

115TH CONGRESS
1ST SESSION

H. R. 3328

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2017

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To require a study regarding security measures and equipment at Cuba's airports, require the standardization of Federal Air Marshal Service agreements, require efforts to raise international aviation security standards, 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 Secu-
3 rity Act of 2017”.

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

5 (a) IN GENERAL.—The Administrator of the Trans-
6 portation Security Administration shall brief the Com-
7 mittee on Homeland Security of the House of Representa-
8 tives, the Committee on Commerce, Science, and Trans-
9 portation of the Senate, and the Comptroller General of
10 the United States on the following aspects of security
11 measures at each of Cuba’s 10 international airports:

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

15 (2) Information about each such airport’s ca-
16 nine program, if used.

17 (3) The frequency of training for screening and
18 security personnel.

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

22 (5) An assessment of the ability of known or
23 suspected terrorists to use Cuba as a gateway to en-
24 tering the United States.

25 (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) PUBLIC DISCLOSURE OF CERTAIN AGREE-
9 MENTS.—

10 (1) DISCLOSURE REQUIRED.—No United States
11 air carrier that has entered into a covered agreement
12 may employ a Cuban national pursuant to 31 CFR
13 515.573 after the date that is 30 days after the date
14 of the enactment of this Act unless the air carrier
15 has publicly disclosed the full text of the covered
16 agreement.

17 (2) HIRING AND TRAINING REQUIREMENTS.—
18 Notwithstanding any other provision of law or regu-
19 lation, to the extent practicable, Cuban nationals re-
20 ferred to in paragraph (1) shall not have been re-
21 cruited, hired, or trained by entities that are owned,
22 operated, or controlled, in whole or in part, by
23 Cuba's Council of State, Council of Ministers, Com-
24 munist Party, Ministry of the Revolutionary Armed

1 Forces, Ministry of Foreign Affairs, or Ministry of
2 the Interior.

3 (3) COVERED AGREEMENT.—In this subsection,
4 the term “covered agreement” means a formal
5 agreement between a United States air carrier with
6 passenger air service between any location in Cuba
7 and any location in the United States and the
8 Empresa Cubana de Aeropuertos y Servicios
9 Aeronauticos or any other entity associated with the
10 Government of Cuba.

11 **SEC. 3. FEDERAL AIR MARSHAL SERVICE AGREEMENTS.**

12 (a) STANDARDIZATION.—Not later than 60 days
13 after the date of the enactment of the Act, the Adminis-
14 trator of the Transportation Security Administration shall
15 develop a standard working document to serve as the basis
16 for all negotiations and agreements that begin after such
17 date between the United States and foreign governments
18 or partners regarding Federal Air Marshal coverage of
19 flights to and from the United States.

20 (b) WRITTEN AGREEMENTS.—All agreements be-
21 tween the United States and foreign governments or part-
22 ners regarding the presence of Federal Air Marshals on
23 flights to and from the United States pursuant to sub-
24 section (a) shall be written and signed by the Secretary
25 of Homeland Security or the Secretary’s designee.

1 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
2 of Homeland Security shall submit to the Committee on
3 Homeland Security of the House of Representatives and
4 the Committee on Commerce, Science, and Transportation
5 of the Senate any agreement entered into under this sec-
6 tion within 30 days of such agreement being signed.

7 **SEC. 4. INTERNATIONAL CIVIL AVIATION ORGANIZATION.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act, the United States Am-
10 bassador or the Chargé d’Affaires to the United States
11 Mission to the International Civil Aviation Organization
12 shall pursue improvements to airport security, including
13 if practicable, introducing a resolution to raise minimum
14 standards for airport security.

15 (b) REPORT TO CONGRESS.—Not later than 180 days
16 after the date of the enactment of this Act, the United
17 States Ambassador or the Chargé d’Affaires to the United
18 States Mission to the International Civil Aviation Organi-
19 zation shall report to the Committee on Homeland Secu-
20 rity and the Committee on Foreign Affairs of the House
21 of Representatives and the Committee on Homeland Secu-
22 rity and Governmental Affairs, the Committee on Foreign
23 Relations, and the Committee on Commerce, Science, and

- 1 Transportation of the Senate on the implementation of
- 2 subsection (a).

Passed the House of Representatives October 23,
2017.

Attest:

KAREN L. HAAS,
Clerk.