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116TH CONGRESS
1ST SESSION

H. R. 3318

[Report No. 116-]

To require the Transportation Security Administration to establish a task force to conduct an analysis of emerging and potential future threats to transportation security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2019

Mr. JOYCE of Pennsylvania (for himself and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Homeland Security

AUGUST --, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 18, 2019]

A BILL

To require the Transportation Security Administration to establish a task force to conduct an analysis of emerging and potential future threats to transportation security, 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 “Emerging Transpor-*
5 *tation Security Threats Act of 2019”.*

6 **SEC. 2. EMERGING AND FUTURE THREATS TASK FORCE.**

7 (a) *IN GENERAL.*—Not later than 90 days after the
8 *date of the enactment of this Act, the Administrator of the*
9 *Transportation Security Administration, in consultation*
10 *with the Director of National Intelligence and the intel-*
11 *ligence community (as such term is defined in section 3(4)*
12 *of the National Security Act of 1947 (50 U.S.C. 3003(4)))*
13 *and the heads of other Federal agencies, as determined ap-*
14 *propriate by the Administrator, shall establish a task force*
15 *to conduct an analysis of emerging and potential future*
16 *threats to transportation security.*

17 (b) *MEMBERSHIP.*—*The task force established under*
18 *subsection (a) shall be comprised of employees of the De-*
19 *partment of Homeland Security who, in carrying out the*
20 *analysis required under such subsection, shall consult with*
21 *the Director of National Intelligence and the intelligence*
22 *community and the heads of Federal agencies, as deter-*
23 *mined appropriate by the Administrator.*

24 (c) *DEADLINE.*—*Not later than 270 days after the Ad-*
25 *ministrator establishes the task force under subsection (a),*

1 *the task force shall submit to the Administrator the analysis*
2 *required under such subsection.*

3 *(d) ELEMENTS.—The analysis required under sub-*
4 *section (a) shall include emerging and potential future*
5 *threats posed by the following:*

6 *(1) Evolving tactics by terrorist organizations*
7 *that may pose a catastrophic risk to an aviation or*
8 *surface transportation entity.*

9 *(2) Explosive and explosive devices or attacks in-*
10 *volving the use of explosives that may cause cata-*
11 *strophic damage to an aviation or surface transpor-*
12 *tation system.*

13 *(3) Chemical or biological agents being released*
14 *in either aviation or surface transportation systems.*

15 *(4) Cyberthreat actors seeking to undermine con-*
16 *fidence in transportation systems or cause service dis-*
17 *ruptions that jeopardize transportation security.*

18 *(5) Unmanned aerial systems with the capability*
19 *of inflicting harm on transportation targets.*

20 *(6) Individuals or groups seeking to attack soft*
21 *targets, public areas, or crowded spaces of transpor-*
22 *tation systems, including attacks against Transpor-*
23 *tation Security Administration employees and other*
24 *security personnel.*

1 (7) *Foreign actors seeking to exploit*
2 *vulnerabilities posed by the inconsistent or inadequate*
3 *security screening protocols at last point of departure*
4 *airports with direct flights to the United States.*

5 (8) *Information sharing challenges within the*
6 *Federal Government and among partner governments.*

7 (9) *Information sharing challenges between the*
8 *Administration or other relevant Federal agencies*
9 *and transportation stakeholders, including air car-*
10 *riers, airport operators, surface transportation opera-*
11 *tors, and State and local law enforcement.*

12 (10) *Growth in passenger volume in both the*
13 *aviation and surface transportation sectors.*

14 (e) *MITIGATION.—Not later than 120 days after the*
15 *completion of the analysis required under subsection (a),*
16 *the Administrator of the Transportation Security Adminis-*
17 *tration shall develop, as appropriate, a threat mitigation*
18 *strategy for each of the threats examined in such analysis,*
19 *and—*

20 (1) *assign appropriate resources of the Adminis-*
21 *tration to address such threats, based on calculated*
22 *risk; or*

23 (2) *provide recommendations through the De-*
24 *partment of Homeland Security to the appropriate*

1 *Federal department or agency responsible for address-*
2 *ing such threats.*

3 *(f) STAKEHOLDER ENGAGEMENT.—When carrying out*
4 *the analysis required under subsection (a), the Adminis-*
5 *trator of the Transportation Security Administration shall*
6 *engage transportation stakeholders referred to in subsection*
7 *(b)(9) and account for security concerns of transportation*
8 *operators by—*

9 *(1) convening not fewer than three industry day*
10 *events for such transportation stakeholders to hear*
11 *from relevant public and private sector security part-*
12 *ners and provide feedback on threats such transpor-*
13 *tation stakeholders identify as emerging;*

14 *(2) developing strategies to solicit feedback on a*
15 *consistent basis from such transportation stakeholders*
16 *across all modes of transportation and providing con-*
17 *sistent responses to stakeholder concerns;*

18 *(3) improving the quality, timeliness, and rel-*
19 *evancy of information sharing products disseminated*
20 *by the Administration to such transportation stake-*
21 *holders, including classified information sharing*
22 *products;*

23 *(4) coordinating security incident response and*
24 *communications drills, including tabletop exercises, to*
25 *improve incident preparedness and response capabili-*

1 *ties across transportation modes and among transpor-*
2 *tation systems;*

3 *(5) encouraging regular communication between*
4 *Federal Security Directors, Field Intelligence Officers,*
5 *Federal Air Marshal Special Agents in Charge, and*
6 *such transportation stakeholders;*

7 *(6) establishing regular opportunities for senior*
8 *Administration leadership to engage with such trans-*
9 *portation stakeholders regarding changes in the threat*
10 *environment and how the Administration can offer*
11 *security support to address such changes; and*

12 *(7) briefing the Aviation Security Advisory*
13 *Committee and the Surface Transportation Security*
14 *Advisory Committee on the efforts of the task force es-*
15 *tablished pursuant to subsection (a).*

16 *(g) BRIEFING TO CONGRESS.—The Administrator of*
17 *the Transportation Security Administration shall brief the*
18 *Committee on Homeland Security of the House of Rep-*
19 *resentatives and the Committee on Commerce, Science, and*
20 *Transportation of the Senate on the results of the analysis*
21 *required under subsection (a) and relevant mitigation strat-*
22 *egies developed in accordance with subsection (c).*

23 *(h) NON-APPLICABILITY OF FACA AND PRA.—The*
24 *Federal Advisory Committee Act (5 U.S.C. App.) and the*

1 *Paperwork Reduction Act (44 U.S.C. 3501 et seq.) shall not*
2 *apply to the task force established under subsection (a).*

3 **SEC. 3. COMPTROLLER GENERAL STUDY.**

4 (a) *IN GENERAL.*—*Not later than one year after the*
5 *date of the enactment of this Act, the Comptroller General*
6 *of the United States shall conduct a review of the feasibility,*
7 *risks, costs, and potential threat mitigation benefits of the*
8 *Transportation Security Administration deploying the*
9 *agency’s passenger and property screening assets to conduct*
10 *screening in areas or facilities prior to passenger arrival*
11 *at airport terminals.*

12 (b) *STAKEHOLDER ENGAGEMENT.*—*In conducting the*
13 *review required under subsection (a), the Comptroller Gen-*
14 *eral of the United States shall consult with the Transpor-*
15 *tation Security Administration, airport operators, air car-*
16 *riers, businesses that operate in airports, labor groups rep-*
17 *resenting the Transportation Security Administration and*
18 *transportation sector personnel, and other stakeholders.*