

DOMESTIC EXPLOSIVES DETECTION CANINE CAPACITY
BUILDING ACT OF 2017

JANUARY 9, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 4577]

[Including cost estimate of the Congressional Budget Office]

The Committee Homeland Security, to whom was referred the bill (H.R. 4577) to establish a working group to determine ways to develop a domestic canine breeding network to produce high quality explosives detection canines, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Explosives Detection Canine Capacity Building Act of 2017”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **BEHAVIORAL STANDARDS.**—The term “behavioral standards” means standards for the evaluation of explosives detection working canines for certain factors, including canine temperament, work drive, suitability for training, environmental factors used in evaluations, and canine familiarity with natural or man-made surfaces or working conditions relevant to the canine’s expected work area.

(2) **MEDICAL STANDARDS.**—The term “medical standards” means standards for the evaluation of explosives detection working canines for certain factors, including canine health, management of heredity health conditions, breeding practices, genetics, pedigree, and long-term health tracking.

(3) **TECHNICAL STANDARDS.**—The term “technical standards” means standards for the evaluation of explosives detection working canines for certain factors, including canine search techniques, handler-canine communication, detection testing conditions and logistics, and learned explosive odor libraries.

SEC. 3. DOMESTIC CAPACITY DEVELOPMENT.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Administrator of the Transportation Security Administration, shall establish a working group to determine ways to develop a decentralized domestic canine breeding network to produce high quality explosives detection canines and modernize canine training standards.

(b) **WORKING GROUP COMPOSITION.**—The working group established under subsection (a) shall be comprised of representatives from the following:

(1) The Transportation Security Administration.

(2) The Science and Technology Directorate of the Department of Homeland Security.

(3) National domestic canine associations with expertise in breeding and pedigree.

(4) Universities with expertise related to explosives detection canines and canine breeding.

(5) Domestic canine breeders and vendors.

(c) **CHAIRPERSONS.**—The Administrator for the Transportation Security Administration shall approve of two individuals from among the representatives of the working group specified in subsection (b) to serve as the Chairpersons of the working group. One such Chairperson shall be from the entities specified in paragraphs (1) and (2) of such subsection, and the other such Chairperson shall be from the entities specified in paragraphs (3), (4), and (5) of such subsection.

(d) **PRELIMINARY STANDARDS AND RECOMMENDATIONS.**—Not later than 180 days after the establishment of the working group under subsection (a), such working group shall submit to the Administrator of the Transportation Security Administration preliminary behavioral standards, medical standards, and technical standards for the domestic canine breeding network and canine training described in such subsection, including recommendations on how the Transportation Security Administration can engage stakeholders to further the development of such network and training.

(e) **STRATEGY.**—Not later than 180 days after submission of recommendations to the Administrator of the Transportation Security Administration under subsection (c), the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a strategy for expanding the domestic canine breeding network described in subsection (a), based on such recommendations.

(f) **CONSULTATION.**—In developing the strategy required under subsection (e), the Administrator of the Transportation Security Administration shall consult with the Under Secretary for Science and Technology of the Department of Homeland Security, the Commissioner for U.S. Customs and Border Protection, the Director of the United States Secret Service, and the heads of other Department of Homeland Security components determined appropriate by the Administrator to incorporate, to the extent practicable, mission needs across the Department for an expanded domestic

explosives detection canine breeding network that can be leveraged to help meet the Department's operational needs.

(g) SUNSET.—The working group established under subsection (a) shall terminate on the date that is two years after the submission of the strategy required under subsection (e).

SEC. 4. ACQUIRING BASELINE CAPACITY.

(a) IN GENERAL.—Not later than 270 days after the submission of recommendations to the Administrator of the Transportation Security Administration under section 3, the Administrator shall issue baseline behavioral standards, medical standards, and technical standards for explosives detection canines.

(b) STANDARDS.—The baseline behavioral standards, medical standards, and technical standards referred to in subsection (a) shall be incorporated, as appropriate, into all statements of work for the Transportation Security Administration explosives detection canine contracts and reflect the detection capabilities required to effectively mitigate terrorist threats. Such standards may be revised by the Administrator of the Transportation Security Administration, as necessary.

SEC. 5. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this Act.

PURPOSE AND SUMMARY

This legislation directs the Administrator of the Transportation Security Administration (Administrator) to create a working group on behavioral, medical, and technical standards for explosives detection working dog breeding and training. The working group will consist of the Transportation Security Administration (TSA), the Office of Science and Technology (S&T) within the Department of Homeland Security (DHS), leading industry associations, academics with first-hand working dog knowledge, and private canine breeders and vendors. The working group's standards will be presented to the Administrator to inform further development of the breeding network and for use in future TSA canine procurements.

BACKGROUND AND NEED FOR LEGISLATION

Canines serve a variety of roles in the Federal Government's national security infrastructure, including detecting concealed humans, narcotics, currency, firearms, electronics, chemicals associated with weapons of mass destruction, and prohibited agricultural products, and in search and rescue missions. Explosives detection canines are a critical part of the TSA's multi-layered security strategy. Canines are more mobile, flexible, and accurate than mechanical explosives detection devices currently employed by TSA.

Currently, the TSA procures the majority of its canines from European vendors in conjunction with the Department of Defense. The global rise in attacks on soft targets has drastically increased canine demand and prices. Given that the supply of canines is dwindling worldwide, the United States is especially vulnerable because it relies primarily on brokers who source dogs from Eastern Europe. American canine breeders produce exceptional working dog lines, but TSA's arcane procurement rules and training requirements create barriers to entry for American breeders and vendors. In October 2017, the Subcommittee on Transportation and Protective Security conducted a joint Subcommittee hearing to gather information from canine industry representatives and veterinary researchers. The Subcommittee heard testimony substantiating prior

oversight concerns regarding TSA's poor record of engaging domestic canine breeders and vendors. The difficulties associated with procuring highly qualified dogs capable of explosive detection suggest that the development of a decentralized domestic canine breeding network modernized canine training standards are long overdue.

HEARINGS

114th Congress

On October 8, 2015, the Subcommittee on Transportation Security held a hearing entitled "Reform and Improvement: Assessing the Path Forward for the Transportation Security Administration." The Subcommittee received testimony from The Honorable John Roth, Inspector General, Office of Inspector General, U.S. Department of Homeland Security; and The Honorable Peter Neffenger, Administrator, Transportation Security Administration, U.S. Department of Homeland Security.

On October 26, 2015, the Subcommittee on Transportation Security held a field hearing in Syracuse, New York, entitled "Examining Critical Security Measures, Communications, and Response at our Nation's Airports." The Subcommittee received testimony from Mr. Jeremy Martelle, President, New York Aviation Management Association; and Ms. Marisa Maola, Regional Director, Region One, Transportation Security Administration, U.S. Department of Homeland Security.

On March 2, 2016, the Subcommittee on Transportation Security held a hearing entitled "The Transportation Security Administration's FY2017 Budget Request." The Subcommittee received testimony from Hon. Peter V. Neffenger, Administrator, Transportation Security Administration, U.S. Department of Homeland Security.

115th Congress

On June 7, 2017, the Committee held a hearing entitled "Department of Homeland Security Reauthorization and the President's FY 2018 Budget Request." The Committee received testimony from Hon. John F. Kelly, Secretary, U.S. Department of Homeland Security.

On October 3, 2017, the Subcommittee on Intergovernmental Affairs of the Committee on Oversight and Government Reform and the Subcommittee on Transportation and Protective Security held a joint hearing entitled "Innovations in Security: Examining the Use of Canines." The Subcommittees received testimony from Mr. Scott Smith, Lieutenant, Orlando Police Department, Orlando, Florida; Ms. Cynthia M. Otto, Director, Penn Vet Working Dog Center, School of Veterinary Medicine, University of Pennsylvania; Ms. Sheila Goffe, Vice President of Government Relations, American Kennel Club.

On November 8, 2017, Full Committee held a hearing entitled "Preventing the Next Attack: TSA's Role in Keeping Our Transportation Systems Secure." The Committee received testimony from Hon. David P. Pekoske, Administrator, Transportation Security Administration, U.S. Department of Homeland Security.

On November 28, 2017, the Subcommittee on Transportation and Protective Security held a field hearing in Trenton, New Jersey, entitled “Securing Public Areas of Transportation Systems: Stakeholder Perspectives.” The Subcommittee received testimony from Mr. Charles Cunningham, Director, Homeland Security and Emergency Management, Delaware River Port Authority (DRPA) Public Safety / PATCO; Mr. Thomas J. Nestel, III, Chief, Transit Police, Southeastern Pennsylvania Transportation Authority (SEPTA); Mr. Douglas Lemanowicz, Lieutenant, Special Operations Section, New Jersey State Police, State of New Jersey; and Mr. Christopher Trucillo, Chief, Transit Police, New Jersey Transit.

COMMITTEE CONSIDERATION

The Committee met on December 13, 2017, to consider H.R. 4577, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendment was offered:

An amendment offered by MRS. WATSON COLEMAN (#1); was AGREED TO by voice vote.

In section 3, redesignate subsections (c) and (d) as subsections (d) and (e), respectively.

In section 3, insert after subsection (b) a new subsection entitled “(c) Chairpersons.”

In section 3, add at the end a new subsections entitled “(f) Consultation.” and “(g) Sunset.”

In section 4(a), insert “, medical standards, and technical standards” after “behavioral standards”.

In section 4(b), in the first sentence, strike “issued pursuant to subsection (a), and the preliminary medical standards and technical standards issued pursuant to section 3,” and insert “, medical standards, and technical standards” after “behavioral standards”.

In section 4(b), in the first sentence, insert “, as appropriate,” after “incorporated”.

In section 4(b), in the first sentence, strike “explosive” and insert “explosives”.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 4577.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 4577, the Domestic Explosives Detection Canine Capacity Building Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 8, 2018.

Hon. MICHAEL MCCAUL,
*Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4577, the Domestic Explosives Detection Canine Capacity Building Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 4577—Domestic Explosives Detection Canine Capacity Building Act of 2017

H.R. 4577 would direct the Transportation Security Administration (TSA) to establish a working group to recommend behavioral, medical, and technical standards for dogs that are used to detect explosives as well as strategies for developing a domestic system for breeding such animals. Using information from TSA, CBO estimates that meeting the bill's requirements would increase the agency's costs by less than \$500,000 in 2018; such spending would be subject to appropriation.

Enacting H.R. 4577 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4577 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4577 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 4577 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation directs the Administrator to utilize the range of expertise represented in the working group to create an informed, comprehensive strategy for expanding the domestic canine breeding network.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 4577 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 4577 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 4577 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Domestic Explosives Detection Canine Capacity Building Act of 2017”.

Sec. 2. Definitions.

This section defines the terms used in this act including: “behavioral standards”; “medical standards”; and “technical standards”.

Sec. 3. Domestic Capacity Development.

This section requires the Administrator of the Transportation Security Administration (Administrator) to establish a working group to develop a decentralized domestic canine breeding network to produce high quality explosives detection canines and modernize canine training standards. The working group will include representatives from the Transportation Security Administration (TSA), the Science and Technology Directorate of the Department of Homeland Security (DHS), national domestic canine associations with expertise in breeding and pedigree, universities with expertise related to explosives detection canines and canine breeding, and domestic canine breeders and vendors.

Not later than 180 days after establishment, the working group shall submit to the Administrator its findings on preliminary behavioral standards, medical standards, and technical standards for the domestic canine breeding network and canine training. Additionally, the working group will make recommendations on engagements between the TSA and stakeholders to further the development of the network and training standards.

The Administrator shall submit a strategy for expanding the domestic canine breeding network based on the recommendations of the working group to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Additionally, the Administrator shall consult with the DHS Under Secretary for Science and Technology, the Commissioner for U.S. Customs and Border Protection, the Director of the United States Secret Service, and the heads of other relevant DHS components to incorporate mission needs across the Department for an expanded domestic explosives detection canine breeding network that can be leveraged to help meet the Department's operational needs. The working group shall terminate 2 years after the submission of this report.

Sec. 4. Acquiring Baseline Capacity.

This section requires the Administrator to issue baseline behavioral, medical, and technical standards for explosives detection canines based on the recommendations of the working group. The baseline standards shall be incorporated into all relevant Statements of Work for TSA explosives detection canine contracts.

Sec. 5. Nonapplication of Federal Advisory Committee Act.

This section exempts the working group from the Federal Advisory Committee Act (5 U.S.C. App.).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 4577 makes no changes to existing law.