

114TH CONGRESS  
1ST SESSION

# H. R. 3102

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2015

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To amend the Homeland Security Act of 2002 to reform programs of the Transportation Security Administration, streamline transportation security regulations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Airport Access Control  
3 Security Improvement Act of 2015”.

4 **SEC. 2. AVIATION SECURITY.**

5 (a) IN GENERAL.—Subtitle A of title XVI of the  
6 Homeland Security Act of 2002 is amended by adding at  
7 the end the following new section:

8 **“SEC. 1602. RISK-BASED SCREENING OF EMPLOYEES AT**  
9 **AIRPORTS.**

10 “(a) SCREENING MODEL.—

11 “(1) IN GENERAL.—Not later than 180 days  
12 after the date of the enactment of this section, the  
13 Administrator shall establish a risk-based, intel-  
14 ligence-driven model for the screening of employees  
15 at airports based on level of access and employment  
16 positions at domestic airports. Such screening model  
17 shall—

18 “(A) ensure that only those individuals au-  
19 thorized to have access to the secure areas of  
20 a domestic airport are permitted such access;

21 “(B) ensure that an individual is imme-  
22 diately denied entry to a secure area when such  
23 individual’s access authorization for such secure  
24 area is withdrawn; and

25 “(C) provide a means to differentiate be-  
26 tween individuals authorized to have access to

1 an entire secure area and individuals authorized  
2 access to only a particular portion of a secure  
3 area.

4 “(2) FACTORS.—The Administrator shall con-  
5 sider the following factors when establishing the  
6 screening model described in paragraph (1):

7 “(A) Whether and how often employees at  
8 airports require employment-related access to  
9 Secure Identification Display Areas, Airport  
10 Operations Areas, or secure areas.

11 “(B) The ability of each airport operator  
12 to reduce employee entry and exit points to a  
13 mutually agreed-upon minimum number of such  
14 entry and exit points necessary to maintain air-  
15 port operations.

16 “(C) In consultation with airport opera-  
17 tors, the ability of the Administration to create  
18 a randomization plan for screening at the de-  
19 fined operational minimum entry and exit  
20 points at airports which maximizes the deter-  
21 rent effect of screening efforts.

22 “(b) DISQUALIFYING OFFENSES.—

23 “(1) IN GENERAL.—Not later than 180 days  
24 after the date of the enactment of this section, the  
25 Administrator, in consultation with the Director of

1 the Federal Bureau of Investigation, labor organiza-  
2 tions representing aviation, ground, and cabin crew  
3 workers, and the Aviation Security Advisory Com-  
4 mittee, shall conduct an aviation security risk-based  
5 review of the disqualifying criminal offenses codified  
6 in sections 1542.209 and 1544.229 of title 49, Code  
7 of Federal Regulations, to determine the appro-  
8 priateness of such offenses as a basis for denying to  
9 an employee a credential that allows unescorted ac-  
10 cess to Secure Identification Display Areas of air-  
11 ports. Such review shall consider the following:

12 “(A) The adequacy of codified disquali-  
13 fying offenses to address the current aviation  
14 security threat environment, particularly the  
15 terrorism insider threat.

16 “(B) If such codified disqualifying offenses  
17 should be tailored to address the current avia-  
18 tion security threat environment, particularly  
19 the terrorism insider threat, by excluding or in-  
20 cluding other offenses.

21 “(C) The potential security benefits, draw-  
22 backs, and challenges associated with identi-  
23 fying patterns of misdemeanors or of other non-  
24 disqualifying offenses that could jeopardize  
25 aviation security.

1           “(D) The feasibility of integrating similar  
2           departmental eligibility requirements for access  
3           to Secure Identification Display Areas of air-  
4           ports.

5           “(E) If the 10-year look-back period for  
6           disqualifying offenses is appropriate, in light of  
7           the current aviation security threat environ-  
8           ment, particularly the terrorism insider threat.

9           “(2) WAIVER.—Not later than 180 days after  
10          the date of the enactment of this section, the Admin-  
11          istrator shall provide an adequate redress process for  
12          an employee who is subject to an adverse employ-  
13          ment decision, including removal or suspension of  
14          such employee, due to a disqualifying offense re-  
15          ferred to in paragraph (1), that is consistent with  
16          the appeals and waiver process established for appli-  
17          cants for commercial motor vehicle hazardous mate-  
18          rials endorsements and transportation workers at  
19          ports under section 70105(c) of title 46, United  
20          States Code.

21          “(3) NOTICE.—Any changes to the Secure  
22          Identification Display area badge program, such as  
23          changes considered pursuant to subparagraphs (B),  
24          (C), (D), and (E) of paragraph (1) shall be subject  
25          to notice of proposed rulemaking.

1           “(4) BRIEFING TO CONGRESS.—Upon comple-  
2           tion of the aviation security risk-based review re-  
3           quired under paragraph (1), the Administrator shall  
4           brief the Committee on Homeland Security of the  
5           House of Representatives and the Committee on  
6           Homeland Security and Governmental Affairs and  
7           the Committee on Commerce, Science, and Trans-  
8           portation of the Senate on the results of such re-  
9           view.

10          “(c) CREDENTIALING.—Not later than 120 days  
11          after the date of the enactment of this section, the Admin-  
12          istrator, in consultation with the Aviation Security Advi-  
13          sory Committee, shall review the auditing procedures for  
14          all airport-issued identification media. Such review shall  
15          determine the following:

16                 “(1) The efficacy of the auditing program re-  
17                 quirements at domestic airports to ensure the integ-  
18                 rity, accountability, and control of airport-issued  
19                 identification media.

20                 “(2) The feasibility of including biometrics  
21                 standards for all airport-issued identification media  
22                 used for identity verification and badge verification.

23                 “(3) The feasibility of integrating other depart-  
24                 mental programs’ eligibility requirements for access  
25                 to secure areas of airports.

1 “(d) VETTING.—

2 “(1) IN GENERAL.—Not later than 180 days  
3 after the date of the enactment of this section, the  
4 Administrator shall—

5 “(A) establish a program to allow airport  
6 badging offices to utilize the employment eligi-  
7 bility confirmation system established under  
8 section 404 of the Illegal Immigration Reform  
9 and Immigrant Responsibility Act of 1996 (8  
10 U.S.C. 1324a note; commonly referred to as ‘E-  
11 Verify’) to determine the eligibility to work in  
12 the United States of all applicants seeking ac-  
13 cess to secure areas of airports;

14 “(B) establish a process to transmit appli-  
15 cants’ biometric fingerprint data to the Office  
16 of Biometric Identity Management’s (OBIM’s)  
17 Automated Biometrics Identification System  
18 (IDENT) for vetting; and

19 “(C) conduct a data quality assessment to  
20 ensure that credential application data elements  
21 received by the Administration are complete  
22 and match the data submitted by the airport  
23 operators.

24 “(2) BRIEFING TO CONGRESS.—Upon comple-  
25 tion of the responsibilities specified in paragraph

1 (1), the Administrator shall brief the Committee on  
2 Homeland Security of the House of Representatives  
3 and the Committee on Homeland Security and Gov-  
4 ernmental Affairs and the Committee on Commerce,  
5 Science, and Transportation of the Senate on the re-  
6 sults of such completion.

7 “(e) REPORTING OF VIOLATIONS.—Not later than  
8 180 days after the date of the enactment of this section,  
9 the Administrator shall establish a nationwide program for  
10 the anonymous reporting of violations of airport security.

11 “(f) CENTRALIZED DATABASE.—Not later than 180  
12 days after the date of the enactment of this section, the  
13 Administrator, in consultation with the Aviation Security  
14 Advisory Committee, shall—

15 “(1) establish a national database of employees  
16 who have had either their airport or aircraft oper-  
17 ator-issued badge revoked for failure to comply with  
18 aviation security requirements;

19 “(2) determine the appropriate reporting mech-  
20 anisms for airports and airlines to submit data re-  
21 garding employees described in paragraph (1) and to  
22 access the database established pursuant to such  
23 paragraph; and

24 “(3) establish a process that allows individuals  
25 whose names were mistakenly entered into such

1 database to have their names removed and have  
2 their credentialing restored.

3 “(g) UPDATED REVIEW.—Not later than April 8,  
4 2016, the Administrator, in consultation with the Aviation  
5 Security Advisory Committee, shall conduct an updated  
6 and thorough review of airport access controls.

7 “(h) EMPLOYEE SCREENING STUDY.—

8 “(1) IN GENERAL.—Not later than 180 days  
9 after the date of the enactment of this section, the  
10 Administrator, in consultation with the Aviation Se-  
11 curity Advisory Committee, shall submit to the Com-  
12 mittee on Homeland Security of the House of Rep-  
13 resentatives, the Committee on Homeland Security  
14 and Governmental Affairs and the Committee on  
15 Commerce, Science, and Transportation of the Sen-  
16 ate, and the Comptroller General of the United  
17 States a cost and feasibility study of a statistically  
18 significant number of Category I, II, and X airports,  
19 that ensures that all employee entry and exit points  
20 that lead to secure areas of such airports are com-  
21 prised of the following:

22 “(A) A secure door utilizing card and pin  
23 entry or biometric technology.

24 “(B) Surveillance video recording, capable  
25 of storing video data for at least 30 days.

1           “(C) Advanced screening technologies, in-  
2           cluding at least one of the following:

3                   “(i) Magnetometer (walk-through or  
4                   hand-held).

5                   “(ii) Explosives detection canines.

6                   “(iii) Explosives trace detection swab-  
7                   bing.

8                   “(iv) Advanced imaging technology.

9                   “(v) X-ray bag screening technology.

10           “(2) CONTENTS.—The study required under  
11           paragraph (1) shall include information related to  
12           the employee screening costs of those airports which  
13           have already implemented practices of screening 100  
14           percent of employees entering secure areas of air-  
15           ports, including the following:

16                   “(A) Costs associated with establishing an  
17                   operational minimum number of employee entry  
18                   and exit points.

19                   “(B) A comparison of costs associated with  
20                   implementing the requirements specified in  
21                   paragraph (1), based on whether such imple-  
22                   mentation was carried out by the Administra-  
23                   tion or airports.

24           “(3) COMPTROLLER GENERAL ASSESSMENT.—

1           “(A) IN GENERAL.—Upon completion of  
2           the study required under paragraph (1), the  
3           Comptroller General of the United States shall  
4           review such study to assess the quality and reli-  
5           ability of such study.

6           “(B) ASSESSMENT.—Not later than 60  
7           days after the receipt of the study required  
8           under paragraph (1), the Comptroller General  
9           of the United States shall report to the Com-  
10          mittee on Homeland Security of the House of  
11          Representatives and the Committee on Home-  
12          land Security and Governmental Affairs and the  
13          Committee on Commerce, Science, and Trans-  
14          portation of the Senate on the results of the re-  
15          view required under subparagraph (A).”.

16          (b) CLERICAL AMENDMENT.—The table of contents  
17          of the Homeland Security Act of 2002 is amended by in-  
18          serting after the item relating to section 1601 the fol-  
19          lowing new item:

“Sec. 1602. Risk-based screening of employees at airports.”.

Passed the House of Representatives October 6,  
2015.

Attest:

KAREN L. HAAS,

*Clerk.*