

Union Calendar No. 88

117TH CONGRESS
1ST SESSION

H. R. 4094

[Report No. 117-123]

To conduct a pilot program at foreign last point of departure airports to permit passengers and their accessible property to continue on additional flights or flight segments originating in the United States without additional security re-screening, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2021

Mr. KATKO (for himself, Mrs. MURPHY of Florida, Mr. GUEST, Mr. GIMENEZ, and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on Homeland Security

SEPTEMBER 17, 2021

Additional sponsors: Mr. JOYCE of Ohio, Mr. RODNEY DAVIS of Illinois, Mrs. MILLER-MEEKS, and Mr. GARBARINO

SEPTEMBER 17, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 23, 2021]

A BILL

To conduct a pilot program at foreign last point of departure airports to permit passengers and their accessible property to continue on additional flights or flight segments originating in the United States without additional security re-screening, 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 “One-Stop Pilot Program*
5 *Act of 2021”.*

6 **SEC. 2. PILOT PROGRAM FOR ONE-STOP SECURITY.**

7 *(a) IN GENERAL.—Notwithstanding 44901(a) of title*
8 *49, United States Code, the Administrator of the Transpor-*
9 *tation Security Administration, in coordination with U.S.*
10 *Customs and Border Protection, is authorized to conduct*
11 *a pilot program at not more than six foreign last point*
12 *of departure airports to permit passengers and their acces-*
13 *sible property arriving on direct flights or flight segments*
14 *originating at such participating foreign airports to con-*
15 *tinue on additional flights or flight segments originating*
16 *in the United States without additional security re-screen-*
17 *ing if—*

18 *(1) the initial screening was conducted in ac-*
19 *cordance with an aviation security screening agree-*
20 *ment described in subsection (d);*

21 *(2) passengers arriving from participating for-*
22 *oreign airports are unable to access their checked bag-*
23 *gage until the arrival at their final destination; and*

24 *(3) upon arrival in the United States, passengers*
25 *arriving from participating foreign airports do not*

1 *come into contact with other arriving international*
2 *passengers or those passengers' property or other per-*
3 *sons who have not been screened or subjected to other*
4 *appropriate security controls required for entry into*
5 *the airport's sterile area.*

6 *(b) REQUIREMENTS FOR PILOT PROGRAM.—In car-*
7 *rying out this section, the Administrator shall ensure there*
8 *is no reduction in the level of security or specific aviation*
9 *security standards or requirements for screening passengers*
10 *and their property prior to boarding an international flight*
11 *bound for the United States, including specific aviation se-*
12 *curity standards and requirements regarding the following:*

13 *(1) High risk passengers and their property.*
14 *(2) Weapons, explosives, and incendiaries.*
15 *(3) Screening passengers and property transfer-*
16 *ring at a foreign last point of departure airport from*
17 *another airport and bound for the United States, and*
18 *addressing any co-mingling of such passengers and*
19 *property with passengers and property screened under*
20 *the pilot program described in subsection (a).*

21 *(4) Insider risk at foreign last point of departure*
22 *airports.*

23 *(c) RE-SCREENING OF CHECKED BAGGAGE.—The Ad-*
24 *ministrator may determine whether checked baggage arriv-*
25 *ing from participating foreign airports referenced in sub-*

1 *section (a) must be re-screened in the United States by an*
2 *explosives detection system before such baggage continues on*
3 *any additional flight or flight segment.*

4 (d) *AVIATION SECURITY SCREENING AGREEMENT DE-*
5 *SCRIBED.—An aviation security screening agreement de-*
6 *scribed in this subsection is an agreement signed by the Ad-*
7 *ministrator, without delegating such authority, and entered*
8 *into with a foreign country that delineates and implements*
9 *security standards and protocols utilized at a foreign last*
10 *point of departure airport that are determined by the Ad-*
11 *ministrator to be comparable to those of the United States*
12 *and therefore sufficiently effective to enable passengers and*
13 *their accessible property to deplane into sterile areas of air-*
14 *ports in the United States without the need for re-screening.*

15 (e) *RE-SCREENING REQUIREMENT.—If the Adminis-*
16 *trator determines that the foreign country participating in*
17 *the aviation security screening agreement has not main-*
18 *tained and implemented security standards and protocols*
19 *comparable to those of the United States at foreign last*
20 *point of departure airports at which a pilot program has*
21 *been established in accordance with this section, the Admin-*
22 *istrator shall ensure that passengers and their property ar-*
23 *iving from such airports are re-screened in the United*
24 *States before such passengers and their property are per-*
25 *mitted into sterile areas of airports in the United States.*

1 *In the case of continued or egregious failure to maintain*
2 *such security standards and protocols, the Administrator*
3 *shall suspend or terminate the aviation security screening*
4 *agreement, as determined appropriate by the Adminis-*
5 *trator, and shall notify the appropriate congressional com-*
6 *mittees of such suspension or termination, as the case may*
7 *be, not later than seven days after such suspension or termi-*
8 *nation.*

9 *(f) CERTIFICATIONS AND BRIEFINGS TO CONGRESS.—*
10 *Not later than 30 days before an aviation security screening*
11 *agreement in accordance with subsection (d) enters into*
12 *force, the Administrator shall provide to the appropriate*
13 *congressional committees the following:*

14 *(1) A copy of such agreement.*

15 *(2) A homeland security threat assessment for*
16 *the country in which such foreign last point of depar-*
17 *ture airport is located, information on any cor-*
18 *responding mitigation efforts to address any security*
19 *issues identified in such threat assessment, and the*
20 *Administrator's plans for ensuring through joint cov-*
21 *ert testing or other measures compliance with the se-*
22 *curity standards and protocols set forth in such agree-*
23 *ment.*

24 *(3) A certification that such agreement satisfies*
25 *all requirements specified in subsection (b) or, in the*

1 *event that one or more of such requirements is not so*
2 *satisfied, an identification of the unsatisfied require-*
3 *ment and information on what actions will be taken*
4 *to ensure such remaining requirement is satisfied be-*
5 *fore such agreement enters into force.*

6 *(4) A certification that the Administrator con-*
7 *sulted with stakeholders, including air carriers, air-*
8 *port operators, relevant interagency partners, and*
9 *other stakeholders the Administrator determines ap-*
10 *propriate.*

11 *(5) A detailed briefing on the substance of para-*
12 *graphs (1) through (4).*

13 *(g) SUNSET.—The pilot program described in sub-*
14 *section (a) shall terminate six years after the date of enact-*
15 *ment of this section.*

16 *(h) REPORT TO CONGRESS.—Not later than five years*
17 *after the date of enactment of this section, the Secretary*
18 *of Homeland Security, in coordination with the Adminis-*
19 *trator, shall submit to the appropriate congressional com-*
20 *mittees a report regarding the implementation of the pilot*
21 *program described in subsection (a), including information*
22 *relating to the following:*

23 *(1) The impact to homeland security and inter-*
24 *national aviation security, including any benefits*
25 *and challenges, of such pilot program.*

1 (2) *The impact to passengers, airports, and air*
2 *carriers, including any benefits and challenges, of*
3 *such pilot program.*

4 (3) *The impact and feasibility of continuing*
5 *such pilot program or expanding into a more perma-*
6 *nent program, including any benefits and challenges.*

7 (i) *RULE OF CONSTRUCTION.—Nothing in this section*
8 *may be construed as limiting the authority of U.S. Customs*
9 *and Border Protection to inspect persons and baggage ar-*
10 *iving in the United States in accordance with applicable*
11 *law.*

12 (j) *DEFINITIONS.—In this section:*

13 (1) *ADMINISTRATION; TSA.—The terms “Admin-*
14 *istration” and “TSA” mean the Transportation Secu-*
15 *rity Administration.*

16 (2) *ADMINISTRATOR.—The term “Adminis-*
17 *trator” means the Administrator of the Transpor-*
18 *tation Security Administration.*

19 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
20 *TEES.—The term “appropriate congressional commit-*
21 *tees” means—*

22 (A) *the Committee on Homeland Security of*
23 *the House of Representatives; and*

24 (B) *the Committee on Homeland Security*
25 *and Governmental Affairs and the Committee on*

1 *Commerce, Science, and Transportation of the*
2 *Senate.*

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