

114TH CONGRESS
2D SESSION

H. R. 4698

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2016

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

AN ACT

To enhance aviation by requiring airport security assessments and a security coordination enhancement plan, 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 “Securing Aviation from
3 Foreign Entry Points and Guarding Airports Through
4 Enhanced Security Act of 2016”.

5 **SEC. 2. LAST POINT OF DEPARTURE AIRPORT SECURITY**
6 **ASSESSMENT.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Administrator of
9 the Transportation Security Administration shall conduct
10 a comprehensive security risk assessment of all last point
11 of departure airports with nonstop flights to the United
12 States.

13 (b) CONTENTS.—The security risk assessment re-
14 quired under subsection (a) shall include consideration of
15 the following:

16 (1) The level of coordination and cooperation
17 between the Transportation Security Administration
18 and the foreign government of the country in which
19 the last point of departure airport with nonstop
20 flights to the United States is located.

21 (2) The intelligence and threat mitigation capa-
22 bilities of the country in which such airport is lo-
23 cated.

24 (3) The number of known or suspected terror-
25 ists annually transiting through such airport.

1 (4) The passenger security screening practices,
2 capabilities, and capacity of such airport.

3 (5) The security vetting undergone by aviation
4 workers at such airport.

5 (6) The access controls utilized by such airport
6 to limit to authorized personnel access to secure and
7 sterile areas of such airports.

8 (7) The degree to which the government of the
9 country in which such airport is located mandates,
10 encourages, or prohibits the collection, analysis, or
11 sharing of passenger name records.

12 **SEC. 3. SECURITY COORDINATION ENHANCEMENT PLAN.**

13 (a) IN GENERAL.—Not later than 240 days after the
14 date of the enactment of this Act, the Administrator of
15 the Transportation Security Administration shall submit
16 to Congress and the Government Accountability Office a
17 plan—

18 (1) to enhance and bolster security collabora-
19 tion, coordination, and information sharing relating
20 to securing international-inbound aviation between
21 the United States and domestic and foreign part-
22 ners, including U.S. Customs and Border Protection,
23 foreign government entities, passenger air carriers,
24 cargo air carriers, and United States Government
25 entities, in order to enhance security capabilities at

1 foreign airports, including airports that may not
2 have nonstop flights to the United States but are
3 nonetheless determined by the Administrator to be
4 high risk; and

5 (2) that includes an assessment of the ability of
6 the Administration to enter into a mutual agreement
7 with a foreign government entity that permits Ad-
8 ministration representatives to conduct without prior
9 notice inspections of foreign airports.

10 (b) GAO REVIEW.—Not later than 180 days after the
11 submission of the plan required under subsection (a), the
12 Comptroller General of the United States shall review the
13 efforts, capabilities, and effectiveness of the Transpor-
14 tation Security Administration to enhance security capa-
15 bilities at foreign airports and determine if the implemen-
16 tation of such efforts and capabilities effectively secures
17 international-inbound aviation.

18 **SEC. 4. WORKFORCE ASSESSMENT.**

19 Not later than 270 days after the date of the enact-
20 ment of this Act, the Administrator of the Transportation
21 Security Administration shall submit to Congress a com-
22 prehensive workforce assessment of all Administration
23 personnel within the Office of Global Strategies of the Ad-
24 ministration or whose primary professional duties con-
25 tribute to the Administration's global efforts to secure

1 transportation security, including a review of whether such
2 personnel are assigned in a risk-based, intelligence-driven
3 manner.

4 **SEC. 5. DONATION OF SCREENING EQUIPMENT TO PRO-**
5 **TECT THE UNITED STATES.**

6 (a) IN GENERAL.—The Administrator of the Trans-
7 portation Security Administration is authorized to donate
8 security screening equipment to a foreign last point of de-
9 parture airport operator if such equipment can be reason-
10 ably expected to mitigate a specific vulnerability to the se-
11 curity of the United States or United States citizens.

12 (b) REPORT.—Not later than 30 days before any do-
13 nation of security screening equipment pursuant to sub-
14 section (a), the Administrator of the Transportation Secu-
15 rity Administration shall provide to the Committee on
16 Homeland Security of the House of Representatives and
17 the Committee on Homeland Security and Governmental
18 Affairs and the Committee on Commerce, Science, and
19 Transportation of the Senate a detailed written expla-
20 nation of the following:

21 (1) The specific vulnerability to the United
22 States or United States citizens that will be miti-
23 gated by such donation.

24 (2) An explanation as to why the recipient of
25 such donation is unable or unwilling to purchase se-

1 security screening equipment to mitigate such vulner-
2 ability.

3 (3) An evacuation plan for sensitive tech-
4 nologies in case of emergency or instability in the
5 country to which such donation is being made.

6 (4) How the Administrator will ensure the secu-
7 rity screening equipment that is being donated is
8 used and maintained over the course of its life by
9 the recipient.

10 (5) The total dollar value of such donation.

11 **SEC. 6. NATIONAL CARGO SECURITY PROGRAM.**

12 (a) IN GENERAL.—The Administrator of the Trans-
13 portation Security Administration may evaluate foreign
14 countries' air cargo security programs to determine wheth-
15 er such programs provide a level of security commensurate
16 with the level of security required by United States air
17 cargo security programs.

18 (b) APPROVAL AND RECOGNITION.—

19 (1) IN GENERAL.—If the Administrator of the
20 Transportation Security Administration determines
21 that a foreign country's air cargo security program
22 evaluated under subsection (a) provides a level of se-
23 curity commensurate with the level of security re-
24 quired by United States air cargo security programs,
25 the Administrator shall approve and officially recog-

1 nize such foreign country's air cargo security pro-
2 gram.

3 (2) EFFECT OF APPROVAL AND RECOGNI-
4 TION.—If the Administrator of the Transportation
5 Security Administration approves and officially rec-
6 ognizes pursuant to paragraph (1) a foreign coun-
7 try's air cargo security program, cargo aircraft of
8 such foreign country shall not be required to adhere
9 to United States air cargo security programs that
10 would otherwise be applicable.

11 (c) REVOCATION AND SUSPENSION.—

12 (1) IN GENERAL.—If the Administrator of the
13 Transportation Security Administration determines
14 at any time that a foreign country's air cargo secu-
15 rity program approved and officially recognized
16 under subsection (b) no longer provides a level of se-
17 curity commensurate with the level of security re-
18 quired by United States air cargo security programs,
19 the Administrator may revoke or temporarily sus-
20 pend such approval and official recognition until
21 such time as the Administrator determines that such
22 foreign country's cargo security programs provide a
23 level of security commensurate with the level of secu-
24 rity required by such United States air cargo secu-
25 rity programs.

1 (2) NOTIFICATION.—If the Administrator of
2 the Transportation Security Administration revokes
3 or suspends pursuant to paragraph (1) a foreign
4 country’s air cargo security program, the Adminis-
5 trator shall notify the Committee on Homeland Se-
6 curity of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of
8 the Senate not later than 30 days after such revoca-
9 tion or suspension.

10 **SEC. 7. CHECKPOINTS OF THE FUTURE.**

11 (a) IN GENERAL.—The Administrator of the Trans-
12 portation Security Administration, shall request the Avia-
13 tion Security Advisory Committee to develop recommenda-
14 tions for more efficient and effective passenger screening
15 processes.

16 (b) CONSIDERATIONS.—In making recommendations
17 to improve existing passenger screening processes pursu-
18 ant to subsection (a), the Aviation Security Advisory Com-
19 mittee shall consider the following:

- 20 (1) The configuration of a checkpoint.
21 (2) Technology innovation.
22 (3) Ways to address any vulnerabilities identi-
23 fied in audits of checkpoint operations.

1 (4) Ways to prevent security breaches at air-
2 ports at which Federal security screening is pro-
3 vided.

4 (5) Best practices in aviation security.

5 (6) Recommendations from airport and aircraft
6 operators, and any relevant advisory committees.

7 (7) “Curb to curb” processes and procedures.

8 (c) REPORT.—Not later than one year after the date
9 of enactment of this Act, the Administrator shall submit
10 to the Committee on Homeland Security of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report on the
13 recommendations of the Aviation Security Advisory Com-
14 mittee under this section, including any recommendations
15 for improving screening processes.

Passed the House of Representatives April 26, 2016.

Attest:

KAREN L. HAAS,

Clerk.