

TSA LOOSE CHANGE ACT

NOVEMBER 21, 2013.—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. 1095]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1095) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, 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 after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “TSA Loose Change Act”.

SEC. 2. DISPOSITION OF UNCLAIMED MONEY RECOVERED AT AIRPORT SECURITY CHECKPOINTS.

(a) **DISPOSITION OF UNCLAIMED MONEY.**—Section 44945(a) of title 49, United States Code, is amended—

(1) by inserting “after the date of enactment of the TSA Loose Change Act,” after “title 31,”;

(2) by striking “shall be retained by the Transportation Security Administration” and all that follows through “this chapter” and inserting “shall be annually transferred, based on requests for proposals, without further appropriation, by the Assistant Secretary to nonprofit organizations that operate airport centers in multiple locations throughout the United States to provide places of rest and recuperation for members of the Armed Forces and their families”; and

(3) by adding at the end the following new sentence: “The Assistant Secretary shall ensure that the name of each nonprofit agency to which funds are transferred under this subsection is printed in the Federal Register.”.

(b) **ANNUAL REPORT.**—Section 515(b) of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334; 118 Stat. 1318; 49 U.S.C. 44945 note) is amended—

(1) by striking “the Committee on Transportation and Infrastructure of the House of Representatives” and inserting “the Committee on Homeland Security of the House of Representatives”; and

(2) by striking “and specifically how the unclaimed money is being used to provide civil aviation security” and inserting “and the amount of unclaimed money transferred to nonprofit organizations under section 44945(a) of title 49, United States Code, and the dates of such transfers”.

PURPOSE AND SUMMARY

The purpose of H.R. 1095 is to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that operate airport centers in multiple locations, which provide places of rest and recuperation at airports for members of the Armed Forces and their families, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

This bill directs the Transportation Security Administration (TSA) to transfer unclaimed money recovered at airport security checkpoints to nonprofit organizations that provide places of rest and recuperation at airports for members of the Armed Forces and their families, and establishes a request for proposals (RFP) process to select such organizations. The Committee encourages TSA to establish a method to process and transfer the monies that minimizes the costs of such transfer.

Section 44945 of title 49, United States Code, enacted as part of the Fiscal Year (FY) 2005 Department of Homeland Security (DHS) Appropriations Act, authorized and directed unclaimed money collected at airport security checkpoints to be used for civil aviation security. From FY 2009 to FY 2012, TSA collected an average of \$465,285 from airport security checkpoints annually. According to the report “FY 2012 Unclaimed Money at Airports,” which has been prepared by the Transportation Security Administration, in FY 2012, TSA collected \$531,395. However as of March 1, 2013, TSA only expended \$6,539 for the purpose of civil aviation security.

In addition, the Explanatory Statement and House Report 112-492 accompanying Pub. L. 113-6, required TSA to issue a report on the feasibility of transferring the unclaimed money recovered at airport checkpoints to non-profit organizations that are selected on a competitive basis. According to the report, it would cost the Federal Government approximately \$201,000 for the first year alone if TSA was to transfer the money to a nonprofit organization selected on a competitive basis. Further, the report concluded that to minimize administrative overhead, TSA would prefer to award the use of funding to one nonprofit organization.

Currently, United Services Organizations (USO), a well-known Congressionally chartered nonprofit organization, is the sole nonprofit operating airport lounges for military service members and their families in multiple locations. So, if the bill were enacted today, the USO would be the only qualified recipient. However, the Committee believes that, if other nonprofit organizations begin to specialize in this type of work in the future, they should be able to submit a proposal to TSA as well to receive these unclaimed funds. Therefore, after reviewing TSA's report, the Committee believes that in order to ensure fairness of opportunity in the future while minimizing administrative overhead, TSA should transfer the funds after a RFP is issued.

HEARINGS

No hearings were held on H.R. 1095.

COMMITTEE CONSIDERATION

112th Congress

In the 112th Congress, H.R. 2179, the predecessor bill, was introduced in the House on June 14, 2011, by Mr. Miller of Florida, and referred to the Committee on Homeland Security. Within the Committee, H.R. 2179 was referred to the Subcommittee on Transportation Security.

On March 7, 2012, the Subcommittee on Transportation Security considered H.R. 2179 and reported the measure to the Full Committee with a favorable recommendation, without amendment, by voice vote.

The Full Committee considered H.R. 2179 on March 28, 2012, and ordered the measure to be favorably reported to the House, amended, by voice vote.

The Committee reported H.R. 2179 to the House on May 8, 2012, as H. Rpt. 112-468.

113th Congress

The Committee on Homeland Security met on October 29, 2013, to consider H.R. 1095, 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 following amendments were offered:

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

A unanimous consent request by Mr. McCaul to consider the Amendment in the Nature of a Substitute as base text for purposes of amendment was not objected to.

An amendment to the Amendment in the Nature of a Substitute to H.R. 1095 offered by MS. JACKSON LEE (#1A); was AGREED TO by voice vote.

Page 1, line 9, strike “ and” ;

Page 2, line 2, strike the period and insert “ ; and” ; and

Page 2, after line 2, insert the following: (3) by adding at the end the following new sentence: “The Assistant Secretary shall ensure that the name of each non-profit agency to which funds are transferred under this subsection is printed in the Federal Register.”.

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. 1095.

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. 1095, 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.

NOVEMBER 13, 2013.

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. 1095, the TSA Loose Change 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. 1095—TSA Loose Change Act

Under current law, the Transportation Security Administration (TSA) has authority to retain and spend, without annual appropriation, unclaimed money left at security checkpoints by air passengers for activities related to aviation security. According to TSA, airline passengers have left behind about \$500,000 at airport security checkpoints in each of the past two fiscal years. Based on his-

torical spending patterns, CBO expects that TSA will spend unclaimed checkpoint money gradually over the next several years.

H.R. 1095 would amend current law to require TSA to transfer unclaimed funds to nonprofit organizations that provide certain travel-related assistance to military personnel and their families. Requiring the agency to transfer such amounts to a nonfederal entity would accelerate the pace of spending relative to current law. However, because of the modest amount of money involved, CBO does not expect this change would have a significant net impact on the budget in any given year. For purposes of this estimate, CBO assumes that the requirement to transfer funds would apply only to amounts collected after H.R. 1095 is enacted and that existing balances would remain available to TSA for aviation security.

H.R. 1095 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. This 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. 1095 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

H.R. 1095 provides additional funds to nonprofit organizations operating airport lounges in multiple locations for our military service members, by requiring TSA to transfer unclaimed monies found at airport checkpoints to such nonprofits.

DUPLICATIVE FEDERAL PROGRAMS

The Committee finds that H.R. 1095 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. 1095 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 1095 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 Act may be cited as the “TSA Loose Change Act”.

Section 2. Disposition of unclaimed money recovered at airport security checkpoints

This section amends Section 44945 of title 49, U.S. Code by directing the Assistant Secretary of Homeland Security (Transportation Security Administration) to annually transfer unclaimed money recovered at airport security checkpoints, based on requests for proposals, to nonprofit organizations that operate airport centers throughout the U.S. to provide places of rest and recuperation for members of the Armed Forces and their families. In addition, it requires that the name of the nonprofit organizations that receive the unclaimed money be printed in the Federal Register.

Additionally, this section amends Section 515(b) of the Department of Homeland Security Appropriations Act, 2005 by requiring an annual report to be submitted to the Committee on Homeland Security that includes the amount of unclaimed money transferred to nonprofit organizations, and the dates of such transfers.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, 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

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SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

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§ 44945. Disposition of unclaimed money and clothing

(a) DISPOSITION OF UNCLAIMED MONEY.—Notwithstanding section 3302 of title 31, *after the date of enactment of the TSA Loose Change Act*, unclaimed money recovered at any airport security checkpoint **[shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter]** *shall be annually transferred, based on requests for proposals, without further appropriation, by the Assistant Secretary to nonprofit organizations that operate airport centers in multiple locations throughout the United States to provide places of rest and recuperation for members of the Armed Forces and their families. The Assistant Secretary shall ensure that the name of each nonprofit agency to which funds are transferred under this subsection is printed in the Federal Register.*

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**DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2005**

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TITLE V—GENERAL PROVISIONS

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SEC. 515. (a) * * *

(b) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to **[the Committee on Transportation and Infrastructure of the House of Representatives]** *the Committee on Homeland Security of the House of Representatives*; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, **[and specifically how the unclaimed money is being used to provide civil aviation security]** *and the amount of unclaimed money transferred to nonprofit organizations under sec-*

tion 44945(a) of title 49, United States Code, and the dates of such transfers.

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