

114TH CONGRESS
2D SESSION

S. 3289

To prohibit scheduled passenger air transportation between the United States and Cuba until a study has been completed regarding security measures and equipment at Cuba's airports and certain agreements have been established with the Government of Cuba, to amend title 49, United States Code, to clarify the role of the Secretary of Homeland Security regarding security standards at foreign airports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2016

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

A BILL

To prohibit scheduled passenger air transportation between the United States and Cuba until a study has been completed regarding security measures and equipment at Cuba's airports and certain agreements have been established with the Government of Cuba, to amend title 49, United States Code, to clarify the role of the Secretary of Homeland Security regarding security standards at foreign airports, 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 “Cuban Airport Security Act of 2016”.

4 **SEC. 2. FLIGHTS BETWEEN THE UNITED STATES AND CUBA.**

5 (a) IN GENERAL.—The Administrator of the Transportation Security Administration shall submit a report to
6 the Committee on Commerce, Science, and Transportation
7 of the Senate and the Committee on Homeland Security
8 of the House of Representatives on the following aspects
9 of security measures at all Cuban airports served by
10 United States aircraft operators and Cuban airports serving
11 as last point of departure locations for foreign air carriers:
12
13

14 (1) Details about the type of equipment used at
15 screening checkpoints and an analysis of such equipment’s capabilities and weaknesses.

17 (2) Information about each airport’s canine
18 program, if used.

19 (3) The frequency of training for screening and
20 security personnel.

21 (4) Access controls in place to ensure only
22 credentialed personnel have access to the secure and
23 sterile areas of such airports.

24 (5) An assessment of the ability of known or
25 suspected terrorists to use Cuba as a gateway to entering
26 the United States.

1 (6) Perimeter security at such airports.

2 (7) A mitigation assessment regarding man-
3 portable air defense systems.

4 (8) The vetting practices and procedures for
5 airport employees.

6 (9) Compliance with United States security
7 standards and procedures.

8 (10) Any other information determined relevant
9 to the security practices, procedures, and equipment
10 in place at such airports.

11 (b) GAO AUDIT.—The Comptroller General of the
12 United States shall submit an audit of the report required
13 under subsection (a) to the Committee on Commerce,
14 Science, and Transportation of the Senate and the Com-
15 mittee on Homeland Security of the House of Representa-
16 tives.

17 (c) FEDERAL AIR MARSHAL SERVICE.—The Sec-
18 retary of Homeland Security shall seek to enter into an
19 agreement with the Government of Cuba allowing the Fed-
20 eral Air Marshal Service to conduct missions on regularly
21 scheduled passenger air transportation between a place in
22 the United States and a place in Cuba.

23 (d) TSA ACCESS TO CUBAN LAST POINT OF DEPAR-
24 TURE AIRPORTS.—The Secretary of Homeland Security
25 shall seek to enter into an agreement with the Government

1 of Cuba that allows Transportation Security Administra-
2 tion inspectors to access all areas of last point of depar-
3 ture airports in Cuba for the purposes of security assess-
4 ments.

5 (e) HIRING AND TRAINING REQUIREMENTS.—Sched-
6 uled passenger air carriers—

7 (1) shall be permitted to directly recruit, hire,
8 and train local personnel in Cuba; and

9 (2) such recruitment, hiring, or training may
10 not be carried out through entities that are owned,
11 operated, or controlled, in whole or in part, by
12 Cuba’s Council of State, Council of Ministers, Com-
13 munist Party, Ministry of the Revolutionary Armed
14 Forces, or Ministry of the Interior.

15 (f) PROHIBITION.—No agreement dated on or after
16 January 1, 2016, to expand regularly scheduled passenger
17 air transportation between a place in the United States
18 and a place in Cuba may be permitted until after—

19 (1) the report and audit described in sub-
20 sections (a) and (b) have been submitted;

21 (2) the Secretary of Homeland Security has en-
22 tered into the agreements described in subsections
23 (c) and (d); and

24 (3) the requirements under subsection (e) have
25 been met.

1 (g) STATUTORY CONSTRUCTION.—Nothing in this
2 section may be constructed to affect charter passenger air
3 transportation between a place in the United States and
4 a place in Cuba.

5 **SEC. 3. SECURITY STANDARDS AT FOREIGN AIRPORTS.**

6 Section 44907 of title 49, United States Code, is
7 amended—

8 (1) in subsections (a) through (d), by striking
9 “Secretary of Transportation” each place it appears
10 and inserting “Secretary of Homeland Security”;
11 and

12 (2) in subsection (e), in the matter preceding
13 paragraph (1)—

14 (A) by striking “the Secretary of Trans-
15 portation, with the approval of the Secretary of
16 State and without notice or a hearing, shall”
17 and inserting “at the request of the Secretary
18 of Homeland Security and with the approval of
19 the Secretary of State and without notice or a
20 hearing, the Secretary of Transportation shall”;
21 and

22 (B) by striking “when the Secretary of
23 Transportation decides” and inserting “when
24 the Secretary of Homeland Security decides”.

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