

# Union Calendar No. 153

116TH CONGRESS  
1ST SESSION

# H. R. 3318

**[Report No. 116–195]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2019

Mr. JOYCE of Pennsylvania (for himself and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Homeland Security

AUGUST 30, 2019

Additional sponsor: Mr. HAGEDORN

AUGUST 30, 2019

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 June 18, 2019]

# **A BILL**

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,*

3       **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “Emerging Transpor-*  
5       *tation Security Threats Act of 2019”.*

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

7       *(a) IN GENERAL.—Not later than 90 days after the*  
8       *date of the enactment of this Act, the Administrator of the*  
9       *Transportation Security Administration, in consultation*  
10       *with the Director of National Intelligence and the intel-*  
11       *ligence community (as such term is defined in section 3(4)*  
12       *of the National Security Act of 1947 (50 U.S.C. 3003(4)))*  
13       *and the heads of other Federal agencies, as determined ap-*  
14       *propriate by the Administrator, shall establish a task force*  
15       *to conduct an analysis of emerging and potential future*  
16       *threats to transportation security.*

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

24       *(c) DEADLINE.—Not later than 270 days after the Ad-*  
25       *ministrator establishes the task force under subsection (a),*

1 *the task force shall submit to the Administrator the analysis*  
2 *required under such subsection.*

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

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

9 *(2) Explosive and explosive devices or attacks in-*  
10 *volving the use of explosives that may cause cata-*  
11 *strophic damage to an aviation or surface transpor-*  
12 *tation system.*

13 *(3) Chemical or biological agents being released*  
14 *in either aviation or surface transportation systems.*

15 *(4) Cyberthreat actors seeking to undermine con-*  
16 *fidence in transportation systems or cause service dis-*  
17 *ruptions that jeopardize transportation security.*

18 *(5) Unmanned aerial systems with the capability*  
19 *of inflicting harm on transportation targets.*

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

1           (7) *Foreign actors seeking to exploit*  
2           *vulnerabilities posed by the inconsistent or inadequate*  
3           *security screening protocols at last point of departure*  
4           *airports with direct flights to the United States.*

5           (8) *Information sharing challenges within the*  
6           *Federal Government and among partner governments.*

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

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

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

20                 (1) *assign appropriate resources of the Adminis-*  
21                 *tration to address such threats, based on calculated*  
22                 *risk; or*

23                 (2) *provide recommendations through the De-*  
24                 *partment of Homeland Security to the appropriate*

1       *Federal department or agency responsible for address-*  
2       *ing such threats.*

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

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

14              (2) *developing strategies to solicit feedback on a*  
15       *consistent basis from such transportation stakeholders*  
16       *across all modes of transportation and providing con-*  
17       *sistent responses to stakeholder concerns;*

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

23              (4) *coordinating security incident response and*  
24       *communications drills, including tabletop exercises, to*  
25       *improve incident preparedness and response capabili-*

1        *ties across transportation modes and among transpor-*  
2        *tation systems;*

3            (5) *encouraging regular communication between*  
4        *Federal Security Directors, Field Intelligence Officers,*  
5        *Federal Air Marshal Special Agents in Charge, and*  
6        *such transportation stakeholders;*

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

12           (7) *briefing the Aviation Security Advisory*  
13        *Committee and the Surface Transportation Security*  
14        *Advisory Committee on the efforts of the task force es-*  
15        *tablished pursuant to subsection (a).*

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

23        (h) *NON-APPLICABILITY OF FACA AND PRA.—The*  
24        *Federal Advisory Committee Act (5 U.S.C. App.) and the*

1 *Paperwork Reduction Act (44 U.S.C. 3501 et seq.) shall not*  
2 *apply to the task force established under subsection (a).*

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

4       (a) *IN GENERAL.*—Not later than one 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 feasibility,*  
7 *risks, costs, and potential threat mitigation benefits of the*  
8 *Transportation Security Administration deploying the*  
9 *agency’s passenger and property screening assets to conduct*  
10 *screening in areas or facilities prior to passenger arrival*  
11 *at airport terminals.*

12       (b) *STAKEHOLDER ENGAGEMENT.*—In conducting the  
13 *review required under subsection (a), the Comptroller Gen-*  
14 *eral of the United States shall consult with the Transpor-*  
15 *tation Security Administration, airport operators, air car-*  
16 *riers, businesses that operate in airports, labor groups rep-*  
17 *resenting the Transportation Security Administration and*  
18 *transportation sector personnel, and other stakeholders.*





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