

111TH CONGRESS  
2D SESSION

# S. 3866

To standardize training programs of the Transportation Security Administration, to establish an Office of Behavior Analysis in the Transportation Security Administration, to enhance partnerships between the Transportation Security Administration and State and local law enforcement agencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. CARPER (for himself and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To standardize training programs of the Transportation Security Administration, to establish an Office of Behavior Analysis in the Transportation Security Administration, to enhance partnerships between the Transportation Security Administration and State and local law enforcement agencies, 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 “Aviation Security Inno-  
5 vation & Reform Act of 2010” or the “AIR Act of 2010”.

1 **SEC. 2. CONTINUING SECURITY TRAINING.**

2 Section 44935 of title 49, United States Code, is  
3 amended—

4 (1) by striking “Under Secretary of Transpor-  
5 tation for Security” each place it appears and insert-  
6 ing “Assistant Secretary of Homeland Security  
7 (Transportation Security Administration)”;

8 (2) by striking “Under Secretary” each place it  
9 appears and inserting “Assistant Secretary”;

10 (3) by amending subsection (g) to read as fol-  
11 lows:

12 “(g) TRAINING.—

13 “(1) TRAINING PLAN.—The Assistant Secretary  
14 shall establish and implement a plan for the training  
15 of Transportation Security Officers that—

16 “(A) to the maximum extent practicable,  
17 ensures that the training received by Transpor-  
18 tation Security Officers is standardized; and

19 “(B) meets the requirements of this sub-  
20 section.

21 “(2) GENERAL TRAINING REQUIREMENTS.—

22 The plan required by paragraph (1) shall require, at  
23 a minimum, that an individual employed as a Trans-  
24 portation Security Officer—

25 “(A) receives, before the individual per-  
26 forms any screening functions as a Transpor-

1           tation Security Officer, training in basic secu-  
2           rity screening skills and in criminal and  
3           antiterrorism awareness;

4           “(B) completes a program that the Assist-  
5           ant Secretary determines will train individuals  
6           to a level of proficiency to adequately perform  
7           on the job;

8           “(C) successfully completes an up-to-date  
9           technical training examination prescribed by the  
10          Assistant Secretary; and

11          “(D) in the case of a Transportation Secu-  
12          rity Officer who will be responsible for verifying  
13          travel documents, completes up-to-date tech-  
14          nical training in document fraud identification,  
15          as considered appropriate by the Assistant Sec-  
16          retary.

17          “(3) EQUIPMENT-SPECIFIC TRAINING.—An in-  
18          dividual employed as a Transportation Security Offi-  
19          cer may not use any security screening device or  
20          equipment in the scope of that individual’s employ-  
21          ment unless the individual has been trained on that  
22          device or equipment and has successfully completed  
23          a test on the use of the device or equipment.

24          “(4) CONTINUING EDUCATION.—The plan re-  
25          quired by paragraph (1) shall require an individual

1 employed as a Transportation Security Officer to re-  
2 ceive annual training, as considered appropriate by  
3 the Assistant Secretary.

4 “(5) USE OF OTHER AGENCIES.—The Assistant  
5 Secretary may enter into a memorandum of under-  
6 standing or other arrangement with any other Fed-  
7 eral agency or department with appropriate law en-  
8 forcement responsibilities, to provide personnel, re-  
9 sources, or other forms of assistance in the training  
10 of Transportation Security Officers.”;

11 (4) by moving subsection (h) 2 ems to the left;

12 and

13 (5) by redesignating the second subsection (i)  
14 (relating to accessibility of computer-based training  
15 facilities) as subsection (k).

16 **SEC. 3. OFFICE OF BEHAVIOR ANALYSIS.**

17 Section 114 of title 49, United States Code, is  
18 amended—

19 (1) in subsection (a), by striking “Department  
20 of Transportation” and inserting “Department of  
21 Homeland Security”;

22 (2) by striking “Under Secretary of Transpor-  
23 tation for Security” each place it appears and insert-  
24 ing “Assistant Secretary of Homeland Security  
25 (Transportation Security Administration)”;

1           (3) by striking “Under Secretary” each place it  
2 appears and inserting “Assistant Secretary”; and

3           (4) by inserting after subsection (s) the fol-  
4 lowing:

5           “(t) OFFICE OF BEHAVIOR ANALYSIS.—

6           “(1) ESTABLISHMENT.—There is established in  
7 the Transportation Security Administration the Of-  
8 fice of Behavior Analysis (in this subsection referred  
9 to as the ‘Office’).

10           “(2) LOCATION.—The Office of Behavior Anal-  
11 ysis shall be within the Office of Security Operations  
12 of the Transportation Security Administration in the  
13 Department of Homeland Security and shall be  
14 headed by a Transportation Security Administration  
15 career employee, who shall be appointed by the As-  
16 sistant Secretary of Homeland Security (Transporta-  
17 tion Security Administration).

18           “(3) DUTIES.—The head of the Office shall be  
19 responsible for—

20           “(A) advising the Transportation Security  
21 Administration and other Federal, State, and  
22 local government law enforcement agencies on  
23 behavior detection methodologies and best prac-  
24 tices; and

1           “(B) providing behavior assessment train-  
2           ing to law enforcement personnel to facilitate  
3           the prevention of terrorist attacks on aviation  
4           and mass transportation systems.”.

5 **SEC. 4. PARTNERSHIPS WITH STATE AND LOCAL LAW EN-**  
6 **FORCEMENT AGENCIES WITH RESPECT TO**  
7 **BEHAVIOR DETECTION ACTIVITIES.**

8           (a) IN GENERAL.—The Assistant Secretary of Home-  
9           land Security (Transportation Security Administration)  
10          (in this Act referred to as the “Assistant Secretary”) shall  
11          develop and maintain partnerships with State and local  
12          law enforcement agencies—

13                 (1) to improve the coordination of behavior de-  
14                 tection activities; and

15                 (2) to deploy Transportation Security Officers  
16                 of the Transportation Security Administration that  
17                 specialize in techniques to identify high-risk individ-  
18                 uals based on behavior patterns (in this Act referred  
19                 to as “behavior detection officers”) to serve as an  
20                 additional layer of security and to deter acts of ter-  
21                 rorism at train and bus stations and other infra-  
22                 structure facilities.

23           (b) COLLABORATION IN TRAINING AND BEHAVIOR  
24          DETECTION ACTIVITIES.—In implementing partnerships  
25          under subsection (a), the Assistant Secretary shall—

1           (1) coordinate the provision of behavior detec-  
2           tion training for State and local law enforcement of-  
3           ficers with similar training provided for Transpor-  
4           tation Security Officers of the Transportation Secu-  
5           rity Administration; and

6           (2) provide behavior detection officers with the  
7           opportunity to cross-train with State and local law  
8           enforcement agencies and other Federal law enforce-  
9           ment agencies that are responsible for protecting  
10          critical infrastructure facilities and mass transit sys-  
11          tems, as the Assistant Secretary considers appro-  
12          priate.

13 **SEC. 5. ACCESS TO INFORMATION DATABASES.**

14          The Assistant Secretary shall—

15           (1) provide a select group of behavior detection  
16           officers at Passengers by Observation Techniques  
17           airports with an appropriate level of security clear-  
18           ance to access law enforcement and intelligence  
19           databases, to assist in verifying a passenger's iden-  
20           tity, and to assist in law enforcement operations;

21           (2) require the Transportation Security Admin-  
22           istration's Transportation Security Operations Cen-  
23           ter to utilize all of the law enforcement and intel-  
24           ligence databases available to the Center when

1 checking passengers that are at the law enforcement  
2 official referral level; and

3 (3) standardize and streamline threat-reporting  
4 guidelines to allow behavior detection officers or  
5 other designated Transportation Security Adminis-  
6 tration officials to receive information from the  
7 Transportation Security Operations Center in a  
8 timely manner.

9 **SEC. 6. STANDARDIZATION OF POLICIES OF THE TRANS-**  
10 **PORTATION SECURITY ADMINISTRATION.**

11 The Assistant Secretary shall, to the maximum ex-  
12 tent practicable, continue to ensure the standardization of  
13 the security and personnel procedures of the Transpor-  
14 tation Security Administration at airports in the United  
15 States, including by—

16 (1) requiring standard operating procedures to  
17 be consistently enforced by the Transportation Secu-  
18 rity Administration at each airport in the United  
19 States;

20 (2) standardizing career advancement policies  
21 based on merit; and

22 (3) establishing timeframes and milestones for  
23 systematically conducting evaluations of the Screen-  
24 ing of Passengers by Observation Techniques  
25 (SPOT) training program, in order to ensure behav-

1 ior detection officers possess the knowledge and  
2 skills needed to perform their duties.

3 **SEC. 7. DEPLOYMENT OF ADDITIONAL SECURITY.**

4 The Assistant Secretary shall—

5 (1) deploy behavior detection officers to events  
6 designated as National Special Security Events by  
7 the Secretary of Homeland Security; and

8 (2) deploy Visible Intermodal Prevention and  
9 Response teams at passenger rail facilities to en-  
10 hance security and cross-training opportunities for  
11 behavior detection officers.

12 **SEC. 8. EMPLOYEE FEEDBACK.**

13 The Assistant Secretary shall establish an electronic  
14 medium through which security screening personnel and  
15 behavior detection officers of the Transportation Security  
16 Administration may anonymously submit feedback to the  
17 Assistant Secretary regarding—

18 (1) the effectiveness of transportation security  
19 programs; and

20 (2) any management issue that such personnel  
21 or any such Transportation Security Officer wish to  
22 bring to the attention of the Assistant Secretary.

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