

SECURING GENERAL AVIATION AND COMMERCIAL
CHARTER AIR CARRIER SERVICE ACT OF 2017

OCTOBER 12, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 3669]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3669) to improve and streamline security procedures related to general aviation and commercial charter air carrier utilizing risk-based security standards, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017”.

SEC. 2. WEB-BASED SECURE FLIGHT COST AND FEASIBILITY STUDY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study to determine the cost and feasibility of establishing web-based access to Secure Flight for commercial charter air carriers.

SEC. 3. SCREENING IN AREAS OTHER THAN PASSENGER TERMINALS.

(a) **IN GENERAL.**—The Administrator of the Transportation Security Administration is authorized to provide screening services to a commercial charter air carrier in areas other than primary passenger terminals of airports upon the request of such carrier.

(b) **REQUEST.**—A commercial charter air carrier that wants screening services to be provided to such carrier in an area other than a primary passenger terminal shall request the Federal Security Director for the airport at which such services are requested.

(c) **AVAILABILITY.**—A Federal Security Director may elect to provide screening services under this section if such services are available.

(d) **AGREEMENTS.**—The Administrator of the Transportation Security Administration shall enter into an agreement with a commercial charter air carrier for compensation from such carrier requesting the use of screening services under this section for all reasonable costs in addition to overtime costs that are incurred in the provision of such services.

SEC. 4. REPORT ON GENERAL AVIATION SECURITY AND SELECT AVIATION SECURITY TOPICS.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Aviation Security Advisory Committee, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the Aviation Security Advisory Committee and with which the Administrator has concurred before the date of the enactment of this Act:

(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

SEC. 5. DESIGNATED STAFFING FOR GENERAL AVIATION.

The Administrator of the Transportation Security Administration is authorized to designate not fewer than one full time employee of the Administration to be responsible for engagement with general aviation stakeholders and manage issues related to general aviation.

SEC. 6. SECURITY ENHANCEMENTS.

Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the Aviation Security Advisory Committee, shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of requiring security threat assessments for all candidates seeking flight school training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to further enhance the vetting of persons seeking such training in the United States.

PURPOSE AND SUMMARY

The purpose of H.R. 3669 is to improve and streamline security procedures related to general aviation and commercial charter air carrier utilizing risk-based security standards. This legislation requires the Administrator of the Transportation Security Administration (TSA) to conduct a cost and feasibility study of establishing

web-based access to the Secure Flight system for commercial charter air carriers.

This bill also authorizes the Administrator to provide screening services to commercial charter air carriers in areas other than primary passenger terminals, upon the request of the carrier through the airport's Federal Security Director. If such screening services are provided then the Administrator is required to enter into an agreement with the carrier for compensation for all reasonable costs of the screening services.

Additionally, this legislation requires the Administrator to provide Congress with an implementation plan for outstanding recommendations approved by the Aviation Security Advisory Council (ASAC) regarding general aviation. This bill also authorizes the Administrator to designate at least one full time employee to be responsible for issues and stakeholder engagement related to general aviation.

Finally, in accordance with Committee intent, this bill requires the Administrator to provide a report to Congress on the feasibility of requiring security threat assessments for all candidates seeking flight school training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to further enhance the vetting of persons seeking such training in the United States. Since individuals who have previously participated in other forms of flight school training have been vetted previously, the report should focus on the vetting of individuals for whom such training serves as their initial flight school training.

BACKGROUND AND NEED FOR LEGISLATION

General aviation and commercial charter air carriers represent a small fraction of TSA's stakeholder community, often causing their issues and concerns to fall to the bottom of the agency's priorities. This bill seeks to elevate some of these important, but often overlooked, security issues.

Commercial airlines pay tens of thousands of dollars to install the necessary software for airlines to connect to TSA's Secure Flight system for vetting passengers. However, smaller operators do not have the passenger volume to absorb the cost of installing this software. Currently, TSA emails them the necessary data in spreadsheet format for the operators to check their passenger manifests against. This presents a serious information security risk for this data to be handled in this manner. TSA should explore creating a web-based program that these operators could access that would have real time passenger vetting information and would prevent the unintended distribution of sensitive security information.

Currently, private charter air carriers must use their own flight crews or private screening companies to screen passengers. In certain instances, these carriers would like to use on or off duty TSA agents to screen passengers; however, when private charters are performed on short notice carriers are unable to bring off-duty TSA screeners onto their own program due to certain FAA regulations. Language in this bill would allow private charters the flexibility to do so without cost to the Federal Government.

Additionally, the Aviation Security Advisory Committee has approved several recommendations regarding improvements to security rules and regulations for general aviation and commercial

charter air carrier programs. However, these recommendations have yet to be implemented by TSA. This legislation requires TSA to develop an implementation plan and timeline in which to execute these outstanding recommendations.

The bill also addresses the lack of a full time subject matter expert at TSA to interact with general aviation stakeholders and handle general aviation security issues. The industry has been forced to rely on individuals that are often given this portfolio temporarily and struggles to find a reliable point of contact for matters that arise. This bill authorizes the appointment of a full-time employee to handle this portfolio, thus giving industry a knowledgeable and reliable liaison with TSA.

HEARINGS

The Committee did not hold any legislative hearings on H.R. 3669 in the 115th Congress. However, this legislation was informed by a Subcommittee on Transportation Security Subcommittee hearing on July 7, 2012, entitled “A Decade After 9/11 Could American Flight Schools Still unknowingly Be Training Terrorists?” The Subcommittee received testimony from Mr. Kerwin Wilson, General Manager for General Aviation, Office of Security Policy and Industry Engagement, Transportation Security Administration; Mr. John Woods, Assistant Director, National Security Investigations, Immigration and Customs Enforcement; Mr. Stephen Lord, Director, Homeland Security and Justice Issues, Government Accountability Office; Mr. Jens. C. Hennig, Vice President of Operations, General Aviation Manufacturers Association; and Mr. Ed Bolen, President and Chief Executive Officer, National Business Aviation Association.

COMMITTEE CONSIDERATION

The Committee met on September 7, 2017, to consider H.R. 3669, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An amendment by MRS. WATSON COLEMAN (#1); was AGREED TO by voice vote.

Page 3, line 9, insert “, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code,” after “submit”.

Page 3, beginning line 13, strike “the following recommendations adopted by the Aviation Security Advisory Committee” and insert “any of the following recommendations that were adopted by the Aviation Security Advisory Committee and with which the Administrator has concurred before the date of the enactment of this Act”.

An amendment by MRS. WATSON COLEMAN (#2); was WITHDRAWN by unanimous consent.

Page 2, strike lines 10 through 22 and insert new subsections “(a) In General.” and “(b) Request.”

Page 2, line 23, strike “(d)” and insert “(c)”.

Page 2, line 23, strike “The Administrator of the Transportation Security Administration shall enter into an agreement with a commercial charter air” and insert “If the Administrator of the Transportation Security Administration elects to provide screening services pursuant to subsection (a), the Administrator shall enter into an agreement with a private charter passenger”.

Page 3, beginning line 1, strike “reasonable costs in addition to” and insert “costs, including”.

Page 3, line 3, insert “, prior to the provision of such screening” before the period.
Page 3, beginning line 4, insert a new subsection entitled “(d) Private Charter Passenger Carrier Defines.”

An amendment by MR. THOMPSON of Mississippi (#3); was AGREED TO by voice vote.

Add at the end a new section entitled “Sec. 6. Security Enhancements.”

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 3669.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 3669, the Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 3669 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 3669 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 3669 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 3669 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Securing General Aviation and Commercial Charter Air Carrier Service Act of 2017”.

Sec. 2. Web-based Secure Flight Cost and Feasibility Study.

This section requires the Administrator of the Transportation Security Administration (TSA) to conduct a cost and feasibility study of establishing web-based access to Secure Flight for commercial charter air carriers not later than 120 days after enactment of this Act.

Sec. 3. Screening in Areas Other Than Passenger Terminals.

This section authorizes the Administrator of TSA to provide screening services to commercial charter air carriers in areas other than primary passenger terminals upon the request of such a carrier. Such a carrier requesting such services shall direct the request to the Federal Security Director of the airport where such services are requested. The Federal Security Director of such airport may provide screening services if they are available. The Administrator shall enter into an agreement with a commercial charter air carrier for compensation for all reasonable costs, including overtime, of such screening services.

Sec. 4. Report on General Aviation Security and Select Security Topics.

This section requires the Administrator of TSA to provide Congress an implementation plan for recommendations approved by the Aviation Security Advisory Council regarding general aviation within 120 days of enactment of this Act.

Sec. 5. Designated Staffing for General Aviation.

This section authorizes the Administrator of TSA to designate not less than one full time employee to be responsible for engagement with general aviation stakeholders and managing issues related to general aviation.

Sec. 6. Security Enhancements.

This section requires the Administrator of TSA to provide a report to Congress on the feasibility of requiring security threat assessments for all candidates seeking flight school training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported, H.R. 3669 makes no changes to existing law.

