AMENDMENT TO H.R. 2200, AS REPORTED

OFFERED BY MR. MICA OF FLORIDA, MR. PETRI OF WISCONSIN, MR. GRAVES OF MISSOURI, AND MR. EHLERS OF MICHIGAN

At the end of subtitle B of title II of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

1 **SEC. 240. ISSUANCE OF REGULATIONS AND SECURITY DI-**
2 **RECTIVES USING EMERGENCY PROCEDURES.**
3 (a) IN GENERAL.—Section 114(l) of title 49, United
4 States Code, is amended—
5 (1) in paragraph (2)—
6 (A) in subparagraph (A) by striking "im-
7 mediately in order to protect transportation se-
8 curity" and inserting "in order to respond to an
9 imminent threat of finite duration"; and
10 (B) in subparagraph (B) by inserting "to
11 determine if the regulation or security directive
12 is needed to respond to an imminent threat of
13 finite duration" before the period at the end of
14 the first sentence;

1 (2) by striking paragraph (3) and inserting the
2 following:
3 "(3) FACTORS TO CONSIDER.—
4 "(A) IN GENERAL.—In determining wheth-
5 er to issue, rescind, or revise a regulation or se-
6 curity directive under this subsection, the
7 Under Secretary shall consider, as factors in
8 the final determination—
9 "(i) whether the costs of the regula-
10 tion or security directive are excessive in
11 relation to the enhancement of security the
12 regulation or security directive will provide;
13 "(ii) whether the regulation or secu-
14 rity directive will remain effective for more
15 than a 90-day period; and
16 "(iii) whether the regulation or secu-
17 rity directive will require revision in the
18 subsequent 90-day period.
19 "(B) AUTHORITY TO WAIVE CERTAIN RE-
20 QUIREMENTS.—For purposes of subparagraph
21 (A)(i), the Under Secretary may waive require-
22 ments for an analysis that estimates the num-
23 ber of lives that will be saved by the regulation
24 or security directive and the monetary value of
25 such lives if the Under Secretary determines

1 that it is not feasible to make such an esti-
2 mate."; and
3 (3) by adding at the end the following:
4 "(5) RULEMAKING REQUIRED.—Any regulation
5 or security directive issued under paragraph (2) that
6 remains effective, with or without revision, for a pe-
7 riod of more than 180 days shall be subject to a
8 rulemaking pursuant to subchapter II of chapter 5
9 of title 5.".
10 (b) APPLICABILITY.—The amendment made by sub-
11 section (a)(3) shall apply to a regulation issued under sec-
12 tion 114(l)(2) of title 49, United States Code, before, on,
13 or after the date of enactment of this Act.