

116TH CONGRESS
2D SESSION

S. 4937

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2020

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

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 2020”.

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

7 (a) IN GENERAL.—Section 44920 of title 49, United
8 States Code, is amended—

9 (1) by amending subsection (b) to read as fol-
10 lows:

1 “(b) SELECTION OF QUALIFIED PRIVATE SCREEN-
2 ING COMPANIES.—

3 “(1) LIST OF QUALIFIED PRIVATE SCREENING
4 COMPANIES.—Not later than 30 days after receiving
5 an application from the operator of an airport under
6 subsection (a), the Administrator shall provide to
7 the operator of that airport the opportunity—

8 “(A) for the operator to select a qualified
9 private screening company with which the oper-
10 ator prefers the Administrator enter into a con-
11 tract for screening services at that airport; or

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

15 “(2) ENTRY INTO CONTRACT.—

16 “(A) IN GENERAL.—Subject to subsections
17 (c) and (d), not later than 60 days after the op-
18 erator of an airport selects a qualified private
19 screening company under paragraph (1)(A) or
20 under this subparagraph or requests the Ad-
21 ministrator to select such a company under
22 paragraph (1)(B)—

23 “(i) the Administrator shall enter into
24 a contract for screening services at that
25 airport with the qualified private screening

1 company selected by the airport or the
2 company selected by the Administrator, as
3 the case may be; or

4 “(ii) in the case of a company selected
5 by the operator of the airport, if the Ad-
6 ministrator rejects the bid from that com-
7 pany, or is otherwise unable to enter into
8 a contract with that company, the Admin-
9 istrator shall provide the operator of the
10 airport another 60 days to select another
11 qualified private screening company.

12 “(B) REJECTION OF BIDS.—If the Admin-
13 istrator rejects a bid from a private screening
14 company selected by the operator of an airport
15 under paragraph (1)(A) or subparagraph
16 (A)(ii), the Administrator shall, not later than
17 30 days after rejecting that bid, submit to the
18 operator, the Committee on Commerce, Science,
19 and Transportation of the Senate, and the
20 Committee on Homeland Security of the House
21 of Representatives a report that includes—

22 “(i) the findings that served as the
23 basis for rejecting the bid;

1 “(ii) the results of any cost or security
2 analyses conducted in relation to the bid;
3 and

4 “(iii) recommendations for how the
5 operator of the airport can address the
6 reasons the Administrator rejected the
7 bid.”;

8 (2) in subsection (c), by striking “and will pro-
9 vide” and all that follows through “with this chap-
10 ter”;

11 (3) in subsection (d)—

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraphs (2) and
14 (3) as paragraphs (1) and (2), respectively;

15 (C) in paragraph (1), as redesignated—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “The Adminis-
18 trator” and all that follows and inserting
19 “The Administrator shall enter into a con-
20 tract with a qualified private screening
21 company only if—”;

22 (ii) in subparagraph (B), by striking
23 “and” at the end; and

24 (iii) by striking subparagraph (C) and
25 inserting the following:

1 “(C) 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; and

6 “(D) entering into the contract would not
7 compromise aviation security or the effective-
8 ness of the screening of passengers or property
9 at the airport.”;

10 (D) in paragraph (2), as redesignated, by
11 striking the second sentence; and

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

13 “(3) TRAINING AND CERTIFICATION.—

14 “(A) IN GENERAL.—A private screening
15 company may fulfill the requirement under
16 paragraph (1)(A) by using screening super-
17 visors who have been trained and certified at a
18 Federal Law Enforcement Training Center to
19 administer comparable on-site training and cer-
20 tification to private security screeners at an air-
21 port that is participating in the screening part-
22 nership program.

23 “(B) AUTHORIZED TRAINERS.—If a pri-
24 vate screening company elects to conduct on-
25 site training and certification in accordance

1 with subparagraph (A), such training shall be
2 conducted by—

3 “(i) a Federal employer or contractor
4 who is authorized to train and certify secu-
5 rity screeners; or

6 “(ii) an employee of a private screen-
7 ing company who has successfully com-
8 pleted security supervisor training at a
9 Federal Law Enforcement Training Cen-
10 ter.

11 “(C) RULE OF CONSTRUCTION.—Nothing
12 in this paragraph may be construed to require
13 security screeners employed by a private screen-
14 ing company who have received on-site training
15 and certification in accordance with subpara-
16 graph (A) to receive any additional training at
17 a Federal Law Enforcement Training Center.

18 “(4) PART-TIME POSITIONS.—None of the
19 standards required to be a qualified private screen-
20 ing company may be construed to prohibit a private
21 screening company from employing screeners for
22 part-time positions.

23 “(5) CALCULATION OF FEDERAL COSTS.—For
24 purpose of the comparison of costs required under
25 paragraph (1)(C), the Administrator shall incor-

1 porate a cost estimate that reflects the total cost to
2 the Federal Government, including all costs incurred
3 by all Federal agencies and not only by the Trans-
4 portation Security Administration, of providing
5 screening services at an airport.”;

6 (4) by striking subsection (i) (as added by sec-
7 tion 1991(d)(17)(B) of the TSA Modernization Act
8 (division K of Public Law 115–254)); and

9 (5) by striking subsection (i) (as added by sec-
10 tion 1946(a)(7) of the TSA Modernization Act (divi-
11 sion K of Public Law 115–254)) and inserting the
12 following:

13 “(i) CONSIDERATION OF RECOMMENDATIONS BY
14 PRIVATE SCREENING COMPANIES FOR IMPROVING AVIA-
15 TION SECURITY.—

16 “(1) RECOMMENDATIONS.—The Administrator
17 shall request each qualified private screening com-
18 pany that enters into a contract with the Transpor-
19 tation Security Administration under this section to
20 provide screening services at an airport to submit to
21 the Administrator an annual report that includes
22 recommendations for—

23 “(A) new approaches to prioritize and
24 streamline requirements for aviation security;

1 “(B) new or more efficient processes for
2 the screening of all passengers and property at
3 the airport under section 44901;

4 “(C) processes and procedures that would
5 enhance the screening of passengers and prop-
6 erty at the airport; or

7 “(D) screening processes and procedures
8 that would better enable the Administrator and
9 the private screening company to respond to
10 threats and emerging threats to aviation secu-
11 rity.

12 “(2) TESTING.—The Administrator shall con-
13 duct a field demonstration at an airport of each rec-
14 ommendation submitted under paragraph (1) to de-
15 termine the effectiveness of the approach, process, or
16 procedure recommended, unless the Administrator
17 determines that conducting such a demonstration
18 would compromise aviation security.

19 “(3) CONSIDERATION OF ADOPTION.—

20 “(A) IN GENERAL.—After conducting a
21 field demonstration under paragraph (2) with
22 respect to a recommendation submitted under
23 paragraph (1) by a private screening company,
24 the Administrator—

1 “(i) shall consider adopting the rec-
2 ommendation; and

3 “(ii) may adopt the recommendation
4 at all or some airports.

5 “(B) REPORT.—If the Administrator does
6 not adopt a recommendation submitted under
7 paragraph (1) by a private screening company,
8 the Administrator shall submit to Congress and
9 the private screening company a report that in-
10 cludes—

11 “(i) a description of the specific rea-
12 sons the Administrator chose not to adopt
13 the recommendation; and

14 “(ii) recommendations for how the
15 private screening company could improve
16 the approach, process, or procedure rec-
17 ommended.

18 “(j) RESTRICTIONS ON RELOCATION PAYMENTS.—

19 “(1) IN GENERAL.—A security screener em-
20 ployed by the Transportation Security Administra-
21 tion who accepts an offer of employment from a pri-
22 vate screening company under this section may not
23 receive any amount of relocation compensation from
24 the Transportation Security Administration.

1 “(2) COORDINATION AND DISCLOSURES.—The
2 Administrator shall—

3 “(A) coordinate with the selected qualified
4 private screening company regarding the terms
5 of the airport transition; and

6 “(B) publicly disclose compensation and
7 relocation or transfer benefits made available to
8 security screeners that remain employees of the
9 Transportation Security Administration after
10 transferring to an airport that is not partici-
11 pating in the screening partnership program.

12 “(3) STANDARD HIRING PROCESS.—Any secu-
13 rity screener employed by a private screening com-
14 pany under this section who is a former employee of
15 the Transportation Security Administration shall be
16 subject to the standard hiring process for security
17 screeners employed by the Transportation Security
18 Administration if he or she seeks to transition back
19 to such employment.”.

20 (b) CONFORMING AMENDMENTS.—Section 44920 of
21 title 49, United States Code, is amended—

22 (1) in subsection (a), by inserting “(referred to
23 in this section as the ‘Administrator’)” after “of the
24 Transportation Security Administration”; and

25 (2) in subsection (g)—

1 (A) in paragraph (1), by striking “Sec-
2 retary of Homeland Security” and inserting
3 “Administrator”; and

4 (B) in paragraph (2)(A), by striking “Sec-
5 retary of Homeland Security or the Sec-
6 retary’s” and inserting “Administrator or the
7 Administrator’s”.

8 (c) FEDERAL LAW ENFORCEMENT TRAINING CEN-
9 TER.—Section 884(c) of the Homeland Security Act of
10 2002 (6 U.S.C. 464(c)) is amended—

11 (1) in paragraph (9), by striking “and” at the
12 end;

13 (2) in paragraph (10), by striking the period at
14 the end and inserting “; and”; and

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

16 “(11) create and maintain a FLETC training
17 program to certify private security screening super-
18 visors to administer on-site security screening train-
19 ing and certification for the participants in the
20 Screening Partnership Program in accordance with
21 section 44920(d)(3) of title 49, United States
22 Code.”.

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