

## Union Calendar No.

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1204

[Report No. 113-]

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.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2013

Mr. THOMPSON of Mississippi (for himself, Mr. RICHMOND, Ms. JACKSON LEE, and Mr. SWALWELL of California) introduced the following bill; which was referred to the Committee on Homeland Security

NOVEMBER --, 2013

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 14, 2013]

# **A BILL**

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.

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 “Aviation Security Stake-*  
5 *holder Participation Act of 2013”.*

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:*

10 **“§ 44946. Aviation Security Advisory Committee**

11 *“(a) ESTABLISHMENT.—The Assistant Secretary shall*  
12 *establish within the Transportation Security Administra-*  
13 *tion an advisory committee to be known as the ‘Aviation*  
14 *Security Advisory Committee’.*

15 *“(b) DUTIES.—*

16 *“(1) IN GENERAL.—The Assistant Secretary*  
17 *shall consult the Advisory Committee on aviation se-*  
18 *curity matters, including on the development, refine-*  
19 *ment, and implementation of policies, programs, rule-*  
20 *making, and security directives pertaining to avia-*  
21 *tion security, while adhering to sensitive security*  
22 *guidelines.*

23 *“(2) RECOMMENDATIONS.—*

24 *“(A) IN GENERAL.—The Advisory Com-*  
25 *mittee shall develop, at the request of the Assist-*

1           *ant Secretary, recommendations for improve-*  
2           *ments to aviation security.*

3           “(B) *RECOMMENDATIONS OF SUBCOMMIT-*  
4           *TEES.—Recommendations agreed upon by the*  
5           *subcommittees established under this section shall*  
6           *be approved by the Advisory Committee for*  
7           *transmission to the Assistant Secretary.*

8           “(3) *PERIODIC REPORTS.—The Advisory Com-*  
9           *mittee shall periodically submit to the Assistant Sec-*  
10          *retary—*

11           “(A) *reports on matters identified by the*  
12          *Assistant Secretary; and*

13           “(B) *reports on other matters identified by*  
14          *a majority of the members of the Advisory Com-*  
15          *mittee.*

16          “(4) *ANNUAL REPORT.—The Advisory Committee*  
17          *shall submit to the Assistant Secretary an annual re-*  
18          *port providing information on the activities, findings,*  
19          *and recommendations of the Advisory Committee, in-*  
20          *cluding its subcommittees, for the preceding year.*

21          “(5) *FEEDBACK.—Not later than 90 days after*  
22          *receiving recommendations transmitted by the Advi-*  
23          *sory Committee under paragraph (4), the Assistant*  
24          *Secretary shall respond in writing to the Advisory*  
25          *Committee with feedback on each of such rec-*

1        *ommendations, an action plan to implement any of*  
2        *such recommendations with which the Assistant Sec-*  
3        *retary concurs, and a detailed justification for why*  
4        *any of such recommendations have been rejected.*

5            *“(6) CONGRESSIONAL NOTIFICATION.—Not later*  
6        *than 30 days after providing written feedback to the*  
7        *Advisory Committee in accordance with paragraph*  
8        *(5), the Assistant Secretary shall brief the Committee*  
9        *on Homeland Security of the House of Representa-*  
10       *tives and the Committee on Commerce, Science, and*  
11       *Transportation of the Senate on such feedback.*

12           *“(7) REPORT TO CONGRESS.—Prior to briefing*  
13       *the Committee on Homeland Security of the House of*  
14       *Representatives and the Committee on Commerce,*  
15       *Science, and Transportation of the Senate in accord-*  
16       *ance with paragraph (6), the Assistant Secretary*  
17       *shall submit to such committees a report containing*  
18       *information relating to the recommendations trans-*  
19       *mitted by the Advisory Committee in accordance with*  
20       *paragraph (4).*

21           *“(c) MEMBERSHIP.—*

22           *“(1) APPOINTMENT.—*

23           *“(A) IN GENERAL.—Not later than 180*  
24       *days after the date of enactment of this section,*

1           *the Assistant Secretary shall appoint the mem-*  
2           *bers of the Advisory Committee.*

3           “(B) *COMPOSITION.*—*The membership of*  
4           *the Advisory Committee shall consist of individ-*  
5           *uals representing not more than 32 member or-*  
6           *ganizations. Each organization shall be rep-*  
7           *resented by one individual (or the individual’s*  
8           *designee).*

9           “(C) *REPRESENTATION.*—*The membership*  
10          *of the Advisory Committee shall include rep-*  
11          *resentatives of air carriers, all cargo air trans-*  
12          *portation, indirect air carriers, labor organiza-*  
13          *tions representing air carrier employees, aircraft*  
14          *manufacturers, airport operators, general avia-*  
15          *tion, privacy organizations, the travel industry,*  
16          *airport based businesses, including minority*  
17          *owned small businesses, businesses that conduct*  
18          *security operations at airports, aeronautical re-*  
19          *pair stations, passenger advocacy groups, the*  
20          *aviation technology security industry, including*  
21          *biometrics, victims of terrorist acts against avia-*  
22          *tion, and law enforcement and security experts.*

23          “(2) *REMOVAL.*—*The Assistant Secretary may*  
24          *review the participation of a member of the Advisory*

1        *Committee and remove such member for cause at any*  
2        *time.*

3            “(3) *PROHIBITION ON COMPENSATION.—The*  
4        *members of the Advisory Committee shall not receive*  
5        *pay, allowances, or benefits from the Government by*  
6        *reason of their service on the Advisory Committee.*

7            “(4) *MEETINGS.—The Assistant Secretary shall*  
8        *require the Advisory Committee to meet at least semi-*  
9        *annually and may convene additional meetings as*  
10       *necessary.*

11        “(d) *AIR CARGO SECURITY SUBCOMMITTEE.—*

12            “(1) *IN GENERAL.—The Assistant Secretary*  
13        *shall establish within the Advisory Committee an air*  
14        *cargo security subcommittee to provide recommenda-*  
15        *tions on air cargo security issues, including the im-*  
16        *plementation of the air cargo security programs es-*  
17        *tablished by the Transportation Security Administra-*  
18        *tion to screen air cargo on passenger aircraft and all-*  
19        *cargo aircraft in accordance with established cargo*  
20        *screening mandates.*

21            “(2) *MEETINGS AND REPORTING.—The sub-*  
22        *committee shall meet at least quarterly and submit to*  
23        *the Advisory Committee for inclusion in the annual*  
24        *report required under subsection (b)(4) information,*  
25        *including recommendations, regarding air cargo secu-*

1        *ry. Such submissions shall include recommendations*  
2        *to improve the Transportation Security Administra-*  
3        *tion’s cargo security initiatives established to meet the*  
4        *requirements of section 44901(g).*

5            *“(3) MEMBERSHIP.—The subcommittee shall—*

6                    *“(A) include members of the Advisory Com-*  
7                    *mittee with expertise in air cargo operations;*  
8                    *and*

9                    *“(B) be cochaired by a Government and in-*  
10                   *dustry official.*

11           *“(e) GENERAL AVIATION SECURITY SUBCOMMITTEE.—*

12                    *“(1) IN GENERAL.—The Assistant Secretary*  
13                    *shall establish within the Advisory Committee a gen-*  
14                    *eral aviation subcommittee to provide recommenda-*  
15                    *tions on transportation security issues for general*  
16                    *aviation facilities, general aviation aircraft, and heli-*  
17                    *copter operations at general aviation and commercial*  
18                    *service airports.*

19                    *“(2) MEETINGS AND REPORTING.—The sub-*  
20                    *committee shall meet at least quarterly and submit to*  
21                    *the Advisory Committee for inclusion in the annual*  
22                    *report required under subsection (b)(4) information,*  
23                    *including recommendations, regarding aviation secu-*  
24                    *urity at general aviation airports.*

25                    *“(3) MEMBERSHIP.—The subcommittee shall—*



1                   “(A) include members of the Advisory Com-  
2                   mittee with expertise in general aviation; and

3                   “(B) be cochaired by a Government and in-  
4                   dustry official.

5                   “(f) PERIMETER SECURITY, EXIT LANE SECURITY,  
6 AND ACCESS CONTROL SUBCOMMITTEE.—

7                   “(1) IN GENERAL.—The Assistant Secretary  
8                   shall establish within the Advisory Committee an air-  
9                   port perimeter security, exit lane security, and access  
10                  control subcommittee to provide recommendations on  
11                  airport perimeter security, exit lane security at com-  
12                  mercial service airports, and access control issues.

13                  “(2) MEETINGS AND REPORTING.—The sub-  
14                  committee shall meet at least quarterly and submit to  
15                  the Advisory Committee for inclusion in the annual  
16                  report required under subsection (b)(4) information,  
17                  including recommendations, regarding improving pe-  
18                  rimeter security, exit lane security at commercial  
19                  service airports, and access control procedures at com-  
20                  mercial service and general aviation airports.

21                  “(3) MEMBERSHIP.—The subcommittee shall—

22                         “(A) include members of the Advisory Com-  
23                         mittee with expertise in airport perimeter secu-  
24                         rity and access control issues; and

1                   “(B) be co-chaired by a Government and in-  
2                   dustry official.

3                   “(g) *RISK-BASED SUBCOMMITTEE.*—

4                   “(1) *IN GENERAL.*—*The Assistant Secretary*  
5                   *shall establish within the Advisory Committee a risk-*  
6                   *based subcommittee to provide recommendations on*  
7                   *passenger screening policies and cargo.*

8                   “(2) *MEETINGS AND REPORTING.*—*The sub-*  
9                   *committee shall meet at least quarterly and submit to*  
10                  *the Advisory Committee for inclusion in the annual*  
11                  *report required under subsection (b)(4) information,*  
12                  *including recommendations, regarding the Transpor-*  
13                  *tation Security Administration’s risk-based security*  
14                  *programs.*

15                  “(3) *MEMBERSHIP.*—*The subcommittee shall—*

16                         “(A) *include members of the Advisory Com-*  
17                         *mittee with expertise in passenger advocacy and*  
18                         *airport security operations; and*

19                         “(B) *be cochaired by a Government and in-*  
20                         *dustry official.*

21                  “(h) *SECURITY TECHNOLOGY SUBCOMMITTEE.*—

22                         “(1) *IN GENERAL.*—*The Assistant Secretary*  
23                         *shall establish within the Advisory Committee a secu-*  
24                         *rity technology subcommittee to provide recommenda-*  
25                         *tions on security technology issues, including harmo-*

1        *nization of security technology standards and require-*  
2        *ments.*

3            “(2) *MEETINGS AND REPORTING.*—*The sub-*  
4        *committee shall meet at least quarterly and submit to*  
5        *the Advisory Committee for inclusion in the annual*  
6        *report required under subsection (b)(4) information,*  
7        *including recommendations, regarding security tech-*  
8        *nology. Such submissions shall include recommenda-*  
9        *tions to improve the Transportation Security Admin-*  
10       *istration’s utilization of security technology and har-*  
11       *monization of security technology standards and re-*  
12       *quirements. All recommendations shall be in further-*  
13       *ance of aviation security and technology neutral.*

14            “(3) *MEMBERSHIP.*—*The subcommittee shall—*  
15            “(A) *include members of the Advisory Com-*  
16        *mittee with expertise in checkpoint, baggage, and*  
17        *air cargo security technology; and*

18            “(B) *be co-chaired by a Government and in-*  
19        *dustry official.*

20            “(i) *OTHER SUBCOMMITTEES.*—*The Assistant Sec-*  
21        *retary, in consultation with the Advisory Committee, may*  
22        *establish within the Advisory Committee any other sub-*  
23        *committee that the Assistant Secretary and Advisory Com-*  
24        *mittee determine necessary.*

1           “(j) *SUBJECT MATTER EXPERTS.*—*Each subcommittee*  
2 *under this section shall include subject matter experts with*  
3 *relevant expertise who are appointed by the respective sub-*  
4 *committee chairperson.*

5           “(k) *NONAPPLICABILITY OF FACA.*—*The Federal Ad-*  
6 *visory Committee Act (5 U.S.C. App.) shall not apply to*  
7 *the Advisory Committee and its subcommittees.*

8           “(l) *DEFINITIONS.*—*In this section, the following defi-*  
9 *nitions apply:*

10           “(1) *ADVISORY COMMITTEE.*—*The term ‘Advi-*  
11 *sory Committee’ means the Aviation Security Advi-*  
12 *sory Committee established under subsection (a).*

13           “(2) *ASSISTANT SECRETARY.*—*The term ‘Assist-*  
14 *ant Secretary’ means the Assistant Secretary of*  
15 *Homeland Security (Transportation Security Admin-*  
16 *istration).*

17           “(3) *PERIMETER SECURITY.*—*The term ‘perim-*  
18 *eter security’—*

19           “(A) *means procedures or systems to mon-*  
20 *itor, secure, and prevent unauthorized access to*  
21 *an airport, including its airfield and terminal;*  
22 *and*

23           “(B) *includes the fence area surrounding an*  
24 *airport, access gates, and access controls.”.*

1           **(b) CLERICAL AMENDMENT.**—*The analysis for sub-*  
2 *chapter II of chapter 449 of title 49, United States Code,*  
3 *is amended by adding at the end the following new item:*  
          *“44946. Aviation Security Advisory Committee.”.*