

Union Calendar No. 371

115TH CONGRESS
2D SESSION

H. R. 4561

[Report No. 115–498]

To provide for third party testing of transportation security screening technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2017

Mr. BILIRAKIS (for himself, Mr. McCAUL, Mr. KATKO, and Mr. DUNN) introduced the following bill; which was referred to the Committee on Homeland Security

JANUARY 9, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on December 6, 2017]

A BILL

To provide for third party testing of transportation security screening technology, 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 “Security Assessment*
5 *Feasibility for Equipment Testing and Evaluation of Capa-*
6 *bilities for our Homeland Act” or the “SAFE TECH Act”.*

7 **SEC. 2. DEFINITIONS.**

8 *In this Act:*

9 (1) *ADMINISTRATION.*—*The term “Administra-*
10 *tion” means the Transportation Security Administra-*
11 *tion.*

12 (2) *ADMINISTRATOR.*—*The term “Adminis-*
13 *trator” means the Administrator of the Transpor-*
14 *tation Security Administration.*

15 **SEC. 3. THIRD PARTY TESTING OF SECURITY SCREENING**
16 **TECHNOLOGY.**

17 (a) *IN GENERAL.*—*Not later than one year after the*
18 *date of the enactment of this Act, the Administrator, in con-*
19 *sultation with the Under Secretary for Science and Tech-*
20 *nology of the Department of Homeland Security, shall de-*
21 *velop a program to enable a vendor of transportation secu-*
22 *rity screening technology to obtain testing, including as an*
23 *alternative to the Administration’s testing process under*
24 *paragraph (9) of section 114(f) of title 49, United States*
25 *Code, by an appropriate third party, as determined by the*

1 Administrator, in consultation with the Under Secretary,
2 of such technology before procurement or development of
3 such technology.

4 (b) DETECTION TESTING.—

5 (1) IN GENERAL.—The third party testing pro-
6 gram authorized under subsection (a) shall include
7 detection testing to evaluate the performance of a se-
8 curity screening technology relating to the probability
9 of detection, the probability of false alarm, and other
10 indicators that such technology is able to meet the Ad-
11 ministration's mission needs for detection of—

12 (A) explosives; and

13 (B) prohibited items.

14 (2) COORDINATION WITH FINAL PROCESSES.—To
15 the extent practicable, and without compromising the
16 integrity of the Administration's testing process under
17 paragraph (9) of section 114(f) of title 49, United
18 States Code, or the Department of Homeland Secu-
19 rity's oversight of such testing process, or increasing
20 costs to the Administration, the Administrator shall
21 coordinate the third party detection testing under
22 paragraph (1) with any associated subsequent final
23 Department of Homeland Security testing.

24 (3) INTERNATIONAL PARTNERSHIPS.—To the ex-
25 tent practicable and permissible under law, and in

1 *accordance with national security interests of the*
2 *United States, the Administrator shall—*

3 *(A) share with appropriate international*
4 *partners detection testing information and*
5 *standards; and*

6 *(B) coordinate with such appropriate inter-*
7 *national partners to align such testing informa-*
8 *tion and standards to maximize the capability to*
9 *detect explosives and other threats.*

10 *(c) ALTERNATIVE TESTING FACTORS.—Third party*
11 *testing under subsection (a) may include as an alternative,*
12 *at the discretion of the Administrator, the testing at the*
13 *TSA Systems Integration Facility of the Administration,*
14 *including testing for—*

15 *(1) health and safety factors;*

16 *(2) operator interface;*

17 *(3) human factors;*

18 *(4) environmental factors;*

19 *(5) throughput;*

20 *(6) reliability, maintainability, and availability*
21 *factors; and*

22 *(7) interoperability.*

23 *(d) TESTING FRAMEWORK.—The Administrator, in*
24 *consultation with the Under Secretary for Science and*

1 *Technology of the Department of Homeland Security,*
 2 *shall—*

3 (1) *establish a framework for the third party*
 4 *testing under this section to determine if the security*
 5 *screening technology that is the subject of such testing*
 6 *satisfies the Administration’s requirements before such*
 7 *technology may enter or re-enter, as applicable, oper-*
 8 *ational testing at an airport or other transportation*
 9 *facility; and*

10 (2) *use phased implementation to allow the Ad-*
 11 *ministration and the third party concerned to estab-*
 12 *lish best practices.*

13 (e) *PRIORITIZATION OF THIRD PARTY TESTING.—The*
 14 *Administrator may prioritize, when appropriate, the field*
 15 *testing of security screening technology and equipment by*
 16 *third parties.*

17 (f) *ELIGIBLE ENTITIES.—*

18 (1) *UNITED STATES OWNERSHIP.—An entity*
 19 *providing third party testing under the program de-*
 20 *veloped pursuant to subsection (a) shall be owned and*
 21 *controlled by a citizen of the United States.*

22 (2) *WAIVER.—The Administrator may waive the*
 23 *requirement specified in paragraph (1) with respect*
 24 *to an entity that is a United States subsidiary of a*
 25 *parent company that has implemented a foreign own-*

1 *ership, control, or influence mitigation plan that has*
 2 *been approved by the Defense Security Service of the*
 3 *Department of Defense prior to seeking to engage in*
 4 *third party testing. The Administrator has complete*
 5 *discretion to reject any proposal from a company to*
 6 *provide testing under subsection (a) that requires a*
 7 *waiver under this paragraph.*

8 (3) *CONFLICTS OF INTEREST.—The Adminis-*
 9 *trator shall ensure, to the extent possible, that an en-*
 10 *tity providing third party testing under this section*
 11 *does not have a contractual, business, or other pecu-*
 12 *niary interest (exclusive of any such testing) in—*

13 (A) *the security screening technology subject*
 14 *to such testing; or the*

15 (B) *vendor of such technology.*

16 **SEC. 4. RECIPROCAL RECOGNITION OF SECURITY STAND-**
 17 **ARDS.**

18 (a) *IN GENERAL.—The Administrator, in coordination*
 19 *with the European Civil Aviation Conference, shall con-*
 20 *tinue development of a validation process for the reciprocal*
 21 *recognition of security validation processes for recognition*
 22 *of security screening technologies or certification authorities*
 23 *for deployment.*

24 (b) *REQUIREMENT.—The validation process under*
 25 *subsection (a) shall ensure that the certification process of*

1 *each participating international security partner or recog-*
2 *nized certification authority complies with Administration*
3 *standards.*

4 **SEC. 5. GAO REVIEW.**

5 *Not later than two years after the date of the enact-*
6 *ment of this Act, the Comptroller General of the United*
7 *States shall submit to the Committee on Homeland Security*
8 *of the House of Representatives and the Committee on Com-*
9 *merce, Science, and Transportation of the Senate a study*
10 *on the third party testing program developed under this*
11 *Act. Such study shall include a review of the following:*

12 *(1) Any efficiencies or gains in effectiveness*
13 *achieved in the Administration's operations as a re-*
14 *sult of such program.*

15 *(2) The degree to which the Administration con-*
16 *ducts timely and regular oversight of entities engaged*
17 *in such testing.*

18 *(3) The effect of such program on the following:*

19 *(A) The introduction of innovative detection*
20 *technologies into security screening operations.*

21 *(B) The availability of testing for tech-*
22 *nologies developed by small to medium sized*
23 *businesses.*

24 *(C) Any vulnerabilities associated with such*
25 *program including with respect to the following:*

- 1 (i) *National security.*
- 2 (ii) *Conflicts of interest between enti-*
- 3 *ties carrying out such testing and entities*
- 4 *with such technologies to be tested.*
- 5 (iii) *Waste, fraud and abuse.*

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