

**Calendar No. 489**

116TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
116-238 }

TRAVELING PARENTS SCREENING  
CONSISTENCY ACT OF 2019

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 2381



JUNE 30, 2020.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

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### TRAVELING PARENTS SCREENING CONSISTENCY ACT OF 2019

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Mr. WICKER, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 2381]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2381) to require review by the Government Accountability Office of screening protocols of the Transportation Security Administration relating to breast milk and formula, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 2381, the Traveling Parents Screening Consistency Act, is to require a review by the Government Accountability Office (GAO) of screening protocols of the Transportation Security Administration (TSA) relating to breast milk and formula.

#### BACKGROUND AND NEEDS

The Traveling Parents Screening Consistency Act requires the GAO to review whether TSA is fully and consistently implementing the Bottles and Breastfeeding Equipment Screening (BABES) Act,<sup>1</sup> which was enacted in 2016 to create certainty for traveling parents and to hold TSA accountable for upholding consistent screening procedures for breast milk and formula.

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<sup>1</sup> Public Law 114–293; 49 U.S.C. 44901 note.

## LEGISLATIVE HISTORY

S. 2381 was introduced on July 31, 2019, by Senator McSally (for herself and Senators Jones, Blumenthal, and Cramer) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senator Warren is an additional cosponsor. On December 11, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2381 reported favorably with an amendment (in the nature of a substitute).

H.R. 3246, a House companion bill, was introduced on June 13, 2019, by Representative Van Taylor (for himself and Representative Kathleen Rice) and was referred to the Committee on Homeland Security in the House of Representatives. There are five additional cosponsors. On September 26, 2019, that bill was passed by voice vote in the House of Representatives.

On December 16, 2016, in the 114th Congress, President Obama signed the BABES Act into law. The law requires the TSA to better accommodate parents traveling with breast milk, infant food and feeding equipment. Specifically, the law requires TSA to provide ongoing training to ensure its officers consistently enforce TSA special procedures related to breast milk, formula, and infant feeding equipment across all airport security checkpoints.

## ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

<b>S. 2381, Traveling Parents Screening Consistency Act of 2019</b>			
<b>As ordered reported by the Senate Committee on Commerce, Science, and Transportation on December 11, 2019</b>			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	*
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 2381 would require the Government Accountability Office (GAO) to review the Transportation Security Administration's implementation of the Bottles and Breastfeeding Equipment Screening Act. Using information about the cost of other GAO studies, CBO estimates that the review would cost less than \$500,000.

On August 7, 2019, CBO transmitted a cost estimate for H.R. 3246, the Traveling Parents Screening Consistency Act of 2019, as

ordered reported by the House Committee on Homeland Security on July 17, 2019. The bills are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### *Number of Persons Covered*

S. 2381 would have no further effect on the number or types of individuals and businesses regulated.

##### *Economic Impact*

S. 2381 would have no further economic impact.

##### *Privacy*

S. 2381 would have no further impact on the personal privacy of affected individuals.

##### *Paperwork*

S. 2381 would require the Comptroller General of the United States to conduct a review of the implementation by the TSA of the BABES Act, and the effectiveness of TSA in ensuring the clarity and consistency of protocols relating to the screening of breast milk and other liquids for consumption by infants. This review will include an assessment of TSA's screening process for breast milk and other liquids for consumption by infants and make recommendations for improving the practices of TSA relating to such screening.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title.*

This section would provide that the bill may be cited as the "Traveling Parents Screening Consistency Act of 2019".

##### *Section 2. Comptroller General review of implementation by Transportation Security Administration of screening protocols relating to breast milk and formula.*

This section would require the Comptroller General of the United States to conduct a review of the TSA's implementation of the BABES Act no later than one year after the date of enactment of this Act. Specifically, the Comptroller General shall include the following items in the review:

- Consider whether TSA effectively manages consistency of screening protocol applications for formula, breast milk, puri-

fied deionized water for infants, and juice, including the extent to which transportation security officers engage in screening beyond that which is prescribed through relevant policies and training.

- Evaluate the need for TSA to update and revise procedures for such screening.
- Assess whether TSA effectively tracks passenger complaints related to such screening to monitor trends and identify inconsistencies.
- Evaluate TSA's communications and information sharing practices for passengers, air carriers, and airports relating to protocols for such screening.
- Evaluate TSA's policies regarding the screening of passengers with nursing products, including the extent to which such passengers are more likely to receive secondary screening.
- Make recommendations for improving TSA's overall practices relating to such screening.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

