

HR 636

FAA Extension, Safety, and Security Act of 2016

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Chamber: House

Policy Area: Transportation and Public Works

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Sponsor

Name: Rep. Tiberi, Patrick J. [R-OH-12]

Party: Republican • State: OH • Chamber: House

Cosponsors (14 total)

| Cosponsor                       | Party / State | Role | Date Joined |
|---------------------------------|---------------|------|-------------|
| Rep. Davis, Danny K. [D-IL-7]   | D · IL        |      | Feb 2, 2015 |
| Rep. Kind, Ron [D-WI-3]         | D · WI        |      | Feb 2, 2015 |
| Rep. Neal, Richard E. [D-MA-1]  | D · MA        |      | Feb 2, 2015 |
| Rep. Reed, Tom [R-NY-23]        | R · NY        |      | Feb 2, 2015 |
| Rep. Schock, Aaron [R-IL-18]    | R · IL        |      | Feb 2, 2015 |
| Rep. Smith, Jason [R-MO-8]      | R · MO        |      | Feb 2, 2015 |
| Rep. Young, Todd [R-IN-9]       | R · IN        |      | Feb 2, 2015 |
| Rep. Blum, Rod [R-IA-1]         | R · IA        |      | Feb 3, 2015 |
| Rep. Costello, Ryan A. [R-PA-6] | R · PA        |      | Feb 3, 2015 |
| Rep. DesJarlais, Scott [R-TN-4] | R · TN        |      | Feb 3, 2015 |
| Rep. Bustos, Cheri [D-IL-17]    | D · IL        |      | Feb 5, 2015 |
| Rep. Kline, John [R-MN-2]       | R · MN        |      | Feb 5, 2015 |
| Rep. Smith, Adrian [R-NE-3]     | R · NE        |      | Feb 5, 2015 |
| Rep. Emmer, Tom [R-MN-6]        | R · MN        |      | Feb 9, 2015 |

Committee Activity

| Committee                | Chamber | Activity        | Date        |
|--------------------------|---------|-----------------|-------------|
| Budget Committee         | House   | Discharged From | Feb 9, 2015 |
| Ways and Means Committee | House   | Reported By     | Feb 9, 2015 |

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

## Related Bills

| Bill                         | Relationship         | Last Action  |
|------------------------------|----------------------|--|
| <a href="#">114 S 2658</a>   | Related bill         | <b>Dec 20, 2016:</b> By Senator Thune from Committee on Commerce, Science, and Transportation filed written report under authority of the order of the Senate of 12/10/2016. Report No. 114-428. Additional views filed. |
| <a href="#">114 HR 5341</a>  | Related bill         | <b>Nov 14, 2016:</b> Placed on the Union Calendar, Calendar No. 645.   |
| <a href="#">114 S 2683</a>   | Related bill         | <b>Oct 7, 2016:</b> Became Public Law No: 114-242.   |
| <a href="#">114 S 3421</a>   | Related bill         | <b>Sep 28, 2016:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.  |
| <a href="#">114 HR 5957</a>  | Related bill         | <b>Sep 21, 2016:</b> Received in the Senate.   |
| <a href="#">114 S 3217</a>   | Related bill         | <b>Jul 14, 2016:</b> Read twice and referred to the Committee on Homeland Security and Governmental Affairs.   |
| <a href="#">114 HRES 818</a> | Procedurally related | <b>Jul 11, 2016:</b> Motion to reconsider laid on the table Agreed to without objection.   |
| <a href="#">114 HR 5292</a>  | Related bill         | <b>May 20, 2016:</b> Referred to the Subcommittee on Aviation.   |
| <a href="#">114 HR 4911</a>  | Related bill         | <b>Apr 28, 2016:</b> Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.  |
| <a href="#">114 HR 4698</a>  | Related bill         | <b>Apr 27, 2016:</b> Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.   |
| <a href="#">114 S 2361</a>   | Related bill         | <b>Mar 7, 2016:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 382.  |
| <a href="#">114 S 2549</a>   | Related bill         | <b>Feb 11, 2016:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation.  |
| <a href="#">114 HR 2029</a>  | Related bill         | <b>Dec 18, 2015:</b> Became Public Law No: 114-113.  |
| <a href="#">114 S 571</a>    | Related bill         | <b>Dec 18, 2015:</b> By Senator Thune from Committee on Commerce, Science, and Transportation filed written report. Report No. 114-198. Additional views filed.  |
| <a href="#">114 S 1399</a>   | Related bill         | <b>May 20, 2015:</b> Read twice and referred to the Committee on Finance.  |
| <a href="#">114 HRES 101</a> | Procedurally related | <b>Feb 12, 2015:</b> Motion to reconsider laid on the table Agreed to without objection.   |

## **FAA Extension, Safety, and Security Act of 2016**

### **TITLE I--FAA EXTENSION**

#### **Subtitle A--Airport and Airway Programs**

(Sec. 1101) This bill reauthorizes through FY2017 the Federal Aviation Administration (FAA) and specified FAA programs, including:

- the airport improvement program;
- air navigation facilities and equipment;
- research, engineering, and development; and
- essential air service.

(Sec. 1102) The following expiring authorities are extended through FY2017, including:

- the competition disclosure requirement under a development project grant for a large hub airport or a medium hub airport;
- the eligibility for small airport grants of sponsors of airports in the Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau;
- the air traffic control contract program;
- state and local government compatible land use planning and projects; and
- Department of Transportation (DOT) authority to make agreements to provide assistance to underserved airports under the Small Community Air Service Development Program.

The bill amends the Vision 100--Century of Aviation Reauthorization Act to extend through the same date:

- the authorization for airport development at Midway Island Airport, and
- the authority of any final order with respect to the eligibility for essential air service compensation.

The FAA Modernization and Reform Act of 2012 is amended to extend through FY2017:

- the requirement for an Inspector General report on participation in FAA programs by disadvantaged small business concerns,
- the advisory committee for aviation consumer protection, and
- the pilot program under which operators of up to four public-use airports may receive grants for activities related to the redevelopment of airport properties.

The bill also extends through FY2019 the pilot program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

#### **Subtitle B--Revenue Provisions**

(Sec. 1201) The bill amends the Internal Revenue Code to extend through FY2017 expenditure authority from the Airport and Airway Trust Fund, fuel and ticket taxes, as well as the exemption from ticket taxes for aircraft in fractional ownership aircraft programs.

## TITLE II--AVIATION SAFETY CRITICAL REFORMS

### Subtitle A--Safety

(Sec. 2101) The bill sets a deadline of April 30, 2017, for the FAA to establish and make available for use an electronic pilot records database.

(Sec. 2102) The FAA shall:

- consider the recommendations of the Pilot Fitness Aviation Rulemaking Committee in determining whether to implement additional screening for mental health conditions, including depression and suicidal thoughts, as part of the medical certification process for pilots with first- or second-class airman medical certificates;
- provide quarterly updates to Congress on the number of incidents involving the pointing of laser beams at aircraft, as well as impose a maximum civil penalty of \$25,000 for persons who commit such acts; and
- evaluate and update standards for crash-resistant fuel systems for civilian rotorcraft.

(Sec. 2103) The FAA shall consider Pilot Fitness Aviation Rulemaking Committee recommendations in determining whether to implement, as part of a comprehensive medical certification process for pilots with a first-or second-class airman medical certificate, additional screening for mental health conditions, including depression and suicidal thoughts or tendencies, and assess treatments that would address such conditions.

(Sec. 2104) The FAA shall:

- quarterly update Congress on the number of incidents involving a laser pointer being aimed at an aircraft in flight, as well as number of civil or criminal enforcement actions taken by the FAA, the Department of Transportation (DOT), or another federal agency with regard to such incidents; and
- revise and impose a maximum civil penalty of \$25,000 against persons who aim a laser pointer at such aircraft.

(Sec. 2105) The FAA shall evaluate and update standards for crash-resistant fuel systems for civilian rotorcraft.

(Sec. 2106) The FAA, in appointing air traffic controllers, shall give preferential consideration to qualified individuals maintaining 52 consecutive weeks of experience involving the the full-time active separation of air traffic after receipt of an air traffic certification or facility rating within 5 years of application while serving at an FAA air traffic control facility, a civilian or military air traffic control facility of the Department of Defense (DOD), or a tower operating under contract with the FAA.

The FAA shall consider additional applicants by referring an approximately equal number of employees for appointment among two applicant pools. The number referred from each group shall not differ by more than 10%.

Pool one applicants are individuals who:

- have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program and have received an appropriate recommendation or endorsement from such institution,
- are eligible for a veterans recruitment appointment and provide a Certificate of Release or Discharge from Active Duty within 120 days of the announcement closing,
- are veterans eligible for veterans' benefits who maintain aviation experience obtained in the course of the individual's military experience, or

are preference eligible veterans.

Pool two applicants are individuals who apply under a vacancy announcement recruiting from all U.S. citizens.

The FAA: (1) shall not use a biographical assessment when hiring, (2) must provide an individual who applied in response to a specified 2014 vacancy announcement and was disqualified as the result of a biographical assessment an opportunity to reapply under the revised hiring practices, and (3) must waive any maximum age limit for such reapplying applicants who met such requirement when they applied under such announcement.

The maximum age limit for an original appointment as an air traffic controller shall be 35 years of age.

The FAA shall consider directly notifying secondary schools and institutes of higher learning of a vacancy announcement for pool one applicants.

(Sec. 2107) The Government Accountability Office (GAO) shall submit to Congress a report assessing air carrier personnel and contractor training programs providing assistance for persons with disabilities. DOT, based on report findings, shall develop, make publicly available, and disseminate to air carriers best practices to improve those programs.

(Sec. 2108) DOT shall issue the supplemental notice of proposed rulemaking referenced in DOT's Report on Significant Rulemakings, dated June 15, 2015.

(Sec. 2109) The FAA may enter into a reimbursable agreement with an applicant for, or holder, of FAA type certificates for aircraft, aircraft engines, and propellers for reasonable FAA travel and per diem expenses associated with official travel to expedite a foreign country's acceptance or validation of an FAA certificate or design approval or FAA's acceptance or validation of a foreign authority certificate or design approval.

(Sec. 2110) The FAA shall issue regulations to require that a covered tower be clearly marked in a manner consistent with applicable guidance under the FAA Advisory Circular issued December 4, 2015.

A "covered tower" means a structure that:

- is self-standing or supported by guy wires and ground anchors;
- is 10 feet or less in diameter at the above-ground base;
- is at least 50 feet and no more than 200 feet above ground level;
- has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted; and
- is located outside the boundaries of an incorporated city or town, or on undeveloped or agricultural lands.

The FAA shall develop a database that contains the location and height of each tower.

(Sec. 2111) The FAA shall develop a comprehensive and strategic framework of principles and policies to reduce cyber security risks to the national airspace system, civil aviation, and FAA information systems.

The FAA shall implement the open recommendation issued in 2015 by the GAO to assess and research the potential cost and timetable of developing a FAA threat model, updated regularly, to strengthen FAA cybersecurity systems.

The FAA shall:

- report to Congress on a cybersecurity standards plan to improve implementation of the National Institute of

Standards and Technology's latest revisions to information security guidance for FAA information and FAA information systems within set timeframes, and

- establish a cybersecurity research and development plan for the national airspace system.

(Sec. 2112) The FAA shall take measures to ensure that the FAA safety assessment system for foreign repair stations:

- places particular consideration on inspections of foreign repair stations that conduct scheduled heavy maintenance work on domestic air carrier aircraft, and
- accounts for the frequency and seriousness of any corrective actions implemented by carriers to aircraft following work performed by the repair stations.

The FAA shall ensure that:

- a notice of proposed rulemaking requiring the testing of all foreign repair station employees responsible for safety-sensitive maintenance on air carrier aircraft for alcohol and controlled substances is published in the Federal Register, and the rulemaking is finalized; and
- such employees have undergone a pre-employment background check.

(Sec. 2113) The bill revises certain training requirements for flight attendants to require each air carrier to provide initial and annual training to flight attendants on recognizing and responding to potential human trafficking victims.

#### Subtitle B--UAS Safety

(Sec. 2202) The FAA shall convene industry stakeholders to develop, and report to Congress on, consensus standards for remotely identifying operators and owners of unmanned aircraft (drones).

(Sec. 2203) A manufacturer of a small drone shall make available to the drone owner at the time of delivery a safety statement containing specified information. A violator of this requirement shall be subject to certain civil penalties.

(Sec. 2204) The FAA shall enter into agreements with the Department of the Interior and the Department of Agriculture to continue the expeditious authorization of safe drone operations in support of firefighting operations consistent with certain requirements.

The FAA shall also enter into agreements with the Department of Energy and such other agencies and parties, including the Federal Emergency Management Agency (FEMA), to facilitate the expeditious authorization of safe drone operations in support of utility restoration.

(Sec. 2205) A drone operator who knowingly or recklessly interferes with a wildfire suppression, law enforcement, or emergency response shall be subject to a civil penalty of not more than \$20,000.

The bill exempts from such requirement drone operations conducted by the U.S. Government or a state, tribal, or local government to protect the public safety and welfare, including firefighting, law enforcement, or emergency response operations.

The FAA may impose civil penalties for violations of the requirement.

(Sec. 2206) The FAA shall establish a pilot program for use of drones for airspace hazard mitigation at airports and other critical infrastructure.

The FAA shall work with DOD, the Department of Homeland Security (DHS), and the heads of other relevant federal agencies to ensure that technologies developed by such agencies to mitigate threats posed by errant or hostile drones do not interfere with the safe operation of airports and the national airspace system.

The FAA may use such drones to detect and mitigate unauthorized drone operations that pose a risk to aviation safety upon termination of the pilot program.

(Sec. 2207) The FAA shall publish guidance for an emergency exception application process for civil or public operator drone use in response to a catastrophe, disaster, or other emergency response operations, such as firefighting, search and rescue, and utility and infrastructure restoration operations.

(Sec. 2208) The FAA, in coordination with the National Aeronautics and Space Administration (NASA), shall continue development of a research plan for unmanned aircraft traffic management development and deployment.

The FAA shall report the plan to Congress and publish it on its website.

The FAA, in coordination with NASA, the Drone Advisory Committee, the FAA research advisory committee, and unmanned aircraft industry representatives, shall establish an unmanned aircraft traffic management system pilot program.

(Sec. 2209) DOT shall establish procedures for applicants to petition the FAA to prohibit or restrict the operation of drones in close proximity to a fixed site facility (an affirmative designation).

A "fixed site facility" is considered to be:

- critical infrastructure, such as energy production, transmission, and distribution facilities and equipment;
- oil refineries and chemical facilities;
- amusement parks; and
- other locations that warrant such restrictions.

The FAA shall publish designations on a public website.

(Sec. 2210) Any application process for the safe operation of drones in the national airspace system shall allow for a person to apply to the FAA to operate a drone beyond the visual line of sight of the drone operator and during the day or night to:

- ensure compliance with federal or state regulatory requirements for permits for new pipeline or pipeline systems construction or maintenance or rehabilitation of existing pipelines or pipeline systems, as well as natural gas and hazardous liquid pipeline safety regulations;
- inspect, repair, construct, or protect covered facilities; and
- respond to a natural or man made disaster, severe weather event, or other incident that may cause material damage to such facilities.

A "covered facility" means:

- a pipeline or pipeline system;
- an electric energy generation, transmission, or distribution facility, including a renewable electric energy facility;
- an oil or gas production, refining, or processing facility; or

any other critical infrastructure facility.

The FAA shall certify to Congress that an application process has been established for such drones.

(Sec. 2211) The bill amends the FAA Modernization and Reform Act of 2012 to revise FAA's five-year roadmap to include, at a minimum, a description of FAA research and development (R&D) plans and certain other information to integrate drones into the national airspace system.

(Sec. 2212) The FAA shall develop a program to research the collision of drones with manned aircraft.

(Sec. 2213) The FAA shall enter into an arrangement with the National Academy of Sciences to study the potential FAA use of probabilistic assessments of risks to streamline the integration of drones into the national airspace system, including any R&D.

#### Subtitle C--Time Sensitive Aviation Reforms

(Sec. 2301) The bill prescribes a special rule to require DOT for FY2017 to apportion amounts for airport planning and development and noise compatibility planning and programs to sponsors of primary airports based on the number of passenger boardings at the airport during calendar year 2012 if it had:

- 10,000 or more passenger boardings during calendar year 2012,
- fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for FY2017, and
- scheduled air service at any point during the calendar year used to calculate the apportionment for FY2017.

(Sec. 2302) DOT may authorize the use of passenger facility charges (PFC) for customs services to finance an eligible airport-related project if:

- the eligible agency seeking to impose the new charge controls an airport where a \$2.00 PFC became effective on January 1, 2013; and
- the location of the project to be financed by the new charge is at an airport that was under the control of the same eligible agency that had controlled the airport described above.

(Sec. 2303) DOT shall establish a working group on improving air service to small communities.

(Sec. 2304) The bill:

- provides that calculation of the basic annuity benefits for an air traffic controller with at least five years of service actively engaged in the separation and control of air traffic shall include service as a first or second level supervisor of such a controller,
- makes such change effective retroactive to December 12, 2003, and
- provides for a lump sum payment to each affected annuitant equal to the additional total benefit amount such annuitant would have received had such change been in effect on such date.

The Office of Personnel Management shall establish such procedures as necessary to provide for:

- notification to each annuitant affected by this bill;
- recalculation of the benefits of affected annuitants;
- an adjustment to applicable monthly benefit amounts pursuant to such recalculation, to begin as soon as



practicable; and

- such lump sum payment.

(Sec. 2305) DOT shall issue final regulations to require air carriers or foreign air carriers to promptly provide an automated refund of check baggage fees paid by an air passenger if:

- the air carriers fail to deliver the checked baggage to the passenger within 12 hours after the arrival of a domestic flight or within 15 hours after arrival of an international flight, and
- the passenger has notified the air carriers of the lost or delayed check baggage.

If DOT determines the requirement is not feasible and would adversely affect consumers in certain cases, it may modify one or both deadlines, except that the deadline may not exceed:

- 18 hours after the arrival of a domestic flight, and
- 30 hours after the arrival of an international flight.

(Sec. 2306) The FAA shall report to Congress on the effects of the loss of contract weather observer service at 57 targeted airports.

The FAA may not discontinue the contract weather observer program until October 1, 2017.

(Sec. 2307) The bill directs the FAA to issue or revise medical certification regulations to ensure that an individual may operate as a pilot of a covered aircraft if the flight meets certain criteria and the individual:

- possesses a valid driver's license issued by a state, territory, or U.S. possession;
- complies with medical requirements associated with that license;
- holds an FAA medical certificate on the date of enactment of this bill, held such a certificate at any point during the 10-year period preceding the date of enactment, or obtains one after the date of enactment;
- is transporting five or fewer passengers, and
- is operating under visual or instrument flight rules.

The most recent FAA medical certificate to the individual:

- must indicate whether it is first, second, or third class;
- may include authorization for special issuance;
- may be expired;
- cannot have been revoked or suspended; and
- cannot have been withdrawn.

The individual's most recent application to the FAA for airman medical certification cannot have been denied.

The individual must also have completed an Internet medical education course, meeting specified criteria and free of charge, during the 24 calendar months before acting as pilot in command of a covered aircraft. Successful completion of the course shall trigger an electronic release authorizing the National Driver Register through a designated state department of motor vehicles to furnish the FAA with information about the individual's driving record.

If diagnosed with any medical condition that may impact ability to fly, the individual must, when serving as a pilot in command, be under a physician's care and treatment.

The individual must have received a comprehensive medical examination from a state-licensed physician during the previous 48 months and met certain pre-examination requirements involving a checklist of medical conditions and medications.

An individual who has qualified for the third-class medical certificate exemption and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of a specified list of mental health disorders, neurological disorders, and cardiovascular conditions. The bill prescribes special rules for such disorders and conditions.

The FAA shall review and identify additional medical conditions that could be added to the Conditions Aviation Medical Examiners (AMEs) Can Issue (CACI) program (which allows AMEs to issue airman medical certificates that previously had to be deferred to the Aerospace Medical Certification Division or the Regional Flight Surgeon's Office for further review).

The FAA shall also implement procedures to expedite the process for obtaining an Authorization for Special Issuance of a Medical Certificate.

Beginning one year after enactment of this bill, the FAA may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, if the pilot and the flight meet, through a good faith effort, certain requirements, unless the FAA has published in the Federal Register final regulations for the medical certification of small aircraft pilots.

A "covered aircraft" is one that:

- is authorized under federal law to carry not more than six occupants, and
- has a maximum certificated takeoff weight of no more than 6,000 pounds.

The requirements of this section shall not apply to pilots electing to operate under regulations for operations not requiring a medical certificate or for operations requiring either a medical certificate or U.S. driver's license.

If it receives credible or urgent information, including from the National Driver Register or the FAA Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption, the FAA may require the individual to provide additional information or history so that it may determine whether the individual is safe to continue operating a covered aircraft. The FAA may use such information to request an individual to provide additional information or to take actions to amend, modify, suspend, or revoke the individual's airman certificate.

(Sec. 2308) The bill revises requirements for air carrier and airport operator emergency contingency plans to require an air carrier to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay within:

- three hours after the main aircraft door closes in the case of a domestic flight, and
- four hours after the main door closes in the case of an international flight.

(Sec. 2309) DOT shall review and, if appropriate, establish a policy to require all air carriers to establish a policy that enables a child, age 13 or under on a scheduled flight, to be seated in a seat adjacent to the seat of an accompanying family member over age 13, except when assignment to an adjacent seat would require an upgrade to another cabin class or a seat with extra legroom or seat pitch for an additional charge.

TITLE III--AVIATION SECURITY

Subtitle A--TSA PreCheck Expansion

(Sec. 3101) The bill directs the Transportation Security Administration (TSA) of DHS to continue to administer the Precheck Program (trusted traveler program).

(Sec. 3102) The TSA shall publish application enrollment standards that add multiple private sector application capabilities for the PreCheck program to increase the public's enrollment access to such program.

Upon publication of such standards, the TSA must:

- coordinate with interested parties to deploy TSA-approved ready-to-market private sector solutions that meet such standards, make available additional enrollment capabilities, and offer secure online and mobile enrollment opportunities;
- partner with the private sector to collect biographic and biometric identification information via mobile enrollment platforms to increase enrollment flexibility and minimize the amount of travel to enrollment centers for applicants;
- ensure that any biometric and biographic information is collected in a manner that is comparable with National Institute of Standards and Technology (NIST) standards and that protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with the Privacy Act of 1974;
- ensure that the enrollment process is streamlined and flexible to allow an individual to provide additional information to complete enrollment and verify identity;
- ensure that any enrollment expansion using a private sector risk assessment is determined to be equivalent to a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation;
- ensure that the TSA has certified that reasonable procedures are in place with regard to accuracy of information employed in private sector risk assessments;
- develop and implement a continual process for approving private sector marketing of the PreCheck program and a long-term strategy for partnering with the private sector to encourage enrollment; and
- report on any PreCheck Program application fees collected in excess of the costs of administering the program, including assessment of its feasibility and recommendations for using such fees to support its marketing.

The TSA shall:

- coordinate with the heads of appropriate DHS components to leverage DHS-held data and technologies to verify the citizenship of individuals enrolling in the Pre-Check program;
- partner with the private sector to use biometrics and authentication standards such as those developed by NIST to facilitate enrollment;
- consider leveraging existing airport resources to conduct fingerprint and background checks to expedite identity verification;
- ensure that PreCheck Program screening lanes are available during peak and high-volume travel times at airports to enrolled individuals;
- provide for expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed; and
- initiate an assessment to identify security vulnerabilities in the vetting process for the PreCheck program, including whether subjecting program participants to recurrent fingerprint-based criminal history records checks, in addition

to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the program.

#### Subtitle B--Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security

(Sec. 3201) The TSA shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States.

(Sec. 3202) The TSA shall submit to Congress and the GAO a plan: (1) to enhance collaboration, coordination, and information-sharing about international-inbound aviation between the United States and domestic and foreign partners in order to enhance security capabilities at foreign airports; and (2) that assesses the TSA's ability to enter into a mutual agreement with a foreign government entity to permit TSA representatives to conduct inspections of foreign airports without prior notice.

The GAO shall review TSA efforts to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

(Sec. 3203) The TSA shall submit to Congress a comprehensive workforce assessment of all TSA personnel within its Office of Global Strategies or whose primary professional duties contribute to the TSA's global efforts to secure transportation security, including whether they are assigned in a risk-based, intelligence-driven manner.

(Sec. 3204) The TSA may donate security screening equipment to a foreign last point of departure airport operator if the equipment can be expected to mitigate a specific vulnerability to U.S. security or U.S. citizens.

The TSA shall provide to specified congressional committees within 30 days of any such donation a detailed written explanation of:

- the specific vulnerability to the United States or U.S. citizens that will be mitigated by such donation,
- an explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability,
- an evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made,
- how the TSA will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient, and
- the total dollar value of such donation.

(Sec. 3205) The TSA may evaluate foreign countries' air cargo programs to determine whether they provide a level of security commensurate with that required by U.S. air cargo security programs. If so, the TSA shall approve and officially recognize such country's program, in which case such country shall not be required to adhere to the U.S. programs that would otherwise be applicable. The bill provides for revocation or temporary suspension of approval and official recognition if the TSA determines that a country's program no longer provides a level of security commensurate with that required by U.S. air cargo security programs.

The requirements of this section shall apply irrespective of whether cargo is transported on an aircraft of an air carrier, foreign air carrier, a cargo carrier, or a foreign cargo carrier.

(Sec. 3206) The TSA shall establish an international training and capacity development program to train appropriate foreign government authorities in air transportation security.

## Subtitle C--Checkpoint Optimization and Efficiency

(Sec. 3301) The bill expresses the sense of Congress that airport checkpoint wait times should not take priority over the security of the U.S. aviation system.

(Sec. 3302) The TSA shall begin and complete, within 30 days after enactment of this bill, an assessment of its staffing allocation model to determine the necessary staffing positions, including use of canine explosives detection teams and technology, at all U.S. airports at which the TSA operates passenger checkpoints.

The staffing allocation model shall be based on staffing levels necessary to maintain minimal passenger wait times and maximum security effectiveness.

The TSA shall require each Federal Security Director to engage regularly with appropriate aviation security stakeholders to exchange information regarding airport and security operations.

The GAO shall review the staffing allocation model.

(Sec. 3303) The TSA shall also:

- require Transportation Security Officers with appropriate certifications and training to be assigned to passenger and baggage security screening functions;
- use other TSA personnel who may not have certification and training to screen passengers or baggage for tasks not directly related to security screening, including restocking bins and giving instructions and support to passengers in security lines;
- assess headquarters personnel; and
- reassign appropriate personnel to assist with airport security screening activities on a permanent or temporary basis.

(Sec. 3304) Within 30 days after enactment of this bill, the TSA shall:

- utilize TSA Behavior Detection Officers for passenger and baggage security screening, including the verification of traveler documents, particularly at designated PreCheck lanes to ensure that they are operational for use and maximum efficiency;
- make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime in furtherance of maintaining minimal passenger wait times and maximum security effectiveness;
- disseminate to aviation security stakeholders and appropriate TSA personnel a list of checkpoint optimization best practices; and
- request the Aviation Security Advisory Committee to make recommendations on best practices for checkpoint operations optimization.

By the same 30-day deadline, the TSA shall direct each Federal Security Director to coordinate local representatives of aviation security stakeholders to establish a staffing advisory working group at each airport at which the TSA oversees or performs passenger security screening to give recommendations to TSA on Transportation Security Officer staffing numbers.

(Sec. 3305) The bill defines the term "aviation security stakeholders" to mean air carriers, airport operators, and labor organizations representing Transportation Security Officers or contract screeners.

## Subtitle D--Aviation Security Enhancement and Oversight

(Sec. 3402) The TSA shall assess the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport.

(Sec. 3403) The TSA shall update DHS rules on access controls, considering specified matters.

The TSA may encourage the issuance by airport and aircraft operators in a timely manner of free, one-time, 24-hour temporary credentials for workers who have timely reported their credentials missing, but not permanently lost, stolen, or destroyed, until replacement of such credentials is necessary.

(Sec. 3404) The TSA shall issue guidance to airport operators for placing an expiration date on each airport credential issued to a non-U.S. citizen, which shall not exceed the period of time he or she is lawfully authorized to work in the United States.

The TSA shall:

- also issue guidance for transportation security inspectors to review annually the procedures of airport operators and air carriers for applicants seeking unescorted access to any Secure Identification Display Area (SIDA) of an airport; and
- make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

This guidance shall require a comprehensive review of background checks and employment authorization documents issued by the U.S. Citizenship and Immigration Services during the review of procedures.

(Sec. 3405) The TSA shall:

- revise certain regulations to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to an airport's SIDA; and
- propose disqualification if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual's application, or if the individual was incarcerated for that crime and released within 5 years before that date.

The TSA shall ensure the existence or development of a waiver process for approving the issuance of credentials for unescorted access to a SIDA for an individual found to be otherwise ineligible for such credentials, but about whom circumstances permit the conclusion the individual poses no terrorism risk or any other risk to aviation security warranting denial of the credential.

Both the TSA and the Federal Bureau of Investigation (FBI) shall implement fully the FBI's Rap Back service for recurrent criminal history vetting of eligible TSA-regulated populations of individuals with unescorted access to an airport SIDA. (The FBI Rap Back Service notifies authorized agencies of criminal, and, in limited cases, civil activity of individuals that occurs after the initial processing and retention of criminal or civil transactions.)

The TSA and the Office of the Director of National Intelligence shall ensure that the TSA may receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism related category codes to improve the TSA credential vetting program.

DHS shall authorize direct access for each airport operator to the E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to an airport SIDA.

(Sec. 3406) The TSA shall develop performance metrics to measure the effectiveness of security for airport SIDAs.

(Sec. 3407) The TSA shall also:

- develop a model and best practices for unescorted access security meeting specified criteria,
- expand the use of TSA officers and inspectors to conduct physical inspections of airport workers in each airport SIDA and at each SIDA access point, and
- review airports that have implemented additional airport worker screening or perimeter security.

The TSA may conduct a pilot program to test and validate best practices for comprehensive airport worker screening or perimeter security.

(Sec. 3408) The TSA shall:

- increase the use of red-team, covert testing of access controls to any secure airport areas; and
- review for continued relevancy and appropriate updating, consolidation, or revocation of every current security directive addressed to any regulated entity.

(Sec. 3410) The GAO shall assess TSA progress in implementing the requirements of this bill and their effect on aviation security.

(Sec. 3411) A member of the Aviation Stakeholder Advisory Committee may continue to serve beyond the expiration of his or her term until the TSA appoints a successor.

#### Subtitle E--Checkpoints of the Future

(Sec. 3501) The TSA shall request the Aviation Security Advisory Committee to develop recommendations for more efficient and effective passenger screening processes. The Committee shall consider the following:

- the configuration of a checkpoint;
- technology innovation;
- ways to address any vulnerabilities identified in audits of checkpoint operations;
- ways to prevent security breaches at airports at which federal security screening is provided;
- best practices in aviation security;
- recommendations from airport and aircraft operators, and from any relevant advisory committees; and
- "curb to curb" processes and procedures.

(Sec. 3502) The TSA shall establish a pilot program at three and not more than six category X airports to reconfigure and install security systems that increase efficiency and reduce vulnerabilities in airport terminals, particularly those that have large open areas where screening occurs.

(Sec. 3503) The TSA shall also establish a pilot program at three airports to develop and test prototypes of screening security systems and security checkpoint configurations to expedite the movement of passengers by deploying an array of technologies including passive and active systems, new types of security baggage and passenger screening systems,

and new systems to address passenger and baggage anomalies.

(Sec. 3504) The TSA shall report to Congress on the pilot programs.

(Sec. 3505) The TSA shall carry out the pilot programs using amounts:

- appropriated to it before enactment of this bill and available for obligation as of such enactment, and
- obtained as reimbursements from airports under such pilot programs.

#### Subtitle F--Miscellaneous Provisions

(Sec. 3601) The bill amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to require Visible Intermodal Prevention and Response (VIPR) teams to conduct security operations:

- in the sterile areas and other areas of airports where credentialed individuals have unescorted access, and
- in nonsterile areas.

The bill reauthorizes the VIPR program, including funds to develop not more than 60 VIPR teams, for FY2016-FY2018.  
(Authorization for the VIPR program expired after FY2011.)

(Sec. 3602) The bill amends the Homeland Security Act of 2002 to direct DHS to ensure that certain terrorism prevention grant funds to state, local, and tribal governments are used for:

- training exercises to enhance preparedness for and response to mass casualty and active shooter incidents and security events at public locations, including airports and mass transit systems;and
- enhancing the security and preparedness of secure and nonsecure areas of airports and surface transportation systems.



## Actions Timeline

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- **Jul 15, 2016:** Signed by President.
- **Jul 15, 2016:** Became Public Law No: 114-190.
- **Jul 14, 2016:** Presented to President.
- **Jul 13, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S5028-5035, S5036-5041)
- **Jul 13, 2016:** Motion by Senator Enzi to agree to the House amendments to Senate amendments to H.R. 636 made in Senate. (consideration: CR S5028-5035)
- **Jul 13, 2016:** Resolving differences -- Senate actions: Senate agreed to the House amendments to Senate amendments to H.R. 636 by Yea-Nay Vote. 89 - 4. Record Vote Number: 127.(consideration: CR S5041)
- **Jul 13, 2016:** Senate agreed to the House amendments to Senate amendments to H.R. 636 by Yea-Nay Vote. 89 - 4. Record Vote Number: 127. (consideration: CR S5041)
- **Jul 13, 2016:** Message on Senate action sent to the House.
- **Jul 12, 2016:** Message on House action received in Senate and at desk: House amendments to Senate amendments.
- **Jul 11, 2016:** Resolving differences -- House actions: House agreed to Senate amendments with amendments pursuant to H. Res. 818.(consideration: CR H4624)
- **Jul 11, 2016:** House agreed to Senate amendments with amendments pursuant to H. Res. 818. (consideration: CR H4624)
- **Apr 19, 2016:** Considered by Senate. (consideration: CR S2143-2145)
- **Apr 19, 2016:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 95 - 3. Record Vote Number: 47.
- **Apr 19, 2016:** Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 95 - 3. Record Vote Number: 47.
- **Apr 19, 2016:** Message on Senate action sent to the House.
- **Apr 18, 2016:** Considered by Senate. (consideration: CR S2110-2121)
- **Apr 18, 2016:** Cloture on the measure invoked in Senate by Yea-Nay Vote. 89 - 5. Record Vote Number: 46. (consideration: CR S2119-2120; text: CR S2119)
- **Apr 14, 2016:** Considered by Senate. (consideration: CR S2068-2085)
- **Apr 13, 2016:** Considered by Senate. (consideration: CR S1985-2019)
- **Apr 12, 2016:** Considered by Senate. (consideration: CR S1893-1909)
- **Apr 12, 2016:** Cloture motion on the measure presented in Senate. (consideration: CR S1909; text: CR S1909)
- **Apr 11, 2016:** Considered by Senate. (consideration: CR S1843-1845, S1876-1878)
- **Apr 7, 2016:** Considered by Senate. (consideration: CR S1778-1794, S1795-1802)
- **Apr 6, 2016:** Motion to proceed to measure considered in Senate. (consideration: CR S1680-1703)
- **Apr 6, 2016:** Cloture on the motion to proceed invoked in Senate by Yea-Nay Vote. 98 - 0. Record Vote Number: 40. (consideration: CR S1681-1682; text: CR S1681)
- **Apr 6, 2016:** Motion to proceed to consideration of measure agreed to in Senate by Voice Vote.
- **Apr 6, 2016:** Measure laid before Senate by motion. (consideration: CR S1702-1703)
- **Apr 5, 2016:** Motion to proceed to measure considered in Senate. (consideration: CR S1648-1655, S1655-1662)
- **Apr 4, 2016:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S1622-1623; S1636; text: CR S1622)
- **Apr 4, 2016:** Cloture motion on the motion to proceed to the measure presented in Senate. (consideration: CR S1636; text: CR S1636)
- **Apr 20, 2015:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 55.
- **Apr 16, 2015:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Feb 23, 2015:** Received in the Senate.
- **Feb 13, 2015:** Considered under the provisions of rule H. Res. 101. (consideration: CR H1041-1051)
- **Feb 13, 2015:** The resolution provides for consideration of both H.R. 644 and H.R. 636 under closed rules.
- **Feb 13, 2015:** DEBATE - The House proceeded with 90 minutes of debate on H.R. 636.
- **Feb 13, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H1048)
- **Feb 13, 2015:** Mr. Neal moved to recommit with instructions to the Committee on Ways and Means. (consideration: CR H1048-1049; text: CR H1048)
- **Feb 13, 2015:** DEBATE - The House proceeded with 10 minutes of debate on the motion to recommit with instructions.

The instructions contained in the motion seek to require that the bill be reported back to the House forthwith with an amendment to extend the tax provisions in the underlying bill for one year in order for comprehensive tax reform to address these provisions. It also would prevent these three temporary tax provisions from permanently adding to the deficit, as opposed to the permanent extension in the underlying legislation that costs \$79.2 billion and puts further pressure on the United States domestic discretionary priorities, pending reservation of a point of order. Subsequently, the reservation of a point of order was withdrawn.

- **Feb 13, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H1049)
- **Feb 13, 2015:** On motion to recommit with instructions Failed by the Yeas and Nays: 173 - 241 (Roll no. 81).
- **Feb 13, 2015:** Passed/agreed to in House: On passage Passed by recorded vote: 272 - 142 (Roll no. 82).(text: CR H1041)
- **Feb 13, 2015:** On passage Passed by recorded vote: 272 - 142 (Roll no. 82). (text: CR H1041)
- **Feb 13, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 12, 2015:** Rule H. Res. 101 passed House.
- **Feb 10, 2015:** Rules Committee Resolution H. Res. 101 Reported to House. The resolution provides for consideration of both H.R. 644 and H.R. 636 under closed rules.
- **Feb 9, 2015:** Reported (Amended) by the Committee on Ways and Means. H. Rept. 114-21, Part I.
- **Feb 9, 2015:** Committee on the Budget discharged.
- **Feb 9, 2015:** Placed on the Union Calendar, Calendar No. 15.
- **Feb 4, 2015:** Ordered to be Reported (Amended) by the Yeas and Nays: 24 - 14.
- **Feb 2, 2015:** Introduced in House
- **Feb 2, 2015:** Referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.