

114TH CONGRESS
2D SESSION

H. R. 5728

To prohibit scheduled passenger air transportation between the United States and Cuba until a study has been completed regarding security measures and equipment at Cuba's airports, to amend title 49, United States Code, to clarify the role of the Secretary of Homeland Security regarding security standards at foreign airports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2016

Mr. KATKO (for himself, Mr. McCAUL, Mr. HUDSON, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit scheduled passenger air transportation between the United States and Cuba until a study has been completed regarding security measures and equipment at Cuba's airports, to amend title 49, United States Code, to clarify the role of the Secretary of Homeland Security regarding security standards at foreign airports, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cuban Airport Security Act of 2016”.

4 **SEC. 2. FLIGHTS BETWEEN THE UNITED STATES AND CUBA.**

5 (a) IN GENERAL.—The Administrator of the Transportation Security Administration shall submit to the
6 Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science,
7 and Transportation of the Senate a report on the following
8 aspects of security measures at each of Cuba’s ten international airports:
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11

12 (1) Details about the type of equipment used at
13 screening checkpoints and an analysis of such equipment’s capabilities and weaknesses.

14 (2) Information about each such airport’s canine program, if used.

15 (3) The frequency of training for screening and
16 security personnel.

17 (4) Access controls in place to ensure only
18 credentialed personnel have access to the secure and sterile areas of such airports.

19 (5) An assessment of the ability of known or
20 suspected terrorists to use Cuba as a gateway to entering the United States.

21 (6) Security of such airports’ perimeters.

1 (7) A mitigation assessment regarding Man
2 Portable Air Defense Systems.

3 (8) The vetting practices and procedures for
4 airport employees.

5 (9) Any other information determined relevant
6 to the security practices, procedures, and equipment
7 in place at such airports.

8 (b) GAO AUDIT.—The Comptroller General of the
9 United States shall submit to the Committee on Homeland
10 Security of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate an audit of the report required under subsection
13 (a).

14 (c) FEDERAL AIR MARSHAL SERVICE.—The Sec-
15 retary of Homeland Security shall seek to establish an
16 agreement with the Government of Cuba allowing the Fed-
17 eral Air Marshal Service to conduct missions on regularly
18 scheduled passenger air transportation between a place in
19 the United States and a place in Cuba.

20 (d) TSA ACCESS TO CUBAN LAST POINT OF DEPAR-
21 TURE AIRPORTS.—The Secretary of Homeland security
22 shall seek to establish an agreement with the Government
23 of Cuba that allows Transportation Security Administra-
24 tion inspectors to access all areas of last point of depar-

1 ture airports in Cuba for the purposes of security assess-
2 ments.

3 (e) PROHIBITION.—No agreement dated on or after
4 January 1, 2016, to expand regularly scheduled passenger
5 air transportation between a place in the United States
6 and a place in Cuba may be permitted until—

7 (1) the report and audit described in sub-
8 sections (a) and (b) have been submitted; and

9 (2) the agreements described in subsections (c)
10 and (d) have been established.

11 (f) STATUTORY CONSTRUCTION.—Nothing in this
12 section may be constructed to affect charter passenger air
13 transportation between a place in the United States and
14 a place in Cuba.

15 **SEC. 3. SECURITY STANDARDS AT FOREIGN AIRPORTS.**

16 Section 44907 of title 49, United States Code, is
17 amended—

18 (1) in subsections (a) through (d), by striking
19 “Secretary of Transportation” each place it appears
20 and inserting “Secretary of Homeland Security”;
21 and

22 (2) in subsection (e), in the matter preceding
23 paragraph (1)—

24 (A) by striking “the Secretary of Trans-
25 portation, with the approval of the Secretary of

1 State and without notice or a hearing, shall”
2 and inserting “at the request of the Secretary
3 of Homeland Security and with the approval of
4 the Secretary of State and without notice or a
5 hearing, the Secretary of Transportation shall”;
6 and

7 (B) by striking “when the Secretary of
8 Transportation decides” and inserting “when
9 the Secretary of Homeland Security decides”.

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