

SECURITY SCREENING DURING COVID-19 ACT

APRIL 30, 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. 1877]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1877) to require the Transportation Security Administration to issue a plan to improve security screening procedures at airports during the COVID-19 national emergency, 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 “Security Screening During COVID-19 Act”.

SEC. 2. PLAN.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall issue and commence implementing a plan to enhance, as appropriate, security operations at airports during the COVID–19 national emergency in order to reduce risk of the spread of the coronavirus at passenger screening checkpoints and among the TSA workforce.

(b) **CONTENTS.**—The plan required under subsection (a) shall include the following:

(1) An identification of best practices developed in response to the coronavirus among foreign governments, airports, and air carriers conducting aviation security screening operations, as well as among Federal agencies conducting similar security screening operations outside of airports, including in locations where the spread of the coronavirus has been successfully contained, that could be further integrated into the United States aviation security system.

(2) Specific operational changes to aviation security screening operations informed by the identification of best practices under paragraph (1) that could be implemented without degrading aviation security and a corresponding timeline and costs for implementing such changes.

(c) **CONSIDERATIONS.**—In carrying out the identification of best practices under subsection (b), the Administrator shall take into consideration the following:

(1) Aviation security screening procedures and practices in place at security screening locations, including procedures and practices implemented in response to the coronavirus.

(2) Volume and average wait times at each such security screening location.

(3) Public health measures already in place at each such security screening location.

(4) The feasibility and effectiveness of implementing similar procedures and practices in locations where such are not already in place.

(5) The feasibility and potential benefits to security, public health, and travel facilitation of continuing any procedures and practices implemented in response to the COVID–19 national emergency beyond the end of such emergency.

(d) **CONSULTATION.**—In developing the plan required under subsection (a), the Administrator may consult with public and private stakeholders and the TSA workforce, including through the labor organization certified as the exclusive representative of full- and part-time non-supervisory TSA personnel carrying out screening functions under section 44901 of title 49, U.S. Code.

(e) **SUBMISSION.**—Upon issuance of the plan required under subsection (a), the Administrator shall submit the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) **ISSUANCE AND IMPLEMENTATION.**—The Administrator shall not be required to issue or implement, as the case may be, the plan required under subsection (a) upon the termination of the COVID–19 national emergency except to the extent the Administrator determines such issuance or implementation, as the case may be, to be feasible and beneficial to security screening operations.

(g) **GAO REVIEW.**—Not later than one year after the issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)), the Comptroller General of the United States 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 review, if appropriate, of such plan and any efforts to implement such plan.

(h) **DEFINITIONS.**—In this section:

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

(2) **CORONAVIRUS.**—The term “coronavirus” has the meaning given such term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(3) **COVID–19 NATIONAL EMERGENCY.**—The term “COVID–19 national emergency” means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(4) **PUBLIC AND PRIVATE STAKEHOLDERS.**—The term “public and private stakeholders” has the meaning given such term in section 114(t)(1)(C) of title 49, United States Code.

(5) **TSA.**—The term “TSA” means the Transportation Security Administration.

PURPOSE AND SUMMARY

H.R. 1877, the “Security Screening During COVID–19 Act” directs the Transportation Security Administration (TSA) Administrator to issue a plan to enhance security operations during the COVID–19 pandemic to reduce the spread of the virus at passenger screening checkpoints and among the TSA workforce. Under the bill, the TSA Administrator will coordinate with the Department of Homeland Security Chief Medical Officer, the Department of Health and Human Services, and the Centers for Disease Control and Prevention to develop a plan that identifies best practices among foreign governments, airports, air carriers, and other Federal agencies regarding COVID–19 and pinpoints specific operational changes that TSA can make to reduce the spread of the coronavirus at checkpoints based on those best practices.

The TSA Administrator would be required to consult with stakeholders and the TSA workforce when developing the plan and submit the finalized strategy to Congress. A Government Accountability Office report on implementation of the plan would be due one year after implementation begins.

BACKGROUND AND NEED FOR LEGISLATION

Since early 2020, the COVID–19 pandemic has presented the global aviation community with significant challenges surrounding the prevention, mitigation, and containment of the coronavirus. Throughout the pandemic, foreign governments and air travel stakeholders have developed and tested a variety of approaches to safeguard travelers from the disease. The current moment presents a prime opportunity for the United States to learn from its foreign partners by gathering and implementing best practices for controlling the virus until the pandemic has abated.

TSA routinely participates in the international exchange of information to enhance global aviation security. For example, TSA shares its security expertise with foreign nations by conducting capacity building and donating screening equipment to reduce terrorist threats to aviation and to ensure security at last points of departure to the United States. In addition, Transportation Security Administration Representatives, TSA International Industry Representatives, and TSA Regional Operations Centers play a critical role in developing strong relationships with foreign and industry partners to relay TSA’s standards and requirements for aviation security. Further, through the United States’ membership in international organizations such as the International Civil Aviation Organization, TSA contributes to the development of guidance and recommendations to increase global aviation security on an ongoing basis.

Given the unprecedented challenge of the COVID–19 pandemic to today’s air travel environment, TSA must capitalize on its international partnerships to identify new ways to enhance its security operations to contain the coronavirus. H.R. 1877 will enable TSA to continue benefitting from global innovation and lessons learned while the pandemic persists.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop H.R. 1877:

The Committee did not hold a legislative hearing on H.R. 1877 in the 117th Congress. The legislation was informed by a hearing held in the 116th Congress on June 18, 2020. The Subcommittee on Transportation and Maritime Security received testimony from Kevin M. Burke, President and Chief Executive Officer, Airports Council International-North America; Sara Nelson, International President, Association of Flight Attendants-Communications Workers of America; Neema Singh Guliani, Senior Legislative Council, American Civil Liberties Union; and Victoria Emerson Barnes, Executive Vice President for Public Affairs and Policy, U.S. Travel Association.

COMMITTEE CONSIDERATION

The Committee met on March 18, 2021, with a quorum being present, to consider H.R. 1877 and ordered the measure to be reported to the House with a favorable recommendation, with an amendment, by unanimous consent.

The following amendment was offered and agreed to by unanimous consent:

An amendment offered by Mr. Cleaver.

In section 2(d), strike “shall” and insert “may”.

In section 2(f), in the heading, insert “ISSUANCE AND” before “IMPLEMENTATION”.

In section 2(f), strike “implement” and insert “issue or implement, as the case may be,”.

In section 2(f), strike “implementation” and insert “issuance or implementation, as the case may be,”.

In section 2(g), strike “commencement of implementation pursuant to subsection (e) of the plan required under subsection (a)” and insert “issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)),”.

In section 2(g), strike “a review of such implementation” and insert “a review, if appropriate, of such plan and any efforts to implement such plan”.

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. 1877.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, 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 of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 23, 2021.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimates for H.R. 1871, the Transportation Security Transparency Improvement Act; H.R. 1877, the Security Screening During COVID-0919 Act; H.R. 1893, the Transportation Security Preparedness Act of 2021; and H.R. 1895, the Transportation Security Public Health Threat Preparedness Act of 2021.

If you wish further details on those estimates, we will be pleased to provide them. The CBO staff contact is Aaron Krupkin.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

Transportation Security Administration Legislation			
As ordered reported by the House Committee on Homeland Security on March 18, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
The table above applies to each bill separately, as described below. * = between zero and \$500,000.			

On March 18, the House Committee on Homeland Security ordered reported the following bills:

- H.R. 1871, the Transportation Security Transparency Improvement Act, would direct the Transportation Security Administration (TSA) to improve the transparency of the agency's guidelines for

sensitive security information (SSI) and international aviation security directives by clearly designating SSI, reviewing and updating SSI guidelines, coordinating with aviation industry and law enforcement personnel, and briefing the Congress.

- H.R. 1877, the Security Screening During COVID-19 Act, would direct TSA, in consultation with the Department of Health and Human Services, to issue and begin implementing a plan to reduce the risk of coronavirus transmission at TSA checkpoints. The bill also would require the Government Accountability Office (GAO) to review that plan.

- H.R. 1893, the Transportation Security Preparedness Act of 2021, would direct TSA to survey its workforce and report to the Congress regarding the agency's efforts to mitigate transmission of the COVID-19 virus among the workforce. The bill also would require TSA to develop and biennially review a plan for addressing future outbreaks of communicable diseases, which would be reviewed by GAO.

- H.R. 1895, the Transportation Security Public Health Threat Preparedness Act of 2021, would authorize TSA to provide personnel to other federal agencies to coordinate efforts to address public health threats to the U.S. transportation security system. In addition, the bill would require TSA to evaluate and report to the Congress on how well prepared the transportation security system is to face public health threats.

Most of the activities required under those bills, other than the TSA survey and the reporting requirements for TSA and GAO, are similar to those already being planned or implemented under current law. Accordingly, and based on the cost of similar activities, CBO estimates that the cost of implementing each bill would be insignificant over the 2021-2026 period. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for these estimates is Aaron Krupkin. The estimates were reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 1877 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the objective of H.R. 1877 is to enhance aviation security by requiring TSA to examine and implement best practices utilized by foreign governments, airports, air carriers, and other Federal agencies to contain the spread of COVID-19.

ADVISORY ON EARMARKS

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(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section states that the Act may be cited as the “Security Screening During COVID–19 Act.”

Sec. 2. Plan

Subsection 2(a) directs the TSA Administrator to coordinate with the Department of Homeland Security Chief Medical Officer and consult with the Department of Health and Human Services and the Centers for Disease Control and Prevention to develop a plan within 90 days of enactment to enhance airport security operations to reduce the spread of the coronavirus during the COVID–19 national emergency.

Subsection 2(b) states the contents of the plan must include identification of the following:

(1) Best practices used by foreign governments, airports, and airlines to control the virus’s spread, including in locations where the spread of the coronavirus has been successfully contained, that could be integrated into the United States’ aviation security system. TSA should also examine best practices used by other Federal agencies conducting security screening operations that are similar to TSA’s in settings beyond airports.

(2) Specific changes TSA can make to its aviation security screening operations based on the best practices identified above, the timeline for execution of such changes, and the associated anticipated costs to implement the changes.

Subsection 2(c) requires TSA to consider the following when identifying best practices used by foreign governments, airports, air carriers, and other Federal agencies under subsection 2(b):

(1) Current aviation screening procedures that are in use at the security screening location under study, including those implemented specifically in response to the COVID–19 pandemic.

(2) The volume of passengers and average wait times at the security screening location under examination.

(3) Public health measures already in place at the security screening location under examination.

(4) The feasibility and effectiveness of implementing the identified best practices at TSA checkpoints that are not already utilizing them.

(5) Whether it would be feasible and beneficial to security, public health, and the facilitation of travel for TSA to continue utilizing the changed procedures beyond the end of the COVID–19 national emergency.

Subsection 2(d) states the TSA Administrator may consult with public and private stakeholders and the TSA workforce in developing the plan required under subsection (a).

Subsection 2(e) requires TSA to submit the plan developed under subsection 2(a) to Congress once issued.

Subsection 2(f) states that TSA would not be required to issue or implement the plan upon the termination of the COVID-19 national emergency except to the extent the Administrator determines such issuance or implementation to be feasible and beneficial to security screening operations.

Subsection 2(g) requires the Government Accountability Office to issue a report to Congress on TSA's plan and its implementation within one year of the issuance of the plan.

Subsection 2(h) defines the terms "Administrator," "coronavirus," "COVID-19 national emergency," "public and private stakeholders," and "TSA" for the purposes of the bill.