

TRANSPORTATION SECURITY PUBLIC HEALTH THREAT
PREPAREDNESS ACT OF 2021

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. 1895]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1895) to enhance the preparedness of the Transportation Security Administration for public health threats to the transportation security system of the United States, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1895, the “Transportation Security Public Health Threat Preparedness Act of 2021,” authorizes the Transportation Security

Administration (TSA) to analyze the preparedness of the Nation's transportation security system for public health threats. The analysis should include information sharing challenges among Department of Homeland Security (DHS) components, other Federal agencies, international entities, and stakeholders, as well as impacts to TSA policies and procedures.

H.R. 1895 requires TSA to brief Congress on the public health threat analysis, as well as necessary technologies at airport checkpoints to protect from these threats and the estimated costs of the technology improvements. Additionally, the briefing to Congress should describe security checkpoint policies and procedures to protect TSA personnel, passengers, aviation workers, and airport personnel from public health threats to the transportation security system. The briefing should also note TSA's role—and how it can be improved—in establishing priorities, developing solutions, and coordinating and sharing information with the relevant domestic and international entities during a public health threat. In addition, H.R. 1895 authorizes non-frontline TSA personnel to be detailed to other DHS components and Federal agencies to improve coordination to prepare for, protect against, and respond to these public health threats.

BACKGROUND AND NEED FOR LEGISLATION

Throughout the COVID-19 pandemic, TSA has worked jointly with other Federal agencies to identify and implement best practices for preventing the spread of the coronavirus throughout the United States' transportation systems. It has relied on the expertise of other Federal entities, including the Centers for Disease Control and Prevention (CDC) and Department of Transportation, to develop and implement initiatives like its January 2021 security directives (SDs) and emergency amendment (EA) that require travelers to wear masks throughout transportation systems. The SDs and EA closely mirror the CDC order issued two days prior that mandates travelers to wear masks on all modes of transportation, including airplanes, trains, subways, boats, and within transportation hubs such as airports and train stations. In addition to drawing from other Federal agencies, TSA itself has lent its resources in the form of personnel to the Federal Emergency Management Agency through its Surge Capacity Force to assist with administering vaccines across the country.

Temporary assignments of TSA personnel to Federal agencies like the CDC and other components within DHS present mutually beneficial opportunities for Federal inter-and intradepartmental transportation security efforts. Enabling TSA to detail its analysts, subject matter experts, and management officials with firsthand expertise in transportation security to these partners will inform their work to protect travelers in the face of future public health threats. Importantly, this bill allows for personnel details without impacting the frontline TSA workforce available for screening and security functions.

H.R. 1895 further seeks to remedy concerns that the COVID-19 pandemic has exposed vulnerabilities in the United States' transportation security system with respect to protecting the traveling public and transportation security workers from public health threats generally. The analysis mandated by H.R. 1895 of risks of

public health threats to the transportation security system, also to be conducted in cooperation with inter-and intra-agency partners and transportation security stakeholders, will give Congress a better understanding of the Nation's transportation security preparedness. It will also compel TSA to be forward-looking about the technologies, procedures, and responsibilities needed to effectively prepare for, protect against, and respond to public health threats to the country's transportation security system in the future.

HEARINGS

For the purposes of clause 3(c)(6) of House Rule XIII, the following hearing was used to develop H.R. 1895:

The Committee did not hold a legislative hearing on H.R. 1895 in the 117th Congress. However, 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. 1895 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

No amendments were offered during consideration of H.R. 1895.

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. 1895.

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-19 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. 1895 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. 1895 is to authorize TSA to temporarily assign certain personnel to other Federal agencies and inter-departmental components to prepare for, respond to, and mitigate public health threats, and to require an analysis of the Nation's transportation security state of preparedness to counter such public health threats.

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 “Transportation Security Public Health Threat Preparedness Act of 2021.”

Sec. 2. Definitions

Section 2 defines the terms “Administrator,” “appropriate congressional committees,” “Department,” “sterile area,” and “TSA” for the purposes of the bill.

Sec. 3. Authorization of TSA personnel details

Subsection 3(a) authorizes the TSA Administrator to detail TSA personnel not involved in frontline security work to other DHS components and other Federal agencies to improve coordination with those components and agencies to prepare for, protect against, and respond to public health threats to the United States’ transportation security system.

Subsection 3(b) requires the TSA Administrator to brief Congress on coordination improvement efforts under subsection 3(a) no later than 180 days after the bill’s enactment.

Sec. 4. TSA preparedness

Subsection 4(a)(1) requires the TSA Administrator to conduct an analysis of the preparedness of the United States’ transportation security system to respond to public health threats. The analysis must include, at minimum:

(A) The risks of public health threats to the transportation security system of the United States, including to transportation hubs, transportation security stakeholders, TSA personnel, and passengers.

(B) Information sharing challenges among relevant components of DHS, other Federal agencies, international entities, and transportation security stakeholders.

(C) Impacts to TSA policies and procedures for securing the transportation security system.

Subsection 4(a)(2) dictates that the Administrator must conduct the analysis in coordination with the DHS Chief Medical Officer, the Secretary of the Department of Health and Human Services, and transportation security stakeholders.

Subsection 4(b) requires the TSA Administrator to brief the appropriate congressional committees within 180 days of enactment on the following:

(1) The analysis under subsection (a).

(2) Technology needed by TSA to combat public health threats at security screening checkpoints to better protect TSA personnel, passengers, aviation workers, and other personnel authorized to access the sterile area of an airport from future public health threats, and the estimated cost of technology investments necessary to fully implement these solutions across the aviation system.

(3) Policies and procedures TSA and transportation security stakeholders have implemented to protect TSA personnel, passengers, aviation workers, and other personnel authorized to access the sterile area of an airport from future public health threats, as

well as future plans for additional measures relating to such protection.

(4) The role of TSA in establishing priorities, developing solutions, and coordinating and sharing information with relevant domestic and international entities during a public health threat to the transportation security system, and how TSA can improve its leadership role in these areas.

