

118TH CONGRESS  
1ST SESSION

# H. R. 3394

To amend title 49, United States Code, to improve the ability of the Transportation Security Administration to carry out its security mission by ensuring that revenues collected from passengers as aviation security fees are used to help finance the costs of aviation security screening, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. THOMPSON of Mississippi 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, to improve the ability of the Transportation Security Administration to carry out its security mission by ensuring that revenues collected from passengers as aviation security fees are used to help finance the costs of aviation security 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 “Fund the TSA Act”.

1 **SEC. 2. IMPROVEMENTS TO AVIATION SECURITY FEES TO**  
2 **INCREASE REVENUES AND END FEE DIVER-**  
3 **SIONS.**

4 (a) CHANGES TO AVIATION SECURITY FEES.—

5 (1) IN GENERAL.—Section 44940 of title 49,  
6 United States Code, is amended—

7 (A) in subsection (c)—

8 (i) by amending paragraph (1) to read

9 as follows:

10 “(1) AMOUNT.—Fees imposed under subsection  
11 (a)(1) shall be \$7.60 per one-way trip in air trans-  
12 portation or intrastate air transportation that origi-  
13 nates at an airport in the United States, except that  
14 the fee imposed per round trip shall not exceed  
15 \$15.20, subject to adjustments made pursuant to  
16 paragraph (2).”;

17 (ii) by redesignating paragraphs (2)

18 and (3) as paragraphs (3) and (4);

19 (iii) by inserting after paragraph (1)

20 the following new paragraph:

21 “(2) ADJUSTMENT FOR INFLATION.—

22 “(A) IN GENERAL.—The Administrator of  
23 the Transportation Security Administration  
24 shall adjust the fee amounts established under  
25 paragraph (1) on April 1, 2026, and at the be-  
26 ginning of each fiscal year thereafter, to reflect

1 the percentage (if any) of the increase in the  
2 average of the Consumer Price Index for the  
3 preceding 12-month period compared to the  
4 Consumer Price Index for fiscal year 2024.

5 “(B) SPECIAL RULES FOR CALCULATION  
6 OF ADJUSTMENT.—In adjusting under subpara-  
7 graph (A) the fee amounts established under  
8 paragraph (1), the Administrator of the Trans-  
9 portation Security Administration—

10 “(i) shall round the amount of any in-  
11 crease in the Consumer Price Index to the  
12 nearest dollar;

13 “(ii) may ignore any such increase of  
14 less than one percent;

15 “(iii) shall ensure that the fee im-  
16 posed per round trip does not exceed twice  
17 that of the fee imposed per one-way trip;  
18 and

19 “(iv) shall publish in the Federal Reg-  
20 ister notice of any adjustments made  
21 under this paragraph, pursuant to sub-  
22 section (d).

23 “(C) CONSUMER PRICE INDEX DEFINED.—  
24 For purposes of this subsection, the term ‘Con-  
25 sumer Price Index’ means the Consumer Price

1 Index for All Urban Consumers published by  
2 the Bureau of Labor Statistics of the Depart-  
3 ment of Labor.”; and

4 (iv) in paragraph (4), as so redesign-  
5 nated, by striking “2027” and inserting  
6 “2023”; and

7 (2) by striking subsection (i).

8 (3) CONFORMING AMENDMENT.—Subsection  
9 (d)(4) of such section is amended by striking “,  
10 other than subsection (i),”.

11 (b) FUNDING CHECKPOINT TECHNOLOGIES, FAIR  
12 PAY AND RIGHTS FOR TSA WORKERS, AND OTHER SECU-  
13 RITY PROGRAMS.—Section 44923 of title 49, United  
14 States Code, is amended—

15 (1) by redesignating subsection (i) as subsection  
16 (l); and

17 (2) by inserting after subsection (h) the fol-  
18 lowing new subsections:

19 “(i) AVIATION SECURITY CHECKPOINT TECHNOLOGY  
20 FUND.—

21 “(1) IN GENERAL.—There is established within  
22 the Department of Homeland Security a fund to be  
23 known as the Aviation Security Checkpoint Tech-  
24 nology Fund (in this subsection referred to as the  
25 ‘ASCT Fund’). The second \$250,000,000 from fees

1 received under section 44940(a)(1) in each of fiscal  
2 years 2024 through 2028 shall be available to be de-  
3 posited in the ASCT Fund. The Administrator of  
4 the Transportation Security Administration shall im-  
5 pose the fee authorized by such section 44940(a)(1)  
6 so as to collect not less than \$250,000,000 in each  
7 of such fiscal years for deposit into the ASCT Fund.  
8 Amounts in the ASCT Fund shall be available until  
9 expended to the Administrator to fund the research,  
10 development, procurement, deployment, and  
11 sustainment of aviation security checkpoint tech-  
12 nology.

13 “(2) ALLOCATION.—Of the amount made avail-  
14 able under paragraph (1) for a fiscal year, not less  
15 than \$12,500,000 shall be allocated for awards to  
16 small businesses in support of research and develop-  
17 ment of technologies under consideration for pro-  
18 curement and deployment, if such small businesses  
19 have demonstrated an ability to produce technologies  
20 supporting the advancement of checkpoint security  
21 screening, as determined by the Administrator of the  
22 Transportation Security Administration.

23 “(j) TSA WORKFORCE FAIR PAY AND RIGHTS  
24 FUND.—

1           “(1) IN GENERAL.—There is established within  
2           the Department of Homeland Security a fund to be  
3           known as the TSA Workforce Fair Pay and Rights  
4           Fund (in this section referred to as the ‘Workforce  
5           Fund’). Following the deposit of amounts specified  
6           under subsection (i) in the ASCT Fund, the next  
7           \$1,138,700,000 from fees received under section  
8           44940(a)(1) in fiscal year 2024 shall be available to  
9           be deposited in the Workforce Fund. The Adminis-  
10          trator of the Transportation Security Administration  
11          shall impose the fee authorized by such section  
12          44940(a)(1) so as to collect not less than  
13          \$1,138,700,000 in fiscal year 2024 for deposit into  
14          the Workforce Fund. Amounts in the Workforce  
15          Fund shall be available until expended to the Ad-  
16          ministrator to fund the salaries and benefits of  
17          Transportation Security Administration employees  
18          and the administration of collective bargaining and  
19          merit systems protection rights in accordance with  
20          paragraph (2).

21           “(2) ALLOCATION.—Of the amount made avail-  
22          able under paragraph (1) for fiscal year 2024—

23                   “(A) not less than \$1,086,000,000 shall be  
24                  allocated for the salaries and benefits of Trans-

1           portation Security Administration employees;  
2           and

3                   “(B) not less than \$52,700,000 shall be al-  
4           located for the administration of collective bar-  
5           gaining and merit systems protection rights.

6           “(k) OTHER SECURITY PROGRAMS FUND.—

7                   “(1) IN GENERAL.—There is established within  
8           the Department of Homeland Security a fund to be  
9           known as the Other Security Programs Fund (in  
10          this section referred to as the ‘OSP Fund’). Fol-  
11          lowing the deposit of amounts specified under sub-  
12          section (j) in the Workforce Fund, the next  
13          \$130,000,000 from fees received under section  
14          44940(a)(1) in fiscal year 2024 shall be available to  
15          be deposited in the OSP Fund. The Administrator  
16          of the Transportation Security Administration shall  
17          impose the fee authorized by such section  
18          44940(a)(1) so as to collect not less than  
19          \$130,000,000 in fiscal year 2024 for deposit into  
20          the OSP Fund. Amounts in the OSP Fund shall be  
21          available until expended to the Administrator to  
22          fund security programs in accordance with para-  
23          graph (2).

24                   “(2) ALLOCATION.—Of the amount made avail-  
25          able under paragraph (1) for fiscal year 2024—

1           “(A) not less than \$45,900,000 shall be al-  
2 located to reimburse law enforcement agencies  
3 deploying law enforcement officers to airports,  
4 in accordance with requirements set by the Ad-  
5 ministrator;

6           “(B) not less than \$34,100,000 shall be al-  
7 located to reimburse law enforcement agencies  
8 deploying canines to airports, in accordance  
9 with requirements set by the Administrator;  
10 and

11           “(C) not less than \$50,000,000 shall be al-  
12 located to make discretionary grants, including  
13 other transaction agreements, for projects pro-  
14 viding for the procurement, deployment, and  
15 sustainment of technology systems to secure  
16 exit lanes from the sterile area of an airport (as  
17 such term is defined in section 1540.5 of title  
18 49, Code of Federal Regulations), if—

19                   “(i) the Federal Government’s share  
20 of the cost of such a project is not more  
21 than 50 percent; and

22                   “(ii) the Administrator approves an  
23 application for a grant under this sub-



1 section that contains such information as  
2 the Administrator has prescribed.”.

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