

AMENDMENT TO H.R. 3584
OFFERED BY MR. PERRY OF PENNSYLVANIA

At the end of title I, add the following (and conform the table of contents accordingly):

1 SEC. 112. COVERT TESTING AT AIRPORTS.

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act and annually thereafter
4 through 2020, the Administrator shall conduct covert test-
5 ing on an on-going basis to test vulnerabilities and identify
6 weaknesses in the measures used to secure the aviation
7 system of the United States. The Administrator shall, on
8 a quarterly basis if practicable, provide to the Inspector
9 General of the Department such testing results, method-
10 ology, and data.

11 (b) ELEMENTS.—In carrying out the covert testing
12 required under subsection (a), the Administrator shall—

13 (1) consider security screening and procedures
14 conducted by TSA;

15 (2) use available threat information and intel-
16 ligence to determine the types and sizes of simulated
17 threat items and threat item-body location configu-
18 rations for such covert testing;

1 (3) use a risk-based approach to determine the
2 location and number of such covert testing;

3 (4) conduct such covert testing without noti-
4 fying personnel at airports prior to such covert test-
5 ing; and

6 (5) identify reasons for failure when TSA per-
7 sonnel or the screening equipment used do not iden-
8 tify and resolve any threat item used during such a
9 covert test.

10 (c) INDEPENDENT REVIEW.—The Inspector General
11 of the Department shall conduct covert testing of the avia-
12 tion system of the United States in addition to the covert
13 testing conducted by the Administrator under subsection
14 (a), as appropriate, and analyze TSA covert testing re-
15 sults, methodology, and data provided pursuant to such
16 subsection to determine the sufficiency of TSA covert test-
17 ing protocols. The Inspector General shall, as appropriate,
18 compare testing results of any additional covert testing
19 conducted pursuant to this subsection with the results of
20 TSA covert testing under subsection (a) to determine sys-
21 temic weaknesses in the security of the aviation system
22 of the United States.

23 (d) CORRECTIVE ACTION.—Not later than 30 days
24 upon completion of any covert testing under subsection
25 (a), the Administrator shall make recommendations and

1 implement corrective actions to mitigate vulnerabilities
2 identified by such covert testing and shall notify the In-
3 spector General of the Department of such recommenda-
4 tions and actions. The Inspector General shall review the
5 extent to which such recommendations and actions are im-
6 plemented and the degree to which such recommendations
7 and actions improve the security of the aviation system
8 of the United States.

9 (e) CONGRESSIONAL NOTIFICATION.—

10 (1) BY THE ADMINISTRATOR.—Not later than
11 30 days upon completion of any covert testing under
12 subsection (a), the Administrator shall brief the
13 Committee on Homeland Security of the House of
14 Representatives and the Committee on Homeland
15 Security and Governmental Affairs and the Com-
16 mittee on Commerce, Science, and Transportation of
17 the Senate on the results of such covert testing.

18 (2) BY THE INSPECTOR GENERAL OF THE DE-
19 PARTMENT.—The Inspector General shall brief the
20 Committee on Homeland Security of the House of
21 Representatives and the Committee on Homeland
22 Security and Governmental Affairs and the Com-
23 mittee on Commerce, Science, and Transportation of
24 the Senate annually on the requirements specified in
25 this section.

1 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to prohibit the Administrator or
3 the Inspector General of the Department from conducting
4 covert testing of the aviation system of the United States
5 with greater frequency than required under this section.

