

117TH CONGRESS
1ST SESSION

H. R. 1871

AN ACT

To improve the understanding and clarity of Transportation
Security Administration policies, 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 “Transportation Secu-
3 rity Transparency Improvement Act”.

4 **SEC. 2. SENSITIVE SECURITY INFORMATION; INTER-**
5 **NATIONAL AVIATION SECURITY.**

6 (a) SENSITIVE SECURITY INFORMATION.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of the enactment of this Act, the Adminis-
9 trator of the Transportation Security Administration
10 (TSA) shall—

11 (A) ensure clear and consistent designation
12 of “Sensitive Security Information”, including
13 reasonable security justifications for such des-
14 ignation;

15 (B) develop and implement a schedule to
16 regularly review and update, as necessary, TSA
17 Sensitive Security Information Identification
18 guidelines;

19 (C) develop a tracking mechanism for all
20 Sensitive Security Information redaction and
21 designation challenges;

22 (D) document justifications for changes in
23 position regarding Sensitive Security Informa-
24 tion redactions and designations, and make
25 such changes accessible to TSA personnel for
26 use with relevant stakeholders, including air

1 carriers, airport operators, surface transpor-
2 tation operators, and State and local law en-
3 forcement, as necessary; and

4 (E) ensure that TSA personnel are ade-
5 quately trained on appropriate designation poli-
6 cies.

7 (2) STAKEHOLDER OUTREACH.—Not later than
8 180 days after the date of the enactment of this Act,
9 the Administrator of the Transportation Security
10 Administration (TSA) shall conduct outreach to rel-
11 evant stakeholders described in paragraph (1)(D)
12 that regularly are granted access to Sensitive Secu-
13 rity Information to raise awareness of the TSA’s
14 policies and guidelines governing the designation and
15 use of Sensitive Security Information.

16 (b) INTERNATIONAL AVIATION SECURITY.—

17 (1) IN GENERAL.—Not later than 60 days after
18 the date of the enactment of this Act, the Adminis-
19 trator of the Transportation Security Administration
20 shall develop and implement guidelines with respect
21 to last point of departure airports to—

22 (A) ensure the inclusion, as appropriate, of
23 air carriers and other transportation security
24 stakeholders in the development and implemen-

1 tation of security directives and emergency
2 amendments;

3 (B) document input provided by air car-
4 riers and other transportation security stake-
5 holders during the security directive and emer-
6 gency amendment, development, and implemen-
7 tation processes;

8 (C) define a process, including time
9 frames, and with the inclusion of feedback from
10 air carriers and other transportation security
11 stakeholders, for cancelling or incorporating se-
12 curity directives and emergency amendments
13 into security programs;

14 (D) conduct engagement with foreign part-
15 ners on the implementation of security direc-
16 tives and emergency amendments, as appro-
17 priate, including recognition if existing security
18 measures at a last point of departure airport
19 are found to provide commensurate security as
20 intended by potential new security directives
21 and emergency amendments; and

22 (E) ensure that new security directives and
23 emergency amendments are focused on defined
24 security outcomes.

1 (2) BRIEFING TO CONGRESS.—Not later than
2 90 days after the date of the enactment of this Act,
3 the Administrator of the Transportation Security
4 Administration shall brief the Committee on Home-
5 land Security of the House of Representatives and
6 the Committee on Commerce, Science, and Trans-
7 portation of the Senate on the guidelines described
8 in paragraph (1).

9 (3) DECISIONS NOT SUBJECT TO JUDICIAL RE-
10 VIEW.—Notwithstanding any other provision of law,
11 any action of the Administrator of the Transpor-
12 tation Security Administration under paragraph (1)
13 is not subject to judicial review.

Passed the House of Representatives July 20, 2021.

Attest:

Clerk.

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