

**Suspend the Rules and Pass the Bill, H. R. 3102, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

114TH CONGRESS
1ST SESSION

H. R. 3102

To amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, streamline transportation security regulations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2015

Mr. KATKO (for himself and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, streamline transportation security regulations, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airport Access Control
5 Security Improvement Act of 2015”.

1 **SEC. 2. AVIATION SECURITY.**

2 (a) IN GENERAL.—Subtitle A of title XVI of the
3 Homeland Security Act of 2002 is amended by adding at
4 the end the following new section:

5 **“SEC. 1602. RISK-BASED SCREENING OF EMPLOYEES AT**
6 **AIRPORTS.**

7 “(a) SCREENING MODEL.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this section, the
10 Administrator shall establish a risk-based, intel-
11 ligence-driven model for the screening of employees
12 at airports based on level of access and employment
13 positions at domestic airports. Such screening model
14 shall—

15 “(A) ensure that only those individuals au-
16 thorized to have access to the secure areas of
17 a domestic airport are permitted such access;

18 “(B) ensure that an individual is imme-
19 diately denied entry to a secure area when such
20 individual’s access authorization for such secure
21 area is withdrawn; and

22 “(C) provide a means to differentiate be-
23 tween individuals authorized to have access to
24 an entire secure area and individuals authorized
25 access to only a particular portion of a secure
26 area.

1 “(2) FACTORS.—The Administrator shall con-
2 sider the following factors when establishing the
3 screening model described in paragraph (1):

4 “(A) Whether and how often employees at
5 airports require employment-related access to
6 Secure Identification Display Areas, Airport
7 Operations Areas, or secure areas.

8 “(B) The ability of each airport operator
9 to reduce employee entry and exit points to a
10 mutually agreed upon minimum number of such
11 entry and exit points necessary to maintain air-
12 port operations.

13 “(C) In consultation with airport opera-
14 tors, the ability of the Administration to create
15 a randomization plan for screening at the de-
16 fined operational minimum entry and exit
17 points at airports which maximizes the deter-
18 rent effect of screening efforts.

19 “(b) DISQUALIFYING OFFENSES.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this section, the
22 Administrator, in consultation with the Director of
23 the Federal Bureau of Investigation, labor organiza-
24 tions representing aviation, ground, and cabin crew
25 workers, and the Aviation Security Advisory Com-

1 mittee, shall conduct an aviation security risk-based
2 review of the disqualifying criminal offenses codified
3 in sections 1542.209 and 1544.229 of title 49, Code
4 of Federal Regulations, to determine the appro-
5 priateness of such offenses as a basis for denying to
6 an employee a credential that allows unescorted ac-
7 cess to Secure Identification Display Areas of air-
8 ports. Such review shall consider the following:

9 “(A) The adequacy of codified disquali-
10 fying offenses to address the current aviation
11 security threat environment, particularly the
12 terrorism insider threat.

13 “(B) If such codified disqualifying offenses
14 should be tailored to address the current avia-
15 tion security threat environment, particularly
16 the terrorism insider threat, by excluding or in-
17 cluding other offenses.

18 “(C) The potential security benefits, draw-
19 backs, and challenges associated with identi-
20 fying patterns of misdemeanors or of other non-
21 disqualifying offenses that could jeopardize
22 aviation security.

23 “(D) The feasibility of integrating similar
24 departmental eligibility requirements for access

1 to Secure Identification Display Areas of air-
2 ports.

3 “(E) If the ten year look-back period for
4 disqualifying offenses is appropriate, in light of
5 the current aviation security threat environ-
6 ment, particularly the terrorism insider threat.

7 “(2) WAIVER.—Not later than 180 days after
8 the date of the enactment of this section, the Admin-
9 istrator shall provide an adequate redress process for
10 an employee who is subject to an adverse employ-
11 ment decision, including removal or suspension of
12 such employee, due to a disqualifying offense re-
13 ferred to in paragraph (1), that is consistent with
14 the appeals and waiver process established for appli-
15 cants for commercial motor vehicle hazardous mate-
16 rials endorsements and transportation workers at
17 ports under section 70105(c) of title 46, United
18 States Code.

19 “(3) NOTICE.—Any changes to the Secure
20 Identification Display area badge program, such as
21 changes considered pursuant to subparagraphs (B),
22 (C), (D), and (E) of paragraph (1) shall be subject
23 to notice of proposed rulemaking.

24 “(4) BRIEFING TO CONGRESS.—Upon comple-
25 tion of the aviation security risk-based review re-

1 quired under paragraph (1), the Administrator shall
2 brief the Committee on Homeland Security of the
3 House of Representatives and the Committee on
4 Homeland Security and Governmental Affairs and
5 the Committee on Commerce, Science, and Trans-
6 portation of the Senate on the results of such re-
7 view.

8 “(c) CREDENTIALING.—Not later than 120 days
9 after the date of the enactment of this section, the Admin-
10 istrator, in consultation with the Aviation Security Advi-
11 sory Committee, shall review the auditing procedures for
12 all airport-issued identification media. Such review shall
13 determine the following:

14 “(1) The efficacy of the auditing program re-
15 quirements at domestic airports to ensure the integ-
16 rity, accountability, and control of airport-issued
17 identification media.

18 “(2) The feasibility of including biometrics
19 standards for all airport-issued identification media
20 used for identity verification and badge verification.

21 “(3) The feasibility of integrating other depart-
22 mental programs’ eligibility requirements for access
23 to secure areas of airports.

24 “(d) VETTING.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this section, the
3 Administrator shall—

4 “(A) establish a program to allow airport
5 badging offices to utilize the employment eligi-
6 bility confirmation system established under
7 section 404 of the Illegal Immigration Reform
8 and Immigrant Responsibility Act of 1996 (8
9 U.S.C. 1324a note; commonly referred to as ‘E-
10 Verify’) to determine the eligibility to work in
11 the United States of all applicants seeking ac-
12 cess to secure areas of airports;

13 “(B) establish a process to transmit appli-
14 cants’ biometric fingerprint data to the Office
15 of Biometric Identity Management’s (OBIM’s)
16 Automated Biometrics Identification System
17 (IDENT) for vetting; and

18 “(C) conduct a data quality assessment to
19 ensure that credential application data elements
20 received by the Administration are complete
21 and match the data submitted by the airport
22 operators.

23 “(2) BRIEFING TO CONGRESS.—Upon comple-
24 tion of the responsibilities specified in paragraph
25 (1), the Administrator shall brief the Committee on

1 Homeland Security of the House of Representatives
2 and the Committee on Homeland Security and Gov-
3 ernmental Affairs and the Committee on Commerce,
4 Science, and Transportation of the Senate on the re-
5 sults of such completion.

6 “(e) REPORTING OF VIOLATIONS.—Not later than
7 180 days after the date of the enactment of this section,
8 the Administrator shall establish a nationwide program for
9 the anonymous reporting of violations of airport security.

10 “(f) CENTRALIZED DATABASE.—Not later than 180
11 days after the date of the enactment of this section, the
12 Administrator, in consultation with the Aviation Security
13 Advisory Committee, shall—

14 “(1) establish a national database of employees
15 who have had either their airport or aircraft oper-
16 ator-issued badge revoked for failure to comply with
17 aviation security requirements;

18 “(2) determine the appropriate reporting mech-
19 anisms for airports and airlines to submit data re-
20 garding employees described in paragraph (1) and to
21 access the database established pursuant to such
22 paragraph; and

23 “(3) establish a process that allows individuals
24 whose names were mistakenly entered into such

1 database to have their names removed and have
2 their credentialing restored.

3 “(g) UPDATED REVIEW.—Not later than April 8,
4 2016, the Administrator, in consultation with the Aviation
5 Security Advisory Committee, shall conduct an updated
6 and thorough review of airport access controls.

7 “(h) EMPLOYEE SCREENING STUDY.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this section, the
10 Administrator, in consultation with the Aviation Se-
11 curity Advisory Committee, shall submit to the Com-
12 mittee on Homeland Security of the House of Rep-
13 resentatives, the Committee on Homeland Security
14 and Governmental Affairs and the Committee on
15 Commerce, Science, and Transportation of the Sen-
16 ate, and the Comptroller General of the United
17 States a cost and feasibility study of a statistically
18 significant number of Category I, II, and X airports,
19 that ensures that all employee entry and exit points
20 that lead to secure areas of such airports are com-
21 prised of the following:

22 “(A) A secure door utilizing card and pin
23 entry or biometric technology.

24 “(B) Surveillance video recording, capable
25 of storing video data for at least 30 days.

1 “(C) Advanced screening technologies, in-
2 cluding at least one of the following:

3 “(i) Magnetometer (walk-through or
4 hand-held).

5 “(ii) Explosives detection canines.

6 “(iii) Explosives trace detection swab-
7 bing.

8 “(iv) Advanced imaging technology.

9 “(v) X-ray bag screening technology.

10 “(2) CONTENTS.—The study required under
11 paragraph (1) shall include information related to
12 the employee screening costs of those airports which
13 have already implemented practices of screening one-
14 hundred percent of employees entering secure areas
15 of airports, including the following:

16 “(A) Costs associated with establishing an
17 operational minimum number of employee entry
18 and exit points.

19 “(B) A comparison of costs associated with
20 implementing the requirements specified in
21 paragraph (1), based on whether such imple-
22 mentation was carried out by the Administra-
23 tion or airports.

24 “(3) COMPTROLLER GENERAL ASSESSMENT.—

1 “(A) IN GENERAL.—Upon completion of
2 the study required under paragraph (1), the
3 Comptroller General of the United States shall
4 review such study to assess the quality and reli-
5 ability of such study.

6 “(B) ASSESSMENT.—Not later than 60
7 days after the receipt of the study required
8 under paragraph (1), the Comptroller General
9 of the United States shall report to the Com-
10 mittee on Homeland Security of the House of
11 Representatives and the Committee on Home-
12 land Security and Governmental Affairs and the
13 Committee on Commerce, Science, and Trans-
14 portation of the Senate on the results of the re-
15 view required under subparagraph (A).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of the Homeland Security Act of 2002 is amended by in-
18 serting after the item relating to section 1601 the fol-
19 lowing new item:

“Sec. 1602. Risk-based screening of employees at airports.”.