

## Union Calendar No. 54

115TH CONGRESS  
1ST SESSION

# H. R. 876

[Report No. 115-94]

To amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2017

Mr. KATKO (for himself, Mr. McCAUL, Mr. ROGERS of Alabama, Mr. FITZPATRICK, Mr. HIGGINS of Louisiana, Mr. KING of New York, Mr. VELA, Mr. KEATING, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Homeland Security

APRIL 25, 2017

Reported with amendments, 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 *italie*]

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

# **A BILL**

To amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, 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 “Aviation Employee*  
5 *Screening and Security Enhancement Act of 2017”.*

6 **SEC. 2. DEFINITIONS.**

7        *In this Act:*

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

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

14           (3) *AIR CARRIER.*—*The term “air carrier” has*  
15 *the meaning given such term in section 40102 of title*  
16 *49, United States Code.*

17           (4) *APPROPRIATE CONGRESSIONAL COMMIT-*  
18 *TEES.*—*The term “appropriate congressional commit-*  
19 *tees” means the Committee on Homeland Security of*  
20 *the House of Representatives and the Committee on*  
21 *Homeland Security and Governmental Affairs and*  
22 *the Committee on Commerce, Science, and Transpor-*  
23 *tation of the Senate.*

1           (5) *FOREIGN AIR CARRIER.*—*The term “foreign*  
2 *air carrier” has the meaning given such term in sec-*  
3 *tion 40102 of title 49, United States Code.*

4           (6) *INTELLIGENCE COMMUNITY.*—*The term “in-*  
5 *telligence community” has the meaning given such*  
6 *term in section 3(4) of the National Security Act of*  
7 *1947 (50 U.S.C. 3003(4)).*

8           (7) *SECURED AREA.*—*The term “secured area”*  
9 *has the meaning given such term in section 1540.5 of*  
10 *title 49, Code of Federal Regulations.*

11           (8) *SECURITY IDENTIFICATION DISPLAY AREA.*—  
12 *The term “Security Identification Display Area” has*  
13 *the meaning given such term in section 1540.5 of title*  
14 *49, Code of Federal Regulations.*

15           (9) *STERILE AREA.*—*The term “sterile area” has*  
16 *the meaning given such term in section 1540.5 of title*  
17 *49, Code of Federal Regulations.*

18 **SEC. 3. COST AND FEASIBILITY STUDY.**

19           (a) *IN GENERAL.*—*Not later than 180 days after the*  
20 *date of the enactment of this Act, the Administrator, in con-*  
21 *sultation with the Aviation Security Advisory Committee*  
22 *(established under section 44946 of title 49, United States*  
23 *Code), shall submit to the appropriate congressional com-*  
24 *mittees and the Comptroller General of the United States*  
25 *a cost and feasibility study of a statistically significant*

1 *number of Category I, II, III, IV, and X airports assessing*  
2 *the impact if all employee access points from non-secured*  
3 *areas to secured areas of such airports are comprised of the*  
4 *following:*

5 (1) *A secure door utilizing card and pin entry*  
6 *or biometric technology.*

7 (2) *Surveillance video recording, capable of stor-*  
8 *ing video data for at least 30 days.*

9 (3) *Advanced screening technologies, including at*  
10 *least one of the following:*

11 (A) *Magnetometer (walk-through or hand-*  
12 *held).*

13 (B) *Explosives detection canines.*

14 (C) *Explosives trace detection swabbing.*

15 (D) *Advanced imaging technology.*

16 (E) *X-ray bag screening technology.*

17 (b) *CONTENTS.—The study required under subsection*

18 (a) *shall include information related to the employee screen-*

19 *ing costs of those category I, II, III, IV, and X airports*

20 *which have already implemented practices of screening 100*

21 *percent of employees accessing secured areas of airports, in-*

22 *cluding the following:*

23 (1) *Costs associated with establishing an oper-*

24 *ational minimum number of employee entry and exit*

25 *points.*

1           (2) *A comparison of estimated costs and effec-*  
2           *tiveness associated with implementing the security*  
3           *features specified in subsection (a) to—*

4                     (A) *the Federal Government; and*

5                     (B) *airports and the aviation community.*

6           (c) *COMPTROLLER GENERAL ASSESSMENT.—*

7                     (1) *IN GENERAL.—Upon completion of the study*  
8           *required under subsection (a), the Comptroller Gen-*  
9           *eral of the United States shall review such study to*  
10           *assess the quality and reliability of such study.*

11                    (2) *ASSESSMENT.—Not later than 60 days after*  
12           *the receipt of the study required under subsection (a),*  
13           *the Comptroller General of the United States shall re-*  
14           *port to the Committee on Homeland Security of the*  
15           *House of Representatives and the Committee on*  
16           *Homeland Security and Governmental Affairs and*  
17           *the Committee on Commerce, Science, and Transpor-*  
18           *tation of the Senate on the results of the review re-*  
19           *quired under paragraph (1).*

20 **SEC. 4. AIRPORT WORKER EDUCATION AND SECURITY**  
21                     **AWARENESS.**

22                     (a) *COOPERATIVE EFFORTS TO ENHANCE AIRPORT*  
23           *SECURITY AWARENESS.—Not later than 180 days after the*  
24           *date of the enactment of this Act, the Administrator shall*  
25           *work with air carriers, foreign air carriers, airport opera-*

1 *tors, labor unions representing credentialed employees, and*  
2 *the Aviation Security Advisory Committee to enhance secu-*  
3 *rity awareness of credentialed airport populations regard-*  
4 *ing insider threats to aviation security and best practices*  
5 *related to airport access controls.*

6 *(b) CREDENTIALING STANDARDS.—*

7 *(1) IN GENERAL.—Not later than 180 days after*  
8 *the date of the enactment of this Act, the Adminis-*  
9 *trator shall, in consultation with air carriers, foreign*  
10 *air carriers, airport operators, labor unions rep-*  
11 *resenting credentialed employees, and the Aviation*  
12 *Security Advisory Committee, assess credentialing*  
13 *standards, policies, and practices to ensure that in-*  
14 *sider threats to aviation security are adequately ad-*  
15 *dressed.*

16 *(2) REPORT.—Not later than 30 days after com-*  
17 *pletion of the assessment required under paragraph*  
18 *(1), the Administrator shall report to the appropriate*  
19 *congressional committees on the results of such assess-*  
20 *ment.*

21 *(c) SIDA APPLICATIONS.—*

22 *(1) SOCIAL SECURITY NUMBERS REQUIRED.—Not*  
23 *later than 60 days after the date of the enactment of*  
24 *this Act, the Administrator shall require airport oper-*  
25 *ators to submit the social security number of an indi-*

1        *vidual applying for a credential granting access to*  
2        *the Security Identification Display Area to strengthen*  
3        *security vetting effectiveness. An applicant who does*  
4        *not provide such applicant's social security number*  
5        *may be denied such a credential.*

6            (2) *SCREENING NOTICE.—The Administrator*  
7        *shall issue requirements for airport operators to in-*  
8        *clude in applications for access to a Security Identi-*  
9        *fication Display Area a notice informing applicants*  
10       *that an employee holding a credential granting access*  
11       *to a Security Identification Display Area may be*  
12       *screened at any time while gaining access to, working*  
13       *in, or leaving a Security Identification Display Area.*

14       **SEC. 5. SECURING AIRPORT WORKER ACCESS.**

15            (a) *IN GENERAL.—The Administrator shall work with*  
16       *airport operators and the Aviation Security Advisory Com-*  
17       *mittee to identify advanced technologies, including biomet-*  
18       *ric identification technologies, for securing employee access*  
19       *to the secured areas and sterile areas of airports.*

20            (b) *RAP BACK VETTING.—Not later than 180 days*  
21       *after the date of the enactment of this Act, the Adminis-*  
22       *trator shall ensure that all credentialed aviation worker*  
23       *populations currently requiring a fingerprint-based crimi-*  
24       *nal record history check are continuously vetted through the*  
25       *Federal Bureau of Investigation's Rap Back Service, in*



1 *order to more rapidly detect and mitigate insider threats*  
2 *to aviation security.*

3 (c) *INSIDER THREAT EDUCATION AND MITIGATION.*—

4 *Not later than 180 days after the date of the enactment of*  
5 *this Act, the Administrator shall identify means of enhanc-*  
6 *ing the Administration’s ability to leverage the resources*  
7 *of the Department of Homeland Security and the intel-*  
8 *ligence community to educate Administration personnel on*  
9 *insider threats to aviation security and how the Adminis-*  
10 *tration can better mitigate such insider threats.*

11 (d) *PLAYBOOK OPERATIONS.*—*The Administrator*

12 *shall ensure that Administration-led employee physical in-*  
13 *spection efforts of aviation workers, known as Playbook op-*  
14 *erations, are targeted, strategic, and focused on providing*  
15 *the greatest level of security effectiveness.*

16 (e) *COVERT TESTING.*—

17 (1) *IN GENERAL.*—*The Administrator shall con-*  
18 *duct covert testing of Administration-led employee in-*  
19 *spection operations at airports and measure existing*  
20 *levels of security effectiveness. The Administrator shall*  
21 *provide—*

22 (A) *the results of such testing to the airport*  
23 *operator for the airport that is the subject of any*  
24 *such testing, and, as appropriate, to air carriers*

1           *and foreign air carriers that operate at the air-*  
2           *port that is the subject of such testing; and*

3                   *(B) recommendations and technical assist-*  
4           *ance for air carriers, foreign air carriers, and*  
5           *airport operators to conduct their own employee*  
6           *inspections, as needed.*

7           *(2) ANNUAL REPORTING.—The Administrator*  
8           *shall submit to the appropriate congressional commit-*  
9           *tees an annual report on the frequency, methodology,*  
10          *strategy, and effectiveness of employee screening oper-*  
11          *ations at airports.*

12          *(f) CENTRALIZED DATABASE.—Not later than 180*  
13          *days after the date of the enactment of this Act, the Admin-*  
14          *istrator, in consultation with the Aviation Security Advi-*  
15          *sory Committee, shall—*

16                   *(1) establish a national database of individuals*  
17          *who have had either their airport or airport operator-*  
18          *issued badge revoked for failure to comply with avia-*  
19          *tion security requirements;*

20                   *(2) determine the appropriate reporting mecha-*  
21          *nisms for air carriers, foreign air carriers, and air-*  
22          *port operators to—*

23                           *(A) submit to the Administration data re-*  
24                   *garding individuals described in paragraph (1);*  
25                   *and*

1                   (B) access the database established pursuant  
2                   to such paragraph; and  
3                   (3) establish a process to allow individuals whose  
4                   names were mistakenly entered into such database to  
5                   correct the record and have their names removed from  
6                   such database.

7 **SEC. 6. INSIDER THREAT COORDINATION EFFORTS.**

8                   The Department of Homeland Security is the lead  
9                   interagency coordinator pertaining to insider threat inves-  
10                  tigations and mitigation efforts at airports. The Depart-  
11                  ment shall make every practicable effort to coordinate with  
12                  other relevant Government entities, as well as the security  
13                  representatives of air carriers, foreign air carriers, and air-  
14                  port operators, as appropriate, when undertaking such in-  
15                  vestigations and efforts.

16 **SEC. 7. INFORMATION TECHNOLOGY SECURITY.**

17                  Not later than 90 days after the date of the enactment  
18                  of this Act, the Administrator shall submit to the appro-  
19                  priate congressional committees a plan to conduct recurring  
20                  reviews of the operational, technical, and management secu-  
21                  rity controls for Administration information technology  
22                  systems at airports.

Amend the title so as to read: “A bill to reform pro-  
grams of the Transportation Security Administration,  
and for other purposes.”.

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

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