

Union Calendar No. 215

114TH CONGRESS
1ST SESSION

H. R. 3102

[Report No. 114–283]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2015

Mr. KATKO (for himself and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Homeland Security

OCTOBER 6, 2015

Additional sponsor: Mr. McCAUL

OCTOBER 6, 2015

Reported with an amendment, 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 July 16, 2015]

A BILL

To amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, streamline transportation security regulations, 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 “Airport Access Control*
 5 *Security Improvement Act of 2015”.*

6 **SEC. 2. AVIATION SECURITY.**

7 *(a) IN GENERAL.—Subtitle A of title XVI of the Home-*
 8 *land Security Act of 2002 is amended by adding at the end*
 9 *the following new section:*

10 **“SEC. 1602. RISK-BASED SCREENING OF EMPLOYEES AT AIR-**
 11 **PORTS.**

12 *“(a) SCREENING MODEL.—*

13 *“(1) IN GENERAL.—Not later than 180 days*
 14 *after the date of the enactment of this section, the Ad-*
 15 *ministrator shall establish a risk-based, intelligence-*
 16 *driven model for the screening of employees at air-*
 17 *ports based on level of access and employment posi-*
 18 *tions at domestic airports. Such screening model*
 19 *shall—*

20 *“(A) ensure that only those individuals au-*
 21 *thorized to have access to the secure areas of a*
 22 *domestic airport are permitted such access;*

23 *“(B) ensure that an individual is imme-*
 24 *diately denied entry to a secure area when such*

1 *individual's access authorization for such secure*
2 *area is withdrawn; and*

3 “(C) *provide a means to differentiate be-*
4 *tween individuals authorized to have access to an*
5 *entire secure area and individuals authorized ac-*
6 *cess to only a particular portion of a secure*
7 *area.*

8 “(2) *FACTORS.—The Administrator shall con-*
9 *sider the following factors when establishing the*
10 *screening model described in paragraph (1):*

11 “(A) *Whether and how often employees at*
12 *airports require employment-related access to Se-*
13 *cure Identification Display Areas, Airport Oper-*
14 *ations Areas, or secure areas.*

15 “(B) *The ability of each airport operator to*
16 *reduce employee entry and exit points to a mu-*
17 *tually agreed upon minimum number of such*
18 *entry and exit points necessary to maintain air-*
19 *port operations.*

20 “(C) *In consultation with airport operators,*
21 *the ability of the Administration to create a ran-*
22 *domization plan for screening at the defined*
23 *operational minimum entry and exit points at*
24 *airports which maximizes the deterrent effect of*
25 *screening efforts.*

1 “(b) *DISQUALIFYING OFFENSES.*—

2 “(1) *IN GENERAL.*—Not later than 180 days
3 after the date of the enactment of this section, the Ad-
4 ministrator, in consultation with the Director of the
5 Federal Bureau of Investigation, labor organizations
6 representing aviation, ground, and cabin crew work-
7 ers, and the Aviation Security Advisory Committee,
8 shall conduct an aviation security risk-based review
9 of the disqualifying criminal offenses codified in sec-
10 tions 1542.209 and 1544.229 of title 49, Code of Fed-
11 eral Regulations, to determine the appropriateness of
12 such offenses as a basis for denying to an employee
13 a credential that allows unescorted access to Secure
14 Identification Display Areas of airports. Such review
15 shall consider the following:

16 “(A) *The adequacy of codified disqualifying*
17 *offenses to address the current aviation security*
18 *threat environment, particularly the terrorism*
19 *insider threat.*

20 “(B) *If such codified disqualifying offenses*
21 *should be tailored to address the current aviation*
22 *security threat environment, particularly the ter-*
23 *rorism insider threat, by excluding or including*
24 *other offenses.*

1 “(C) *The potential security benefits, draw-*
2 *backs, and challenges associated with identifying*
3 *patterns of misdemeanors or of other non-dis-*
4 *qualifying offenses that could jeopardize aviation*
5 *security.*

6 “(D) *The feasibility of integrating similar*
7 *departmental eligibility requirements for access*
8 *to Secure Identification Display Areas of air-*
9 *ports.*

10 “(E) *If the ten year look-back period for*
11 *disqualifying offenses is appropriate, in light of*
12 *the current aviation security threat environment,*
13 *particularly the terrorism insider threat.*

14 “(2) *WAIVER.—Not later than 180 days after the*
15 *date of the enactment of this section, the Adminis-*
16 *trator shall provide an adequate redress process for*
17 *an employee who is subject to an adverse employment*
18 *decision, including removal or suspension of such em-*
19 *ployee, due to a disqualifying offense referred to in*
20 *paragraph (1), that is consistent with the appeals*
21 *and waiver process established for applicants for com-*
22 *mercial motor vehicle hazardous materials endorse-*
23 *ments and transportation workers at ports under sec-*
24 *tion 70105(c) of title 46, United States Code.*

1 “(3) *NOTICE.*—Any changes to the Secure Identi-
2 fication Display area badge program, such as changes
3 considered pursuant to subparagraphs (B), (C), (D),
4 and (E) of paragraph (1) shall be subject to notice of
5 proposed rulemaking.

6 “(4) *BRIEFING TO CONGRESS.*—Upon completion
7 of the aviation security risk-based review required
8 under paragraph (1), the Administrator shall brief
9 the Committee on Homeland Security of the House of
10 Representatives and the Committee on Homeland Se-
11 curity and Governmental Affairs and the Committee
12 on Commerce, Science, and Transportation of the
13 Senate on the results of such review.

14 “(c) *CREDENTIALING.*—Not later than 120 days after
15 the date of the enactment of this section, the Administrator,
16 in consultation with the Aviation Security Advisory Com-
17 mittee, shall review the auditing procedures for all airport-
18 issued identification media. Such review shall determine the
19 following:

20 “(1) *The efficacy of the auditing program re-*
21 *quirements at domestic airports to ensure the integ-*
22 *egrity, accountability, and control of airport-issued*
23 *identification media.*

1 “(2) *The feasibility of including biometrics*
2 *standards for all airport-issued identification media*
3 *used for identity verification and badge verification.*

4 “(3) *The feasibility of integrating other depart-*
5 *mental programs’ eligibility requirements for access*
6 *to secure areas of airports.*

7 “(d) *VETTING.*—

8 “(1) *IN GENERAL.*—*Not later than 180 days*
9 *after the date of the enactment of this section, the Ad-*
10 *ministrator shall—*

11 “(A) *establish a program to allow airport*
12 *badging offices to utilize the employment eligi-*
13 *bility confirmation system established under sec-*
14 *tion 404 of the Illegal Immigration Reform and*
15 *Immigrant Responsibility Act of 1996 (8 U.S.C.*
16 *1324a note; commonly referred to as ‘E-Verify’)*
17 *to determine the eligibility to work in the United*
18 *States of all applicants seeking access to secure*
19 *areas of airports;*

20 “(B) *establish a process to transmit appli-*
21 *cants’ biometric fingerprint data to the Office of*
22 *Biometric Identity Management’s (OBIM’s)*
23 *Automated Biometrics Identification System*
24 *(IDENT) for vetting; and*

1 “(C) conduct a data quality assessment to
2 ensure that credential application data elements
3 received by the Administration are complete and
4 match the data submitted by the airport opera-
5 tors.

6 “(2) *BRIEFING TO CONGRESS.*—Upon completion
7 of the responsibilities specified in paragraph (1), the
8 Administrator shall brief the Committee on Homeland
9 Security of the House of Representatives and the
10 Committee on Homeland Security and Governmental
11 Affairs and the Committee on Commerce, Science,
12 and Transportation of the Senate on the results of
13 such completion.

14 “(e) *REPORTING OF VIOLATIONS.*—Not later than 180
15 days after the date of the enactment of this section, the Ad-
16 ministrators shall establish a nationwide program for the
17 anonymous reporting of violations of airport security.

18 “(f) *CENTRALIZED DATABASE.*—Not later than 180
19 days after the date of the enactment of this section, the Ad-
20 ministrators, in consultation with the Aviation Security Ad-
21 visory Committee, shall—

22 “(1) establish a national database of employees
23 who have had either their airport or aircraft oper-
24 ator-issued badge revoked for failure to comply with
25 aviation security requirements;

1 “(2) *determine the appropriate reporting mecha-*
2 *nisms for airports and airlines to submit data re-*
3 *garding employees described in paragraph (1) and to*
4 *access the database established pursuant to such para-*
5 *graph; and*

6 “(3) *establish a process that allows individuals*
7 *whose names were mistakenly entered into such data-*
8 *base to have their names removed and have their*
9 *credentialing restored.*

10 “(g) *UPDATED REVIEW.—Not later than April 8,*
11 *2016, the Administrator, in consultation with the Aviation*
12 *Security Advisory Committee, shall conduct an updated*
13 *and thorough review of airport access controls.*

14 “(h) *EMPLOYEE SCREENING STUDY.—*

15 “(1) *IN GENERAL.—Not later than 180 days*
16 *after the date of the enactment of this section, the Ad-*
17 *ministrator, in consultation with the Aviation Secu-*
18 *rity Advisory Committee, shall submit to the Com-*
19 *mittee on Homeland Security of the House of Rep-*
20 *resentatives, the Committee on Homeland Security*
21 *and Governmental Affairs and the Committee on*
22 *Commerce, Science, and Transportation of the Senate,*
23 *and the Comptroller General of the United States a*
24 *cost and feasibility study of a statistically significant*
25 *number of Category I, II, and X airports, that en-*

1 *asures that all employee entry and exit points that*
2 *lead to secure areas of such airports are comprised of*
3 *the following:*

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

6 *“(B) Surveillance video recording, capable*
7 *of storing video data for at least 30 days.*

8 *“(C) Advanced screening technologies, in-*
9 *cluding at least one of the following:*

10 *“(i) Magnetometer (walk-through or*
11 *hand-held).*

12 *“(ii) Explosives detection canines.*

13 *“(iii) Explosives trace detection swab-*
14 *bing.*

15 *“(iv) Advanced imaging technology.*

16 *“(v) X-ray bag screening technology.*

17 *“(2) CONTENTS.—The study required under*
18 *paragraph (1) shall include information related to the*
19 *employee screening costs of those airports which have*
20 *already implemented practices of screening one-hun-*
21 *dred percent of employees entering secure areas of air-*
22 *ports, including the following:*

23 *“(A) Costs associated with establishing an*
24 *operational minimum number of employee entry*
25 *and exit points.*

1 “(B) *A comparison of costs associated with*
 2 *implementing the requirements specified in*
 3 *paragraph (1), based on whether such implemen-*
 4 *tation was carried out by the Administration or*
 5 *airports.*

6 “(3) *COMPTROLLER GENERAL ASSESSMENT.*—

7 “(A) *IN GENERAL.*—*Upon completion of the*
 8 *study required under paragraph (1), the Comp-*
 9 *troller General of the United States shall review*
 10 *such study to assess the quality and reliability of*
 11 *such study.*

12 “(B) *ASSESSMENT.*—*Not later than 60 days*
 13 *after the receipt of the study required under*
 14 *paragraph (1), the Comptroller General of the*
 15 *United States shall report to the Committee on*
 16 *Homeland Security of the House of Representa-*
 17 *tives and the Committee on Homeland Security*
 18 *and Governmental Affairs and the Committee on*
 19 *Commerce, Science, and Transportation of the*
 20 *Senate on the results of the review required*
 21 *under subparagraph (A).”.*

22 “(b) *CLERICAL AMENDMENT.*—*The table of contents of*
 23 *the Homeland Security Act of 2002 is amended by inserting*
 24 *after the item relating to section 1601 the following new*
 25 *item:*

 “Sec. 1602. *Risk-based screening of employees at airports.*”.

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