protecting commercial aircraft from Man-Portable Air Defense Systems (MANPADS). The report is to include information on: terrorist access to MANPADS; DHS efforts to protect commercial aircraft from MANPADS; and an assessment of the effectiveness and feasibility of equipping commercial airliners with counter-MANPADS systems. The report is to also include a justification for the schedule for Phase II of the counter-MANPADS development program; an assessment of</p>

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	<p>may be necessary for aviation security through FY2006.</p> <p><b>Section 4102. Federal Air Marshal Training</b></p> <p>Would allow the Bureau of Immigration and Customs Enforcement, after consultation with the Department of State, to provide air marshal training to law enforcement personnel of foreign countries. Foreign officers sent for air marshal training must be checked against the consolidated and integrated terrorist watchlists and reasonable fees may be collected to offset the costs of this training.</p> <p><b>Section 2187. Perimeter Security</b></p> <p>Requires TSA to submit a report to Congress on airport perimeter security within 180 days of enactment examining the feasibility of access control technologies and procedures, including biometrics and other identification methods, best practices for perimeter access control techniques, and an assessment of the feasibility of screening all individuals entering airport secured areas and strengthening background checks for secured area access.</p> <p><b>Section 4103. Man-Portable Air Defense Systems (MANPADS)</b></p> <p>Would require the President to urgently pursue international treaties to limit the availability, transfer, and proliferation of MANPADS.</p>	<p>alternative aircraft-based and ground based technical approaches to protect aircraft against MANPADS; discussion of contractor liability issues for counter-MANPADS development and deployment; and the strategy for deploying counter-MANPADS systems; plans to expedite technology deployment if intelligence data indicates a need to do so; a description of DHS efforts to assess the vulnerability of domestic and foreign airports to MANPADS attacks; and a description of cooperative efforts between the DHS and the FAA to certify the airworthiness of aircraft-based counter-MANPADS technologies.</p> <p><b>S.Amdt. 3712 (Sec. 18). Reports on the Federal Air Marshals Program</b></p> <p>Requires the DHS to provide a classified report on the number and composition of the Federal Air Marshal Service (FAMS), the percentage of flights covered by FAMS, and attrition rate for FAMS.</p> <p><b>S.Amdt. 3712 (Sec. 19). Security of Air Marshal Identity</b></p> <p>Requires the DHS to designate individuals whom air marshals should be required to identify themselves to and prohibits any procedures, rules, regulations, or guidelines from exposing the identity of an air marshal to anyone other than those designated.</p> <p><b>S.Amdt. 3712 (Sec. 20). Security Monitoring Cameras for Airport Baggage Handling Areas</b></p>

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	<p>Encourages the President to enter into agreements that, at a minimum, would: limit licensing agreements for manufacture of MANPADS to countries willing to enter into non-proliferation agreements; prohibit unlicensed export of MANPADS or MANPADS components; and prohibits re-export or re-transfer without consent of the government approving the original export or transfer.</p> <p>Encourages the President to continue to pursue international diplomatic and cooperative efforts to assure the destruction of excess, obsolete and illicit stockpiles of MANPADS.</p> <p>Requires the President to transmit a report to Congress containing a detailed description of administration efforts to address GAO recommendations regarding nonproliferation of MANPADS within 180 days on enactment. The Secretary of State is to brief appropriate committees on an annual basis thereafter on the status of such efforts.</p> <p>Requires the FAA to establish a process for conducting airworthiness and safety certification of counter-MANPADS systems for commercial aircraft by the completion of Phase II of the DHS Counter-MANPADS development and demonstration program. Requires FAA to expedite safety and airworthiness certification of counter-MANPADS systems certified as effective missile defense systems by DHS. Requires FAA to report to Congress within 90 days of issuing the first airworthiness and safety certification of a missile defense system and annually thereafter until December 31, 2008 providing details of all such airworthiness and safety certifications issued for missile defense systems.</p>	<p>Requires funding assistance, subject to the availability of funds, for installing security cameras to deter theft from check baggage that occurs in areas not open to public view and authorizes appropriations of such sums as may be necessary for this purpose.</p> <p><b>S. Amdt 3757. TSA Field Office Information Technology and Telecommunications Report</b></p> <p>Requires the DHS to report on current telecommunications and information technology equipment and capabilities at TSA sites and provide an assessment of current and future telecommunications and information technology needs at these sites.</p>

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	<p>Encourages the President to pursue programs to reduce the number of MANPADS available worldwide for trade, proliferation, and sale, and requires a report to Congress on these efforts within 180 days of enactment and annually thereafter.</p> <p>Requires the DHS to report on plans to secure airports and protect arriving and departing aircraft from MANPADS attacks including the status of vulnerability assessments, intelligence sharing on MANPADS threats, response to intelligence indicating a high threat level of MANPADS attack within the U.S., and the feasibility and effectiveness of implementing public education and neighborhood watch programs.</p> <p>The provisions of this section are identical to those in H.R. 4056.</p> <p>Two related bills, H.R. 580 and S. 311, would require equipping all air carrier turbojet aircraft used in scheduled service with missile defense systems.</p> <p><b>H.Amdt. 787. Integrating Security Screening Systems and Enhancing Information Sharing by Department of Homeland Security</b></p> <p>Would provide individuals who conduct security screening and carry out other similar border and transportation security functions to obtain the appropriate clearances and have access to law enforcement and intelligence information</p> <p>Requires DHS to report on: DHS entities involved in</p>	

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	intelligence data collection, analysis, or sharing; DHS intelligence systems and databases; and any existing overlap or duplication of effort regarding this.	