

To amend title 49, United States Code, to modify the authority of the Assistant Secretary of Homeland Security (Transportation Security Administration) to issue regulations and security... (Introduced in House)

HR 3678 IH

111th CONGRESS

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H. R. 3678

To amend title 49, United States Code, to modify the authority of the Assistant Secretary of Homeland Security (Transportation Security Administration) to issue regulations and security directives using emergency procedures.

IN THE HOUSE OF REPRESENTATIVES

September 30, 2009

Mr. MICA (for himself, Mr. PETRI, Mr. BOYD, Mr. EHLERS, and Mr. GRAVES) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend title 49, United States Code, to modify the authority of the Assistant Secretary of Homeland Security (Transportation Security Administration) to issue regulations and security directives using emergency procedures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ISSUANCE OF REGULATIONS AND SECURITY DIRECTIVES USING EMERGENCY PROCEDURES.

(a) In General- Section 114(l) of title 49, United States Code, is amended--

(1) in paragraph (2)--

(A) in subparagraph (A) by striking 'immediately in order to protect transportation security' and inserting 'in order to respond to an imminent threat of finite duration'; and

(B) in subparagraph (B) by inserting ` to determine if the regulation or security directive is needed to respond to an imminent threat of finite duration' before the period at the end of the first sentence;

(2) by striking paragraph (3) and inserting the following:

` (3) FACTORS TO CONSIDER-

` (A) IN GENERAL- In determining whether to issue, rescind, or revise a regulation or security directive under this subsection, the Under Secretary shall consider, as factors in the final determination--

` (i) whether the costs of the regulation or security directive are excessive in relation to the enhancement of security the regulation or security directive will provide;

` (ii) whether the regulation or security directive will remain effective for more than a 90-day period; and

` (iii) whether the regulation or security directive will require revision in the subsequent 90-day period.

` (B) AUTHORITY TO WAIVE CERTAIN REQUIREMENTS- For purposes of subparagraph (A)(i), the Under Secretary may waive requirements for an analysis that estimates the number of lives that will be saved by the regulation or security directive and the monetary value of such lives if the Under Secretary determines that it is not feasible to make such an estimate.'; and

(3) by adding at the end the following:

` (5) RULEMAKING REQUIRED- Any regulation or security directive issued under paragraph (2) that remains effective, with or without revision, for a period of more than 180 days shall be subject to a rulemaking pursuant to subchapter II of chapter 5 of title 5.'.

(b) Applicability- The amendment made by subsection (a)(3) shall apply to a regulation issued under section 114(l)(2) of title 49, United States Code, before, on, or after the date of enactment of this Act.