

112TH CONGRESS
2D SESSION

H. R. 1447

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2012

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

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.

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 “Aviation Security
3 Stakeholder Participation Act of 2012”.

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:

8 **“§ 44946. Aviation Security Advisory Committee**

9 “(a) ESTABLISHMENT.—The Assistant Secretary
10 shall establish within the Transportation Security Admin-
11 istration an advisory committee to be known as the Avia-
12 tion Security Advisory Committee.

13 “(b) DUTIES.—

14 “(1) IN GENERAL.—The Advisory Committee
15 shall be consulted by and advise the Assistant Sec-
16 retary on aviation security matters, including the de-
17 velopment and implementation of policies, programs,
18 rulemaking, and security directives pertaining to
19 aviation security.

20 “(2) RECOMMENDATIONS.—

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

25 “(B) RECOMMENDATIONS OF WORKING
26 GROUPS.—Recommendations agreed upon by

1 the working groups established under this sec-
2 tion shall be approved by the Advisory Com-
3 mittee for transmission to the Assistant Sec-
4 retary.

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

8 “(A) reports on matters identified by the
9 Assistant Secretary; and

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

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

19 “(c) MEMBERSHIP.—

20 “(1) APPOINTMENT.—

21 “(A) IN GENERAL.—Not later than 180
22 days after the date of enactment of this section,
23 the Assistant Secretary shall appoint the mem-
24 bers of the Advisory Committee.

1 “(B) COMPOSITION.—The membership
2 shall consist of individuals representing not
3 more than 27 member organizations. Each or-
4 ganization shall be represented by one indi-
5 vidual (or the individual’s designee).

6 “(C) REPRESENTATION.—The membership
7 shall include representatives of air carriers, all
8 cargo air transportation, indirect air carriers,
9 labor organizations representing air carrier em-
10 ployees, aircraft manufacturers, airport opera-
11 tors, general aviation, privacy, the travel indus-
12 try, and the aviation technology security indus-
13 try, including biometrics.

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

4 “(1) IN GENERAL.—The Assistant Secretary
5 shall establish within the Advisory Committee an air
6 cargo security working group to provide rec-
7 ommendations on air cargo security issues, including
8 the implementation of the air cargo security pro-
9 grams established by the Transportation Security
10 Administration to screen air cargo on passenger air-
11 craft and all-cargo aircraft in accordance with estab-
12 lished cargo screening mandates.

13 “(2) MEETINGS AND REPORTING.—The work-
14 ing group shall meet at least quarterly and submit
15 information, including recommendations, regarding
16 air cargo security to the Advisory Committee for in-
17 clusion in the annual report. The submissions shall
18 include recommendations to improve the Administra-
19 tion’s cargo security initiatives established to meet
20 the requirements of section 44901(g).

21 “(3) MEMBERSHIP.—The working group
22 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 WORKING
4 GROUP.—

5 “(1) IN GENERAL.—The Assistant Secretary
6 shall establish within the Advisory Committee a gen-
7 eral aviation working group 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 work-
13 ing group shall meet at least quarterly and submit
14 information, including recommendations, regarding
15 aviation security at general aviation airports to the
16 Advisory Committee for inclusion in the annual re-
17 port.

18 “(3) MEMBERSHIP.—The working group
19 shall—

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

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

25 “(f) PERIMETER SECURITY WORKING GROUP.—

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

6 “(2) MEETINGS AND REPORTING.—The work-
7 ing group shall meet at least quarterly and submit
8 information, including recommendations, regarding
9 improving perimeter security and access control pro-
10 cedures at commercial service and general aviation
11 airports to the Advisory Committee for inclusion in
12 the annual report.

13 “(3) MEMBERSHIP.—The working group
14 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) NONAPPLICABILITY OF FACA.—The Federal
21 Advisory Committee Act (5 U.S.C. App.) shall not apply
22 to the Advisory Committee or its working groups.

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

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

5 “(2) ANNUAL REPORT.—The term ‘annual re-
6 port’ means the annual report required under sub-
7 section (a).

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

12 “(4) PERIMETER SECURITY.—The term ‘perim-
13 eter security’—

14 “(A) means procedures or systems to mon-
15 itor, secure, and prevent unauthorized access to
16 an airport, including its airfield and terminal;
17 and

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

1 (b) CLERICAL AMENDMENT.—The analysis for such
2 subchapter is amended by adding at the end the following:

“44946. Aviation Security Advisory Committee.”.

Passed the House of Representatives June 28, 2012.

Attest:

KAREN L. HAAS,

Clerk.