

Union Calendar No.

115TH CONGRESS
2^D SESSION

H. R. 6459

[Report No. 115-]

To amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2018

Mr. THOMPSON of Mississippi (for himself, Mrs. WATSON COLEMAN, Mr. PAYNE, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Homeland Security

SEPTEMBER --, 2018

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, 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 “TSA Opportunities to
5 Pursue Expanded Networks for Business Act” or the
6 “TSA OPEN for Business Act”.

7 **SEC. 2. STRATEGY.**

8 (a) IN GENERAL.—Subtitle B of title XVI of the
9 Homeland Security Act of 2002 (6 U.S.C. 563 et seq.)
10 is amended by adding at the end following new section:

11 **“SEC. 1617. DIVERSIFIED TECHNOLOGY STAKEHOLDER**
12 **MARKETPLACE.**

13 “(a) IN GENERAL.—Not later than 120 days after
14 the date of the enactment of this section, the Adminis-
15 trator shall submit to the Committee on Homeland Secu-
16 rity of the House of Representatives and the Committee
17 on Commerce, Science, and Transportation of the Senate
18 a strategy to diversify the technology stakeholder market-
19 place that the Administrator relies upon to acquire secu-
20 rity screening technologies, including by increased partici-
21 pation of small business innovators.

22 “(b) CONTENTS.—The strategy required under sub-
23 section (a) shall include the following:

24 “(1) Information on how Administration solici-
25 tation, testing, evaluation, piloting, acquisition, and

1 procurement processes impact the Administrator’s
2 ability to acquire from a technology stakeholder, in-
3 cluding a small business innovator, that has not pre-
4 viously provided technology to the Administration,
5 an innovative technology or capability with the po-
6 tential to enhance transportation security.

7 “(2) Specific actions that the Administrator will
8 take, including modifications to the processes de-
9 scribed in paragraph (1), to foster diversification
10 within the technology stakeholder marketplace, to-
11 gether with information on projected timelines for
12 such actions.

13 “(3) Plans for how the Administrator may, to
14 the extent practicable, assist a small business inno-
15 vator at certain points in such processes, including
16 when such an innovator lacks adequate resources to
17 participate in such processes, to help ensure that an
18 advanced technology or capability can be developed
19 and acquired by the Administrator.

20 “(4) A feasibility assessment of partnering with
21 an organization described in section 501(c)(3) of the
22 Internal Revenue Code of 1986 and exempt from tax
23 under section 501(a) of such Code to help provide
24 venture capital to businesses, particularly small busi-
25 ness innovators, for commercialization of innovative

1 homeland security technologies that are expected to
2 be ready for commercialization in the near term and
3 within 36 months. In conducting such feasibility as-
4 sessment, the Administrator shall consider the fol-
5 lowing:

6 “(A) Establishing an organization de-
7 scribed in section 501(c)(3) of the Internal Rev-
8 enue Code of 1986 and exempt from tax under
9 section 501(a) of such Code, modeled after the
10 In-Q-tel program, as a venture capital partner-
11 ship between the private sector and the intel-
12 ligence community to help businesses, particu-
13 larly small business innovators, commercialize
14 innovative security-related technologies.

15 “(B) Enhanced engagement, either
16 through the Science and Technology Direc-
17 torate of the Department of Homeland Security
18 or directly, with the In-Q-tel program described
19 in subparagraph (A).

20 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion may be construed as requiring changes to the Trans-
22 portation Security Administration standards for security
23 technology.

24 “(d) DEFINITIONS.—In this section:

1 “(1) INTELLIGENCE COMMUNITY.—The term
2 ‘intelligence community’ has the meaning given such
3 term in section 3(4) of the National Security Act of
4 1947 (50 U.S.C. 3003(4)).

5 “(2) SMALL BUSINESS CONCERN.—The term
6 ‘small business concern’ has the meaning described
7 under section 3 of the Small Business Act (15
8 U.S.C. 632).

9 “(3) SMALL BUSINESS INNOVATOR.—The term
10 ‘small business innovator’ means a stakeholder that
11 is a small business concern that has an advanced
12 transportation security technology or capability.”.

13 (b) COMPTROLLER GENERAL REVIEW.—Not later
14 than one year after the submission of the strategy required
15 under section 1617 of the Homeland Security Act of 2002
16 (as added by subsection (a)), the Comptroller General of
17 the United States shall submit to the Committee on
18 Homeland Security of the House of Representatives and
19 the Committee on Commerce, Science, and Transportation
20 of the Senate a review of the extent to which such strategy
21 addresses the requirements of such section, has resulted
22 in increased participation of small business innovators in
23 the technology stakeholder marketplace, and has resulted
24 in a diversification of the marketplace.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 1616 the following new item:

“Sec. 1617. Diversified technology stakeholder marketplace.”.