

Suspend the Rules And Pass the Bill, H. R. 876, With Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

115TH CONGRESS
1ST SESSION

H. R. 876

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2017

Mr. KATKO (for himself, Mr. FITZPATRICK, Mr. HIGGINS of New York, Mr. KEATING, Mr. KING of New York, Mr. McCAUL, Mr. ROGERS of Alabama, Mr. VELA, and Mrs. WATSON COLEMAN) 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, 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 “Aviation Employee
5 Screening and Security Enhancement Act of 2017”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATION.—The term “Administra-
4 tion” means the Transportation Security Adminis-
5 tration.

6 (2) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Transpor-
8 tation Security Administration.

9 (3) AIR CARRIER.—The term “air carrier” has
10 the meaning given such term in section 40102 of
11 title 49, United States Code.

12 (4) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means the Committee on Homeland Secu-
15 rity of the House of Representatives and the Com-
16 mittee on Homeland Security and Governmental Af-
17 fairs and the Committee on Commerce, Science, and
18 Transportation of the Senate.

19 (5) FOREIGN AIR CARRIER.—The term “foreign
20 air carrier” has the meaning given such term in sec-
21 tion 40102 of title 49, United States Code.

22 (6) INTELLIGENCE COMMUNITY.—The term
23 “intelligence community” has the meaning given
24 such term in section 3(4) of the National Security
25 Act of 1947 (50 U.S.C. 3003(4)).

1 (7) SECURED AREA.—The term “secured area”
2 has the meaning given such term in section 1540.5
3 of title 49, Code of Federal Regulations.

4 (8) SECURITY IDENTIFICATION DISPLAY
5 AREA.—The term “Security Identification Display
6 Area” has the meaning given such term in section
7 1540.5 of title 49, Code of Federal Regulations.

8 (9) STERILE AREA.—The term “sterile area”
9 has the meaning given such term in section 1540.5
10 of title 49, Code of Federal Regulations.

11 **SEC. 3. COST AND FEASIBILITY STUDY.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Administrator, in
14 consultation with the Aviation Security Advisory Com-
15 mittee (established under section 44946 of title 49, United
16 States Code), shall submit to the appropriate congres-
17 sional committees and the Comptroller General of the
18 United States a cost and feasibility study of a statistically
19 significant number of Category I, II, III, IV, and X air-
20 ports assessing the impact if all employee access points
21 from non-secured areas to secured areas of such airports
22 are comprised of the following:

23 (1) A secure door utilizing card and pin entry
24 or biometric technology.

1 (2) Surveillance video recording, capable of
2 storing video data for at least 30 days.

3 (3) Advanced screening technologies, including
4 at least one of the following:

5 (A) Magnetometer (walk-through or hand-
6 held).

7 (B) Explosives detection canines.

8 (C) Explosives trace detection swabbing.

9 (D) Advanced imaging technology.

10 (E) X-ray bag screening technology.

11 (b) CONTENTS.—The study required under sub-
12 section (a) shall include information related to the em-
13 ployee screening costs of those category I, II, III, IV, and
14 X airports which have already implemented practices of
15 screening 100 percent of employees accessing secured
16 areas of airports, including the following:

17 (1) Costs associated with establishing an oper-
18 ational minimum number of employee entry and exit
19 points.

20 (2) A comparison of estimated costs and effec-
21 tiveness associated with implementing the security
22 features specified in subsection (a) to—

23 (A) the Federal Government; and

24 (B) airports and the aviation community.

25 (c) COMPTROLLER GENERAL ASSESSMENT.—

1 (1) IN GENERAL.—Upon completion of the
2 study required under subsection (a), the Comptroller
3 General of the United States shall review such study
4 to assess the quality and reliability of such study.

5 (2) ASSESSMENT.—Not later than 60 days
6 after the receipt of the study required under sub-
7 section (a), the Comptroller General of the United
8 States shall report to the Committee on Homeland
9 Security of the House of Representatives and the
10 Committee on Homeland Security and Governmental
11 Affairs and the Committee on Commerce, Science,
12 and Transportation of the Senate on the results of
13 the review required under paragraph (1).

14 **SEC. 4. AIRPORT WORKER EDUCATION AND SECURITY**
15 **AWARENESS.**

16 (a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT
17 SECURITY AWARENESS.—Not later than 180 days after
18 the date of the enactment of this Act, the Administrator
19 shall work with air carriers, foreign air carriers, airport
20 operators, labor unions representing credentialed employ-
21 ees, and the Aviation Security Advisory Committee to en-
22 hance security awareness of credentialed airport popu-
23 lations regarding insider threats to aviation security and
24 best practices related to airport access controls.

25 (b) CREDENTIALING STANDARDS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Ad-
3 ministrator shall, in consultation with air carriers,
4 foreign air carriers, airport operators, labor unions
5 representing credentialed employees, and the Avia-
6 tion Security Advisory Committee, assess
7 credentialing standards, policies, and practices to en-
8 sure that insider threats to aviation security are ade-
9 quately addressed.

10 (2) REPORT.—Not later than 30 days after
11 completion of the assessment required under para-
12 graph (1), the Administrator shall report to the ap-
13 propriate congressional committees on the results of
14 such assessment.

15 (c) SIDA APPLICATIONS.—

16 (1) SOCIAL SECURITY NUMBERS REQUIRED.—
17 Not later than 60 days after the date of the enact-
18 ment of this Act, the Administrator shall require air-
19 port operators to submit the social security number
20 of an individual applying for a credential granting
21 access to the Security Identification Display Area to
22 strengthen security vetting effectiveness. An appli-
23 cant who does not provide such applicant's social se-
24 curity number may be denied such a credential.

1 (2) SCREENING NOTICE.—The Administrator
2 shall issue requirements for airport operators to in-
3 clude in applications for access to a Security Identifi-
4 cation Display Area a notice informing applicants
5 that an employee holding a credential granting ac-
6 cess to a Security Identification Display Area may
7 be screened at any time while gaining access to,
8 working in, or leaving a Security Identification Dis-
9 play Area.

10 **SEC. 5. SECURING AIRPORT WORKER ACCESS.**

11 (a) IN GENERAL.—The Administrator shall work
12 with airport operators and the Aviation Security Advisory
13 Committee to identify advanced technologies, including bi-
14 ometric identification technologies, for securing employee
15 access to the secured areas and sterile areas of airports.

16 (b) RAP BACK VETTING.—Not later than 180 days
17 after the date of the enactment of this Act, the Adminis-
18 trator shall ensure that all credentialed aviation worker
19 populations currently requiring a fingerprint-based crimi-
20 nal record history check are continuously vetted through
21 the Federal Bureau of Investigation’s Rap Back Service,
22 in order to more rapidly detect and mitigate insider
23 threats to aviation security.

24 (c) INSIDER THREAT EDUCATION AND MITIGA-
25 TION.—Not later than 180 days after the date of the en-

1 actment of this Act, the Administrator shall identify
2 means of enhancing the Administration's ability to lever-
3 age the resources of the Department of Homeland Secu-
4 rity and the intelligence community to educate Adminis-
5 tration personnel on insider threats to aviation security
6 and how the Administration can better mitigate such in-
7 sider threats.

8 (d) **PLAYBOOK OPERATIONS.**—The Administrator
9 shall ensure that Administration-led employee physical in-
10 spection efforts of aviation workers, known as Playbook
11 operations, are targeted, strategic, and focused on pro-
12 viding the greatest level of security effectiveness.

13 (e) **COVERT TESTING.**—

14 (1) **IN GENERAL.**—The Administrator shall con-
15 duct covert testing of Administration-led employee
16 inspection operations at airports and measure exist-
17 ing levels of security effectiveness. The Adminis-
18 trator shall provide—

19 (A) the results of such testing to the air-
20 port operator for the airport that is the subject
21 of any such testing, and, as appropriate, to air
22 carriers and foreign air carriers that operate at
23 the airport that is the subject of such testing;
24 and

1 (B) recommendations and technical assist-
2 ance for air carriers, foreign air carriers, and
3 airport operators to conduct their own employee
4 inspections, as needed.

5 (2) ANNUAL REPORTING.—The Administrator
6 shall annually, for each of fiscal years 2018 through
7 2022, submit to the appropriate congressional com-
8 mittees report on the frequency, methodology, strat-
9 egy, and effectiveness of employee inspection oper-
10 ations at airports.

11 (f) CENTRALIZED DATABASE.—Not later than 180
12 days after the date of the enactment of this Act, the Ad-
13 ministrator, in consultation with the Aviation Security Ad-
14 visory Committee, shall—

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

19 (2) determine the appropriate reporting mecha-
20 nisms for air carriers, foreign air carriers, and air-
21 port operators to—

22 (A) submit to the Administration data re-
23 garding individuals described in paragraph (1);
24 and

1 (B) access the database established pursu-
2 ant to such paragraph; and

3 (3) establish a process to allow individuals
4 whose names were mistakenly entered into such
5 database to correct the record and have their names
6 removed from such database.

7 **SEC. 6. INSIDER THREAT COORDINATION EFFORTS.**

8 The Department of Homeland Security is the lead
9 interagency coordinator pertaining to insider threat inves-
10 tigation and mitigation efforts at airports. The Depart-
11 ment shall make every practicable effort to coordinate with
12 other relevant Government entities, as well as the security
13 representatives of air carriers, foreign air carriers, and
14 airport operators, as appropriate, when undertaking such
15 investigations and efforts.

16 **SEC. 7. INFORMATION TECHNOLOGY SECURITY.**

17 Not later than 90 days after the date of the enact-
18 ment of this Act, the Administrator shall submit to the
19 appropriate congressional committees a plan to conduct
20 recurring reviews of the operational, technical, and man-
21 agement security controls for Administration information
22 technology systems at airports.

1 **SEC. 8. NO ADDITIONAL FUNDS AUTHORIZED.**

2 No additional funds are authorized to carry out the
3 requirements of this Act. Such requirements shall be car-
4 ried out using amounts otherwise authorized.

Amend the title so as to read: “A bill to reform pro-
grams of the Transportation Security Administration,
and for other purposes.”.