

ONE-STOP PILOT PROGRAM ACT OF 2021

SEPTEMBER 17, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 4094]

The Committee on Homeland Security, to whom was referred the bill (H.R. 4094) to conduct a pilot program at foreign last point of departure airports to permit passengers and their accessible property to continue on additional flights or flight segments originating in the United States without additional security re-screening, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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 “One-Stop Pilot Program Act of 2021”.

**SEC. 2. PILOT PROGRAM FOR ONE-STOP SECURITY.**

(a) **IN GENERAL.**—Notwithstanding 44901(a) of title 49, United States Code, the Administrator of the Transportation Security Administration, in coordination with U.S. Customs and Border Protection, is authorized to conduct a pilot program at not more than six foreign last point of departure airports to permit passengers and their accessible property arriving on direct flights or flight segments originating at such participating foreign airports to continue on additional flights or flight segments originating in the United States without additional security re-screening if—

- (1) the initial screening was conducted in accordance with an aviation security screening agreement described in subsection (d);
- (2) passengers arriving from participating foreign airports are unable to access their checked baggage until the arrival at their final destination; and
- (3) upon arrival in the United States, passengers arriving from participating foreign airports do not come into contact with other arriving international passengers or those passengers' property or other persons who have not been screened or subjected to other appropriate security controls required for entry into the airport's sterile area.

(b) **REQUIREMENTS FOR PILOT PROGRAM.**—In carrying out this section, the Administrator shall ensure there is no reduction in the level of security or specific aviation security standards or requirements for screening passengers and their property prior to boarding an international flight bound for the United States, including specific aviation security standards and requirements regarding the following:

- (1) High risk passengers and their property.
- (2) Weapons, explosives, and incendiaries.
- (3) Screening passengers and property transferring at a foreign last point of departure airport from another airport and bound for the United States, and addressing any co-mingling of such passengers and property with passengers and property screened under the pilot program described in subsection (a).
- (4) Insider risk at foreign last point of departure airports.

(c) **RE-SCREENING OF CHECKED BAGGAGE.**—The Administrator may determine whether checked baggage arriving from participating foreign airports referenced in subsection (a) must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

(d) **AVIATION SECURITY SCREENING AGREEMENT DESCRIBED.**—An aviation security screening agreement described in this subsection is an agreement signed by the Administrator, without delegating such authority, and entered into with a foreign country that delineates and implements security standards and protocols utilized at a foreign last point of departure airport that are determined by the Administrator to be comparable to those of the United States and therefore sufficiently effective to enable passengers and their accessible property to deplane into sterile areas of airports in the United States without the need for re-screening.

(e) **RE-SCREENING REQUIREMENT.**—If the Administrator determines that the foreign country participating in the aviation security screening agreement has not maintained and implemented security standards and protocols comparable to those of the United States at foreign last point of departure airports at which a pilot program has been established in accordance with this section, the Administrator shall ensure that passengers and their property arriving from such airports are re-screened in the United States before such passengers and their property are permitted into sterile areas of airports in the United States. In the case of continued or egregious failure to maintain such security standards and protocols, the Administrator shall suspend or terminate the aviation security screening agreement, as determined appropriate by the Administrator, and shall notify the appropriate congressional committees of such suspension or termination, as the case may be, not later than seven days after such suspension or termination.

(f) **CERTIFICATIONS AND BRIEFINGS TO CONGRESS.**—Not later than 30 days before an aviation security screening agreement in accordance with subsection (d) enters into force, the Administrator shall provide to the appropriate congressional committees the following:

- (1) A copy of such agreement.
- (2) A homeland security threat assessment for the country in which such foreign last point of departure airport is located, information on any corresponding mitigation efforts to address any security issues identified in such threat assessment, and the Administrator's plans for ensuring through joint covert testing or other measures compliance with the security standards and protocols set forth in such agreement.
- (3) A certification that such agreement satisfies all requirements specified in subsection (b) or, in the event that one or more of such requirements is not so satisfied, an identification of the unsatisfied requirement and information on

what actions will be taken to ensure such remaining requirement is satisfied before such agreement enters into force.

(4) A certification that the Administrator consulted with stakeholders, including air carriers, airport operators, relevant interagency partners, and other stakeholders the Administrator determines appropriate.

(5) A detailed briefing on the substance of paragraphs (1) through (4).

(g) SUNSET.—The pilot program described in subsection (a) shall terminate six years after the date of enactment of this section.

(h) REPORT TO CONGRESS.—Not later than five years after the date of enactment of this section, the Secretary of Homeland Security, in coordination with the Administrator, shall submit to the appropriate congressional committees a report regarding the implementation of the pilot program described in subsection (a), including information relating to the following:

(1) The impact to homeland security and international aviation security, including any benefits and challenges, of such pilot program.

(2) The impact to passengers, airports, and air carriers, including any benefits and challenges, of such pilot program.

(3) The impact and feasibility of continuing such pilot program or expanding into a more permanent program, including any benefits and challenges.

(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of U.S. Customs and Border Protection to inspect persons and baggage arriving in the United States in accordance with applicable law.

(j) DEFINITIONS.—In this section:

(1) ADMINISTRATION; TSA.—The terms “Administration” and “TSA” mean the Transportation Security Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

#### PURPOSE AND SUMMARY

H.R. 4094, the “One-Stop Pilot Program Act of 2021,” directs the Transportation Security Administration (TSA) to establish a multi-year pilot program to develop “one-stop” screening procedures at no more than six foreign last point of departure (LPD) airports. The program would allow international passengers on direct flights to the United States originating from participating LPD airports to continue on to connecting flights upon arrival in the United States without re-screening by TSA. TSA would be required to determine that security screening standards and procedures at participating LPD airports are comparable to TSA security screening measures.

The bill requires TSA to provide certifications and briefings to Congress on key aspects of the pilot program. In addition, the Secretary of Homeland Security must report to the appropriate congressional committees on the pilot program’s implementation and the feasibility of a permanent program.

#### BACKGROUND AND NEED FOR LEGISLATION

TSA’s mission to facilitate the movement of people and commerce securely requires the agency to identify opportunities to maximize operational efficiency. The pilot program authorized by H.R. 4094 directs TSA to explore new approaches to streamlining passenger screening and drive security improvements at foreign LPD airports. Under current law, TSA is required to re-screen passengers and their property arriving on international flights to the United States before they are permitted to board a connecting domestic flight. In practice, this means passengers arriving from overseas must pro-

ceed through a TSA checkpoint and have their luggage screened by TSA before boarding a flight to their final destination. The pilot program required under this legislation seeks to create a “one-stop” screening experience for certain travelers arriving from participating foreign airports. There are a number of potential benefits to this approach. For participating passengers, air travel to the U.S. could be more convenient as they would be able to proceed directly to their connecting flight once they land in the United States without needing to complete the re-screening process. Air carriers could realize staffing efficiencies at airports and shorten connection times, potentially creating economic advantages for an industry heavily battered by the COVID-19 pandemic. Finally, the pilot program could help free up screening resources for TSA as domestic passenger volume begins its recovery.

Most importantly, the pilot program authorized by this bill will enhance TSA’s work to improve security standards at foreign LPD airports. TSA already works closely with foreign airports and governments to ensure strong security measures are in place at last points of departure to the United States. The pilot program authorized under this legislation will enhance these efforts by offering benefits to participating foreign airports that adopt and maintain security standards and protocols comparable to those of the United States, further moving the needle on global aviation security.

Ahead of the Committee’s consideration of H.R. 4094, bipartisan negotiations and conversations with TSA and aviation stakeholders yielded important changes to the bill to ensure robust security and reporting guardrails are integrated into the pilot program from the outset to support the pilot’s success.

#### HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 4094:

The Committee did not hold a legislative hearing on H.R. 4094 in the 117th Congress.

#### COMMITTEE CONSIDERATION

The Committee met on July 28, 2021, a quorum being present, to consider H.R. 4094 and ordered the measure to be favorably reported to the House, as amended, by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 4094.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY,  
ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 4094 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 4094 is to establish a "one-stop" security screening pilot program to allow passengers and their accessible property on certain international inbound flights to deplane directly into the sterile area of an airport upon arrival in the United States without needing to be re-screened in order to improve global aviation security and TSA's operational efficiency.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED  
TARIFF BENEFITS

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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 H.R. 4094 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 states that the Act may be cited as the “One-Stop Pilot Program Act of 2021”.

*Sec. 2. Pilot Program for One-Stop Security.*

Subsection (a) authorizes the TSA Administrator to conduct, in coordination with Customs and Border Protection, a pilot program at no more than six foreign LPD airports to allow passengers and their property on international inbound flights from those airports to continue on to their connecting flight or flight segments upon arrival in the United States without needing to be re-screened if certain requirements are met.

For the above to take place, the subsection requires that:

1. the initial screening of passengers and property at the LPD airport must be performed in accordance with an aviation security agreement established under subsection (d);
2. passengers participating in the pilot program must not be permitted to access their checked baggage until they arrive at their final destination; and
3. upon arrival in the United States, passengers participating in the pilot program must not come into contact with any non-participating international passengers and their property or other individuals who have not been appropriately screened for entry into the sterile area.

Subsection (b) lays out the requirements for the pilot program. The TSA Administrator must ensure there is no reduction in the level of security or specific aviation security standards or requirements for screening passengers and their property before boarding a flight to the United States from a participating LPD, including specific aviation security standards and requirements regarding the following:

1. high-risk passengers and their property;
2. the carriage of prohibited items including weapons, explosives, and incendiaries;
3. screening passengers and property transferring from another airport to the participating LPD and bound for the United States, and addressing any comingling of these transferring passengers and their property with individuals who are participating in the pilot; and
4. insider risk at participating LPD airports.

The Committee’s intent in this subsection is to ensure the pilot program does not allow for any reduction in the level of security or in certain security standards and requirements. Although the bill provides TSA some flexibilities to carry out this pilot program, this subsection provides guardrails to ensure specific security standards and requirements are upheld in certain areas, such as those in place regarding the screening of selectee and other watchlisted passengers and the screening of small knives and other prohibited items, for example.

Subsection (c) permits the TSA Administrator to determine whether checked baggage arriving from a participating LPD must be re-screened in the United States by an explosives detection system before being permitted on further flights.

Subsection (d) details the aviation security screening agreements that form the basis of the pilot program to allow passengers to deplane immediately into the arrival airport's sterile area. The agreements must be signed by the Administrator and authority to do so cannot be delegated. The agreements must delineate and implement security standards and protocols at foreign LPD airports that are comparable, as determined by the TSA Administrator, to those utilized in the United States.

Subsection (e) requires the TSA Administrator to ensure the re-screening of any passengers and property arriving from a participating LPD airport if the Administrator determines the foreign country party to the aviation security agreement established in subsection (d) has not maintained and implemented the required comparable security standards and protocols.

In addition, the Administrator must suspend or terminate an aviation security screening agreement with the foreign country if there is continued or egregious failure by that country to maintain the necessary security standards and protocols. The Administrator shall notify Congress of the suspension or termination of the agreement no later than 7 days after the action is taken.

Subsection (f) details required certifications and briefings to Congress on the aviation security screening agreements described in subsection (d). Not later than 30 days before an aviation security screening agreement in accordance with subsection (d) enters into force, the TSA Administrator must provide to the appropriate congressional committees the following:

1. a copy of the agreement;
2. a homeland security threat assessment for the country in which the participating LPD airport is located, information on mitigation efforts to correspond to any security issues identified as part of the homeland security threat assessment, and TSA's plans to ensure compliance with the security standards and protocols set forth in the agreement through joint covert testing or other measures;
3. a certification that the aviation security screening agreement satisfies all of the requirements set forth in subsection (b), or the identification of any unsatisfied requirements and information on how the requirements will be satisfied before the agreement enters into force;
4. a certification that the TSA Administrator engaged aviation stakeholders, interagency partners, and others that the Administrator deemed appropriate on the agreement; and
5. a briefing to Congress on items 1–4 listed above.

Subsection (g) directs that the pilot program will terminate 6 years after the date of enactment of the legislation.

Subsection (h) requires the Secretary of Homeland Security, in coordination with the TSA Administrator, to submit a report to the appropriate congressional committees no later than 5 years after enactment with information on the implementation of the pilot program, including information on the following:

1. the impacts, benefits, and challenges of the pilot program to homeland security and international aviation security;

2. the impacts, benefits, and challenges of the pilot program to passengers, airports, and air carriers; and

3. the impact, feasibility, benefits, and challenges of continuing the pilot program or expanding it to make it permanent.

Subsection (i) establishes a rule of construction to delineate that nothing in section 2 may be construed as limiting Customs and Border Protection's authority to inspect passengers and baggage under applicable law.

Subsection (j) defines the terms "Administration; TSA," "Administrator," and "appropriate congressional committees" for the purposes of the bill.

