



AMENDMENT NO. _____ Calendar No. _____

Purpose: To enhance airport security, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

H. R. 636

To amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____ to the amendment (No. _____) proposed by _____

Viz:

1 At the appropriate place, insert the following:

2 **TITLE _____—TRANSPORTATION**
3 **SECURITY AND TERRORISM**
4 **PREVENTION**

5 **Subtitle A—Airport Security**
6 **Enhancement and Oversight Act**

7 **SEC. __101. SHORT TITLE.**

8 This subtitle may be cited as the “Airport Security
9 Enhancement and Oversight Act”.

10 **SEC. __102. FINDINGS.**

11 Congress makes the following findings:

1 (1) A number of recent airport security
2 breaches in the United States have involved the use
3 of Secure Identification Display Area (referred to in
4 this section as "SIDA") badges, the credentials used
5 by airport and airline workers to access the secure
6 areas of an airport.

7 (2) In December 2014, a Delta ramp agent at
8 Hartsfield-Jackson Atlanta International Airport
9 was charged with using his SIDA badge to bypass
10 airport security checkpoints and facilitate an inter-
11 state gun smuggling operation over a number of
12 months via commercial aircraft.

13 (3) In January 2015, an Atlanta-based Aviation
14 Safety Inspector of the Federal Aviation Administra-
15 tion used his SIDA badge to bypass airport security
16 checkpoints and transport a firearm in his carry-on
17 luggage.

18 (4) In February 2015, a local news investiga-
19 tion found that over 1,000 SIDA badges at
20 Hartsfield-Jackson Atlanta International Airport
21 were lost or missing.

22 (5) In March 2015, and again in May 2015,
23 Transportation Security Administration contractors
24 were indicted for participating in a drug smuggling

1 ring using luggage passed through the secure area
2 of the San Francisco International Airport.

3 (6) The Administration has indicated that it
4 does not maintain a list of lost or missing SIDA
5 badges, and instead relies on airport operators to
6 track airport worker credentials.

7 (7) The Administration rarely uses its enforce-
8 ment authority to fine airport operators that reach
9 a certain threshold of missing SIDA badges.

10 (8) In April 2015, the Aviation Security Advi-
11 sory Committee issued 28 recommendations for im-
12 provements to airport access control.

13 (9) In June 2015, the Inspector General of the
14 Department of Homeland Security reported that the
15 Administration did not have all relevant information
16 regarding 73 airport workers who had records in
17 United States intelligence-related databases because
18 the Administration was not authorized to receive all
19 terrorism-related information under current inter-
20 agency watchlisting policy.

21 (10) The Inspector General also found that the
22 Administration did not have appropriate checks in
23 place to reject incomplete or inaccurate airport
24 worker employment investigations, including crimi-
25 nal history record checks and work authorization

1 verifications, and had limited oversight over the air-
2 port operators that the Administration relies on to
3 perform criminal history and work authorization
4 checks for airport workers.

5 (11) There is growing concern about the poten-
6 tial insider threat at airports in light of recent ter-
7 rorist activities.

8 **SEC. 103. DEFINITIONS.**

9 In this subtitle:

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

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

16 (3) **APPROPRIATE COMMITTEES OF CON-**
17 **GRESS.**—The term “appropriate committees of Con-
18 gress” means—

19 (A) the Committee on Commerce, Science,
20 and Transportation of the Senate;

21 (B) the Committee on Homeland Security
22 and Governmental Affairs of the Senate; and

23 (C) the Committee on Homeland Security
24 of the House of Representatives.

1 (4) ASAC.—The term “ASAC” means the
2 Aviation Security Advisory Committee established
3 under section 44946 of title 49, United States Code.

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of Homeland Security.

6 (6) SIDA.—The term “SIDA” means Secure
7 Identification Display Area as defined in section
8 1540.5 of title 49, Code of Federal Regulations, or
9 any successor regulation to such section.

10 **SEC. 104. THREAT ASSESSMENT.**

11 (a) INSIDER THREATS.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, the Administrator
14 shall conduct or update an assessment to determine
15 the level of risk posed to the domestic air transpor-
16 tation system by individuals with unescorted access
17 to a secure area of an airport (as defined in section
18 44903(j)(2)(II)) in light of recent international ter-
19 rorist activity.

20 (2) CONSIDERATIONS.—In conducting or updat-
21 ing the assessment under paragraph (1), the Admin-
22 istrator shall consider—

23 (A) domestic intelligence;

24 (B) international intelligence;

1 (C) the vulnerabilities associated with
2 unescorted access authority granted to domestic
3 airport operators and air carriers, and their em-
4 ployees;

5 (D) the vulnerabilities associated with
6 unescorted access authority granted to foreign
7 airport operators and air carriers, and their em-
8 ployees;

9 (E) the processes and practices designed to
10 mitigate the vulnerabilities associated with
11 unescorted access privileges granted to airport
12 operators and air carriers, and their employees;

13 (F) the recent security breaches at domes-
14 tic and foreign airports; and

15 (G) the recent security improvements at
16 domestic airports, including the implementation
17 of recommendations made by relevant advisory
18 committees.

19 (b) REPORTS TO CONGRESS.—The Administrator
20 shall submit to the appropriate committees of Congress—

21 (1) a report on the results of the assessment
22 under subsection (a), including any recommenda-
23 tions for improving aviation security;

24 (2) a report on the implementation status of
25 any recommendations made by the ASAC; and

1 (3) regular updates about the insider threat en-
2 vironment as new information becomes available and
3 as needed.

4 **SEC. __105. OVERSIGHT.**

5 (a) **ENHANCED REQUIREMENTS.—**

6 (1) **IN GENERAL.—**Subject to public notice and
7 comment, and in consultation with airport operators,
8 the Administrator shall update the rules on access
9 controls issued by the Secretary under chapter 449
10 of title 49, United States Code.

11 (2) **CONSIDERATIONS.—**As part of the update
12 under paragraph (1), the Administrator shall con-
13 sider—

14 (A) increased fines and advanced oversight
15 for airport operators that report missing more
16 than 5 percent of credentials for unescorted ac-
17 cess to any SIDA of an airport;

18 (B) best practices for Category X airport
19 operators that report missing more than 3 per-
20 cent of credentials for unescorted access to any
21 SIDA of an airport;

22 (C) additional audits and status checks for
23 airport operators that report missing more than
24 3 percent of credentials for unescorted access to
25 any SIDA of an airport;

1 (D) review and analysis of the prior 5
2 years of audits for airport operators that report
3 missing more than 3 percent of credentials for
4 unescorted access to any SIDA of an airport;

5 (E) increased fines and direct enforcement
6 requirements for both airport workers and their
7 employers that fail to report within 24 hours an
8 employment termination or a missing credential
9 for unescorted access to any SIDA of an air-
10 port; and

11 (F) a method for termination by the em-
12 ployer of any airport worker that fails to report
13 in a timely manner missing credentials for
14 unescorted access to any SIDA of an airport.

15 (b) TEMPORARY CREDENTIALS.—The Administrator
16 may encourage the issuance by airport and aircraft opera-
17 tors of free one-time, 24-hour temporary credentials for
18 workers who have reported their credentials missing, but
19 not permanently lost, stolen, or destroyed, in a timely
20 manner, until replacement of credentials under section
21 1542.211 of title 49 Code of Federal Regulations is nec-
22 essary.

23 (c) NOTIFICATION AND REPORT TO CONGRESS.—The
24 Administrator shall—

1 (1) notify the appropriate committees of Con-
2 gress each time an airport operator reports that
3 more than 3 percent of credentials for unescorted
4 access to any SIDA at a Category X airport are
5 missing or more than 5 percent of credentials to ac-
6 cess any SIDA at any other airport are missing; and

7 (2) submit to the appropriate committees of
8 Congress an annual report on the number of viola-
9 tions and fines related to unescorted access to the
10 SIDA of an airport collected in the preceding fiscal
11 year.

12 **SEC. 106. CREDENTIALS.**

13 (a) **LAWFUL STATUS.**—Not later than 90 days after
14 the date of enactment of this Act, the Administrator shall
15 issue guidance to airport operators regarding placement
16 of an expiration date on each airport credential issued to
17 a non-United States citizen no longer than the period of
18 time during which that non-United States citizen is law-
19 fully authorized to work in the United States.

20 (b) **REVIEW OF PROCEDURES.**—

21 (1) **IN GENERAL.**—Not later than 90 days after
22 the date of enactment of this Act, the Administrator
23 shall—

24 (A) issue guidance for transportation secu-
25 rity inspectors to annually review the proce-

1 dures of airport operators and air carriers for
2 applicants seeking unescorted access to any
3 SIDA of an airport; and

4 (B) make available to airport operators
5 and air carriers information on identifying sus-
6 picious or fraudulent identification materials.

7 (2) INCLUSIONS.—The guidance shall require a
8 comprehensive review of background checks and em-
9 ployment authorization documents issued by the
10 Citizenship and Immigration Services during the
11 course of a review of procedures under paragraph
12 (1).

13 **SEC. 107. VETTING.**

14 (a) ELIGIBILITY REQUIREMENTS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, and subject
17 to public notice and comment, the Administrator
18 shall revise the regulations issued under section
19 44936 of title 49, United States Code, in accordance
20 with this section and current knowledge of insider
21 threats and intelligence, to enhance the eligibility re-
22 quirements and disqualifying criminal offenses for
23 individuals seeking or having unescorted access to a
24 SIDA of an airport.

1 (2) DISQUALIFYING CRIMINAL OFFENSES.—In
2 revising the regulations under paragraph (1), the
3 Administrator shall consider adding to the list of
4 disqualifying criminal offenses and criteria the of-
5 fenses and criteria listed in section 122.183(a)(4) of
6 title 19, Code of Federal Regulations and section
7 1572.103 of title 49, Code of Federal Regulations.

8 (3) WAIVER PROCESS FOR DENIED CREDEN-
9 TIALS.—Notwithstanding section 44936(b) of title
10 49, United States Code, in revising the regulations
11 under paragraph (1) of this subsection, the Adminis-
12 trator shall—

13 (A) ensure there exists or is developed a
14 waiver process for approving the issuance of
15 credentials for unescorted access to the SIDA,
16 for an individual found to be otherwise incli-
17 gible for such credentials; and

18 (B) consider, as appropriate and prac-
19 ticable—

20 (i) the circumstances of any disquali-
21 fying act or offense, restitution made by
22 the individual, Federal and State mitiga-
23 tion remedies, and other factors from
24 which it may be concluded that the indi-
25 vidual does not pose a terrorism risk or a

1 risk to aviation security warranting denial
2 of the credential; and

3 (ii) the elements of the appeals and
4 waiver process established under section
5 70105(e) of title 46, United States Code.

6 (4) LOOK BACK.—In revising the regulations
7 under paragraph (1), the Administrator shall pro-
8 pose that an individual be disqualified if the indi-
9 vidual was convicted, or found not guilty by reason
10 of insanity, of a disqualifying criminal offense within
11 15 years before the date of an individual's applica-
12 tion, or if the individual was incarcerated for that
13 crime and released from incarceration within 5 years
14 before the date of the individual's application.

15 (5) CERTIFICATIONS.—The Administrator shall
16 require an airport or aircraft operator, as applicable,
17 to certify for each individual who receives unescorted
18 access to any SIDA of an airport that—

19 (A) a specific need exists for providing that
20 individual with unescorted access authority; and

21 (B) the individual has certified to the air-
22 port or aircraft operator that the individual un-
23 derstands the requirements for possessing a
24 SIDA badge.

1 (6) REPORT TO CONGRESS.—Not later than 90
2 days after the date of enactment, the Administrator
3 shall submit to the appropriate committees of Con-
4 gress a report on the status of the revision to the
5 regulations issued under section 44936 of title 49,
6 United States Code, in accordance with this section.

7 (7) RULE OF CONSTRUCTION.—Nothing in this
8 subsection may be construed to affect existing avia-
9 tion worker vetting fees imposed by the Administra-
10 tion.

11 (b) RECURRENT VETTING.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, the Administrator
14 and the Director of the Federal Bureau of Investiga-
15 tion shall fully implement the Rap Back service for
16 recurrent vetting of eligible Administration-regulated
17 populations of individuals with unescorted access to
18 any SIDA of an airport.

19 (2) REQUIREMENTS.—As part of the require-
20 ment in paragraph (1), the Administrator shall en-
21 sure that—

22 (Δ) any status notifications the Adminis-
23 tration receives through the Rap Back service
24 about criminal offenses be limited to only dis-
25 qualifying criminal offenses in accordance with

1 the regulations promulgated by the Administra-
2 tion under section 44903 of title 49, United
3 States Code, or other Federal law; and

4 (B) any information received by the Ad-
5 ministration through the Rap Back service is
6 provided directly and immediately to the rel-
7 evant airport and aircraft operators.

8 (3) REPORT TO CONGRESS.—Not later than 60
9 days after the date of enactment of this Act, the Ad-
10 ministrator shall submit to the appropriate commit-
11 tees of Congress a report on the implementation sta-
12 tus of the Rap Back service.

13 (c) ACCESS TO TERRORISM-RELATED DATA.—Not
14 later than 30 days after the date of enactment of this Act,
15 the Administrator and the Director of National Intel-
16 ligence shall coordinate to ensure that the Administrator
17 is authorized to receive automated, real-time access to ad-
18 ditional Terrorist Identities Datamart Environment
19 (TIDE) data and any other terrorism related category
20 codes to improve the effectiveness of the Administration's
21 credential vetting program for individuals that are seeking
22 or have unescorted access to a SIDA of an airport.

23 (d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—
24 Not later than 90 days after the date of enactment of this
25 Act, the Secretary shall authorize each airport operator

1 to have direct access to the E-Verify program and the Sys-
2 tematic Alien Verification for Entitlements (SAVE) auto-
3 mated system to determine the eligibility of individuals
4 seeking unescorted access to a SIDA of an airport.

5 **SEC. 108. METRICS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator shall de-
8 velop and implement performance metrics to measure the
9 effectiveness of security for the SIDAs of airports.

10 (b) CONSIDERATIONS.—In developing the perform-
11 ance metrics under subsection (a), the Administrator may
12 consider—

- 13 (1) adherence to access point procedures;
- 14 (2) proper use of credentials;
- 15 (3) differences in access point requirements be-
16 tween airport workers performing functions on the
17 airside of an airport and airport workers performing
18 functions in other areas of an airport;
- 19 (4) differences in access point characteristics
20 and requirements at airports; and
- 21 (5) any additional factors the Administrator
22 considers necessary to measure performance.

23 **SEC. 109. INSPECTIONS AND ASSESSMENTS.**

24 (a) MODEL AND BEST PRACTICES.—Not later than
25 180 days after the date of enactment of this Act, the Ad-

1 administrator, in consultation with the ASAC, shall develop
2 a model and best practices for unescorted access security
3 that—

4 (1) use intelligence, scientific algorithms, and
5 risk-based factors;

6 (2) ensure integrity, accountability, and control;

7 (3) subject airport workers to random physical
8 security inspections conducted by Administration
9 representatives in accordance with this section;

10 (4) appropriately manage the number of SIDA
11 access points to improve supervision of and reduce
12 unauthorized access to these areas; and

13 (5) include validation of identification mate-
14 rials, such as with biometrics.

15 (b) INSPECTIONS.—Consistent with a risk-based se-
16 curity approach, the Administrator shall expand the use
17 of transportation security officers and inspectors to con-
18 duct enhanced, random and unpredictable, data-driven,
19 and operationally dynamic physical inspections of airport
20 workers in each SIDA of an airport and at each SIDA
21 access point—

22 (1) to verify the credentials of airport workers;

23 (2) to determine whether airport workers pos-
24 sess prohibited items, except for those that may be

1 necessary for the performance of their duties, as ap-
2 propriate, in any SIDA of an airport; and

3 (3) to verify whether airport workers are fol-
4 lowing appropriate procedures to access a SIDA of
5 an airport.

6 (c) SCREENING REVIEW.—

7 (1) IN GENERAL.—The Administrator shall con-
8 duct a review of airports that have implemented ad-
9 ditional airport worker screening or perimeter secu-
10 rity to improve airport security, including—

11 (A) comprehensive airport worker screen-
12 ing at access points to secure areas;

13 (B) comprehensive perimeter screening, in-
14 cluding vehicles;

15 (C) enhanced fencing or perimeter sensors;
16 and

17 (D) any additional airport worker screen-
18 ing or perimeter security measures the Admin-
19 istrator identifies.

20 (2) BEST PRACTICES.—After completing the re-
21 view under paragraph (1), the Administrator shall—

22 (A) identify best practices for additional
23 access control and airport worker security at
24 airports; and

1 (13) disseminate the best practices identi-
2 fied under subparagraph (A) to airport opera-
3 tors.

4 (3) PILOT PROGRAM.—The Administrator may
5 conduct a pilot program at 1 or more airports to
6 test and validate best practices for comprehensive
7 airport worker screening or perimeter security under
8 paragraph (2).

9 **SEC. 110. COVERT TESTING.**

10 (a) IN GENERAL.—The Administrator shall increase
11 the use of red-team, covert testing of access controls to
12 any secure areas of an airport.

13 (b) ADDITIONAL COVERT TESTING.—The Inspector
14 General of the Department of Homeland Security shall
15 conduct red-team, covert testing of airport access controls
16 to the SIDA of airports.

17 (c) REPORTS TO CONGRESS.—

18 (1) ADMINISTRATOR REPORT.—Not later than
19 90 days after the date of enactment of this Act, the
20 Administrator shall submit to the appropriate com-
21 mittee of Congress a report on the progress to ex-
22 pand the use of inspections and of red-team, covert
23 testing under subsection (a).

24 (2) INSPECTOR GENERAL REPORT.—Not later
25 than 180 days after the date of enactment of this

1 Act, the Inspector General of the Department of
2 Homeland Security shall submit to the appropriate
3 committee of Congress a report on the effectiveness
4 of airport access controls to the SIDA of airports
5 based on red-team, covert testing under subsection
6 (b).

7 **SEC. 111. SECURITY DIRECTIVES.**

8 (a) REVIEW.—Not later than 180 days after the date
9 of enactment of this Act, and annually thereafter, the Ad-
10 ministrator, in consultation with the appropriate regulated
11 entities, shall conduct a comprehensive review of every
12 current security directive addressed to any regulated enti-
13 ty—

14 (1) to determine whether the security directive
15 continues to be relevant;

16 (2) to determine whether the security directives
17 should be streamlined or consolidated to most effi-
18 ciently maximize risk reduction; and

19 (3) to update, consolidate, or revoke any secu-
20 rity directive as necessary.

21 (b) NOTICE.—For each security directive that the
22 Administrator issues, the Administrator shall submit to
23 the appropriate committees of Congress notice of—

24 (1) the extent to which the security directive re-
25 sponds to a specific threat, security threat assess-

1 ment, or emergency situation against civil aviation;

2 and

3 (2) when it is anticipated that the security di-
4 rective will expire.

5 **SEC. __112. IMPLEMENTATION REPORT.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall—

9 (1) assess the progress made by the Adminis-
10 tration and the effect on aviation security of imple-
11 menting the requirements under sections __104
12 through __111 of this Act; and

13 (2) report to the appropriate committees of
14 Congress on the results of the assessment under
15 paragraph (1), including any recommendations.

16 **SEC. ...113. MISCELLANEOUS AMENDMENTS.**

17 (a) **ASAC TERMS OF OFFICE.**—Section
18 44946(e)(2)(A) is amended to read as follows:

19 “(A) **TERMS.**—The term of each member
20 of the Advisory Committee shall be 2 years, but
21 a member may continue to serve until the As-
22 sistant Secretary appoints a successor. A mem-
23 ber of the Advisory Committee may be re-
24 appointed.”.

1 (b) FEEDBACK.—Section 44946(b)(5) is amended to
2 read as follows:

3 “(5) FEEDBACK.—Not later than 90 days after
4 receiving recommendations transmitted by the Advi-
5 sory Committee under paragraph (2) or paragraph
6 (4), the Assistant Secretary shall respond in writing
7 to the Advisory Committee with feedback on each of
8 the recommendations, an action plan to implement
9 any of the recommendations with which the Assist-
10 ant Secretary concurs, and a justification for why
11 any of the recommendations have been rejected.”.

12 **Subtitle B—TSA PreCheck**
13 **Expansion Act**

14 **SEC. _201. SHORT TITLE.**

15 This subtitle may be cited as the “TSA PreCheck Ex-
16 pansion Act”.

17 **SEC. _202. DEFINITIONS.**

18 In this subtitle:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Transpor-
21 tation Security Administration.

22 (2) DEPARTMENT.—The term “Department”
23 means the Department of Homeland Security.

24 (3) PRECHECK PROGRAM.—The term
25 “PreCheck Program” means the trusted traveler

1 program implemented by the Transportation Secu-
2 rity Administration under section 109(a)(3) of the
3 Aviation and Transportation Security Act (49
4 U.S.C. 114).

5 (4) TSA.—The term “TSA” means the Trans-
6 portation Security Administration.

7 **SEC. _203. PRECHECK PROGRAM AUTHORIZATION.**

8 The Administrator shall continue to administer the
9 PreCheck Program established under the authority of the
10 Aviation and Transportation Security Act (Public Law
11 107–71; 115 Stat. 597).

12 **SEC. _204. PRECHECK PROGRAM ENROLLMENT EXPAN-**
13 **SION.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of enactment of this Act, the Administrator shall
16 publish PreCheck Program enrollment standards that add
17 multiple private sector application capabilities for the
18 PreCheck Program to increase the public’s enrollment ac-
19 cess to the program, including standards that allow the
20 use of secure technologies, including online enrollment, ki-
21 osks, tablets, or staffed laptop stations at which individ-
22 uals can apply for entry into the program.

23 (b) REQUIREMENTS.—Upon publication of the
24 PreCheck Program enrollment standards under subsection
25 (a), the Administrator shall—

- 1 (1) coordinate with interested parties—
- 2 (A) to deploy TSA-approved ready-to-mar-
- 3 ket private sector solutions that meet the
- 4 PreCheck Program enrollment standards under
- 5 subsection (a);
- 6 (B) to make available additional PreCheck
- 7 Program enrollment capabilities; and
- 8 (C) to offer secure online and mobile en-
- 9 rollment opportunities;
- 10 (2) partner with the private sector to collect
- 11 biographic and biometric identification information
- 12 via kiosks, mobile devices, or other mobile enroll-
- 13 ment platforms to increase enrollment flexibility and
- 14 minimize the amount of travel to enrollment centers
- 15 for applicants;
- 16 (3) ensure that any information, including bio-
- 17 graphic information, is collected in a manner that—
- 18 (A) is comparable with the appropriate and
- 19 applicable standards developed by the National
- 20 Institute of Standards and Technology; and
- 21 (B) protects privacy and data security, in-
- 22 cluding that any personally identifiable informa-
- 23 tion is collected, retained, used, and shared in
- 24 a manner consistent with section 552a of title
- 25 5, United States Code (commonly known as

1 "Privacy Act of 1974"), and with agency regu-
2 lations;

3 (4) ensure that the enrollment process is
4 streamlined and flexible to allow an individual to
5 provide additional information to complete enroll-
6 ment and verify identity; and

7 (5) ensure that any enrollment expansion using
8 a private sector risk assessment instead of a finger-
9 print-based criminal history records check is ~~deter-~~
10 mined, by the Secretary of Homeland Security, ^{evaluated and certified}
11 equivalent to a fingerprint-based criminal history ^{and verified by the Government}
12 records check conducted through the Federal Bu- ^{accountability office or a federally}
^{awarded research and}
^{development center}
^{after award}

13 reau of Investigation, ^{with respect to the effectiveness in identifying individuals}
^{who are not qualified to participate in the PreCheck program due to}

(6) ensure that the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in private sector risk assessments.

14 (c) MARKETING OF PRECHECK PROGRAM.—Upon ^{disqualifying criminal}
15 publication of PreCheck Program enrollment standards ^{history; and}
16 under subsection (a), the Administrator shall—

17 (1) in accordance with those standards, develop
18 and implement—

19 (A) a continual process, including an asso-
20 ciated timeframe, for approving private sector
21 marketing of the PreCheck Program; and

22 (B) a long-term strategy for partnering
23 with the private sector to encourage enrollment
24 in such program;

1 (2) submit to Congress, at the end of each fis-
2 cal year, a report on any PreCheck Program applica-
3 tion fees collected in excess of the costs of admin-
4 istering the program, including to assess the feasi-
5 bility of the program, for the preceding fiscal year;
6 and

7 (3) include in the report under paragraph (2)
8 recommendations for using such amounts to support
9 marketing of the program under this subsection.

10 (d) IDENTITY VERIFICATION ENHANCEMENT.—Not
11 later than 120 days after the date of enactment of this
12 Act, the Administrator shall—

13 (1) coordinate with the heads of appropriate
14 components of the Department to leverage depart-
15 ment-held data and technologies to verify the citizen-
16 ship of individuals enrolling in the PreCheck Pro-
17 gram;

18 (2) partner with the private sector to use bio-
19 metrics and authentication standards, such as rel-
20 evant standards developed by the National Institute
21 of Standards and Technology, to facilitate enroll-
22 ment in the program; and

23 (3) consider leveraging the existing resources
24 and abilities of airports to conduct fingerprint and
25 background checks to expedite identity verification.

1 (c) PRECHECK PROGRAM LANES OPERATION.—The
2 Administrator shall—

3 (1) ensure that PreCheck Program screening
4 lanes are open and available during peak and high-
5 volume travel times at appropriate airports to indi-
6 viduals enrolled in the PreCheck Program; and

7 (2) make every practicable effort to provide ex-
8 pedited screening at standard screening lanes during
9 times when PreCheck Program screening lanes are
10 closed to individuals enrolled in the program in
11 order to maintain operational efficiency.

12 (f) VETTING FOR PRECHECK PROGRAM PARTICI-
13 PANTS.—Not later than 90 days after the date of enact-
14 ment of this Act, the Administrator shall initiate an as-
15 sessment to identify any security vulnerabilities in the vet-
16 ting process for the PreCheck Program, including deter-
17 mining whether subjecting PreCheck Program partici-
18 pants to recurrent fingerprint-based criminal history
19 records checks, in addition to recurrent checks against the
20 terrorist watchlist, could be done in a cost-effective man-
21 ner to strengthen the security of the PreCheck Program.

1 **Subtitle C—Securing Aviation**
2 **From Foreign Entry Points and**
3 **Guarding Airports Through En-**
4 **hanced Security Act of 2016**

5 **SEC. 301. SHORT TITLE.**

6 This subtitle may be cited as the “Securing Aviation
7 from Foreign Entry Points and Guarding Airports
8 Through Enhanced Security Act of 2016”.

9 **SEC. 302. LAST POINT OF DEPARTURE AIRPORT SECU-**
10 **RITY ASSESSMENT.**

11 (a) **IN GENERAL.**—Not later than 180 days after the
12 date of enactment of this Act, the Administrator of the
13 Transportation Security Administration shall conduct a
14 comprehensive security risk assessment of all last point
15 of departure airports with nonstop flights to the United
16 States.

17 (b) **CONTENTS.**—The security risk assessment re-
18 quired under subsection (a) shall include consideration of
19 the following:

20 (1) The level of coordination and cooperation
21 between the Transportation Security Administration
22 and the foreign government of the country in which
23 the last point of departure airport with nonstop
24 flights to the United States is located.

1 (2) The intelligence and threat mitigation capa-
2 bilities of the country in which such airport is lo-
3 cated.

4 (3) The number of known or suspected terror-
5 ists annually transiting through such airport.

6 ~~(4)~~⁵ The passenger security screening practices,
7 capabilities, and capacity of such airport.

8 ~~(5)~~⁶ The security vetting undergone by aviation
9 workers at such airport.

10 ~~(6)~~⁷ The access controls utilized by such airport
11 to limit to authorized personnel access to secure and
12 sterile areas of such airports.

13 **SEC. 303. SECURITY COORDINATION ENHANCEMENT**
14 **PLAN.**

15 (a) IN GENERAL.—Not later than 240 days after the
16 date of enactment of this Act, the Administrator of the
17 Transportation Security Administration shall submit to
18 Congress and the Government Accountability Office a
19 plan—

20 (1) to enhance and bolster security collabora-
21 tion, coordination, and information sharing relating
22 to securing international-inbound aviation between
23 the United States and domestic and foreign part-
24 ners, including U.S. Customs and Border Protection,
25 foreign government entities, passenger air carriers,

(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages or prohibits the collection, analysis, and sharing of passenger name records.

1 cargo air carriers, and United States Government
2 entities, in order to enhance security capabilities at
3 foreign airports, including airports that may not
4 have nonstop flights to the United States but are
5 nonetheless determined by the Administrator to be
6 high risk; and

7 (2) that includes an assessment of the ability of
8 the Administration to enter into a mutual agreement
9 with a foreign government entity that permits Ad-
10 ministration representatives to conduct without prior
11 notice inspections of foreign airports.

12 (b) GAO REVIEW.—Not later than 180 days after the
13 submission of the plan required under subsection (a), the
14 Comptroller General of the United States shall review the
15 efforts, capabilities, and effectiveness of the Transpor-
16 tation Security Administration to enhance security capa-
17 bilities at foreign airports and determine if the implemen-
18 tation of such efforts and capabilities effectively secures
19 international-inbound aviation.

20 **SEC. 304. WORKFORCE ASSESSMENT.**

21 Not later than 270 days after the date of enactment
22 of this Act, the Administrator of the Transportation Secu-
23 rity Administration shall submit to Congress a comprehen-
24 sive workforce assessment of all Administration personnel
25 within the Office of Global Strategies of the Administra-

1 tion or whose primary professional duties contribute to the
2 Administration's global efforts to secure transportation se-
3 curity, including a review of whether such personnel are
4 assigned in a risk-based, intelligence-driven manner.

5 **SEC. 305. DONATION OF SCREENING EQUIPMENT TO PRO-**
6 **TECT THE UNITED STATES.**

7 (a) **IN GENERAL.**—The Administrator of the Trans-
8 portation Security Administration is authorized to donate
9 security screening equipment to a foreign last point of de-
10 parture airport operator if such equipment can be reason-
11 ably expected to mitigate a specific vulnerability to the se-
12 curity of the United States or United States citizens.

13 (b) **REPORT.**—Not later than 30 days before any do-
14 nation of security screening equipment pursuant to sub-
15 section (a), the Administrator of the Transportation Secu-
16 rity Administration shall provide to the Committee on
17 Homeland Security and Governmental Affairs and the
18 Committee on Commerce, Science, and Transportation of
19 the Senate and the Committee on Homeland Security of
20 the House of Representatives a detailed written expla-
21 nation of the following:

22 (1) The specific vulnerability to the United
23 States or United States citizens that will be miti-
24 gated by such donation.

1 (2) An explanation as to why the recipient of
2 such donation is unable or unwilling to purchase se-
3 curity screening equipment to mitigate such vulner-
4 ability.

5 (3) An evacuation plan for sensitive tech-
6 nologies in case of emergency or instability in the
7 country to which such donation is being made.

8 (4) How the Administrator will ensure the secu-
9 rity screening equipment that is being donated is
10 used and maintained over the course of its life by
11 the recipient.

12 (5) The total dollar value of such donation.

13 **SEC. 306. NATIONAL CARGO SECURITY PROGRAM.**

14 (a) IN GENERAL.—The Administrator of the Trans-
15 portation Security Administration may evaluate foreign
16 countries' air cargo security programs to determine wheth-
17 er such programs provide a level of security commensurate
18 with the level of security required by United States air
19 cargo security programs.

20 (b) APPROVAL AND RECOGNITION.—

21 (1) IN GENERAL.—If the Administrator of the
22 Transportation Security Administration determines
23 that a foreign country's air cargo security program
24 evaluated under subsection (a) provides a level of se-
25 curity commensurate with the level of security re-

1 quired by United States air cargo security programs,
2 the Administrator shall approve and officially recog-
3 nize such foreign country's air cargo security pro-
4 gram.

5 (2) EFFECT OF APPROVAL AND RECOGNI-
6 TION.—If the Administrator of the Transportation
7 Security Administration approves and officially rec-
8 ognizes pursuant to paragraph (1) a foreign coun-
9 try's air cargo security program, cargo aircraft of
10 such foreign country shall not be required to adhere
11 to United States air cargo security programs that
12 would otherwise be applicable.

13 (c) REVOCATION AND SUSPENSION.—

14 (1) IN GENERAL.—If the Administrator of the
15 Transportation Security Administration determines
16 at any time that a foreign country's air cargo secu-
17 rity program approved and officially recognized
18 under subsection (b) no longer provides a level of se-
19 curity commensurate with the level of security re-
20 quired by United States air cargo security programs,
21 the Administrator may revoke or temporarily sus-
22 pend such approval and official recognition until
23 such time as the Administrator determines that such
24 foreign country's cargo security programs provide a
25 level of security commensurate with the level of secu-

1 rity required by such United States air cargo secu-
2 rity programs.

3 (2) NOTIFICATION.—If the Administrator of
4 the Transportation Security Administration revokes
5 or suspends pursuant to paragraph (1) a foreign
6 country's air cargo security program, the Adminis-
7 trator shall notify the Committee on Homeland Se-
8 curity of the House of Representatives and the Com-
9 mittee on Commerce, Science, and Transportation of
10 the Senate not later than 30 days after such revoca-
11 tion or suspension.

12 **Subtitle D—Miscellaneous**

13 **SEC. 401. INTERNATIONAL TRAINING AND CAPACITY DE-** 14 **VELOPMENT.**

15 (a) IN GENERAL.—In accordance with section 114 of
16 title 49, United States Code, the Administrator of the
17 Transportation Security Administration shall establish an
18 international training and capacity development program
19 to train the appropriate authorities of foreign governments
20 in air transportation security.

21 (b) CONTENTS OF TRAINING.—If the Administrator
22 determines that a foreign government would benefit from
23 training and capacity development assistance, the Admin-
24 istrator may provide to the appropriate authorities of that
25 foreign government technical assistance and training pro-

1 grants to strengthen aviation security in managerial, oper-
2 ational, and technical areas, including—

- 3 (1) active shooter scenarios;
- 4 (2) incident response;
- 5 (3) use of canines;
- 6 (4) mitigation of insider threats;
- 7 (5) perimeter security;
- 8 (6) operation and maintenance of security
9 screening technology; and
- 10 (7) recurrent related training and exercises.

11 **SEC. __402. CHECKPOINTS OF THE FUTURE.**

12 (a) **IN GENERAL.**—The Administrator of the Trans-
13 portation Security Administration, in accordance with
14 chapter 449 of title 49, United States Code, shall request
15 the Aviation Security Advisory Committee to develop rec-
16 ommendations for more efficient and effective passenger
17 screening processes.

18 (b) **CONSIDERATIONS.**—In making recommendations
19 to improve existing passenger screening processes, the
20 Aviation Security Advisory Committee shall consider—

- 21 (1) the configuration of a checkpoint;
- 22 (2) technology innovation;
- 23 (3) ways to address any vulnerabilities identi-
24 fied in audits of checkpoint operations;

1 (4) ways to prevent security breaches at air-
2 ports where Federal security screening is provided;

3 (5) best practices in aviation security;

4 (6) recommendations from airport and aircraft
5 operators, and any relevant advisory committees;
6 and

7 (7) “curb to curb” processes and procedures.

8 (c) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Administrator shall submit
10 to the appropriate committees of Congress a report on the
11 results of the Aviation Security Advisory Committee re-
12 view, including any recommendations for improving
13 screening processes.