

111TH CONGRESS
1ST SESSION

H. R. 3093

To require the Transportation Security Administration to engage in a negotiated rulemaking process for the purposes of creating a security regiment for general aviation aircraft.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2009

Mr. DENT (for himself, Mr. OLSON, Mr. EHLERS, Mr. MOORE of Kansas, Mr. PERLMUTTER, Mrs. MILLER of Michigan, Mr. PETRI, Mr. MICA, and Mr. CAMPBELL) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To require the Transportation Security Administration to engage in a negotiated rulemaking process for the purposes of creating a security regiment for general aviation aircraft.

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 “General Aviation Secu-
5 rity Enhancement Act of 2009”.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Homeland Security.

4 **SEC. 3. GENERAL AVIATION NEGOTIATED RULEMAKING.**

5 (a) **NEGOTIATED RULEMAKING COMMITTEE.**—Sub-
6 ject to subsection (b), the Secretary may not issue a rule,
7 interim final rule, or a new rulemaking intended to ad-
8 dress, in whole or in part, the proposed rulemaking enti-
9 tled “Large Aircraft Security Program, Other Aircraft
10 Operator Security Program, and Airport Operator Secu-
11 rity Program (TSA–2008–0021)” unless the Secretary—

12 (1) establishes a negotiated rulemaking com-
13 mittee in accordance with the requirements for es-
14 tablishing an advisory committee under section 871
15 of the Homeland Security Act of 2002 (6 U.S.C.
16 451); and

17 (2) receives a written report from the advisory
18 committee chosen pursuant to paragraph (1) de-
19 scribing in detail its findings and recommendations.

20 (b) **RULE EXCEPTION.**—

21 (1) **URGENT THREAT.**—The Secretary may
22 issue a rule prohibited by subsection (a) if the Sec-
23 retary determines, based on a credible and urgent
24 threat, that an emergency exists that necessitates
25 the immediate issuance of such a rule to save lives
26 or protect property.

1 (2) REVIEW OF EMERGENCY DETERMINA-
2 TION.—Not later than 30 days after such a rule is
3 issued under this subsection, the Inspector General
4 of the Department of Homeland Security shall deter-
5 mine if a credible and urgent threat existed that ne-
6 cessitated issuing an immediate rule and report its
7 findings to the Committees on Homeland Security
8 and Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate.

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