

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1204
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Aviation Security
3 Stakeholder Participation Act of 2013”.

4 SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

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

8 “§ 44946. Aviation Security Advisory Committee

9 “(a) ESTABLISHMENT.—The Assistant Secretary
10 shall establish within the Transportation Security Admin-
11 istration an advisory committee to be known as the ‘Avia-
12 tion Security Advisory Committee’.

13 “(b) DUTIES.—

14 “(1) IN GENERAL.—The Assistant Secretary
15 shall consult the Advisory Committee on aviation se-
16 curity matters, including on the development and
17 implementation of policies, programs, rulemaking,

1 and security directives pertaining to aviation secu-
2 rity, while adhering to sensitive security guidelines.

3 “(2) RECOMMENDATIONS.—

4 “(A) IN GENERAL.—The Advisory Com-
5 mittee shall develop, at the request of the As-
6 sistant Secretary, recommendations for im-
7 provements to aviation security.

8 “(B) RECOMMENDATIONS OF SUBCOMMIT-
9 TEES.—Recommendations agreed upon by the
10 subcommittees established under this section
11 shall be approved by the Advisory Committee
12 for transmission to the Assistant Secretary.

13 “(3) PERIODIC REPORTS.—The Advisory Com-
14 mittee shall periodically submit to the Assistant Sec-
15 retary—

16 “(A) reports on matters identified by the
17 Assistant Secretary; and

18 “(B) reports on other matters identified by
19 a majority of the members of the Advisory
20 Committee.

21 “(4) ANNUAL REPORT.—The Advisory Com-
22 mittee shall submit to the Assistant Secretary an an-
23 nual report providing information on the activities,
24 findings, and recommendations of the Advisory Com-

1 mittee, including its subcommittees, for the pre-
2 ceding year.

3 “(5) FEEDBACK.—Not later than 90 days after
4 receiving recommendations transmitted by the Advi-
5 sory Committee under paragraph (4), the Assistant
6 Secretary shall respond in writing to the Advisory
7 Committee with feedback on each of such rec-
8 ommendations and an action plan to implement any
9 of such recommendations with which the Assistant
10 Secretary concurs.

11 “(6) CONGRESSIONAL NOTIFICATION.—Not
12 later than 30 days after providing written feedback
13 to the Advisory Committee in accordance with para-
14 graph (5), the Assistant Secretary shall brief the
15 Committee on Homeland Security of the House of
16 Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate on such
18 feedback.

19 “(7) REPORT TO CONGRESS.—Prior to briefing
20 the Committee on Homeland Security of the House
21 of Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate in accord-
23 ance with paragraph (6), the Assistant Secretary
24 shall submit to such committees a report containing
25 information relating to the recommendations trans-

1 mitted by the Advisory Committee in accordance
2 with paragraph (4).

3 “(c) MEMBERSHIP.—

4 “(1) APPOINTMENT.—

5 “(A) IN GENERAL.—Not later than 180
6 days after the date of enactment of this section,
7 the Assistant Secretary shall appoint the mem-
8 bers of the Advisory Committee.

9 “(B) COMPOSITION.—The membership of
10 the Advisory Committee shall consist of individ-
11 uals representing not more than 30 member or-
12 ganizations. Each organization shall be rep-
13 resented by one individual (or the individual’s
14 designee).

15 “(C) REPRESENTATION.—The membership
16 of the Advisory Committee shall include rep-
17 resentatives of air carriers, all cargo air trans-
18 portation, indirect air carriers, labor organiza-
19 tions representing air carrier employees, air-
20 craft manufacturers, airport operators, general
21 aviation, privacy organizations, the travel indus-
22 try, airport based businesses, including minority
23 owned small businesses, passenger advocacy
24 groups, the aviation technology security indus-
25 try, including biometrics, victims of terrorist

1 acts against aviation, and law enforcement and
2 security experts.

3 “(2) REMOVAL.—The Assistant Secretary may
4 review the participation of a member of the Advisory
5 Committee and remove such member for cause at
6 any time.

7 “(3) PROHIBITION ON COMPENSATION.—The
8 members of the Advisory Committee shall not re-
9 ceive pay, allowances, or benefits from the Govern-
10 ment by reason of their service on the Advisory
11 Committee.

12 “(4) MEETINGS.—The Assistant Secretary shall
13 require the Advisory Committee to meet at least
14 semiannually and may convene additional meetings
15 as necessary.

16 “(d) AIR CARGO SECURITY SUBCOMMITTEE.—

17 “(1) IN GENERAL.—The Assistant Secretary
18 shall establish within the Advisory Committee an air
19 cargo security subcommittee to provide recommenda-
20 tions on air cargo security issues, including the im-
21 plementation of the air cargo security programs es-
22 tablished by the Transportation Security Adminis-
23 tration to screen air cargo on passenger aircraft and
24 all-cargo aircraft in accordance with established
25 cargo screening mandates.

1 “(2) MEETINGS AND REPORTING.—The sub-
2 committee shall meet at least quarterly and submit
3 to the Advisory Committee for inclusion in the an-
4 nual report required under subsection (b)(4) infor-
5 mation, including recommendations, regarding air
6 cargo security. Such submissions shall include rec-
7 ommendations to improve the Transportation Secu-
8 rity Administration’s cargo security initiatives estab-
9 lished to meet the requirements of section 44901(g).

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

11 “(A) include members of the Advisory
12 Committee with expertise in air cargo oper-
13 ations; and

14 “(B) be cochaired by a Government and
15 industry official.

16 “(e) GENERAL AVIATION SECURITY SUB-
17 COMMITTEE.—

18 “(1) IN GENERAL.—The Assistant Secretary
19 shall establish within the Advisory Committee a gen-
20 eral aviation subcommittee to provide recommenda-
21 tions on transportation security issues for general
22 aviation facilities, general aviation aircraft, and heli-
23 copter operations at general aviation and commercial
24 service airports.

1 “(2) MEETINGS AND REPORTING.—The sub-
2 committee shall meet at least quarterly and submit
3 to the Advisory Committee for inclusion in the an-
4 nual report required under subsection (b)(4) infor-
5 mation, including recommendations, regarding avia-
6 tion security at general aviation airports.

7 “(3) MEMBERSHIP.—The subcommittee shall—
8 “(A) include members of the Advisory
9 Committee with expertise in general aviation;
10 and

11 “(B) be cochaired by a Government and
12 industry official.

13 “(f) PERIMETER SECURITY SUBCOMMITTEE.—

14 “(1) IN GENERAL.—The Assistant Secretary
15 shall establish within the Advisory Committee an
16 airport perimeter security subcommittee to provide
17 recommendations on airport perimeter security and
18 access control issues.

19 “(2) MEETINGS AND REPORTING.—The sub-
20 committee shall meet at least quarterly and submit
21 to the Advisory Committee for inclusion in the an-
22 nual report required under subsection (b)(4) infor-
23 mation, including recommendations, regarding im-
24 proving perimeter security and access control proce-

1 dures at commercial service and general aviation air-
2 ports.

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

4 “(A) include members of the Advisory
5 Committee with expertise in airport perimeter
6 security and access control issues; and

7 “(B) be co-chaired by a Government and
8 industry official.

9 “(g) RISK-BASED SUBCOMMITTEE.—

10 “(1) IN GENERAL.—The Assistant Secretary
11 shall establish within the Advisory Committee a risk-
12 based subcommittee to provide recommendations on
13 passenger screening policies and cargo.

14 “(2) MEETINGS AND REPORTING.—The sub-
15 committee shall meet at least quarterly and submit
16 to the Advisory Committee for inclusion in the an-
17 nual report required under subsection (b)(4) infor-
18 mation, including recommendations, regarding the
19 Transportation Security Administration’s risk-based
20 security programs.

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

22 “(A) include members of the Advisory
23 Committee with expertise in passenger advocacy
24 and airport security operations; and

1 “(B) be cochaired by a Government and
2 industry official.

3 “(h) OTHER SUBCOMMITTEES.—The Assistant Sec-
4 retary, in consultation with the Advisory Committee, may
5 establish within the Advisory Committee any other sub-
6 committee that the Assistant Secretary and Advisory
7 Committee determine necessary.

8 “(i) SUBJECT MATTER EXPERTS.—Each sub-
9 committee under this section shall include subject matter
10 experts with relevant expertise who are appointed by the
11 respective subcommittee chairperson.

12 “(j) NONAPPLICABILITY OF FACA.—The Federal
13 Advisory Committee Act (5 U.S.C. App.) shall not apply
14 to the Advisory Committee and its subcommittees.

15 “(k) DEFINITIONS.—In this section, the following
16 definitions apply:

17 “(1) ADVISORY COMMITTEE.—The term ‘Advi-
18 sory Committee’ means the Aviation Security Advi-
19 sory Committee established under subsection (a).

20 “(2) ASSISTANT SECRETARY.—The term ‘As-
21 sistant Secretary’ means the Assistant Secretary of
22 Homeland Security (Transportation Security Admin-
23 istration).

24 “(3) PERIMETER SECURITY.—The term ‘perim-
25 eter security’—

1 “(A) means procedures or systems to mon-
2 itor, secure, and prevent unauthorized access to
3 an airport, including its airfield and terminal;
4 and

5 “(B) includes the fence area surrounding
6 an airport, access gates, and access controls.”.

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

“44946. Aviation Security Advisory Committee.”.

