

SUMMARY OF H.R. 5340, THE FUNDING FOR AVIATION SCREENERS AND THREAT ELIMINATION RESTORATION ACT (FASTER ACT)

May 25, 2016

BACKGROUND

In the wake of the September 11, 2001 terrorist attacks, Congress enacted the Aviation and Transportation Security Act (ATSA) (P.L. 107-71), which created the Transportation Security Administration (TSA). Under the legislation, TSA assumed responsibility for aviation security, including security screening airline passengers and their baggage.

To help finance the cost of securing the Nation's aviation transportation system, Congress established an airline passenger fee, the September 11 Security Fee. The passenger fee is currently \$5.60 per one-way trip, except that the fee imposed per round trip may not exceed \$11.20.

However, in 2013, in a budget gimmick to help “offset” the cost of a budget agreement, Congress began diverting one-third of the revenue collected from these airline passenger fees to the General Fund, as an offset to the Federal budget.¹ The Bipartisan Budget Act of 2013 (Budget Act) (P.L. 113-67) diverted \$12.6 billion over 10 years (FY 2014 - FY 2023) to the General Fund. Section 601(c) of the Budget Act, codified as 49 U.S.C. 44940(i), provides the specific annual amounts of revenue collected from passengers to be deposited in the General Fund. For instance, in FY 2015, passengers paid \$3.5 billion of aviation security fees. However, only \$2.3 billion of this amount was used to help offset the \$6.8 billion cost of TSA's aviation security expenses; \$1.2 billion was diverted to the General Fund.

Moreover, in 2014, Congress used the same budget gimmick again to help “offset” the cost of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 (P.L. 114-41). Section 3001 of the Act extends the budget gimmick for two additional years (through FY 2025), diverting an additional \$3.2 billion from TSA aviation security screening to the General Fund.

In total, under current law, \$15.8 billion – more than one-third of all airline passenger fees collected – will be diverted from TSA aviation security screening to the General Fund from FY 2014 through FY 2025.

H.R. 5340, THE FASTER ACT

H.R. 5340 repeals these budget gimmicks and ensures that revenues collected from passengers are used to help finance the costs of aviation security screening. This bill will better enable Congress to increase funding for TSA to hire additional Transportation Security Officers or fund overtime to help address the enormous congestion at TSA screening at certain airports.

Specifically, the bill repeals 49 U.S.C. 44940(i), which provides the specific annual amounts of revenue collected from passengers to be deposited in the General Fund. Repealing this provision

¹ See Adjustment of Passenger Civil Aviation Security Service Fee, 80 Fed. Reg. 31850, 31856 tbl. 7 (June 4, 2015).

will enable Congress to use these funds – totaling **\$14.2 billion** from FY 2016 through FY 2025 – to help finance the costs of aviation security screening.