

114TH CONGRESS  
2D SESSION

# H. R. 5292

To amend title 49, United States Code, relating to hiring of certain air traffic control specialists, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2016

Mr. CURBELO of Florida (for himself and Mr. SEAN PATRICK MALONEY of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, relating to hiring of certain air traffic control specialists, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Traffic Controller  
5 Hiring Improvement Act of 2016”.

6 **SEC. 2. HIRING OF AIR TRAFFIC CONTROLLERS.**

7 (a) IN GENERAL.—Section 44506 of title 49, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

1       “(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL  
2 SPECIALISTS.—

3               “(1) CONSIDERATION OF APPLICANTS.—

4                       “(A) ENSURING SELECTION OF MOST  
5 QUALIFIED APPLICANTS.—In appointing indi-  
6 viduals to the position of air traffic controllers,  
7 the Administrator shall give preferential consid-  
8 eration to qualified individuals maintaining 52  
9 consecutive weeks of air traffic control experi-  
10 ence involving the active separation of air traf-  
11 fic after receipt of an air traffic certification or  
12 air traffic control facility rating within 5 years  
13 of application while serving at—

14                               “(i) a Federal Aviation Administra-  
15 tion air traffic control facility;

16                               “(ii) a civilian or military air traffic  
17 control facility of the Department of De-  
18 fense; or

19                               “(iii) a tower operating under con-  
20 tract with the Federal Aviation Adminis-  
21 tration under section 47124.

22                       “(B) CONSIDERATION OF ADDITIONAL AP-  
23 PPLICANTS.—The Administrator shall consider  
24 additional applicants for the position of air traf-  
25 fic controller by referring an approximately

1 equal number of employees for appointment  
2 among 2 applicant pools. The number of em-  
3 ployees referred for consideration from each  
4 group shall not differ by more than 10 percent.

5 “(i) POOL ONE.—Pool one shall con-  
6 sist of applicants who—

7 “(I) have successfully completed  
8 air traffic controller training and  
9 graduated from an institution partici-  
10 pating in the Collegiate Training Ini-  
11 tiative program maintained under  
12 subsection (c)(1) who have received  
13 from the institution—

14 “(aa) an appropriate rec-  
15 ommendation; or

16 “(bb) an endorsement certi-  
17 fying that the applicant would  
18 have met the requirements in ef-  
19 fect as of December 31, 2013,  
20 for an appropriate recommenda-  
21 tion;

22 “(II) are eligible for a veterans  
23 recruitment appointment pursuant to  
24 section 4214 of title 38 and provide a  
25 Certificate of Release or Discharge

1 from Active Duty within 120 days of  
2 the announcement closing;

3 “(III) are eligible veterans under  
4 section 4211 of title 38 maintaining  
5 aviation experience obtained in the  
6 course of the individual’s military ex-  
7 perience; or

8 “(IV) are preference eligible vet-  
9 erans pursuant to section 2108 of title  
10 5.

11 “(ii) POOL TWO.—Pool two shall con-  
12 sist of applicants who apply under a va-  
13 cancy announcement recruiting from all  
14 United States citizens.

15 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

16 “(A) BIOGRAPHICAL ASSESSMENTS.—The  
17 Administration may not use any biographical  
18 assessment when hiring under subparagraph  
19 (A) or subparagraph (B)(i) of paragraph (1).

20 “(B) RECONSIDERATION OF APPLICANTS  
21 DISQUALIFIED ON THE BASIS OF BIOGRAPHICAL  
22 ASSESSMENTS.—

23 “(i) IN GENERAL.—If an individual  
24 described in subparagraph (A) or subpara-  
25 graph (B)(i) of paragraph (1) who applied

1 for the position of air traffic controller  
2 with the Administration in response to Va-  
3 cancy Announcement FAA-AMC-14-  
4 ALLSRCE-33537 (issued on February 10,  
5 2014) and was disqualified from the posi-  
6 tion as the result of a biographical assess-  
7 ment, the Administrator shall provide the  
8 applicant an opportunity to reapply as  
9 soon as practicable for the position under  
10 the revised hiring practices.

11 “(ii) WAIVER OF AGE RESTRICTION.—  
12 The Administrator shall waive any max-  
13 imum age restriction for the position of air  
14 traffic controller with the Administration  
15 that would otherwise disqualify an indi-  
16 vidual from the position if the individual—

17 “(I) is reapplying for the position  
18 pursuant to clause (i) on or before  
19 December 31, 2017; and

20 “(II) met the maximum age re-  
21 quirement on the date of the individ-  
22 ual’s previous application for the posi-  
23 tion during the interim hiring process.

24 “(3) MAXIMUM ENTRY AGE FOR EXPERIENCED  
25 CONTROLLERS.—Notwithstanding section 3307 of

1 title 5, the maximum limit of age for an original ap-  
2 pointment to a position as an air traffic controller  
3 shall be 35 years of age for those maintaining 52  
4 weeks of air traffic control experience involving the  
5 active separation of air traffic after receipt of an air  
6 traffic certification or air traffic control facility rat-  
7 ing in a civilian or military air traffic control facil-  
8 ity.”.

9 (b) NOTIFICATION OF VACANCIES.—The Adminis-  
10 trator of the Federal Aviation Administration shall con-  
11 sider directly notifying secondary schools and institutes of  
12 higher learning, including Historically Black Colleges and  
13 Universities, Hispanic-serving institutions, Minority Insti-  
14 tutions, and Tribal Colleges and Universities, of the va-  
15 cancy announcement under section 44506(f)(1)(B)(ii) of  
16 title 49, United States Code.

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