

GLOBAL AVIATION SYSTEM SECURITY REFORM ACT
OF 2017

JANUARY 9, 2018.—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. 4559]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4559) to conduct a global aviation security review, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	3
Hearings	3
Committee Consideration	5
Committee Votes	5
Committee Oversight Findings	5
New Budget Authority, Entitlement Authority, and Tax Expenditures	5
Congressional Budget Office Estimate	5
Statement of General Performance Goals and Objectives	5
Duplicative Federal Programs	6
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	6
Federal Mandates Statement	6
Preemption Clarification	6
Disclosure of Directed Rule Makings	6
Advisory Committee Statement	6
Applicability to Legislative Branch	6
Section-by-Section Analysis of the Legislation	6
Changes in Existing Law Made by the Bill, as Reported	7

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 “Global Aviation System Security Reform Act of 2017”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **ADMINISTRATION.**—The term “Administration” means the Transportation Security Administration.
- (2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Transportation Security Administration.
- (3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 3. GLOBAL AVIATION SECURITY REVIEW.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall conduct a global aviation security review to address improving aviation security standards, including standards intended to mitigate cybersecurity threats, across the global aviation system.

(b) **COMPOSITION.**—The global aviation security review established under subsection (a) shall include input from the following entities:

- (1) The Office of Global Strategies of the Administration.
- (2) The Office of Intelligence and Analysis of the Administration.
- (3) The Office of Security Policy and Industry Engagement of the Administration.

(c) **COORDINATION.**—The Administrator shall coordinate with the following entities on the global aviation security review:

- (1) U.S. Customs and Border Protection.
- (2) The Office of International Engagement of the Department of Homeland Security.
- (3) The Department of State.
- (4) Any other relevant office or agency of the Federal government, as determined by the Administrator.

(d) **BEST PRACTICES.**—The global aviation security review shall establish best practices regarding the following:

- (1) Collaborating with foreign partners to improve global aviation security capabilities and standards.
- (2) Identifying foreign partners that have not successfully implemented security protocols from the International Civil Aviation Organization or the Department of Homeland Security and have not taken steps to implement such security protocols.
- (3) Improving the development, outreach, and implementation process for security directives or emergency amendments, as the case may be, issued to domestic and foreign air carriers.
- (4) Assessing the cybersecurity and cyber espionage risk of security screening equipment.

SEC. 4. REPORT TO CONGRESS.

(a) **PROGRESS REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall report to the appropriate congressional committees on the organization, development, and progress of the global aviation security review required under section 3.

(b) **FINAL REPORT.**—Not later than 240 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on best practices identified by the global aviation security review required under section 3 and the actions the Administrator has taken to implement such best practices.

PURPOSE AND SUMMARY

The purposes of H.R. 4559 is to conduct a global aviation security review by improving global aviation security standards. This legislation directs the Administrator of the Transportation Security Administration (TSA) to conduct a comprehensive review of aviation security implementation and challenges across the global aviation system. Specifically, this review cuts across multiple offices and components of the Department of Homeland Security (DHS), as well as relevant partner agencies of the Federal Government. The goal of this legislation is to improve coordination and outreach both

within the United States government and with foreign partners regarding improvements to aviation security.

BACKGROUND AND NEED FOR LEGISLATION

Over the last several months, the Department of Homeland Security and the Transportation Security Administration have been engaged in efforts to raise the global baseline of aviation security, out of stark concerns for the aviation threat landscape posed particularly towards international inbound civil aviation. A key goal in mitigating the threat to aviation security is working more effectively to improve security at overseas Last Point of Departure (LPD) airports and engaging in efforts to raise security standards at airports across the globe.

HEARINGS

114th Congress

On July 16, 2015, the Subcommittee on Transportation Security held a hearing entitled “Examining the Federal Air Marshal Service and Its Readiness to Meet the Evolving Threat.” The Subcommittee received testimony from Mr. Roderick “Rod” Allison, Assistant Administrator, Office of Law Enforcement, Federal Air Marshal Service, Transportation Security Administration, U.S. Department of Homeland Security; and Capt. Tim Canoll (Ret. Naval Reserve), President, Air Line Pilots Association.

On December 8, 2015, the Subcommittee on Transportation Security held a hearing entitled “Examining TSA’s Global Efforts to Protect the Homeland from Aviation Threats and Enhance Security at Last Point of Departure Airports.” The Subcommittee received testimony from Mr. Joseph P. Terrell, Deputy Assistant Administrator, Office of Global Strategies, Transportation Security Administration, U.S. Department of Homeland Security.

On January 7, 2016, the Subcommittee on Transportation Security held a hearing entitled “Transportation Security Acquisition Reform Act: Examining Remaining Challenges.” The Subcommittee received testimony from Mr. Steven Wallen, Director, Explosives Division, Homeland Security Advanced Research Projects Agency, Science and Technology Directorate, U.S. Department of Homeland Security; Ms. Jill Vaughan, Assistant Administrator, Office of Security Technologies, Transportation Security Administration, U.S. Department of Homeland Security; Ms. Michele Mackin, Director, Office Acquisition and Sourcing Management, U.S. Government Accountability Office; and Mr. TJ Schulz, Executive Director, Security Manufacturers Coalition.

On March 2, 2016, the Subcommittee on Transportation Security held a hearing entitled “The Transportation Security Administration’s FY2017 Budget Request.” The Subcommittee received testimony from Hon. Peter V. Neffenger, Administrator, Transportation Security Administration, U.S. Department of Homeland Security.

On May 17, 2016, the Subcommittee on Transportation Security held a hearing entitled “Flying Blind: What are the security risks of resuming U.S. Commercial Air Service to Cuba?” The Subcommittee received testimony from Mr. Larry Mizell, TSA Representative, Transportation Security Administration,

U.S. Department of Homeland Security; Mr. Paul Fujimura, Assistant Administrator, Office of Global Strategies, U.S. Department of Homeland Security; Mr. John Wagner, Deputy Executive Assistant Commissioner, Customs and Border Protection, U.S. Department of Homeland Security; Mr. Seth Stodder, Assistant Secretary of Homeland Security, Border, Immigration and Trade Policy, U.S. Department of Homeland Security; and Mr. Kurt Tong, Principal Deputy Assistant Secretary, Bureau of Economic and Business Affairs, U.S. Department of State.

115th Congress

On April 27, 2017, the Subcommittee on Transportation and Protective Security held a hearing entitled “Checkpoint of the Future: Evaluating TSA’s Innovation Task Force Initiative” The Subcommittee received testimony from Mr. Steve Karoly, Acting Assistant Administrator, Office of Requirements and Capabilities Analysis, Transportation Security Administration, U.S. Department of Homeland Security; Mr. Roosevelt Council, Jr., General Manager, Hartsfield-Jackson Atlanta International Airport, Department of Aviation, City of Atlanta, Georgia; Ms. Jeanne M. Olivier, A.A.E., Assistant Director, Aviation Security & Technology, Security Operations and Programs Department, The Port Authority of New York and New Jersey.

On July 25, 2017, the Subcommittee on Transportation and Protective Security held a hearing entitled “Securing Air Cargo: Industry Perspectives.” The Subcommittee received testimony from Mr. Stephen A. Alterman, President, Cargo Airline Association; Mr. Brandon Fried, Executive Director, Airforwarders Association; Mr. Michael C. Mullen, Executive Director, Express Association of America; and Mr. Bart Elias, Specialist in Aviation Policy, Resources, Science and Industry Division, Congressional Research Service, Library of Congress.

On September 26, 2017, the Subcommittee on Transportation and Protective Security held a hearing entitled “Raising the Standard: DHS’s Efforts to Improve Aviation Security Around the Globe.” The Subcommittee received testimony from Mr. Craig Lynes, Director of Global Compliance, Office of Global Strategies, Transportation Security Administration, U.S. Department of Homeland Security; Mr. Todd C. Owen, Executive Assistant Commissioner, Office of Field Operations, Customs and Border Protection, U.S. Department of Homeland Security; and Ms. Jennifer Grover, Director, Homeland Security and Justice, U.S. Government Accountability Office.

On October 3, 2017, the Subcommittee on Intergovernmental Affairs of the Committee on Oversight and Government Reform and the Subcommittee on Transportation and Protective Security held a joint hearing entitled “Innovations in Security: Examining the Use of Canines.” The Subcommittees received testimony from Mr. Scott Smith, Lieutenant, Orlando Police Department, Orlando, Florida; Ms. Cynthia M. Otto, Director, Penn Vet Working Dog Center, School of Veterinary Medicine, University of Pennsylvania; Ms. Sheila Goffe, Vice President of Government Relations, American Kennel Club.

On November 8, 2017, the Full Committee held a hearing entitled “Preventing the Next Attack: TSA’s Role in Keeping Our

Transportation Systems Secure.” The Committee received testimony from Hon. David P. Pekoske, Administrator, Transportation Security Administration, U.S. Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on December 13, 2017, to consider H.R. 4559, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendment was offered:

An amendment offered by MR. LENGVIN (#1); was AGREED TO by voice vote.

In section 3(a), insert “, including standards intended to mitigate cybersecurity threats,” after “standards”.

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. 4559.

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. 4559, the Global Aviation System Security Reform Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

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. 4559 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation requires a review to be conducted within 180 days of enactment and derive best practices from the review. The

legislation also requires a report to Congress at 90 and 240 days respectively.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4559 does not contain any provision that establishes or reauthorizes 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

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the CONGRESSIONAL RECORD upon its receipt by the Committee.

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. 4559 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4559 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 “Global Aviation System Security Reform Act of 2017”.

Sec. 2. Definitions.

This section defines the terms used in this act including: “Administration”; “Administrator”; and “Appropriate Congressional committees”.

Sec. 3. Global Aviation Security Review.

This section establishes a global aviation security review by the Administrator not later than 180 days after enactment to address improving security standards across the global aviation security system. The review must include input from TSA’s Office of Global Strategies, Office of Intelligence and Analysis, and Office of Security Policy and Industry Engagement in coordination with U.S. Customs and Border Protection, the DHS Office of International Engagement, the Department of State, and any other relevant office or agency of the Federal Government.

This section directs that the review shall establish best practices regarding collaboration with foreign partners, challenges in the implementation of ICAO standards among foreign partners, improvement of security protocol outreach, and assessments of cybersecurity risks for screening equipment.

Sec. 4. Report to Congress.

This section requires that the Administrator report to the relevant Congressional committees on the progress of the review and then submit a final report on the best practices identified by the review not later than 90 and 240 days respectively.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4559 makes no changes to existing law.

