

In the Senate of the United States,

December 9, 2014.

Resolved, That the bill from the House of Representatives (H.R. 1204) entitled “An Act 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.”, do pass with the following

AMENDMENT:

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 Stake-*
3 *holder Participation Act of 2014”.*

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:*

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

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

5 “(b) *DUTIES.*—

6 “(1) *IN GENERAL.*—*The Assistant Secretary*
7 *shall consult the Advisory Committee, as appropriate,*
8 *on aviation security matters, including on the devel-*
9 *opment, refinement, and implementation of policies,*
10 *programs, rulemaking, and security directives per-*
11 *taining to aviation security, while adhering to sen-*
12 *sitive security guidelines.*

13 “(2) *RECOMMENDATIONS.*—

14 “(A) *IN GENERAL.*—*The Advisory Com-*
15 *mittee shall develop, at the request of the Assist-*
16 *ant Secretary, recommendations for improve-*
17 *ments to aviation security.*

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

6 “(4) ANNUAL REPORT.—The Advisory Committee
7 shall submit to the Assistant Secretary an annual re-
8 port providing information on the activities, findings,
9 and recommendations of the Advisory Committee, in-
10 cluding its subcommittees, for the preceding year. Not
11 later than 6 months after the date that the Secretary
12 receives the annual report, the Secretary shall publish
13 a public version describing the Advisory Committee’s
14 activities and such related matters as would be in-
15 formative to the public consistent with the policy of
16 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 recommenda-
22 tions, an action plan to implement any of the rec-
23 ommendations with which the Assistant Secretary
24 concurs, and a justification for why any of the rec-
25 ommendations have been rejected.

1 “(6) *CONGRESSIONAL NOTIFICATION.*—Not later
 2 than 30 days after providing written feedback to the
 3 Advisory Committee under paragraph (5), the Assist-
 4 ant Secretary shall notify the Committee on Com-
 5 merce, Science, and Transportation of the Senate and
 6 the Committee on Homeland Security of the House of
 7 Representatives on such feedback, and provide a brief-
 8 ing upon request.

9 “(7) *REPORT TO CONGRESS.*—Prior to briefing
 10 the Committee on Commerce, Science, and Transpor-
 11 tation of the Senate and the Committee on Homeland
 12 Security of the House of Representatives under para-
 13 graph (6), the Assistant Secretary shall submit to
 14 such committees a report containing information re-
 15 lating to the recommendations transmitted by the Ad-
 16 visory Committee in accordance with paragraph (4).

17 “(c) *MEMBERSHIP.*—

18 “(1) *APPOINTMENT.*—

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

24 “(B) *COMPOSITION.*—The membership of
 25 the Advisory Committee shall consist of individ-

uals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

“(C) *REPRESENTATION.*—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

“(2) *TERM OF OFFICE.*—

1 “(A) *TERMS.*—*The term of each member of*
2 *the Advisory Committee shall be 2 years. A mem-*
3 *ber of the Advisory Committee may be re-*
4 *appointed.*

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

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

13 “(4) *MEETINGS.*—

14 “(A) *IN GENERAL.*—*The Assistant Secretary*
15 *shall require the Advisory Committee to meet at*
16 *least semiannually and may convene additional*
17 *meetings as necessary.*

18 “(B) *PUBLIC MEETINGS.*—*At least 1 of the*
19 *meetings described in subparagraph (A) shall be*
20 *open to the public.*

21 “(C) *ATTENDANCE.*—*The Advisory Com-*
22 *mittee shall maintain a record of the persons*
23 *present at each meeting.*

24 “(5) *MEMBER ACCESS TO SENSITIVE SECURITY*
25 *INFORMATION.*—*Not later than 60 days after the date*

1 of a member's appointment, the Assistant Secretary
2 shall determine if there is cause for the member to be
3 restricted from possessing sensitive security informa-
4 tion. Without such cause, and upon the member vol-
5 untarily signing a non-disclosure agreement, the
6 member may be granted access to sensitive security
7 information that is relevant to the member's advisory
8 duties. The member shall protect the sensitive security
9 information in accordance with part 1520 of title 49,
10 Code of Federal Regulations.

11 “(6) CHAIRPERSON.—A stakeholder representa-
12 tive on the Advisory Committee who is elected by the
13 appointed membership of the Advisory Committee
14 shall chair the Advisory Committee.

15 “(d) SUBCOMMITTEES.—

16 “(1) MEMBERSHIP.—The Advisory Committee
17 chairperson, in coordination with the Assistant Sec-
18 retary, may establish within the Advisory Committee
19 any subcommittee that the Assistant Secretary and
20 Advisory Committee determine to be necessary. The
21 Assistant Secretary and the Advisory Committee shall
22 create subcommittees to address aviation security
23 issues, including the following:

24 “(A) AIR CARGO SECURITY.—The imple-
25 mentation of the air cargo security programs es-

1 *established by the Transportation Security Admin-*
2 *istration to screen air cargo on passenger air-*
3 *craft and all-cargo aircraft in accordance with*
4 *established cargo screening mandates.*

5 “(B) *GENERAL AVIATION.*—*General avia-*
6 *tion facilities, general aviation aircraft, and hel-*
7 *icopter operations at general aviation and com-*
8 *mercial service airports.*

9 “(C) *PERIMETER AND ACCESS CONTROL.*—
10 *Recommendations on airport perimeter security,*
11 *exit lane security and technology at commercial*
12 *service airports, and access control issues.*

13 “(D) *SECURITY TECHNOLOGY.*—*Security*
14 *technology standards and requirements, includ-*
15 *ing their harmonization internationally, tech-*
16 *nology to screen passengers, passenger baggage,*
17 *carry-on baggage, and cargo, and biometric tech-*
18 *nology.*

19 “(2) *RISK-BASED SECURITY.*—*All subcommittees*
20 *established by the Advisory Committee chairperson in*
21 *coordination with the Assistant Secretary shall con-*
22 *sider risk-based security approaches in the perform-*
23 *ance of their functions that weigh the optimum bal-*
24 *ance of costs and benefits in transportation security,*
25 *including for passenger screening, baggage screening,*

1 *air cargo security policies, and general aviation secu-*
 2 *rity matters.*

3 “(3) *MEETINGS AND REPORTING.*—*Each 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 issues within*
 8 *the subcommittee.*

9 “(4) *SUBCOMMITTEE CHAIRS.*—*Each sub-*
 10 *committee shall be co-chaired by a Government offi-*
 11 *cial and an industry official.*

12 “(e) *SUBJECT MATTER EXPERTS.*—*Each sub-*
 13 *committee under this section shall include subject matter*
 14 *experts with relevant expertise who are appointed by the*
 15 *respective subcommittee chairpersons.*

16 “(f) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
 17 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
 18 *Advisory Committee and its subcommittees.*

19 “(g) *DEFINITIONS.*—*In this section:*

20 “(1) *ADVISORY COMMITTEE.*—*The term ‘Advi-*
 21 *sory Committee’ means the aviation security advisory*
 22 *committee established under subsection (a).*

23 “(2) *ASSISTANT SECRETARY.*—*The term ‘Assist-*
 24 *ant Secretary’ means the Assistant Secretary of*

1 *Homeland Security (Transportation Security Admin-*
 2 *istration).*

3 “(3) *PERIMETER SECURITY.*—

4 “(A) *IN GENERAL.*—*The term ‘perimeter se-*
 5 *curity’ means procedures or systems to monitor,*
 6 *secure, and prevent unauthorized access to an*
 7 *airport, including its airfield and terminal.*

8 “(B) *INCLUSIONS.*—*The term ‘perimeter se-*
 9 *curity’ includes the fence area surrounding an*
 10 *airport, access gates, and access controls.”.*

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

“44946. *Aviation Security Advisory Committee.*”.

Attest:

Secretary.

113TH CONGRESS
1ST SESSION

H.R. 1204

AMENDMENT