

H.R. 665

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Airport Perimeter and Access Control Security Act of 2017”.

**SEC. 2. RISK ASSESSMENTS OF AIRPORT SECURITY.**

(a) IN GENERAL.—The Administrator of the Transportation Security Administration (TSA) shall—

(1) not later than 60 days after the date of the enactment of this Act, update the Transportation Sector Security Risk Assessment (TSSRA) for the aviation sector; and

(2) not later than 90 days after such date—

(A) update with the latest and most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (in this Act referred to as the “Risk Assessment of Airport Security”) and determine a regular timeframe and schedule for further updates to such Risk Assessment of Airport Security; and

(B) conduct a system-wide assessment of airport access control points and airport perimeter security.

(b) CONTENTS.—The security risk assessments required under subsection (a)(2) shall—

(1) include updates reflected in the TSSRA and Joint Vulnerability Assessment (JVA) findings;

(2) reflect changes to the risk environment relating to airport access control points and airport perimeters;

(3) use security event data for specific analysis of system-wide trends related to airport access control points and airport perimeter security to better inform risk management decisions; and

(4) take into consideration the unique geography of and current best practices used by airports to mitigate potential vulnerabilities.

(c) REPORT.—The Administrator of the Transportation Security Administration shall report 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, relevant Federal departments and agencies, and airport operators on the results of the security risk assessments required under subsection (a).

**SEC. 3. AIRPORT SECURITY STRATEGY DEVELOPMENT.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall update the 2012 National Strategy for Airport Perimeter and Access Control Security (in this section referred to as the “National Strategy”).

(b) CONTENTS.—The update to the National Strategy required under subsection (a) shall include—

(1) information from the Risk Assessment of Airport Security; and

(2) information on—

(A) airport security-related activities;

(B) the status of TSA efforts to address the goals and objectives referred to in subsection (a);

(C) finalized outcome-based performance measures and performance levels for each relevant activity and goal and objective under subparagraphs (A) and (B); and

(D) input from airport operators.

(c) UPDATES.—Not later than 90 days after the update is completed under subsection (a), the Administrator of the Transportation Security Administration shall implement a

the battlefield in Syria and Iraq. With this threat environment in mind, I have introduced H.R. 526.

Initially established at the end of 2010, the Counterterrorism Advisory Board brings together the Department of Homeland Security’s top echelon counterterrorism decisionmakers to quickly respond to threats.

While my colleagues and I were conducting the bipartisan Task Force on Combating Terrorists and Foreign Fighter Travel, we found that the Counterterrorism Advisory Board, or CTAB as it is referred to, had neither been codified nor had its charter kept pace with evolving terrorist threats.

That is why we need to pass this bill to ensure that DHS is effectively integrating intelligence, operations, and policy to better compile and understand threat information to successfully fight terrorism.

This legislation formally establishes the CTAB in law and makes it the Department’s central coordination body for counterterrorism activities.

□ 1500

The bill also updates the Board’s charter to effectively respond to tomorrow’s challenges and requires the Secretary to appoint a coordinator for counterterrorism to oversee the Board’s activities.

Additionally, this legislation requires the CTAB to advise the Secretary of Homeland Security on the issuance of terrorism alerts, ensuring that top counterterrorism intelligence officials play a key role in developing these critical notices and providing them to the public.

Finally, this bill ensures continued congressional oversight by requiring DHS to report on the status and activities of the CTAB so that they can be certain it is meeting its mandate.

I thank Chairman McCARTHY from the Homeland Security Committee for appointing me to lead the bipartisan Task Force on Combating Terrorist and Foreign Fighter Travel last year. This task force produced 32 key findings and more than 50 recommendations, one of which serves as a basis of the legislation before us today.

I am proud to say we have now acted legislatively on more than half of the task force’s findings, largely thanks to the hard work of the members of the task force and their willingness to work across the aisle in a bipartisan manner.

I also thank Mr. THOMPSON, my colleague in the minority, for working in a bipartisan manner on this and many other bills that we have before us today.

I will end by urging my colleagues to support this measure.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 526, the Counterterrorism Advisory Board Act of 2017.

Mr. Speaker, H.R. 526 authorizes, within the Department of Homeland Security, the Counterterrorism Advisory Board, or CTAB, to coordinate and integrate the Department’s intelligence policies and activities as related to counterterrorism.

Since 2010, this internal body, comprised of top DHS officials, has helped to harmonize counterterrorism programs and activities across DHS.

H.R. 526 directs the Board to meet on a regular basis to coordinate and integrate the Department’s counterterrorism efforts and set forth the leadership and composition of the Board.

H.R. 526 also requires DHS to report to Congress on the Board’s status and activities.

To ensure that the Board remains an integral part of counterterrorism policy recommendations and responses across the Department, H.R. 526 would codify it in law.

At this time, when the Homeland Security challenges we face are, in many ways, more complex and diverse than ever before, it is essential that the new DHS Secretary and any successors have a mature, stable mechanism for counterterrorism decisionmaking just as his predecessors had.

Mr. Speaker, again, H.R. 526 will authorize, within the Department of Homeland Security, the Counterterrorism Advisory Board to coordinate and integrate the Department’s intelligence activities and policies as related to counterterrorism.

This Board already plays a central and necessary role within DHS.

Enactment of H.R. 526 will ensure that the Counterterrorism Advisory Board will remain in place for years and decades to come.

Mr. Speaker, I urge passage of H.R. 526.

I yield back the balance of my time.

Mr. KATKO. Mr. Speaker, I have no further speakers, and I urge Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCCLINTOCK). The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 526, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**AIRPORT PERIMETER AND ACCESS CONTROL SECURITY ACT OF 2017**

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 665) to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

process for determining when additional updates to the strategy referred to in such subsection are needed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentleman from Massachusetts (Mr. KEATING) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KATKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 665, the Airport Perimeter and Access Control Security Act, sponsored by my good friend and colleague, Congressman KEATING.

Over the course of the last year, we have seen a disturbing number of attacks against airports and aircrafts overseas and around the world. And in every instance, the integrity of the airport security infrastructure and the insider threat have been of serious concern.

It is critical that we scrutinize the security effectiveness of our Nation's airports and ensure that the public can have confidence that their travels will be safe and secure during the high-threat environment.

This important piece of legislation requires that the TSA's comprehensive risk assessment of perimeter and access control security is more regularly updated and that TSA conducts a sector-wide assessment of airport access control vulnerabilities and mitigation efforts, something TSA has not done across the board since 2012, despite multiple security breaches at airports across the country.

We cannot solely focus on the effectiveness of our passenger screening checkpoints, while allowing lapses in security around the airport perimeter and within the sterile area of airport. A dead bolt on a front door does no good if the back door is left wide open.

As partners on the Transportation and Protective Security Subcommittee, Congressman KEATING and I have seen firsthand disturbing vulnerabilities at airports across the United States. I commend his efforts to help enhance security for the American people.

While there may be gridlock and partisan bickering at times in other places here in Washington, on the Homeland Security Committee, we all share an unshakable commitment to ensuring the security of the traveling public because we know that the consequence of failure is too great.

Mr. Speaker, I thank Congressman KEATING for introducing this important legislation.

I urge my colleagues to support this bipartisan bill.

I reserve the balance of my time.

Mr. KEATING. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of my legislation H.R. 665, the Airport Perimeter and Access Control Security Act.

Mr. Speaker, I am proud to be joined by my colleague from New York (Mr. KATKO), as well as my colleagues, Ranking Member THOMPSON, and Members RICE, RICHMOND, and SWALWELL.

Since I first was elected to Congress in 2010, I have worked to secure our Nation's airports from porous perimeters and unsecure access control points.

Last year, at my request, the Government Accountability Office released an independent report of all airports within the Transportation Security Administration's presence.

While TSA has made some progress in assessing risks at airport perimeters and access control security points, the GAO report revealed that the agency had not taken emerging threats or the unique makeup and design of individual airports into consideration.

More and more, we have seen that terrorists are targeting the soft areas in our airport perimeters and within the airport itself. Terrorists are looking for these soft targets. We have seen it in Europe. We have seen these tragedies in Brussels. We have seen it in Istanbul. And, sadly, we have seen it here at home in Fort Lauderdale.

Updating the risk assessment of airport secured with information that reflects the current threat ensures that TSA bases its decision on the latest information, enabling it to focus limited resources to the highest priority risks to airport security.

The TSA's efforts to access, really, our entire airport security around the country, has been, frankly, inadequate. The numbers are startling. From 2009 to 2015, TSA conducted comprehensive risk assessments at only 81 of the 437 commercial airports nationwide—or 19 percent. Some years, this really represented only 3 percent of the airports that were assessed at all.

The Airport Perimeter and Access Control Security Act will make law the recommendations from the independent report and increase safety at airports nationwide. Further, this bill incorporates the input of major airport operators—whose concerns for lack of individualized security strategy we heard from firsthand.

Last year, the Associated Press revealed that there had been at least 268 perimeter security breaches at 31 major U.S. airports. From 2004 to 2015, their investigation found that intruders breached airport fences, on average, every 13 days.

This figure includes a fatal incident, a tragic incident that I investigated before I came to Congress as a district attorney when Delvonte Tisdale, a teenager from North Carolina, snuck onto the tarmac at Charlotte-Douglas International Airport and stowed away un-

detected in a wheel well of a commercial 737 on a flight to Boston.

The figures I mentioned really don't account for the many unreported instances of perimeter breaches, including things like trespassers or people that scale the fences around the perimeter.

We are lucky that all of these individuals did not harbor nefarious intentions. But that does not mitigate the risk posed by such behavior at airports, employees and others, and the passengers and travelers who rely on TSA officers and the airport operators for their security.

As you may recall, this legislation passed the House of Representatives with the support of my colleagues last year and has been a long time coming.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KATKO. Mr. Speaker, before I close, I commend my colleague for his unwavering dedication to this issue. His passion has shown through in the committee hearings and throughout my time with him in Congress and I commend him for it. I look forward to working on this and other issues with him moving forward.

I urge my colleagues to support H.R. 665.

I yield back the balance of my time.

Mr. KEATING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank everyone that worked so hard to make this bill a reality, and to have the success it did last year, and, hopefully, go all the way and get enacted into law this year.

The recent tragedies demonstrated at airports remain a steady target for terrorists and nefarious actors. This bipartisan legislation will close loops in the airport security practices and procedures and bring us closer to ensuring that the access control points and the perimeters of all of the unique designs are as secure as possible.

Passage of H.R. 665 is an important step in the safety of passengers, pilots, and the airport employees.

I thank the chairman of the Transportation Subcommittee again, Mr. KATKO; the full committee ranking member, Mr. THOMPSON; and Representatives RICE, RICHMOND, and SWALWELL for joining me in requesting this report and in supporting this legislation.

I urge my colleagues to support H.R. 665.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 665.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## BORDER SECURITY TECHNOLOGY ACCOUNTABILITY ACT OF 2017

Ms. MCSALLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 505) to amend the Homeland Security Act of 2002 to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 505

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Border Security Technology Accountability Act of 2017”.

**SEC. 2. BORDER SECURITY TECHNOLOGY ACCOUNTABILITY.**

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

**“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.**

“(a) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

“(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

“(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

“(3) have a plan for meeting program implementation objectives by managing contractor performance.

“(b) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring proper program management of border security technology acquisition programs under this section.

“(c) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing and evaluation, as well as the use of independent verification and validation resources, for border security technology so that new border security technologies are evaluated through a series of assessments, processes, and audits to ensure compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation, as well as the effectiveness of taxpayer dollars.

“(d) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of at least \$300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of

2002 is amended by inserting after the item relating to section 433 the following new item:

“Sec. 434. Border security technology program management.”.

**SEC. 3. PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act. This Act and such amendments shall be carried out using amounts otherwise authorized for such purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Arizona (Ms. MCSALLY) and the gentleman from Massachusetts (Mr. KEATING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Arizona.

**GENERAL LEAVE**

Ms. MCSALLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

Ms. MCSALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 505, the Border Security Technology Accountability Act.

This bill seeks to improve the management of border security technology projects, safeguard taxpayer dollars, and increase accountability for some of the Department of Homeland Security’s largest acquisition programs.

As a subcommittee chair with responsibility for the entire 2,000-mile Southern border, and as a Member whose district in southern Arizona represents 80 miles of the border, I have spent countless hours meeting with border residents, local law enforcement, ranchers, and men and women who tirelessly patrol the border every day.

I know firsthand that when our border technology projects lack the proper oversight and accountability, it is bad for taxpayers, those who defend our border, and those who live along our border.

That is why this bill is so important.

The Government Accountability Office has repeatedly included DHS acquisition management activities on its high-risk list, demonstrating that these programs are highly susceptible to waste, fraud, abuse, or mismanagement.

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The Secure Border Initiative, also known as SBInet, is a prime example of acquisition mismanagement. Initial plans developed in 2005 and 2006 call for SBInet to extend across the entire U.S.-Mexico land border; however, SBInet deployment in Arizona was fraught with mismanagement, including a failure to adequately set requirements so the system would meet the needs of its users: our border patrol agents.

After spending nearly \$1 billion of taxpayers’ money with minimal results, DHS canceled SBInet in 2011, showing the high cost of failing to properly oversee new border acquisitions. With a renewed focus from the administration and this Congress on improving border security, this bill helps ensure Americans’ dollars are used as efficiently and effectively as possible. It requires that border security technology programs at the Department have an acquisition program baseline: a critical document that lays out what a program will do, what it will cost, and when it will be completed.

The bill also requires programs to adhere to internal control standards and have a plan for testing and evaluation, as well as the use of independent verification and validation resources. Being proper stewards of our limited resources requires that programs are on time, on budget, and follow sound management procedures. We cannot afford to waste another minute or another dollar. We must put into place strong, effective technology programs to secure our border.

I urge all Members to join me in supporting these basic commonsense cost-control mechanisms so that we can responsibly secure our border.

I reserve the balance of my time.

Mr. KEATING. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 505.

I would like to thank the gentlewoman from Arizona (Ms. MCSALLY) for her work on this bill.

Over the past several years, the Government Accountability Office has examined various Department of Homeland Security programs and concluded that the Department has not followed standard best practices for acquisitions management. Though DHS has taken steps to improve its performance, there remains specific deficiencies in how it carries out major acquisitions.

When a DHS acquisition program falls short in terms of effectiveness or efficiency, this not only risks undermining that program, but also risks wasting the limited homeland security dollars that are available to us. We owe it to the American public not to repeat our mistakes.

This bill is intended to strengthen accountability for the acquisition and use of border security technology by the Department of Homeland Security. This bill would require all major acquisitions for border security technology to have written documentation of costs, schedule, and performance thresholds and demonstrate that the program is meeting these thresholds.

The bill also requires coordination and submission to Congress of a plan for testing and evaluation, as well as the use of independent verification and validation of resources for border security technology.

Addressing border security technology acquisitions is an important step toward bettering acquisitions and