

HR 2200

Transportation Security Administration Authorization Act

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Transportation and Public Works

Introduced: Apr 30, 2009

Current Status: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation. (Jun 8, 2009)

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Sponsor

Name: Rep. Jackson-Lee, Sheila [D-TX-18]

Party: Democratic • **State:** TX • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Dent, Charles W. [R-PA-15]	R · PA		Apr 30, 2009
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Apr 30, 2009

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Jun 8, 2009
Homeland Security Committee	House	Reported by	May 6, 2009

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
111 HRES 474	Procedurally related	Jun 4, 2009: Motion to reconsider laid on the table Agreed to without objection.

Transportation Security Administration Authorization Act - **Title I: Authorization of Appropriations** - (Sec. 101)

Authorizes appropriations to the Secretary of Homeland Security (Secretary) for the Transportation Security Administration (TSA) for FY2010- FY2011.

(Sec. 102) Directs the Assistant Secretary of Homeland Security (TSA) (Assistant Secretary) to: (1) report to the appropriate congressional committees on TSA use of a risk-based system for allocating security resources effectively; and (2) include in such report an assessment and prioritization of risks within and across transportation modes, including vulnerability to a cyber attack.

Title II: Aviation Security - Subtitle A: Amendments to Chapter 449 - (Sec. 201) Directs the Assistant Secretary to establish a risk-based system to verify that all cargo transported on inbound domestic and foreign passenger aircraft to the United States is screened for explosives.

Eliminates the bag match program (under which no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft) as an alternate method of baggage screening where explosive detection equipment is available, unless there are exigent circumstances.

(Sec. 202) Requires the Assistant Secretary to make sure that advance notice of a covert test of a transportation security system is not provided to any individual (including any security screener) before completion of the test, except for certain federal, state, or local employees and officers and law enforcement officials. Sets forth requirements for the conduct of covert testing.

Authorizes the Assistant Secretary to grant a uniform allowance of not less than \$300 to a security screener.

(Sec. 203) Requires the Assistant Secretary to: (1) develop a plan for a system to verify the identity and status of law enforcement officers flying armed; and (2) conduct a demonstration program to test the system.

Authorizes appropriations.

(Sec. 204) Requires the Assistant Secretary to establish in the Federal Air Marshal Service an Office of the Ombudsman to carry out programs to improve morale, training, and quality of life issues in the Service.

(Sec. 205) Specifies that the Secretary, acting through the Assistant Secretary, shall establish and oversee the federal flight deck officer program under which volunteer pilots of air carriers are deputized as federal law enforcement officers to defend their flight decks against acts of criminal violence or air piracy.

Sets forth certain program administration and training requirements, including that training take place at Federal Air Marshal Service facilities.

(Sec. 206) Shifts from the Under Secretary to the Assistant Secretary the responsibility for issuing regulations establishing security standards for foreign and domestic repair stations that perform maintenance on U.S. aircraft.

(Sec. 208) Directs the Assistant Secretary to require airport security plans to have clear reporting procedures for sharing information among federal, state, and local law enforcement personnel and airport Federal Security Directors.

(Sec. 209) Directs the Assistant Secretary to establish in the TSA an Aviation Security Advisory Committee, including an

air cargo and general aviation security working groups.

(Sec. 210) Directs the Assistant Secretary to carry out a general aviation security grant program for projects to improve perimeter, airfield, and terminal security. Authorizes appropriations.

(Sec. 211) Requires the Assistant Secretary to: (1) provide advanced self-defense training of at least five hours every two years for all cabin crewmembers of an aircraft; and (2) plan and carry out a security screening program for individuals with metal implants to limit air travel disruptions.

(Sec. 213) Requires the Assistant Secretary, upon implementation of an advanced passenger prescreening system, to prohibit the outsourcing to non-governmental personnel of the security functions of comparing passenger information to the automatic selectee and no fly lists, integrated terrorist watchlists, or any other database derived from such watchlists.

(Sec. 214) Requires the Assistant Secretary to: (1) establish a known air traveler credential that incorporates biometric identifier technology to verify the identity of known air travelers and allow them to bypass airport passenger and carry-on baggage screening; (2) establish procedures that ensure proper issuance of such credentials and resolve false matches and nonmatches; and (3) begin issuance of the known air traveler credential to each known air traveler that applies for one.

Defines "known air traveler" to mean a U.S. citizen who: (1) has received a federal government security clearance; (2) is an FAA pilot, flight crew member, or cabin crew member; (3) is a federal, state, local, tribal, or territorial government law enforcement officer; (4) is an Armed Forces member with a security clearance; or (4) the Assistant Secretary determines has appropriate security qualifications.

Authorizes appropriations.

(Sec. 215) Directs the Assistant Secretary to ensure that whole-body imaging technology is used for the screening of passengers only in accordance with specified requirements.

Prohibits the use of whole-body imaging technology as the sole or primary method of screening aircraft passengers. Allows its use only if another method of screening, such as metal detection, demonstrates cause for preventing a passenger from boarding an aircraft.

Requires that passengers: (1) be provided information on the operation of such technology and specified related matters, including privacy policies and the right to request a pat-down search; and (2) be offered such a pat-down search in lieu of such screening.

Prohibits the storage, transfer, sharing, or copying in any form of an image of a passenger generated by whole-body imaging technology after a boarding determination is made.

Subtitle B: Other Matters - (Sec. 221) Requires the Assistant Secretary to develop a strategic risk-based plan to improve airport transportation security that includes best practices to make airport perimeter access controls more secure.

(Sec. 222) Directs the Comptroller General to report to Congress on progress made by the Department of Homeland Security (DHS) to implement the advanced passenger prescreening system.

(Sec. 223) Requires the Assistant Secretary to carry out a demonstration program to evaluate biometric identifier airport

access systems for individuals (including airport employees and flight crews) with unescorted access to secure or sterile airport areas.

Authorizes appropriations for FY2010-FY2011.

(Sec. 224) Requires the Assistant Secretary to: (1) establish training programs to update transportation security officers on screening procedures and technologies in response to weaknesses identified in covert tests at airports; and (2) develop, and submit to Congress, a strategic plan for the certification and integration of transportation security technologies with high approval or testing results from the DHS Directorate of Science and Technology and the Transportation Security Laboratory.

(Sec. 226) Directs: (1) the Assistant Secretary to report to Congress on deployment of optimal in-line baggage screening solutions and replacement of aging equipment (including explosive detection equipment) at commercial service airports; and (2) the Comptroller General to report to Congress on DHS progress in deploying and replacing such equipment.

(Sec. 228) Directs the DHS Inspector General (IG) to: (1) review minimum standards and policies governing federal air marshal rest periods between deployments; and (2) make recommendations to ensure an alert and responsible federal air marshals workforce.

(Sec. 229) Directs: (1) the Assistant Secretary to ensure that the number of explosives detection canine teams for aviation security is not less than 250 through FY2011; and (2) the Secretary to increase the number of such teams by at least 100 through FY2011.

(Sec. 230) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to require: (1) the Assistant Secretary, upon establishment of the inbound air cargo screening system, to report to Congress on the impact, rationale, and percentage of cargo exempted from screening; and (2) the Comptroller General to review quarterly, and report to Congress, on the inbound air cargo screening system.

(Sec. 231) Requires the Assistant Secretary to report to Congress on the status of the TSA plan to implement a program to certify shipper's methods for screening air cargo on passenger aircraft.

(Sec. 232) Directs the Secretary to give notice in the Federal Register that the selection process for security background screening services for aviation personnel requiring background screening is subject to open competition.

(Sec. 233) Requires the Assistant Secretary, in order to enhance aviation security through use of the Registered Traveler (trusted passenger program), and subject to certain conditions, to reinstate a security threat assessment program and allow Registered Traveler providers to perform private sector background checks as part of the Registered Traveler enrollment process.

(Sec. 234) Directs the Assistant Secretary to: (1) prepare a report that assesses technologies and includes standards for the use of wireless devices to enhance aircraft security and communication between cabin crew and pilot crewmembers, embarked federal air marshals, and authorized law enforcement officials; (2) develop an air cargo crew security training plan for pilots and other crewmembers; (3) establish a process for resolving reimbursement claims for airports that have incurred eligible costs for development of partial or completed in-line baggage systems before enactment of this Act, as well as reimburse airports that have incurred less than 90% of such costs after August 3, 2007, in an amount equal to the difference for such eligible costs; and (4) report to Congress on the results of the completed whole body imaging technology pilot, including how privacy protections were integrated.

(Sec. 238) Permits TSA personnel to wear voluntarily personal protective equipment during an emergency. Requires the Secretary of DHS to establish and give written guidance to such personnel on the usage of the equipment.

(Sec. 239) Requires the Assistant Secretary to: (1) develop and implement a plan for expedited security screening services for uniformed Armed Forces members, and their families, traveling through an airport; (2) report to Congress on complaints and claims received by the TSA on loss of passenger baggage property; (3) report to Congress on whether security plans developed by U.S. commercial airports meet TSA guidelines, particularly with regard to the commingling of passengers; and (4) study the use of the combination of facial and iris recognition to identify individuals in security checkpoint lines.

Requires the Assistant Secretary to issue regulations or security directives that are needed to respond to imminent threats of finite duration without providing notice or an opportunity for comment and prior approval of the Secretary. Subjects such regulations or directives to review by the Transportation Security Oversight Board to determine if they are needed to respond to such threats.

Title III: Surface Transportation Security - (Sec. 302) Directs the Secretary, acting through the Assistant Secretary, to establish: (1) the Surface Transportation Security Inspection Office; and (2) field offices staffed by surface transportation security inspectors.

Requires the Secretary to: (1) hire additional inspectors for FY2010 and FY2011; and (2) submit to Congress a plan for expanding the duties and leveraging the expertise of inspectors to support the DHS surface transportation security mission.

Authorizes appropriations.

(Sec. 303) Directs the Secretary to develop and implement: (1) performance measures and objectives by which to assess the roles, activities, and effectiveness of Visible Intermodal Prevention and Response (VIPR) team operations; and (2) a plan to ensure the interoperability of communications among VIPR team components

(Sec. 304) Directs the Assistant Secretary to establish in the TSA a Transit Security Advisory Committee, including a passenger carrier security working group and a freight rail security working group.

(Sec. 305) Requires the Assistant Secretary to submit to specified congressional committees a human capital plan for hiring, training, managing, and compensating surface transportation security personnel.

(Sec. 306) Requires the Secretary to report to Congress on the status of DHS implementation of certain requirements of the Implementing Recommendations of the 9/11 Commission Act of 2007, including detailed timeframes for development and issuance of surface transportation security training regulations.

(Sec. 307) Revises procedural requirements for the public transportation security assistance grants program. Requires the Secretary to ensure that the DHS IG has authorized access to records and other documents relating to grant recipients, contractors, and subcontractors.

Authorizes appropriations for FY2010-FY2011.

Requires the Assistant Secretary to conduct a pilot program to provide security grants to up to seven public transportation agencies to obtain external technical support and expertise to assist them in conducting security risk assessments of public transportation systems.

Directs the Secretary to report to Congress on the status of the Secretary's implementation of the Comptroller General's recommendations to improve the administration of such grants.

(Sec. 308) Directs the Comptroller General to study and report to Congress on DHS efforts to learn from foreign nations that have been targets of terrorist attacks on passenger rail and public transportation systems in an effort to identify international lessons learned to improve the execution of DHS functions to address transportation security gaps in the United States.

(Sec. 309) Directs the Assistant Secretary to conduct an underwater tunnel security demonstration project.

Authorizes appropriations for FY2010.

(Sec. 310) Directs the Assistant Secretary to conduct a passenger rail security demonstration project to test and assess the feasibility and effectiveness of technologies to strengthen the security of passenger rail systems against terrorist attacks involving the use of improvised explosive devices.

(Sec. 311) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to direct the Secretary to increase to at least 200 by the end of FY2011 the number of explosives detection canine teams certified by the TSA for passenger rail and public transportation security activities.

Authorizes appropriations for FY2010-FY2011.

Directs: (1) the Secretary to expand the use of canine teams to detect vapor wave trails in passenger rail and public transportation security environments; and (2) the Comptroller General to report to Congress on the use of explosives detection canine teams to strengthen security in such environments.

(Sec. 312) Expresses the sense of Congress on the feasibility of establishing in the TSA a position of Deputy Assistant Secretary for Surface Transportation Security. Requires the DHS IG to report to specified congressional committees on the feasibility and merit of establishing such a position.

(Sec. 313) Directs the Assistant Secretary to conduct public hearings and report to Congress on the administration of the security assistance grant program.

Title IV: Transportation Security Enhancements - Subtitle A: Security Enhancements - (Sec. 401) Directs the Comptroller General to report to Congress on security background checks under state and federal transportation security programs and whether they should be limited and made uniform.

(Sec. 402) Prohibits the Secretary from requiring an individual to hold a transportation security card, or be accompanied by another individual who holds such a card, if he or she: (1) has been issued a license, certificate of registry, or merchant mariner's document; (2) is not allowed unescorted access to a secure area of a vessel or facility; and (3) is engaged in the operation of a live animal-propelled vessel.

(Sec. 403) Revises requirements for the issuance of transportation security cards.

Allows applicants escorted access to restricted areas pending issuance or reissuance of a card.

Requires the Secretary to: (1) respond to an initial transportation security card application, or review an appeal or waiver request, within 30 days after its receipt; and (2) develop a process to permit an individual approved for a transportation security card to receive it at the individual's place of residence.

Directs the Secretary to prohibit state or local governments from requiring separate security background checks for card applicants.

(Sec. 404) Authorizes the Secretary to extend for up to one year the expiration of a transportation security card so as to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document.

(Sec. 405) Requires the Assistant Secretary, in coordination with the Terrorist Screening Center, to include detainees from the Naval Station in Guantanamo Bay, Cuba, on the No Fly List, unless the President certifies to Congress that they do not pose a threat to the United States or its allies.

(Sec. 406) Directs the Comptroller General to study and report to Congress on pipeline security.

(Sec. 407) Directs the Secretary to study and report to specified congressional committees on the feasibility of establishing a TSA centralized training center for advanced security training.

Subtitle B: SAFE Truckers Act of 2009 - Screening Applied Fairly and Equitably to Truckers Act of 2009 or the SAFE Truckers Act of 2009 - (Sec. 432) Amends the Homeland Security Act 2002 to require the Secretary to: (1) define security sensitive materials; and (2) prohibit an individual from operating a motor vehicle in commerce while transporting such material, unless the motor vehicle operator holds a valid transportation security card issued by the Secretary.

Directs the Secretary to prohibit a person (shipper) from offering a security sensitive material for transportation by motor vehicle, or causing the transportation of such material by motor vehicle, unless the motor vehicle operator holds a valid transportation security card.

Sets forth requirements for the fingerprinting of individuals applying for a transportation security card. Authorizes appropriations.

Sets forth civil penalties for persons who violate the requirements of this Act.

Directs the Secretary to prohibit a motor vehicle registered in Mexico or Canada from transporting security sensitive material in U.S. commerce until the operator of the motor vehicle has undergone a security background records check similar to that required for U.S. Commercial motor vehicle operators to transport security sensitive materials in U.S. Commerce

(Sec. 434) Repeals a certain limitation on the issuance of licenses to transport hazardous materials (hazmat licenses).

(Sec. 435) Requires the Secretary, by May 31, 2010, to begin to issue transportation security cards to commercial motor vehicle operators who seek to transport security sensitive materials.

(Sec. 436) Requires the Secretary to: (1) establish a task force to review certain lists of crimes disqualifying individuals from certain transportation-related employment; and (2) assess whether such lists are accurate indicators of a terrorism security risk.

Actions Timeline

- **Jun 8, 2009:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Jun 4, 2009:** Rule H. Res. 474 passed House.
- **Jun 4, 2009:** Considered under the provisions of rule H. Res. 474. (consideration: CR H6170-6216)
- **Jun 4, 2009:** Rule provides for consideration of H.R. 2200 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution.
- **Jun 4, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 474 and Rule XVIII.
- **Jun 4, 2009:** The Speaker designated the Honorable Alcee L. Hastings to act as Chairman of the Committee.
- **Jun 4, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2200.
- **Jun 4, 2009:** Pursuant to the provisions of H.Res. 474, an amendment in the nature of a substitute now printed in the bill, is considered as adopted as original text for the purpose of further amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Thompson (MS) amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Mica amendment numbered 2.
- **Jun 4, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Mica amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the ayes had prevailed. Mr. Thompson (MS) demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Mica amendment numbered 3.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Bachus amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FL) amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the L. Diaz-Balart (FL) amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Castor (FL) amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Flake amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Lynch amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Chaffetz amendment.
- **Jun 4, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Chaffetz amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the noes had prevailed. Mr. Chaffetz demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Bordallo amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (WA) amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Butterfield amendment.
- **Jun 4, 2009:** DEBATE - Pursuant to the provisions of H.Res. 474, the Committee of the Whole proceeded with 10 minutes of debate on the Roskam amendment.
- **Jun 4, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.

Jun 4, 2009: The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2200.

- **Jun 4, 2009:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H6183-6193)
- **Jun 4, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H6213)
- **Jun 4, 2009:** Mr. King (NY) moved to recommit with instructions to Homeland Security. (consideration: CR H6213-6215; text: CR H6213-6214)
- **Jun 4, 2009:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the King (NY) motion to recommit with instructions. The instructions contained in the motion seek to report the bill back to the House with an amendment.
- **Jun 4, 2009:** On motion to recommit with instructions Agreed to by voice vote.
- **Jun 4, 2009:** Passed/agreed to in House: On passage Passed by recorded vote: 397 - 25 (Roll no. 307).
- **Jun 4, 2009:** On passage Passed by recorded vote: 397 - 25 (Roll no. 307).
- **Jun 4, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 4, 2009:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2200.
- **May 21, 2009:** Rules Committee Resolution H. Res. 474 Reported to House. Rule provides for consideration of H.R. 2200 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution.
- **May 19, 2009:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 111-123.
- **May 19, 2009:** Placed on the Union Calendar, Calendar No. 63.
- **May 14, 2009:** Committee Consideration and Mark-up Session Held.
- **May 14, 2009:** Ordered to be Reported (Amended) by Voice Vote.
- **May 6, 2009:** Subcommittee Consideration and Mark-up Session Held.
- **May 6, 2009:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **May 4, 2009:** Referred to the Subcommittee on Transportation Security and Infrastructure Protection.
- **Apr 30, 2009:** Introduced in House
- **Apr 30, 2009:** Referred to the House Committee on Homeland Security.