

KEEPING OUR TRAVELERS SAFE AND SECURE ACT

JULY 22, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 2770]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2770) to amend the Homeland Security Act of 2002 to require certain maintenance of security-related technology at airports, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keeping our Travelers Safe and Secure Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Administrator of the Transportation Security Administration has stated that the maintenance of security-related technology such as x-rays, explosive trace detection systems, explosive detection systems, liquid scanners, and enhanced walk-through metal detectors, is central to the execution of Transportation Security Administration’s mission to protect United States transportation systems.

(2) Preventive and corrective maintenance is essential to ensuring and extending the service lives of security-related technology.

(3) In May 2015, the Inspector General of the Department of Homeland Security, reporting on the results of a performance audit conducted between December 2013 and November 2014, concluded that because the Transportation Security Administration did not properly manage the maintenance of its security-related technology deployed to airports, it cannot be assured that routine preventive maintenance is performed or that equipment is repaired and ready for operational use.

(4) Specifically, the Inspector General found that the Transportation Security Administration did not issue adequate policies and procedures to document, track, and maintain preventive maintenance actions at the airport level and oversight of contractor-performed maintenance needed to be strengthened.

(5) According to the Inspector General, if the equipment is not fully operational, the Transportation Security Administration may have to use other screening measures that may be less effective at detecting dangerous items, thereby potentially jeopardizing passenger safety and security.

SEC. 3. MAINTENANCE OF SECURITY-RELATED TECHNOLOGY.

(a) **IN GENERAL.**—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding at the end the following:

“Subtitle C—Maintenance of Security-Related Technology

“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.

“(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this subtitle, the Administrator shall develop and implement a preventive maintenance validation process for security-related technology deployed to airports.

“(b) **MAINTENANCE BY ADMINISTRATION PERSONNEL AT AIRPORTS.**—For maintenance to be carried out by Administration personnel at airports, the process referred to in subsection (a) shall include the following:

“(1) Guidance to Administration personnel, equipment maintenance technicians, and other personnel at airports specifying how to conduct and document preventive maintenance actions.

“(2) Mechanisms for the Administrator to verify compliance with the guidance issued pursuant to paragraph (1).

“(c) **MAINTENANCE BY CONTRACTORS AT AIRPORTS.**—For maintenance to be carried out by a contractor at airports, the process referred to in subsection (a) shall require the following:

“(1) Provision of monthly preventive maintenance schedules to appropriate Administration personnel at each airport that includes information on each action to be completed by a contractor.

“(2) Notification to appropriate Administration personnel at each airport when maintenance action is completed by a contractor.

“(3) A process for independent validation by a third party of contractor maintenance.

“(d) **PENALTIES FOR NONCOMPLIANCE.**—The Administrator shall require maintenance contracts for security-related technology deployed to airports to include penalties for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers’ specifications.”

(b) **CLERICAL AMENDMENT.**—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1616 the following:

“Subtitle C—Maintenance of Security-Related Technology

“Sec. 1621. Maintenance validation and oversight.”

SEC. 4. INSPECTOR GENERAL ASSESSMENT.

Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall assess implementation of the requirements under this Act and the amendments made by this Act, and provide findings and recommendations with respect to the provision of training to Administration personnel, equipment maintenance technicians, and other personnel under section 1621 of the Homeland Security Act of 2002 (as added by section 3 of this Act) and the availability and utilization of equipment maintenance technicians employed by the Administration.

PURPOSE AND SUMMARY**BACKGROUND AND NEED FOR LEGISLATION**

The Department of Homeland Security Office of the Inspector General recently issued a report entitled “The Transportation Security Administration Does Not Properly Manage Its Airport Screening Equipment Maintenance Program” (DHS OIG–15–86) which examined the TSA’s airport screening equipment maintenance program and determined that adequate policies and procedures had not been implemented. This has resulted in equipment not being maintained to the specifications required by the manufacturer. Additionally, TSA did not have adequate policies to oversee if the routine preventative maintenance was accomplished resulting in equipment not being ready for operational use. This could shorten the operational life of some equipment and incur unnecessary costs to replace it. Additionally, the equipment, if not properly maintained, has the potential to be less effective at detecting dangerous items, which could jeopardize passenger and airline safety.

HEARINGS

No hearings were held on H.R. 2770.

COMMITTEE CONSIDERATION

The Committee met on June 23, 2015, to consider H.R. 2770, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An amendment by MISS RICE of New York (#1); was AGREED TO by voice vote.

Page 4, line 1, insert “, equipment maintenance technicians, and other personnel” after “Administration personnel”.

At the end of the bill insert a new section entitled “Sec. 4. Inspector General Assessment.”

The Subcommittee on Transportation Security met on June 16, 2015, and reported H.R. 2770 to the Full Committee with a favorable recommendation, without amendment, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2770.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 2770, the Keeping our Travelers Safe and Secure Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 2015.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2770, the Keeping Our Travelers Safe and Secure Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2770—Keeping Our Travelers Safe and Secure Act

H.R. 2770 specifies requirements and procedures regarding the Transportation Security Administration's (TSA's) maintenance of security-related technology deployed at airports. Based on information from TSA, CBO estimates that implementing this legislation would have no significant effect on the federal budget. According to the agency, the new requirements and procedures specified in the bill are largely consistent with existing efforts. As a result, CBO estimates that any changes in spending under H.R. 2770 would be negligible and would be subject to the availability of appropriated funds. Enacting H.R. 2770 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2770 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2770 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This bill directs the Inspector General of the Department of Homeland Security to conduct an assessment of the Administration's implementation of the requirements of this legislation one year after the enactment.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2770 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 2770 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 2770 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that bill may be cited as the “Keeping our Travelers Safe and Secure Act”.

Sec. 2. Findings

This section outlines the following Congressional findings:

1. According to the TSA Administrator, maintenance of security-related technology (x-rays, explosive trace detection systems, explosive detection systems, liquid scanners, and enhanced walk-through metal detectors) is vital to protecting U.S. transportation systems.

2. Both preventive and corrective maintenance is required for extending service lives of security technology.

3. According to DHS IG Report 15–86, TSA has not managed airport maintenance programs and therefore cannot be assured that routine preventive maintenance is performed and that equipment is repaired and ready for operational use.

4. According to DHS IG Report 15–86, TSA did not issue adequate policies and procedures to “document, track, and maintain preventive maintenance” at airports. Oversight of contractor-performed maintenance also needed to be strengthened.

5. According to DHS IG Report 15–86, TSA must resort to less effective screening measures if equipment is not fully operational—at the expense of passenger safety and security.

Section 3. Maintenance of security-related technology

This section amends the Homeland Security Act of 2002 by requiring that the Administrator of the Transportation Security Administration (TSA) develop and implement a preventative maintenance validation process for security related technologies used at airports within 180 days of enactment. This process must provide guidance to airport administrators on how to properly conduct and document preventative maintenance actions. The process must also provide mechanisms to enable airport administrators to ensure compliance with the newly implemented preventative maintenance validation procedures.

Additionally, this section specifies that when preventative maintenance is carried out by a contractor additional reporting and verification processes must be put into place. The contractors must provide the appropriate airport administrator with monthly preventative maintenance reports that include information on what specific actions were carried out by the contractor. The contractor must also notify the appropriate airport administrator when maintenance tasks have been completed. Finally, an independent validation process to verify the contractor’s claims must be implemented.

In this section, the bill requires the Administrator of the TSA to impose penalties for noncompliance when preventative and/or corrective maintenance does meet contractual requirements or manufacturer specifications.

Finally, this section requires the DHS Inspector General within one year of enactment to assess implementation of the requirements under this act and provide findings and recommendations with respect to the provision of training personnel, equipment tech-

nicians and other personnel and the availability and utilization of equipment maintenance technicians employed by TSA.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Homeland Security Act of 2002”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

*	*	*	*	*	*	*
TITLE XVI—TRANSPORTATION SECURITY						
*	*	*	*	*	*	*
<i>Subtitle C—Maintenance of Security-related Technology</i>						
<i>Sec. 1621. Maintenance validation and oversight.</i>						
*	*	*	*	*	*	*

**TITLE XVI—TRANSPORTATION
SECURITY**

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***Subtitle C—Maintenance of Security-
related Technology***

SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this subtitle, the Administrator shall develop and implement a preventive maintenance validation process for security-related technology deployed to airports.

(b) *MAINTENANCE BY ADMINISTRATION PERSONNEL AT AIRPORTS.*—For maintenance to be carried out by Administration personnel at airports, the process referred to in subsection (a) shall include the following:

(1) *Guidance to Administration personnel, equipment maintenance technicians, and other personnel at airports specifying how to conduct and document preventive maintenance actions.*

(2) *Mechanisms for the Administrator to verify compliance with the guidance issued pursuant to paragraph (1).*

(c) *MAINTENANCE BY CONTRACTORS AT AIRPORTS.*—For maintenance to be carried out by a contractor at airports, the process referred to in subsection (a) shall require the following:

(1) *Provision of monthly preventive maintenance schedules to appropriate Administration personnel at each airport that in-*

cludes information on each action to be completed by a contractor.

(2) Notification to appropriate Administration personnel at each airport when maintenance action is completed by a contractor.

(3) A process for independent validation by a third party of contractor maintenance.

(d) PENALTIES FOR NONCOMPLIANCE.—The Administrator shall require maintenance contracts for security-related technology deployed to airports to include penalties for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers' specifications.

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