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**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3102
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Airport Access Control
3 Security Improvement Act of 2015".

4 **SEC. 2. AVIATION SECURITY.**

5 (a) **IN GENERAL.**—Subtitle A of title XVI of the
6 Homeland Security Act of 2002 is amended by adding at
7 the end the following new section:

8 **"SEC. 1602. RISK-BASED RANDOM SCREENING OF EMPLOY-**
9 **EES AT AIRPORTS.**

10 **"(a) SCREENING MODEL.—**

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

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

4 “(B) ensure that an individual is imme-
5 diately denied entry to a secure area when such
6 individual’s access authorization for such secure
7 area is withdrawn; and

8 “(C) provide a means to differentiate be-
9 tween individuals authorized to have access to
10 an entire secure area and individuals authorized
11 access to only a particular portion of a secure
12 area.

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

16 “(A) Whether and how often employees at
17 airports require employment-related access to
18 Secure Identification Display Areas, Airport
19 Operations Areas, or secure areas.

20 “(B) The ability of each airport operator
21 to reduce employee entry and exit points to a
22 mutually agreed upon minimum number of such
23 entry and exit points necessary to maintain air-
24 port operations.

1 “(C) In consultation with airport opera-
2 tors, the ability of the Administration to create
3 a randomization plan for screening at the de-
4 fined operational minimum entry and exit
5 points at airports, and elsewhere within secure
6 areas, which maximizes the deterrent effect of
7 screening efforts.

8 “(b) DISQUALIFYING OFFENSES REVIEW.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this section, the
11 Administrator, in consultation with the Director of
12 the Federal Bureau of Investigation and the Avia-
13 tion Security Advisory Committee, shall conduct an
14 aviation security risk-based review of the disquali-
15 fying criminal offenses codified in sections 1542.209
16 and 1544.229 of title 49, Code of Federal Regula-
17 tions, to determine appropriateness as a basis for
18 denying a credential that allows unescorted access to
19 Secure Identification Display Areas of airports. Such
20 review shall consider the following:

21 “(A) The adequacy of codified disquali-
22 fying offenses to address the current aviation
23 security threat environment, particularly the
24 terrorism insider threat.

1 “(B) If such disqualifying offenses list
2 should be tailored to address the current avia-
3 tion security threat environment, particularly
4 the terrorism insider threat, by excluding or in-
5 cluding certain offenses.

6 “(C) The potential security benefits, draw-
7 backs, and challenges associated with identi-
8 fying patterns of misdemeanors or of other non-
9 disqualifying offenses that could jeopardize
10 aviation security.

11 “(D) The feasibility of integrating similar
12 departmental eligibility requirements for access
13 to Secure Identification Display Areas of air-
14 ports.

15 “(E) If the ten year look-back period for
16 disqualifying offenses is appropriate, in light of
17 the current aviation security environment, par-
18 ticularly the terrorism insider threat.

19 “(F) The costs and benefits of integrating
20 one or more of the potential changes into the
21 Secure Identification Display Area badge pro-
22 gram as considered pursuant to subparagraphs
23 (B), (C), (D), and (E), including the weighing
24 of potential impacts to airport operations, such
25 as impacts on timeliness of airport departures,

1 the availability and profitability of airport con-
2 cessions, and the provision of other airport
3 services.

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

16 “(3) BRIEFING TO CONGRESS.—Upon comple-
17 tion of the review required under paragraph (1), the
18 Administrator shall brief the Committee on Home-
19 land Security of the House of Representatives and
20 the Committee on Homeland Security and Govern-
21 mental Affairs and the Committee on Commerce,
22 Science, and Transportation of the Senate on the re-
23 sults of such review.

24 “(4) NOTICE AND COMMENT.—Any changes the
25 Secure Identification Display Area badge program,

1 such as changes considered pursuant to subpara-
2 graphs (B), (C), (D), and (E) of paragraph (1),
3 shall be subject to notice and comment.

4 “(c) CREDENTIALING.—Not later than 120 days
5 after the date of the enactment of this section, the Admin-
6 istrator shall review the auditing program requirements
7 transmitted to airport operators in furtherance of enhance-
8 ing the integrity, accountability, and control of airport-
9 issued identification media. Such review shall recognize
10 that the risks and capabilities at each domestic airport are
11 different and seek to develop an auditing program tem-
12 plate that each airport would be required to incorporate
13 into operations and shall consider the following:

14 “(1) The feasibility of including biometrics
15 standards for all airport-issued identification media
16 used for identity verification and badge verification.

17 “(2) The feasibility of integrating other depart-
18 mental programs’ eligibility requirements for access
19 to secure areas of airports.

20 “(d) VETTING.—

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

24 “(A) establish a program to allow airport
25 badging offices to utilize the employment eligi-

1 bility confirmation system established under
2 section 404 of the Illegal Immigration Reform
3 and Immigrant Responsibility Act of 1996 (8
4 U.S.C. 1324a note; commonly referred to as ‘E-
5 Verify’) to determine the eligibility to work in
6 the United States of all applicants seeking ac-
7 cess to secure areas of airports;

8 “(B) establish a process to transmit appli-
9 cants’ biometric fingerprint data to the Office
10 of Biometric Identity Management’s (OBIM’s)
11 Automated Biometrics Identification System
12 (IDENT) for vetting; and

13 “(C) conduct a data quality assessment to
14 ensure that credential application data elements
15 received by the Administration are complete
16 and match the data submitted by the airport
17 operators.

18 “(2) BRIEFING TO CONGRESS.—Upon comple-
19 tion of the responsibilities specified in paragraph
20 (1), the Administrator shall brief the Committee on
21 Homeland Security of the House of Representatives
22 and the Committee on Homeland Security and Gov-
23 ernmental Affairs and the Committee on Commerce,
24 Science, and Transportation of the Senate on the re-
25 sults of such completion.

1 “(e) REPORTING OF VIOLATIONS.—Not later than
2 180 days after the date of the enactment of this section,
3 the Administrator shall establish a nationwide program for
4 the anonymous reporting of violations of airport security.

5 “(f) CENTRALIZED DATABASE.—Not later than 180
6 days after the date of the enactment of this section, the
7 Administrator, in consultation with the Aviation Security
8 Advisory Committee, shall—

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

13 “(2) determine the appropriate reporting mech-
14 anisms for airports and airlines to submit data re-
15 garding employees described in paragraph (1) and to
16 access the database established pursuant to such
17 paragraph; and

18 “(3) establish a process that allows individuals
19 whose names were mistakenly entered into such
20 database to have their names removed and have
21 their credentials restored.

22 “(g) CONGRESSIONAL OVERSIGHT.—Not later than
23 April 8, 2016, the Administrator, in consultation with the
24 Aviation Security Advisory Committee, shall report to the
25 Committee on Homeland Security of the House of Rep-

1 representatives and the Committee on Homeland Security
2 and Governmental Affairs and the Committee on Com-
3 merce, Science, and Transportation of the Senate on the
4 status of the Administrator's efforts in response to the
5 Final Report of the Aviation Security Advisory Commit-
6 tee's Working Group on Airport Access Control, as issued
7 on April 8, 2015.

8 “(h) EMPLOYEE SCREENING STUDY.—

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

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

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

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

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

7 “(ii) Explosives detection canines.

8 “(iii) Explosives trace detection swab-
9 bing.

10 “(iv) Advanced imaging technology.

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

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

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

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

1 “(3) COMPTROLLER GENERAL ASSESSMENT.—

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

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

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

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



