

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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Mr. LEE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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”.

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 the  
7   operator of such airport with an 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 such 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  
18   date on which the operator of an airport selects  
19   a qualified private screening company under  
20   paragraph (1)(A) or clause (ii) or requests the  
21   Administrator 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           ministratoer rejects the bid from that com-  
7           pany, or is otherwise unable to enter into  
8           a contract with that company, the Admin-  
9           istratoer 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          istratoer 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 such bid, submit a re-  
18          port to the operator, the Committee on Com-  
19          merce, Science, and Transportation of the Sen-  
20          ate, and the Committee on Homeland Security  
21          of the House of Representatives that includes—

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

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

4                   “(iii) recommendations for how the  
5 operator of the airport can address the  
6 reasons the Administrator rejected such  
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 1946(a)(7) of the TSA Modernization Act (divi-  
8       sion K of Public Law 115–254)); and

9               (5) by striking subsection (i) (as added by sec-  
10       tion 1991(d)(17)(B) of the TSA Modernization Act  
11       (division K of Public Law 115–254)) and inserting  
12       the 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 a report to Con-  
9                   gress and the private screening company that  
10                  includes—

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.”.