

115TH CONGRESS
2D SESSION

H. R. 6459

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2018

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

AN ACT

To amend the Homeland Security Act of 2002 to require a strategy to diversify the technology stakeholder marketplace regarding the acquisition by the Transportation Security Administration of security screening technologies, 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 “TSA Opportunities to
3 Pursue Expanded Networks for Business Act” or the
4 “TSA OPEN for Business Act”.

5 **SEC. 2. STRATEGY.**

6 (a) IN GENERAL.—Subtitle B of title XVI of the
7 Homeland Security Act of 2002 (6 U.S.C. 563 et seq.)
8 is amended by adding at the end following new section:

9 **“SEC. 1617. DIVERSIFIED TECHNOLOGY STAKEHOLDER**
10 **MARKETPLACE.**

11 “(a) IN GENERAL.—Not later than 120 days after
12 the date of the enactment of this section, the Adminis-
13 trator shall submit to the Committee on Homeland Secu-
14 rity of the House of Representatives and the Committee
15 on Commerce, Science, and Transportation of the Senate
16 a strategy to diversify the technology stakeholder market-
17 place that the Administrator relies upon to acquire secu-
18 rity screening technologies, including by increased partici-
19 pation of small business innovators.

20 “(b) CONTENTS.—The strategy required under sub-
21 section (a) shall include the following:

22 “(1) Information on how Administration solici-
23 tation, testing, evaluation, piloting, acquisition, and
24 procurement processes impact the Administrator’s
25 ability to acquire from a technology stakeholder, in-
26 cluding a small business innovator, that has not pre-

1 viously provided technology to the Administration,
2 an innovative technology or capability with the po-
3 tential to enhance transportation security.

4 “(2) Specific actions that the Administrator will
5 take, including modifications to the processes de-
6 scribed in paragraph (1), to foster diversification
7 within the technology stakeholder marketplace, to-
8 gether with information on projected timelines for
9 such actions.

10 “(3) Plans for how the Administrator may, to
11 the extent practicable, assist a small business inno-
12 vator at certain points in such processes, including
13 when such an innovator lacks adequate resources to
14 participate in such processes, to help ensure that an
15 advanced technology or capability can be developed
16 and acquired by the Administrator.

17 “(4) A feasibility assessment of partnering with
18 an organization described in section 501(c)(3) of the
19 Internal Revenue Code of 1986 and exempt from tax
20 under section 501(a) of such Code to help provide
21 venture capital to businesses, particularly small busi-
22 ness innovators, for commercialization of innovative
23 homeland security technologies that are expected to
24 be ready for commercialization in the near term and
25 within 36 months. In conducting such feasibility as-

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

3 “(A) Establishing an organization de-
4 scribed in section 501(c)(3) of the Internal Rev-
5 enue Code of 1986 and exempt from tax under
6 section 501(a) of such Code, modeled after the
7 In-Q-tel program, as a venture capital partner-
8 ship between the private sector and the intel-
9 ligence community to help businesses, particu-
10 larly small business innovators, commercialize
11 innovative security-related technologies.

12 “(B) Enhanced engagement, either
13 through the Science and Technology Direc-
14 torate of the Department of Homeland Security
15 or directly, with the In-Q-tel program described
16 in subparagraph (A).

17 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed as requiring changes to the Trans-
19 portation Security Administration standards for security
20 technology.

21 “(d) DEFINITIONS.—In this section:

22 “(1) INTELLIGENCE COMMUNITY.—The term
23 ‘intelligence community’ has the meaning given such
24 term in section 3(4) of the National Security Act of
25 1947 (50 U.S.C. 3003(4)).

1 “(2) SMALL BUSINESS CONCERN.—The term
2 ‘small business concern’ has the meaning described
3 under section 3 of the Small Business Act (15
4 U.S.C. 632).

5 “(3) SMALL BUSINESS INNOVATOR.—The term
6 ‘small business innovator’ means a stakeholder that
7 is a small business concern that has an advanced
8 transportation security technology or capability.”.

9 (b) COMPTROLLER GENERAL REVIEW.—Not later
10 than one year after the submission of the strategy required
11 under section 1617 of the Homeland Security Act of 2002
12 (as added by subsection (a)), the Comptroller General of
13 the United States shall submit to the Committee on
14 Homeland Security of the House of Representatives and
15 the Committee on Commerce, Science, and Transportation
16 of the Senate a review of the extent to which such strategy
17 addresses the requirements of such section, has resulted
18 in increased participation of small business innovators in
19 the technology stakeholder marketplace, and has resulted
20 in a diversification of the marketplace.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 is

- 1 amended by inserting after the item relating to section
2 1616 the following new item:

“Sec. 1617. Diversified technology stakeholder marketplace.”.

Passed the House of Representatives September 4,
2018.

Attest:

KAREN L. HAAS,
Clerk.