

Background

The Transportation Security Administration (TSA) is not equipped to manage the fast-evolving threats posed to aviation transportation. Over the past two decades, it has ballooned into a bureaucratic leviathan of 60,000 employees. Its highly bureaucratic and non-competitive nature make it slow-moving, perpetually out of date, highly resistant to innovation and modernization, and simply ineffective. In addition to widespread allegations of employee misconduct and theft, a 2015 assessment found that TSA agents missed 95% of mock explosives and banned weapons during checkpoint screenings.¹ The 95% failure rate was repeated in 2017 at Minneapolis-St. Paul Airport and repeat national tests that year were “in the ballpark” of 80% failure rates.²

Switching to privatization with appropriate but limited government oversight is the answer for modern aviation security. Over 80% of European commercial airports privatized airport security screening, and the overall performance of the U.S. airports—such as the San Francisco International Airport—participating in the TSA’s limited privatization program (Screening Partnership Program, or SPP) frequently outperformed their federalized counterparts in reducing wait times and mitigating threats.³

Competition drives excellence, efficiency, and safety—not bureaucracy. TSA, the regulating entity in aviation security, should not be conducting the regulated activity.

Abolish TSA Act

TSA is abolished three years after enactment, allowing time for privatization and the repeal or transfer of additional authorities.

Within 90 days of enactment, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall submit a reorganization plan to Congress that includes:

- Creation of the Office of Aviation Security Oversight within the FAA, solely responsible for overseeing the privatization of aviation security screening.
- Rapid transfer of security activities and equipment to qualified private companies.
- Transfer of non-aviation security functions to DOT (mass transit, freight rail, pipelines, etc.).
- Proportional reductions of TSA operations and personnel to facilitate transfer of duties.

The reorganization plan cannot include requirements for private security companies to conduct warrantless searches and seizures or extend the TSA’s existence. Congress will consider, amend, vote up or down on the reorganization plan through expedited and privileged procedure. Compliance will be monitored by the GAO and regular reports to Congress.

¹ ABC News, *EXCLUSIVE: Undercover DHS Tests Find Security Failures at US Airports*, June 1, 2015.

<https://abcnews.go.com/US/exclusive-undercover-dhs-tests-find-widespread-security-failures/story?id=31434881>

² Reason, *After 20 Years of Failure, Kill the TSA*, November 19, 2021. <https://reason.com/2021/11/19/after-20-years-of-failure-kill-the-tsa/>

³ Cato, *Private Airport Security Screening*, February 13, 2019. <https://www.cato.org/blog/private-airport-security-screening#:~:text=The%20bottom%20line%20is%20that,privatized%20their%20airport%20security%20screening>