

117TH CONGRESS  
1ST SESSION

# H. R. 3213

To amend title 49, United States Code, to allow airport operators to enter into contracts with qualified private screening companies to carry out the screening of passengers and property at airports, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. PERRY introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To amend title 49, United States Code, to allow airport operators to enter into contracts with qualified private screening companies to carry out the screening of passengers and property 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 “Expanding Private Air-  
5 port Security Screening Act”.

1 **SEC. 2. QUALIFIED PRIVATE SCREENING COMPANY SERV-**  
2 **ICES.**

3 Section 44920 of title 49, United States Code, is  
4 amended to read as follows:

5 **“§ 44920. Screening partnership program**

6 “(a) SCREENING PARTNERSHIP PROGRAM CON-  
7 TRACTS.—

8 “(1) IN GENERAL.—An airport operator may  
9 enter into a contract with a qualified private screen-  
10 ing company on the list maintained under subsection  
11 (b) to carry out the screening of passengers and  
12 property at the airport under section 44901.

13 “(2) NOTIFICATION.—Not less than 7 days  
14 after entering into a contract with a qualified private  
15 screening company under paragraph (1), an airport  
16 operator shall notify the Administrator of the Trans-  
17 portation Security Administration.

18 “(b) PUBLIC LIST OF QUALIFIED PRIVATE SCREEN-  
19 ING COMPANIES.—

20 “(1) IN GENERAL.—The Administrator shall  
21 maintain a publicly available list of qualified private  
22 screening companies that meet the requirements of  
23 paragraph (3).

24 “(2) APPLICATION.—To be included in the list  
25 maintained under paragraph (1), a qualified private  
26 screening company shall submit an application to

1 the Administrator in such form, in such manner,  
2 and containing such information as the Adminis-  
3 trator may require.

4 “(3) REQUIREMENTS.—A qualified private  
5 screening company is eligible to be included in the  
6 list maintained under paragraph (1) if the com-  
7 pany—

8 “(A) only employs individuals to provide  
9 such services who meet all the requirements of  
10 this chapter applicable to Federal Government  
11 personnel who perform passenger and property  
12 security screening services at airports under  
13 this chapter;

14 “(B) demonstrates capability of providing  
15 passenger and property screening services and  
16 protection at the same level provided by Federal  
17 Government personnel under this chapter; and

18 “(C) is owned and controlled by a citizen  
19 of the United States, to the extent that the Ad-  
20 ministrator determines that there are private  
21 screening companies owned and controlled by  
22 such citizens.

23 “(c) TRANSITION PLAN.—Not later than 30 days  
24 after the date on which an airport operator provides the  
25 notification required under subsection (a)(2), the airport

1 operator shall create a plan to transition the provision of  
2 passenger and property screening services at such airport  
3 to the applicable qualified private screening company.

4 “(d) SUPERVISION OF SCREENING PERSONNEL.—  
5 The Administrator shall—

6 “(1) provide Federal Government supervisors to  
7 oversee all screening at each airport at which pas-  
8 senger and property screening services are provided  
9 under this section and provide Federal Government  
10 law enforcement officers at the airport pursuant to  
11 this chapter; and

12 “(2) undertake covert testing and remedial  
13 training support for employees of qualified private  
14 screening companies providing passenger and prop-  
15 erty screening services at airports.

16 “(e) OPERATOR OF AIRPORT.—

17 “(1) IN GENERAL.—Notwithstanding any other  
18 provision of law, an operator of an airport shall not  
19 be liable for any claims for damages filed in State  
20 or Federal court (including a claim for compen-  
21 satory, punitive, contributory, or indemnity dam-  
22 ages) related to an act of negligence, gross neg-  
23 ligence, or intentional wrongdoing by—

24 “(A) a qualified private screening company  
25 or any of its employees in any case in which the

1 qualified private screening company is acting  
2 under a contract entered into with the airport  
3 operator; or

4 “(B) employees of the Federal Government  
5 providing supervision of screening personnel at  
6 the airport.

7 “(2) RULE OF CONSTRUCTION.—Nothing in  
8 this subsection shall relieve any airport operator  
9 from liability for its own acts or omissions related to  
10 its security responsibilities, nor except as may be  
11 provided by the Support Anti-Terrorism by Fos-  
12 tering Effective Technologies Act of 2002 shall it re-  
13 lieve any qualified private screening company or its  
14 employees from any liability related to its own acts  
15 of negligence, gross negligence, or intentional wrong-  
16 doing.

17 “(f) REPORT TO CONGRESS.—

18 “(1) IN GENERAL.—The Administrator shall  
19 submit an annual report to the Committee on Com-  
20 merce, Science, and Transportation of the Senate  
21 and the Committee on Homeland Security of the  
22 House of Representatives that contains—

23 “(A) a comparison of the mean average  
24 screening performance of qualified private  
25 screening companies under contract pursuant to

1 this section and the mean average screening  
2 performance of all airports using Federal Gov-  
3 ernment passenger and property screening serv-  
4 ices;

5 “(B) a comparison of the mean cost of  
6 providing passenger and property screening  
7 services with Federal Government personnel  
8 and the mean cost of contracting with a quali-  
9 fied private screening company for such services  
10 under this section delineated by airport cat-  
11 egory; and

12 “(C) a comparison of the cost to each air-  
13 port operator of contracting with a qualified  
14 private screening company to provide passenger  
15 and property screening services under this sec-  
16 tion to the estimated cost to the Federal Gov-  
17 ernment to provide passenger and property se-  
18 curity screening services at such airport.

19 “(2) COST ESTIMATES.—Any estimate of cost  
20 to the Federal Government provided pursuant to  
21 paragraph (1) shall reflect the total cost to the Fed-  
22 eral Government, including all costs incurred by all  
23 Federal agencies of providing passenger and prop-  
24 erty screening services at an airport.

1           “(3) PUBLICATION.—Not later than 7 days  
2 after the date on which the Administrator submits  
3 a report required under paragraph (1), the Adminis-  
4 trator shall publish such report on a website of the  
5 Transportation Security Administration.”.

6 **SEC. 3. PROVIDING EFFECTIVE COST COMPARISONS TO**  
7 **AIRPORT OPERATORS.**

8           Section 1947 of the FAA Reauthorization Act of  
9 2018 (49 U.S.C. 44901 note) is amended—

10           (1) in paragraph (1) by striking “and” at the  
11 end;

12           (2) in paragraph (2)(B)(iii) by striking the pe-  
13 riod at the end and inserting “; and”; and

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

15           “(3) in the case of an airport operator that con-  
16 tracts with a qualified private screening company to  
17 provide passenger and property screening services at  
18 such airport, a comparison of the cost of such con-  
19 tract and an estimate of the cost to such airport op-  
20 erator of providing passenger and property screening  
21 services with Federal Government personnel.”.

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