

Comment 1:

The rule concerning "Prohibition against interference with screening personnel" is vague, unnecessary, and open to abuse. Determination of "distracting behavior" and "attempts to prevent screeners from performing required screening" are necessarily subjective. The note on p. 8344 of the Federal Register about "The screener may also need to summon a checkpoint supervisor and law enforcement officer, taking them away from other duties" would seem to encourage screeners to make unilateral decisions about whether behavior constitutes "interference". It is also redundant, since a law enforcement officer, and presumably a supervisor too, would be called in any event if a person is to be arrested under this section. Arresting a person under this rule would itself be a distraction at the checkpoint. The analogy to the rule "prohibiting interference with crewmembers aboard an aircraft" is inexact, because help from supervisors and other personnel is less readily available aboard an aircraft in flight.

The situation at checkpoints is currently highly stressful and distracting for passengers, who may have to remove a laptop computer from its case, remove coins and keys from their pockets, remove shoes, feed them all through the X-ray machine, etc. Passengers usually want to keep an eye on their belongings while they are going through the security checkpoint, especially those carrying valuable baggage (e.g., a laptop computer), but this is extremely difficult under current conditions, especially when there is a long line at the checkpoint. Screeners may insist on checking passengers with a wand before they have had a chance to collect their carry-on baggage (especially when the lines are long, to save time), and may decide that a passenger who wants to keep an eye on valuable baggage, keys, etc., after it has gone through the X-ray machine is interfering with the screener.

Detention of the passenger, even for a short while without an arrest, may cause him or her to miss a flight, thereby inflicting a possibly significant penalty at what may be merely the whim of a screener who may be having a bad day. There have been reports of screeners abusing their positions, e.g., by groping female passengers. I have heard a report about airport personnel mentioning a passenger to checkpoint personnel with the intention that that person be given a hard time at the checkpoint.

This rule should be deleted altogether or modified to remove the element of subjectivity, and clarify who makes the determination that a passenger is interfering with a screener.

Comment 2:

The rule concerning inspection of individuals, accessible property, checked baggage, and cargo should include safeguards for passenger property and a requirement that screening of checked baggage be done in the presence of the passenger, if the passenger requests it. In my own experience on a recent flight from Phoenix airport, the counter agent insisted that my checked bag be unlocked because it had been selected for X-ray screening, and the screeners might want to open it. This would have meant leaving it unlocked throughout a lengthy international trip with a long stopover in a foreign airport. The implications for security of baggage need hardly be discussed. Hand inspection of checked baggage was requested (after which the bag could have been locked) but was refused by the agent at the check-in counter (this was two hours before the flight, so time was not an issue).

(On my return flight, the bag was selected for screening again, at Los Angeles International airport, but this time it was put through the X-ray machine in my presence, so that I could unlock and relock it if necessary).

The rule concerning inspection of checked baggage should be amended to require that X-ray screening of checked baggage be done in the passenger's presence, so that that the baggage can be unlocked if necessary and re-locked; or, if screening in the passenger's presence is not feasible, the bag must be hand-inspected upon passenger request, and the passenger must be allowed to re-lock it.