

RISK-BASED SECURITY SCREENING FOR MEMBERS OF
THE ARMED FORCES ACT

NOVEMBER 4, 2011.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 1801]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, 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 after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Risk-Based Security Screening for Members of the Armed Forces Act”.

SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(m) **SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.**—

“(1) **IN GENERAL.**—The Assistant Secretary shall develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces presents documentation indicating official orders while in uniform through a primary airport (as defined by section 47102 of this title).

“(2) **PROTOCOLS.**—In developing the plan, the Assistant Secretary shall consider—

“(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

“(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

“(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 613; 49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

“(3) **REPORT TO CONGRESS.**—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.”.

(b) **EFFECTIVE DATE.**—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

PURPOSE AND SUMMARY

The purpose of H.R. 1801 is to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

BACKGROUND AND NEED FOR LEGISLATION

The Transportation Security Administration (TSA) uses the same screening procedures for all passengers at airport checkpoints. Although TSA has plans to move to a more risk-based method of screening passengers at airport checkpoints in the future, this legislation directs the Transportation Security Administration to screen members of the Armed Forces in uniform on an expedited basis and in a manner that makes sense for the men and women serving our country at home and on the battlefield. The legislation does not contradict existing TSA policy and complements the plans TSA has for risk-based screening protocols.

HEARINGS

Although no hearings were directly held on H.R. 1801 in the 112th Congress, the issue of risk-based screening at passenger checkpoints was discussed at the Subcommittee on Transportation Security’s hearing entitled “Authorizing the Transportation Security Administration for Fiscal Years 2012 and 2013” on June 2, 2011. The Subcommittee received testimony from Hon. John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security.

COMMITTEE CONSIDERATION

The Subcommittee on Transportation Security met on May 12, 2011, to consider H.R. 1801, and ordered the measure to be favorably reported to the Full Committee for consideration, without amendment, by voice vote.

The Committee on Homeland Security met on September 21, 2011, to consider H.R. 1801, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The Committee adopted H.R. 1801, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. CRAVAACK (#1); was AGREED TO by voice vote.

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. 1801.

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. 1801, the Risk-Based Security Screening for Members of The Armed Forces Act, 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.

SEPTEMBER 29, 2011.

Hon. PETER T. KING,
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. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1801—Risk-Based Security Screening for Members of the Armed Forces Act

H.R. 1801 would require the Assistant Secretary of Homeland Security, acting through the Transportation Security Administration (TSA), to implement expedited screening processes at certain airports for uniformed members of the armed forces and accompanying family members. The bill would specify factors for the Assistant Secretary to consider in designing such processes and would require TSA to report to the Congress on their implementation.

According to TSA, the agency already intends to implement risk-based screening procedures for specific populations of air travellers, including uniformed members of the armed forces. Based on information from the agency about the status of those activities and the relatively small number of individuals that would qualify for expedited screening under H.R. 1801, CBO estimates that fully funding H.R. 1801 would cost less than \$500,000 annually, assuming the availability of appropriated funds. Enacting H.R. 1801 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1801 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, 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. 1801 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

To provide a risk-based screening approach for members of the Armed Forces in uniform and traveling on official orders (and their families). Protocols will include procedures for screening uniquely military items such as, but not limited to the following: uniforms, boots, or equipment. The legislation is not intended to have members of the Armed Forces bypass the security checkpoint or reduce the level of security screening. The legislation also requires that any screening protocols developed be incorporated into any future plans the Transportation Security Administration may have for risk-based screening or the authorization of biometric credentials.

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. 1801 does not preempt any State, local, or Tribal law.

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 bill may be cited as the “Risk-Based Security Screening for Members of The Armed Forces Act.”

Section 2. Security screening for members of the Armed Forces

The Transportation Security Administration (TSA) Assistant Secretary must develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces is traveling on official orders while in uniform.

When developing the plan, the TSA Assistant Secretary must consider leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint; establishing standard guidelines for the screening of military uniform items; incorporating any new screening protocols into an existing trusted passenger program, or into the development of any new credential or system that incorporates biometric technology or other applicable technologies to verify the identity of individuals.

The TSA Assistant Secretary must implement the plan required by this act no later than 180 days after enactment.

Report to Congress

The TSA Assistant Secretary must submit to the appropriate congressional committees a report on the implementation of the plan.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART III—SAFETY

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CHAPTER 449—SECURITY

SUBCHAPTER I—REQUIREMENTS

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§ 44903. Air transportation security

(a) * * *

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(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

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(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

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(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 613; 49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

(3) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.

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