

Union Calendar No. 393

114TH CONGRESS
2^D SESSION

H. R. 4698

[Report No. 114–513]

To enhance aviation by requiring airport security assessments and a security coordination enhancement plan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2016

Mr. KATKO (for himself, Mr. McCAUL, Mr. KEATING, Mr. DONOVAN, and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Homeland Security

APRIL 21, 2016

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on March 3, 2016]

A BILL

To enhance aviation by requiring airport security assessments and a security coordination enhancement plan, 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 “Securing Aviation from*
5 *Foreign Entry Points and Guarding Airports Through En-*
6 *hanced Security Act of 2016”.*

7 **SEC. 2. LAST POINT OF DEPARTURE AIRPORT SECURITY AS-**
8 **SESSMENT.**

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

15 *(b) CONTENTS.—The security risk assessment required*
16 *under subsection (a) shall include consideration of the fol-*
17 *lowing:*

18 *(1) The level of coordination and cooperation be-*
19 *tween the Transportation Security Administration*
20 *and the foreign government of the country in which*
21 *the last point of departure airport with nonstop*
22 *flights to the United States is located.*

23 *(2) The intelligence and threat mitigation capa-*
24 *bilities of the country in which such airport is lo-*
25 *cated.*

1 (3) *The number of known or suspected terrorists*
2 *annually transiting through such airport.*

3 (4) *The passenger security screening practices,*
4 *capabilities, and capacity of such airport.*

5 (5) *The security vetting undergone by aviation*
6 *workers at such airport.*

7 (6) *The access controls utilized by such airport*
8 *to limit to authorized personnel access to secure and*
9 *sterile areas of such airports.*

10 **SEC. 3. SECURITY COORDINATION ENHANCEMENT PLAN.**

11 (a) *IN GENERAL.*—*Not later than 240 days after the*
12 *date of the enactment of this Act, the Administrator of the*
13 *Transportation Security Administration shall submit to*
14 *Congress and the Government Accountability Office a*
15 *plan—*

16 (1) *to enhance and bolster security collaboration,*
17 *coordination, and information sharing relating to se-*
18 *curing international-inbound aviation between the*
19 *United States and domestic and foreign partners, in-*
20 *cluding U.S. Customs and Border Protection, foreign*
21 *government entities, passenger air carriers, cargo air*
22 *carriers, and United States Government entities, in*
23 *order to enhance security capabilities at foreign air-*
24 *ports, including airports that may not have nonstop*

1 *flights to the United States but are nonetheless deter-*
2 *mined by the Administrator to be high risk; and*

3 *(2) that includes an assessment of the ability of*
4 *the Administration to enter into a mutual agreement*
5 *with a foreign government entity that permits Ad-*
6 *ministration representatives to conduct without prior*
7 *notice inspections of foreign airports.*

8 *(b) GAO REVIEW.—Not later than 180 days after the*
9 *submission of the plan required under subsection (a), the*
10 *Comptroller General of the United States shall review the*
11 *efforts, capabilities, and effectiveness of the Transportation*
12 *Security Administration to enhance security capabilities at*
13 *foreign airports and determine if the implementation of*
14 *such efforts and capabilities effectively secures inter-*
15 *national-inbound aviation.*

16 **SEC. 4. WORKFORCE ASSESSMENT.**

17 *Not later than 270 days after the date of the enactment*
18 *of this Act, the Administrator of the Transportation Secu-*
19 *rity Administration shall submit to Congress a comprehen-*
20 *sive workforce assessment of all Administration personnel*
21 *within the Office of Global Strategies of the Administration*
22 *or whose primary professional duties contribute to the Ad-*
23 *ministration's global efforts to secure transportation secu-*
24 *rity, including a review of whether such personnel are as-*
25 *signed in a risk-based, intelligence-driven manner.*

1 **SEC. 5. DONATION OF SCREENING EQUIPMENT TO PRO-**
2 **TECT THE UNITED STATES.**

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

9 (b) *REPORT.*—Not later than 30 days before any dona-
10 tion of security screening equipment pursuant to subsection
11 (a), the Administrator of the Transportation Security Ad-
12 ministration shall provide to the Committee on Homeland
13 Security of the House of Representatives and the Committee
14 on Homeland Security and Governmental Affairs and the
15 Committee on Commerce, Science, and Transportation of
16 the Senate a detailed written explanation of the following:

17 (1) *The specific vulnerability to the United*
18 *States or United States citizens that will be mitigated*
19 *by such donation.*

20 (2) *An explanation as to why the recipient of*
21 *such donation is unable or unwilling to purchase se-*
22 *curity screening equipment to mitigate such vulner-*
23 *ability.*

24 (3) *An evacuation plan for sensitive technologies*
25 *in case of emergency or instability in the country to*
26 *which such donation is being made.*

1 (4) *How the Administrator will ensure the secu-*
 2 *rity screening equipment that is being donated is*
 3 *used and maintained over the course of its life by the*
 4 *recipient.*

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

6 **SEC. 6. NATIONAL CARGO SECURITY PROGRAM.**

7 (a) *IN GENERAL.—The Administrator of the Trans-*
 8 *portation Security Administration may evaluate foreign*
 9 *countries' air cargo security programs to determine whether*
 10 *such programs provide a level of security commensurate*
 11 *with the level of security required by United States air*
 12 *cargo security programs.*

13 (b) *APPROVAL AND RECOGNITION.—*

14 (1) *IN GENERAL.—If the Administrator of the*
 15 *Transportation Security Administration determines*
 16 *that a foreign country's air cargo security program*
 17 *evaluated under subsection (a) provides a level of se-*
 18 *curity commensurate with the level of security re-*
 19 *quired by United States air cargo security programs,*
 20 *the Administrator shall approve and officially recog-*
 21 *nize such foreign country's air cargo security pro-*
 22 *gram.*

23 (2) *EFFECT OF APPROVAL AND RECOGNITION.—*
 24 *If the Administrator of the Transportation Security*
 25 *Administration approves and officially recognizes*

1 *pursuant to paragraph (1) a foreign country's air*
2 *cargo security program, cargo aircraft of such foreign*
3 *country shall not be required to adhere to United*
4 *States air cargo security programs that would other-*
5 *wise be applicable.*

6 (c) *REVOCATION AND SUSPENSION.*—

7 (1) *IN GENERAL.*—*If the Administrator of the*
8 *Transportation Security Administration determines*
9 *at any time that a foreign country's air cargo secu-*
10 *rity program approved and officially recognized*
11 *under subsection (b) no longer provides a level of se-*
12 *curity commensurate with the level of security re-*
13 *quired by United States air cargo security programs,*
14 *the Administrator may revoke or temporarily suspend*
15 *such approval and official recognition until such time*
16 *as the Administrator determines that such foreign*
17 *country's cargo security programs provide a level of*
18 *security commensurate with the level of security re-*
19 *quired by such United States air cargo security pro-*
20 *grams.*

21 (2) *NOTIFICATION.*—*If the Administrator of the*
22 *Transportation Security Administration revokes or*
23 *suspends pursuant to paragraph (1) a foreign coun-*
24 *try's air cargo security program, the Administrator*
25 *shall notify the Committee on Homeland Security of*

1 *the House of Representatives and the Committee on*
2 *Commerce, Science, and Transportation of the Senate*
3 *not later than 30 days after such revocation or sus-*
4 *pension.*

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