



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

H. R. 1204

To amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Security
5 Stakeholder Participation Act of 2014”.

6 **SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.**

7 (a) IN GENERAL.—Subchapter II of chapter 449 of
8 title 49, United States Code, is amended by adding at the
9 end the following:

1 **“§ 44946. Aviation Security Advisory Committee**

2 “(a) ESTABLISHMENT.—The Assistant Secretary
3 shall establish within the Transportation Security Admin-
4 istration an aviation security advisory committee.

5 “(b) DUTIES.—

6 “(1) IN GENERAL.—The Assistant Secretary
7 shall consult the Advisory Committee, as appro-
8 priate, on aviation security matters, including on the
9 development, refinement, and implementation of
10 policies, programs, rulemaking, and security direc-
11 tives pertaining to aviation security, while adhering
12 to sensitive security guidelines.

13 “(2) RECOMMENDATIONS.—

14 “(A) IN GENERAL.—The Advisory Com-
15 mittee shall develop, at the request of the As-
16 sistant Secretary, recommendations for im-
17 provements to aviation security.

18 “(B) RECOMMENDATIONS OF SUBCOMMIT-
19 TEES.—Recommendations agreed upon by the
20 subcommittees established under this section
21 shall be approved by the Advisory Committee
22 before transmission to the Assistant Secretary.

23 “(3) PERIODIC REPORTS.—The Advisory Com-
24 mittee shall periodically submit to the Assistant Sec-
25 retary—

1 “(A) reports on matters identified by the
2 Assistant Secretary; and

3 “(B) reports on other matters identified by
4 a majority of the members of the Advisory
5 Committee.

6 “(4) ANNUAL REPORT.—The Advisory Com-
7 mittee shall submit to the Assistant Secretary an an-
8 nual report providing information on the activities,
9 findings, and recommendations of the Advisory Com-
10 mittee, including its subcommittees, for the pre-
11 ceding year. Not later than 6 months after the date
12 that the Secretary receives the annual report, the
13 Secretary shall publish a public version describing
14 the Advisory Committee’s activities and such related
15 matters as would be informative to the public con-
16 sistent with the policy of section 552(b) of title 5.

17 “(5) FEEDBACK.—Not later than 90 days after
18 receiving recommendations transmitted by the Advi-
19 sory Committee under paragraph (4), the Assistant
20 Secretary shall respond in writing to the Advisory
21 Committee with feedback on each of the rec-
22 ommendations, an action plan to implement any of
23 the recommendations with which the Assistant Sec-
24 retary concurs, and a justification for why any of
25 the recommendations have been rejected.

1 “(6) CONGRESSIONAL NOTIFICATION.—Not
2 later than 30 days after providing written feedback
3 to the Advisory Committee under paragraph (5), the
4 Assistant Secretary shall notify the Committee on
5 Commerce, Science, and Transportation of the Sen-
6 ate and the Committee on Homeland Security of the
7 House of Representatives on such feedback, and pro-
8 vide a briefing upon request.

9 “(7) REPORT TO CONGRESS.—Prior to briefing
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on
12 Homeland Security of the House of Representatives
13 under paragraph (6), the Assistant Secretary shall
14 submit to such committees a report containing infor-
15 mation relating to the recommendations transmitted
16 by the Advisory Committee in accordance with para-
17 graph (4).

18 “(c) MEMBERSHIP.—

19 “(1) APPOINTMENT.—

20 “(A) IN GENERAL.—Not later than 180
21 days after the date of enactment of the Aviation
22 Security Stakeholder Participation Act of 2014,
23 the Assistant Secretary shall appoint the mem-
24 bers of the Advisory Committee.

1 “(B) COMPOSITION.—The membership of
2 the Advisory Committee shall consist of individ-
3 uals representing not more than 34 member or-
4 ganizations. Each organization shall be rep-
5 resented by 1 individual (or the individual’s
6 designee).

7 “(C) REPRESENTATION.—The membership
8 of the Advisory Committee shall include rep-
9 resentatives of air carriers, all-cargo air trans-
10 portation, indirect air carriers, labor organiza-
11 tions representing air carrier employees, labor
12 organizations representing transportation secu-
13 rity officers, aircraft manufacturers, airport op-
14 erators, airport construction and maintenance
15 contractors, labor organizations representing
16 employees of airport construction and mainte-
17 nance contractors, general aviation, privacy or-
18 ganizations, the travel industry, airport-based
19 businesses (including minority-owned small
20 businesses), businesses that conduct security
21 screening operations at airports, aeronautical
22 repair stations, passenger advocacy groups, the
23 aviation security technology industry (including
24 screening technology and biometrics), victims of

1 terrorist acts against aviation, and law enforce-
2 ment and security experts.

3 “(2) TERM OF OFFICE.—

4 “(A) TERMS.—The term of each member
5 of the Advisory Committee shall be 2 years. A
6 member of the Advisory Committee may be re-
7 appointed.

8 “(B) REMOVAL.—The Assistant Secretary
9 may review the participation of a member of
10 the Advisory Committee and remove such mem-
11 ber for cause at any time.

12 “(3) PROHIBITION ON COMPENSATION.—The
13 members of the Advisory Committee shall not re-
14 ceive pay, allowances, or benefits from the Govern-
15 ment by reason of their service on the Advisory
16 Committee.

17 “(4) MEETINGS.—

18 “(A) IN GENERAL.—The Assistant Sec-
19 retary shall require the Advisory Committee to
20 meet at least semiannually and may convene
21 additional meetings as necessary.

22 “(B) PUBLIC MEETINGS.—At least 1 of
23 the meetings described in subparagraph (A)
24 shall be open to the public.

1 “(C) ATTENDANCE.—The Advisory Com-
2 mittee shall maintain a record of the persons
3 present at each meeting.

4 “(5) MEMBER ACCESS TO SENSITIVE SECURITY
5 INFORMATION.—Not later than 60 days after the
6 date of a member’s appointment, the Assistant Sec-
7 retary shall determine if there is cause for the mem-
8 ber to be restricted from possessing sensitive secu-
9 rity information. Without such cause, and upon the
10 member voluntarily signing a non-disclosure agree-
11 ment, the member may be granted access to sen-
12 sitive security information that is relevant to the
13 member’s advisory duties. The member shall protect
14 the sensitive security information in accordance with
15 part 1520 of title 49, Code of Federal Regulations.

16 “(6) CHAIRPERSON.—A stakeholder representa-
17 tive on the Advisory Committee who is elected by the
18 appointed membership of the Advisory Committee
19 shall chair the Advisory Committee.

20 “(d) SUBCOMMITTEES.—

21 “(1) MEMBERSHIP.—The Advisory Committee
22 chairperson, in coordination with the Assistant Sec-
23 retary, may establish within the Advisory Committee
24 any subcommittee that the Assistant Secretary and
25 Advisory Committee determine to be necessary. The

1 Assistant Secretary and the Advisory Committee
2 shall create subcommittees to address aviation secu-
3 rity issues, including the following:

4 “(A) AIR CARGO SECURITY.—The imple-
5 mentation of the air cargo security programs
6 established by the Transportation Security Ad-
7 ministration to screen air cargo on passenger
8 aircraft and all-cargo aircraft in accordance
9 with established cargo screening mandates.

10 “(B) GENERAL AVIATION.—General avia-
11 tion facilities, general aviation aircraft, and heli-
12 copter operations at general aviation and com-
13 mercial service airports.

14 “(C) PERIMETER AND ACCESS CONTROL.—
15 Recommendations on airport perimeter security,
16 exit lane security and technology at commercial
17 service airports, and access control issues.

18 “(D) SECURITY TECHNOLOGY.—Security
19 technology standards and requirements, includ-
20 ing their harmonization internationally, tech-
21 nology to screen passengers, passenger baggage,
22 carry-on baggage, and cargo, and biometric
23 technology.

24 “(2) RISK-BASED SECURITY.—All subcommit-
25 tees established by the Advisory Committee chair-

1 person in coordination with the Assistant Secretary
2 shall consider risk-based security approaches in the
3 performance of their functions that weigh the opti-
4 mum balance of costs and benefits in transportation
5 security, including for passenger screening, baggage
6 screening, air cargo security policies, and general
7 aviation security matters.

8 “(3) MEETINGS AND REPORTING.—Each sub-
9 committee shall meet at least quarterly and submit
10 to the Advisory Committee for inclusion in the an-
11 nual report required under subsection (b)(4) infor-
12 mation, including recommendations, regarding issues
13 within the subcommittee.

14 “(4) SUBCOMMITTEE CHAIRS.—Each sub-
15 committee shall be co-chaired by a Government offi-
16 cial and an industry official.

17 “(e) SUBJECT MATTER EXPERTS.—Each sub-
18 committee under this section shall include subject matter
19 experts with relevant expertise who are appointed by the
20 respective subcommittee chairpersons.

21 “(f) NONAPPLICABILITY OF FACA.—The Federal
22 Advisory Committee Act (5 U.S.C. App.) shall not apply
23 to the Advisory Committee and its subcommittees.

24 “(g) DEFINITIONS.—In this section:

1 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
2 sory Committee’ means the aviation security advi-
3 sory committee established under subsection (a).

4 “(2) ASSISTANT SECRETARY.—The term ‘As-
5 sistant Secretary’ means the Assistant Secretary of
6 Homeland Security (Transportation Security Admin-
7 istration).

8 “(3) PERIMETER SECURITY.—

9 “(A) IN GENERAL.—The term ‘perimeter
10 security’ means procedures or systems to mon-
11 itor, secure, and prevent unauthorized access to
12 an airport, including its airfield and terminal.

13 “(B) INCLUSIONS.—The term ‘perimeter
14 security’ includes the fence area surrounding an
15 airport, access gates, and access controls.”.

16 (b) CLERICAL AMENDMENT.—The analysis for sub-
17 chapter II of chapter 449 of title 49, United States Code,
18 is amended by adding at the end the following new item:

 “44946. Aviation Security Advisory Committee.”.