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H.R. 2200—Transportation Security Administration Authorization Act

**H.R. 2200—Transportation Security Administration Authorization Act
 (Jackson-Lee, D-TX)**

Order of Business: The bill is scheduled to be considered on Thursday, June 4, under a structured rule ([H.Res. 474](#)). The rule waives all points of order against considering the bill (except those for PAYGO and earmarks), provides for one hour of general debate, and makes in order 14 amendments.

Summary: H.R. 2200 authorizes \$15.7 billion in appropriations for Transportation Security Administration (TSA) programs for Fiscal Years 2010 and 2011. The bill creates a surface transportation advisory council and requires technology assessments for air and rail travel. The bill triples funding for surface transportation security and it would authorize additional security inspectors and more on-the-job-training by the end of next year. Additionally, H.R. 2200 would require flight attendants to take five hours of TSA-provided self-defense training; this has been referred to as the “judo” provision. Highlights of the legislation are as follows:

AUTHORIZATION OF APPROPRIATIONS

- **Authorized Discretionary Spending:** \$7,604,561,000 for fiscal year 2010 and \$8,060,835,000 for fiscal year 2011 and does not include funds collected by TSA in fiscal years 2010 and 2011 through its existing fee authority.
- **System for Allocation:** In response to a GAO report, the bill requires the TSA to update Congress on a risk-based system for allocating security resources.

AVIATION SECURITY

- **Air Cargo Screening:** Establishes a system to verify that all cargo transported on passenger aircraft inbound to the United States be screened for explosives within two years of enactment.

- ***Air Marshal Program:*** Establishes an Office of the Ombudsman to carry out programs and activities intended to improve morale, training, and quality of life issues involving federal air marshals.
- ***TSA Information Sharing:*** Requires that an airport security plan have clear reporting procedures when any federal, state, or local law enforcement personnel are called to an aircraft gate or airfield for a security-related incident.
- ***Aviation Security Advisory Committee:*** Establishes a committee to increase input on general aviation security and to determine the security requirements to be imposed on larger general aviation aircraft.
- ***“Judo Provision”:*** In addition to establishing an oversight program for the basic security training administered by each air carrier, the provision requires all 96,700 flight attendants to complete five hours of TSA-administered advanced self-defense training on a mandatory basis within a two-year period.
- ***Secure Flight Program:*** Increases the frequency of updates to Congress every 90 days. This is the program requires the name, date of birth, and gender for commercial airlines passengers to be checked against a “no-fly” list.]
- ***Whole Body Imaging:*** Requires a report from the Secretary regarding the pilot project for testing body imaging technology and to include in the report a description of how privacy protections were integrated.

SURFACE TRANSPORTATION SECURITY

- ***Surface Transportation Security Office:*** Establishes a Surface Transportation Security Office to separate the roles of surface transportation security versus aviation. In addition, creates an advisory board to provide additional input on security issues for the TSA and directs the Government Accountability Office to report to Congress on how other nations have taken precautions to prevent rail and transit systems from future attacks.
- ***Rail Security:*** Requires a pilot project to test the feasibility and effectiveness of technologies to strengthen the security of passenger rail systems against improvised explosive devices (IEDs).

TRANSPORTATION SECURITY CREDENTIALING

- ***Secure Aviation:*** requires the inclusion on the no-fly list any individual who was a detainee housed at the Naval Station, Guantanamo Bay, Cuba, after January 1, 2009, upon issuance of a *final disposition by the President of the United States.*

SAFE Truckers Act of 2009

- ***Mexican & Canadian Truckers:*** Prohibits operators licensed in Mexico or Canada from transporting security sensitive materials in the United States unless they have successfully completed a security background check.

Additional Background: H.R. 2200 is the first authorization for the TSA, a division under the Homeland Security Department, which was created by the Aviation and Transportation Security Act (P.L. 107-71).

Committee Action: On April 30, 2009, the bill was introduced and referred to the Committee on Homeland Security. On May 14, 2009 the full committee held a mark-up and ordered the bill reported

Possible Conservative Concerns: Some conservatives may be concerned that despite the fact the primary responsibility of the U.S. government and the reason the Committee on Homeland Security was created is to protect American citizens, this legislation does not adequately prohibit all Guantanamo Bay (GTMO) captives from being included on the No Fly list because it leaves the President with sole discretion in determining whether or not to place detainees on it. Additionally, some conservatives maybe concerned this legislation places unfunded mandate on the airline industry to require self-defense classes for flight attendants. TSA already allocates over \$2 million annually to provide a free optional eight-hour training course to flight attendants. Making this training mandatory may force already insolvent airlines raise fees on passengers to cover this cost. Finally, some conservatives may also be concerned with the cost of this legislation. According to CBO, the legislation authorizes \$15.7 billion over two years (not including the impact of aviation security fees).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to CBO, “implementing H.R. 2200 would increase net discretionary spending by \$3.0 billion in 2010 and \$11.4 billion over the 2010-2014 period. Nearly all of that spending would be for TSA’s activities, with additional spending by other agencies that would be required to complete various studies and reports concerning transportation security.”

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it provides for a number of new authorizations to expand the size and reach of the TSA.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, H.R. 2200 “would impose private-sector mandates on U.S. air carriers and motor vehicle operators that transport certain materials. Based on information from industry sources, CBO estimates that the aggregate cost of complying with the mandates would fall below the annual thresholds established in UMRA (\$69 million for intergovernmental mandates and \$139 million for private-sector mandates in 2009, adjusted annually for inflation).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to House Report [111-123](#), “pursuant to clause 9 of rule XXI, H.R. 2200 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.”

Constitutional Authority: The Homeland Security Committee, in House Report [111-123](#), cites constitutional authority in Article X, Section Y, Clause Z. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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