

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.

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

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

employed as a Transportation Security Officer to receive annual training, as considered appropriate by the Assistant Secretary.

“(5) USE OF OTHER AGENCIES.—The Assistant Secretary may enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of Transportation Security Officers.”;

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

and

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

SEC. 3. OFFICE OF BEHAVIOR ANALYSIS.

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

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

(2) by striking “Under Secretary of Transportation for Security” each place it appears and inserting “Assistant Secretary of Homeland Security (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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