

116TH CONGRESS  
2D SESSION

# H. R. 5670

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2020

Mr. BISHOP of North Carolina introduced the following bill; which was referred to the Committee on Homeland Security

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## 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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