

AMENDMENT TO H.R. 2200, AS REPORTED
OFFERED BY MR. TERRY OF NEBRASKA

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

1 **SEC. 240. GENERAL AVIATION NEGOTIATED RULEMAKING.**

2 (a) **NEGOTIATED RULEMAKING COMMITTEE.**—Sub-
3 ject to subsection (b), the Secretary may not issue a final
4 rule, interim final rule, or a new rulemaking intended to
5 address, in whole or in part, the proposed rulemaking enti-
6 tled Large Aircraft Security Program, Other Aircraft Op-
7 erator Security Program, and Airport Operator Security
8 Program (TSA–2008–0021) unless the Secretary—

9 (1) establishes a negotiated rulemaking com-
10 mittee in accordance with the requirements for es-
11 tablishing an advisory committee under section 871
12 of the Homeland Security Act of 2002 (6 U.S.C.
13 451) or uses the Aviation Security Advisory Com-
14 mittee established by section 209 of this Act; and

15 (2) the Secretary receives a written report from
16 the advisory committee chosen pursuant to para-

1 graph (1) describing in detail its findings and rec-
2 ommendations.

3 (b) RULE EXCEPTION.—

4 (1) URGENT THREAT.—The Secretary may
5 issue a rule prohibited by subsection (a) if the Sec-
6 retary determines, based on a credible and urgent
7 threat, that an emergency exists that necessitates
8 the immediate issuance of such a rule to save lives
9 or protect property.

10 (2) REVIEW OF EMERGENCY STATUS.—Not
11 later than 30 days after a rule is issued under this
12 subsection, the Inspector General shall determine if
13 a credible and urgent threat existed that neces-
14 sitated issuing an immediate rule and report its
15 findings to the Committee on Homeland Security of
16 the House of Representatives and the Committee on
17 Commerce, Science, and Transportation of the Sen-
18 ate.

