

112TH CONGRESS  
1ST SESSION

# H. R. 1586

To amend title 49, United States Code, concerning approval of applications for the airport security screening opt-out program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. KING of New York (for himself, Mr. ROGERS of Alabama, and Mr. MCCAUL) 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, concerning approval of applications for the airport security screening opt-out program, 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 “Security Enhancement  
5 and Jobs Act of 2011”.

1 **SEC. 2. PERIOD FOR RESOLVING APPLICATIONS SUB-**  
2 **MITTED TO THE TRANSPORTATION SECURITY**  
3 **ADMINISTRATION FOR THE AIRPORT SECU-**  
4 **RITY SCREENING OPT-OUT PROGRAM.**

5 (a) IN GENERAL.—Section 44920(b) of title 49,  
6 United States Code, is amended to read as follows:

7 “(b) APPROVAL OF APPLICATIONS.—

8 “(1) IN GENERAL.—Not later than 120 days  
9 after the date of receipt of an application submitted  
10 by an airport operator under subsection (a), the Sec-  
11 retary shall approve or deny the application.

12 “(2) STANDARDS.—The Secretary shall approve  
13 an application submitted by an airport operator  
14 under subsection (a) unless the Secretary determines  
15 that the approval would compromise security, det-  
16 rimentally affect the efficiency or effectiveness of the  
17 screening of passengers or property at the airport,  
18 or otherwise adversely affect the mission of the  
19 Transportation Security Administration.

20 “(3) REPORTS ON DENIALS OF APPLICA-  
21 TIONS.—

22 “(A) IN GENERAL.—If the Secretary de-  
23 nies an application submitted by an airport op-  
24 erator under subsection (a), the Secretary shall  
25 provide to the airport operator a written report  
26 that sets forth—

1           “(i) the findings that served as the  
2           basis for the denial;

3           “(ii) the results of any cost or security  
4           analysis conducted in considering the ap-  
5           plication; and

6           “(iii) recommendations on how the  
7           airport operator can address the reasons  
8           for the denial.

9           “(B) SUBMISSION TO CONGRESS.—The  
10          Secretary shall submit to the Committee on  
11          Commerce, Science, and Transportation of the  
12          Senate and the Committee on Homeland Secu-  
13          rity of the House of Representatives a copy of  
14          any report provided to an airport operator  
15          under subparagraph (A).

16          “(4) APPROVED APPLICATIONS.—

17                 “(A) LIST OF QUALIFIED PRIVATE  
18                 SCREENING COMPANIES.—Not later than 60  
19                 days after the date the Secretary approves an  
20                 application submitted by an airport operator  
21                 under subsection (a), the Secretary shall pro-  
22                 vide to the airport operator a list of qualified  
23                 private screening companies (as described in  
24                 subsection (c)), except that this subparagraph  
25                 shall not apply in a case in which the airport

1 operator is competing to provide screening serv-  
2 ices at the airport.

3 “(B) CONSIDERATION OF AIRPORT OPER-  
4 ATOR’S RECOMMENDATIONS.—In selecting a  
5 private screening company to provide screening  
6 services at an airport, the Secretary shall take  
7 into consideration any recommendation from  
8 the airport operator as to which company would  
9 best serve the security screening and passenger  
10 needs of the airport.”.

11 (b) DELEGATION OF AUTHORITY.—Section 44920 of  
12 such title is amended by adding at the end the following:

13 “(h) DELEGATION OF AUTHORITY.—The Secretary  
14 may carry out this section acting through the Assistant  
15 Secretary of Homeland Security (Transportation Security  
16 Administration).”.

17 (c) RECONSIDERATION OF APPLICATIONS PENDING  
18 AS OF JANUARY 1, 2011.—

19 (1) IN GENERAL.—Not later than 30 days after  
20 the date of enactment of this Act, the Secretary of  
21 Homeland Security shall reconsider any application  
22 for the screening of passengers and property that—

23 (A) was submitted by the operator of an  
24 airport pursuant to section 44920(a) of such  
25 title;

1 (B) was pending for final decision by the  
2 Secretary as of January 1, 2011; and

3 (C) has not been approved by the Sec-  
4 retary on or before such date of enactment.

5 (2) NOTICE TO AIRPORT OPERATORS.—The  
6 Secretary shall provide written notice to the operator  
7 of an airport that submitted an application to be re-  
8 considered under paragraph (1). The notice shall—

9 (A) inform the operator that the Secretary  
10 will reconsider the application;

11 (B) if the application was initially denied,  
12 advise the operator of the findings that served  
13 as the basis for the denial; and

14 (C) request the operator to provide the  
15 Secretary with such additional information as  
16 the Secretary determines necessary to recon-  
17 sider the application.

18 (3) DEADLINE; STANDARDS.—The Secretary  
19 shall approve or deny an application to be reconsid-  
20 ered under paragraph (1) on or before the last day  
21 of the 120-day period beginning on the date of en-  
22 actment of this Act. The Secretary shall apply the  
23 standards set forth in section 44920(b) of such title  
24 (as amended by this section) in approving and deny-  
25 ing such applications.

1           (4) DEEMED APPROVAL.—If the Secretary does  
2 not approve or deny an application to be reconsid-  
3 ered under paragraph (1) on or before the last day  
4 of the 120-day period referred to in paragraph (3),  
5 the application shall be deemed approved.

6           (5) REPORTS ON DENIALS OF APPLICATIONS.—

7           (A) IN GENERAL.—If the Secretary denies  
8 an application of an airport operator following  
9 reconsideration under this subsection, the Sec-  
10 retary shall provide to the airport operator a  
11 written report that sets forth—

12                   (i) the findings that served as the  
13 basis for the denial;

14                   (ii) the results of any cost or security  
15 analysis conducted in considering the ap-  
16 plication; and

17                   (iii) recommendations on how the air-  
18 port operator can address the reasons for  
19 the denial.

20           (B) SUBMISSION TO CONGRESS.—The Sec-  
21 retary shall submit to the Committee on Com-  
22 merce, Science, and Transportation of the Sen-  
23 ate and the Committee on Homeland Security  
24 of the House of Representatives a copy of any

1 report provided to an airport operator under  
2 subparagraph (A).

3 (d) REFERENCES TO UNDER SECRETARY.—Section  
4 44920 of such title is amended—

5 (1) in subsection (a) by striking “Under Sec-  
6 retary” the first place it appears and inserting “Sec-  
7 retary of Homeland Security”;

8 (2) by striking “Under Secretary” each place it  
9 appears and inserting “Secretary”; and

10 (3) in subsection (g) by striking “of Homeland  
11 Security” each place it appears.

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