

From: Harvey, Krista
Sent: 3 Mar 2017 21:02:36 +0000
To: Gibson, Marian
Cc: Marston, Alex
Subject: CHS Bills for HR 1309, HR 1353, HR 876 ANS
Attachments: HR1309.PIH.pdf, HR1353.PIH[2].pdf, HR0876-AMDT-001-ANS-Katko.pdf

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Krista Harvey
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Homeland Security Committee

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.....
(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. 1309

To streamline the office and term of the Administrator of the Transportation Security Administration, and for other purposes

IN THE HOUSE OF REPRESENTATIVES

Mr. KATKO introduced the following bill; which was referred to the Committee
on _____

A BILL

To streamline the office and term of the Administrator of 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “TSA Administrator
5 Modernization Act of 2017”.

1 **SEC. 2. AMENDMENTS TO THE HOMELAND SECURITY ACT**
2 **OF 2002 AND TITLE 5, UNITED STATES CODE.**

3 (a) HOMELAND SECURITY ACT OF 2002.—Para-
4 graph (1) of section 103(a) of the Homeland Security Act
5 of 2002 is amended—

6 (1) in subparagraph (I), by striking “12” and
7 inserting “11”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(L) An Administrator of the Transpor-
11 tation Security Administration, in accordance
12 with section 114 of title 49, United States
13 Code.”.

14 (b) INCLUSION IN EXECUTIVE SCHEDULE.—Section
15 5315 of title 5, United States Code, is amended by adding
16 at the end the following:

17 “Administrator of the Transportation Security Ad-
18 ministration, Department of Homeland Security.”.

19 **SEC. 3. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

20 Section 114 of title 49, United States Code, is
21 amended—

22 (1) in subsection (a), by striking “Department
23 of Transportation” and inserting “Department of
24 Homeland Security”;

25 (2) in subsection (b)(1), by striking “Under
26 Secretary of Transportation for Security” and in-

1 serting “Administrator of the Transportation Secu-
2 rity Administration”;

3 (3) by striking “Under Secretary” each place it
4 appears and inserting “Administrator”;

5 (4) in subsection (b), in the heading, by strik-
6 ing “UNDER SECRETARY” and inserting “ADMINIS-
7 TRATOR”;

8 (5) in subsection (e)(4), by striking “Secretary
9 of Transportation” and inserting “Secretary of
10 Homeland Security”;

11 (6) in subsection (f)—

12 (A) in paragraph (6), by striking “Federal
13 Security Managers” and inserting “Federal Se-
14 curity Directors”; and

15 (B) in paragraph (14), by inserting “air
16 carriers or” before “foreign air carriers”;

17 (7) in subsection (g)—

18 (A) by striking “the Secretary” each place
19 it appears and inserting “the Secretary of
20 Homeland Security”; and

21 (B) in paragraph (3), by striking “The
22 Secretary” and inserting “The Secretary of
23 Homeland Security”;

1 (8) in subsection (j)(1)(D), by striking “the
2 Secretary” and inserting “the Secretary of Home-
3 land Security”;

4 (9) in subsection (l)—

5 (A) in paragraph (2)(A), by striking “the
6 Secretary” and inserting “the Secretary of
7 Homeland Security”; and

8 (B) in paragraph (4)(B), by striking “the
9 Administrator under subparagraph (A)” and in-
10 serting “the Administrator of the Federal Avia-
11 tion Administration under subparagraph (A)”;

12 (10) in subsection (m)—

13 (A) in the heading, by striking “UNDER
14 SECRETARY” and inserting “ADMINISTRATOR”;
15 and

16 (B) in paragraph (1), in the heading, by
17 striking “UNDER SECRETARY” and inserting
18 “ADMINISTRATOR”;

19 (11) in subsection (n), by striking “Department
20 of Transportation” and inserting “Department of
21 Homeland Security”;

22 (12) in subsection (o), by striking “Department
23 of Transportation” and inserting “Department of
24 Homeland Security”; and

1 (13) in subsection (p)(4), by striking “Sec-
2 retary of Transportation” and inserting “Secretary
3 of Homeland Security”.

.....
(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. 1353

To amend the Homeland Security Act of 2002 to require certain additional information to be submitted to Congress regarding the strategic 5-year technology investment plan of the Transportation Security Administration.

IN THE HOUSE OF REPRESENTATIVES

Miss RICE of New York introduced the following bill; which was referred to the Committee on

A BILL

To amend the Homeland Security Act of 2002 to require certain additional information to be submitted to Congress regarding the strategic 5-year technology investment plan of the Transportation Security Administration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Tech-
5 nological Acquisitions Act of 2017”.

1 **SEC. 2. INFORMATION REQUIRED TO BE SUBMITTED TO**
2 **CONGRESS UNDER THE STRATEGIC 5-YEAR**
3 **TECHNOLOGY INVESTMENT PLAN OF THE**
4 **TRANSPORTATION SECURITY ADMINISTRA-**
5 **TION.**

6 (a) **ADDITIONAL INFORMATION REQUIRED.**—Section
7 1611 of the Homeland Security Act of 2002 (6 U.S.C.
8 563) is amended—

9 (1) in subsection (g)—

10 (A) in the matter preceding paragraph (1),
11 by striking “biennially” and inserting “annu-
12 ally”;

13 (B) in paragraph (1), by striking “and”;

14 (C) in paragraph (2), by striking the pe-
15 riod and inserting “; and”;

16 (D) by adding at the end the following new
17 paragraph:

18 “(3) information about acquisitions completed
19 during the fiscal year preceding the fiscal year dur-
20 ing which the report is submitted.”; and

21 (2) by adding at the end the following new sub-
22 sections:

23 “(h) **NOTICE OF COVERED CHANGES TO PLAN.**—

24 “(1) **NOTICE REQUIRED.**—The Administrator
25 shall submit to the Committee on Commerce,
26 Science, and Transportation of the Senate and the

1 Committee on Homeland Security of the House of
2 Representatives notice of any covered change to the
3 Plan by not later than 90 days after the date on
4 which the change is made.

5 “(2) DEFINITION OF CHANGE.—In this sub-
6 section, the term ‘covered change’ means an increase
7 or decrease in the dollar amount allocated to the
8 procurement of a technology or an increase or de-
9 crease in the number of a technology.”.

10 (b) REPORT ON EQUIPMENT IN OPERATION POST-
11 LIFE-CYCLE.—Not later than 90 days after the date of
12 the enactment of this Act, the Administrator of the Trans-
13 portation Security Administration shall submit to the
14 Committee on Commerce, Science, and Transportation of
15 the Senate and the Committee on Homeland Security of
16 the House of Representatives a report describing any
17 equipment of the Transportation Security Administration
18 that is in operation after—

19 (1) the end of the life-cycle of the equipment
20 specified by the manufacturer of the equipment; or

21 (2) the end of the useful life projection for the
22 equipment under the strategic 5-year technology in-
23 vestment plan of the Transportation Security Ad-
24 ministration, as required by section 1611 of the
25 Homeland Security Act of 2002 (6 U.S.C. 563).

1 (c) NOTICE TO AIRPORTS AND AIRLINES.—Upon the
2 enactment of this Act, the Administrator of the Transpor-
3 tation Security Administration shall notify airports and
4 airlines of any changes to the 5-year technology invest-
5 ment plan of the Transportation Security Administration.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 876
OFFERED BY MR. KATKO OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Aviation Employee
3 Screening and Security Enhancement Act of 2017”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) **ADMINISTRATION.**—The term “Administra-
7 tion” means the Transportation Security Adminis-
8 tration.

9 (2) **ADMINISTRATOR.**—The term “Adminis-
10 trator” means the Administrator of the Transpor-
11 tation Security Administration.

12 (3) **AIR CARRIER.**—The term “air carrier” has
13 the meaning given such term in section 40102 of
14 title 49, United States Code.

15 (4) **APPROPRIATE CONGRESSIONAL COMMIT-**
16 **TEES.**—The term “appropriate congressional com-
17 mittees” means the Committee on Homeland Secu-
18 rity of the House of Representatives and the Com-

1 committee on Homeland Security and Governmental Af-
2 fairs and the Committee on Commerce, Science, and
3 Transportation of the Senate.

4 (5) FOREIGN AIR CARRIER.—The term “foreign
5 air carrier” has the meaning given such term in sec-
6 tion 40102 of title 49, United States Code.

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

11 (7) SECURED AREA.—The term “secured area”
12 has the meaning given such term in section 1540.5
13 of title 49, Code of Federal Regulations.

14 (8) SECURITY IDENTIFICATION DISPLAY
15 AREA.—The term “Security Identification Display
16 Area” has the meaning given such term in section
17 1540.5 of title 49, Code of Federal Regulations.

18 (9) STERILE AREA.—The term “sterile area”
19 has the meaning given such term in section 1540.5
20 of title 49, Code of Federal Regulations.

21 **SEC. 3. COST AND FEASIBILITY STUDY.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Administrator, in
24 consultation with the Aviation Security Advisory Com-
25 mittee (established under section 44946 of title 49, United

1 States Code), shall submit to the appropriate congress-
2 sional committees and the Comptroller General of the
3 United States a cost and feasibility study of a statistically
4 significant number of Category I, II, III, IV, and X air-
5 ports assessing the impact if all employee access points
6 from non-secured areas to secured areas of such airports
7 are comprised of the following:

8 (1) A secure door utilizing card and pin entry
9 or biometric technology.

10 (2) Surveillance video recording, capable of
11 storing video data for at least 30 days.

12 (3) Advanced screening technologies, including
13 at least one of the following:

14 (A) Magnetometer (walk-through or hand-
15 held).

16 (B) Explosives detection canines.

17 (C) Explosives trace detection swabbing.

18 (D) Advanced imaging technology.

19 (E) X-ray bag screening technology.

20 (b) CONTENTS.—The study required under sub-
21 section (a) shall include information related to the em-
22 ployee screening costs of those category I, II, III, IV, and
23 X airports which have already implemented practices of
24 screening 100 percent of employees accessing secured
25 areas of airports, including the following:

1 (1) Costs associated with establishing an oper-
2 ational minimum number of employee entry and exit
3 points.

4 (2) A comparison of estimated costs and effec-
5 tiveness associated with implementing the security
6 features specified in subsection (a) to—

7 (A) the Federal Government; and

8 (B) airports and the aviation community.

9 (c) COMPTROLLER GENERAL ASSESSMENT.—

10 (1) IN GENERAL.—Upon completion of the
11 study required under subsection (a), the Comptroller
12 General of the United States shall review such study
13 to assess the quality and reliability of such study.

14 (2) ASSESSMENT.—Not later than 60 days
15 after the receipt of the study required under sub-
16 section (a), the Comptroller General of the United
17 States shall report to the Committee on Homeland
18 Security of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs and the Committee on Commerce, Science,
21 and Transportation of the Senate on the results of
22 the review required under paragraph (1).

1 **SEC. 4. AIRPORT WORKER EDUCATION AND SECURITY**
2 **AWARENESS.**

3 (a) **COOPERATIVE EFFORTS TO ENHANCE AIRPORT**
4 **SECURITY AWARENESS.**—Not later than 180 days after
5 the date of the enactment of this Act, the Administrator
6 shall work with air carriers, foreign air carriers, airport
7 operators, labor unions representing credentialed employ-
8 ees, and the Aviation Security Advisory Committee to en-
9 hance security awareness of credentialed airport popu-
10 lations regarding insider threats to aviation security and
11 best practices related to airport access controls.

12 (b) **CREDENTIALING STANDARDS.**—

13 (1) **IN GENERAL.**—Not later than 180 days
14 after the date of the enactment of this Act, the Ad-
15 ministrator shall, in consultation with air carriers,
16 foreign air carriers, airport operators, labor unions
17 representing credentialed employees, and the Avia-
18 tion Security Advisory Committee, assess
19 credentialing standards, policies, and practices to en-
20 sure that insider threats to aviation security are ade-
21 quately addressed.

22 (2) **REPORT.**—Not later than 30 days after
23 completion of the assessment required under para-
24 graph (1), the Administrator shall report to the ap-
25 propriate congressional committees on the results of
26 such assessment.

1 (c) SIDA APPLICATIONS.—

2 (1) SOCIAL SECURITY NUMBERS REQUIRED.—

3 Not later than 60 days after the date of the enact-
4 ment of this Act, the Administrator shall require air-
5 port operators to submit the social security number
6 of an individual applying for a credential granting
7 access to the Security Identification Display Area to
8 strengthen security vetting effectiveness. An appli-
9 cant who does not provide such applicant's social se-
10 curity number may be denied such a credential.

11 (2) SCREENING NOTICE.—The Administrator
12 shall issue requirements for airport operators to in-
13 clude in applications for access to a Security Identi-
14 fication Display Area a notice informing applicants
15 that an employee holding a credential granting ac-
16 cess to a Security Identification Display Area may
17 be screened at any time while gaining access to,
18 working in, or leaving a Security Identification Dis-
19 play Area.

20 **SEC. 5. SECURING AIRPORT WORKER ACCESS.**

21 (a) IN GENERAL.—The Administrator shall work
22 with airport operators and the Aviation Security Advisory
23 Committee to identify advanced technologies, including bi-
24 ometric identification technologies, for securing employee
25 access to the secured areas and sterile areas of airports.

1 (b) RAP BACK VETTING.—Not later than 180 days
2 after the date of the enactment of this Act, the Adminis-
3 trator shall ensure that all credentialed aviation worker
4 populations currently requiring a fingerprint-based crimi-
5 nal record history check are continuously vetted through
6 the Federal Bureau of Investigation’s Rap Back Service,
7 in order to more rapidly detect and mitigate insider
8 threats to aviation security.

9 (c) INSIDER THREAT EDUCATION AND MITIGA-
10 TION.—Not later than 180 days after the date of the en-
11 actment of this Act, the Administrator shall identify
12 means of enhancing the Administration’s ability to lever-
13 age the resources of the Department of Homeland Secu-
14 rity and the intelligence community to educate Adminis-
15 tration personnel on insider threats to aviation security
16 and how the Administration can better mitigate such in-
17 sider threats.

18 (d) PLAYBOOK OPERATIONS.—The Administrator
19 shall ensure that Administration-led employee physical in-
20 spection efforts of aviation workers, known as Playbook
21 operations, are targeted, strategic, and focused on pro-
22 viding the greatest level of security effectiveness.

23 (e) COVERT TESTING.—

24 (1) IN GENERAL.—The Administrator shall con-
25 duct covert testing of Administration-led employee

1 inspection operations at airports and measure exist-
2 ing levels of security effectiveness. The Adminis-
3 trator shall provide to air carriers, foreign air car-
4 riers, and airport operators—

5 (A) the results of such testing; and

6 (B) recommendations and technical assist-
7 ance for air carriers, foreign air carriers, and
8 airport operators to conduct their own employee
9 inspections, as needed.

10 (2) ANNUAL REPORTING.—The Administrator
11 shall submit to the appropriate congressional com-
12 mittees an annual report on the frequency, method-
13 ology, strategy, and effectiveness of employee screen-
14 ing operations at airports.

15 (f) CENTRALIZED DATABASE.—Not later than 180
16 days after the date of the enactment of this Act, the Ad-
17 ministrator, in consultation with the Aviation Security Ad-
18 visory Committee, shall—

19 (1) establish a national database of individuals
20 who have had either their airport or airport oper-
21 ator-issued badge revoked for failure to comply with
22 aviation security requirements;

23 (2) determine the appropriate reporting mecha-
24 nisms for air carriers, foreign air carriers, and air-
25 port operators to—

1 (A) submit to the Administration data re-
2 garding individuals described in paragraph (1);
3 and

4 (B) access the database established pursu-
5 ant to such paragraph; and

6 (3) establish a process to allow individuals
7 whose names were mistakenly entered into such
8 database to correct the record and have their names
9 removed from such database.

10 **SEC. 6. INSIDER THREAT COORDINATION EFFORTS.**

11 The Department of Homeland Security is the lead
12 interagency coordinator pertaining to insider threat inves-
13 tigation and mitigation efforts at airports. The Depart-
14 ment shall make every practicable effort to coordinate with
15 other relevant Government entities, as well as the security
16 representatives of air carriers, foreign air carriers, and
17 airport operators, as appropriate, when undertaking such
18 investigations and efforts.

19 **SEC. 7. INFORMATION TECHNOLOGY SECURITY.**

20 Not later than 90 days after the date of the enact-
21 ment of this Act, the Administrator shall submit to the
22 appropriate congressional committees a plan to conduct
23 recurring reviews of the operational, technical, and man-

1. Management security controls for Administration information
2. Technology systems at airports.



From: Marston, Alex
Sent: 3 Mar 2017 21:23:05 +0000
To: Harvey, Krista;Gibson, Marian
Cc: (b)(6) Wiggins, Sterling
Subject: RE: CHS Bills for HR 1309, HR 1353, HR 876 ANS
Attachments: Rice Bill Comments 5-9-16 Edits.docx

Hi Krista,

Per your request, attached are our comments on the Rep. Rice bill. As you'll see, our comments were on a summary draft, not actual language. We can take a look at the specific language if you'd like.

Also—are the Rep. Katko rules/redress bill and the Rep. Perry misconduct bill going to be included in next week's markup too?

Thanks,
Alex

From: Harvey, Krista [mailto:(b)(6)]
Sent: Friday, March 3, 2017 4:03 PM
To: Gibson, Marian <(b)(6)>
Cc: Marston, Alex <(b)(6)>
Subject: CHS Bills for HR 1309, HR 1353, HR 876 ANS

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