

H.R. 658 – FAA MODERNIZATION AND REFORM ACT OF 2012
SUMMARY OF REFORMS TO THE SECURITY SCREENING OPT-OUT PROGRAM
(February 2012)

- H.R. 658 requires the Transportation Security Administration (TSA) to consider all airport applications to utilize qualified private security screeners under federal supervision in a fair, timely, and transparent manner.
- The private-federal screening model is known as the Screening Partnership Program (SPP).
- The right of airports to opt out of the “all-Federal” screening model in favor of the more effective, cost efficient private-federal screening model has been in place since the agency was created.
- Beginning in 2002, five airports operated under the private-federal screening model. Over the years, that number increased to 16, and other airports have requested to participate in the SPP.
- But starting in 2011, the TSA cited its own faulty data and fabricated approval standard to deny airports this option.
- H.R. 658, signed into law on February 14, 2012, strengthens airports’ existing right to opt out and provides the potential for saving taxpayer dollars. It includes the following requirements:
 - Airports must still apply to participate in the SPP.
 - An applicant must provide to the TSA a recommendation as to which qualified private company would best serve the security screening and passenger needs of the airport.
 - TSA must approve or deny the application within 120 days.
 - TSA must approve an application if the agency determines that approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of screening.
 - In determining cost efficiency and effectiveness, TSA must make an equitable comparison of costs and performance metrics.
 - If TSA denies an airport’s application, the agency must provide a written justification of its decision to the airport operator and Congress within 60 days.
 - TSA must reconsider applications it denied at the beginning of 2011 under the new criteria, if the airport reapplies to participate in the SPP.
- TSA has strayed from its security mission and mushroomed into a top-heavy bureaucracy that includes 3,986 headquarters staff, making \$103,852 per year on average, and 9,656 administrators in the field.
- TSA has morphed from a lean, nimble security force of 16,500 on 9/11 into a massive bureaucracy of over 65,000. It needs to get out of the personnel business and into the security business.