

115TH CONGRESS  
2D SESSION

# S. 3441

To improve the program providing for private screening companies to conduct security screening at airports, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To improve the program providing for private screening companies to conduct security screening at airports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Screening Partnership  
5 Reform Act of 2018”.

6 **SEC. 2. SCREENING PARTNERSHIP PROGRAM.**

7 (a) IN GENERAL.—Section 44920 of title 49, United  
8 States Code, is amended by striking subsections (a) and  
9 (b) and inserting the following:

1       “(a) IN GENERAL.—The operator of an airport may  
2 submit to the Administrator of the Transportation Secu-  
3 rity Administration a notification that the airport requests  
4 the screening of passengers and property at the airport  
5 under section 44901 by personnel of a qualified private  
6 screening company pursuant to a contract with the Trans-  
7 portation Security Administration.

8       “(b) SELECTION OF QUALIFIED PRIVATE SCREEN-  
9 ING COMPANIES.—

10           “(1) LIST OF QUALIFIED PRIVATE SCREENING  
11 COMPANIES.—Not later than 30 days after receiving  
12 a notification from the operator of an airport under  
13 subsection (a), the Administrator shall provide to  
14 the operator of that airport the opportunity—

15                   “(A) for the operator to select a qualified  
16 private screening company with which the oper-  
17 ator prefers the Administrator enter into a con-  
18 tract for screening services at that airport; or

19                   “(B) to request that the Administrator se-  
20 lect a qualified private screening company with  
21 which to enter into such a contract.

22           “(2) ENTRY INTO CONTRACT.—

23                   “(A) IN GENERAL.—Subject to subsections  
24 (c) and (d), not later than 60 days after the op-  
25 erator of an airport selects a qualified private

1 screening company under paragraph (1)(A) or  
2 under this subparagraph or requests the Ad-  
3 ministrator to select such a company under  
4 paragraph (1)(B)—

5 “(i) the Administrator shall enter into  
6 a contract for screening services at that  
7 airport with the qualified private screening  
8 company selected by the airport or the  
9 company selected by the Administrator, as  
10 the case may be; or

11 “(ii) in the case of a company selected  
12 by the operator of the airport, if the Ad-  
13 ministrator rejects the bid from that com-  
14 pany, or is otherwise unable to enter into  
15 a contract with that company, the Admin-  
16 istrator shall provide the operator of the  
17 airport another 60 days to select another  
18 qualified private screening company.

19 “(B) REJECTION OF BIDS.—If the Admin-  
20 istrator rejects a bid from a private screening  
21 company selected by the operator of an airport  
22 under paragraph (1)(A) or subparagraph  
23 (A)(ii), the Administrator shall, not later than  
24 30 days after rejecting that bid, submit to the  
25 operator, the Committee on Commerce, Science,

1 and Transportation of the Senate, and the  
2 Committee on Homeland Security of the House  
3 of Representatives a report that includes—

4 “(i) the findings that served as the  
5 basis for rejecting the bid;

6 “(ii) the results of any cost or security  
7 analyses conducted in relation to the bid;  
8 and

9 “(iii) recommendations for how the  
10 operator of the airport can address the  
11 reasons the Administrator rejected the  
12 bid.”.

13 (b) QUALIFIED PRIVATE SCREENING COMPANIES.—  
14 Subsection (c) of such section is amended by striking “and  
15 will provide” and all that follows through “with this chap-  
16 ter”.

17 (c) STANDARDS FOR PRIVATE SCREENING COMPA-  
18 NIES.—Subsection (d) of such section is amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (A), by striking “;  
21 and” and inserting a semicolon;

22 (B) by redesignating subparagraph (B) as  
23 subparagraph (C);

24 (C) by inserting after subparagraph (A)  
25 the following:

1           “(B) the cost of providing screening serv-  
2           ices at the airport under the contract is equal  
3           to or less than the cost to the Federal Govern-  
4           ment of providing screening services at that air-  
5           port during the term of the contract;”;

6           (D) in subparagraph (C), as redesignated  
7           by subparagraph (B), by striking the period at  
8           the end and inserting “; and”; and

9           (E) by adding at the end the following:

10           “(D) entering into the contract would not  
11           compromise aviation security.”;

12           (2) in paragraph (2)—

13           (A) by striking “paragraph (1)(B)” and  
14           inserting “paragraph (1)(C)”; and

15           (B) by striking the second sentence; and

16           (3) by adding at the end the following:

17           “(3) CALCULATION OF FEDERAL COSTS.—For  
18           purpose of the comparison of costs required by para-  
19           graph (1)(B), the Administrator shall incorporate a  
20           cost estimate that reflects the total cost to the Fed-  
21           eral Government, including all costs incurred by all  
22           Federal agencies and not only by the Transportation  
23           Security Administration, of providing screening serv-  
24           ices at an airport.”.

1 (d) RECOMMENDATIONS FOR IMPROVING AVIATION  
2 SECURITY.—Such section is amended by adding at the  
3 end the following:

4 “(i) CONSIDERATION OF RECOMMENDATIONS BY  
5 PRIVATE SCREENING COMPANIES FOR IMPROVING AVIA-  
6 TION SECURITY.—

7 “(1) RECOMMENDATIONS.—The Administrator  
8 shall request each qualified private screening com-  
9 pany that enters into a contract with the Transpor-  
10 tation Security Administration under this section to  
11 provide screening services at an airport to submit to  
12 the Administrator an annual report that includes  
13 recommendations for—

14 “(A) new approaches to prioritize and  
15 streamline requirements for aviation security;

16 “(B) new or more efficient processes for  
17 the screening of all passengers and property at  
18 the airport under section 44901;

19 “(C) processes and procedures that would  
20 enhance the screening of passengers and prop-  
21 erty at the airport; or

22 “(D) screening processes and procedures  
23 that would better enable the Administrator and  
24 the private screening company to respond to

1 threats and emerging threats to aviation secu-  
2 rity.

3 “(2) TESTING.—The Administrator shall con-  
4 duct a field demonstration at an airport of each rec-  
5 ommendation submitted under paragraph (1) to de-  
6 termine the effectiveness of the approach, process, or  
7 procedure recommended, unless the Administrator  
8 determines that conducting such a demonstration  
9 would compromise aviation security.

10 “(3) CONSIDERATION OF ADOPTION.—

11 “(A) IN GENERAL.—After conducting a  
12 field demonstration under paragraph (2) with  
13 respect to a recommendation submitted under  
14 paragraph (1) by a private screening company,  
15 the Administrator—

16 “(i) shall consider adopting the rec-  
17 ommendation; and

18 “(ii) may adopt the recommendation  
19 at all or some airports.

20 “(B) REPORT.—If the Administrator does  
21 not adopt a recommendation submitted under  
22 paragraph (1) by a private screening company,  
23 the Administrator shall submit to Congress and  
24 the private screening company a report that in-  
25 cludes—

1                   “(i) a description of the specific rea-  
 2                   sons the Administrator chose not to adopt  
 3                   the recommendation; and

4                   “(ii) recommendations for how the  
 5                   private screening company could improve  
 6                   the approach, process, or procedure rec-  
 7                   ommended.”.

8           (e) CONFORMING AMENDMENTS.—Such section is  
 9 further amended—

10           (1) in the section heading, by striking “**Secu-**  
 11           **riety screening opt-out program**” and insert-  
 12           ing “**Screening partnership program**”;

13           (2) by striking subsection (h); and

14           (3) by striking “Under Secretary” each place it  
 15           appears and inserting “Administrator”.

16           (f) CLERICAL AMENDMENT.—The table of sections  
 17 for chapter 449 of title 49, United States Code, is amend-  
 18 ed by striking the item relating to section 44920 and in-  
 19 serting the following:

“44920. Screening partnership program.”.

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