Reforming the Transportation Security Administration

Reason Foundation

October 2025

Prepared by:

Marc Scribner
Senior Transportation Policy Analyst
Reason Foundation
marc.scribner@reason.org

* * *

This memo contains Reason Foundation's recommendations for enhancing the efficiency and effectiveness of the Transportation Security Administration (TSA). Reason Foundation has long supported reforms to TSA's governance structure to improve the provision of airport security screening in the United States.[1]

Our memo develops the following recommendations: separate the provision of security screening from its regulation; allow airports to contract directly with security providers; and convert the 9/11 Security Fee into a dedicated local user fee.

Appendix A contains Reason Foundation's recommended TSA Reform Act legislative text to implement these reforms.

Separate the Provision of Security Screening from its Regulation

Following the enactment of the Aviation and Transportation Security Act (ATSA) of 2001, U.S. airport security screening was centralized under TSA. Importantly, ATSA tasked TSA with both the provision of screening services and the regulation of those services. This dual mandate combines the regulator with the regulated entity and represents an inherent conflict of interest.

As with airlines, railroads, and automobiles, arm's-length regulation by a government regulator and regulated entities to reduce the risks of regulatory capture. In the case of European Union member states, airport screening is the legal responsibility of airport

[1] Shirley Ybarra, "Overhauling U.S. Airport Security Screening," Policy Brief 109, Reason Foundation (July 2013), *available at* https://reason.org/wp-content/uploads/2013/07/overhauling_airport_security.pdf.

operators.[2] These airports either provide screening services themselves or contract with private providers.[3]

Annex 17 to the Convention on International Civil Aviation (commonly known as the Chicago Convention) contains the International Civil Aviation Organization's standards and recommended practices for aviation security. Paragraph 3.5.1(a) states that parties—including the United States, which is a founding signatory and the treaty's depositary—should ensure the "independence of those conducting oversight from those applying measures implemented under the national civil aviation security programme."[4] As a combined regulator-provider, TSA's current institutional design fails to align with international consensus standards.

To address TSA's core self-regulation flaw and to align U.S. screening with global best practices, TSA should be reformed to focus strictly on the regulation of security services. Section 110(b) of ATSA replaced an earlier requirement that airport security screening be conducted by "by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier" with a mandate that screening "shall be carried out by a Federal Government employee."[5] We propose that this be amended to require instead that airport security screening be conducted by "an employee or agent of an airport" who would be certified and regulated by TSA.

Allow Airports to Contract Directly with Security Providers

The major exception to TSA's general security screening monopoly under ATSA Section 110(b) is the Screening Partnership Program, which allows airports to apply to seek the services of private screening companies.[6] TSA's website lists 20 airports that are currently enrolled in the Screening Partnership Program, mostly small airports but also including Kansas City International, Orlando Sanford, and San Francisco International.[7]

Growth in the number of airports opting for private screening has stalled. Observers have identified a complicated, time-consuming, opaque, and biased process as the principal cause for the lack of interest in airport security contracting. A normal government contracting process typically involves a government agency issuing a request for proposals from qualified firms and then initiating a competitive bidding process. In the case of airport security, this would perhaps involve a sponsor airport beginning procurement from a list of security companies certified by the security regulator and then selecting the firm that best fits the airport's particular needs.

---

[2] European Parliament and Council of the European Union, Regulation (EC) No 300/2008 (Mar. 11, 2008).
[3] Ybarra, *supra* note 1, Table 1.
[4] International Civil Aviation Organization, "Annex 17 - Security: Safeguarding International Civil Aviation Against Acts of Unlawful Interference," *Convention on International Civil Aviation*, 12th ed. (2022).
[5] Codified at 49 U.S.C. § 44901(a).
[6] 49 U.S.C. § 44920.
[7] "Screening Partnership Program," Transportation Security Administration, *available at* https://www.tsa.gov/for-industry/screening-partnerships (last accessed Oct. 7, 2025).

This is not how the Screening Partnership Program is designed. Instead, under current law, an airport seeking to opt in to private screening must submit a detailed request to TSA. TSA, if it decides to grant the airport entry into the Screening Partnership Program, will then decide which security company it thinks best fits the needs of the airport applicant. The security company is then assigned to the airport and the private screening company is contracted to TSA, rather than a contract between the company and the airport it would serve.

We propose that the basic statutory framework of the Screening Partnership Program be amended to allow airports to contract directly with security screening providers or to self-provide screening services. The screening companies should be certified by TSA to be eligible for selection by individual airports, but airports should be able to choose the screening companies that best fit their needs and terminate contracts with those that fail to provide adequate service. Airports that choose to self-provide screening services should be subject to the same TSA certification and oversight as private screening companies.

Convert the 9/11 Security Fee into a Dedicated Local User Fee

The principal barrier to direct airport contracting with security screening providers is payment responsibility. Under the Screening Partnership Program, rates are determined by TSA, which then pays the providers with which it contracts and assigns to willing airports. An unfunded mandate on airports to provide certain security services without compensation would surely be opposed by the airport industry.

To address these legitimate concerns, we recommend that Congress reform the existing security service fee, commonly called the 9/11 Security Fee, assessed on airline tickets. Currently, airlines are required to impose security fees of $5.60 per one-way trip and a maximum of $11.20 for round trips on all tickets.[8] Airlines then remit the fee revenue to TSA. However, since the enactment of the Bipartisan Budget Act of 2013, Congress has diverted one-third of 9/11 Security Fee revenue for deficit-reduction purposes.[9]

To fund airports' security screening operations, Congress should convert the 9/11 Security Fee to a dedicated local airport user fee akin to the passenger facility charge (PFC). Congress authorizes enplaning airports to impose PFCs of up to $4.50 per flight segment, with a maximum of two PFCs per one-way trip ($9) and four PFCs per round trip ($18).[10] Airlines collect the fees on passenger tickets and remit the revenue directly to the airports at which the passengers enplaned. The Federal Aviation Administration regulates the use of airport PFC revenue by project eligibility criteria.[11] Despite these restrictions, PFC revenue now accounts for a large share of commercial service airport capital investment, particularly on terminal projects.[12]

---

[8] 49 U.S.C. § 44940(c)(1).
[9] 49 U.S.C. § 44940(i).
[10] 49 U.S.C. § 40117(b)(1).
[11] 14 C.F.R. Part 158.
[12] Rachel Y. Tang, "Financing Airport Improvements," Congressional Research Service (Mar. 15, 2019), Table 2, *available at* https://www.congress.gov/crs-product/R43327.

A PFC-style 9/11 Security Fee would restore the 9/11 Security Fee to its original purpose of advancing aviation security. Like the Federal Aviation Administration's oversight of the PFC, TSA should regulate the use of these funds to ensure they are spent on security-related projects and operations. Revenue from a reformed 9/11 Security Fee would be sufficient to cover security screening services at most airports, although Congress should require as part of these reforms that TSA conduct a detailed financial analysis. Low-volume airports that might be unable to raise sufficient revenue to provide effective security screening should be supported by a separate account established by Congress and funded through annual appropriations, along with TSA administrative costs and other activities lawmakers deem appropriate.

APPENDIX A

SECTION 1. Short title.

This Act may be cited as the "TSA Reform Act".

SEC. 2. Definitions.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Transportation Security Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Transportation Security Administration.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3. Policy.

It shall be the policy of the Secretary—

(1) to expeditiously eliminate the Administration's airport security screening functions;

(2) to devolve responsibility of all commercial airport security to airports or their agents to increase cost-efficiency and security; and

(3) to regulate the security service fee as a local airport user fee for eligible security projects and operations.

SEC. 4. Reorganization plan.

(a) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a reorganization plan for the Administration.

(b) Contents.—The plan required by subsection (a) shall include the following:

(1) A plan for a reorganized Administration, which shall be responsible for the oversight and regulation of all aviation security activities described in section 44920 of title 49, United States Code, except that no employee of the Administration shall conduct airport screening services.

(2) A plan for the rapid transfer of all aviation security activities and equipment to airports or qualified private screening companies described in section 44920 of title 49, United States Code.

(3) A description of any necessary changes, as the Secretary determines, to the program described in section 44920 of title 49, United States Code, to ensure airport sponsors can directly provide or directly contract with private security screening providers.

(4) A description of any necessary changes, as the Secretary determines, to the fee described in section 44940 of title 49, United States Code, to enable fee revenue to be directly remitted to airports for use in security projects and operations.

(5) A financial analysis of anticipated fee revenue collected under paragraph (4), for the Secretary to determine appropriate fee amounts to ensure viability of self-funded airport security screening operations.

(6) Subject to paragraph (2), a plan for proportional reductions of operations and personnel until the transfer is complete and no operations of airport screening personnel of the Administration remain.

(c) Exclusions.—The plan may not include any agency requirement or regulation compelling airport employees or private contractors conducting airport security screening services on behalf of airports to conduct warrantless searches and seizures.

(d) Periodic reports.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary shall submit a report to the Comptroller General of the United States and the appropriate congressional committees on the progress of compliance with this Act.

(2) GAO REPORT.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Comptroller General of the United States shall submit to Congress a report detailing the compliance of the Secretary with this Act.

SEC. 6. Congressional review of reorganization plan.

(a) Joint resolution of approval defined.—In this section, the term "joint resolution of approval" means only a joint resolution of either House of Congress—

(1) the title of which is as follows: "A joint resolution approving the Secretary of Homeland Security's reorganization plan for the Transportation Security Administration."; and

(2) the matter after the resolving clause of which is the following: "Congress approves the reorganization plan submitted by the Secretary of Homeland Security to Congress in accordance with section 4 of the TSA Reform Act on ___ relating to___", with the first blank space being filled with the appropriate date and the second blank space being filled with a detailed description of the proposed reorganization plan required by section 4, including any amendments made by Congress.

(b) Introduction and reference of resolution.—Not later than the first session day following the date on a which a reorganization plan is transmitted to the House of Representatives

and the Senate under section 4, a joint resolution of approval shall be introduced by a member of the House or Senate.

(c) Consideration in the House of Representatives.—

(1) COMMITTEE REFERRAL.—A joint resolution of approval shall be referred to the Committee on Homeland Security of the House of Representatives.

(2) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—If the Committee on Homeland Security of the House of Representatives has not reported the joint resolution within 75 continuous session days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(d) Consideration in the Senate.—

(1) COMMITTEE REFERRAL.—A joint resolution of approval introduced in the Senate shall be referred to the Committee on Commerce, Science, and Transportation of the Senate.

(2) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval was referred has not reported the joint resolution within 75 continuous session days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(3) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Commerce, Science, and Transportation reports a joint resolution of approval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of approval shall be decided without debate.

(5) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to a joint resolution of approval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(e) Rules relating to Senate and House of Representatives.—

(1) TREATMENT OF SENATE JOINT RESOLUTION IN HOUSE.—In the House of Representatives, the following procedures shall apply to a joint resolution of approval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(A) The joint resolution shall be referred to the appropriate committee.

(B) If a committee to which a joint resolution has been referred has not reported the joint resolution within 5 legislative days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(C) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(2) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

(A) RECEIPT BEFORE PASSAGE.—If, before the passage by the Senate of a joint resolution of approval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(i) That joint resolution shall not be referred to a committee.

(ii) With respect to that joint resolution—

(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(II) the vote on passage shall be on the joint resolution from the House of Representatives.

(B) RECEIPT AFTER PASSAGE.—If, following passage of a joint resolution of approval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(C) NO COMPANION MEASURE.—If a joint resolution of approval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

(3) APPLICATION TO REVENUE MEASURES.—The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of approval that is a revenue measure.

(f) Rules of House of Representatives and Senate.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.