

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 5728**  
**OFFERED BY Mr. Katko**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Cuban Airport Secu-  
3 rity Act of 2016”.

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

5       (a) IN GENERAL.—The Administrator of the Trans-  
6 portation Security Administration shall submit to the  
7 Committee on Homeland Security of the House of Rep-  
8 resentatives and the Committee on Commerce, Science,  
9 and Transportation of the Senate a report on the following  
10 aspects of security measures at each of Cuba’s ten inter-  
11 national airports:

12           (1) Details about the type of equipment used at  
13 screening checkpoints and an analysis of such equip-  
14 ment’s capabilities and weaknesses.

15           (2) Information about each such airport’s ca-  
16 nine program, if used.

17           (3) The frequency of training for screening and  
18 security personnel.

1           (4) Access controls in place to ensure only  
2           credentialed personnel have access to the secure and  
3           sterile areas of such airports.

4           (5) An assessment of the ability of known or  
5           suspected terrorists to use Cuba as a gateway to en-  
6           tering the United States.

7           (6) Security of such airports' perimeters.

8           (7) A mitigation assessment regarding Man  
9           Portable Air Defense Systems.

10          (8) The vetting practices and procedures for  
11          airport employees.

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

15          (b) GAO AUDIT.—The Comptroller General of the  
16          United States shall submit to the Committee on Homeland  
17          Security of the House of Representatives and the Com-  
18          mittee on Commerce, Science, and Transportation of the  
19          Senate an audit of the report required under subsection  
20          (a).

21          (c) FEDERAL AIR MARSHAL SERVICE.—The Sec-  
22          retary of Homeland Security shall seek to establish an  
23          agreement with the Government of Cuba allowing the Fed-  
24          eral Air Marshal Service to conduct missions on regularly

1 scheduled passenger air transportation between a place in  
2 the United States and a place in Cuba.

3 (d) TSA ACCESS TO CUBAN LAST POINT OF DEPARTURE AIRPORTS.—The Secretary of Homeland security  
4 shall seek to establish an agreement with the Government  
5 of Cuba that allows Transportation Security Administration  
6 inspectors to access all areas of last point of departure  
7 airports in Cuba for the purposes of security assessments.  
8  
9

10 (e) PUBLIC DISCLOSURE OF CERTAIN AGREEMENTS.—  
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12 (1) DISCLOSURE REQUIRED.—No United States  
13 air carrier that has entered into a covered agreement  
14 may employ a Cuban national pursuant to 31 C.F.R.  
15 515.573 after the date that is 30 days after the date  
16 of the enactment of this Act unless the air carrier  
17 has publicly disclosed the full text of the covered  
18 agreement.

19 (2) COVERED AGREEMENT.—In this subsection,  
20 the term “covered agreement” means a formal  
21 agreement between a United States air carrier with  
22 passenger air service between any location in Cuba  
23 and any location in the United States and the  
24 Empresa Cubana de Aeropuertos y Servicios

1       Aeronauticos or any other entity associated with the  
2       Government of Cuba.

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

4       Section 44907 of title 49, United States Code, is  
5   amended—

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

10          (2) in subsection (e), in the matter preceding  
11       paragraph (1)—

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

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

