

**Suspend the Rules and Pass the Bill, H. R. 4698, With an  
Amendment**

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

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4698

To enhance aviation by requiring airport security assessments and a security coordination enhancement plan, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2016

Mr. KATKO (for himself, Mr. McCAUL, Mr. KEATING, Mr. DONOVAN, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To enhance aviation by requiring airport security assessments and a security coordination enhancement plan, 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 “Securing Aviation from  
5 Foreign Entry Points and Guarding Airports Through  
6 Enhanced Security Act of 2016”.

1 **SEC. 2. LAST POINT OF DEPARTURE AIRPORT SECURITY**  
2 **ASSESSMENT.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of the enactment of this Act, the Administrator of  
5 the Transportation Security Administration shall conduct  
6 a comprehensive security risk assessment of all last point  
7 of departure airports with nonstop flights to the United  
8 States.

9 (b) CONTENTS.—The security risk assessment re-  
10 quired under subsection (a) shall include consideration of  
11 the following:

12 (1) The level of coordination and cooperation  
13 between the Transportation Security Administration  
14 and the foreign government of the country in which  
15 the last point of departure airport with nonstop  
16 flights to the United States is located.

17 (2) The intelligence and threat mitigation capa-  
18 bilities of the country in which such airport is lo-  
19 cated.

20 (3) The number of known or suspected terror-  
21 ists annually transiting through such airport.

22 (4) The passenger security screening practices,  
23 capabilities, and capacity of such airport.

24 (5) The security vetting undergone by aviation  
25 workers at such airport.

1           (6) The access controls utilized by such airport  
2           to limit to authorized personnel access to secure and  
3           sterile areas of such airports.

4           (7) The degree to which the government of the  
5           country in which such airport is located mandates,  
6           encourages, or prohibits the collection, analysis, or  
7           sharing of passenger name records.

8   **SEC. 3. SECURITY COORDINATION ENHANCEMENT PLAN.**

9           (a) IN GENERAL.—Not later than 240 days after the  
10          date of the enactment of this Act, the Administrator of  
11          the Transportation Security Administration shall submit  
12          to Congress and the Government Accountability Office a  
13          plan—

14                (1) to enhance and bolster security collabora-  
15                tion, coordination, and information sharing relating  
16                to securing international-inbound aviation between  
17                the United States and domestic and foreign part-  
18                ners, including U.S. Customs and Border Protection,  
19                foreign government entities, passenger air carriers,  
20                cargo air carriers, and United States Government  
21                entities, in order to enhance security capabilities at  
22                foreign airports, including airports that may not  
23                have nonstop flights to the United States but are  
24                nonetheless determined by the Administrator to be  
25                high risk; and

1           (2) that includes an assessment of the ability of  
2           the Administration to enter into a mutual agreement  
3           with a foreign government entity that permits Ad-  
4           ministration representatives to conduct without prior  
5           notice inspections of foreign airports.

6           (b) GAO REVIEW.—Not later than 180 days after the  
7           submission of the plan required under subsection (a), the  
8           Comptroller General of the United States shall review the  
9           efforts, capabilities, and effectiveness of the Transpor-  
10          tation Security Administration to enhance security capa-  
11          bilities at foreign airports and determine if the implemen-  
12          tation of such efforts and capabilities effectively secures  
13          international-inbound aviation.

14       **SEC. 4. WORKFORCE ASSESSMENT.**

15          Not later than 270 days after the date of the enact-  
16          ment of this Act, the Administrator of the Transportation  
17          Security Administration shall submit to Congress a com-  
18          prehensive workforce assessment of all Administration  
19          personnel within the Office of Global Strategies of the Ad-  
20          ministration or whose primary professional duties con-  
21          tribute to the Administration's global efforts to secure  
22          transportation security, including a review of whether such  
23          personnel are assigned in a risk-based, intelligence-driven  
24          manner.

1 **SEC. 5. DONATION OF SCREENING EQUIPMENT TO PRO-**  
2 **TECT THE UNITED STATES.**

3 (a) IN GENERAL.—The Administrator of the Trans-  
4 portation Security Administration is authorized to donate  
5 security screening equipment to a foreign last point of de-  
6 parture airport operator if such equipment can be reason-  
7 ably expected to mitigate a specific vulnerability to the se-  
8 curity of the United States or United States citizens.

9 (b) REPORT.—Not later than 30 days before any do-  
10 nation of security screening equipment pursuant to sub-  
11 section (a), the Administrator of the Transportation Secu-  
12 rity Administration shall provide to the Committee on  
13 Homeland Security of the House of Representatives and  
14 the Committee on Homeland Security and Governmental  
15 Affairs and the Committee on Commerce, Science, and  
16 Transportation of the Senate a detailed written expla-  
17 nation of the following:

18 (1) The specific vulnerability to the United  
19 States or United States citizens that will be miti-  
20 gated by such donation.

21 (2) An explanation as to why the recipient of  
22 such donation is unable or unwilling to purchase se-  
23 curity screening equipment to mitigate such vulner-  
24 ability.

1           (3) An evacuation plan for sensitive tech-  
2           nologies in case of emergency or instability in the  
3           country to which such donation is being made.

4           (4) How the Administrator will ensure the secu-  
5           rity screening equipment that is being donated is  
6           used and maintained over the course of its life by  
7           the recipient.

8           (5) The total dollar value of such donation.

9   **SEC. 6. NATIONAL CARGO SECURITY PROGRAM.**

10          (a) IN GENERAL.—The Administrator of the Trans-  
11          portation Security Administration may evaluate foreign  
12          countries' air cargo security programs to determine wheth-  
13          er such programs provide a level of security commensurate  
14          with the level of security required by United States air  
15          cargo security programs.

16          (b) APPROVAL AND RECOGNITION.—

17                 (1) IN GENERAL.—If the Administrator of the  
18          Transportation Security Administration determines  
19          that a foreign country's air cargo security program  
20          evaluated under subsection (a) provides a level of se-  
21          curity commensurate with the level of security re-  
22          quired by United States air cargo security programs,  
23          the Administrator shall approve and officially recog-  
24          nize such foreign country's air cargo security pro-  
25          gram.

1           (2) EFFECT OF APPROVAL AND RECOGNI-  
2           TION.—If the Administrator of the Transportation  
3           Security Administration approves and officially rec-  
4           ognizes pursuant to paragraph (1) a foreign coun-  
5           try’s air cargo security program, cargo aircraft of  
6           such foreign country shall not be required to adhere  
7           to United States air cargo security programs that  
8           would otherwise be applicable.

9           (c) REVOCATION AND SUSPENSION.—

10           (1) IN GENERAL.—If the Administrator of the  
11           Transportation Security Administration determines  
12           at any time that a foreign country’s air cargo secu-  
13           rity program approved and officially recognized  
14           under subsection (b) no longer provides a level of se-  
15           curity commensurate with the level of security re-  
16           quired by United States air cargo security programs,  
17           the Administrator may revoke or temporarily sus-  
18           pend such approval and official recognition until  
19           such time as the Administrator determines that such  
20           foreign country’s cargo security programs provide a  
21           level of security commensurate with the level of secu-  
22           rity required by such United States air cargo secu-  
23           rity programs.

24           (2) NOTIFICATION.—If the Administrator of  
25           the Transportation Security Administration revokes

1 or suspends pursuant to paragraph (1) a foreign  
2 country's air cargo security program, the Adminis-  
3 trator shall notify the Committee on Homeland Se-  
4 curity of the House of Representatives and the Com-  
5 mittee on Commerce, Science, and Transportation of  
6 the Senate not later than 30 days after such revoca-  
7 tion or suspension.

8 **SEC. 7. CHECKPOINTS OF THE FUTURE.**

9 (a) IN GENERAL.—The Administrator of the Trans-  
10 portation Security Administration, shall request the Avia-  
11 tion Security Advisory Committee to develop recommenda-  
12 tions for more efficient and effective passenger screening  
13 processes.

14 (b) CONSIDERATIONS.—In making recommendations  
15 to improve existing passenger screening processes pursu-  
16 ant to subsection (a), the Aviation Security Advisory Com-  
17 mittee shall consider the following:

- 18 (1) The configuration of a checkpoint.
- 19 (2) Technology innovation.
- 20 (3) Ways to address any vulnerabilities identi-  
21 fied in audits of checkpoint operations.
- 22 (4) Ways to prevent security breaches at air-  
23 ports at which Federal security screening is pro-  
24 vided.
- 25 (5) Best practices in aviation security.

1           (6) Recommendations from airport and aircraft  
2 operators, and any relevant advisory committees.

3           (7) “Curb to curb” processes and procedures.

4           (c) REPORT.—Not later than one year after the date  
5 of enactment of this Act, the Administrator shall submit  
6 to the Committee on Homeland Security of the House of  
7 Representatives and the Committee on Commerce,  
8 Science, and Transportation of the Senate a report on the  
9 recommendations of the Aviation Security Advisory Com-  
10 mittee under this section, including any recommendations  
11 for improving screening processes.