

113TH CONGRESS
1ST SESSION

H. R. 1204

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.

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

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
5 Stakeholder Participation Act of 2013”.

1 **SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.**

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

5 **“§ 44946. Aviation Security Advisory Committee**

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

10 “(b) DUTIES.—

11 “(1) IN GENERAL.—The Assistant Secretary
12 shall consult the Advisory Committee on aviation se-
13 curity matters, including on the development and
14 implementation of policies, programs, rulemaking,
15 and security directives pertaining to aviation secu-
16 rity, while adhering to sensitive security guidelines.

17 “(2) RECOMMENDATIONS.—

18 “(A) IN GENERAL.—The Advisory Com-
19 mittee shall develop, at the request of the As-
20 sistant Secretary, recommendations for im-
21 provements to aviation security.

22 “(B) RECOMMENDATIONS OF SUBCOMMIT-
23 TEES.—Recommendations agreed upon by the
24 subcommittees established under this section
25 shall be approved by the Advisory Committee
26 for transmission to the Assistant Secretary.

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

4 “(A) reports on matters identified by the
5 Assistant Secretary; and

6 “(B) reports on other matters identified by
7 a majority of the members of the Advisory
8 Committee.

9 “(4) ANNUAL REPORT.—The Advisory Com-
10 mittee shall submit to the Assistant Secretary an an-
11 nual report providing information on the activities,
12 findings, and recommendations of the Advisory Com-
13 mittee, including its subcommittees, for the pre-
14 ceding year.

15 “(c) MEMBERSHIP.—

16 “(1) APPOINTMENT.—

17 “(A) IN GENERAL.—Not later than 180
18 days after the date of enactment of this section,
19 the Assistant Secretary shall appoint the mem-
20 bers of the Advisory Committee.

21 “(B) COMPOSITION.—The membership of
22 the Advisory Committee shall consist of individ-
23 uals representing not more than 30 member or-
24 ganizations. Each organization shall be rep-

1 resented by one individual (or the individual's
2 designee).

3 “(C) REPRESENTATION.—The membership
4 of the Advisory Committee shall include rep-
5 resentatives of air carriers, all cargo air trans-
6 portation, indirect air carriers, labor organiza-
7 tions representing air carrier employees, air-
8 craft manufacturers, airport operators, general
9 aviation, privacy organizations, the travel indus-
10 try, airport based businesses, including minority
11 owned small businesses, passenger advocacy
12 groups, and the aviation technology security in-
13 dustry, including biometrics.

14 “(2) REMOVAL.—The Assistant Secretary may
15 review the participation of a member of the Advisory
16 Committee and remove such member for cause at
17 any time.

18 “(3) PROHIBITION ON COMPENSATION.—The
19 members of the Advisory Committee shall not re-
20 ceive pay, allowances, or benefits from the Govern-
21 ment by reason of their service on the Advisory
22 Committee.

23 “(4) MEETINGS.—The Assistant Secretary shall
24 require the Advisory Committee to meet at least

1 semiannually and may convene additional meetings
2 as necessary.

3 “(d) AIR CARGO SECURITY SUBCOMMITTEE.—

4 “(1) IN GENERAL.—The Assistant Secretary
5 shall establish within the Advisory Committee an air
6 cargo security subcommittee to provide recommenda-
7 tions on air cargo security issues, including the im-
8 plementation of the air cargo security programs es-
9 tablished by the Transportation Security Adminis-
10 tration to screen air cargo on passenger aircraft and
11 all-cargo aircraft in accordance with established
12 cargo screening mandates.

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

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

23 “(A) include members of the Advisory
24 Committee with expertise in air cargo oper-
25 ations; and

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

3 “(e) GENERAL AVIATION SECURITY SUB-
4 COMMITTEE.—

5 “(1) IN GENERAL.—The Assistant Secretary
6 shall establish within the Advisory Committee a gen-
7 eral aviation subcommittee to provide recommenda-
8 tions on transportation security issues for general
9 aviation facilities, general aviation aircraft, and heli-
10 copter operations at general aviation and commercial
11 service airports.

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

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

19 “(A) include members of the Advisory
20 Committee with expertise in general aviation;
21 and

22 “(B) be cochaired by a Government and
23 industry official.

24 “(f) PERIMETER SECURITY SUBCOMMITTEE.—

1 “(1) IN GENERAL.—The Assistant Secretary
2 shall establish within the Advisory Committee an
3 airport perimeter security subcommittee to provide
4 recommendations on airport perimeter security and
5 access control issues.

6 “(2) MEETINGS AND REPORTING.—The sub-
7 committee shall meet at least quarterly and submit
8 to the Advisory Committee for inclusion in the an-
9 nual report required under subsection (b)(4) infor-
10 mation, including recommendations, regarding im-
11 proving perimeter security and access control proce-
12 dures at commercial service and general aviation air-
13 ports.

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

15 “(A) include members of the Advisory
16 Committee with expertise in airport perimeter
17 security and access control issues; and

18 “(B) be cochaired by a Government and
19 industry official.

20 “(g) RISK-BASED SUBCOMMITTEE.—

21 “(1) IN GENERAL.—The Assistant Secretary
22 shall establish within the Advisory Committee a risk-
23 based subcommittee to provide recommendations on
24 passenger screening policies and cargo.

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 the
6 Transportation Security Administration’s risk-based
7 security programs.

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

9 “(A) include members of the Advisory
10 Committee with expertise in passenger advocacy
11 and airport security operations; and

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

14 “(h) OTHER SUBCOMMITTEES.—The Assistant Sec-
15 retary, in consultation with the Advisory Committee, may
16 establish within the Advisory Committee any other sub-
17 committee that the Assistant Secretary and Advisory
18 Committee determine necessary.

19 “(i) NONAPPLICABILITY OF FACA.—The Federal
20 Advisory Committee Act (5 U.S.C. App.) shall not apply
21 to the Advisory Committee and its subcommittees.

22 “(j) DEFINITIONS.—In this section, the following
23 definitions apply:

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

4 “(2) ASSISTANT SECRETARY.—The term ‘As-
5 sistant Secretary’ means the Assistant Secretary of
6 Homeland Security (Transportation Security Admin-
7 istration).

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

10 “(A) means procedures or systems to mon-
11 itor, secure, and prevent unauthorized access to
12 an airport, including its airfield and terminal;
13 and

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

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

“44946. Aviation Security Advisory Committee.”.

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