

SECURING AIR TRAVEL ACT

DECEMBER 14, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 6856]

The Committee on Homeland Security, to whom was referred the bill (H.R. 6856) to reduce the number of firearms at Transportation Security Administration passenger screening checkpoints by directing the Administrator to carry out a range of activities to inform the public about restrictions regarding the carrying of firearms in sterile areas of airports and to strengthen enforcement of such restrictions 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 Air Travel Act”.

SEC. 2. SIGNAGE.

Section 44901 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(m) SIGNAGE REGARDING FIREARMS.—

“(1) CHECKPOINT SIGNAGE.—Not later than one year after the date of the enactment of this subsection, the Administrator of the Transportation Security Administration shall display uniform signage in passenger screening checkpoints to inform individuals at such checkpoints of restrictions regarding the carrying of a firearm in the sterile area of an airport. Such signage shall include visual elements and a concise description of the maximum criminal and civil penalties (with relevant statutory or regulatory citations) for unlawfully carrying a firearm in the sterile area of an airport.

“(2) PLACEMENT.—Signage under paragraph (1) shall be prominently displayed and located in such a manner that it would reasonably be expected to be seen by an individual prior to entering the passenger screening checkpoint.

“(3) AIRPORTS WITH FREQUENT FIREARM INTERDICTIONS.—Not later than one year after the date of the enactment of this subsection and biennially thereafter, the Administrator of the Transportation Security Administration shall publish a list of not fewer than 25 airports at which firearms were most frequently interdicted at passenger screening checkpoints in the prior two years. If with respect to any such list there are fewer than 25 such airports, such list shall include as many of such airports as are otherwise described in this paragraph.

“(4) ADDITIONAL ENHANCED SIGNAGE FOR AIRPORTS WITH FREQUENT FIREARM INTERDICTIONS.—Not later than 180 days after the date of the publication of each list required under paragraph (3), the Administrator of the Transportation Security Administration shall require each airport included on the list to install additional enhanced signage at all passenger terminal entrances to such airports to inform the public and individuals planning to enter a passenger screening checkpoint of the restrictions regarding the carrying of a firearm in the sterile area of the airport and, as applicable, State, local, territorial, or other jurisdiction-specific restrictions on carrying firearms in the publicly-accessible areas of the airport. Such additional enhanced signage shall be consistent for all airports required to install such additional enhanced signage under this paragraph, except, as the case may be, for descriptions of such applicable State, local, territorial, or other jurisdiction-specific restrictions. The Administrator may permit an airport to remove such signage if such airport is not included on a subsequent list.

“(5) OUTDATED SIGNAGE.—If any relevant information on signage installed pursuant to this subsection is rendered inaccurate due to statutory, regulatory, or other changes, the Administrator shall ensure such signage is updated in a timely manner, except this paragraph does not apply in the case of annual inflation adjustments to civil monetary penalties.

“(6) DEFINITIONS.—In this subsection:

“(A) PASSENGER SCREENING CHECKPOINT.—The term ‘passenger screening checkpoint’ means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920, or other comparable authority, provides for the screening of passengers and carry-on baggage.

“(B) PASSENGER TERMINAL ENTRANCE.—The term ‘passenger terminal entrance’ means the area at each airport located in the United States where individuals arriving to the airport by means other than a flight first enter the terminal or other comparable enclosure containing passenger facilities of the airport located prior to the passenger screening checkpoint.

“(C) STERILE AREA.—The term ‘sterile area’ has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.”.

SEC. 3. PUBLIC AWARENESS INITIATIVES.

(a) CAMPAIGN.—

(1) IN GENERAL.—

(A) IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall implement a public awareness campaign to inform the public of the potential criminal and civil consequences of carrying a firearm in the sterile area of an airport that includes actual examples of the criminal and civil consequences imposed on individuals who violated such prohibition.

(B) PROHIBITION.—Actual examples under subparagraph (A) may not include any personally identifiable information regarding individuals described in such subparagraph.

(2) ELEMENTS.—The campaign required under paragraph (1) shall, at a minimum, involve—

(A) the use of Transportation Security Administration websites, social media channels, press releases, and other means of external communication;

(B) the production of audiovisual materials to be distributed via online video sharing platforms;

(C) engagement with external organizations, including local and national organizations with memberships that could benefit from information regarding how to lawfully travel with a firearm in checked baggage or, in the case of an authorized law enforcement officer, lawfully enter a sterile area with a firearm;

(D) engagement with press and media, including, to the extent practicable, local press and media in at least those cities that host airports identified biennially pursuant to paragraph (3) of subsection (m) of section 44901 of title 49, United States Code, as amended by section 2; and

(E) engagement with transportation stakeholders, such as taxi services, public transportation systems, online platforms for ridesharing, air carriers, airport operators, and law enforcement organizations, regarding potential partnerships, including the possibility of integrating into mobile applications and websites used by passengers to reserve ground transportation to the airport, check into flights, and perform other travel-related functions warnings regarding potential criminal and civil consequences of carrying a firearm into the sterile area of an airport.

(3) EXISTING EFFORTS.—The campaign required under paragraph (1) shall supplement and not supplant any other related existing campaign.

(b) TARGETED ADVERTISING.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration may purchase or otherwise place advertisements describing the potential criminal and civil consequences of carrying a firearm in the sterile area of an airport or on or about one's person or property that would be accessible in flight, and actual examples of the criminal and civil consequences faced by individuals who violated such prohibition, on websites and in publications (or on or in such other advertising mediums as the Administrator determines appropriate) that target audiences seeking information concerning—

(A) firearms or related activities;

(B) travel, tourism, or related matters; and

(C) such other matters the Administrator determines appropriate.

(2) PROHIBITION.—Actual examples under paragraph (1) may not include any personally identifiable information regarding individuals described in such paragraph.

SEC. 4. FINES.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

“§ 44930. Minimum civil monetary penalties for certain firearm-related violations

“(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Administrator of the Transportation Security Administration shall establish minimum civil monetary penalty amounts for repeat or egregious violations of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, relating to the carriage of firearms on or in an individual's person or accessible property into the sterile area of an airport or onboard an aircraft.

“(b) MINIMUM CIVIL MONETARY PENALTIES FOR REPEAT VIOLATIONS.—The minimum civil monetary penalty amount for a repeat violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, involving a firearm shall be—

“(1) in the case of an individual with respect to whom such a repeat violation occurs within five years of the date of the final adjudication of a previous such violation—

“(A) \$10,000 for any such repeat violation involving an unloaded firearm;

and

“(B) \$12,500 for any such repeat violation involving a loaded firearm or unloaded firearm with accessible ammunition; and

“(2) in the case of an individual with respect to whom such a repeat violation occurs more than five years after the date of the final adjudication of a previous such violation—

“(A) \$5,000 for any such repeat violation involving an unloaded firearm; and

“(B) \$10,000 for any such repeat violation involving a loaded firearm or unloaded firearm with accessible ammunition.

“(c) MINIMUM CIVIL MONETARY PENALTIES FOR EGREGIOUS VIOLATIONS.—The minimum civil monetary penalty amount for an intentional or otherwise egregious violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, involving a firearm shall be—

“(1) \$10,000 for any knowing violation in the case of a deliberate attempt to conceal such firearm; and

“(2) \$5,000 for any violation which the Administrator of the Transportation Security Administration determines is otherwise egregious, including if the firearm at issue—

“(A) is known to the Administrator to—

“(i) not contain a serial number when required by law; or

“(ii) have been manufactured using additive layer manufacturing (commonly known as ‘3-D printing’); or

“(B) is—

“(i) of a nature or type that poses a greater risk to aviation security than firearms typically identified at passenger screening checkpoints; or

“(ii) identified with ammunition that is of a nature or type that poses a greater risk to aviation security than ammunition typically identified at passenger screening checkpoints.

“(d) SPECIAL CIRCUMSTANCES.—An individual subject to a minimum civil monetary penalty amount pursuant to subsection (a) may appeal such penalty amount or seek a reduction in such penalty amount in the case of such individual’s particular violation, including based on mitigating factors (including in accordance with subsection (e)) pursuant to procedures provided for in the Transportation Security Administration’s security regulations. The Administrator of the Transportation Security Administration may, if the Administrator determines such is appropriate, grant such appeal or reduce such penalty amount, as the case may be.

“(e) SELF-DISCLOSURE.—Notwithstanding any other provision of this section, the Administrator of the Transportation Security Administration may consider self-disclosure as a mitigating factor when determining the amount of a civil monetary penalty if an individual, in good faith, voluntarily discloses a violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, to the Transportation Security Administration, an entity authorized to conduct screening pursuant to section 44920 of title 49, United States Code, a Government representative, an employee or contractor of an airline or airport, or other appropriate authority, after the individual is present for screening at a passenger screening checkpoint but prior to the detection of such violation. The Administrator shall inform appropriate Administration passenger screening checkpoint personnel, entities authorized to conduct screening pursuant to section 44920 of title 49, United States Code, Government representatives, employees or contractors of an airline or airport, and other appropriate authorities regarding appropriate procedures for handling the self-disclosure of such a violation, including procedures for contacting law enforcement.

“(f) PAYMENT PLANS.—The Administrator of the Transportation Security Administration may provide payment plans for payment of civil monetary penalty amounts under this section for a violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, in the event an individual provides documentation of hardship.

“(g) USE OF AMOUNTS FROM CIVIL MONETARY PENALTIES.—The Administrator shall obligate and expend amounts received from the imposition of civil monetary penalties under this section for repeat or egregious violations of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, involving a firearm for the acquisition and deployment of passenger screening checkpoint technology.

“(h) RULE OF CONSTRUCTION.—Nothing in this section may be interpreted as—

“(1) limiting the authority of the Administrator of the Transportation Security Administration to issue civil monetary penalty amounts that are greater than those established as minimum civil monetary penalty amounts pursuant to this section;

“(2) limiting the authority of the Administrator to establish minimum civil monetary penalty amounts with respect to first-time or non-egregious violations of section 1540.111 of title 49, Code of Federal Regulations; or

“(3) instructing the Administrator to establish a minimum civil monetary penalty amount with respect to violations involving unloaded replicas of firearms not capable of discharge.

“(i) DEFINITION.—In this section, the term ‘passenger screening checkpoint’ means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920, or other comparable authority, provides for the screening of passengers and carry-on baggage.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44929 the following new item:

“44930. Minimum civil monetary penalties for certain firearm-related violations.”.

SEC. 5. PRECHECK ELIGIBILITY.

Section 44919 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(m) INELIGIBILITY OF INDIVIDUALS UNLAWFULLY POSSESSING FIREARMS IN RESTRICTED AREAS.—

“(1) IN GENERAL.—Any unauthorized individual who possesses a firearm after the individual is present for screening at a passenger screening checkpoint shall be ineligible for expedited security screening and prohibited from participating in the PreCheck Program for a period of time determined by the Administrator of the Transportation Security Administration in the Administrator’s sole discretion.

“(2) REQUEST FOR RECONSIDERATION.—The Administrator of the Transportation Security Administration shall maintain a procedure through which an individual subject to a period of ineligibility pursuant to this subsection may petition the Administrator for a reduction in the duration of such period. The Administrator may, if the Administrator determines such is appropriate, reduce such duration. Any such determination shall be in the Administrator’s sole discretion.

“(3) DEFINITION.—In this subsection, the term ‘passenger screening checkpoint’ means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920, or other comparable authority, provides for the screening of passengers and carry-on baggage.”.

SEC. 6. REPORT.

Not later than one year after the date of the enactment of this Act and biennially thereafter, the Administrator of the Transportation Security Administration shall submit to the appropriate congressional committees a report describing the following:

(1) The implementation of the signage requirement under paragraph (1) of subsection (m) of section 44901 of title 49, United States Code, and the implementation of the signage requirement under paragraph (4) of such subsection (including a copy of the list of airports required to be produced biennially thereunder), as such section was amended by section 2.

(2) The public awareness activities of the Administration relating to firearms, including activities conducted pursuant to section 3.

(3) The number of violations of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, and any other incidents involving the unauthorized carriage of a firearm at a passenger screening checkpoint, including information regarding which such violations and incidents were committed by individuals while receiving expedited screening, during the period of time covered by each such report.

(4) PreCheck Program revocations or denials pursuant to subsection (m) of section 44919, United States Code, as added by this Act, during the period of time covered by each such report.

(5) Any new or evolving threats relating to, or efforts to enhance, public area security at airports as such pertains to firearms.

(6) Such other matters relating to firearm-related threats to transportation security as the Administrator determines appropriate.

SEC. 7. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a review of the Transportation Security Administration’s efforts to—

(1) implement the provisions of this Act and the amendments made by this Act;

(2) deter the carriage of firearms and other dangerous items at passenger screening checkpoints through means other than those required by this Act and such amendments; and

(3) enhance public area security at airports against firearm-related threats.

SEC. 8. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **PASSENGER SCREENING CHECKPOINT.**—The term “passenger screening checkpoint” means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920 of title 49, United States Code, or other comparable authority, provides for the screening of passengers and carry-on baggage.

(3) **STERILE AREA.**—The term “sterile area” has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.

PURPOSE AND SUMMARY

H.R. 6856, the “Securing Air Travel Act,” seeks to reduce the number of firearms brought to Transportation Security Administration (TSA) airport checkpoints by expanding TSA’s signage and public awareness initiatives relating to firearms, as well as by strengthening and codifying elements of its enforcement efforts. Specifically, the bill would require TSA to display uniform signage at all passenger screening checkpoints to inform individuals of restrictions on carrying firearms in the sterile areas of airports. Additional such signage would be required at terminal entrances in the 25 airports with the highest number of firearms interdictions across the nation. The bill further requires TSA to implement a public awareness campaign regarding the potential criminal and civil consequences of carrying a firearm to, or past, a TSA checkpoint and to advertise the campaign in a targeted manner. With respect to enforcement, the legislation authorizes baseline civil penalty amounts for individuals who repeatedly or egregiously attempt to bring a firearm into the sterile area of an airport. Such penalties may be appealed and reduced if the individual can demonstrate mitigating circumstances. The bill also codifies TSA’s longstanding practice of disqualifying individuals who brought unauthorized firearms to checkpoints from receiving expedited screening, including through TSA PreCheck, for a period of time. Finally, H.R. 6856 contains oversight mechanisms to ensure that the provisions of this Act are effectively implemented; they include a Government Accountability Office (GAO) review and biennial reports to Congress.

BACKGROUND AND NEED FOR LEGISLATION

In 2021, TSA officers detected 5,972 firearms at passenger screening checkpoints, which was the highest number on record in TSA’s history and nearly six times more than the 1,123 firearms TSA caught in 2010. In 2020, and again in 2021, TSA interdicted approximately 10 firearms per million passengers screened—representing a doubling of the interdiction rate just since 2019, when TSA found approximately 5 firearms per million passengers. This per capita figure is unprecedented in TSA’s history.

The surge in the number of firearms brought to TSA airport checkpoints is a significant threat to aviation security and airport operations. Last year, 86 percent of the firearms detected by TSA were loaded with ammunition. If a hijacker or other malign actor were able to evade security screening to successfully bring a loaded weapon on a plane, the consequences could be catastrophic and

deadly. Even in instances in which TSA security screening detects a firearm at a checkpoint, the traveling public and TSA's frontline workforce are placed at risk. For example, in November 2021, a passenger undergoing screening at Hartsfield-Jackson Atlanta International Airport lunged into his bag after a Transportation Security Officer detected a firearm. The passenger grabbed and accidentally discharged the firearm, causing flights to be halted and prompting significant turmoil throughout the airport. Luckily, the ammunition discharged in the November 2021 incident did not harm anyone; however, three individuals sustained injuries in the resulting chaos. State and local law enforcement officials have expressed great concern about how even routine firearm catches at TSA checkpoints tax their limited resources at airports.¹

Although there are examples of bad actors deliberately seeking to bring firearms on planes,² most individuals caught with firearms tell TSA they did not realize they were carrying a firearm. Under current law, individuals who deliberately bring a firearm to the checkpoint may face Federal criminal prosecution. State prosecution depends on the laws of a particular jurisdiction and whether the firearm was lawfully possessed. TSA may impose civil monetary penalties upon an individual bringing a firearm to an airport checkpoint of up to \$13,910 and may restrict access to certain privileges, such as TSA PreCheck eligibility.

H.R. 6856 seeks to enhance TSA's efforts to provide individuals with the information and knowledge they need to avoid such consequences. By requiring TSA and, in certain cases, airports to install prominent signage warning individuals about the prohibition on carrying firearms to the checkpoint, H.R. 6856 is intended to help firearm owners remember to take their guns out of their carry-on luggage prior to entering a screening checkpoint. It is also aimed at making gun owners more familiar with the lawful ways one may travel with a firearm, including by declaring it to the airline and shipping it in checked luggage. The public awareness initiatives authorized in H.R. 6856—including a public awareness campaign and targeted advertisement effort—seek to further enhance travelers' knowledge of the existing rules regarding flying with a weapon and help firearm owners avert breaching airport security rules and, in turn, prevent significant airport disruptions.

With respect to the narrow class of individuals who commit repeat or egregious violations, H.R. 6856 strengthens TSA's existing practice of assessing elevated civil penalties based on such circumstances. Specifically, the bill creates baseline civil penalty amounts for those who deliberately bring a firearm to a checkpoint, do so on two or more occasions, or are carrying certain particularly dangerous items, including illicit untraceable firearms. Notably, these baseline amounts are less than the maximum \$13,910 amount TSA is currently authorized to assess under statute, and they may be reduced based upon mitigating factors. Additionally, the proceeds from such fines will support the acquisition and de-

¹ House Committee on Homeland Security Subcommittee on Transportation and Maritime Security, *Hearing on Concealed Carry-Ons: Confronting the Surge in Firearms at TSA Checkpoints*, Testimony of Jason D. Wallis, President, Airport Law Enforcement Agencies Network and Chief of Police, Port of Portland, 117th Cong., 2d sess., (Feb. 15, 2022).

² For example, see Marnie Hunter, "Gun hidden in raw chicken found at Florida TSA checkpoint," CNN, (Nov. 10, 2022), available at <https://www.cnn.com/travel/article/tsa-finds-gun-in-chicken/index.html>.

ployment of additional detection technology. H.R. 6856 further codifies TSA's existing practice of denying expedited screening and PreCheck status for a period of time to those who brought a firearm to a checkpoint.

Ahead of the Committee's consideration of H.R. 6856, the Committee conducted robust oversight regarding the surge in firearms at checkpoints that included a February 2022 hearing entitled "Concealed Carry-Ons: Confronting the Surge in Firearms at TSA Checkpoints" and significant engagement with TSA, aviation stakeholders, and law enforcement.

HEARINGS

For the purposes of clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the following hearings were used to develop H.R. 6856:

- On February 15, 2022, the Subcommittee on Transportation and Maritime Security held a hearing entitled, "Concealed Carry-Ons: Confronting the Surge in Firearms at TSA Checkpoints." The Subcommittee received testimony from Balram Bheodari, General Manager, Hartsfield-Jackson Atlanta International Airport; Greg Regan, President, Transportation Trades Department, AFL-CIO; Jason D. Wallis, President, Airport Law Enforcement Agencies Network and Chief of Police, Port of Portland; and Ralph Cutie, Director and Chief Executive Officer, Miami International Airport. At the hearing, witnesses discussed specific legislative approaches to address the rising number of firearms detected at TSA checkpoints, including measures such as increased signage and strengthened enforcement that were incorporated into H.R. 6856.
- On July 20, 2021, the Subcommittee on Transportation and Maritime Security held a hearing entitled, "Taking to the Skies: Examining TSA's Strategy for Addressing Increased Summer Travel." The Subcommittee received testimony from Darby LaJoy, Executive Assistant Administrator for Security Operations, TSA; and Michael Ondocin, Executive Assistant Administrator for Law Enforcement, Federal Air Marshal Service, TSA.
- On September 29, 2021, the full Committee held a hearing entitled, "20 Years After 9/11: The State of the Transportation Security Administration." The Committee received testimony from the Honorable David Pekoske, Administrator, TSA; the Honorable Peter Neffenger, former Administrator, TSA; the Honorable John Pistole, former Administrator, TSA; and the Honorable J.M. Loy, former Administrator, TSA. Administrator Pekoske also cited the surge in firearms in his testimony during this hearing.

COMMITTEE CONSIDERATION

The Committee met on March 2, 2022, a quorum being present, to consider H.R. 6856 and ordered the measure to be favorably reported to the House, as amended, by a recorded vote of 21–12.

COMMITTEE VOTES

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

1. An amendment offered by Mr. Higgins failed by a recorded vote of 14 ayes and 19 noes (Rollcall No. 30).

Committee Record Vote No. 30

Higgins (LA) Amendment to Amendment in the Nature of a Substitute to H.R. 6856
Failed: 14 ayes and 19 noes

Majority Members	Vote	Minority Members	Vote
Ms. Jackson Lee	No	Mr. Katko	Aye
Mr. Langevin	No	Mr. McCaul	Aye
Mr. Payne	No	Mr. Higgins (LA)	Aye
Mr. Correa	No	Mr. Guest	Aye
Ms. Slotkin	No	Mr. Bishop (NC)	Aye
Mr. Cleaver	No	Mr. Van Drew	Aye
Mr. Green (TX)	No	Mr. Norman	Aye
Ms. Clarke (NY)	No	Mrs. Miller-Meeks	Aye
Mr. Swalwell	No	Mrs. Harshbarger	Aye
Ms. Titus	No	Mr. Clyde	Aye
Mrs. Watson Coleman	No	Mr. Gimenez	Aye
Miss Rice (NY)	No	Mr. LaTurner	Aye
Mrs. Demings	No	Mr. Meijer
Ms. Barragán	No	Mrs. Cammack	Aye
Mr. Gottheimer	No	Mr. Pfluger
Mrs. Luria	No	Mr. Garbarino	Aye
Mr. Malinowski	No		
Mr. Torres (NY)	No		
Mr. Thompson (MS), Chairman.	No		

2. A motion by Mr. Thompson to favorably report H.R. 6856 to the House, as amended, was agreed to by a recorded vote of 21 ayes and 12 noes (Rollcall No. 31).

Committee Record Vote No. 31

Thompson (MS) Motion to Favorably Report H.R. 6856, as amended
Agreed to: 21 ayes and 12 noes

Majority Members	Vote	Minority Members	Vote
Ms. Jackson Lee	Aye	Mr. Katko	Aye
Mr. Langevin	Aye	Mr. McCaul	No
Mr. Payne	Aye	Mr. Higgins (LA)	No
Mr. Correa	Aye	Mr. Guest	No
Ms. Slotkin	Aye	Mr. Bishop (NC)	No
Mr. Cleaver	Aye	Mr. Van Drew	No
Mr. Green (TX)	Aye	Mr. Norman	No
Ms. Clarke (NY)	Aye	Mrs. Miller-Meeks	No
Mr. Swalwell	Aye	Mrs. Harshbarger	No
Ms. Titus	Aye	Mr. Clyde	No
Mrs. Watson Coleman	Aye	Mr. Gimenez	Aye
Miss Rice (NY)	Aye	Mr. LaTurner	No
Mrs. Demings	Aye	Mr. Meijer
Ms. Barragán	Aye	Mrs. Cammack	No
Mr. Gottheimer	Aye	Mr. Pfluger
Mrs. Luria	Aye	Mr. Garbarino	No
Mr. Malinowski	Aye		
Mr. Torres (NY)	Aye		
Mr. Thompson (MS), Chairman.	Aye		

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 6856 is to enhance aviation and airport security by reducing the number of firearms brought to TSA checkpoints, including by better informing the public about restrictions regarding carrying firearms at checkpoints and strengthening enforcement of such restrictions in certain limited circumstances.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 6856 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, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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 H.R. 6856 does not relate to the terms and conditions of employment or access to public services or accom-

modations 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 states that the Act may be cited as the “Securing Air Travel Act”.

Sec. 2. Signage.

This section requires TSA to display uniform signage at all passenger screening checkpoints nationwide informing individuals of the restrictions regarding carrying firearms in the sterile area of an airport. This requirement, which takes effect 1 year from the date of enactment, also specifies that such signs must include a concise description of the maximum criminal penalty and maximum civil penalty an individual may face for carrying a firearm into the sterile area, as well as corresponding statutory or regulatory citations. Moreover, such signs must include a visual element. The Committee anticipates that such signs could be displayed electronically or non-electronically. At each airport, such signs must be prominently displayed and located in such a manner that they would reasonably be expected to be seen by an individual prior to entering the checkpoint.

In addition, the bill requires additional signage at the airports where the surge in firearm interdictions is most acute. Specifically, TSA is required to publish a biennial list of not fewer than 25 airports at which firearms were most frequently caught at checkpoints in the prior 2-year period. In the unlikely event that firearms were caught at fewer than 25 airports in any given 2-year period, TSA may simply list those airports at which firearms were interdicted. It is the Committee’s expectation that TSA will identify the 25 airports with the largest raw numbers of firearms caught, rather than the 25 airports with the largest numbers of firearms caught per passengers screened. Upon TSA’s publication of this list every 2 years, each airport named on the list shall be required to install additional signage at each entrance to its terminals within 180 days, informing the public and individuals planning to enter a checkpoint of the restrictions regarding carrying firearms in the sterile area of the airport and, as applicable, any State, local, territorial, or other jurisdiction-specific restrictions on carrying firearms in the publicly accessible areas of the airport. Except to the extent there is varying jurisdiction-specific information, such signs shall be consistent in appearance and information nationwide.

Finally, in the case of both types of required signage, any relevant information on such signage that becomes outdated due to statutory, regulatory, or other changes must be updated in a timely manner. This provision, however, does not apply to annual inflation adjustments to civil monetary penalty amounts.

Sec. 3. Public awareness initiatives.

While the signage provisions of this legislation seek to ensure travelers already at the airport are aware of the restrictions on firearms in sterile areas, this section seeks to provide individuals with such information prior to their arrival at an airport. Specifi-

cally, within 120 days of enactment, TSA is required to implement a public awareness campaign to inform the public of the potential criminal and civil consequences of carrying a firearm in the sterile area of an airport. The campaign must include actual examples of criminal and civil consequences imposed on individuals, but such examples may not include any personally identifiable information.

The legislation enumerates certain mandatory elements of this campaign. First, it must include the use of TSA websites, social media channels, press releases, and other means of external communication. Second, it must involve the production of audiovisual content and the distribution of such content on online video sharing platforms. Third, TSA must engage with external organizations, including local and national organizations with memberships that could benefit from information regarding how to lawfully travel with a firearm in checked baggage or, in the case of an authorized law enforcement officer, lawfully enter a sterile area with a firearm. Fourth, TSA must engage with local press and media to the extent practicable, including in the cities that host the 25 airports with the highest number of airport firearm interdictions. Finally, TSA must engage with a variety of transportation and law enforcement stakeholders regarding potential partnerships, including with ride-sharing apps and airlines about the possibility of integrating warnings regarding checkpoint firearm restrictions into apps and websites used by passengers to reserve ground transportation to the airport and check into flights.

TSA's authority to include additional elements in the public awareness campaign is preserved; TSA is directed to supplement and not supplant any existing public awareness efforts regarding firearms. For instance, TSA currently releases press releases and social media posts regarding firearm catch statistics and notable firearm interdictions, and H.R. 6856 envisions the continuation of such efforts.

Finally, this section authorizes the TSA Administrator to purchase or otherwise place targeted advertisements describing the potential criminal and civil consequences of carrying a firearm to a checkpoint. H.R. 6856 specifically envisions such advertisements appearing on websites and in publications, as well as other advertisement mediums, that target audiences seeking information about firearms, travel or tourism, related matters, or other subjects that TSA determines appropriate. As is the case with the public awareness campaign, these advertisements must include actual examples of imposed criminal and civil consequences but may not include personally identifiable information.

Sec. 4. Fines.

This section requires the TSA Administrator to establish minimum civil monetary penalty amounts, which may nonetheless be reduced under appropriate circumstances, for repeat or egregious violations of subsection (a) of 49 C.F.R 1540.111—the Federal regulation prohibiting the carriage of weapons, explosives, and incendiaries into sterile areas of airports—that involve a firearm. This provision applies only to a narrow, specified class of violations and does not apply to first-time violators accidentally bringing ordinary firearms to checkpoints. Under current practice and authority, TSA

routinely assesses civil penalties for bringing firearms to checkpoints of up to \$13,910.

Under this legislation, in the case of repeat violations, an individual who brings a firearm to a checkpoint on two or more occasions within a given 5-year period from the date of the adjudication of an initial violation shall be assessed at least \$10,000 if the firearm was unloaded or at least \$12,500 if the firearm was loaded or accompanied by accessible ammunition. If the subsequent violation occurred more than five years from the date of the adjudication of the initial violation, the penalty shall be at least \$5,000 if the firearm was unloaded and at least \$10,000 if the firearm was loaded or accompanied by accessible ammunition.

The bill explicitly and carefully enumerates circumstances that render a violation egregious. In the case of knowing violations involving a deliberate attempt to conceal a firearm, the violator would be subject to a civil penalty of at least \$10,000. A civil penalty of at least \$5,000 applies if the TSA Administrator determines a violation is otherwise egregious, including if the firearm unlawfully fails to include a serial number or was manufactured using additive-layer manufacturing. The penalty of at least \$5,000 also applies if the TSA Administrator determines a firearm, or ammunition identified alongside a firearm, was of a nature or type that poses a greater risk to aviation security than those typically caught at checkpoints. This language is in keeping with the Administrator's existing statutory authority to exercise discretion in assessing firearm-related penalties of up to \$13,910 depending on the nature of the violation.

Critically, this section also contains extensive protections to ensure individuals subject to TSA penalties are afforded due process and an opportunity for individualized consideration of their circumstances. An individual subject to minimum penalty may appeal such penalty or seek a reduction in the amount of such penalty, including a reduction to an amount that is less than the minimum. Such requests shall be granted as the TSA Administrator determines appropriate, including by taking into account the existing mitigating factors provided for under TSA's security regulations. The TSA Administrator may also provide for payment plans. Additionally, the bill exempts from the minimum civil penalties any individual who self-discloses a firearm violation to the TSA, a Screening Partnership Program participant, a government representative, an employee or contractor of an airline or airport, or other appropriate authority after the individual is present for screening but prior to the detection of the firearm. The bill also requires the TSA Administrator to inform relevant personnel of the appropriate procedures for handling the self-disclosure of such a violation, including procedures for contacting law enforcement.

The bill also enhances TSA's ability to detect firearms at checkpoints by requiring that the TSA Administrator obligate and expend amounts received from the imposition of civil monetary penalties under this section for repeat or egregious firearm offenses on the acquisition and deployment of passenger screening checkpoint technology.

Finally, this section contains multiple rules of construction to ensure its provisions are interpreted consistent with their intent, in-

cluding to ensure certain firearm replicas are not treated as firearms for purposes of the minimum civil penalties described above.

Sec. 5. PreCheck eligibility.

This section codifies TSA's existing practice of disqualifying any unauthorized individual who possesses a firearm at a checkpoint from expedited security screening, including through the TSA PreCheck program, for a period of time. The length of such period of ineligibility or prohibition shall be determined by the TSA Administrator in his or her sole discretion. This section further provides that an individual subject to such a period of ineligibility or prohibition may petition the TSA Administrator for a reduction in the duration of such period. Consistent with the discretionary nature of expedited screening and PreCheck program eligibility, in all cases, the approval or denial of any such request for reconsideration shall be in the TSA Administrator's sole discretion.

Sec. 6. Report.

This section requires TSA to submit to the House Committee on Homeland Security and the Senate Commerce, Science, and Transportation Committee reports regarding the implementation of this legislation and the threat of firearms at airports. The first report is due within 1 year of the date of enactment, and subsequent reports are due biennially thereafter. Specific matters required to be contained in these reports include information regarding the implementation of this legislation's signage requirements (including the biennial list of the top 25 airports for firearms interdictions), a description of TSA's firearm-related public awareness initiatives, statistics regarding the number of firearms interdictions (including specific information on such interdictions that involved individuals receiving expedited screening), statistics regarding firearms-related PreCheck program revocations or denials, and any new or evolving threats related to firearms in public area security at airports.

Sec. 7. Government Accountability Office review.

This section requires GAO to submit to the House Committee on Homeland Security and the Senate Commerce, Science, and Transportation Committee a review of TSA's implementation of this legislation, efforts to reduce the carriage of firearms at checkpoints through other means, and efforts to enhance public area security at airports. Such review must be submitted to Congress not later than 2 years from the date of enactment.

Sec. 8. Definitions.

The final section of the legislation defines the terms "appropriate congressional committees," "passenger screening checkpoint," and "sterile area."

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

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SUBTITLE VII—AVIATION PROGRAMS

* * * * *

PART A—AIR COMMERCE AND SAFETY

* * * * *

SUBPART III—SAFETY

* * * * *

CHAPTER 449—SECURITY

SUBCHAPTER I—REQUIREMENTS

Sec.

44901. Screening passengers and property.

* * * * *

44930. *Minimum civil monetary penalties for certain firearm-related violations.*

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SUBCHAPTER I—REQUIREMENTS

§ 44901. Screening passengers and property

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5), except as otherwise provided in section 44920 and except for identifying passengers and baggage for screening under the CAPPS and known shipper programs and conducting positive bag-match programs.

(b) SUPERVISION OF SCREENING.—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

(c) CHECKED BAGGAGE.—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable.

(d) EXPLOSIVES DETECTION SYSTEMS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall take all necessary action to ensure that—

(A) explosives detection systems are deployed as soon as possible to ensure that all United States airports described in section 44903(c) have sufficient explosives detection systems to screen all checked baggage, and that as soon as such systems are in place at an airport, all checked baggage at the airport is screened by those systems; and

(B) all systems deployed under subparagraph (A) are fully utilized; and

(C) if explosives detection equipment at an airport is unavailable, all checked baggage is screened by an alternative means.

(2) PRECLEARANCE AIRPORTS.—

(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Administrator of the Transportation Security Administration may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

(B) AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.—In this paragraph, the term “aviation security preclearance agreement” means an agreement that delineates and implements security standards and protocols that are determined by the Administrator of the Transportation Security Administration, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

(C) RESCREENING REQUIREMENT.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with this paragraph, the Administrator shall ensure that Transportation Security Administration personnel re-screen passengers arriving from such airports and their property in the United States before such passengers are permitted into sterile areas of airports in the United States.

(D) REPORT.—The Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Administrator determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be rescreened in the United States by an explosives detection system before such baggage continued on an additional flight or flight segment.

(ii) The amount of Federal savings generated from the exercise of such authority.

(e) **MANDATORY SCREENING WHERE EDS NOT YET AVAILABLE.**—As soon as practicable and until the requirements of subsection (b)(1)(A) are met, the Administrator of the Transportation Security Administration shall require alternative means for screening any piece of checked baggage that is not screened by an explosives detection system. Such alternative means may include 1 or more of the following:

(1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.

(2) Manual search.

(3) Search by canine explosives detection units in combination with other means.

(4) Other means or technology approved by the Administrator.

(f) **CARGO DEADLINE.**—A system must be in operation to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation and intrastate air transportation as soon as practicable.

(g) **AIR CARGO ON PASSENGER AIRCRAFT.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

(2) **MINIMUM STANDARDS.**—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage.

(3) **REGULATIONS.**—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

(4) **SCREENING DEFINED.**—In this subsection the term “screening” means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with

manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(h) DEPLOYMENT OF ARMED PERSONNEL.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Administrator of the Transportation Security Administration shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Administrator shall order the deployment of additional law enforcement personnel at airport security screening locations if the Administrator determines that the additional deployment is necessary to ensure passenger safety and national security.

(i) EXEMPTIONS AND ADVISING CONGRESS ON REGULATIONS.—The Administrator of the Transportation Security Administration—

(1) may exempt from this section air transportation operations, except scheduled passenger operations of an air carrier providing air transportation under a certificate issued under section 41102 of this title or a permit issued under section 41302 of this title; and

(2) shall advise Congress of a regulation to be prescribed under this section at least 30 days before the effective date of the regulation, unless the Administrator decides an emergency exists requiring the regulation to become effective in fewer than 30 days and notifies Congress of that decision.

(j) BLAST-RESISTANT CARGO CONTAINERS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall—

(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before August 3, 2007; and

(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT.—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—

(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

(B) pay for the program; and

(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

(3) DISTRIBUTION TO AIR CARRIERS.—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.

(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall—

(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); and

(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

(2) GRANT PROGRAM.—The Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m))¹ for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—The Administrator shall develop a risk-based system under which—

(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

(B) such information is checked against appropriate databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).

(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ADVANCED IMAGING TECHNOLOGY.—The term “advanced imaging technology”—

(i) means a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as “whole-

body imaging technology” or “body scanning machines”.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Homeland Security of the House of Representatives.

(C) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term “automatic target recognition software” means software installed on an advanced imaging technology that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

(2) USE OF ADVANCED IMAGING TECHNOLOGY.—The Administrator of the Transportation Security Administration shall ensure that any advanced imaging technology used for the screening of passengers under this section—

(A) is equipped with and employs automatic target recognition software; and

(B) complies with such other requirements as the Administrator determines necessary to address privacy considerations.

(3) EXTENSION.—

(A) IN GENERAL.—The Administrator of the Transportation Security Administration may extend the deadline specified in paragraph (2), if the Administrator determines that—

(i) an advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as an advanced imaging technology without such software; or

(ii) additional testing of such software is necessary.

(B) DURATION OF EXTENSIONS.—The Administrator of the Transportation Security Administration may issue one or more extensions under subparagraph (A). The duration of each extension may not exceed one year.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Administrator of the Transportation Security Administration issues any extension under paragraph (3), the Administrator shall submit to the appropriate congressional committees a report on the implementation of this subsection.

(B) ELEMENTS.—A report submitted under subparagraph (A) shall include the following:

(i) A description of all matters the Administrator of the Transportation Security Administration considers relevant to the implementation of the requirements of this subsection.

(ii) The status of compliance by the Transportation Security Administration with such requirements.

(iii) If the Administration is not in full compliance with such requirements—

(I) the reasons for the noncompliance; and
 (II) a timeline depicting when the Administrator of the Transportation Security Administration expects the Administration to achieve full compliance.

(C) SECURITY CLASSIFICATION.—To the greatest extent practicable, a report prepared under subparagraph (A) shall be submitted in an unclassified format. If necessary, the report may include a classified annex.

(m) SIGNAGE REGARDING FIREARMS.—

(1) CHECKPOINT SIGNAGE.—*Not later than one year after the date of the enactment of this subsection, the Administrator of the Transportation Security Administration shall display uniform signage in passenger screening checkpoints to inform individuals at such checkpoints of restrictions regarding the carrying of a firearm in the sterile area of an airport. Such signage shall include visual elements and a concise description of the maximum criminal and civil penalties (with relevant statutory or regulatory citations) for unlawfully carrying a firearm in the sterile area of an airport.*

(2) PLACEMENT.—*Signage under paragraph (1) shall be prominently displayed and located in such a manner that it would reasonably be expected to be seen by an individual prior to entering the passenger screening checkpoint.*

(3) AIRPORTS WITH FREQUENT FIREARM INTERDICTIONS.—*Not later than one year after the date of the enactment of this subsection and biennially thereafter, the Administrator of the Transportation Security Administration shall publish a list of not fewer than 25 airports at which firearms were most frequently interdicted at passenger screening checkpoints in the prior two years. If with respect to any such list there are fewer than 25 such airports, such list shall include as many of such airports as are otherwise described in this paragraph.*

(4) ADDITIONAL ENHANCED SIGNAGE FOR AIRPORTS WITH FREQUENT FIREARM INTERDICTIONS.—*Not later than 180 days after the date of the publication of each list required under paragraph (3), the Administrator of the Transportation Security Administration shall require each airport included on the list to install additional enhanced signage at all passenger terminal entrances to such airports to inform the public and individuals planning to enter a passenger screening checkpoint of the restrictions regarding the carrying of a firearm in the sterile area of the airport and, as applicable, State, local, territorial, or other jurisdiction-specific restrictions on carrying firearms in the publicly-accessible areas of the airport. Such additional enhanced signage shall be consistent for all airports required to install such additional enhanced signage under this paragraph, except, as the case may be, for descriptions of such applicable State, local, territorial, or other jurisdiction-specific restrictions. The Administrator may permit an airport to remove such signage if such airport is not included on a subsequent list.*

(5) OUTDATED SIGNAGE.—*If any relevant information on signage installed pursuant to this subsection is rendered inaccurate due to statutory, regulatory, or other changes, the Administrator shall ensure such signage is updated in a timely manner,*

except this paragraph does not apply in the case of annual inflation adjustments to civil monetary penalties.

(6) *DEFINITIONS.—In this subsection:*

(A) *PASSENGER SCREENING CHECKPOINT.—The term “passenger screening checkpoint” means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920, or other comparable authority, provides for the screening of passengers and carry-on baggage.*

(B) *PASSENGER TERMINAL ENTRANCE.—The term “passenger terminal entrance” means the area at each airport located in the United States where individuals arriving to the airport by means other than a flight first enter the terminal or other comparable enclosure containing passenger facilities of the airport located prior to the passenger screening checkpoint.*

(C) *STERILE AREA.—The term “sterile area” has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations.*

* * * * *

§ 44919. PreCheck Program

(a) *IN GENERAL.—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).*

(b) *EXPANSION.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title, with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.*

(c) *MINIMUM CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:*

(1) *Start-to-finish secure online or mobile enrollment capability.*

(2) *Vetting of an applicant by means other than biometrics, such as a risk assessment, if—*

(A) *such means—*

(i) *are evaluated and certified by the Secretary of Homeland Security;*

(ii) *meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); and*

(iii) *are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and*

(B) *with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper*

- utilization of information employed in such risk assessments.
- (d) **ADDITIONAL CAPABILITY REQUIREMENTS.**—At least 1 agreement under subsection (b) shall include the following capabilities:
- (1) Start-to-finish secure online or mobile enrollment capability.
 - (2) Vetting of an applicant by means of biometrics if the collection—
 - (A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology;
 - (B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as “Privacy Act of 1974”), and with agency regulations;
 - (C) is evaluated and certified by the Secretary of Homeland Security; and
 - (D) is determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history.
- (e) **TARGET ENROLLMENT.**—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:
- (1) 7,000,000 passengers before October 1, 2019.
 - (2) 10,000,000 passengers before October 1, 2020.
 - (3) 15,000,000 passengers before October 1, 2021.
- (f) **MARKETING OF PRECHECK PROGRAM.**—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—
- (1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and
 - (2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.
- (g) **IDENTITY VERIFICATION ENHANCEMENT.**—The Administrator shall—
- (1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the identity and citizenship of individuals enrolling in the PreCheck Program;
 - (2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and
 - (3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.
- (h) **PRECHECK PROGRAM LANES OPERATION.**—The Administrator shall—
- (1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at ap-

appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(i) **ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR EXPEDITED SECURITY SCREENING.**—

(1) **IN GENERAL.**—Subject to paragraph (3), an individual specified in paragraph (2) is eligible for expedited security screening under the PreCheck Program.

(2) **INDIVIDUALS SPECIFIED.**—An individual specified in this subsection is any of the following:

(A) A member of the Armed Forces, including a member of a reserve component or the National Guard.

(B) A cadet or midshipman of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(C) A family member of an individual specified in subparagraph (A) or (B) who is younger than 12 years old and accompanying the individual.

(3) **IMPLEMENTATION.**—The eligibility of an individual specified in paragraph (2) for expedited security screening under the PreCheck Program is subject to such policies and procedures as the Administrator may prescribe to carry out this subsection, in consultation with the Secretary of Defense and, with respect to the United States Coast Guard, the Commandant of the United States Coast Guard.

(j) **VETTING FOR PRECHECK PROGRAM PARTICIPANTS.**—The Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck 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 PreCheck Program.

(k) **ASSURANCE OF SEPARATE PROGRAM.**—In carrying out this section, the Administrator shall ensure that the additional private sector application capabilities under subsections (b), (c), and (d) are undertaken in addition to any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

(l) **EXPENDITURE OF FUNDS.**—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall be expended in a manner that includes the requirements of this section.

(m) **INELIGIBILITY OF INDIVIDUALS UNLAWFULLY POSSESSING FIREARMS IN RESTRICTED AREAS.**—

(1) **IN GENERAL.**—*Any unauthorized individual who possesses a firearm after the individual is present for screening at a passenger screening checkpoint shall be ineligible for expedited security screening and prohibited from participating in the PreCheck Program for a period of time determined by the Administrator of the Transportation Security Administration in the Administrator's sole discretion.*

(2) *REQUEST FOR RECONSIDERATION.*—The Administrator of the Transportation Security Administration shall maintain a procedure through which an individual subject to a period of ineligibility pursuant to this subsection may petition the Administrator for a reduction in the duration of such period. The Administrator may, if the Administrator determines such is appropriate, reduce such duration. Any such determination shall be in the Administrator's sole discretion.

(3) *DEFINITION.*—In this subsection, the term “passenger screening checkpoint” means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920, or other comparable authority, provides for the screening of passengers and carry-on baggage.

* * * * *

§44930. Minimum civil monetary penalties for certain firearm-related violations

(a) *IN GENERAL.*—Not later than 60 days after the date of the enactment of this section, the Administrator of the Transportation Security Administration shall establish minimum civil monetary penalty amounts for repeat or egregious violations of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, relating to the carriage of firearms on or in an individual's person or accessible property into the sterile area of an airport or onboard an aircraft.

(b) *MINIMUM CIVIL MONETARY PENALTIES FOR REPEAT VIOLATIONS.*—The minimum civil monetary penalty amount for a repeat violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, involving a firearm shall be—

(1) in the case of an individual with respect to whom such a repeat violation occurs within five years of the date of the final adjudication of a previous such violation—

(A) \$10,000 for any such repeat violation involving an unloaded firearm; and

(B) \$12,500 for any such repeat violation involving a loaded firearm or unloaded firearm with accessible ammunition; and

(2) in the case of an individual with respect to whom such a repeat violation occurs more than five years after the date of the final adjudication of a previous such violation—

(A) \$5,000 for any such repeat violation involving an unloaded firearm; and

(B) \$10,000 for any such repeat violation involving a loaded firearm or unloaded firearm with accessible ammunition.

(c) *MINIMUM CIVIL MONETARY PENALTIES FOR EGREGIOUS VIOLATIONS.*—The minimum civil monetary penalty amount for an intentional or otherwise egregious violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, involving a firearm shall be—

(1) \$10,000 for any knowing violation in the case of a deliberate attempt to conceal such firearm; and

(2) \$5,000 for any violation which the Administrator of the Transportation Security Administration determines is otherwise egregious, including if the firearm at issue—

(A) is known to the Administrator to—

(i) not contain a serial number when required by law; or

(ii) have been manufactured using additive layer manufacturing (commonly known as “3-D printing”); or

(B) is—

(i) of a nature or type that poses a greater risk to aviation security than firearms typically identified at passenger screening checkpoints; or

(ii) identified with ammunition that is of a nature or type that poses a greater risk to aviation security than ammunition typically identified at passenger screening checkpoints.

(d) *SPECIAL CIRCUMSTANCES.*—An individual subject to a minimum civil monetary penalty amount pursuant to subsection (a) may appeal such penalty amount or seek a reduction in such penalty amount in the case of such individual’s particular violation, including based on mitigating factors (including in accordance with subsection (e)) pursuant to procedures provided for in the Transportation Security Administration’s security regulations. The Administrator of the Transportation Security Administration may, if the Administrator determines such is appropriate, grant such appeal or reduce such penalty amount, as the case may be.

(e) *SELF-DISCLOSURE.*—Notwithstanding any other provision of this section, the Administrator of the Transportation Security Administration may consider self-disclosure as a mitigating factor when determining the amount of a civil monetary penalty if an individual, in good faith, voluntarily discloses a violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, to the Transportation Security Administration, an entity authorized to conduct screening pursuant to section 44920 of title 49, United States Code, a Government representative, an employee or contractor of an airline or airport, or other appropriate authority, after the individual is present for screening at a passenger screening checkpoint but prior to the detection of such violation. The Administrator shall inform appropriate Administration passenger screening checkpoint personnel, entities authorized to conduct screening pursuant to section 44920 of title 49, United States Code, Government representatives, employees or contractors of an airline or airport, and other appropriate authorities regarding appropriate procedures for handling the self-disclosure of such a violation, including procedures for contacting law enforcement.

(f) *PAYMENT PLANS.*—The Administrator of the Transportation Security Administration may provide payment plans for payment of civil monetary penalty amounts under this section for a violation of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, in the event an individual provides documentation of hardship.

(g) *USE OF AMOUNTS FROM CIVIL MONETARY PENALTIES.*—The Administrator shall obligate and expend amounts received from the imposition of civil monetary penalties under this section for repeat

or egregious violations of subsection (a) of section 1540.111 of title 49, Code of Federal Regulations, involving a firearm for the acquisition and deployment of passenger screening checkpoint technology.

(h) *RULE OF CONSTRUCTION.*—Nothing in this section may be interpreted as—

(1) limiting the authority of the Administrator of the Transportation Security Administration to issue civil monetary penalty amounts that are greater than those established as minimum civil monetary penalty amounts pursuant to this section;

(2) limiting the authority of the Administrator to establish minimum civil monetary penalty amounts with respect to first-time or non-egregious violations of section 1540.111 of title 49, Code of Federal Regulations; or

(3) instructing the Administrator to establish a minimum civil monetary penalty amount with respect to violations involving unloaded replicas of firearms not capable of discharge.

(i) *DEFINITION.*—In this section, the term “passenger screening checkpoint” means the designated area at each airport located in the United States at which the Transportation Security Administration, or an entity authorized by the Administration pursuant to section 44920, or other comparable authority, provides for the screening of passengers and carry-on baggage.

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