To direct the Transportation Security Administration to carry out covert testing and risk mitigation improvement of aviation security operations, and for other purposes.

A BILL

To direct the Transportation Security Administration to carry out covert testing and risk mitigation improvement of aviation security operations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Covert Testing and Risk Mitigation Improvement Act of 2019”.

SEC. 2. TSA COVERT TESTING AND RISK MITIGATION IM-
PROVEMENT.

(a) In General.—Not later than 180 days after the
date of the enactment of this Act and annually thereafter,
the Administrator of the Transportation Security Admin-
istration shall implement the following:

(1) A system for conducting risk-informed
headquarters-based covert tests of aviation security
operations, including relating to airport passenger
and baggage security screening operations, that can
yield statistically valid data that can be used to iden-
tify and assess the nature and extent of
vulnerabilities to such operations that are not miti-
gated by current security practices. The Adminis-
trator shall execute annually not fewer than three
risk-informed covert testing projects designed to
identify systemic vulnerabilities in the transportation
security system, and shall document the assumptions
and rationale guiding the selection of such projects.

(2) A long-term headquarters-based covert test-
ing program, employing static but risk-informed
threat vectors, designed to assess changes in overall
screening effectiveness.

(b) Mitigation.—

(1) In General.—The Administrator of the
Transportation Security Administration shall estab-
lish a system to address and mitigate the 
vulnerabilities identified and assessed pursuant to 
the testing conducted under subsection (a).

(2) Analysis.—Not later than 60 days after 
the identification of any such vulnerability, the Ad-
ministrator shall ensure a vulnerability described in 
paragraph (1) is analyzed to determine root causes.

(3) Determination.—Not later than 120 days 
after the identification of any such vulnerability, the 
Administrator shall make a determination regarding 
whether or not to mitigate such vulnerability. The 
Administrator shall prioritize mitigating 
vulnerabilities based on their ability to reduce risk. 
If the Administrator determines—

(A) to not mitigate such vulnerability, the 
Administrator shall document the reasons for 
the decision; or

(B) to mitigate such vulnerability, the Ad-
ministrator shall establish and document—

(i) key milestones appropriate for the 
level of effort required to so mitigate such 
vulnerability; and

(ii) a date by which measures to so 
mitigate such vulnerability shall be imple-
mented by the Transportation Security Admin-
istration.

(4) RETESTING.—Not later than 180 days after
the date on which measures to mitigate a vulner-
ability are completed by the Transportation Security
Administration pursuant to paragraph (3)(B)(ii), the
Administrator shall conduct a covert test in accord-
ance with subsection (a) of the aviation security op-
eration with respect to which such vulnerability was
identified to assess the effectiveness of such meas-
ures to mitigate such vulnerability.

(c) COMPILATION OF LISTS.—

(1) IN GENERAL.—Not later than 60 days after
completing a covert testing protocol under sub-
section (a), the Administrator of the Transportation
Security Administration shall compile a list (including
a classified annex if necessary) of the
vulnerabilities identified and assessed pursuant to
such testing. Each such list shall contain, at a min-
imum, the following:

(A) A brief description of the nature of
each vulnerability so identified and assessed.

(B) The date on which each vulnerability
was so identified and assessed.
(C) Key milestones appropriate for the level of effort required to mitigate each vulnerability, as well as an indication of whether each such milestone has been met.

(D) An indication of whether each vulnerability has been mitigated or reduced and, if so, the date on which each such vulnerability was so mitigated or reduced.

(E) If a vulnerability has not been fully mitigated, the date by which the Administrator shall so mitigate such vulnerability or a determination that it is not possible to fully mitigate such vulnerability.

(F) The results of any subsequent covert testing undertaken to assess whether mitigation efforts have eliminated or reduced each vulnerability.

(2) Submission to Congress.—The Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a comprehensive document tracking the status of the information required under paragraph (1) together with the Transpor-
(d) GAO Review.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall review and submit to the Administrator of the Transportation Security Administration and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the effectiveness of the Transportation Security Administration’s processes for conducting covert testing projects that yield statistically valid data that can be used to assess the nature and extent of vulnerabilities to aviation security operations that are not effectively mitigated by current security operations.