



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 1804**

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Security  
5 Stakeholder Participation Act of 2014”.

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:

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

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

5 “(b) DUTIES.—

6 “(1) IN GENERAL.—The Assistant Secretary  
7 shall consult the Advisory Committee, as appro-  
8 priate, on aviation security matters, including on the  
9 development, refinement, and implementation of  
10 policies, programs, rulemaking, and security direc-  
11 tives pertaining to aviation security, while adhering  
12 to sensitive security guidelines.

13 “(2) RECOMMENDATIONS.—

14 “(A) IN GENERAL.—The Advisory Com-  
15 mittee shall develop, at the request of the As-  
16 sistant Secretary, recommendations for im-  
17 provements to aviation security.

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

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

12          “(5) FEEDBACK.—Not later than 90 days after  
13          receiving recommendations transmitted by the Advi-  
14          sory Committee under paragraph (4), the Assistant  
15          Secretary shall respond in writing to the Advisory  
16          Committee with feedback on each of the rec-  
17          ommendations, an action plan to implement any of  
18          the recommendations with which the Assistant Sec-  
19          retary concurs, and a justification for why any of  
20          the recommendations have been rejected.

21          “(6) CONGRESSIONAL NOTIFICATION.—Not  
22          later than 30 days after providing written feedback  
23          to the Advisory Committee under paragraph (5), the  
24          Assistant Secretary shall notify the Committee on  
25          Commerce, Science, and Transportation of the Sen-

1       ate and the Committee on Homeland Security of the  
2       House of Representatives on such feedback, and pro-  
3       vide a briefing upon request.

4           “(7) REPORT TO CONGRESS.—Prior to briefing  
5       the Committee on Commerce, Science, and Trans-  
6       portation of the Senate and the Committee on  
7       Homeland Security of the House of Representatives  
8       under paragraph (6), the Assistant Secretary shall  
9       submit to such committees a report containing infor-  
10      mation relating to the recommendations transmitted  
11      by the Advisory Committee in accordance with para-  
12      graph (4).

13      “(c) MEMBERSHIP.—

14           “(1) APPOINTMENT.—

15           “(A) IN GENERAL.—Not later than 180  
16      days after the date of enactment of the Aviation  
17      Security Stakeholder Participation Act of 2014,  
18      the Assistant Secretary shall appoint the mem-  
19      bers of the Advisory Committee.

20           “(B) COMPOSITION.—The membership of  
21      the Advisory Committee shall consist of individ-  
22      uals representing not more than 34 member or-  
23      ganizations. Each organization shall be rep-  
24      resented by 1 individual (or the individual’s  
25      designee).

1           “(C) REPRESENTATION.—The membership  
2           of the Advisory Committee shall include rep-  
3           resentatives of air carriers, all-cargo air trans-  
4           portation, indirect air carriers, labor organiza-  
5           tions representing air carrier employees, labor  
6           organizations representing transportation secu-  
7           rity officers, aircraft manufacturers, airport op-  
8           erators, airport construction and maintenance  
9           contractors, labor organizations representing  
10          employees of airport construction and mainte-  
11          nance contractors, general aviation, privacy or-  
12          ganizations, the travel industry, airport-based  
13          businesses (including minority-owned small  
14          businesses), businesses that conduct security  
15          operations at airports, aeronautical repair sta-  
16          tions, passenger advocacy groups, the aviation  
17          security technology industry (including screen-  
18          ing technology and biometrics), victims of ter-  
19          rorist acts against aviation, and law enforce-  
20          ment and security experts.

21          “(2) REMOVAL.—The Assistant Secretary may  
22          review the participation of a member of the Advisory  
23          Committee and remove such member for cause at  
24          any time.

1           “(3) PROHIBITION ON COMPENSATION.—The  
2 members of the Advisory Committee shall not re-  
3 ceive pay, allowances, or benefits from the Govern-  
4 ment by reason of their service on the Advisory  
5 Committee.

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

10           “(5) MEMBER ACCESS TO SENSITIVE SECURITY  
11 INFORMATION.—Not later than 60 days after the  
12 date of a member’s appointment, the Assistant Sec-  
13 retary shall determine if there is cause for the mem-  
14 ber to be restricted from possessing Sensitive Secu-  
15 rity Information. Without such cause, and upon the  
16 member voluntarily signing a non-disclosure agree-  
17 ment, the member may be granted access to Sen-  
18 sitive Security Information that is relevant to the  
19 member’s advisory duties. The member shall protect  
20 the Sensitive Security Information according to part  
21 1520 of title 49 of the Code of Federal Regulations.

22           “(6) CHAIRPERSON.—A stakeholder representa-  
23 tive on the Advisory Committee who is elected by the  
24 appointed membership of the Advisory Committee  
25 shall chair the Advisory Committee.

1 “(d) SUBCOMMITTEES.—

2 “(1) MEMBERSHIP.—The Advisory Committee  
3 chairperson, in coordination with the Assistant Sec-  
4 retary, may establish within the Advisory Committee  
5 any subcommittee that the Assistant Secretary and  
6 Advisory Committee determine to be necessary. The  
7 Assistant Secretary and the Advisory Committee  
8 shall create subcommittees to address aviation secu-  
9 rity issues, including the following:

10 “(A) AIR CARGO SECURITY.—The imple-  
11 mentation of the air cargo security programs  
12 established by the Transportation Security Ad-  
13 ministration to screen air cargo on passenger  
14 aircraft and all-cargo aircraft in accordance  
15 with established cargo screening mandates.

16 “(B) GENERAL AVIATION.—General avia-  
17 tion facilities, general aviation aircraft, and hel-  
18 icopter operations at general aviation and com-  
19 mercial service airports.

20 “(C) PERIMETER AND ACCESS CONTROL.—  
21 Recommendations on airport perimeter security,  
22 exit lane security and technology at commercial  
23 service airports, and access control issues.

24 “(D) SECURITY TECHNOLOGY.—Security  
25 technology standards and requirements, includ-

1           ing their harmonization internationally; tech-  
2           nology to screen passengers, passenger baggage,  
3           carry-on baggage, and cargo; and biometric  
4           technology.

5           “(2) RISK-BASED SECURITY.—All subcommit-  
6           tees established by the Advisory Committee co-chairs  
7           shall consider risk-based security approaches in the  
8           performance of their functions that weigh optimum  
9           balance of costs and benefits in transportation secu-  
10          rity, including for passenger screening, baggage  
11          screening, air cargo security policies, and general  
12          aviation security matters.

13          “(3) MEETINGS AND REPORTING.—Each 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 issues  
18          within the subcommittee.

19          “(4) SUBCOMMITTEE CHAIRS.—Each sub-  
20          committee shall be co-chaired by a Government and  
21          an industry official.

22          “(e) SUBJECT MATTER EXPERTS.—Each sub-  
23          committee under this section shall include subject matter  
24          experts with relevant expertise who are appointed by the  
25          respective subcommittee chairperson.



1       “(f) NONAPPLICABILITY OF FACA.—The Federal  
2 Advisory Committee Act (5 U.S.C. App.) shall not apply  
3 to the Advisory Committee and its subcommittees.

4       “(g) DEFINITIONS.—In this section:

5           “(1) ADVISORY COMMITTEE.—The term ‘Advi-  
6 sory Committee’ means the aviation security advi-  
7 sory committee established under subsection (a).

8           “(2) ASSISTANT SECRETARY.—The term ‘As-  
9 sistant Secretary’ means the Assistant Secretary of  
10 Homeland Security (Transportation Security Admin-  
11 istration).

12       “(3) PERIMETER SECURITY.—

13           “(A) IN GENERAL.—The term ‘perimeter  
14 security’ means procedures or systems to mon-  
15 itor, secure, and prevent unauthorized access to  
16 an airport, including its airfield and terminal.

17           “(B) INCLUSIONS.—The term ‘perimeter  
18 security’ includes the fence area surrounding an  
19 airport, access gates, and access controls.”.

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

“44946. Aviation Security Advisory Committee.”.