

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4561

[Report No. 115-]

To provide for third party testing of transportation security screening technology, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2017

Mr. BILIRAKIS (for himself, Mr. McCAUL, Mr. KATKO, and Mr. DUNN) introduced the following bill; which was referred to the Committee on Homeland Security

JANUARY --, 2018

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 italics]

[For text of introduced bill, see copy of bill as introduced on December 6, 2017]

# **A BILL**

To provide for third party testing of transportation security screening technology, 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 “Security Assessment Fea-*  
5 *sibility for Equipment Testing and Evaluation of Capabili-*  
6 *ties for our Homeland Act” or the “SAFE TECH Act”.*

7 **SEC. 2. DEFINITIONS.**

8 *In this Act:*

9 (1) *ADMINISTRATION.*—*The term “Administra-*  
10 *tion” means the Transportation Security Administra-*  
11 *tion.*

12 (2) *ADMINISTRATOR.*—*The term “Adminis-*  
13 *trator” means the Administrator of the Transpor-*  
14 *tation Security Administration.*

15 **SEC. 3. THIRD PARTY TESTING OF SECURITY SCREENING**  
16 **TECHNOLOGY.**

17 (a) *IN GENERAL.*—*Not later than one year after the*  
18 *date of the enactment of this Act, the Administrator, in con-*  
19 *sultation with the Under Secretary for Science and Tech-*  
20 *nology of the Department of Homeland Security, shall de-*  
21 *velop a program to enable a vendor of transportation secu-*  
22 *rity screening technology to obtain testing, including as an*  
23 *alternative to the Administration’s testing process under*  
24 *paragraph (9) of section 114(f) of title 49, United States*  
25 *Code, by an appropriate third party, as determined by the*

1 *Administrator, in consultation with the Under Secretary,*  
2 *of such technology before procurement or development of*  
3 *such technology.*

4 *(b) DETECTION TESTING.—*

5 *(1) IN GENERAL.—The third party testing pro-*  
6 *gram authorized under subsection (a) shall include*  
7 *detection testing to evaluate the performance of a se-*  
8 *curity screening technology relating to the probability*  
9 *of detection, the probability of false alarm, and other*  
10 *indicators that such technology is able to meet the Ad-*  
11 *ministration's mission needs for detection of—*

12 *(A) explosives; and*

13 *(B) prohibited items.*

14 *(2) COORDINATION WITH FINAL PROCESSES.—To*  
15 *the extent practicable, and without compromising the*  
16 *integrity of the Administration's testing process under*  
17 *paragraph (9) of section 114(f) of title 49, United*  
18 *States Code, or the Department of Homeland Secu-*  
19 *rity's oversight of such testing process, or increasing*  
20 *costs to the Administration, the Administrator shall*  
21 *coordinate the third party detection testing under*  
22 *paragraph (1) with any associated subsequent final*  
23 *Department of Homeland Security testing.*

24 *(3) INTERNATIONAL PARTNERSHIPS.—To the ex-*  
25 *tent practicable and permissible under law, and in*

1       *accordance with national security interests of the*  
2       *United States, the Administrator shall—*

3               *(A) share with appropriate international*  
4               *partners detection testing information and*  
5               *standards; and*

6               *(B) coordinate with such appropriate inter-*  
7               *national partners to align such testing informa-*  
8               *tion and standards to maximize the capability to*  
9               *detect explosives and other threats.*

10       *(c) ALTERNATIVE TESTING FACTORS.—Third party*  
11       *testing under subsection (a) may include as an alternative,*  
12       *at the discretion of the Administrator, the testing at the*  
13       *TSA Systems Integration Facility of the Administration,*  
14       *including testing for—*

15               *(1) health and safety factors;*

16               *(2) operator interface;*

17               *(3) human factors;*

18               *(4) environmental factors;*

19               *(5) throughput;*

20               *(6) reliability, maintainability, and availability*  
21       *factors; and*

22               *(7) interoperability.*

23       *(d) TESTING FRAMEWORK.—*

24               *(1) IN GENERAL.—The Administrator, in con-*  
25       *sultation with the Under Secretary for Science and*

1        *Technology of the Department of Homeland Security,*  
2        *shall—*

3                *(A) establish a framework for the third*  
4                *party testing under this section to determine if*  
5                *the security screening technology that is the sub-*  
6                *ject of such testing satisfies the Administration's*  
7                *requirements before such technology may enter or*  
8                *re-enter, as applicable, operational testing at an*  
9                *airport or other transportation facility; and*

10               *(B) use phased implementation to allow the*  
11               *Administration and the third party concerned to*  
12               *establish best practices.*

13        *(e) PRIORITIZATION OF THIRD PARTY TESTING.—The*  
14        *Administrator may prioritize, when appropriate, the field*  
15        *testing of security screening technology and equipment by*  
16        *third parties.*

17        *(f) ELIGIBLE ENTITIES.—*

18               *(1) UNITED STATES OWNERSHIP.—An entity*  
19               *providing third party testing under the program de-*  
20               *veloped pursuant to subsection (a) shall be owned and*  
21               *controlled by a citizen of the United States.*

22               *(2) WAIVER.—The Administrator may waive the*  
23               *requirement specified in paragraph (1) with respect*  
24               *to an entity that is a United States subsidiary of a*  
25               *parent company that has implemented a foreign own-*

1        *ership, control, or influence mitigation plan that has*  
2        *been approved by the Defense Security Service of the*  
3        *Department of Defense prior to seeking to engage in*  
4        *third party testing. The Administrator has complete*  
5        *discretion to reject any proposal from a company to*  
6        *provide testing under subsection (a) that requires a*  
7        *waiver under this paragraph.*

8            (3) *CONFLICTS OF INTEREST.—The Adminis-*  
9        *trator shall ensure, to the extent possible, that an en-*  
10       *tity providing third party testing under this section*  
11       *does not have a contractual, business, or other pecu-*  
12       *niary interest (exclusive of any such testing) in—*

13            (A) *the security screening technology subject*  
14        *to such testing; or the*

15            (B) *vendor of such technology.*

16        **SEC. 4. RECIPROCAL RECOGNITION OF SECURITY STAND-**  
17        **ARDS.**

18        (a) *IN GENERAL.—The Administrator, in coordination*  
19       *with the European Civil Aviation Conference, shall con-*  
20       *tinue development of a validation process for the reciprocal*  
21       *recognition of security validation processes for recognition*  
22       *of security screening technologies or certification authorities*  
23       *for deployment.*

24        (b) *REQUIREMENT.—The validation process under*  
25       *subsection (a) shall ensure that the certification process of*

1 *each participating international security partner or recog-*  
2 *nized certification authority complies with Administration*  
3 *standards.*

4 **SEC. 5. GAO REVIEW.**

5 *Not later than two years after the date of the enact-*  
6 *ment of this Act, the Comptroller General of the United*  
7 *States shall submit to the Committee on Homeland Security*  
8 *of the House of Representatives and the Committee on Com-*  
9 *merce, Science, and Transportation of the Senate a study*  
10 *on the third party testing program developed under this*  
11 *Act. Such study shall include a review of the following:*

12 *(1) Any efficiencies or gains in effectiveness*  
13 *achieved in the Administration's operations as a re-*  
14 *sult of such program.*

15 *(2) The degree to which the Administration con-*  
16 *ducts timely and regular oversight of entities engaged*  
17 *in such testing.*

18 *(3) The effect of such program on the following:*

19 *(A) The introduction of innovative detection*  
20 *technologies into security screening operations.*

21 *(B) The availability of testing for tech-*  
22 *nologies developed by small to medium sized*  
23 *businesses.*

24 *(C) Any vulnerabilities associated with such*  
25 *program including with respect to the following:*



- 1                    *(i) National security.*
- 2                    *(ii) Conflicts of interest between enti-*
- 3                    *ties carrying out such testing and entities*
- 4                    *with such technologies to be tested.*
- 5                    *(iii) Waste, fraud and abuse.*