

117TH CONGRESS
1ST SESSION

H. R. 1871

To improve the understanding and clarity of Transportation Security
Administration policies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2021

Mr. BISHOP of North Carolina (for himself and Mr. KATKO) introduced the
following bill; which was referred to the Committee on Homeland Security

A BILL

To improve the understanding and clarity of Transportation
Security Administration policies, 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 “Transportation Secu-
5 rity Transparency Improvement Act”.

6 **SEC. 2. SENSITIVE SECURITY INFORMATION; INTER-**
7 **NATIONAL AVIATION SECURITY.**

8 (a) SENSITIVE SECURITY INFORMATION.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Adminis-

1 trator of the Transportation Security Administration
2 (TSA) shall—

3 (A) ensure clear and consistent designation
4 of “Sensitive Security Information”, including
5 reasonable security justifications for such des-
6 ignation;

7 (B) develop and implement a schedule to
8 regularly review and update, as necessary, TSA
9 Sensitive Security Information Identification
10 guidelines;

11 (C) develop a tracking mechanism for all
12 Sensitive Security Information redaction and
13 designation challenges;

14 (D) document justifications for changes in
15 position regarding Sensitive Security Informa-
16 tion redactions and designations, and make
17 such changes accessible to TSA personnel for
18 use with relevant stakeholders, including air
19 carriers, airport operators, surface transpor-
20 tation operators, and State and local law en-
21 forcement, as necessary; and

22 (E) ensure that TSA personnel are ade-
23 quately trained on appropriate designation poli-
24 cies.

1 (2) STAKEHOLDER OUTREACH.—Not later than
2 180 days after the date of the enactment of this Act,
3 the Administrator of the Transportation Security
4 Administration (TSA) shall conduct outreach to rel-
5 evant stakeholders described in paragraph (1)(D)
6 that regularly are granted access to Sensitive Secu-
7 rity Information to raise awareness of the TSA’s
8 policies and guidelines governing the designation and
9 use of Sensitive Security Information.

10 (b) INTERNATIONAL AVIATION SECURITY.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of the enactment of this Act, the Adminis-
13 trator of the Transportation Security Administration
14 shall develop and implement guidelines with respect
15 to last point of departure airports to—

16 (A) ensure the inclusion, as appropriate, of
17 air carriers and other transportation security
18 stakeholders in the development and implemen-
19 tation of security directives and emergency
20 amendments;

21 (B) document input provided by air car-
22 riers and other transportation security stake-
23 holders during the security directive and emer-
24 gency amendment, development, and implemen-
25 tation processes;

1 (C) define a process, including time
2 frames, and with the inclusion of feedback from
3 air carriers and other transportation security
4 stakeholders, for cancelling or incorporating se-
5 curity directives and emergency amendments
6 into security programs;

7 (D) conduct engagement with foreign part-
8 ners on the implementation of security direc-
9 tives and emergency amendments, as appro-
10 priate, including recognition if existing security
11 measures at a last point of departure airport
12 are found to provide commensurate security as
13 intended by potential new security directives
14 and emergency amendments; and

15 (E) ensure that new security directives and
16 emergency amendments are focused on defined
17 security outcomes.

18 (2) BRIEFING TO CONGRESS.—Not later than
19 90 days after the date of the enactment of this Act,
20 the Administrator of the Transportation Security
21 Administration shall brief the Committee on Home-
22 land Security of the House of Representatives and
23 the Committee on Commerce, Science, and Trans-
24 portation of the Senate on the guidelines described
25 in paragraph (1).

1 (3) DECISIONS NOT SUBJECT TO JUDICIAL RE-
2 VIEW.—Notwithstanding any other provision of law,
3 any action of the Administrator of the Transpor-
4 tation Security Administration under paragraph (1)
5 is not subject to judicial review.

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