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2D SESSION

H. R. 3584

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2016

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

AN ACT

To authorize, streamline, and identify efficiencies within the
Transportation Security Administration, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Transportation Security Administration Reform and Im-
 4 provement Act of 2015”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; Table of contents.
- Sec. 2. Definitions.

TITLE I—AVIATION SECURITY

- Sec. 101. TSA PreCheck.
- Sec. 102. PreCheck and general passenger biometric identification.
- Sec. 103. Limitation; PreCheck operations maintained; Alternate methods.
- Sec. 104. Secure Flight program.
- Sec. 105. Efficiency review by TSA.
- Sec. 106. Donation of screening equipment to protect the United States.
- Sec. 107. Review of sustained security directives.
- Sec. 108. Maintenance of security-related technology.
- Sec. 109. Vetting of aviation workers.
- Sec. 110. Aviation Security Advisory Committee consultation.
- Sec. 111. Private contractor canine evaluation and integration pilot program.
- Sec. 112. Covert testing at airports.
- Sec. 113. Training for transportation security officers.

TITLE II—SURFACE TRANSPORTATION SECURITY AND OTHER
MATTERS

- Sec. 201. Surface Transportation Inspectors.
- Sec. 202. Inspector General audit; TSA Office of Inspection workforce certification.
- Sec. 203. Repeal of biennial reporting requirement for the Government Accountability Office relating to the Transportation Security Information Sharing Plan.
- Sec. 204. Security training for frontline transportation workers.
- Sec. 205. Feasibility assessment.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) ADMINISTRATION; TSA.—The terms “Ad-
 10 ministration” and “TSA” mean the Transportation
 11 Security Administration.

1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Transpor-
3 tation Security Administration.

4 (3) INTELLIGENCE COMMUNITY.—The term
5 “intelligence community” has the meaning given
6 such term in section 3(4) of the National Security
7 Act of 1947 (50 U.S.C. 3003(4)).

8 (4) DEPARTMENT.—The term “Department”
9 means the Department of Homeland Security.

10 (5) SECURE FLIGHT.—The term “Secure
11 Flight” means the Administration’s watchlist match-
12 ing program.

13 **TITLE I—AVIATION SECURITY**

14 **SEC. 101. TSA PRECHECK.**

15 (a) TSA PRECHECK.—Not later than 90 days after
16 the date of the enactment of this Act, the Administrator
17 shall—

18 (1) ensure that all screening of passengers and
19 their accessible property shall be conducted in a
20 risk-based, intelligence-driven manner with consider-
21 ation given to the privacy and civil liberties of such
22 passengers; and

23 (2) operate a trusted passenger screening pro-
24 gram known as “TSA PreCheck” that provides ex-
25 pedited screening for low-risk passengers and their

1 accessible property based on a comprehensive and
2 continuous analysis of factors specified in subsection
3 (b).

4 (b) FACTORS.—Factors referred to in subsection
5 (a)(2) shall include the following:

6 (1) Whether passengers described in such sub-
7 section are members of other trusted traveler pro-
8 grams of the Department.

9 (2) Whether such passengers are traveling pur-
10 suant to subsection (m) of section 44903 of title 49,
11 United States Code (as established under the Risk-
12 Based Security for Members of the Armed Forces
13 Act (Public Law 112–86)), section 44927 of such
14 title (as established under the Helping Heroes Fly
15 Act (Public Law 113–27)), or section 44928 of such
16 title (as established under the Honor Flight Act
17 (Public Law 113–221)).

18 (3) Whether such passengers possess an active
19 security clearance or other credential issued by the
20 Federal Government for which TSA has conducted
21 a written threat assessment and determined that
22 such passengers present a low risk to transportation
23 or national security.

24 (4) Whether such passengers are members of a
25 population for whom TSA has conducted a written

1 security threat assessment, determined that such
2 population poses a low risk to transportation or na-
3 tional security, and has issued such passengers a
4 known traveler number.

5 (5) The ability of the Administration to verify
6 such passengers' identity and whether such pas-
7 sengers pose a risk to aviation security.

8 (6) Threats to transportation or national secu-
9 rity as identified by the intelligence community and
10 law enforcement community.

11 (c) ENROLLMENT EXPANSION.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of the enactment of this Act, the Adminis-
14 trator shall publish PreCheck application enrollment
15 standards to add multiple private sector application
16 capabilities for the TSA PreCheck program to in-
17 crease the public's enrollment access to such pro-
18 gram, including standards that allow the use of se-
19 cure technologies, including online enrollment, ki-
20 osks, tablets, or staffed computer stations at which
21 individuals can apply for entry into such program.

22 (2) REQUIREMENTS.—Upon publication of the
23 PreCheck program application enrollment standards
24 pursuant to paragraph (1), the Administrator
25 shall—

1 (A) coordinate with interested parties to
2 deploy TSA-approved ready-to-market private
3 sector solutions that meet the TSA PreCheck
4 application enrollment standards described in
5 paragraph (1), make available additional
6 PreCheck enrollment capabilities, and offer se-
7 cure online and mobile enrollment opportuni-
8 ties;

9 (B) partner with the private sector to col-
10 lect biographic and biometric identification in-
11 formation via kiosks, mobile devices, or other
12 mobile enrollment platforms to reduce the num-
13 ber of instances in which passengers need to
14 travel to enrollment centers;

15 (C) ensure that the kiosks, mobile devices,
16 or other mobile enrollment platforms referred to
17 in subparagraph (E) are secure and not vulner-
18 able to data breaches;

19 (D) ensure that any biometric and bio-
20 graphic information is collected in a manner
21 which is comparable with the National Institute
22 of Standards and Technology standards and en-
23 sures privacy and data security protections, in-
24 cluding that applicants' personally identifiable
25 information is collected, retained, used, and

1 shared in a manner consistent with section
2 552a of title 5, United States Code (commonly
3 known as the “Privacy Act of 1974”), and
4 agency regulations;

5 (E) ensure that an individual who wants to
6 enroll in the PreCheck program and has started
7 an application with a single identification
8 verification at one location will be able to save
9 such individual’s application on any kiosk, per-
10 sonal computer, mobile device, or other mobile
11 enrollment platform and be able to return with-
12 in a reasonable time to submit a second identi-
13 fication verification; and

14 (F) ensure that any enrollment expansion
15 using a private sector risk assessment instead
16 of a fingerprint-based criminal history records
17 check is determined, by the Secretary of Home-
18 land Security, to be equivalent to a fingerprint-
19 based criminal history records check conducted
20 through the Federal Bureau of Investigation.

21 (3) MARKETING OF PRECHECK PROGRAM.—

22 Upon publication of PreCheck program application
23 enrollment standards pursuant to paragraph (1), the
24 Administrator shall—

1 (A) in accordance with such standards, de-
2 velop and implement—

3 (i) a process, including an associated
4 timeframe, for approving private sector
5 marketing of the TSA PreCheck program;
6 and

7 (ii) a strategy for partnering with the
8 private sector to encourage enrollment in
9 such program; and

10 (B) submit to Congress a report on any
11 PreCheck fees collected in excess of the costs of
12 administering such program, including rec-
13 ommendations for using such amounts to sup-
14 port marketing of such program under this sub-
15 section.

16 (4) IDENTITY VERIFICATION ENHANCEMENT.—
17 Not later than 90 days after the date of the enact-
18 ment of this Act, the Administrator shall—

19 (A) coordinate with the heads of appro-
20 priate components of the Department to lever-
21 age Department-held data and technologies to
22 verify the citizenship of individuals enrolling in
23 the TSA PreCheck program; and

24 (B) partner with the private sector to use
25 advanced biometrics and standards comparable

1 with National Institute of Standards and Tech-
2 nology standards to facilitate enrollment in
3 such program.

4 (5) PRECHECK LANE OPERATION.—The Admin-
5 istrator shall—

6 (A) ensure that TSA PreCheck screening
7 lanes are open and available during peak and
8 high-volume travel times at airports to individ-
9 uals enrolled in the PreCheck program; and

10 (B) make every practicable effort to pro-
11 vide expedited screening at standard screening
12 lanes during times when PreCheck screening
13 lanes are closed to individuals enrolled in such
14 program in order to maintain operational effi-
15 ciency.

16 (6) VETTING FOR PRECHECK PARTICIPANTS.—
17 Not later than 90 days after the date of the enact-
18 ment of this Act, the Administrator shall initiate an
19 assessment of the security vulnerabilities in the vet-
20 ting process for the PreCheck program that includes
21 an evaluation of whether subjecting PreCheck par-
22 ticipants to recurrent fingerprint-based criminal his-
23 tory records checks, in addition to recurrent checks
24 against the terrorist watchlist, could be done in a

1 cost-effective manner to strengthen the security of
2 the PreCheck program.

3 **SEC. 102. PRECHECK AND GENERAL PASSENGER BIOMET-**
4 **RIC IDENTIFICATION.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Administrator shall con-
7 duct a pilot project to establish a secure, automated, bio-
8 metric-based system at airports to verify the identity of
9 passengers who are members of TSA PreCheck. Such sys-
10 tem shall—

11 (1) reduce the need for security screening per-
12 sonnel to perform travel document verification for
13 individuals enrolled in TSA PreCheck;

14 (2) reduce the average wait time of individuals
15 enrolled in TSA PreCheck;

16 (3) reduce overall operating expenses of the Ad-
17 ministration;

18 (4) be integrated with the Administration's
19 watch list and trusted traveler matching program;

20 (5) be integrated with other checkpoint tech-
21 nologies to further facilitate risk-based passenger
22 screening at the checkpoint, to the extent practicable
23 and consistent with security standards; and

1 (6) consider capabilities and policies of U.S.
2 Customs and Border Protection’s Global Entry Pro-
3 gram, as appropriate.

4 (b) ESTABLISHMENT OF SCREENING SYSTEM FOR
5 CERTAIN PASSENGERS.—Section 44901 of title 49,
6 United States Code is amended—

7 (1) by redesignating subsections (c) through (l)
8 as subsections (d) through (m), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) ESTABLISHMENT OF SCREENING SYSTEM FOR
12 CERTAIN PASSENGERS.—Not later than December 31,
13 2017, in accordance with the requirements of the Trans-
14 portation Security Administration Reform and Improve-
15 ment Act of 2015, the Administrator of the Transpor-
16 tation Security Administration shall establish a secure,
17 automated system at all large hub airports for verifying
18 travel and identity documents of passengers who are not
19 members of the Administration’s risk-based aviation pas-
20 senger screening program, known as ‘TSA PreCheck’.
21 Such system shall—

22 “(1) assess the need for security screening per-
23 sonnel to perform travel document verification for
24 such passengers, thereby assessing the overall num-
25 ber of such screening personnel;

1 “(2) assess the average wait time of such pas-
2 sengers;

3 “(3) assess overall operating expenses of the
4 Administration;

5 “(4) be integrated with the Administration’s
6 watch list matching program; and

7 “(5) be integrated with other checkpoint tech-
8 nologies to further facilitate risk-based passenger
9 screening at the checkpoint, to the extent practicable
10 and consistent with security standards.”.

11 **SEC. 103. LIMITATION; PRECHECK OPERATIONS MAIN-**
12 **TAINED; ALTERNATE METHODS.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (c), the Administrator shall direct that access to expedited
15 airport security screening at an airport security check-
16 point be limited to only the following:

17 (1) A passenger who voluntarily submits bio-
18 graphic and biometric information for a security risk
19 assessment and whose application for the PreCheck
20 program has been approved, or a passenger who is
21 a participant in another trusted or registered trav-
22 eler program of the Department.

23 (2) A passenger traveling pursuant to section
24 44903 of title 49, United States Code (as estab-
25 lished under the Risk-Based Security for Members

1 of the Armed Forces Act (Public Law 112–86)), sec-
2 tion 44927 of such title (as established under the
3 Helping Heroes Fly Act (Public Law 113–27)), or
4 section 44928 of such title (as established under the
5 Honor Flight Act (Public Law 113–221)).

6 (3) A passenger who did not voluntarily submit
7 biographic and biometric information for a security
8 risk assessment but is a member of a population
9 designated by the Administrator as known and low-
10 risk and who may be issued a unique, known trav-
11 eler number by the Administrator determining that
12 such passenger is a member of a category of trav-
13 elers designated by the Administrator as known and
14 low-risk.

15 (b) PRECHECK OPERATIONS MAINTAINED.—In car-
16 rying out subsection (a), the Administrator shall ensure
17 that expedited airport security screening remains available
18 to passengers at or above the level that exists on the day
19 before the date of the enactment of this Act.

20 (c) FREQUENT FLIERS.—If the Administrator deter-
21 mines that such is appropriate, the implementation of sub-
22 section (a) may be delayed by up to 1 year with respect
23 to the population of passengers who did not voluntarily
24 submit biographic and biometric information for security
25 risk assessments but who nevertheless receive expedited

1 airport security screening because such passengers are
2 designated as frequent fliers by air carriers. If the Admin-
3 istrator uses the authority provided by this subsection, the
4 Administrator shall notify the Committee on Homeland
5 Security of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Affairs
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate of such phased-in implementation.

9 (d) ALTERNATE METHODS.—The Administrator may
10 provide access to expedited airport security screening to
11 additional passengers pursuant to an alternate method
12 upon the submission to the Committee on Homeland Secu-
13 rity of the House of Representatives and the Committee
14 on Commerce, Science, and Transportation of the Senate
15 of an independent assessment of the security effectiveness
16 of such alternate method that is conducted by an inde-
17 pendent entity that determines that such alternate method
18 is designed to—

19 (1) reliably and effectively identify passengers
20 who likely pose a low risk to the United States avia-
21 tion system;

22 (2) mitigate the likelihood that a passenger who
23 may pose a security threat to the United States
24 aviation system is selected for expedited security
25 screening; and

1 (3) address known and evolving security risks
2 to the United States aviation system.

3 (e) INFORMATION SHARING.—The Administrator
4 shall provide to the entity conducting the independent as-
5 sessment under subsection (d) effectiveness testing results
6 that are consistent with established evaluation design
7 practices, as identified by the Comptroller General of the
8 United States.

9 (f) REPORTING.—Not later than 3 months after the
10 date of the enactment of this Act and annually thereafter,
11 the Administrator shall report to the Committee on Home-
12 land Security of the House of Representatives and the
13 Committee on Commerce, Science, and Transportation of
14 the Senate on the percentage of all passengers who are
15 provided expedited security screening, and of such pas-
16 sengers so provided, the percentage who are participants
17 in the PreCheck program (who have voluntarily submitted
18 biographic and biometric information for security risk as-
19 sessments), the percentage who are participants in an-
20 other trusted traveler program of the Department, the
21 percentage who are participants in the PreCheck program
22 due to the Administrator's issuance of known traveler
23 numbers, and for the remaining percentage of passengers
24 granted access to expedited security screening in
25 PreCheck security lanes, information on the percentages

1 attributable to each alternative method utilized by the Ad-
2 ministration to direct passengers to expedited airport se-
3 curity screening at PreCheck security lanes.

4 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to—

6 (1) authorize or direct the Administrator to re-
7 duce or limit the availability of expedited security
8 screening at an airport; or

9 (2) limit the authority of the Administrator to
10 use technologies and systems, including passenger
11 screening canines and explosives trace detection, as
12 a part of security screening operations.

13 **SEC. 104. SECURE FLIGHT PROGRAM.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Administrator shall—

16 (1) develop a process for regularly evaluating
17 the root causes of screening errors at checkpoints
18 across airports so that corrective measures are able
19 to be identified;

20 (2) implement such corrective measures to ad-
21 dress the root causes of such screening errors occur-
22 ring at the checkpoint;

23 (3) develop additional measures to address key
24 performance aspects related to the Secure Flight
25 program goals and ensure that such measures clear-

1 ly identify activities necessary to achieve progress to-
2 wards such goals;

3 (4) develop a mechanism to systematically docu-
4 ment the number and causes of Secure Flight pro-
5 gram matching errors for the purpose of improving
6 program performance and provide program man-
7 agers with timely and reliable information;

8 (5) provide job-specific privacy refresher train-
9 ing for Secure Flight program staff to further pro-
10 tect personally identifiable information in the Secure
11 Flight system program; and

12 (6) develop a mechanism to comprehensively
13 document and track key Secure Flight program pri-
14 vacy issues and decisions to ensure the Secure
15 Flight program has complete information for effec-
16 tive oversight of its privacy controls.

17 **SEC. 105. EFFICIENCY REVIEW BY TSA.**

18 (a) REVIEW REQUIRED.—Not later than 270 days
19 after the date of the enactment of this Act, the Adminis-
20 trator shall conduct and complete a comprehensive, agen-
21 cy-wide efficiency review of the Administration to identify
22 spending reductions and administrative savings through
23 the streamlining and any necessary restructuring of agen-
24 cy divisions to make the Administration more efficient. In

1 carrying out the review under this section, the Adminis-
2 trator shall consider each of the following:

3 (1) The elimination of any duplicative or over-
4 lapping programs and initiatives that can be stream-
5 lined.

6 (2) The elimination of any unnecessary or obso-
7 lete rules, regulations, directives, or procedures.

8 (3) Any other matters the Administrator deter-
9 mines are appropriate.

10 (b) REPORT TO CONGRESS.—Not later than 30 days
11 after the completion of the efficiency review required
12 under subsection (a), the Administrator shall submit to
13 the Committee on Homeland Security of the House of
14 Representatives and the Committee on Homeland Security
15 and Governmental Affairs and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 that specifies the results and cost savings expected to be
18 achieved through such efficiency review. Such report shall
19 also include information relating to how the Administra-
20 tion may use efficiencies identified through such efficiency
21 review to provide funding to reimburse airports that in-
22 curred eligible costs for in-line baggage screening systems.

1 **SEC. 106. DONATION OF SCREENING EQUIPMENT TO PRO-**
2 **TECT THE UNITED STATES.**

3 (a) IN GENERAL.—The Administrator is authorized
4 to donate security screening equipment to a foreign last-
5 point-of-departure airport operator if such equipment can
6 be reasonably expected to mitigate a specific vulnerability
7 to the security of the United States or United States citi-
8 zens.

9 (b) REPORT TO CONGRESS.—Not later than 30 days
10 before any donation of equipment under this section, the
11 Administrator shall provide to the Committee on Home-
12 land Security of the House of Representatives and the
13 Committee on Homeland Security and Governmental Af-
14 fairs and the Committee on Commerce, Science, and
15 Transportation of the Senate a detailed written expla-
16 nation of—

17 (1) the specific vulnerability to the United
18 States that will be mitigated with such donation;

19 (2) an explanation as to why the recipient is
20 unable or unwilling to purchase equipment to miti-
21 gate such threat;

22 (3) an evacuation plan for sensitive technologies
23 in case of emergency or instability in the country to
24 which such donation is being made;

25 (4) how the Administration will ensure the
26 equipment that is being donated is used and main-

1 tained over the course of its life by the recipient;
2 and

3 (5) the total dollar value of such donation.

4 **SEC. 107. REVIEW OF SUSTAINED SECURITY DIRECTIVES.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of the enactment of this Act and annually thereafter,
7 for any security directive that has been in effect for longer
8 than 1 year, the Administrator shall review the necessity
9 of such directives, from a risk-based perspective.

10 (b) BRIEFING TO CONGRESS.—Upon completion of
11 each review pursuant to subsection (a), the Administrator
12 shall brief the Committee on Homeland Security of the
13 House of Representatives and the Committee on Home-
14 land Security and Governmental Affairs and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate on—

17 (1) any changes being made to existing security
18 directives as a result of each such review;

19 (2) the specific threat that is being mitigated
20 by any such directive that will remain in effect; and

21 (3) the planned disposition of any such direc-
22 tive.

1 **SEC. 108. MAINTENANCE OF SECURITY-RELATED TECH-**
2 **NOLOGY.**

3 (a) IN GENERAL.—Title XVI of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 561 et seq.) is amended by
5 adding at the end the following:

6 **“Subtitle C—Maintenance of**
7 **Security-Related Technology**

8 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of the enactment of this subtitle, the Adminis-
11 trator shall develop and implement a preventive mainte-
12 nance validation process for security-related technology
13 deployed to airports.

14 “(b) MAINTENANCE BY ADMINISTRATION PER-
15 SONNEL AT AIRPORTS.—For maintenance to be carried
16 out by Administration personnel at airports, the process
17 referred to in subsection (a) shall include the following:

18 “(1) Guidance to Administration personnel,
19 equipment maintenance technicians, and other per-
20 sonnel at airports specifying how to conduct and
21 document preventive maintenance actions.

22 “(2) Mechanisms for the Administrator to
23 verify compliance with the guidance issued pursuant
24 to paragraph (1).

25 “(c) MAINTENANCE BY CONTRACTORS AT AIR-
26 PORTS.—For maintenance to be carried out by a con-

1 tractor at airports, the process referred to in subsection
2 (a) shall require the following:

3 “(1) Provision of monthly preventive mainte-
4 nance schedules to appropriate Administration per-
5 sonnel at each airport that includes information on
6 each action to be completed by a contractor.

7 “(2) Notification to appropriate Administration
8 personnel at each airport when maintenance action
9 is completed by a contractor.

10 “(3) A process for independent validation by a
11 third party of contractor maintenance.

12 “(d) PENALTIES FOR NONCOMPLIANCE.—The Ad-
13 ministrator shall require maintenance contracts for secu-
14 rity-related technology deployed to airports to include pen-
15 alties for noncompliance when it is determined that either
16 preventive or corrective maintenance has not been com-
17 pleted according to contractual requirements and manu-
18 facturers’ specifications.”.

19 (b) INSPECTOR GENERAL ASSESSMENT.—Not later
20 than 1 year after the date of the enactment of this Act,
21 the Inspector General of the Department of Homeland Se-
22 curity shall assess implementation of the requirements
23 under section 1621 of the Homeland Security Act of 2002
24 (as added by subsection (a) of this section), and provide
25 findings and recommendations with respect to the provi-

1 sion of training to Administration personnel, equipment
 2 maintenance technicians, and other personnel under such
 3 section 1621 and the availability and utilization of equip-
 4 ment maintenance technicians employed by the Adminis-
 5 tration.

6 (c) CLERICAL AMENDMENT.—The table of contents
 7 of the Homeland Security Act of 2002 is amended by in-
 8 serting after the item relating to section 1616 the fol-
 9 lowing:

“Subtitle C—Maintenance of Security-Related Technology

“Sec. 1621. Maintenance validation and oversight.”.

10 **SEC. 109. VETTING OF AVIATION WORKERS.**

11 (a) IN GENERAL.—Subtitle A of title XVI of the
 12 Homeland Security Act of 2002 (6 U.S.C. 561 et seq.)
 13 is amended by adding after section 1601 the following new
 14 section:

15 **“SEC. 1602. VETTING OF AVIATION WORKERS.**

16 “(a) IN GENERAL.—By not later than December 31,
 17 2015, the Administrator, in coordination with the Assist-
 18 ant Secretary for Policy of the Department, shall request
 19 from the Director of National Intelligence access to addi-
 20 tional data from the Terrorist Identities Datamart Envi-
 21 ronment (TIDE) data and any or other terrorism-related
 22 information to improve the effectiveness of the Adminis-
 23 tration’s credential vetting program for individuals with
 24 unescorted access to sensitive areas of airports.

1 “(b) SECURITY INSPECTION.—By not later than De-
2 cember 31, 2015, the Administrator shall issue guidance
3 for Transportation Security Inspectors to annually review
4 airport badging office procedures for applicants seeking
5 access to sensitive areas of airports. Such guidance shall
6 include a comprehensive review of applicants’ Criminal
7 History Records Check (CHRC) and work authorization
8 documentation during the course of an inspection.

9 “(c) INFORMATION SHARING.—By not later than De-
10 cember 31, 2015, the Administrator may conduct a pilot
11 program of the Rap Back Service, in coordination with
12 the Director of the Federal Bureau of Investigation, to
13 determine the feasibility of full implementation of a service
14 through which the Administrator would be notified of a
15 change in status of an individual holding a valid credential
16 granting unescorted access to sensitive areas of airports
17 across eligible Administration-regulated populations.

18 “(d) PROCEDURES.—The pilot program under sub-
19 section (c) shall evaluate whether information can be nar-
20 rowly tailored to ensure that the Administrator only re-
21 ceives notification of a change with respect to a disquali-
22 fying offense under the credential vetting program under
23 subsection (a), as specified in 49 CFR 1542.209, and in
24 a manner that complies with current regulations for fin-
25 gerprint-based criminal history records checks. The pilot

1 program shall be carried out in a manner so as to ensure
2 that, in the event that notification is made through the
3 Rap Back Service of a change but a determination of ar-
4 rest status or conviction is in question, the matter will be
5 handled in a manner that is consistent with current regu-
6 lations. The pilot program shall also be carried out in a
7 manner that is consistent with current regulations gov-
8 erning an investigation of arrest status, correction of Fed-
9 eral Bureau of Investigation records and notification of
10 disqualification, and corrective action by the individual
11 who is the subject of an inquiry.

12 “(e) DETERMINATION AND SUBMISSION.—If the Ad-
13 ministrator determines that full implementation of the
14 Rap Back Service is feasible and can be carried out in
15 a manner that is consistent with current regulations for
16 fingerprint-based criminal history checks, including the
17 rights of individuals seeking credentials, the Administrator
18 shall submit such determination, in writing, to the Com-
19 mittee on Homeland Security of the House of Representa-
20 tives and the Committee on Homeland Security and Gov-
21 ernmental Affairs and the Committee on Commerce,
22 Science, and Transportation of the Senate, together with
23 information on the costs associated with such implementa-
24 tion, including the costs incurred by the private sector.
25 In preparing this determination, the Administrator shall

1 consult with the Chief Civil Rights and Civil Liberties Of-
2 ficer of the Department to ensure that protocols are in
3 place to align the period of retention of personally identifi-
4 able information and biometric information, including fin-
5 gerprints, in the Rap Back Service with the period in
6 which the individual who is the subject of an inquiry has
7 a valid credential.

8 “(f) CREDENTIAL SECURITY.—By not later than
9 September 30, 2015, the Administrator shall issue guid-
10 ance to airports mandating that all federalized airport
11 badging authorities place an expiration date on airport
12 credentials commensurate with the period of time during
13 which an individual is lawfully authorized to work in the
14 United States.

15 “(g) AVIATION WORKER LAWFUL STATUS.—By not
16 later than December 31, 2015, the Administrator shall re-
17 view the denial of credentials due to issues associated with
18 determining an applicant’s lawful status in order to iden-
19 tify airports with specific weaknesses and shall coordinate
20 with such airports to mutually address such weaknesses,
21 as appropriate.

22 “(h) REPORTS TO CONGRESS.—Upon completion of
23 the determinations and reviews required under this sec-
24 tion, the Administrator shall brief the Committee on
25 Homeland Security and the Committee on Transportation

1 and Infrastructure of the House of Representatives and
2 the Committee on Homeland Security and Governmental
3 Affairs and the Committee on Commerce, Science, and
4 Transportation of the Senate on the results of such deter-
5 minations and reviews.”.

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

“Sec. 1602. Vetting of aviation workers.”.

10 (c) STATUS UPDATE ON RAP BACK SERVICE PILOT
11 PROGRAM.—Not later than 60 days after the date of the
12 enactment of this Act, the Administrator of the Transpor-
13 tation Security Administration shall submit to the Com-
14 mittee on Homeland Security of the House of Representa-
15 tives and the Committee on Homeland Security and Gov-
16 ernmental Affairs and the Committee on Commerce,
17 Science, and Transportation of the Senate a report on the
18 status of plans to conduct a pilot program in coordination
19 with the Federal Bureau of Investigation of the Rap Back
20 Service in accordance with subsection (c) of section 1602
21 of the Homeland Security Act of 2002, as added by sub-
22 section (a) of this section. The report shall include details
23 on the business, technical, and resource requirements for
24 the Transportation Security Administration and pilot pro-

1 gram participants, and provide a timeline and goals for
2 the pilot program.

3 **SEC. 110. AVIATION SECURITY ADVISORY COMMITTEE CON-**
4 **SULTATION.**

5 (a) IN GENERAL.—The Administrator shall consult,
6 to the extent practicable, with the Aviation Security Advi-
7 sory Committee (established pursuant to section 44946 of
8 title 49 of the United States Code) regarding any modi-
9 fication to the prohibited item list prior to issuing a deter-
10 mination about any such modification.

11 (b) REPORT ON THE TRANSPORTATION SECURITY
12 OVERSIGHT BOARD.—Not later than 120 days after the
13 date of the enactment of this Act, the Secretary of Home-
14 land Security shall submit to the Transportation Security
15 Oversight Board (established pursuant to section 115 of
16 title 49, United States Code), the Committee on Home-
17 land Security of the House of Representatives, and the
18 Committee on Homeland Security and Governmental Af-
19 fairs and the Committee on Commerce, Science, and
20 Transportation of the Senate a report that includes gen-
21 eral information on how often the Board has met, the cur-
22 rent composition of the Board, and what activities the
23 Board has undertaken, consistent with the duties specified
24 in subsection (c) of such section. The Secretary may in-
25 clude in such report recommendations for changes to such

1 section in consideration of the provisions of section 44946
2 of title 49, United States Code.

3 (c) TECHNICAL CORRECTION.—Subparagraph (A) of
4 section 44946(c)(2) of title 49, United States Code, is
5 amended to read as follows:

6 “(A) TERMS.—The term of each member
7 of the Advisory Committee shall be 2 years but
8 may continue until such time as a successor
9 member begins serving on the Advisory Com-
10 mittee. A member of the Advisory Committee
11 may be reappointed.”.

12 (d) DEFINITION.—In this section, the term “prohib-
13 ited item list” means the list of items passengers are pro-
14 hibited from carrying as accessible property or on their
15 persons through passenger screening checkpoints at air-
16 ports, into sterile areas at airports, and on board pas-
17 senger aircraft, pursuant to section 1540.111 of title 49,
18 Code of Federal Regulations (as in effect on January 1,
19 2015).

20 **SEC. 111. PRIVATE CONTRACTOR CANINE EVALUATION**
21 **AND INTEGRATION PILOT PROGRAM.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Administrator shall
24 establish a pilot program to evaluate the use, effectiveness,
25 and integration of privately-operated explosives detection

1 canine teams using both the passenger screening canine
2 and traditional explosives detection canine methods.

3 (b) ELEMENTS.—The pilot program under subsection
4 (a) shall include the following elements:

5 (1) A full-time presence in three Category X,
6 two Category I, and one Category II airports.

7 (2) A duration of at least 12 months from the
8 time private contractor teams are operating at full
9 capacity.

10 (3) A methodology for evaluating how to inte-
11 grate private contractor teams into the checkpoint
12 area to detect explosive devices missed by mechan-
13 ical or human error at other points in the screening
14 process.

15 (4) Covert testing with inert improvised explo-
16 sive devices and accurately recreated explosives odor
17 traces to determine the relative effectiveness of a
18 full-time canine team in strengthening checkpoint
19 security.

20 (c) QUARTERLY UPDATES.—The Administrator shall
21 submit to the Committee on Homeland Security of the
22 House of Representatives and the Committee on Home-
23 land Security and Governmental Affairs of the Senate
24 written updates on the procurement, deployment, and
25 evaluation process related to the implementation of the

1 pilot program under subsection (a) for every calendar
2 quarter after the date of the enactment of this Act.

3 (d) FINAL REPORT.—Not later than 90 days after
4 the completion of the pilot program under subsection (a),
5 the Administrator shall submit to the Committee on
6 Homeland Security of the House of Representatives and
7 the Committee on Homeland Security and Governmental
8 Affairs of the Senate a final report on such pilot program.

9 (e) FUNDING.—Out of funds made available to the
10 Office of the Secretary of Homeland Security, \$6,000,000
11 is authorized to be used to carry out this section.

12 **SEC. 112. COVERT TESTING AT AIRPORTS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of the enactment of this Act and annually thereafter
15 through 2020, the Administrator shall conduct covert test-
16 ing on an ongoing basis to test vulnerabilities and identify
17 weaknesses in the measures used to secure the aviation
18 system of the United States. The Administrator shall, on
19 a quarterly basis if practicable, provide to the Inspector
20 General of the Department such testing results, method-
21 ology, and data.

22 (b) ELEMENTS.—In carrying out the covert testing
23 required under subsection (a), the Administrator shall—

24 (1) consider security screening and procedures
25 conducted by TSA;

1 (2) use available threat information and intel-
2 ligence to determine the types and sizes of simulated
3 threat items and threat item-body location configu-
4 rations for such covert testing;

5 (3) use a risk-based approach to determine the
6 location and number of such covert testing;

7 (4) conduct such covert testing without noti-
8 fying personnel at airports prior to such covert test-
9 ing; and

10 (5) identify reasons for failure when TSA per-
11 sonnel or the screening equipment used do not iden-
12 tify and resolve any threat item used during such a
13 covert test.

14 (c) INDEPENDENT REVIEW.—The Inspector General
15 of the Department shall conduct covert testing of the avia-
16 tion system of the United States in addition to the covert
17 testing conducted by the Administrator under subsection
18 (a), as appropriate, and analyze TSA covert testing re-
19 sults, methodology, and data provided pursuant to such
20 subsection to determine the sufficiency of TSA covert test-
21 ing protocols. The Inspector General shall, as appropriate,
22 compare testing results of any additional covert testing
23 conducted pursuant to this subsection with the results of
24 TSA covert testing under subsection (a) to determine sys-

1 temic weaknesses in the security of the aviation system
2 of the United States.

3 (d) CORRECTIVE ACTION.—Not later than 30 days
4 upon completion of any covert testing under subsection
5 (a), the Administrator shall make recommendations and
6 implement corrective actions to mitigate vulnerabilities
7 identified by such covert testing and shall notify the In-
8 spector General of the Department of such recommenda-
9 tions and actions. The Inspector General shall review the
10 extent to which such recommendations and actions are im-
11 plemented and the degree to which such recommendations
12 and actions improve the security of the aviation system
13 of the United States.

14 (e) CONGRESSIONAL NOTIFICATION.—

15 (1) BY THE ADMINISTRATOR.—Not later than
16 30 days upon completion of any covert testing under
17 subsection (a), the Administrator shall brief the
18 Committee on Homeland Security of the House of
19 Representatives and the Committee on Homeland
20 Security and Governmental Affairs and the Com-
21 mittee on Commerce, Science, and Transportation of
22 the Senate on the results of such covert testing.

23 (2) BY THE INSPECTOR GENERAL OF THE DE-
24 PARTMENT.—The Inspector General shall brief the
25 Committee on Homeland Security of the House of

1 Representatives and the Committee on Homeland
2 Security and Governmental Affairs and the Com-
3 mittee on Commerce, Science, and Transportation of
4 the Senate annually on the requirements specified in
5 this section.

6 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion may be construed to prohibit the Administrator or
8 the Inspector General of the Department from conducting
9 covert testing of the aviation system of the United States
10 with greater frequency than required under this section.

11 **SEC. 113. TRAINING FOR TRANSPORTATION SECURITY OF-**
12 **FICERS.**

13 The Administrator shall, on a periodic basis, brief the
14 Committee on Homeland Security of the House of Rep-
15 resentatives and the Committee on Homeland Security
16 and Governmental Affairs and the Committee on Com-
17 merce, Science, and Transportation of the Senate on the
18 status of efforts to enhance initial and recurrent training
19 of Transportation Security Officers.

1 **TITLE II—SURFACE TRANSPOR-**
2 **TATION SECURITY AND**
3 **OTHER MATTERS**

4 **SEC. 201. SURFACE TRANSPORTATION INSPECTORS.**

5 (a) IN GENERAL.—Section 1304(d) of the Imple-
6 menting Recommendations of the 9/11 Commission Act of
7 2007 (6 U.S.C. 1113; Public Law 110–53) is amended—

8 (1) by inserting “surface” after “relevant”; and

9 (2) by striking “, as determined appropriate”.

10 (b) REPORT TO CONGRESS.—Not later than 1 year
11 after the date of the enactment of this Act, the Comp-
12 troller General of the United States shall submit to the
13 Committee on Homeland Security of the House of Rep-
14 resentatives and the Committee on Homeland Security
15 and Governmental Affairs and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 on the efficiency and effectiveness of the Administration’s
18 Surface Transportation Security Inspectors Program
19 under subsection (d) of section 1304 of the Implementing
20 Recommendations of the 9/11 Commission Act of 2007 (6
21 U.S.C. 1113; Public Law 110–53).

22 (c) CONTENTS.—The report required under sub-
23 section (b) shall include a review of the following:

24 (1) The roles and responsibilities of surface
25 transportation security inspectors.

1 (2) The extent to which the TSA has used a
2 risk-based, strategic approach to determine the ap-
3 propriate number of surface transportation security
4 inspectors and resource allocation across field of-
5 fices.

6 (3) Whether TSA's surface transportation regu-
7 lations are risk-based and whether surface transpor-
8 tation security inspectors have adequate experience
9 and training to perform their day-to-day responsibil-
10 ities.

11 (4) Feedback from regulated surface transpor-
12 tation industry stakeholders on the benefit of surface
13 transportation security inspectors to the overall se-
14 curity of the surface transportation systems of such
15 stakeholders and the consistency of regulatory en-
16 forcement.

17 (5) Whether surface transportation security in-
18 spectors have appropriate qualifications to help se-
19 cure and inspect surface transportation systems.

20 (6) Whether TSA measures the effectiveness of
21 surface transportation security inspectors.

22 (7) Any overlap between the TSA and the De-
23 partment of Transportation as such relates to sur-
24 face transportation security inspectors in accordance
25 with section 1310 of the Implementing Rec-

ommendations of the 9/11 Commission Act of 2007
(6 U.S.C. 1117; Public Law 110–53).

(8) The extent to which surface transportation
security inspectors review and enhance information
security practices and enforce applicable information
security regulations and directives.

(9) Any recommendations relating to the effi-
ciency and effectiveness of the TSA’s surface trans-
portation security inspectors program.

**SEC. 202. INSPECTOR GENERAL AUDIT; TSA OFFICE OF IN-
SPECTION WORKFORCE CERTIFICATION.**

(a) INSPECTOR GENERAL AUDIT.—

(1) IN GENERAL.—Not later than 60 days after
the date of the enactment of this Act, the Inspector
General of the Department shall analyze the data
and methods that the Administrator uses to identify
Office of Inspection employees of the Administration
who meet the requirements of sections 8331(20),
8401(17), and 5545a of title 5, United States Code,
and provide the relevant findings to the Adminis-
trator, including a finding on whether such data and
methods are adequate and valid.

(2) PROHIBITION ON HIRING.—If the Inspector
General of the Department finds that the data and
methods referred to in paragraph (1) are inadequate

1 or invalid, the Administrator may not hire any new
2 employee to work in the Office of Inspection of the
3 Administration until—

4 (A) the Administrator makes a certifi-
5 cation described in subsection (b)(1) to the
6 Committee on Homeland Security of the House
7 of Representatives and the Committee on
8 Homeland Security and Governmental Affairs
9 and the Committee on Commerce, Science, and
10 Transportation of the Senate; and

11 (B) the Inspector General submits to such
12 Committees a finding, not later than 30 days
13 after the Administrator makes such certifi-
14 cation, that the Administrator utilized adequate
15 and valid data and methods to make such cer-
16 tification.

17 (b) TSA OFFICE OF INSPECTION WORKFORCE CER-
18 TIFICATION.—

19 (1) IN GENERAL.—The Administrator shall, by
20 not later than 90 days after the date the Inspector
21 General of the Department provides its findings to
22 the Assistant Secretary under subsection (a)(1), doc-
23 ument and certify in writing to the Committee on
24 Homeland Security of the House of Representatives
25 and the Committee on Homeland Security and Gov-

1 ernmental Affairs and the Committee on Commerce,
2 Science, and Transportation of the Senate that only
3 those Office of Inspection employees of the Adminis-
4 tration who meet the requirements of sections
5 8331(20), 8401(17), and 5545a of title 5, United
6 States Code, are classified as criminal investigators
7 and are receiving premium pay and other benefits
8 associated with such classification.

9 (2) EMPLOYEE RECLASSIFICATION.—The Ad-
10 ministrator shall reclassify criminal investigator po-
11 sitions in the Office of Inspection of the Administra-
12 tion as noncriminal investigator positions or non-law
13 enforcement positions if the individuals in such posi-
14 tions do not, or are not expected to, spend an aver-
15 age of at least 50 percent of their time performing
16 criminal investigative duties.

17 (3) PROJECTED COST SAVINGS.—

18 (A) IN GENERAL.—The Administrator
19 shall estimate the total long-term cost savings
20 to the Federal Government resulting from the
21 implementation of paragraph (2), and provide
22 such estimate to the Committee on Homeland
23 Security of the House of Representatives and
24 the Committee on Homeland Security and Gov-
25 ernmental Affairs and the Committee on Com-

merce, Science, and Transportation of the Senate by not later than 180 days after the date of enactment of this Act.

(B) CONTENTS.—The estimate described in subparagraph (A) shall identify savings associated with the positions reclassified under paragraph (2) and include, among other factors the Administrator considers appropriate, savings from—

(i) law enforcement training;

(ii) early retirement benefits;

(iii) law enforcement availability and other premium pay; and

(iv) weapons, vehicles, and communications devices.

(c) STUDY.—Not later than 180 days after the date that the Administrator submits the certification under subsection (b)(1), the Inspector General of the Department shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a study—

(1) reviewing the employee requirements, responsibilities, and benefits of criminal investigators

1 in the Office of Inspection of the Administration
2 with criminal investigators employed at agencies ad-
3 hering to the Office of Personnel Management em-
4 ployee classification system; and

5 (2) identifying any inconsistencies and costs im-
6 plications for differences between the varying em-
7 ployee requirements, responsibilities, and benefits.

8 **SEC. 203. REPEAL OF BIENNIAL REPORTING REQUIREMENT**
9 **FOR THE GOVERNMENT ACCOUNTABILITY**
10 **OFFICE RELATING TO THE TRANSPORTATION**
11 **SECURITY INFORMATION SHARING PLAN.**

12 Subsection (u) of section 114 of title 49, United
13 States Code, is amended by—

14 (1) striking paragraph (7); and

15 (2) redesignating paragraphs (8) and (9) as
16 paragraphs (7) and (8), respectively.

17 **SEC. 204. SECURITY TRAINING FOR FRONTLINE TRANSPOR-**
18 **TATION WORKERS.**

19 Not later than 90 days after the date of the enact-
20 ment of the Act, the Administrator shall submit to the
21 Committee on Homeland Security of the House of Rep-
22 resentatives and the Committee on Homeland Security
23 and Governmental Affairs and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report
25 regarding the status of the implementation of sections

1 1408 (6 U.S.C. 1137) and 1534 (6 U.S.C. 1184) of the
2 Implementing Recommendations of the 9/11 Commission
3 Act of 2007 (Public Law 110–53). The Administrator
4 shall include in such report specific information on the
5 challenges that the Administrator has encountered since
6 the date of the enactment of the Implementing Rec-
7 ommendations of the 9/11 Commission Act of 2007 with
8 respect to establishing regulations requiring the provision
9 of basic security training to public transportation frontline
10 employees and over-the-road bus frontline employees for
11 preparedness for potential security threats and conditions.

12 **SEC. 205. FEASIBILITY ASSESSMENT.**

13 Not later than 120 days after the date of the enact-
14 ment of this Act, the Administrator shall submit to the
15 Committee on Homeland Security of the House of Rep-
16 resentatives and the Committee on Homeland Security
17 and Governmental Affairs and the Committee on Com-
18 merce, Science, and Transportation of the Senate a feasi-
19 bility assessment of partnering with an independent, not-
20 for-profit organization to help provide venture capital to
21 businesses, particularly small businesses, for commer-
22 cialization of innovative homeland security technologies
23 that are expected to be ready for commercialization in the
24 near term and within 36 months. In conducting such feasi-

1 bility assessment, the Administrator shall consider the fol-
2 lowing:

3 (1) Establishing an independent, not-for-profit
4 organization, modeled after the In-Q-tel program, a
5 venture capital partnership between the private sec-
6 tor and the intelligence community (as such term is
7 defined in section 3(4) of the National Security Act
8 of 1947 (50 U.S.C. 3003(4)), to help businesses,
9 particularly small businesses, commercialize innova-
10 tive security-related technologies.

11 (2) Enhanced engagement, either through the
12 Science and Technology Directorate of the Depart-
13 ment of Homeland Security or directly, with the In-
14 Q-tel program described in paragraph (1).

Passed the House of Representatives February 23,
2016.

Attest:

KAREN L. HAAS,

Clerk.