

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3102
OFFERED BY MR. KATKO OF NEW YORK**

Page 3, strike line 7 through page 5, line 5, and insert the following:

1 “(b) DISQUALIFYING OFFENSES.—
2 “(1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this section, the
4 Administrator, in consultation with the Director of
5 the Federal Bureau of Investigation, labor organiza-
6 tions representing aviation, ground, and cabin crew
7 workers, and the Aviation Security Advisory Com-
8 mittee, shall conduct an aviation security risk-based
9 review of the disqualifying criminal offenses codified
10 in sections 1542.209 and 1544.229 of title 49, Code
11 of Federal Regulations, to determine the appro-
12 priateness of such offenses as a basis for denying to
13 an employee a credential that allows unescorted ac-
14 cess to Secure Identification Display Areas of air-
15 ports. Such review shall consider the following:
16 “(A) The adequacy of codified disquali-
17 fying offenses to address the current aviation

1 security threat environment, particularly the
2 terrorism insider threat.

3 “(B) If such codified disqualifying offenses
4 should be tailored to address the current avia-
5 tion security threat environment, particularly
6 the terrorism insider threat, by excluding or in-
7 cluding other offenses.

8 “(C) The potential security benefits, draw-
9 backs, and challenges associated with identi-
10 fying patterns of misdemeanors or of other non-
11 disqualifying offenses that could jeopardize
12 aviation security.

13 “(D) The feasibility of integrating similar
14 departmental eligibility requirements for access
15 to Secure Identification Display Areas of air-
16 ports.

17 “(E) If the ten year look-back period for
18 disqualifying offenses is appropriate, in light of
19 the current aviation security threat environ-
20 ment, particularly the terrorism insider threat.

21 “(2) WAIVER.—Not later than 180 days after
22 the date of the enactment of this section, the Admin-
23 istrator shall provide an adequate redress process for
24 an employee who is subject to an adverse employ-
25 ment decision, including removal or suspension of

1 such employee, due to a disqualifying offense re-
2 ferred to in paragraph (1), that is consistent with
3 the appeals and waiver process established for appli-
4 cants for commercial motor vehicle hazardous mate-
5 rials endorsements and transportation workers at
6 ports under section 70105(e) of title 46, United
7 States Code.

8 “(3) NOTICE.—Any changes to the Secure
9 Identification Display area badge program, such as
10 changes considered pursuant to subparagraphs (B),
11 (C), (D), and (E) of paragraph (1) shall be subject
12 to notice of proposed rulemaking.

13 “(4) BRIEFING TO CONGRESS.—Upon comple-
14 tion of the aviation security risk-based review re-
15 quired under paragraph (1), the Administrator shall
16 brief the Committee on Homeland Security of the
17 House of Representatives and the Committee on
18 Homeland Security and Governmental Affairs and
19 the Committee on Commerce, Science, and Trans-
20 portation of the Senate on the results of such re-
21 view.”.

