

115TH CONGRESS
2D SESSION

H. R. 4561

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2018

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To provide for third party testing of transportation security
screening technology, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Security Assessment
3 Feasibility for Equipment Testing and Evaluation of Ca-
4 pabilities for our Homeland Act” or the “SAFE TECH
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

14 **SEC. 3. THIRD PARTY TESTING OF SECURITY SCREENING**
15 **TECHNOLOGY.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of the enactment of this Act, the Administrator, in
18 consultation with the Under Secretary for Science and
19 Technology of the Department of Homeland Security,
20 shall develop a program to enable a vendor of transpor-
21 tation security screening technology to obtain testing, in-
22 cluding as an alternative to the Administration’s testing
23 process under paragraph (9) of section 114(f) of title 49,
24 United States Code, by an appropriate third party, as de-
25 termined by the Administrator, in consultation with the

1 Under Secretary, of such technology before procurement
2 or development of such technology.

3 (b) DETECTION TESTING.—

4 (1) IN GENERAL.—The third party testing pro-
5 gram authorized under subsection (a) shall include
6 detection testing to evaluate the performance of a
7 security screening technology relating to the prob-
8 ability of detection, the probability of false alarm,
9 and other indicators that such technology is able to
10 meet the Administration’s mission needs for detec-
11 tion of—

12 (A) explosives; and

13 (B) prohibited items.

14 (2) COORDINATION WITH FINAL PROCESSES.—

15 To the extent practicable, and without compromising
16 the integrity of the Administration’s testing process
17 under paragraph (9) of section 114(f) of title 49,
18 United States Code, or the Department of Home-
19 land Security’s oversight of such testing process, or
20 increasing costs to the Administration, the Adminis-
21 trator shall coordinate the third party detection test-
22 ing under paragraph (1) with any associated subse-
23 quent final Department of Homeland Security test-
24 ing.

1 (3) INTERNATIONAL PARTNERSHIPS.—To the
2 extent practicable and permissible under law, and in
3 accordance with national security interests of the
4 United States, the Administrator shall—

5 (A) share with appropriate international
6 partners detection testing information and
7 standards; and

8 (B) coordinate with such appropriate inter-
9 national partners to align such testing informa-
10 tion and standards to maximize the capability
11 to detect explosives and other threats.

12 (c) ALTERNATIVE TESTING FACTORS.—Third party
13 testing under subsection (a) may include as an alternative,
14 at the discretion of the Administrator, the testing at the
15 TSA Systems Integration Facility of the Administration,
16 including testing for—

17 (1) health and safety factors;

18 (2) operator interface;

19 (3) human factors;

20 (4) environmental factors;

21 (5) throughput;

22 (6) reliability, maintainability, and availability
23 factors; and

24 (7) interoperability.

1 (d) TESTING FRAMEWORK.—The Administrator, in
2 consultation with the Under Secretary for Science and
3 Technology of the Department of Homeland Security,
4 shall—

5 (1) establish a framework for the third party
6 testing under this section to determine if the secu-
7 rity screening technology that is the subject of such
8 testing satisfies the Administration’s requirements
9 before such technology may enter or re-enter, as ap-
10 plicable, operational testing at an airport or other
11 transportation facility; and

12 (2) use phased implementation to allow the Ad-
13 ministration and the third party concerned to estab-
14 lish best practices.

15 (e) PRIORITIZATION OF THIRD PARTY TESTING.—
16 The Administrator may prioritize, when appropriate, the
17 field testing of security screening technology and equip-
18 ment by third parties.

19 (f) ELIGIBLE ENTITIES.—

20 (1) UNITED STATES OWNERSHIP.—An entity
21 providing third party testing under the program de-
22 veloped pursuant to subsection (a) shall be owned
23 and controlled by a citizen of the United States.

24 (2) WAIVER.—The Administrator may waive
25 the requirement specified in paragraph (1) with re-

1 spect to an entity that is a United States subsidiary
2 of a parent company that has implemented a foreign
3 ownership, control, or influence mitigation plan that
4 has been approved by the Defense Security Service
5 of the Department of Defense prior to seeking to en-
6 gage in third party testing. The Administrator has
7 complete discretion to reject any proposal from a
8 company to provide testing under subsection (a) that
9 requires a waiver under this paragraph.

10 (3) CONFLICTS OF INTEREST.—The Adminis-
11 trator shall ensure, to the extent possible, that an
12 entity providing third party testing under this sec-
13 tion does not have a contractual, business, or other
14 pecuniary interest (exclusive of any such testing)
15 in—

16 (A) the security screening technology sub-
17 ject to such testing; or the

18 (B) vendor of such technology.

19 **SEC. 4. RECIPROCAL RECOGNITION OF SECURITY STAND-**
20 **ARDS.**

21 (a) IN GENERAL.—The Administrator, in coordina-
22 tion with the European Civil Aviation Conference, shall
23 continue development of a validation process for the recip-
24 rocal recognition of security validation processes for rec-

1 ognition of security screening technologies or certification
2 authorities for deployment.

3 (b) REQUIREMENT.—The validation process under
4 subsection (a) shall ensure that the certification process
5 of each participating international security partner or rec-
6 ognized certification authority complies with Administra-
7 tion standards.

8 **SEC. 5. GAO REVIEW.**

9 Not later than 2 years after the date of the enact-
10 ment of this Act, the Comptroller General of the United
11 States shall submit to the Committee on Homeland Secu-
12 rity of the House of Representatives and the Committee
13 on Commerce, Science, and Transportation of the Senate
14 a study on the third party testing program developed
15 under this Act. Such study shall include a review of the
16 following:

17 (1) Any efficiencies or gains in effectiveness
18 achieved in the Administration's operations as a re-
19 sult of such program.

20 (2) The degree to which the Administration
21 conducts timely and regular oversight of entities en-
22 gaged in such testing.

23 (3) The effect of such program on the fol-
24 lowing:

1 (A) The introduction of innovative detec-
2 tion technologies into security screening oper-
3 ations.

4 (B) The availability of testing for tech-
5 nologies developed by small to medium sized
6 businesses.

7 (C) Any vulnerabilities associated with
8 such program including with respect to the fol-
9 lowing:

10 (i) National security.

11 (ii) Conflicts of interest between enti-
12 ties carrying out such testing and entities
13 with such technologies to be tested.

14 (iii) Waste, fraud, and abuse.

Passed the House of Representatives January 9,
2018.

Attest:

KAREN L. HAAS,

Clerk.