

116TH CONGRESS
1ST SESSION

H. R. 3318

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2019

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

AN ACT

To require the Transportation Security Administration to establish a task force to conduct an analysis of emerging and potential future threats to transportation security, 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 “Emerging Transpor-
3 tation Security Threats Act of 2019”.

4 **SEC. 2. EMERGING AND FUTURE THREATS TASK FORCE.**

5 (a) **IN GENERAL.**—Not later than 90 days after the
6 date of the enactment of this Act, the Administrator of
7 the Transportation Security Administration, in consulta-
8 tion with the Director of National Intelligence and the in-
9 telligence community (as such term is defined in section
10 3(4) of the National Security Act of 1947 (50 U.S.C.
11 3003(4))) and the heads of other Federal agencies, as de-
12 termined appropriate by the Administrator, shall establish
13 a task force to conduct an analysis of emerging and poten-
14 tial future threats to transportation security.

15 (b) **MEMBERSHIP.**—The task force established under
16 subsection (a) shall be comprised of employees of the De-
17 partment of Homeland Security who, in carrying out the
18 analysis required under such subsection, shall consult with
19 the Director of National Intelligence and the intelligence
20 community and the heads of Federal agencies, as deter-
21 mined appropriate by the Administrator.

22 (c) **DEADLINE.**—Not later than 270 days after the
23 Administrator establishes the task force under subsection
24 (a), the task force shall submit to the Administrator the
25 analysis required under such subsection.

1 (d) ELEMENTS.—The analysis required under sub-
2 section (a) shall include emerging and potential future
3 threats posed by the following:

4 (1) Evolving tactics by terrorist organizations
5 that may pose a catastrophic risk to an aviation or
6 surface transportation entity.

7 (2) Explosive and explosive devices or attacks
8 involving the use of explosives that may cause cata-
9 strophic damage to an aviation or surface transpor-
10 tation system.

11 (3) Chemical or biological agents being released
12 in either aviation or surface transportation systems.

13 (4) Cyberthreat actors seeking to undermine
14 confidence in transportation systems or cause service
15 disruptions that jeopardize transportation security.

16 (5) Unmanned aerial systems with the capa-
17 bility of inflicting harm on transportation targets.

18 (6) Individuals or groups seeking to attack soft
19 targets, public areas, or crowded spaces of transpor-
20 tation systems, including attacks against Transpor-
21 tation Security Administration employees and other
22 security personnel.

23 (7) Foreign actors seeking to exploit
24 vulnerabilities posed by the inconsistent or inad-
25 equate security screening protocols at last point of

1 departure airports with direct flights to the United
2 States.

3 (8) Information sharing challenges within the
4 Federal Government and among partner govern-
5 ments.

6 (9) Information sharing challenges between the
7 Administration or other relevant Federal agencies
8 and transportation stakeholders, including air car-
9 riers, airport operators, surface transportation oper-
10 ators, and State and local law enforcement.

11 (10) Growth in passenger volume in both the
12 aviation and surface transportation sectors.

13 (e) MITIGATION.—Not later than 120 days after the
14 completion of the analysis required under subsection (a),
15 the Administrator of the Transportation Security Admin-
16 istration shall develop, as appropriate, a threat mitigation
17 strategy for each of the threats examined in such analysis,
18 and—

19 (1) assign appropriate resources of the Admin-
20 istration to address such threats, based on cal-
21 culated risk; or

22 (2) provide recommendations through the De-
23 partment of Homeland Security to the appropriate
24 Federal department or agency responsible for ad-
25 dressing such threats.

1 (f) STAKEHOLDER ENGAGEMENT.—When carrying
2 out the analysis required under subsection (a), the Admin-
3 istrator of the Transportation Security Administration
4 shall engage transportation stakeholders referred to in
5 subsection (b)(9) and account for security concerns of
6 transportation operators by—

7 (1) convening not fewer than three industry day
8 events for such transportation stakeholders to hear
9 from relevant public and private sector security part-
10 ners and provide feedback on threats such transpor-
11 tation stakeholders identify as emerging;

12 (2) developing strategies to solicit feedback on
13 a consistent basis from such transportation stake-
14 holders across all modes of transportation and pro-
15 viding consistent responses to stakeholder concerns;

16 (3) improving the quality, timeliness, and rel-
17 evancy of information sharing products disseminated
18 by the Administration to such transportation stake-
19 holders, including classified information sharing
20 products;

21 (4) coordinating security incident response and
22 communications drills, including tabletop exercises,
23 to improve incident preparedness and response capa-
24 bilities across transportation modes and among
25 transportation systems;

1 (5) encouraging regular communication between
2 Federal Security Directors, Field Intelligence Offi-
3 cers, Federal Air Marshal Special Agents in Charge,
4 and such transportation stakeholders;

5 (6) establishing regular opportunities for senior
6 Administration leadership to engage with such trans-
7 portation stakeholders regarding changes in the
8 threat environment and how the Administration can
9 offer security support to address such changes; and

10 (7) briefing the Aviation Security Advisory
11 Committee and the Surface Transportation Security
12 Advisory Committee on the efforts of the task force
13 established pursuant to subsection (a).

14 (g) BRIEFING TO CONGRESS.—The Administrator of
15 the Transportation Security Administration shall brief the
16 Committee on Homeland Security of the House of Rep-
17 resentatives and the Committee on Commerce, Science,
18 and Transportation of the Senate on the results of the
19 analysis required under subsection (a) and relevant miti-
20 gation strategies developed in accordance with subsection
21 (c).

22 (h) NON-APPLICABILITY OF FACCA AND PRA.—The
23 Federal Advisory Committee Act (5 U.S.C. App.) and the
24 Paperwork Reduction Act (44 U.S.C. 3501 et seq.) shall

1 not apply to the task force established under subsection
2 (a).

3 **SEC. 3. COMPTROLLER GENERAL STUDY.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of the enactment of this Act, the Comptroller General
6 of the United States shall conduct a review of the feasi-
7 bility, risks, costs, and potential threat mitigation benefits
8 of the Transportation Security Administration deploying
9 the agency's passenger and property screening assets to
10 conduct screening in areas or facilities prior to passenger
11 arrival at airport terminals.

12 (b) STAKEHOLDER ENGAGEMENT.—In conducting
13 the review required under subsection (a), the Comptroller
14 General of the United States shall consult with the Trans-
15 portation Security Administration, airport operators, air
16 carriers, businesses that operate in airports, labor groups
17 representing the Transportation Security Administration
18 and transportation sector personnel, and other stake-
19 holders.

Passed the House of Representatives December 9,
2019.

Attest: CHERYL L. JOHNSON,
Clerk.