

BIOMETRIC ENHANCEMENT FOR AIRPORT-RISK  
REDUCTION ACT OF 2008

JUNE 5, 2008.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland  
Security, submitted the following

R E P O R T

[To accompany H.R. 5982]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5982) to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Biometric Enhancement for Airport-Risk Reduction Act of 2008”.

**SEC. 2. DEFINITIONS.**

In this Act, the following definitions apply:

(1) **BIOMETRIC IDENTIFIER SYSTEM.**—The term “biometric identifier system” means a system that uses biometric identifier information to match individuals and confirm identity for transportation security and other purposes.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security acting through the Assistant Secretary of Homeland Security (Transportation Security Administration).

**SEC. 3. BIOMETRIC IDENTIFIER SYSTEMS.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the working group of industry stakeholders to be established under subsection (c), shall conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport.

(2) **PURPOSE.**—The purpose of the study shall be to enhance transportation security against a potential act of terrorism by an airport worker who is allowed unescorted access to secure or sterile areas of an airport.

(3) **RISK-BASED ANALYSIS.**—In conducting the study, the Secretary shall conduct a risk-based analysis of selected Category X and I airports and other airports, as the Secretary determines appropriate, to identify where the implementation of biometric identifier systems could benefit airports.

(4) **CONSIDERATIONS.**—In conducting the study, the Secretary shall consider the following:

(A) **PARALLEL SYSTEMS.**—Existing parallel biometric security systems applicable to workers with unescorted access to critical infrastructure, including—

(i) transportation security cards issued under section 70105 of title 46, United States Code;

(ii) armed law enforcement travel credentials issued under section 44903(h)(6) of title 49, United States Code; and

(iii) other credential programs used by the Federal Government, as the Secretary considers appropriate.

(B) **EFFORTS BY TRANSPORTATION SECURITY ADMINISTRATION.**—Any biometric programs or proposals developed by the Assistant Secretary of Homeland Security (Transportation Security Administration).

(C) **INFRASTRUCTURE AND TECHNICAL REQUIREMENTS.**—The architecture, modules, interfaces, and transmission of data needed to address risks associated with securing airports by providing interoperable biometric security measures and credentials for airport workers with unescorted access to secure and sterile areas of an airport.

(D) **EXISTING AIRPORT SYSTEMS.**—Biometric infrastructure and systems in use in secure and sterile areas of airports.

(E) **INCENTIVES.**—Possible incentives for airports that voluntarily seek to implement uniform, standards-based, and interoperable biometric identifier systems.

(F) **ASSOCIATED COSTS.**—The costs of implementing uniform, standards-based, and interoperable biometric identifier systems at airports, including—

(i) the costs to airport operators, airport workers, air carriers, and other aviation industry stakeholders; and

(ii) the costs associated with ongoing operations and maintenance and modifications and enhancements needed to support changes in physical and electronic infrastructure.

(G) **GAO RECOMMENDATIONS.**—Any recommendations or findings developed by the Government Accountability Office relating to implementing biometric security for airport workers with unescorted access to secure and sterile areas of airports.

(H) **INFORMATION FROM OTHER SOURCES.**—Recommendations, guidance, and information from other sources, including government entities, organizations representing airport workers, and private individuals and organizations.

(5) **REPORT.**—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Trans-

portation of the Senate a report on the results of the study conducted under this subsection.

(b) BEST PRACTICES.—

(1) IDENTIFICATION OF BEST PRACTICES.—The Secretary, in consultation with the working group of aviation industry stakeholders to be established under subsection (c), shall identify best practices for the administration of biometric credentials at airports, including best practices for each of the following processes:

- (A) Registration and enrollment.
- (B) Eligibility vetting and risk assessment.
- (C) Issuance.
- (D) Verification and use.
- (E) Expiration and revocation.
- (F) Development of a cost structure for acquisition of biometric credentials.
- (G) Development of redress processes for workers.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall—

(A) submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that outlines the best practices identified under paragraph (1); and

(B) make the report available to airport operators.

(c) AVIATION AND AIRPORT SECURITY WORKING GROUP.—

(1) IN GENERAL.—The Secretary shall convene a working group to assist the Secretary with issues pertaining to implementing and carrying out this section.

(2) MEMBERSHIP.—The Secretary shall ensure that the membership of the working group includes aviation industry stakeholders and specifically includes individuals selected from among—

- (A) the membership of the Transportation Security Administration’s Aviation Security Advisory Committee;
- (B) individuals and organizations representing airports;
- (C) individuals and organizations representing airport workers, including those airport workers with unescorted access to secure and sterile areas of airports;
- (D) individuals and organizations representing the biometric technology sector; and
- (E) any other individuals and organizations that the Secretary considers appropriate.

(3) NONAPPLICABILITY OF FACAA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working group established under this subsection.

(4) SUNSET.—The working group established under this subsection shall cease operations 30 days after the date of submission of the report under subsection (a)(5) or 30 days after the date of submission of the report under subsection (b)(2), whichever is later.

#### PURPOSE AND SUMMARY

The purpose of H.R. 5982 is to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The “Biometric Enhancement for Airport-Risk Reduction Act” is needed to address the repeated concerns with airport security, especially as it relates to workers with unescorted access to secure and sterile areas of airports. In November 2007, an investigation at Chicago O’Hare Airport resulted in over a hundred people, mostly airport workers, being sought for using falsified airport identification credentials. An investigation found that the Chicago Department of Aviation failed to monitor its “badging” program, and

did not properly dispose of Personally Identifiable Information, such as Social Security Numbers and birthdates. This led to false credentials being issued, including to some airport workers.

Shortly after the Chicago incident, there was a growing international trend to use, where possible, biometric identifying credentials for airport workers. In January 2008 in the United Kingdom, the Manchester Airport implemented what it claims was the United Kingdom's first biometric access control systems for workers to access secure areas of the airport. In May 2008, the Canadian Air Transport Security Authority awarded a contract for the production of biometric based credentials for airport workers at its 29 airports nationwide. As a result of these incidents and in response to requests made to the Committee by various industry stakeholders, including airport owners and operators, transportation workers and their representatives, labor unions, and the Department of Homeland Security, H.R. 5982 was introduced to begin the process of developing a plan for how airports can, if they elect to, migrate to a biometric credential system for workers with unescorted access to secure and sterile areas of the airports. This bill does not create a biometric credential mandate on airports and it does not alter or in any way change the ongoing efforts to implement the Transportation Worker Identification Credential (TWIC) program.

#### HEARINGS

On April 19, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Airport Security: The Necessary Improvements to Secure America's Airports." The Subcommittee received testimony from Hon. Edmund "Kip" Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Ms. Lauren Stover, Assistant Aviation Director for Security and Communications, Miami-Dade Aviation Department; Mr. Greg Principato, President, Airports Council International—North America; and Mr. William E. Holden, Senior Vice President of Operations, Covenant Homeland Security Solutions.

On July 31, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Managing Risk and Increasing Efficiency: An Examination of the Implementation of the Registered Traveler Program." The Subcommittee received testimony from Hon. Edmund "Kip" Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Mr. Tom Conaway, Managing Partner, Homeland Security, Unisys Corporation; Mr. Steven Brill, Chairman and Chief Executive Officer, CLEAR Verified Identity Pass, Inc.; and Mr. Bill Connors, Executive Director and COO, National Business Travel Association.

On October 16, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled "Aviation Security: Are We Truly Protected?" The Subcommittee received testimony from Ms. Cathleen A. Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office; Hon. Edmund "Kip" Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; and Mr. Frank-

lin Hatfield, Director, System Operations Security Office, Federal Aviation Administration.

On October 31, 2007, the full Committee held a hearing entitled “Homeland Security Failures: TWIC Examined.” The Subcommittee received testimony from Hon. Edmund “Kip” Hawley, Administrator, Transportation Security Administration, Department of Homeland Security; Admiral Brian Salerno, Director, Inspection and Compliance, U.S. Coast Guard, Department of Homeland Security; and Ms. Cathleen A. Berrick, Director, Homeland Security and Justice, Government Accountability Office.

On November 1, 2007, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Aviation Security Part II: A Frontline Perspective on the Need for Enhanced Human Resources and Equipment.” The Subcommittee received testimony from Mr. John Gage, National President, American Federation of Government Employees, AFL–CIO; Ms. Patricia A. Friend, International President, Association of Flight Attendants—CWA, AFL–CIO; and Mr. Robert Hesselbein, Chairman, National Security Committee, Airline Pilots Association, International.

On April 15, 2008, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “Moving Beyond the First Five Years: How the Transportation Security Administration Will Continue to Enhance Security for All Modes of Transportation.” The Subcommittee received testimony from Hon. Edmund “Kip” Hawley, Assistant Secretary, Transportation Security Administration, Department of Homeland Security; Ms. Cathleen A. Berrick, Director, Homeland Security and Justice, Government Accountability Office; Mr. Clark Kent Ervin, Director, Homeland Security Initiative, Aspen Institute; Mr. C. Stewart Verdery, Jr., Partner, Monument Policy Group, LLC.

#### COMMITTEE CONSIDERATION

H.R. 5982 was introduced in the House on May 7, 2008, by Mr. Thompson of Mississippi and Ms. Jackson-Lee of Texas. H.R. 5982 was referred solely to the Committee on Homeland Security.

The Committee on Homeland Security considered H.R. 5982 on May 20, 2008, and ordered the measure reported to the House with a favorable recommendation, as amended, by unanimous consent.

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Thompson (#1); was AGREED TO by unanimous consent.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during Committee consideration.

#### COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX  
EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5982, the Biometric Enhancement for Airport-Risk Reduction Act of 2008, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

JUNE 3, 2008.

Hon. BENNIE G. THOMPSON,  
*Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5982, the Biometric Enhancement for Airport-Risk Reduction Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

PETER R. ORSZAG.

Enclosure.

*H.R. 5982—Biometric Enhancement for Airport-Risk Reduction Act  
of 2008*

H.R. 5982 would require the Department of Homeland Security (DHS) to establish a working group to study and identify best practices for using biometric identification systems to screen airport employees with access to secure areas of airports. Based on information from DHS and assuming appropriation of the necessary funds, CBO estimates that implementing the bill would cost \$1 million in 2009 and \$250,000 annually thereafter. That estimate includes one-time costs of preparing the proposed study and ongoing costs to operate the working group. Enacting H.R. 5982 would not affect direct spending or revenues.

H.R. 5982 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5982 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The Biometric Enhancement for Airport-Risk Reduction Act requires the Transportation Security Administration (TSA) to provide Congress and airport operators and all other interested stake-

holders with a strategic document, which outlines specific deadlines and program descriptions, and best practices for utilizing biometrics to better protect airports. This bill seeks to further develop ongoing biometric programs that can enhance protections against terrorism and other threats to critical infrastructure. Specifically, H.R. 5982 requires TSA to study and provide a report within 270 days detailing how airports can transition to uniform, standards-based and interoperable biometric identifier systems for airport workers with unescorted access to secure and sterile areas of the airport. Additionally, H.R. 5982 requires TSA and a newly established working group to examine existing programs, such as the Transportation Worker Identification Credential, and identify approaches on how biometrics can enhance protections for secure and sterile areas of the airport. The reports mandated by this bill should be completed in a comprehensive manner that considers all existing biometric programs and proposed programs that can be used to enhance protection for secure and sterile areas of the airport.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This Act may be cited as the “The Biometric Enhancement for Airport Risk-Reduction Act of 2008”.

### *Section 2. Definitions*

This section defines terms used in this measure: “biometric identifier system” as a system that uses biometric identifier information to match individuals and confirm identity for transportation security and other purposes; and “Secretary” to mean the Secretary of Homeland Security acting through the Assistant Secretary of Homeland Security for the Transportation Security Administration.

### *Section 3. Biometric identifier systems*

This section requires the Secretary, in consultation with a working group created under the measure, to issue a study, within 270 days of enactment, on how airports can transition to uniform, standards-based and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport to enhance airport transportation security.

A required component of this study is a risk-based analysis of selected Category X and 1 airports and other airports to identify where biometrics could enhance transportation security. Among the required considerations for the risk-based study are existing parallel biometric security systems at the Department such as, but not limited to, Transportation Worker Identification Credential (TWIC), Law Enforcement Officer Credentialing, and other programs used by the Federal Government that the Secretary considers appropriate. The study shall also consider any biometric programs or policies in development by TSA, possible incentives to promote greater deployment of biometric systems in the airport environment, any Government Accountability Office recommendations and any other relevant information.

Additionally, the Secretary is required to issue a report, no later than a year after enactment, which identifies best practices for the administration of biometric credentials at airports. The report shall include best practices in each of the following areas: Registration and enrollment; eligibility and vetting and risk assessment; issuance; verification and use; expiration and revocation; development of a cost structure for acquisition of biometric credentials; and development of redress processes for workers. These materials should provide airport operators with clear, cost effective, and feasible guidelines that can be adopted across airports.

To execute the requirements of this measure, this section directs the Secretary of Homeland Security to convene a working group. The membership for the working group should include but is not limited to, members of the TSA’s Aviation Security Advisory Committee; individuals and organizations representing airports; individuals and organizations representing airport workers; organizations representing airport workers with unescorted access to secure and sterile areas of airports and individuals and organizations representing the biometric technology sector.

The Committee recognizes the important contribution airline employees and airport workers, including employees of airport and hospitality services, play in our aviation system. This measure is intended to advance existing security efforts that protect airport workers, the flying public and our aviation system.

The Committee, after meeting with the Transportation Security Administration and biometric industry stakeholders, has identified

several steps taken by the Transportation Security Administration to evaluate and integrate biometric identifier system technologies at airports. In an effort to mitigate any duplicative guidance or directives and enhance communication between Congress and the Transportation Security Administration, the Committee believes the report developed in this bill will serve as a thorough blueprint of the Department's strategy as it pertains to biometric technologies and their current uses at airports as well as potential security applications for worker identification and verification systems.

Although the TWIC program continues to be evolving as a program at the Department, there appears to be enough data to incorporate into an analysis of how such technology can be integrated at airports and across the airport worker community. In addition, the Committee believes that the materials developed under this measure should be used as a guide for individual airports considering how to transition to a successful biometric identifier system at their airports. The bill does not mandate the use of biometric identifier systems, it only requires an informed study of its potential. The Committee further believes the materials developed can assist the Department of Homeland Security in developing a strategy for biometric technologies and assessing their current uses at airports as well as potential security applications for worker identification and verification systems.