

113TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2013

Mr. TESTER (for himself and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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, refine-
14 ment, and implementation of policies, programs,
15 rulemaking, and security directives pertaining to
16 aviation security, while adhering to sensitive security
17 guidelines.

18 “(2) RECOMMENDATIONS.—

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

23 “(B) RECOMMENDATIONS OF SUBCOMMIT-
24 TEES.—Recommendations agreed upon by the
25 subcommittees established under this section

1 shall be approved by the Advisory Committee
2 for transmission to the Assistant Secretary.

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

6 “(A) reports on matters identified by the
7 Assistant Secretary; and

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

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

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 such rec-
22 ommendations, an action plan to implement any of
23 such recommendations with which the Assistant Sec-
24 retary concurs, and a detailed justification for why
25 any of such recommendations have been rejected.

1 “(6) CONGRESSIONAL NOTIFICATION.—Not
2 later than 30 days after providing written feedback
3 to the Advisory Committee in accordance with para-
4 graph (5), the Assistant Secretary shall brief the
5 Committee on Homeland Security of the House of
6 Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate on such
8 feedback.

9 “(7) REPORT TO CONGRESS.—Prior to briefing
10 the Committee on Homeland Security of the House
11 of Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate in accord-
13 ance with paragraph (6), the Assistant Secretary
14 shall submit to such committees a report containing
15 information relating to the recommendations trans-
16 mitted by the Advisory Committee in accordance
17 with paragraph (4).

18 “(c) MEMBERSHIP.—

19 “(1) APPOINTMENT.—

20 “(A) IN GENERAL.—Not later than 180
21 days after the date of enactment of this section,
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-

1 uals representing not more than 34 member or-
2 ganizations. Each organization shall be rep-
3 resented by one individual (or the individual's
4 designee).

5 “(C) REPRESENTATION.—The membership
6 of the Advisory Committee shall include rep-
7 resentatives of air carriers, all-cargo air trans-
8 portation, indirect air carriers, labor organiza-
9 tions representing air carrier employees, air-
10 craft manufacturers, airport operators, airport
11 construction and maintenance contractors, labor
12 organizations representing employees of airport
13 construction and maintenance contractors, gen-
14 eral aviation, privacy organizations, the travel
15 industry, airport-based businesses (including
16 minority-owned small businesses), businesses
17 that conduct security operations at airports,
18 aeronautical repair stations, passenger advocacy
19 groups, the aviation technology security indus-
20 try (including biometrics), victims of terrorist
21 acts against aviation, and law enforcement and
22 security experts.

23 “(2) REMOVAL.—The Assistant Secretary may
24 review the participation of a member of the Advisory

1 Committee and remove such member for cause at
2 any time.

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

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

12 “(d) AIR CARGO SECURITY SUBCOMMITTEE.—

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

22 “(2) MEETINGS AND REPORTING.—The sub-
23 committee shall meet at least quarterly and submit
24 to the Advisory Committee for inclusion in the an-
25 nual report required under subsection (b)(4) infor-

1 mation, including recommendations, regarding air
2 cargo security. Such submissions shall include rec-
3 ommendations to improve the Transportation Secu-
4 rity Administration’s cargo security initiatives estab-
5 lished to meet the requirements of section 44901(g).

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

7 “(A) include members of the Advisory
8 Committee with expertise in air cargo oper-
9 ations; and

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

12 “(e) GENERAL AVIATION SECURITY SUB-
13 COMMITTEE.—

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

21 “(2) MEETINGS AND REPORTING.—The sub-
22 committee shall meet at least quarterly and submit
23 to the Advisory Committee for inclusion in the an-
24 nual report required under subsection (b)(4) infor-

1 mation, including recommendations, regarding avia-
2 tion security at general aviation airports.

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

4 “(A) include members of the Advisory
5 Committee with expertise in general aviation;
6 and

7 “(B) be cochaired by a Government and
8 industry official.

9 “(f) PERIMETER SECURITY, EXIT LANE SECURITY,
10 AND ACCESS CONTROL SUBCOMMITTEE.—

11 “(1) IN GENERAL.—The Assistant Secretary
12 shall establish within the Advisory Committee an
13 airport perimeter security, exit lane security, and ac-
14 cess control subcommittee to provide recommenda-
15 tions on airport perimeter security, exit lane security
16 at commercial service airports, and access control
17 issues.

18 “(2) MEETINGS AND REPORTING.—The sub-
19 committee shall meet at least quarterly and submit
20 to the Advisory Committee for inclusion in the an-
21 nual report required under subsection (b)(4) infor-
22 mation, including recommendations, regarding im-
23 proving perimeter security, exit lane security at com-
24 mercial service airports, 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) SECURITY TECHNOLOGY SUBCOMMITTEE.—

4 “(1) IN GENERAL.—The Assistant Secretary
5 shall establish within the Advisory Committee a se-
6 curity technology subcommittee to provide rec-
7 ommendations on security technology issues, includ-
8 ing harmonization of security technology standards
9 and requirements.

10 “(2) MEETINGS AND REPORTING.—The sub-
11 committee shall meet at least quarterly and submit
12 to the Advisory Committee for inclusion in the an-
13 nual report required under subsection (b)(4) infor-
14 mation, including recommendations, regarding secu-
15 rity technology. Such submissions shall include rec-
16 ommendations to improve the Transportation Secu-
17 rity Administration’s utilization of security tech-
18 nology and harmonization of security technology
19 standards and requirements. All recommendations
20 shall be in furtherance of aviation security and tech-
21 nology neutral.

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

23 “(A) include members of the Advisory
24 Committee with expertise in checkpoint, bag-
25 gage, and air cargo security technology; and

1 “(B) be co-chaired by a Government and
2 industry official.

3 “(i) 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 “(j) 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 “(k) 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 “(l) DEFINITIONS.—In this section:

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

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

23 “(3) PERIMETER SECURITY.—The term ‘perim-
24 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.”.

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