

AIRPORT PERIMETER AND ACCESS CONTROL SECURITY
ACT OF 2016

JULY 1, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 5056]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5056) to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

| | Page |
|---|------|
| Purpose and Summary | 2 |
| Background and Need for Legislation | 2 |
| Hearings | 2 |
| Committee Consideration | 3 |
| Committee Votes | 3 |
| Committee Oversight Findings | 3 |
| New Budget Authority, Entitlement Authority, and Tax Expenditures | 3 |
| Congressional Budget Office Estimate | 3 |
| Statement of General Performance Goals and Objectives | 4 |
| Duplicative Federal Programs | 4 |
| Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ... | 5 |
| Federal Mandates Statement | 5 |
| Preemption Clarification | 5 |
| Disclosure of Directed Rule Makings | 5 |
| Advisory Committee Statement | 5 |
| Applicability to Legislative Branch | 5 |
| Section-by-Section Analysis of the Legislation | 5 |
| Changes in Existing Law Made by the Bill, as Reported | 6 |

PURPOSE AND SUMMARY

The purpose of H.R. 5056 is to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

This legislation seeks to bolster perimeter security and access controls at domestic airports by requiring the Transportation Security Administration to update relevant risk assessments and leveraging system-wide incident reporting to analyze trends contributing to the threat environment. The Committee believes that the state of access controls at domestic airports is in need of direct and thorough scrutiny in order to mitigate perimeter breaches and insider threats to aviation security. Given varying resources and challenges faced by airports across the United States, the Transportation Security Administration is well-placed to act as a best-practices and risk assessment facilitator for the aviation community. This legislation will ensure that efforts in this regard are risk-based, intelligence-driven, and reflective of the changing threat landscape facing aviation security.

HEARINGS

No hearings were held on H.R. 5056, however the Committee held the following oversight hearings:

On February 3, 2015, the Subcommittee on Transportation Security held a hearing entitled “A Review of Access Control Measures at Our Nation’s Airports.” The Subcommittee received testimony from Mr. Mark Hatfield, Acting Deputy Administrator, Transportation Security Administration, U.S. Department of Homeland Security; Mr. Doug Perdue, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, U.S. Department of Justice; Ms. Sharon L. Pinkerton, Senior Vice President, Legislative and Regulatory Policy, Airlines for America; and Mr. Miguel Southwell, General Manager, Hartsfield-Jackson Atlanta International Airport.

The Subcommittee on Transportation Security continued its hearing on April 30, 2015, with a hearing entitled “A Review of Access Control Measures at Our Nation’s Airports, Part II.” The Subcommittee received testimony from Mr. Melvin J. Carraway, Acting Administrator, Transportation Security Administration, U.S. Department of Homeland Security; Jeanne M. Olivier, A.A.E., Assistant Director, Aviation Security and Technology, Security Operations and Programs Department, The Port Authority of New York & New Jersey, *testifying on behalf of The American Association of Airport Executives*; and Mr. Steven Grossman, Chief Executive Officer/Executive Director, Jacksonville International Airport, Jacksonville Aviation Authority, *testifying on behalf of The Airports Council International, North America*.

On June 16, 2015, the Subcommittee on Transportation Security held a hearing entitled “How TSA Can Improve Aviation Worker Vetting.” The Subcommittee received testimony from Hon. John Roth, Inspector General, U.S. Department of Homeland Security; Ms. Stacey Fitzmaurice, Deputy Assistant Administrator, Office of

Intelligence and Analysis, Transportation Security Administration, U.S. Department of Homeland Security; and Ms. Jennifer Grover, Director, Transportation Security and Coast Guard Issues, Homeland Security and Justice Team, U.S. Government Accountability Office.

112th Congress

On May 16, 2012, the Subcommittee on Transportation Security held a hearing entitled “Access Control Point Breaches at Our Nation’s Airports: Anomalies or Systemic Failures?” The Subcommittee received testimony from Mr. John P. Sammon, Assistant Administrator, Office of Security Policy and Industry Engagement, Transportation Security Administration, Department of Homeland Security; Mr. Charles K. Edwards, Acting Inspector General, Department of Homeland Security; Mr. Mark Crosby, Chief of Public Safety & Security, Portland International Airport, *testifying on behalf of the American Association of Airport Executives*; Captain Sean P. Cassidy, First Vice President, Air Line Pilots Association, International; and Mr. William Swift, Chairman, Airport Minority Advisory Council.

COMMITTEE CONSIDERATION

The Committee met on April 28, 2016, to consider H.R. 5056, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, 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 consideration of H.R. 5056.

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. 5056, the Airport Perimeter and Access Control Security Act of 2016, 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.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 17, 2016.

Hon. MICHAEL MCCAUL,
*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. 5056, the Airport Perimeter and Access Control Security Act of 2016.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 5056—Airport Perimeter and Access Control Security Act of 2016

H.R. 5056 would require the Administrator of the Transportation Security Administration (TSA) to update certain risk assessments related to security at airports, particularly along airport perimeters and points of access to secure areas. The bill would require the agency to report to the Congress on those risk assessments and update the agency's strategic plan related to security measures at airports.

According to TSA, many of the requirements specified in H.R. 5056 are largely consistent with current administrative policy. As a result, CBO estimates that any increased spending by TSA to meet the bills requirements would total less than \$500,000 annually; any such spending would be subject to the availability of appropriated funds.

Enacting H.R. 5056 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5056 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5056 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. The estimate was approved by H. Samuel Papenfuss, Deputy 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. 5056 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The legislation requires a report to the relevant Congressional Committees concerning the updated risk assessments required within the bill.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 5056 does not contain any provision that establishes or reau-

thorizes a program known to be duplicative of another Federal program.

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(e), 9(f), or 9(g) of the 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.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 5056 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 5056 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

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

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 section provides that this bill may be cited as the “Airport Perimeter and Access Control Security Act of 2016”.

Sec. 2. Risk Assessments of Airport Security.

This section requires the Administrator of the Transportation Security Administration (TSA) to provide an aviation sector update to the Transportation Sector Security Risk Assessment (TSSRA) no later than 60 days after the enactment of this Act. No more than 90 days after the enactment of the Act, the Administrator must also provide an update with the latest and most up-to-date intelligence information pertaining to the Risk Assessment of Airport Security in addition to determining a timeframe for when further

updates to the Risk Assessment of Airport Security will occur. No more than 90 days after the Act's enactment, a system-wide assessment of airport access control points and airport perimeter security must also occur.

The security risk assessment shall include those updates reflected in the findings of both the TSSRA and Joint Vulnerability Assessment (JVA), including changes to the risk environment pertaining to airport access control points and airport perimeters. The assessment shall also utilize security data for analysis of system-wide trends related to airport access control points and airport perimeter security so as to better inform risk management decisions. Finally, the assessment shall take into consideration the geographic and current best practices utilized by airports to help mitigate potential vulnerabilities. The results of the risk assessments shall be reported by the TSA Administrator to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, relevant agencies and departments, and airport operators.

Sec. 3. Airport Security Strategy Development.

No more than 90 days after the enactment of this Act, the TSA Administrator must provide an update to the 2012 National Strategy for Airport Perimeter and Access Control Security, also referred to as the National Strategy. This updated National Strategy shall include all information from the Risk Assessment of Airport Security as well as information pertaining to airport security-related activities, the status of TSA efforts to address the goals and objectives outlined in subsection (a) of the Act, finalized outcome-based performance measures and performance levels for each relevant goal and objective listed under subparagraphs (A) and (B) of the Act, and input from airport operators.

Finally, not more than 90 days after the update in subsection (a) of the Act is completed, the TSA Administrator must implement a process for determining when additional updates to the strategy will be needed.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 5056 makes no changes to existing law.

