

In the House of Representatives, U. S.,

September 26, 2018.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 302) entitled “An Act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“FAA Reauthorization Act of 2018”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

DIVISION A—SPORTS MEDICINE LICENSURE

Sec. 11. Short title.

Sec. 12. Protections for covered sports medicine professionals.

DIVISION B—FAA REAUTHORIZATION ACT OF 2018

Sec. 101. Definition of appropriate committees of Congress.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 111. Airport planning and development and noise compatibility planning and programs.

Sec. 112. Facilities and equipment.

Sec. 113. FAA operations.

Sec. 114. Weather reporting programs.

- Sec. 115. Adjustment to AIP program funding.*
- Sec. 116. Funding for aviation programs.*
- Sec. 117. Extension of expiring authorities.*

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- Sec. 121. Passenger facility charge modernization.*
- Sec. 122. Future aviation infrastructure and financing study.*
- Sec. 123. Intermodal access projects.*

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- Sec. 132. Mothers' rooms.*
- Sec. 133. Contract Tower Program.*
- Sec. 134. Government share of project costs.*
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- Sec. 136. Use of State highway specifications.*
- Sec. 137. Former military airports.*
- Sec. 138. Eligibility of CCTV projects for airport improvement program.*
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- Sec. 140. Non-movement area surveillance pilot program.*
- Sec. 141. Property conveyance releases.*
- Sec. 142. Study regarding technology usage at airports.*
- Sec. 143. Study on airport revenue diversion.*
- Sec. 144. GAO study on the effect of granting an exclusive right of aeronautical services to an airport sponsor.*
- Sec. 145. Sense of Congress on smart airports.*
- Sec. 146. Critical airfield markings.*
- Sec. 147. General facilities authority.*
- Sec. 148. Recycling plans; uncategorized small airports.*
- Sec. 149. Evaluation of airport master plans.*
- Sec. 150. Definition of small business concern.*
- Sec. 151. Small airport regulation relief.*
- Sec. 152. Construction of certain control towers.*
- Sec. 153. Nondiscrimination.*
- Sec. 154. Definition of airport development.*
- Sec. 155. General aviation airport expired funds.*
- Sec. 156. Priority review of construction projects in cold weather States.*
- Sec. 157. Minority and disadvantaged business participation.*
- Sec. 158. Supplemental discretionary funds.*
- Sec. 159. State taxation.*
- Sec. 160. Airport investment partnership program.*
- Sec. 161. Remote tower pilot program for rural and small communities.*
- Sec. 162. Airport access roads in remote locations.*
- Sec. 163. Limited regulation of non-federally sponsored property.*
- Sec. 164. Seasonal airports.*
- Sec. 165. Amendments to definitions.*
- Sec. 166. Pilot program sunsets.*
- Sec. 167. Buy America requirements.*

Subtitle D—Airport Noise and Environmental Streamlining

- Sec. 171. Funding eligibility for airport energy efficiency assessments.*
- Sec. 172. Authorization of certain flights by stage 2 aircraft.*
- Sec. 173. Alternative airplane noise metric evaluation deadline.*

- Sec. 174. Updating airport noise exposure maps.*
Sec. 175. Addressing community noise concerns.
Sec. 176. Community involvement in FAA NextGen projects located in metroplexes.
Sec. 177. Lead emissions.
Sec. 178. Terminal sequencing and spacing.
Sec. 179. Airport noise mitigation and safety study.
Sec. 180. Regional ombudsmen.
Sec. 181. FAA leadership on civil supersonic aircraft.
Sec. 182. Mandatory use of the New York North Shore Helicopter Route.
Sec. 183. State standards for airport pavements.
Sec. 184. Eligibility of pilot program airports.
Sec. 185. Grandfathering of certain deed agreements granting through-the-fence access to general aviation airports.
Sec. 186. Stage 3 aircraft study.
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Sec. 190. Environmental mitigation pilot program.
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Subtitle C—Flight Standards Reform

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Subtitle C—Public Area Security

- Sec. 1926. Definitions.*
- Sec. 1927. Explosives detection canine capacity building.*
- Sec. 1928. Third party domestic canines.*
- Sec. 1929. Tracking and monitoring of canine training and testing.*
- Sec. 1930. VIPR team statistics.*
- Sec. 1931. Public area security working group.*
- Sec. 1932. Public area best practices.*
- Sec. 1933. Airport worker access controls cost and feasibility study.*
- Sec. 1934. Securing airport worker access points.*
- Sec. 1935. Law Enforcement Officer Reimbursement Program.*
- Sec. 1936. Airport perimeter and access control security.*

Subtitle D—Passenger and Cargo Security

- Sec. 1937. PreCheck Program.*
- Sec. 1938. PreCheck expedited screening.*
- Sec. 1939. Trusted traveler programs; collaboration.*
- Sec. 1940. Passenger security fee.*
- Sec. 1941. Third party canine teams for air cargo security.*
- Sec. 1942. Known Shipper Program review.*
- Sec. 1943. Establishment of air cargo security division.*
- Sec. 1944. Air cargo regulation review.*
- Sec. 1945. GAO review.*
- Sec. 1946. Screening partnership program updates.*
- Sec. 1947. Screening performance assessments.*
- Sec. 1948. Transportation security training programs.*
- Sec. 1949. Traveler redress improvement.*
- Sec. 1950. Improvements for screening of passengers with disabilities.*
- Sec. 1951. Air cargo advance screening program.*
- Sec. 1952. General aviation airports.*

Subtitle E—Foreign Airport Security

- Sec. 1953. Last point of departure airports; security directives.*
- Sec. 1954. Last point of departure airport assessment.*
- Sec. 1955. Tracking security screening equipment from last point of departure airports.*

- Sec. 1956. International security standards.*
- Sec. 1957. Aviation security in Cuba.*
- Sec. 1958. Report on airports used by Mahan Air.*

Subtitle F—Cockpit and Cabin Security

- Sec. 1959. Federal air marshal service updates.*
- Sec. 1960. Crew member self-defense training.*
- Sec. 1961. Flight deck safety and security.*
- Sec. 1962. Carriage of weapons, explosives, and incendiaries by individuals.*
- Sec. 1963. Federal flight deck officer program improvements.*

Subtitle G—Surface Transportation Security

- Sec. 1964. Surface transportation security assessment and implementation of risk-based strategy.*
- Sec. 1965. Risk-based budgeting and resource allocation.*
- Sec. 1966. Surface transportation security management and interagency coordination review.*
- Sec. 1967. Transparency.*
- Sec. 1968. TSA counterterrorism asset deployment.*
- Sec. 1969. Surface Transportation Security Advisory Committee.*
- Sec. 1970. Review of the explosives detection canine team program.*
- Sec. 1971. Expansion of national explosives detection canine team program.*
- Sec. 1972. Study on security standards and best practices for passenger transportation systems.*
- Sec. 1973. Amtrak security upgrades.*
- Sec. 1974. Passenger rail vetting.*
- Sec. 1975. Study on surface transportation inspectors.*
- Sec. 1976. Security awareness program.*
- Sec. 1977. Voluntary use of credentialing.*
- Sec. 1978. Background records checks for issuance of hazmat licenses.*
- Sec. 1979. Cargo container scanning technology review.*
- Sec. 1980. Pipeline security study.*
- Sec. 1981. Feasibility assessment.*
- Sec. 1982. Best practices to secure against vehicle-based attacks.*
- Sec. 1983. Surface transportation stakeholder survey.*
- Sec. 1984. Nuclear material and explosive detection technology.*

Subtitle H—Transportation Security

- Sec. 1985. National strategy for transportation security review.*
- Sec. 1986. Risk scenarios.*
- Sec. 1987. Integrated and unified operations centers.*
- Sec. 1988. National Deployment Force.*
- Sec. 1989. Information sharing and cybersecurity.*
- Sec. 1990. Security technologies tied to foreign threat countries.*

Subtitle I—Conforming and Miscellaneous Amendments

- Sec. 1991. Title 49 amendments.*
- Sec. 1992. Table of contents of chapter 449.*
- Sec. 1993. Other laws; Intelligence Reform and Terrorism Prevention Act of 2004.*
- Sec. 1994. Savings provisions.*

1 ***DIVISION A—SPORTS MEDICINE***
2 ***LICENSURE***

3 ***SEC. 11. SHORT TITLE.***

4 *This division may be cited as the “Sports Medicine*
5 *Licensure Clarity Act of 2018”.*

6 ***SEC. 12. PROTECTIONS FOR COVERED SPORTS MEDICINE***
7 ***PROFESSIONALS.***

8 *(a) IN GENERAL.—In the case of a covered sports med-*
9 *icine professional who has in effect medical professional li-*
10 *ability insurance coverage and provides in a secondary*
11 *State covered medical services that are within the scope of*
12 *practice of such professional in the primary State to an*
13 *athlete or an athletic team (or a staff member of such an*
14 *athlete or athletic team) pursuant to an agreement de-*
15 *scribed in subsection (c)(4) with respect to such athlete or*
16 *athletic team—*

17 *(1) such medical professional liability insurance*
18 *coverage shall cover (subject to any related premium*
19 *adjustments) such professional with respect to such*
20 *covered medical services provided by the professional*
21 *in the secondary State to such an individual or team*
22 *as if such services were provided by such professional*
23 *in the primary State to such an individual or team;*
24 *and*

1 (2) *to the extent such professional is licensed*
2 *under the requirements of the primary State to pro-*
3 *vide such services to such an individual or team, the*
4 *professional shall be treated as satisfying any licen-*
5 *sure requirements of the secondary State to provide*
6 *such services to such an individual or team to the ex-*
7 *tent the licensure requirements of the secondary State*
8 *are substantially similar to the licensure requirements*
9 *of the primary State.*

10 (b) *RULE OF CONSTRUCTION.—Nothing in this section*
11 *shall be construed—*

12 (1) *to allow a covered sports medicine profes-*
13 *sional to provide medical services in the secondary*
14 *State that exceed the scope of that professional’s li-*
15 *cence in the primary State;*

16 (2) *to allow a covered sports medicine profes-*
17 *sional to provide medical services in the secondary*
18 *State that exceed the scope of a substantially similar*
19 *sports medicine professional license in the secondary*
20 *State;*

21 (3) *to supersede any reciprocity agreement in ef-*
22 *fect between the two States regarding such services or*
23 *such professionals;*

1 (4) to supersede any interstate compact agree-
 2 ment entered into by the two States regarding such
 3 services or such professionals; or

4 (5) to supersede a licensure exemption the sec-
 5 ondary State provides for sports medicine profes-
 6 sionals licensed in the primary State.

7 (c) *DEFINITIONS.*—*In this division, the following defi-*
 8 *nitions apply:*

9 (1) *ATHLETE.*—*The term “athlete” means—*

10 (A) *an individual participating in a sport-*
 11 *ing event or activity for which the individual*
 12 *may be paid;*

13 (B) *an individual participating in a sport-*
 14 *ing event or activity sponsored or sanctioned by*
 15 *a national governing body; or*

16 (C) *an individual for whom a high school*
 17 *or institution of higher education provides a cov-*
 18 *ered sports medicine professional.*

19 (2) *ATHLETIC TEAM.*—*The term “athletic team”*
 20 *means a sports team—*

21 (A) *composed of individuals who are paid*
 22 *to participate on the team;*

23 (B) *composed of individuals who are par-*
 24 *ticipating in a sporting event or activity spon-*

1 sored or sanctioned by a national governing
2 body; or

3 (C) for which a high school or an institu-
4 tion of higher education provides a covered
5 sports medicine professional.

6 (3) *COVERED MEDICAL SERVICES.*—The term
7 “covered medical services” means general medical
8 care, emergency medical care, athletic training, or
9 physical therapy services. Such term does not include
10 care provided by a covered sports medicine profes-
11 sional—

12 (A) at a health care facility; or

13 (B) while a health care provider licensed to
14 practice in the secondary State is transporting
15 the injured individual to a health care facility.

16 (4) *COVERED SPORTS MEDICINE PROFES-*
17 *SIONAL.*—The term “covered sports medicine profes-
18 sional” means a physician, athletic trainer, or other
19 health care professional who—

20 (A) is licensed to practice in the primary
21 State;

22 (B) provides covered medical services, pur-
23 suant to a written agreement with an athlete, an
24 athletic team, a national governing body, a high
25 school, or an institution of higher education; and

1 (C) prior to providing the covered medical
2 services described in subparagraph (B), has dis-
3 closed the nature and extent of such services to
4 the entity that provides the professional with li-
5 ability insurance in the primary State.

6 (5) *HEALTH CARE FACILITY.*—The term “health
7 care facility” means a facility in which medical care,
8 diagnosis, or treatment is provided on an inpatient
9 or outpatient basis. Such term does not include facili-
10 ties at an arena, stadium, or practice facility, or tem-
11 porary facilities existing for events where athletes or
12 athletic teams may compete.

13 (6) *INSTITUTION OF HIGHER EDUCATION.*—The
14 term “institution of higher education” has the mean-
15 ing given such term in section 101 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1001).

17 (7) *LICENSE.*—The term “license” or “licen-
18 sure”, as applied with respect to a covered sports
19 medicine professional, means a professional that has
20 met the requirements and is approved to provide cov-
21 ered medical services in accordance with State laws
22 and regulations in the primary State. Such term may
23 include the registration or certification, or any other
24 form of special recognition, of an individual as such
25 a professional, as applicable.

1 (8) *NATIONAL GOVERNING BODY.*—*The term “na-*
2 *tional governing body” has the meaning given such*
3 *term in section 220501 of title 36, United States*
4 *Code.*

5 (9) *PRIMARY STATE.*—*The term “primary State”*
6 *means, with respect to a covered sports medicine pro-*
7 *fessional, the State in which—*

8 (A) *the covered sports medicine professional*
9 *is licensed to practice; and*

10 (B) *the majority of the covered sports medi-*
11 *cine professional’s practice is underwritten for*
12 *medical professional liability insurance coverage.*

13 (10) *SECONDARY STATE.*—*The term “secondary*
14 *State” means, with respect to a covered sports medi-*
15 *cine professional, any State that is not the primary*
16 *State.*

17 (11) *STATE.*—*The term “State” means each of*
18 *the several States, the District of Columbia, and each*
19 *commonwealth, territory, or possession of the United*
20 *States.*

21 (12) *SUBSTANTIALLY SIMILAR.*—*The term “sub-*
22 *stantially similar”, with respect to the licensure by*
23 *primary and secondary States of a sports medicine*
24 *professional, means that both the primary and sec-*
25 *ondary States have in place a form of licensure for*

1 *such professionals that permits such professionals to*
2 *provide covered medical services.*

3 ***DIVISION B—FAA***
4 ***REAUTHORIZATION ACT OF 2018***

5 ***SEC. 101. DEFINITION OF APPROPRIATE COMMITTEES OF***
6 ***CONGRESS.***

7 *In this division, the term “appropriate committees of*
8 *Congress” means the Committee on Commerce, Science, and*
9 *Transportation of the Senate and the Committee on Trans-*
10 *portation and Infrastructure of the House of Representa-*
11 *tives.*

12 ***TITLE I—AUTHORIZATIONS***
13 ***Subtitle A—Funding of FAA***
14 ***Programs***

15 ***SEC. 111. AIRPORT PLANNING AND DEVELOPMENT AND***
16 ***NOISE COMPATIBILITY PLANNING AND PRO-***
17 ***GRAMS.***

18 *(a) AUTHORIZATION.—Section 48103(a) of title 49,*
19 *United States Code, is amended by striking “section*
20 *47504(c)” and all that follows through the period at the*
21 *end and inserting the following: “section 47504(c)—*

22 *“(1) \$3,350,000,000 for fiscal year 2018;*

23 *“(2) \$3,350,000,000 for fiscal year 2019;*

24 *“(3) \$3,350,000,000 for fiscal year 2020;*

25 *“(4) \$3,350,000,000 for fiscal year 2021;*

1 “(5) \$3,350,000,000 for fiscal year 2022; and

2 “(6) \$3,350,000,000 for fiscal year 2023.”.

3 (b) *OBLIGATION AUTHORITY*.—Section 47104(c) of
4 title 49, United States Code, is amended in the matter pre-
5 ceding paragraph (1) by striking “2018,” and inserting
6 “2023,”.

7 **SEC. 112. FACILITIES AND EQUIPMENT.**

8 (a) *AUTHORIZATION OF APPROPRIATIONS FROM AIR-*
9 *PORT AND AIRWAY TRUST FUND*.—Section 48101(a) of title
10 49, United States Code, is amended by striking paragraphs
11 (1) through (5) and inserting the following:

12 “(1) \$3,330,000,000 for fiscal year 2018.

13 “(2) \$3,398,000,000 for fiscal year 2019.

14 “(3) \$3,469,000,000 for fiscal year 2020.

15 “(4) \$3,547,000,000 for fiscal year 2021.

16 “(5) \$3,624,000,000 for fiscal year 2022.

17 “(6) \$3,701,000,000 for fiscal year 2023.”.

18 (b) *AUTHORIZED EXPENDITURES*.—Section 48101(c)
19 of title 49, United States Code, is amended—

20 (1) in the subsection heading by striking “Auto-
21 mated Surface Observation System/Automated Weath-
22 er Observing System Upgrade” and inserting “Au-
23 thorized Expenditures”; and

24 (2) by striking “may be used for the implementa-
25 tion” and all that follows through the period at the

1 *end and inserting the following: “may be used for the*
2 *following:*

3 *“(1) The implementation and use of upgrades to*
4 *the current automated surface observation system/*
5 *automated weather observing system, if the upgrade is*
6 *successfully demonstrated.*

7 *“(2) The acquisition and construction of remote*
8 *towers (as defined in section 161 of the FAA Reau-*
9 *thorization Act of 2018).*

10 *“(3) The remediation and elimination of identi-*
11 *fied cybersecurity vulnerabilities in the air traffic*
12 *control system.*

13 *“(4) The construction of facilities dedicated to*
14 *improving the cybersecurity of the National Airspace*
15 *System.*

16 *“(5) Systems associated with the Data Commu-*
17 *nications program.*

18 *“(6) The infrastructure, sustainment, and the*
19 *elimination of the deferred maintenance backlog of air*
20 *navigation facilities and other facilities for which the*
21 *Federal Aviation Administration is responsible.*

22 *“(7) The modernization and digitization of the*
23 *Civil Aviation Registry.*

24 *“(8) The construction of necessary Priority 1*
25 *National Airspace System facilities.*

1 “(9) *Cost-beneficial construction, rehabilitation,*
2 *or retrofitting programs designed to reduce Federal*
3 *Aviation Administration facility operating costs.*”.

4 **SEC. 113. FAA OPERATIONS.**

5 (a) *IN GENERAL.*—Section 106(k)(1) of title 49,
6 *United States Code, is amended by striking subparagraphs*
7 *(A) through (F) and inserting the following:*

8 “(A) \$10,247,000,000 for fiscal year 2018;

9 “(B) \$10,486,000,000 for fiscal year 2019;

10 “(C) \$10,732,000,000 for fiscal year 2020;

11 “(D) \$11,000,000,000 for fiscal year 2021;

12 “(E) \$11,269,000,000 for fiscal year 2022;

13 *and*

14 “(F) \$11,537,000,000 for fiscal year 2023.”.

15 (b) *AUTHORIZED EXPENDITURES.*—Section 106(k)(2)
16 *of title 49, United States Code, is amended by adding at*
17 *the end the following:*

18 “(D) *Not more than the following amounts*
19 *for commercial space transportation activities:*

20 “(i) \$22,587,000 for fiscal year 2018.

21 “(ii) \$33,038,000 for fiscal year 2019.

22 “(iii) \$43,500,000 for fiscal year 2020.

23 “(iv) \$54,970,000 for fiscal year 2021.

24 “(v) \$64,449,000 for fiscal year 2022.

1 “(vi) \$75,938,000 for fiscal year
2 2023.”.

3 (c) *AUTHORITY TO TRANSFER FUNDS.*—Section
4 106(k)(3) of title 49, United States Code, is amended by
5 striking “fiscal years 2012 through 2018,” and inserting
6 “fiscal years 2018 through 2023,”.

7 **SEC. 114. WEATHER REPORTING PROGRAMS.**

8 Section 48105 of title 49, United States Code, is
9 amended—

10 (1) by striking “To reimburse the” and all that
11 follows through “the Secretary of Transportation”
12 and inserting “To sustain the aviation weather re-
13 porting programs of the Federal Aviation Adminis-
14 tration, the Secretary of Transportation”; and

15 (2) by adding at the end the following:

16 “(4) \$39,000,000 for each of fiscal years 2019
17 through 2023.”.

18 **SEC. 115. ADJUSTMENT TO AIP PROGRAM FUNDING.**

19 Section 48112 of title 49, United States Code, and the
20 item relating to such section in the analysis for chapter 481
21 of such title, are repealed.

22 **SEC. 116. FUNDING FOR AVIATION PROGRAMS.**

23 Section 48114(a)(1)(A)(ii) of title 49, United States
24 Code, is amended by striking “in fiscal year 2014 and each

1 *fiscal year thereafter*” and inserting “*in fiscal years 2014*
2 *through 2018*”.

3 **SEC. 117. EXTENSION OF EXPIRING AUTHORITIES.**

4 (a) *MARSHALL ISLANDS, MICRONESIA, AND PALAU.*—
5 *Section 47115 of title 49, United States Code, is amended—*

6 (1) *by striking subsection (i);*

7 (2) *by redesignating subsection (j) as subsection*
8 *(i); and*

9 (3) *in subsection (i) (as so redesignated), by*
10 *striking “fiscal years 2012 through 2018” and insert-*
11 *ing “fiscal years 2018 through 2023”.*

12 (b) *EXTENSION OF COMPATIBLE LAND USE PLANNING*
13 *AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.*—
14 *Section 47141(f) of title 49, United States Code, is amended*
15 *by striking “September 30, 2018” and inserting “September*
16 *30, 2023”.*

17 (c) *MIDWAY ISLAND AIRPORT.*—*Section 186(d) of the*
18 *Vision 100—Century of Aviation Reauthorization Act*
19 *(Public Law 108–176; 117 Stat. 2518) is amended by strik-*
20 *ing “for fiscal years 2012 through 2018” and inserting “for*
21 *fiscal years 2018 through 2023”.*

22 (d) *EXTENSION OF PILOT PROGRAM FOR REDEVELOP-*
23 *MENT OF AIRPORT PROPERTIES.*—*Section 822(k) of the*
24 *FAA Modernization and Reform Act of 2012 (49 U.S.C.*

1 47141 note) is amended by striking “September 30, 2018”
 2 and inserting “September 30, 2023”.

3 **Subtitle B—Passenger Facility**
 4 **Charges**

5 **SEC. 121. PASSENGER FACILITY CHARGE MODERNIZATION.**

6 (a) *PASSENGER FACILITY CHARGES; GENERAL AU-*
 7 *THORITY.*—Section 40117(b)(4) of title 49, United States
 8 Code, is amended—

9 (1) in the matter preceding subparagraph (A),
 10 by striking “, if the Secretary finds—” and inserting
 11 a period; and

12 (2) by striking subparagraphs (A) and (B).

13 (b) *PILOT PROGRAM FOR PASSENGER FACILITY*
 14 *CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.*—Sec-
 15 tion 40117(l) of title 49, United States Code, is amended—

16 (1) in the heading, by striking “AT NONHUB
 17 AIRPORTS”;

18 (2) in paragraph (1), by striking “nonhub”; and

19 (3) in paragraph (6), by striking “Not later than
 20 180 days after the date of enactment of this sub-
 21 section, the” and inserting “The”.

22 **SEC. 122. FUTURE AVIATION INFRASTRUCTURE AND FI-**
 23 **NANCING STUDY.**

24 (a) *FUTURE AVIATION INFRASTRUCTURE AND FINANC-*
 25 *ING STUDY.*—Not later than 60 days after the date of enact-

1 *ment of this Act, the Secretary of Transportation shall enter*
2 *into an agreement with a qualified organization to conduct*
3 *a study assessing the infrastructure needs of airports and*
4 *existing financial resources for commercial service airports*
5 *and make recommendations on the actions needed to up-*
6 *grade the national aviation infrastructure system to meet*
7 *the growing and shifting demands of the 21st century.*

8 *(b) CONSULTATION.—In carrying out the study, the*
9 *qualified organization shall convene and consult with a*
10 *panel of national experts, including representatives of—*

- 11 *(1) nonhub airports;*
- 12 *(2) small hub airports;*
- 13 *(3) medium hub airports;*
- 14 *(4) large hub airports;*
- 15 *(5) airports with international service;*
- 16 *(6) nonprimary airports;*
- 17 *(7) local elected officials;*
- 18 *(8) relevant labor organizations;*
- 19 *(9) passengers;*
- 20 *(10) air carriers;*
- 21 *(11) the tourism industry; and*
- 22 *(12) the business travel industry.*

23 *(c) CONSIDERATIONS.—In carrying out the study, the*
24 *qualified organization shall consider—*

1 (1) *the ability of airport infrastructure to meet*
2 *current and projected passenger volumes;*

3 (2) *the available financial tools and resources for*
4 *airports of different sizes;*

5 (3) *the available financing tools and resources*
6 *for airports in rural areas;*

7 (4) *the current debt held by airports, and its im-*
8 *act on future construction and capacity needs;*

9 (5) *the impact of capacity constraints on pas-*
10 *sengers and ticket prices;*

11 (6) *the purchasing power of the passenger facil-*
12 *ity charge from the last increase in 2000 to the year*
13 *of enactment of this Act;*

14 (7) *the impact to passengers and airports of in-*
15 *dexing the passenger facility charge for inflation;*

16 (8) *how long airports are constrained with cur-*
17 *rent passenger facility charge collections;*

18 (9) *the impact of passenger facility charges on*
19 *promoting competition;*

20 (10) *the additional resources or options to fund*
21 *terminal construction projects;*

22 (11) *the resources eligible for use toward noise*
23 *reduction and emission reduction projects;*

1 (12) *the gap between the cost of projects eligible*
2 *for the airport improvement program and the annual*
3 *Federal funding provided;*

4 (13) *the impact of regulatory requirements on*
5 *airport infrastructure financing needs;*

6 (14) *airline competition;*

7 (15) *airline ancillary fees and their impact on*
8 *ticket pricing and taxable revenue; and*

9 (16) *the ability of airports to finance necessary*
10 *safety, security, capacity, and environmental projects*
11 *identified in capital improvement plans.*

12 (d) *LARGE HUB AIRPORTS.*—*The study shall, to the*
13 *extent not considered under subsection (c), separately evalu-*
14 *ate the infrastructure requirements of the large hub airports*
15 *identified in the National Plan of Integrated Airport Sys-*
16 *tems (NPIAS). The evaluation shall—*

17 (1) *analyze the current and future capacity con-*
18 *straints of large hub airports;*

19 (2) *quantify large hub airports’ infrastructure*
20 *requirements, including terminal, landside, and*
21 *airside infrastructure;*

22 (3) *quantify the percentage growth in infrastruc-*
23 *ture requirements of the large hub airports relative to*
24 *other commercial service airports;*

1 (4) analyze how much funding from the airport
2 improvement program (AIP) has gone to meet the re-
3 quirements of large hub airports over the past 10
4 years; and

5 (5) project how much AIP funding would be
6 available to meet the requirements of large hub air-
7 ports in the next 5 years if funding levels are held
8 constant.

9 (e) *REPORT.*—Not later than 15 months after the date
10 of enactment of this Act, the qualified organization shall
11 submit to the Secretary and the appropriate committees of
12 Congress a report on the results of the study described in
13 subsection (a), including its findings and recommendations
14 related to each item in subsections (c) and (d).

15 (f) *DEFINITION OF QUALIFIED ORGANIZATION.*—In
16 this section, the term “qualified organization” means an
17 independent nonprofit organization that recommends solu-
18 tions to public policy challenges through objective analysis.

19 **SEC. 123. INTERMODAL ACCESS PROJECTS.**

20 Not later than 6 months after the date of enactment
21 of this Act, the Administrator of the Federal Aviation Ad-
22 ministration shall, after consideration of all public com-
23 ments, publish in the Federal Register a final policy
24 amendment consistent with the notice published in the Fed-
25 eral Register on May 3, 2016 (81 Fed. Reg. 26611).

1 ***Subtitle C—Airport Improvement***
2 ***Program Modifications***

3 ***SEC. 131. GRANT ASSURANCES.***

4 *Section 47107 of title 49, United States Code, is*
5 *amended—*

6 *(1) in subsection (a)(17), by striking “each con-*
7 *tract” and inserting “if any phase of such project has*
8 *received funds under this subchapter, each contract”;*

9 *(2) in subsection (r)(3), by striking “2018” and*
10 *inserting “2023”; and*

11 *(3) by adding at the end the following:*

12 *“(u) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—*

13 *“(1) IN GENERAL.—The construction of a covered*
14 *aircraft shall be treated as an aeronautical activity*
15 *for purposes of—*

16 *“(A) determining an airport’s compliance*
17 *with a grant assurance made under this section*
18 *or any other provision of law; and*

19 *“(B) the receipt of Federal financial assist-*
20 *ance for airport development.*

21 *“(2) COVERED AIRCRAFT DEFINED.—In this sub-*
22 *section, the term ‘covered aircraft’ means an air-*
23 *craft—*

24 *“(A) used or intended to be used exclusively*
25 *for recreational purposes; and*

1 “(B) constructed or under construction by a
2 private individual at a general aviation airport.

3 “(v) *COMMUNITY USE OF AIRPORT LAND.*—

4 “(1) *IN GENERAL.*—Notwithstanding subsection
5 (a)(13), and subject to paragraph (2), the sponsor of
6 a public-use airport shall not be considered to be in
7 violation of this subtitle, or to be found in violation
8 of a grant assurance made under this section, or
9 under any other provision of law, as a condition for
10 the receipt of Federal financial assistance for airport
11 development, solely because the sponsor has entered
12 into an agreement, including a revised agreement,
13 with a local government providing for the use of air-
14 port property for an interim compatible recreational
15 purpose at below fair market value.

16 “(2) *RESTRICTIONS.*—This subsection shall
17 apply only—

18 “(A) to an agreement regarding airport
19 property that was initially entered into before
20 the publication of the Federal Aviation Adminis-
21 tration’s Policy and Procedures Concerning the
22 Use of Airport Revenue, dated February 16,
23 1999;

24 “(B) if the agreement between the sponsor
25 and the local government is subordinate to any

1 *existing or future agreements between the sponsor*
2 *and the Secretary, including agreements related*
3 *to a grant assurance under this section;*

4 “(C) *to airport property that was acquired*
5 *under a Federal airport development grant pro-*
6 *gram;*

7 “(D) *if the airport sponsor has provided a*
8 *written statement to the Administrator that the*
9 *property made available for a recreational pur-*
10 *pose will not be needed for any aeronautical pur-*
11 *pose during the next 10 years;*

12 “(E) *if the agreement includes a term of not*
13 *more than 2 years to prepare the airport prop-*
14 *erty for the interim compatible recreational pur-*
15 *pose and not more than 10 years of use for that*
16 *purpose;*

17 “(F) *if the recreational purpose will not im-*
18 *pect the aeronautical use of the airport;*

19 “(G) *if the airport sponsor provides a cer-*
20 *tification that the sponsor is not responsible for*
21 *preparation, start-up, operations, maintenance,*
22 *or any other costs associated with the rec-*
23 *reational purpose; and*

1 “(H) if the recreational purpose is con-
2 sistent with Federal land use compatibility cri-
3 teria under section 47502.

4 “(3) STATUTORY CONSTRUCTION.—Nothing in
5 this subsection may be construed as permitting a di-
6 version of airport revenue for the capital or operating
7 costs associated with the community use of airport
8 land.”.

9 **SEC. 132. MOTHERS’ ROOMS.**

10 (a) GRANT ASSURANCES.—Section 47107 of title 49,
11 United States Code, as amended by this Act, is further
12 amended by adding at the end the following:

13 “(w) MOTHERS’ ROOMS.—

14 “(1) IN GENERAL.—In fiscal year 2021 and each
15 fiscal year thereafter, the Secretary of Transportation
16 may approve an application under this subchapter
17 for an airport development project grant only if the
18 Secretary receives written assurances that the airport
19 owner or operator will maintain—

20 “(A) a lactation area in the sterile area of
21 each passenger terminal building of the airport;
22 and

23 “(B) a baby changing table in one men’s
24 and one women’s restroom in each passenger ter-
25 minal building of the airport.

1 “(2) *APPLICABILITY.*—

2 “(A) *AIRPORT SIZE.*—*The requirement in*
3 *paragraph (1) shall only apply to applications*
4 *submitted by the airport sponsor of a medium or*
5 *large hub airport.*

6 “(B) *PREEXISTING FACILITIES.*—*On appli-*
7 *cation by an airport sponsor, the Secretary may*
8 *determine that a lactation area in existence on*
9 *the date of enactment of this Act complies with*
10 *the requirement in paragraph (1), notwith-*
11 *standing the absence of one of the facilities or*
12 *characteristics referred to in the definition of the*
13 *term ‘lactation area’ in this subsection.*

14 “(C) *SPECIAL RULE.*—*The requirement in*
15 *paragraph (1) shall not apply with respect to a*
16 *project grant application for a period of time,*
17 *determined by the Secretary, if the Secretary de-*
18 *termines that construction or maintenance ac-*
19 *tivities make it impracticable or unsafe for the*
20 *lactation area to be located in the sterile area of*
21 *the building.*

22 “(3) *DEFINITION.*—*In this section, the term—*

23 “(A) *‘lactation area’ means a room or simi-*
24 *lar accommodation that—*

1 “(i) provides a location for members of
2 the public to express breast milk that is
3 shielded from view and free from intrusion
4 from the public;

5 “(ii) has a door that can be locked;

6 “(iii) includes a place to sit, a table or
7 other flat surface, a sink or sanitizing
8 equipment, and an electrical outlet;

9 “(iv) is readily accessible to and usable
10 by individuals with disabilities, including
11 individuals who use wheelchairs; and

12 “(v) is not located in a restroom; and

13 “(B) ‘sterile area’ has the same meaning
14 given that term in section 1540.5 of title 49,
15 Code of Federal Regulations.”.

16 (b) *TERMINAL DEVELOPMENT COSTS.*—Section
17 47119(a) of title 49, United States Code, is amended by
18 adding at the end the following:

19 “(3) *LACTATION AREAS.*—In addition to the
20 projects described in paragraph (1), the Secretary
21 may approve a project for terminal development for
22 the construction or installation of a lactation area (as
23 defined in section 47107(w)) at a commercial service
24 airport.”.

1 **SEC. 133. CONTRACT TOWER PROGRAM.**

2 (a) *AIR TRAFFIC CONTROL CONTRACT PROGRAM.*—

3 (1) *SPECIAL RULE.*—Section 47124(b)(1)(B) of
4 title 49, United States Code, is amended—

5 (A) by striking “under the program contin-
6 ued under this paragraph” and inserting “under
7 the Contract Tower Program”; and

8 (B) by striking “exceeds the benefit for a pe-
9 riod of 18 months after such determination is
10 made” and inserting the following: “exceeds the
11 benefit—

12 “(i) for the 1-year period after such de-
13 termination is made; or

14 “(ii) if an appeal of such determina-
15 tion is requested, for the 1-year period de-
16 scribed in subsection (d)(4)(D).”.

17 (2) *EXEMPTION.*—Section 47124(b)(3)(D) of title
18 49, United States Code, is amended—

19 (A) by striking “under the program” and
20 inserting “under the Cost-share Program”; and

21 (B) by adding at the end the following:
22 “Airports with air service provided under part
23 121 of title 14, Code of Federal Regulations, and
24 more than 25,000 passenger enplanements in
25 calendar year 2014 shall be exempt from any
26 cost-share requirement under this paragraph.”.

1 (3) *CONSTRUCTION OF AIR TRAFFIC CONTROL*
2 *TOWERS.*—

3 (A) *GRANTS.*—Section 47124(b)(4)(A) of
4 title 49, United States Code, is amended in each
5 of clauses (i)(III) and (ii)(III) by inserting “,
6 including remote air traffic control tower equip-
7 ment certified by the Federal Aviation Adminis-
8 tration” after “1996”.

9 (B) *ELIGIBILITY.*—Section
10 47124(b)(4)(B)(i)(I) of title 49, United States
11 Code, is amended by striking “contract tower
12 program established under subsection (a) and
13 continued under paragraph (1) or the pilot pro-
14 gram established under paragraph (3)” and in-
15 serting “Contract Tower Program or the Cost-
16 share Program”.

17 (C) *LIMITATION ON FEDERAL SHARE.*—Sec-
18 tion 47124(b)(4) of title 49, United States Code,
19 is amended by striking subparagraph (C).

20 (4) *BENEFIT-TO-COST CALCULATION FOR PRO-*
21 *GRAM APPLICANTS.*—Section 47124(b)(3) of title 49,
22 United States Code, is amended by adding at the end
23 the following:

24 “(G) *BENEFIT-TO-COST CALCULATION.*—Not
25 later than 90 days after receiving an application

1 to the Contract Tower Program, the Secretary
2 shall calculate a benefit-to-cost ratio (as de-
3 scribed in subsection (d)) for the applicable air
4 traffic control tower for purposes of selecting
5 towers for participation in the Contract Tower
6 Program.”.

7 (b) *CRITERIA TO EVALUATE PARTICIPANTS.*—Section
8 47124 of title 49, United States Code, is amended by adding
9 at the end the following:

10 “(d) *CRITERIA TO EVALUATE PARTICIPANTS.*—

11 “(1) *TIMING OF EVALUATIONS.*—

12 “(A) *TOWERS PARTICIPATING IN COST-*
13 *SHARE PROGRAM.*—In the case of an air traffic
14 control tower that is operated under the Cost-
15 share Program, the Secretary shall annually cal-
16 culate a benefit-to-cost ratio with respect to the
17 tower.

18 “(B) *TOWERS PARTICIPATING IN CONTRACT*
19 *TOWER PROGRAM.*—In the case of an air traffic
20 control tower that is operated under the Contract
21 Tower Program, the Secretary shall not calculate
22 a benefit-to-cost ratio after the date of enactment
23 of this subsection with respect to the tower unless
24 the Secretary determines that the annual aircraft

1 *traffic at the airport where the tower is located*
2 *has decreased—*

3 *“(i) by more than 25 percent from the*
4 *previous year; or*

5 *“(ii) by more than 55 percent cumula-*
6 *tively in the preceding 3-year period.*

7 *“(2) COSTS TO BE CONSIDERED.—In establishing*
8 *a benefit-to-cost ratio under this section with respect*
9 *to an air traffic control tower, the Secretary shall*
10 *consider only the following costs:*

11 *“(A) The Federal Aviation Administration’s*
12 *actual cost of wages and benefits of personnel*
13 *working at the tower.*

14 *“(B) The Federal Aviation Administration’s*
15 *actual telecommunications costs directly associ-*
16 *ated with the tower.*

17 *“(C) The Federal Aviation Administration’s*
18 *costs of purchasing and installing any air traffic*
19 *control equipment that would not have been pur-*
20 *chased or installed except as a result of the oper-*
21 *ation of the tower.*

22 *“(D) The Federal Aviation Administra-*
23 *tion’s actual travel costs associated with main-*
24 *taining air traffic control equipment that is*
25 *owned by the Administration and would not be*

1 *maintained except as a result of the operation of*
2 *the tower.*

3 “(E) *Other actual costs of the Federal Avia-*
4 *tion Administration directly associated with the*
5 *tower that would not be incurred except as a re-*
6 *sult of the operation of the tower (excluding costs*
7 *for noncontract tower-related personnel and*
8 *equipment, even if the personnel or equipment is*
9 *located in the contract tower building).*

10 “(3) *OTHER CRITERIA TO BE CONSIDERED.—In*
11 *establishing a benefit-to-cost ratio under this section*
12 *with respect to an air traffic control tower, the Sec-*
13 *retary shall add a 10 percentage point margin of*
14 *error to the benefit-to-cost ratio determination to ac-*
15 *knowledge and account for the direct and indirect eco-*
16 *nomical and other benefits that are not included in the*
17 *criteria the Secretary used in calculating that ratio.*

18 “(4) *REVIEW OF COST-BENEFIT DETERMINA-*
19 *TIONS.—In issuing a benefit-to-cost ratio determina-*
20 *tion under this section with respect to an air traffic*
21 *control tower located at an airport, the Secretary*
22 *shall implement the following procedures:*

23 “(A) *The Secretary shall provide the airport*
24 *(or the State or local government having juris-*
25 *isdiction over the airport) at least 90 days fol-*

1 *lowing the date of receipt of the determination to*
2 *submit to the Secretary a request for an appeal*
3 *of the determination, together with updated or*
4 *additional data in support of the appeal.*

5 *“(B) Upon receipt of a request for an ap-*
6 *peal submitted pursuant to subparagraph (A),*
7 *the Secretary shall—*

8 *“(i) transmit to the Administrator of*
9 *the Federal Aviation Administration any*
10 *updated or additional data submitted in*
11 *support of the appeal; and*

12 *“(ii) provide the Administrator not*
13 *more than 90 days to review the data and*
14 *provide a response to the Secretary based on*
15 *the review.*

16 *“(C) After receiving a response from the Ad-*
17 *ministrator pursuant to subparagraph (B), the*
18 *Secretary shall—*

19 *“(i) provide the airport, State, or local*
20 *government that requested the appeal at*
21 *least 30 days to review the response; and*

22 *“(ii) withhold from taking further ac-*
23 *tion in connection with the appeal during*
24 *that 30-day period.*

1 “(D) If, after completion of the appeal pro-
2 cedures with respect to the determination, the
3 Secretary requires the tower to transition into
4 the Cost-share Program, the Secretary shall not
5 require a cost-share payment from the airport,
6 State, or local government for 1 year following
7 the last day of the 30-day period described in
8 subparagraph (C).

9 “(e) DEFINITIONS.—In this section:

10 “(1) CONTRACT TOWER PROGRAM.—The term
11 ‘Contract Tower Program’ means the level I air traf-
12 fic control tower contract program established under
13 subsection (a) and continued under subsection (b)(1).

14 “(2) COST-SHARE PROGRAM.—The term ‘Cost-
15 share Program’ means the cost-share program estab-
16 lished under subsection (b)(3).”.

17 “(c) CONFORMING AMENDMENTS.—Section 47124(b) of
18 title 49, United States Code, is amended—

19 (1) in paragraph (1)(C), by striking “the pro-
20 gram established under paragraph (3)” and inserting
21 “the Cost-share Program”;

22 (2) in paragraph (3)—

23 (A) in the heading, by striking “CONTRACT
24 AIR TRAFFIC CONTROL TOWER PROGRAM” and
25 inserting “COST-SHARE PROGRAM”;

1 (B) in subparagraph (A), by striking “con-
2 tract tower program established under subsection
3 (a) and continued under paragraph (1) (in this
4 paragraph referred to as the ‘Contract Tower
5 Program’)” and inserting “Contract Tower Pro-
6 gram”;

7 (C) in subparagraph (B), by striking “In
8 carrying out the program” and inserting “In
9 carrying out the Cost-share Program”;

10 (D) in subparagraph (C), by striking “par-
11 ticipate in the program” and inserting “partici-
12 pate in the Cost-share Program”; and

13 (E) in subparagraph (F), by striking “the
14 program continued under paragraph (1)” and
15 inserting “the Contract Tower Program”.

16 (d) APPROVAL OF CERTAIN APPLICATIONS FOR THE
17 CONTRACT TOWER PROGRAM.—

18 (1) IN GENERAL.—If the Administrator of the
19 Federal Aviation Administration has not imple-
20 mented a revised cost-benefit methodology for purposes
21 of determining eligibility for the Contract Tower Pro-
22 gram before the date that is 30 days after the date of
23 enactment of this Act, any airport with an applica-
24 tion for participation in the Contract Tower Program
25 pending as of January 1, 2017, shall be approved for

1 participation in the Contract Tower Program if the
2 Administrator determines the tower is eligible under
3 the criteria set forth in the Federal Aviation Admin-
4 istration report entitled “Establishment and Dis-
5 continuance Criteria for Airport Traffic Control Tow-
6 ers”, and dated August 1990 (FAA-APO-90-7).

7 (2) *REQUESTS FOR ADDITIONAL AUTHORITY.*—
8 The Administrator shall respond not later than 60
9 days after the date the Administrator receives a for-
10 mal request from an airport and air traffic control
11 contractor for additional authority to expand contract
12 tower operational hours and staff to accommodate
13 flight traffic outside of current tower operational
14 hours.

15 (3) *DEFINITION OF CONTRACT TOWER PRO-*
16 *GRAM.*—In this section, the term “Contract Tower
17 Program” has the meaning given the term in section
18 47124(e) of title 49, United States Code, as added by
19 this Act.

20 **SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.**

21 Section 47109(a) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (1), by striking “primary air-
24 port having at least .25 percent of the total number
25 of passenger boardings each year at all commercial

1 *service airports;” and inserting “medium or large hub*
2 *airport;”;* and

3 *(2) by striking paragraph (5) and inserting the*
4 *following:*

5 *“(5) 95 percent for a project that—*

6 *“(A) the Administrator determines is a suc-*
7 *cessive phase of a multiphase construction*
8 *project for which the sponsor received a grant in*
9 *fiscal year 2011; and*

10 *“(B) for which the United States Govern-*
11 *ment’s share of allowable project costs would oth-*
12 *erwise be capped at 90 percent under paragraph*
13 *(2) or (3).”.*

14 **SEC. 135. UPDATED VETERANS’ PREFERENCE.**

15 *Section 47112(c)(1)(C) of title 49, United States Code,*
16 *is amended—*

17 *(1) by striking “or Operation New Dawn for*
18 *more” and inserting “Operation New Dawn, Oper-*
19 *ation Inherent Resolve, Operation Freedom’s Sentinel,*
20 *or any successor contingency operation to such oper-*
21 *ations for more”; and*

22 *(2) by striking “or Operation New Dawn*
23 *(whichever is later)” and inserting “Operation New*
24 *Dawn, Operation Inherent Resolve, Operation Free-*

1 *dom’s Sentinel, or any successor contingency oper-*
 2 *ation to such operations (whichever is later)”.*

3 **SEC. 136. USE OF STATE HIGHWAY SPECIFICATIONS.**

4 *Section 47114(d)(5) of title 49, United States Code,*
 5 *is amended to read as follows:*

6 “(5) *USE OF STATE HIGHWAY SPECIFICA-*
 7 *TIONS.—The Secretary shall use the highway speci-*
 8 *fications of a State for airfield pavement construction*
 9 *and improvement using funds made available under*
 10 *this subsection at nonprimary airports serving air-*
 11 *craft that do not exceed 60,000 pounds gross weight*
 12 *if—*

13 “(A) *such State requests the use of such*
 14 *specifications; and*

15 “(B) *the Secretary determines that—*

16 “(i) *safety will not be negatively af-*
 17 *ected; and*

18 “(ii) *the life of the pavement, with nec-*
 19 *essary maintenance and upkeep, will not be*
 20 *shorter than it would be if constructed using*
 21 *Administration standards.”.*

22 **SEC. 137. FORMER MILITARY AIRPORTS.**

23 *Section 47118(a) of title 49, United States Code, is*
 24 *amended—*

1 (1) in paragraph (1)(C), by striking “or” at the
2 end;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(3) the airport is—

7 “(A) a former military installation that, at
8 any time after December 31, 1965, was owned
9 and operated by the Department of Defense; and

10 “(B) a nonhub primary airport.”.

11 **SEC. 138. ELIGIBILITY OF CCTV PROJECTS FOR AIRPORT**

12 **IMPROVEMENT PROGRAM.**

13 Section 47119(a)(1)(B) is amended—

14 (1) by striking “; and” at the end and inserting
15 “; or”;

16 (2) by striking “directly related to moving pas-
17 sengers” and inserting the following: “directly related
18 to—

19 “(i) moving passengers”; and

20 (3) by adding at the end the following:

21 “(ii) installing security cameras in the
22 public area of the interior and exterior of
23 the terminal; and”.

1 **SEC. 139. STATE BLOCK GRANT PROGRAM EXPANSION.**

2 *Section 47128(a) of title 49, United States Code, is*
3 *amended by striking “not more than 9 qualified States for*
4 *fiscal years 2000 and 2001 and 10 qualified States for each*
5 *fiscal year thereafter” and inserting “not more than 20*
6 *qualified States for each fiscal year”.*

7 **SEC. 140. NON-MOVEMENT AREA SURVEILLANCE PILOT**
8 **PROGRAM.**

9 *(a) IN GENERAL.—Subchapter I of chapter 471 of title*
10 *49, United States Code, is amended by inserting after sec-*
11 *tion 47142 the following:*

12 **“§47143. Non-movement area surveillance surface dis-**
13 **play systems pilot program**

14 *“(a) IN GENERAL.—The Administrator of the Federal*
15 *Aviation Administration may carry out a pilot program*
16 *to support non-Federal acquisition and installation of*
17 *qualifying non-movement area surveillance surface display*
18 *systems and sensors if—*

19 *“(1) the Administrator determines that such sys-*
20 *tems and sensors would improve safety or capacity in*
21 *the National Airspace System; and*

22 *“(2) the non-movement area surveillance surface*
23 *display systems and sensors supplement existing*
24 *movement area systems and sensors at the selected*
25 *airports established under other programs adminis-*
26 *tered by the Administrator.*

1 “(b) *PROJECT GRANTS.*—

2 “(1) *IN GENERAL.*—*For purposes of carrying out*
3 *the pilot program, the Administrator may make a*
4 *project grant out of funds apportioned under para-*
5 *graph (1) or paragraph (2) of section 47114(c) to not*
6 *more than 5 eligible sponsors to acquire and install*
7 *qualifying non-movement area surveillance surface*
8 *display systems and sensors. The airports selected to*
9 *participate in the pilot program shall have existing*
10 *Administration movement area systems and airlines*
11 *that are participants in Federal Aviation Adminis-*
12 *tration’s airport collaborative decision-making proc-*
13 *ess.*

14 “(2) *DATA EXCHANGE PROCESSES.*—*As part of*
15 *the pilot program carried out under this section, the*
16 *Administrator may establish data exchange processes*
17 *to allow airport participation in the Administration’s*
18 *airport collaborative decision-making process and fu-*
19 *sion of the non-movement surveillance data with the*
20 *Administration’s movement area systems.*

21 “(c) *SUNSET.*—*This section shall cease to be effective*
22 *on October 1, 2023.*

23 “(d) *DEFINITIONS.*—*In this section:*

24 “(1) *NON-MOVEMENT AREA.*—*The term ‘non-*
25 *movement area’ means the portion of the airfield sur-*

1 *face that is not under the control of air traffic con-*
 2 *trol.*

3 “(2) *NON-MOVEMENT AREA SURVEILLANCE SUR-*
 4 *FACE DISPLAY SYSTEMS AND SENSORS.—The term*
 5 *‘non-movement area surveillance surface display sys-*
 6 *tems and sensors’ means a non-Federal surveillance*
 7 *system that uses on-airport sensors that track vehicles*
 8 *or aircraft that are equipped with transponders in*
 9 *the non-movement area.*

10 “(3) *QUALIFYING NON-MOVEMENT AREA SUR-*
 11 *VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-*
 12 *SORS.—The term ‘qualifying non-movement area sur-*
 13 *veillance surface display system and sensors’ means a*
 14 *non-movement area surveillance surface display sys-*
 15 *tem that—*

16 “(A) *provides the required transmit and re-*
 17 *ceive data formats consistent with the National*
 18 *Airspace System architecture at the appropriate*
 19 *service delivery point;*

20 “(B) *is on-airport; and*

21 “(C) *is airport operated.”.*

22 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*
 23 *The table of contents of chapter 471 of title 49, United*
 24 *States Code, is amended by inserting after the item relating*
 25 *to section 47142 the following:*

 “47143. *Non-movement area surveillance surface display systems pilot program.”.*

1 **SEC. 141. PROPERTY CONVEYANCE RELEASES.**

2 *Section 817(a) of the FAA Modernization and Reform*
3 *Act of 2012 (49 U.S.C. 47125 note) is amended—*

4 *(1) by striking “or section 23” and inserting “,*
5 *section 23”;* and

6 *(2) by inserting “, or section 47125 of title 49,*
7 *United States Code” before the period at the end.*

8 **SEC. 142. STUDY REGARDING TECHNOLOGY USAGE AT AIR-**
9 **PORTS.**

10 *(a) IN GENERAL.—Not later than 6 months after the*
11 *date of enactment of this Act, the Administrator of the Fed-*
12 *eral Aviation Administration shall initiate a study on—*

13 *(1) technology developed by international entities*
14 *(including foreign nations and companies) that have*
15 *been installed in American airports and aviation sys-*
16 *tems over the past decade, including the nation where*
17 *the technology was developed and any airports uti-*
18 *lizing the technology; and*

19 *(2) aviation safety-related technology developed*
20 *and implemented by international entities with prov-*
21 *en track records of success that may assist in estab-*
22 *lishing best practices to improve American aviation*
23 *operations and safety.*

24 *(b) REPORT.—Not later than 18 months after the date*
25 *of enactment of this Act, the Administrator shall submit*

1 *to the appropriate committees of Congress a report on the*
2 *results of the study.*

3 **SEC. 143. STUDY ON AIRPORT REVENUE DIVERSION.**

4 *(a) STUDY.—Not later than 180 days after the date*
5 *of enactment of this Act, the Comptroller General of the*
6 *United States shall initiate a study of—*

7 *(1) the legal and financial challenges related to*
8 *repealing the exception in section 47107(b)(2) of title*
9 *49, United States Code, for those airports that the*
10 *Federal Aviation Administration has identified are*
11 *covered by the exception; and*

12 *(2) measures that may be taken to mitigate the*
13 *impact of repealing the exception.*

14 *(b) CONTENTS.—The study required under subsection*
15 *(a) shall address—*

16 *(1) the level of revenue diversion at the airports*
17 *covered by the exception described in subsection (a)(1)*
18 *and the uses of the diverted revenue;*

19 *(2) the terms of any bonds or financial covenants*
20 *an airport owner has issued relying on diverted air-*
21 *port revenue;*

22 *(3) applicable local laws or ordinances requiring*
23 *use of airport revenue for nonairport purposes;*

1 (4) *whether repealing the exception would im-*
2 *prove the long-term financial performance of im-*
3 *acted airports; and*

4 (5) *any other practical implications of repealing*
5 *the exception for airports or the national aviation*
6 *system.*

7 (c) *REPORT.—Not later than 18 months after the date*
8 *of enactment of this Act, the Comptroller General shall sub-*
9 *mit to the appropriate committees of Congress a report on*
10 *the results of the study.*

11 **SEC. 144. GAO STUDY ON THE EFFECT OF GRANTING AN EX-**
12 **CLUSIVE RIGHT OF AERONAUTICAL SERVICES**
13 **TO AN AIRPORT SPONSOR.**

14 (a) *IN GENERAL.—Not later than 2 years after the*
15 *date of enactment of this Act, the Comptroller General of*
16 *the United States shall conduct a study to examine the cases*
17 *in which an airport sponsor has exercised an exclusive right*
18 *(commonly known as a proprietary exclusive right), as de-*
19 *scribed in the Federal Aviation Advisory Circular 150/*
20 *1590–6 issued on January 4, 2007.*

21 (b) *REPORT.—Upon completion of the study described*
22 *under subsection (a), the Comptroller General shall submit*
23 *to the appropriate committees of Congress a report on the*
24 *findings of the study.*

1 **SEC. 145. SENSE OF CONGRESS ON SMART AIRPORTS.**

2 *It is the sense of Congress that the Administrator of*
3 *the Federal Aviation Administration and the Secretary of*
4 *Transportation should produce a smart airports initiative*
5 *plan that focuses on creating a more consumer-friendly and*
6 *digitally connected airport experience. The plan should in-*
7 *clude recommendations on modernizing technologies to pro-*
8 *vide more efficient check-ins, shortened security lines, Wi-*
9 *Fi and GPS upgrades, as well as improvements of aircraft*
10 *turnaround for on-time boarding and flights. The purpose*
11 *of the initiative is to invest in technologies and infrastruc-*
12 *ture toward better-connected airports while providing ap-*
13 *propriate national security and cybersecurity for travelers.*

14 **SEC. 146. CRITICAL AIRFIELD MARKINGS.**

15 *Not later than 180 days after the date of enactment*
16 *of this Act, the Administrator of the Federal Aviation Ad-*
17 *ministration shall issue a request for proposal for a study*
18 *that includes—*

19 *(1) an independent, third-party study to assess*
20 *the durability of Type III and Type I glass beads ap-*
21 *plied to critical markings over a 2-year period at not*
22 *fewer than 2 primary airports in varying weather*
23 *conditions to measure the retroreflectivity levels of*
24 *such markings on a quarterly basis; and*

25 *(2) a study at 2 other airports carried out by*
26 *applying Type III glass beads on half of the center-*

1 *line and Type I glass beads to the other half and pro-*
2 *viding for assessments from pilots through surveys ad-*
3 *ministered by a third party as to the visibility and*
4 *performance of the Type III glass beads as compared*
5 *to the Type I glass beads over a 1-year period.*

6 **SEC. 147. GENERAL FACILITIES AUTHORITY.**

7 *Section 44502 of title 49, United States Code, is*
8 *amended—*

9 *(1) by striking subsection (e) and inserting the*
10 *following:*

11 *“(e) TRANSFERS OF AIR TRAFFIC SYSTEMS.—*

12 *“(1) IN GENERAL.—An airport may transfer,*
13 *without consideration, to the Administrator of the*
14 *Federal Aviation Administration, an eligible air traf-*
15 *fic system or equipment that conforms to performance*
16 *specifications of the Administrator if a Government*
17 *airport aid program, airport development aid pro-*
18 *gram, or airport improvement project grant was used*
19 *to assist in purchasing the system or equipment.*

20 *“(2) ACCEPTANCE.—The Administrator shall ac-*
21 *cept the eligible air traffic system or equipment and*
22 *operate and maintain it under criteria of the Admin-*
23 *istrator.*

24 *“(3) DEFINITION.—In this subsection, the term*
25 *‘eligible air traffic system or equipment’ means—*

1 “(A) an instrument landing system con-
2 sisting of a glide slope and localizer (if the Ad-
3 ministrators has determined that a satellite navi-
4 gation system cannot provide a suitable ap-
5 proach to an airport);

6 “(B) an Automated Weather Observing Sys-
7 tem weather observation system; or

8 “(C) a Remote Communication Air/Ground
9 and Remote Communication Outlet communica-
10 tions facility.”; and

11 (2) by adding at the end the following:

12 “(f) AIRPORT SPACE.—

13 “(1) RESTRICTION.—The Administrator may not
14 require an airport owner or sponsor (as defined in
15 section 47102) to provide to the Federal Aviation Ad-
16 ministration without cost any of the following:

17 “(A) Building construction, maintenance,
18 utilities, or expenses for services relating to air
19 traffic control, air navigation, or weather report-
20 ing.

21 “(B) Space in a facility owned by the air-
22 port owner or sponsor for services relating to air
23 traffic control, air navigation, or weather report-
24 ing.

1 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection may be construed to affect—*

3 “(A) *any agreement the Secretary may have*
4 *or make with an airport owner or sponsor for*
5 *the airport owner or sponsor to provide any of*
6 *the items described in paragraph (1)(A) or*
7 *(1)(B) at below-market rates; or*

8 “(B) *any grant assurance that requires an*
9 *airport owner or sponsor to provide land to the*
10 *Administration without cost for an air traffic*
11 *control facility.”.*

12 **SEC. 148. RECYCLING PLANS; UNCATEGORIZED SMALL AIR-**
13 **PORTS.**

14 (a) *PROJECT GRANT APPLICATION APPROVAL.*—*Sec-*
15 *tion 47106(a) of title 49, United States Code, is amended—*

16 (1) *in paragraph (5), by striking “and” at the*
17 *end;*

18 (2) *in paragraph (6), by inserting “that includes*
19 *the project” before “, the master plan”;*

20 (3) *in paragraph (6)(E), by striking the period*
21 *at the end and inserting “; and”;* and

22 (4) *by adding at the end the following:*

23 “(7) *if the project is at an airport that is listed*
24 *as having an unclassified status under the most re-*
25 *cent national plan of integrated airport systems (as*

1 *described in section 47103), the project will be funded*
2 *with an amount appropriated under section*
3 *47114(d)(3)(B) and is—*

4 *“(A) for maintenance of the pavement of the*
5 *primary runway;*

6 *“(B) for obstruction removal for the pri-*
7 *mary runway;*

8 *“(C) for the rehabilitation of the primary*
9 *runway; or*

10 *“(D) for a project that the Secretary con-*
11 *siders necessary for the safe operation of the air-*
12 *port.”.*

13 (b) *NONPRIMARY APPORTIONMENT.—Section*
14 *47114(d)(3) of title 49, United States Code, is amended by*
15 *adding at the end the following:*

16 *“(C) During fiscal years 2019 and 2020—*

17 *“(i) an airport that accrued apporportion-*
18 *ment funds under subparagraph (A) in fis-*
19 *cal year 2013 that is listed as having an*
20 *unclassified status under the most recent*
21 *national plan of integrated airport systems*
22 *shall continue to accrue apporportionment*
23 *funds under subparagraph (A) at the same*
24 *amount the airport accrued apporportionment*

1 *funds in fiscal year 2013, subject to the con-*
2 *ditions of this paragraph;*

3 *“(ii) notwithstanding the period of*
4 *availability as described in section*
5 *47117(b), an amount apportioned to an air-*
6 *port under clause (i) shall be available to*
7 *the airport only during the fiscal year in*
8 *which the amount is apportioned; and*

9 *“(iii) notwithstanding the waiver per-*
10 *mitted under section 47117(c)(2), an air-*
11 *port receiving apportionment funds under*
12 *clause (i) may not waive its claim to any*
13 *part of the apportioned funds in order to*
14 *make the funds available for a grant for an-*
15 *other public-use airport.*

16 *“(D) An airport that re-establishes its clas-*
17 *sified status shall be eligible to accrue apportion-*
18 *ment funds pursuant to subparagraph (A) so*
19 *long as such airport retains its classified sta-*
20 *tus.”.*

21 **SEC. 149. EVALUATION OF AIRPORT MASTER PLANS.**

22 *Section 47106 of title 49, United States Code, is*
23 *amended by adding at the end the following:*

1 “(h) *EVALUATION OF AIRPORT MASTER PLANS.*—
2 When evaluating the master plan of an airport for purposes
3 of this subchapter, the Secretary shall take into account—

4 “(1) the role the airport plays with respect to
5 medical emergencies and evacuations; and

6 “(2) the role the airport plays in emergency or
7 disaster preparedness in the community served by the
8 airport.”.

9 **SEC. 150. DEFINITION OF SMALL BUSINESS CONCERN.**

10 Section 47113(a)(1) of title 49, United States Code,
11 is amended to read as follows:

12 “(1) ‘small business concern’—

13 “(A) has the meaning given the term in sec-
14 tion 3 of the Small Business Act (15 U.S.C.
15 632); but

16 “(B) in the case of a concern in the con-
17 struction industry, a concern shall be considered
18 a small business concern if the concern meets the
19 size standard for the North American Industry
20 Classification System Code 237310, as adjusted
21 by the Small Business Administration;”.

22 **SEC. 151. SMALL AIRPORT REGULATION RELIEF.**

23 Section 47114(c)(1) of title 49, United States Code, is
24 amended by striking subparagraph (F) and inserting the
25 following:

1 “(F) *SPECIAL RULE FOR FISCAL YEARS 2018*
2 *THROUGH 2020.—Notwithstanding subparagraph*
3 *(A) and subject to subparagraph (G), the Sec-*
4 *retary shall apportion to a sponsor of an airport*
5 *under that subparagraph for each of fiscal years*
6 *2018 through 2020 an amount based on the*
7 *number of passenger boardings at the airport*
8 *during calendar year 2012 if the airport—*

9 “(i) *had 10,000 or more passenger*
10 *boardings during calendar year 2012;*

11 “(ii) *had fewer than 10,000 passenger*
12 *boardings during the calendar year used to*
13 *calculate the apportionment for fiscal year*
14 *2018, 2019, or 2020, as applicable, under*
15 *subparagraph (A); and*

16 “(iii) *had scheduled air service at any*
17 *point in the calendar year used to calculate*
18 *the apportionment.*

19 “(G) *LIMITATIONS AND WAIVERS.—The au-*
20 *thority to make apportionments in the manner*
21 *prescribed in subparagraph (F) may be utilized*
22 *no more than 3 years in a row. The Secretary*
23 *may waive this limitation if the Secretary deter-*
24 *mines that an airport’s enplanements are sub-*
25 *stantially close to 10,000 enplanements and the*

1 *airport sponsor or affected communities are tak-*
2 *ing reasonable steps to restore enplanements*
3 *above 10,000.*

4 *“(H) MINIMUM APPORTIONMENT FOR COM-*
5 *MERCIAL SERVICE AIRPORTS WITH MORE THAN*
6 *8,000 PASSENGER BOARDINGS IN A CALENDAR*
7 *YEAR.—Not less than \$600,000 may be appor-*
8 *tioned under subparagraph (A) for each fiscal*
9 *year to each sponsor of a commercial service air-*
10 *port that had fewer than 10,000 passenger*
11 *boardings, but at least 8,000 passenger*
12 *boardings, during the prior calendar year.”.*

13 **SEC. 152. CONSTRUCTION OF CERTAIN CONTROL TOWERS.**

14 *Section 47116(d) of title 49, United States Code, is*
15 *amended by adding at the end the following:*

16 *“(3) CONTROL TOWER CONSTRUCTION.—Notwith-*
17 *standing section 47124(b)(4)(A), the Secretary may*
18 *provide grants under this section to an airport spon-*
19 *sor participating in the contract tower program*
20 *under section 47124 for the construction or improve-*
21 *ment of a nonapproach control tower, as defined by*
22 *the Secretary, and for the acquisition and installation*
23 *of air traffic control, communications, and related*
24 *equipment to be used in that tower. Such grants shall*
25 *be subject to the distribution requirements of sub-*

1 *section (b) and the eligibility requirements of section*
2 *47124(b)(4)(B).”.*

3 **SEC. 153. NONDISCRIMINATION.**

4 *Section 47123 of title 49, United States Code, is*
5 *amended—*

6 (1) *by striking “The Secretary of Transpor-*
7 *tation” and inserting the following:*

8 *“(a) IN GENERAL.—The Secretary of Transportation”;*
9 *and*

10 (2) *by adding at the end the following:*

11 *“(b) INDIAN EMPLOYMENT.—*

12 *“(1) TRIBAL SPONSOR PREFERENCE.—Consistent*
13 *with section 703(i) of the Civil Rights Act of 1964 (42*
14 *U.S.C. 2000e-2(i)), nothing in this section shall pre-*
15 *clude the preferential employment of Indians living*
16 *on or near a reservation on a project or contract at—*

17 *“(A) an airport sponsored by an Indian*
18 *tribal government; or*

19 *“(B) an airport located on an Indian res-*
20 *ervation.*

21 *“(2) STATE PREFERENCE.—A State may imple-*
22 *ment a preference for employment of Indians on a*
23 *project carried out under this subchapter near an In-*
24 *Indian reservation.*

1 “(3) *IMPLEMENTATION.*—*The Secretary shall*
 2 *consult with Indian tribal governments and cooperate*
 3 *with the States to implement this subsection.*

4 “(4) *INDIAN TRIBAL GOVERNMENT DEFINED.*—*In*
 5 *this section, the term ‘Indian tribal government’ has*
 6 *the same meaning given that term in section 102 of*
 7 *the Robert T. Stafford Disaster Relief and Emergency*
 8 *Assistance Act (42 U.S.C. 5122).’.*

9 **SEC. 154. DEFINITION OF AIRPORT DEVELOPMENT.**

10 *Section 47116(d)(2) of title 49, United States Code,*
 11 *is amended to read as follows:*

12 “(2) *AIRPORT DEVELOPMENT FOR ELIGIBLE*
 13 *MOUNTAINTOP AIRPORTS.*—*In making grants to spon-*
 14 *sors described in subsection (b), the Secretary shall*
 15 *give priority consideration to mass grading and asso-*
 16 *ciated structural support (including access road, duct*
 17 *banks, and other related infrastructure) at mountain-*
 18 *top airports, provided that the airport would not oth-*
 19 *erwise have sufficient surface area for—*

20 “(A) *eligible and justified airport develop-*
 21 *ment projects; or*

22 “(B) *additional hangar space.’.*”

23 **SEC. 155. GENERAL AVIATION AIRPORT EXPIRED FUNDS.**

24 *Section 47117(b) of title 49, United States Code, is*
 25 *amended—*

1 (1) by striking “An amount” and inserting “(1)
2 *IN GENERAL.—An amount*”;

3 (2) by striking “If the amount” and inserting
4 “*Except as provided in paragraph (2), if the*
5 *amount*”; and

6 (3) by adding at the end the following:

7 “(2) *EXPIRED AMOUNTS APPORTIONED FOR GEN-*
8 *ERAL AVIATION AIRPORTS.—*

9 “(A) *IN GENERAL.—Except as provided in*
10 *subparagraph (B), if an amount apportioned*
11 *under section 47114(d) is not obligated within*
12 *the time specified in paragraph (1), that amount*
13 *shall be added to the discretionary fund under*
14 *section 47115 of this title, provided that—*

15 “(i) *amounts made available under*
16 *paragraph (2)(A) shall be used for grants*
17 *for projects in accordance with section*
18 *47115(d)(2) at airports eligible to receive*
19 *an apportionment under section*
20 *47114(d)(2) or (3)(A), whichever is applica-*
21 *ble; and*

22 “(ii) *amounts made available under*
23 *paragraph (2)(A) that are not obligated by*
24 *July 1 of the fiscal year in which the funds*
25 *will expire shall be made available for all*

1 *projects in accordance with section*
2 *47115(d)(2).*

3 “(B) *STATE BLOCK GRANT PROGRAM.—If*
4 *an amount apportioned to an airport under sec-*
5 *tion 47114(d)(3)(A) is not obligated within the*
6 *time specified in paragraph (1), and the airport*
7 *is located in a State participating in the State*
8 *block grant program under section 47128, the*
9 *amount shall be made available to that State*
10 *under the same conditions as if the State had*
11 *been apportioned the amount under section*
12 *47114(d)(3)(B).”.*

13 **SEC. 156. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
14 **IN COLD WEATHER STATES.**

15 (a) *IN GENERAL.—The Administrator of the Federal*
16 *Aviation Administration, to the extent practicable, shall*
17 *schedule the Administrator’s review of construction projects*
18 *so that projects to be carried out in the States in which*
19 *the weather during a typical calendar year prevents major*
20 *construction projects from being carried out before May 1*
21 *are reviewed as early as possible.*

22 (b) *BRIEFING.—The Administrator shall provide a*
23 *briefing to the appropriate committees of Congress annually*
24 *on the effectiveness of the review and prioritization.*

1 (c) *TECHNICAL AMENDMENT.*—Section 154 of the FAA
2 *Modernization and Reform Act of 2012* (49 U.S.C. 47112
3 *note*) and the item relating to that section in the table of
4 *contents under section 1(b) of that Act* (126 Stat. 13) are
5 *repealed.*

6 **SEC. 157. MINORITY AND DISADVANTAGED BUSINESS PAR-**
7 **TICIPATION.**

8 (a) *FINDINGS.*—Congress finds the following:

9 (1) *While significant progress has occurred due*
10 *to the establishment of the airport disadvantaged*
11 *business enterprise program* (sections 47107(e) and
12 *47113 of title 49, United States Code*), *discrimination*
13 *and related barriers continue to pose significant ob-*
14 *stacles for minority- and women-owned businesses*
15 *seeking to do business in airport-related markets*
16 *across the Nation. These continuing barriers merit the*
17 *continuation of the airport disadvantaged business*
18 *enterprise program.*

19 (2) *Congress has received and reviewed testimony*
20 *and documentation of race and gender discrimination*
21 *from numerous sources, including congressional hear-*
22 *ings and roundtables, scientific reports, reports issued*
23 *by public and private agencies, news stories, reports*
24 *of discrimination by organizations and individuals,*
25 *and discrimination lawsuits. This testimony and doc-*

1 *umentation shows that race- and gender-neutral ef-*
2 *forts alone are insufficient to address the problem.*

3 *(3) This testimony and documentation dem-*
4 *onstrates that discrimination across the Nation poses*
5 *a barrier to full and fair participation in airport-re-*
6 *lated businesses of women business owners and minor-*
7 *ity business owners in the racial groups detailed in*
8 *parts 23 and 26 of title 49, Code of Federal Regula-*
9 *tions, and has impacted firm development and many*
10 *aspects of airport-related business in the public and*
11 *private markets.*

12 *(4) This testimony and documentation provides*
13 *a strong basis that there is a compelling need for the*
14 *continuation of the airport disadvantaged business*
15 *enterprise program and the airport concessions dis-*
16 *advantaged business enterprise program to address*
17 *race and gender discrimination in airport-related*
18 *business.*

19 *(b) PROMPT PAYMENTS.—*

20 *(1) REPORTING OF COMPLAINTS.—Not later than*
21 *120 days after the date of enactment of this Act, the*
22 *Administrator of the Federal Aviation Administra-*
23 *tion shall ensure that each airport that participates*
24 *in the Program tracks, and reports to the Adminis-*

1 *trator, the number of covered complaints made in re-*
2 *lation to activities at that airport.*

3 (2) *IMPROVING COMPLIANCE.*—

4 (A) *IN GENERAL.*—*The Administrator shall*
5 *take actions to assess and improve compliance*
6 *with prompt payment requirements under part*
7 *26 of title 49, Code of Federal Regulations.*

8 (B) *CONTENTS OF ASSESSMENT.*—*In car-*
9 *rying out subparagraph (A), the Administrator*
10 *shall assess—*

11 (i) *whether requirements relating to the*
12 *inclusion of prompt payment language in*
13 *contracts are being satisfied;*

14 (ii) *whether and how airports are en-*
15 *forcing prompt payment requirements;*

16 (iii) *the processes by which covered*
17 *complaints are received and resolved by air-*
18 *ports;*

19 (iv) *whether improvements need to be*
20 *made to—*

21 (I) *better track covered complaints*
22 *received by airports; and*

23 (II) *assist the resolution of covered*
24 *complaints in a timely manner;*

1 (v) *whether changes to prime con-*
2 *tractor specifications need to be made to en-*
3 *sure prompt payments to subcontractors;*
4 *and,*

5 (vi) *whether changes to prime con-*
6 *tractor specifications need to be made to en-*
7 *sure prompt payment of retainage to sub-*
8 *contractors.*

9 (C) *REPORTING.*—*The Administrator shall*
10 *make available to the public on an appropriate*
11 *website operated by the Administrator a report*
12 *describing the results of the assessment completed*
13 *under this paragraph, including a plan to re-*
14 *spond to such results.*

15 (3) *DEFINITIONS.*—*In this subsection, the fol-*
16 *lowing definitions apply:*

17 (A) *COVERED COMPLAINT.*—*The term “cov-*
18 *ered complaint” means a complaint relating to*
19 *an alleged failure to satisfy a prompt payment*
20 *requirement under part 26 of title 49, Code of*
21 *Federal Regulations.*

22 (B) *PROGRAM.*—*The term “Program”*
23 *means the airport disadvantaged business enter-*
24 *prise program referenced in subsection (a)(1) of*

1 *the FAA Modernization and Reform Act of 2012*
2 *(49 U.S.C. 47113 note).*

3 **SEC. 158. SUPPLEMENTAL DISCRETIONARY FUNDS.**

4 *Section 47115 of title 49, United States Code, is fur-*
5 *ther amended by adding at the end the following:*

6 “(j) *SUPPLEMENTAL DISCRETIONARY FUNDS.—*

7 “(1) *IN GENERAL.—The Secretary shall establish*
8 *a program to provide grants, subject to the conditions*
9 *of this subsection, for any purpose for which amounts*
10 *are made available under section 48103 that the Sec-*
11 *retary considers most appropriate to carry out this*
12 *subchapter.*

13 “(2) *TREATMENT OF GRANTS.—*

14 “(A) *IN GENERAL.—A grant made under*
15 *this subsection shall be treated as having been*
16 *made pursuant to the Secretary’s authority*
17 *under section 47104(a) and from the Secretary’s*
18 *discretionary fund under subsection (a) of this*
19 *section.*

20 “(B) *EXCEPTION.—Except as otherwise pro-*
21 *vided in this subsection, grants made under this*
22 *subsection shall not be subject to subsection (c),*
23 *section 47117(e), or any other apportionment*
24 *formula, special apportionment category, or*
25 *minimum percentage set forth in this chapter.*

1 “(3) *ELIGIBILITY AND PRIORITIZATION.*—

2 “(A) *ELIGIBILITY.*—*The Secretary may*
3 *provide grants under this subsection for an air-*
4 *port or terminal development project at any air-*
5 *port that is eligible to receive a grant from the*
6 *discretionary fund under subsection (a) of this*
7 *section.*

8 “(B) *PRIORITIZATION.*—*Not less than 50*
9 *percent of the amounts available under this sub-*
10 *section shall used to provide grants at—*

11 “(i) *airports that are eligible for ap-*
12 *portionment under section 47114(d)(3); and*

13 “(ii) *nonhub and small hub airports.*

14 “(4) *AUTHORIZATION.*—

15 “(A) *IN GENERAL.*—*There is authorized to*
16 *be appropriated to the Secretary to carry out*
17 *this subsection the following amounts:*

18 “(i) *\$1,020,000,000 for fiscal year*
19 *2019.*

20 “(ii) *\$1,041,000,000 for fiscal year*
21 *2020.*

22 “(iii) *\$1,064,000,000 for fiscal year*
23 *2021.*

24 “(iv) *\$1,087,000,000 for fiscal year*
25 *2022.*

1 “(v) \$1,110,000,000 for fiscal year
2 2023.

3 “(B) AVAILABILITY.—Sums authorized to be
4 appropriated under subparagraph (A) shall re-
5 main available for 2 fiscal years.”.

6 **SEC. 159. STATE TAXATION.**

7 (a) *IN GENERAL.*—Section 40116(d)(2)(A) of title 49,
8 *United States Code*, is amended by adding at the end the
9 *following*:

10 “(v) *except as otherwise provided under section*
11 *47133, levy or collect a tax, fee, or charge, first taking*
12 *effect after the date of enactment of this clause, upon*
13 *any business located at a commercial service airport*
14 *or operating as a permittee of such an airport that*
15 *is not generally imposed on sales or services by that*
16 *State, political subdivision, or authority unless whol-*
17 *ly utilized for airport or aeronautical purposes.”.*

18 (b) *RULE OF CONSTRUCTION.*—*Nothing in this section*
19 *or an amendment made by this section shall affect a change*
20 *to a rate or other provision of a tax, fee, or charge under*
21 *section 40116 of title 49, United States Code, that was en-*
22 *acted prior to the date of enactment of this Act. Such provi-*
23 *sion of a tax, fee, or charge shall continue to be subject to*
24 *the requirements to which such provision was subject under*

1 *that section as in effect on the day before the date of enact-*
2 *ment of this Act.*

3 **SEC. 160. AIRPORT INVESTMENT PARTNERSHIP PROGRAM.**

4 (a) *IN GENERAL.*—Section 47134 of title 49, United
5 States Code, is amended—

6 (1) *by striking the section heading and inserting*
7 **“Airport investment partnership pro-**
8 **gram”**;

9 (2) *in subsection (b), by striking “, with respect*
10 *to not more than 10 airports,”*;

11 (3) *in subsection (b)(2), by striking “The Sec-*
12 *retary may grant an exemption to a sponsor” and in-*
13 *serting “If the Secretary grants an exemption to a*
14 *sponsor pursuant to paragraph (1), the Secretary*
15 *shall grant an exemption to the sponsor”*;

16 (4) *in subsection (b)(3), by striking “The Sec-*
17 *retary may grant an exemption to a purchaser or les-*
18 *see” and inserting “If the Secretary grants an exemp-*
19 *tion to a sponsor pursuant to paragraph (1), the Sec-*
20 *retary shall grant an exemption to the corresponding*
21 *purchaser or lessee”*;

22 (5) *by amending subsection (d) to read as fol-*
23 *lows:*

24 **“(d) PROGRAM PARTICIPATION.**—

1 “(1) *MULTIPLE AIRPORTS.*—*The Secretary may*
 2 *consider applications under this section submitted by*
 3 *a public airport sponsor for multiple airports under*
 4 *the control of the sponsor if all airports under the*
 5 *control of the sponsor are located in the same State.*

6 “(2) *PARTIAL PRIVATIZATION.*—*A purchaser or*
 7 *lessee may be an entity in which a sponsor has an*
 8 *interest.”; and*

9 (6) *by striking subsections (l) and (m) and in-*
 10 *serting the following:*

11 “(l) *PREDEVELOPMENT LIMITATION.*—*A grant to an*
 12 *airport sponsor under this subchapter for predevelopment*
 13 *planning costs relating to the preparation of an application*
 14 *or proposed application under this section may not exceed*
 15 *\$750,000 per application or proposed application.”.*

16 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 17 *471 of title 49, United States Code, is amended by striking*
 18 *the item relating to section 47134 and inserting the fol-*
 19 *lowing:*

“47134. Airport investment partnership program.”.

20 **SEC. 161. REMOTE TOWER PILOT PROGRAM FOR RURAL**
 21 **AND SMALL COMMUNITIES.**

22 (a) *PILOT PROGRAM.*—

23 (1) *ESTABLISHMENT.*—*The Administrator of the*
 24 *Federal Aviation Administration shall establish—*

1 (A) *in consultation with airport operators*
2 *and other aviation stakeholders, a pilot program*
3 *at public-use airports to construct and operate*
4 *remote towers in order to assess their operational*
5 *benefits;*

6 (B) *a selection process for participation in*
7 *the pilot program; and*

8 (C) *a clear process for the safety and oper-*
9 *ational certification of the remote towers.*

10 (2) *SAFETY CONSIDERATIONS.—*

11 (A) *SAFETY RISK MANAGEMENT PANEL.—*

12 *Prior to the operational use of a remote tower*
13 *under the pilot program established in subsection*
14 *(a), the Administrator shall convene a safety risk*
15 *management panel for the tower to address any*
16 *safety issues with respect to the tower. The pan-*
17 *els shall be created and utilized in a manner*
18 *similar to that of the safety risk management*
19 *panels previously convened for remote towers and*
20 *shall take into account existing best practices*
21 *and operational data from existing remote tow-*
22 *ers in the United States.*

23 (B) *CONSULTATION.—In establishing the*
24 *pilot program, the Administrator shall consult*
25 *with operators of remote towers in the United*

1 *States and foreign countries to design the pilot*
2 *program in a manner that leverages as many*
3 *safety and airspace efficiency benefits as possible.*

4 (3) *APPLICATIONS.*—*The operator of an airport*
5 *seeking to participate in the pilot program shall sub-*
6 *mit to the Administrator an application that is in*
7 *such form and contains such information as the Ad-*
8 *ministrator may require.*

9 (4) *PROGRAM DESIGN.*—*In designing the pilot*
10 *program, the Administrator shall—*

11 (A) *to the maximum extent practicable, en-*
12 *sure that at least 2 different vendors of remote*
13 *tower systems participate;*

14 (B) *identify which air traffic control infor-*
15 *mation and data will assist the Administrator*
16 *in evaluating the feasibility, safety, costs, and*
17 *benefits of remote towers;*

18 (C) *implement processes necessary to collect*
19 *the information and data identified in subpara-*
20 *graph (B);*

21 (D) *develop criteria, in addition to consid-*
22 *ering possible selection criteria in paragraph (5),*
23 *for the selection of airports that will best assist*
24 *the Administrator in evaluating the feasibility,*
25 *safety, costs, and benefits of remote towers, in-*

1 *cluding the amount and variety of air traffic at*
2 *an airport; and*

3 *(E) prioritize the selection of airports that*
4 *can best demonstrate the capabilities and benefits*
5 *of remote towers, including applicants proposing*
6 *to operate multiple remote towers from a single*
7 *facility.*

8 (5) *SELECTION CRITERIA FOR CONSIDERATION.—*
9 *In selecting airports for participation in the pilot*
10 *program, the Administrator, after consultation with*
11 *representatives of labor organizations representing op-*
12 *erators and employees of the air traffic control sys-*
13 *tem, shall consider for participation in the pilot pro-*
14 *gram—*

15 *(A) 1 nonhub airport;*

16 *(B) 3 airports that are not primary air-*
17 *ports and that do not have existing air traffic*
18 *control towers;*

19 *(C) 1 airport that participates in the Con-*
20 *tract Tower Program; and*

21 *(D) 1 airport selected at the discretion of*
22 *the Administrator.*

23 (6) *DATA.—The Administrator shall clearly*
24 *identify and collect air traffic control information*
25 *and data from participating airports that will assist*

1 *the Administrator in evaluating the feasibility, safety,*
2 *costs, and benefits of remote towers.*

3 (7) *REPORT.*—*Not later than 1 year after the*
4 *date the first remote tower is operational, and annu-*
5 *ally thereafter, the Administrator shall submit to the*
6 *appropriate committees of Congress a report—*

7 (A) *detailing any benefits, costs, or safety*
8 *improvements associated with the use of the re-*
9 *mote towers; and*

10 (B) *evaluating the feasibility of using re-*
11 *mote towers, particularly in the Contract Tower*
12 *Program, for airports without an air traffic con-*
13 *trol tower, to improve safety at airports with*
14 *towers, or to reduce costs without impacting safe-*
15 *ty at airports with or without existing towers.*

16 (8) *DEADLINE.*—*Not later than 1 year after the*
17 *date of enactment of this Act, the Administrator shall*
18 *select airports for participation in the pilot program.*

19 (9) *DEFINITIONS.*—*In this subsection:*

20 (A) *CONTRACT TOWER PROGRAM.*—*The*
21 *term “Contract Tower Program” has the mean-*
22 *ing given the term in section 47124(e) of title 49,*
23 *United States Code, as added by this Act.*

24 (B) *REMOTE TOWER.*—*The term “remote*
25 *tower” means a remotely operated air naviga-*

1 *tion facility, including all necessary system com-*
2 *ponents, that provides the functions and capa-*
3 *bilities of an air traffic control tower whereby*
4 *air traffic services are provided to operators at*
5 *an airport from a location that may not be on*
6 *or near the airport.*

7 (C) *OTHER DEFINITIONS.—The terms*
8 *“nonhub airport”, “primary airport”, and “pub-*
9 *lic-use airport” have the meanings given such*
10 *terms in section 47102 of title 49, United States*
11 *Code.*

12 (10) *SUNSET.—This subsection, including the re-*
13 *port required under paragraph (8), shall not be in ef-*
14 *fect after September 30, 2023.*

15 (b) *REMOTE TOWER PROGRAM.—Concurrent with the*
16 *establishment of the process for safety and operational cer-*
17 *tification of remote towers under subsection (a)(1)(C), the*
18 *Administrator shall establish a process to authorize the con-*
19 *struction and commissioning of additional remote towers*
20 *that are certificated under subsection (a)(1)(C) at other air-*
21 *ports.*

22 (c) *AIP FUNDING ELIGIBILITY.—For purposes of the*
23 *pilot program under subsection (a), and after certificated*
24 *remote towers are available under subsection (b), con-*
25 *structing a remote tower or acquiring and installing air*

1 *traffic control, communications, or related equipment spe-*
2 *cifically for a remote tower shall be considered airport de-*
3 *velopment (as defined in section 47102 of title 49, United*
4 *States Code) for purposes of subchapter I of chapter 471*
5 *of that title if the components are installed and used at*
6 *the airport, except, as needed, for off-airport sensors in-*
7 *stalled on leased towers.*

8 **SEC. 162. AIRPORT ACCESS ROADS IN REMOTE LOCATIONS.**

9 *Notwithstanding section 47102 of title 49, United*
10 *States Code, for fiscal years 2018 through 2023—*

11 *(1) the definition of the term “airport develop-*
12 *ment” under that section includes the construction of*
13 *a storage facility to shelter snow removal equipment*
14 *or aircraft rescue and firefighting equipment that is*
15 *owned by an airport sponsor and used exclusively to*
16 *maintain safe airfield operations, up to the facility*
17 *size necessary to accommodate the types and quan-*
18 *tities of equipment prescribed by the FAA, regardless*
19 *of whether Federal funding was used to acquire the*
20 *equipment;*

21 *(2) a storage facility to shelter snow removal*
22 *equipment may exceed the facility size limitation de-*
23 *scribed in paragraph (1) if the airport sponsor cer-*
24 *tifies to the Secretary that the following conditions*
25 *are met:*

1 (A) *The storage facility to be constructed*
2 *will be used to store snow removal equipment ex-*
3 *clusively used for clearing airfield pavement of*
4 *snow and ice following a weather event.*

5 (B) *The airport is categorized as a local*
6 *general aviation airport in the Federal Aviation*
7 *Administration’s 2017–2021 National Plan of*
8 *Integrated Airport Systems (NPIAS) report.*

9 (C) *The 30-year annual snowfall normal of*
10 *the nearest weather station based on the National*
11 *Oceanic and Atmospheric Administration Sum-*
12 *mary of Monthly Normals 1981–2010 exceeds 26*
13 *inches.*

14 (D) *The airport serves as a base for a med-*
15 *ical air ambulance transport aircraft.*

16 (E) *The airport master record (Form 5010–*
17 *1) effective on September 14, 2017 for the airport*
18 *indicates 45 based aircraft consisting of single*
19 *engine, multiple engine, and jet engine aircraft.*

20 (F) *No funding under this section will be*
21 *used for any portion of the storage facility de-*
22 *signed to shelter maintenance and operations*
23 *equipment that are not required for clearing air-*
24 *field pavement of snow and ice.*

1 (G) *The airport sponsor will complete de-*
2 *sign of the storage building not later than Sep-*
3 *tember 30, 2019, and will initiate construction*
4 *of the storage building not later than September*
5 *30, 2020.*

6 (H) *The area of the storage facility, or por-*
7 *tion thereof, to be funded under this subsection*
8 *does not exceed 6,000 square feet; and*

9 (3) *the definition of the term “terminal develop-*
10 *ment” under that section includes the development of*
11 *an airport access road that—*

12 (A) *is located in a noncontiguous State;*

13 (B) *is not more than 5 miles in length;*

14 (C) *connects to the nearest public roadways*
15 *of not more than the 2 closest census designated*
16 *places; and*

17 (D) *may provide incidental access to public*
18 *or private property that is adjacent to the road*
19 *and is not otherwise connected to a public road.*

20 **SEC. 163. LIMITED REGULATION OF NON-FEDERALLY SPON-**
21 **SORED PROPERTY.**

22 (a) *IN GENERAL.—Except as provided in subsection*
23 *(b), the Secretary of Transportation may not directly or*
24 *indirectly regulate—*

1 (1) *the acquisition, use, lease, encumbrance,*
2 *transfer, or disposal of land by an airport owner or*
3 *operator;*

4 (2) *any facility upon such land; or*

5 (3) *any portion of such land or facility.*

6 (b) *EXCEPTIONS.—Subsection (a) does not apply to—*

7 (1) *any regulation ensuring—*

8 (A) *the safe and efficient operation of air-*
9 *craft or safety of people and property on the*
10 *ground related to aircraft operations;*

11 (B) *that an airport owner or operator re-*
12 *ceives not less than fair market value in the con-*
13 *text of a commercial transaction for the use,*
14 *lease, encumbrance, transfer, or disposal of land,*
15 *any facilities on such land, or any portion of*
16 *such land or facilities; or*

17 (C) *that the airport pays not more than*
18 *fair market value in the context of a commercial*
19 *transaction for the acquisition of land or facili-*
20 *ties on such land;*

21 (2) *any regulation imposed with respect to land*
22 *or a facility acquired or modified using Federal fund-*
23 *ing; or*

24 (3) *any authority contained in—*

1 (A) a Surplus Property Act instrument of
2 transfer, or

3 (B) section 40117 of title 49, United States
4 Code.

5 (c) *RULE OF CONSTRUCTION.*—Nothing in this section
6 shall be construed to affect the applicability of sections
7 47107(b) or 47133 of title 49, United States Code, to reve-
8 nues generated by the use, lease, encumbrance, transfer, or
9 disposal of land under subsection (a), facilities upon such
10 land, or any portion of such land or facilities.

11 (d) *AMENDMENTS TO AIRPORT LAYOUT PLANS.*—Sec-
12 tion 47107(a)(16) of title 49, United States Code, is amend-
13 ed—

14 (1) by striking subparagraph (B) and inserting
15 the following:

16 “(B) the Secretary will review and approve
17 or disapprove only those portions of the plan (or
18 any subsequent revision to the plan) that materi-
19 ally impact the safe and efficient operation of
20 aircraft at, to, or from the airport or that would
21 adversely affect the safety of people or property
22 on the ground adjacent to the airport as a result
23 of aircraft operations, or that adversely affect the
24 value of prior Federal investments to a signifi-
25 cant extent;”;

1 (2) in subparagraph (C), by striking “if the al-
2 teration” and all that follows through “airport; and”
3 and inserting the following: “unless the alteration—

4 “(i) is outside the scope of the Sec-
5 retary’s review and approval authority as
6 set forth in subparagraph (B); or

7 “(ii) complies with the portions of the
8 plan approved by the Secretary; and”;

9 (3) in subparagraph (D), in the matter pre-
10 ceding clause (i), by striking “when an alternation”
11 and all that follows through “Secretary, will” and in-
12 serting “when an alteration in the airport or its facil-
13 ity is made that is within the scope of the Secretary’s
14 review and approval authority as set forth in sub-
15 paragraph (B), and does not conform with the por-
16 tions of the plan approved by the Secretary, and the
17 Secretary decides that the alteration adversely affects
18 the safety, utility, or efficiency of aircraft operations,
19 or of any property on or off the airport that is owned,
20 leased, or financed by the Government, then the owner
21 or operator will, if requested by the Secretary”.

22 **SEC. 164. SEASONAL AIRPORTS.**

23 Section 47114(c)(1) of title 49, United States Code, as
24 amended by this Act, is further amended by adding at the
25 end the following:

1 “(I) *SEASONAL AIRPORTS.*—*Notwith-*
2 *standing section 47102, if the Secretary deter-*
3 *mines that a commercial service airport with at*
4 *least 8,000 passenger boardings receives sched-*
5 *uled air carrier service for fewer than 6 months*
6 *in the calendar year used to calculate apporportion-*
7 *ments to airport sponsors in a fiscal year, then*
8 *the Secretary shall consider the airport to be a*
9 *nonhub primary airport for purposes of this*
10 *chapter.”.*

11 **SEC. 165. AMENDMENTS TO DEFINITIONS.**

12 *Section 47102 of title 49, United States Code, is*
13 *amended—*

14 (1) *in paragraph (3)—*

15 (A) *in subparagraph (K), by striking*
16 *“7505a) and if such project will result in an air-*
17 *port receiving appropriate” and inserting*
18 *“7505a)) and if the airport would be able to re-*
19 *ceive”;*

20 (B) *by striking subparagraph (L) and in-*
21 *serting the following:*

22 “(L) *a project by a commercial service air-*
23 *port for the acquisition of airport-owned vehicles*
24 *or ground support equipment equipped with low-*
25 *emission technology if the airport is located in*

1 *an air quality nonattainment or maintenance*
2 *area (as defined in sections 171(2) and 175A of*
3 *the Clean Air Act (42 U.S.C. 7501(2); 7505a)),*
4 *if the airport would be able to receive appro-*
5 *priate emission credits (as described in section*
6 *47139), and the vehicles are;*

7 *“(i) used exclusively on airport prop-*
8 *erty; or*

9 *“(ii) used exclusively to transport pas-*
10 *sengers and employees between the airport*
11 *and the airport’s consolidated rental car fa-*
12 *cility or an intermodal surface transpor-*
13 *tation facility adjacent to the airport.”; and*
14 *(C) by adding at the end the following:*

15 *“(P) an on-airport project to improve the*
16 *reliability and efficiency of the airport’s power*
17 *supply and to prevent power disruptions to the*
18 *airfield, passenger terminal, and any other air-*
19 *port facilities, including the acquisition and in-*
20 *stallation of electrical generators, separation of*
21 *the airport’s main power supply from its redun-*
22 *dant power supply, and the construction or*
23 *modification of airport facilities to install a*
24 *microgrid (as defined in section 641 of the*

1 *United States Energy Storage Competitiveness*
2 *Act of 2007 (42 U.S.C. 17231).*

3 “(Q) *converting or retrofitting vehicles and*
4 *ground support equipment into eligible zero-*
5 *emission vehicles and equipment (as defined in*
6 *section 47136) and for acquiring, by purchase or*
7 *lease, eligible zero-emission vehicles and equip-*
8 *ment.*

9 “(R) *predevelopment planning, including*
10 *financial, legal, or procurement consulting serv-*
11 *ices, related to an application or proposed appli-*
12 *cation for an exemption under section 47134.”;*

13 (2) *in paragraph (5), by striking “regulations”*
14 *and inserting “requirements”; and*

15 (3) *in paragraph (8), by striking “public” and*
16 *inserting “public-use”.*

17 **SEC. 166. PILOT PROGRAM SUNSETS.**

18 (a) *IN GENERAL.*—*Sections 47136 and 47140 of title*
19 *49, United States Code, are repealed.*

20 (b) *CONFORMING AMENDMENTS.*—

21 (1) *Sections 47136a and 47140a of title 49,*
22 *United States Code, are redesignated as sections*
23 *47136 and 47140, respectively.*

24 (2) *Section 47139 of title 49, United States*
25 *Code, is amended—*

1 (A) by striking subsection (c); and

2 (B) by redesignating subsection (d) as sub-
3 section (c).

4 (c) *CLERICAL AMENDMENTS.*—*The analysis for chap-*
5 *ter 471 of title 49, United States Code, is amended—*

6 (1) by striking the items relating to sections
7 47136, 47136a, 47140, and 47140a;

8 (2) by inserting after the item relating to section
9 47135 the following:

“47136. Zero-emission airport vehicles and infrastructure.”; and

10 (3) by inserting after the item relating to section
11 47139 the following:

“47140. Increasing the energy efficiency of airport power sources.”.

12 **SEC. 167. BUY AMERICA REQUIREMENTS.**

13 (a) *NOTICE OF WAIVERS.*—*If the Secretary of Trans-*
14 *portation determines that it is necessary to waive the appli-*
15 *cation of section 50101(a) of title 49, United States Code,*
16 *based on a finding under section 50101(b) of that title, the*
17 *Secretary, at least 10 days before the date on which the*
18 *waiver takes effect, shall—*

19 (1) *make publicly available, in an easily identi-*
20 *fiable location on the website of the Department of*
21 *Transportation, a detailed written justification of the*
22 *waiver determination; and*

23 (2) *provide an informal public notice and com-*
24 *ment opportunity on the waiver determination.*

1 (b) *ANNUAL REPORT.*—For each fiscal year, the Sec-
 2 retary shall submit to the appropriate committees of Con-
 3 gress a report on waivers issued under section 50101 of title
 4 49, United States Code, during the fiscal year.

5 ***Subtitle D—Airport Noise and***
 6 ***Environmental Streamlining***

7 ***SEC. 171. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EF-***
 8 ***FICIENCY ASSESSMENTS.***

9 (a) *COST REIMBURSEMENTS.*—Section 47140(a) of
 10 title 49, United States Code, as so redesignated, is amended
 11 by striking “airport.” and inserting “airport, and to reim-
 12 burse the airport sponsor for the costs incurred in con-
 13 ducting the assessment.”.

14 (b) *SAFETY PRIORITY.*—Section 47140(b)(2) of title
 15 49, United States Code, as so redesignated, is amended by
 16 inserting “, including a certification that no safety projects
 17 are being be deferred by requesting a grant under this sec-
 18 tion,” after “an application”.

19 ***SEC. 172. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE***
 20 ***2 AIRCRAFT.***

21 (a) *IN GENERAL.*—Notwithstanding chapter 475 of
 22 title 49, United States Code, not later than 180 days after
 23 the date of enactment of this Act, the Administrator of the
 24 Federal Aviation Administration shall initiate a pilot pro-
 25 gram to permit an operator of a stage 2 aircraft to operate

1 *that aircraft in nonrevenue service into not more than 4*
2 *medium hub airports or nonhub airports if—*

3 *(1) the airport—*

4 *(A) is certified under part 139 of title 14,*
5 *Code of Federal Regulations;*

6 *(B) has a runway that—*

7 *(i) is longer than 8,000 feet and not*
8 *less than 200 feet wide; and*

9 *(ii) is load bearing with a pavement*
10 *classification number of not less than 38;*
11 *and*

12 *(C) has a maintenance facility with a*
13 *maintenance certificate issued under part 145 of*
14 *such title; and*

15 *(2) the operator of the stage 2 aircraft operates*
16 *not more than 10 flights per month using that air-*
17 *craft.*

18 *(b) TERMINATION.—The pilot program shall terminate*
19 *on the earlier of—*

20 *(1) the date that is 10 years after the date of the*
21 *enactment of this Act; or*

22 *(2) the date on which the Administrator deter-*
23 *mines that no stage 2 aircraft remain in service.*

24 *(c) DEFINITIONS.—In this section:*

1 (1) *MEDIUM HUB AIRPORT; NONHUB AIRPORT.*—
2 *The terms “medium hub airport” and “nonhub air-*
3 *port” have the meanings given those terms in section*
4 *40102 of title 49, United States Code.*

5 (2) *STAGE 2 AIRCRAFT.*—*The term “stage 2 air-*
6 *craft” has the meaning given the term “stage 2 air-*
7 *plane” in section 91.851 of title 14, Code of Federal*
8 *Regulations (as in effect on the day before the date of*
9 *the enactment of this Act).*

10 **SEC. 173. ALTERNATIVE AIRPLANE NOISE METRIC EVALUA-**
11 **TION DEADLINE.**

12 *Not later than 1 year after the date of enactment of*
13 *this Act, the Administrator of the Federal Aviation Admin-*
14 *istration shall complete the ongoing evaluation of alter-*
15 *native metrics to the current Day Night Level (DNL) 65*
16 *standard.*

17 **SEC. 174. UPDATING AIRPORT NOISE EXPOSURE MAPS.**

18 *Section 47503(b) of title 49, United States Code, is*
19 *amended to read as follows:*

20 “(b) *REVISED MAPS.*—

21 “(1) *IN GENERAL.*—*An airport operator that*
22 *submits a noise exposure map under subsection (a)*
23 *shall submit a revised map to the Secretary if, in an*
24 *area surrounding an airport, a change in the oper-*
25 *ation of the airport would establish a substantial new*

1 *noncompatible use, or would significantly reduce*
2 *noise over existing noncompatible uses, that is not re-*
3 *flected in either the existing conditions map or fore-*
4 *cast map currently on file with the Federal Aviation*
5 *Administration.*

6 *“(2) TIMING.—A submission under paragraph*
7 *(1) shall be required only if the relevant change in the*
8 *operation of the airport occurs during—*

9 *“(A) the forecast period of the applicable*
10 *noise exposure map submitted by an airport op-*
11 *erator under subsection (a); or*

12 *“(B) the implementation period of the air-*
13 *port operator’s noise compatibility program.”.*

14 **SEC. 175. ADDRESSING COMMUNITY NOISE CONCERNS.**

15 *When proposing a new area navigation departure pro-*
16 *cedure, or amending an existing procedure that would di-*
17 *rect aircraft between the surface and 6,000 feet above*
18 *ground level over noise sensitive areas, the Administrator*
19 *of the Federal Aviation Administration shall consider the*
20 *feasibility of dispersal headings or other lateral track vari-*
21 *ations to address community noise concerns, if—*

22 *(1) the affected airport operator, in consultation*
23 *with the affected community, submits a request to the*
24 *Administrator for such a consideration;*

1 (2) *the airport operator’s request would not, in*
2 *the judgment of the Administrator, conflict with the*
3 *safe and efficient operation of the national airspace*
4 *system; and*

5 (3) *the effect of a modified departure procedure*
6 *would not significantly increase noise over noise sen-*
7 *sitive areas, as determined by the Administrator.*

8 **SEC. 176. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**
9 **PROJECTS LOCATED IN METROPLEXES.**

10 (a) *COMMUNITY INVOLVEMENT POLICY.*—*Not later*
11 *than 180 days after the date of enactment of this Act, the*
12 *Administrator of the Federal Aviation Administration shall*
13 *complete a review of the Federal Aviation Administration’s*
14 *community involvement practices for Next Generation Air*
15 *Transportation System (NextGen) projects located in*
16 *metroplexes identified by the Administration. The review*
17 *shall include, at a minimum, a determination of how and*
18 *when to engage airports and communities in performance-*
19 *based navigation proposals.*

20 (b) *REPORT.*—*Not later than 60 days after completion*
21 *of the review, the Administrator shall submit to the appro-*
22 *priate committees of Congress a report on—*

23 (1) *how the Administration will improve com-*
24 *munity involvement practices for NextGen projects lo-*
25 *cated in metroplexes;*

1 (2) *how and when the Administration will en-*
2 *gage airports and communities in performance-based*
3 *navigation proposals; and*

4 (3) *lessons learned from NextGen projects and*
5 *pilot programs and how those lessons learned are*
6 *being integrated into community involvement prac-*
7 *tices for future NextGen projects located in*
8 *metropolises.*

9 **SEC. 177. LEAD EMISSIONS.**

10 (a) *STUDY.*—*The Secretary of Transportation shall*
11 *enter into appropriate arrangements with the National*
12 *Academies of Sciences, Engineering, and Medicine under*
13 *which the National Research Council will study aviation*
14 *gasoline.*

15 (b) *CONTENTS.*—*The study shall include an assessment*
16 *of—*

17 (1) *existing non-leaded fuel alternatives to the*
18 *aviation gasoline used by piston-powered general*
19 *aviation aircraft;*

20 (2) *ambient lead concentrations at and around*
21 *airports where piston-powered general aviation air-*
22 *craft are used; and*

23 (3) *mitigation measures to reduce ambient lead*
24 *concentrations, including increasing the size of run-*
25 *up areas, relocating run-up areas, imposing restric-*

1 *tions on aircraft using aviation gasoline, and increas-*
2 *ing the use of motor gasoline in piston-powered gen-*
3 *eral aviation aircraft.*

4 *(c) REPORT TO CONGRESS.—Not later than 1 year*
5 *after the date of enactment of this Act, the Secretary shall*
6 *submit to the appropriate committees of Congress the study*
7 *developed by the National Research Council pursuant to*
8 *this section.*

9 **SEC. 178. TERMINAL SEQUENCING AND SPACING.**

10 *Not later than 60 days after the date of enactment of*
11 *this Act, the Administrator of the Federal Aviation Admin-*
12 *istration shall provide a briefing to the appropriate com-*
13 *mittees of Congress on the status of Terminal Sequencing*
14 *and Spacing (TSAS) implementation across all completed*
15 *NextGen metroplexes with specific information provided by*
16 *airline regarding the adoption and equipping of aircraft*
17 *and the training of pilots in its use.*

18 **SEC. 179. AIRPORT NOISE MITIGATION AND SAFETY STUDY.**

19 *(a) STUDY.—Not later than 1 year after the date of*
20 *enactment of this Act, the Administrator of the Federal*
21 *Aviation Administration shall initiate a study to review*
22 *and evaluate existing studies and analyses of the relation-*
23 *ship between jet aircraft approach and takeoff speeds and*
24 *corresponding noise impacts on communities surrounding*
25 *airports.*

1 **(b) CONSIDERATIONS.**—*In conducting the study initi-*
2 *ated under subsection (a), the Administrator shall deter-*
3 *mine—*

4 (1) *whether a decrease in jet aircraft approach*
5 *or takeoff speeds results in significant aircraft noise*
6 *reductions;*

7 (2) *whether the jet aircraft approach or takeoff*
8 *speed reduction necessary to achieve significant noise*
9 *reductions—*

10 (A) *jeopardizes aviation safety; or*

11 (B) *decreases the efficiency of the National*
12 *Airspace System, including lowering airport ca-*
13 *capacity, increasing travel times, or increasing fuel*
14 *burn;*

15 (3) *the advisability of using jet aircraft ap-*
16 *proach or takeoff speeds as a noise mitigation tech-*
17 *nique; and*

18 (4) *if the Administrator determines that using*
19 *jet aircraft approach or takeoff speeds as a noise miti-*
20 *gation technique is advisable, whether any of the met-*
21 *ropolitan areas specifically identified in section*
22 *189(b)(2) would benefit from such a noise mitigation*
23 *technique without a significant impact to aviation*
24 *safety or the efficiency of the National Airspace Sys-*
25 *tem.*

1 (c) *REPORT.*—Not later than 2 years after the date of
2 enactment of this Act, the Administrator shall submit to
3 the appropriate committees of Congress a report on the re-
4 sults of the study initiated under subsection (a).

5 **SEC. 180. REGIONAL OMBUDSMEN.**

6 (a) *IN GENERAL.*—Not later than 1 year after the date
7 of enactment of this Act, with respect to each region of the
8 Federal Aviation Administration, the Regional Adminis-
9 trator for that region shall designate an individual to be
10 the Regional Ombudsman for the region.

11 (b) *REQUIREMENTS.*—Each Regional Ombudsman
12 shall—

13 (1) *serve as a regional liaison with the public,*
14 *including community groups, on issues regarding air-*
15 *craft noise, pollution, and safety;*

16 (2) *make recommendations to the Administrator*
17 *for the region to address concerns raised by the public*
18 *and improve the consideration of public comments in*
19 *decision-making processes; and*

20 (3) *be consulted on proposed changes in aircraft*
21 *operations affecting the region, including arrival and*
22 *departure routes, in order to minimize environmental*
23 *impacts, including noise.*

1 **SEC. 181. FAA LEADERSHIP ON CIVIL SUPERSONIC AIR-**
2 **CRAFT.**

3 (a) *IN GENERAL.*—*The Administrator of the Federal*
4 *Aviation Administration shall exercise leadership in the*
5 *creation of Federal and international policies, regulations,*
6 *and standards relating to the certification and safe and effi-*
7 *cient operation of civil supersonic aircraft.*

8 (b) *EXERCISE OF LEADERSHIP.*—*In carrying out sub-*
9 *section (a), the Administrator shall—*

10 (1) *consider the needs of the aerospace industry*
11 *and other stakeholders when creating policies, regula-*
12 *tions, and standards that enable the safe commercial*
13 *deployment of civil supersonic aircraft technology and*
14 *the safe and efficient operation of civil supersonic air-*
15 *craft; and*

16 (2) *obtain the input of aerospace industry stake-*
17 *holders regarding—*

18 (A) *the appropriate regulatory framework*
19 *and timeline for permitting the safe and efficient*
20 *operation of civil supersonic aircraft within*
21 *United States airspace, including updating or*
22 *modifying existing regulations on such oper-*
23 *ation;*

24 (B) *issues related to standards and regula-*
25 *tions for the type certification and safe operation*

1 *of civil supersonic aircraft, including noise cer-*
2 *tification, including—*

3 *(i) the operational differences between*
4 *subsonic aircraft and supersonic aircraft;*

5 *(ii) costs and benefits associated with*
6 *landing and takeoff noise requirements for*
7 *civil supersonic aircraft, including impacts*
8 *on aircraft emissions;*

9 *(iii) public and economic benefits of*
10 *the operation of civil supersonic aircraft*
11 *and associated aerospace industry activity;*
12 *and*

13 *(iv) challenges relating to ensuring*
14 *that standards and regulations aimed at re-*
15 *lieving and protecting the public health and*
16 *welfare from aircraft noise and sonic booms*
17 *are economically reasonable, technologically*
18 *practicable, and appropriate for civil super-*
19 *sonic aircraft; and*

20 *(C) other issues identified by the Adminis-*
21 *trator or the aerospace industry that must be ad-*
22 *dressed to enable the safe commercial deployment*
23 *and safe and efficient operation of civil super-*
24 *sonic aircraft.*

1 (c) *INTERNATIONAL LEADERSHIP.*—*The Adminis-*
2 *trator, in the appropriate international forums, shall take*
3 *actions that—*

4 (1) *demonstrate global leadership under sub-*
5 *section (a);*

6 (2) *address the needs of the aerospace industry*
7 *identified under subsection (b); and*

8 (3) *protect the public health and welfare.*

9 (d) *REPORT TO CONGRESS.*—*Not later than 1 year*
10 *after the date of enactment of this Act, the Administrator*
11 *shall submit to the appropriate committees of Congress a*
12 *report detailing—*

13 (1) *the Administrator’s actions to exercise leader-*
14 *ship in the creation of Federal and international*
15 *policies, regulations, and standards relating to the*
16 *certification and safe and efficient operation of civil*
17 *supersonic aircraft;*

18 (2) *planned, proposed, and anticipated actions*
19 *to update or modify existing policies and regulations*
20 *related to civil supersonic aircraft, including those*
21 *identified as a result of industry consultation and*
22 *feedback; and*

23 (3) *a timeline for any actions to be taken to up-*
24 *date or modify existing policies and regulations re-*
25 *lated to civil supersonic aircraft.*

1 (e) *LONG-TERM REGULATORY REFORM.*—

2 (1) *NOISE STANDARDS.*—Not later than March
3 31, 2020, the Administrator shall issue a notice of
4 proposed rulemaking to revise part 36 of title 14,
5 Code of Federal Regulations, to include supersonic
6 aircraft in the applicability of such part. The pro-
7 posed rule shall include necessary definitions, noise
8 standards for landing and takeoff, and noise test re-
9 quirements that would apply to a civil supersonic
10 aircraft.

11 (2) *SPECIAL FLIGHT AUTHORIZATIONS.*—Not
12 later than December 31, 2019, the Administrator shall
13 issue a notice of proposed rulemaking to revise appen-
14 dix B of part 91 of title 14, Code of Federal Regula-
15 tions, to modernize the application process for a per-
16 son applying to operate a civil aircraft at supersonic
17 speeds for the purposes stated in that rule.

18 (f) *NEAR-TERM CERTIFICATION OF SUPERSONIC CIVIL*
19 *AIRCRAFT.*—

20 (1) *IN GENERAL.*—If a person submits an appli-
21 cation requesting type certification of a civil super-
22 sonic aircraft pursuant to part 21 of title 14, Code
23 of Federal Regulations, before the Administrator pro-
24 mulgates a final rule amending part 36 of title 14,
25 Code of Federal Regulations, in accordance with sub-

1 *section (e)(1), the Administrator shall, not later than*
2 *18 months after having received such application,*
3 *issue a notice of proposed rulemaking applicable sole-*
4 *ly for the type certification, inclusive of the aircraft*
5 *engines, of the supersonic aircraft design for which*
6 *such application was made.*

7 (2) *CONTENTS.—A notice of proposed rule-*
8 *making described in paragraph (1) shall—*

9 (A) *address safe operation of the aircraft*
10 *type, including development and flight testing*
11 *prior to type certification;*

12 (B) *address manufacturing of the aircraft;*

13 (C) *address continuing airworthiness of the*
14 *aircraft;*

15 (D) *specify landing and takeoff noise stand-*
16 *ards for that aircraft type that the Adminis-*
17 *trator considers appropriate, practicable, and*
18 *consistent with section 44715 of title 49, United*
19 *States Code; and*

20 (E) *consider differences between subsonic*
21 *and supersonic aircraft including differences in*
22 *thrust requirements at equivalent gross weight,*
23 *engine requirements, aerodynamic characteris-*
24 *tics, operational characteristics, and other phys-*
25 *ical properties.*

1 (3) *NOISE AND PERFORMANCE DATA.*—*The re-*
2 *quirement of the Administrator to issue a notice of*
3 *proposed rulemaking under paragraph (1) shall apply*
4 *only if an application contains sufficient aircraft*
5 *noise and performance data as the Administrator*
6 *finds necessary to determine appropriate noise stand-*
7 *ards and operating limitations for the aircraft type*
8 *consistent with section 44715 of title 49, United*
9 *States Code.*

10 (4) *FINAL RULE.*—*Not later than 18 months*
11 *after the end of the public comment period provided*
12 *in the notice of proposed rulemaking required under*
13 *paragraph (1), the Administrator shall publish in the*
14 *Federal Register a final rule applying solely to the*
15 *aircraft model submitted for type certification.*

16 (5) *REVIEW OF RULES OF CIVIL SUPERSONIC*
17 *FLIGHTS.*—*Beginning December 31, 2020, and every*
18 *2 years thereafter, the Administrator shall review*
19 *available aircraft noise and performance data, and*
20 *consult with heads of appropriate Federal agencies, to*
21 *determine whether section 91.817 of title 14, Code of*
22 *Federal Regulations, and Appendix B of part 91 of*
23 *title 14, Code of Federal Regulations, may be amend-*
24 *ed, consistent with section 44715 of title 49, United*

1 *States Code, to permit supersonic flight of civil air-*
2 *craft over land in the United States.*

3 (6) *IMPLEMENTATION OF NOISE STANDARDS.—*

4 *The portion of the regulation issued by the Adminis-*
5 *trator of the Federal Aviation Administration titled*
6 *“Revision of General Operating and Flight Rules”*
7 *and published in the Federal Register on August 18,*
8 *1989 (54 Fed. Reg. 34284) that restricts operation of*
9 *civil aircraft at a true flight Mach number greater*
10 *than 1 shall have no force or effect beginning on the*
11 *date on which the Administrator publishes in the*
12 *Federal Register a final rule specifying sonic boom*
13 *noise standards for civil supersonic aircraft.*

14 **SEC. 182. MANDATORY USE OF THE NEW YORK NORTH**
15 **SHORE HELICOPTER ROUTE.**

16 (a) *PUBLIC COMMENT PERIOD.—*

17 (1) *IN GENERAL.—The Administrator of the Fed-*
18 *eral Aviation Administration shall provide notice of,*
19 *and an opportunity for, at least 60 days of public*
20 *comment with respect to the regulations in subpart H*
21 *of part 93 of title 14, Code of Federal Regulations.*

22 (2) *TIMING.—The public comment period re-*
23 *quired under paragraph (1) shall begin not later than*
24 *30 days after the date of enactment of this Act.*

1 (b) *PUBLIC HEARING.*—Not later than 30 days after
2 the date of enactment of this Act, the Administrator shall
3 hold a public hearing in the communities impacted by the
4 regulations described in subsection (a)(1) to solicit feedback
5 with respect to the regulations.

6 (c) *REVIEW.*—Not later than 30 days after the date
7 of enactment of this Act, the Administrator shall initiate
8 a review of the regulations described in subsection (a)(1)
9 that assesses the—

10 (1) noise impacts of the regulations for commu-
11 nities, including communities in locations where air-
12 craft are transitioning to or from a destination or
13 point of landing;

14 (2) enforcement of applicable flight standards,
15 including requirements for helicopters operating on
16 the relevant route to remain at or above 2,500 feet
17 mean sea level; and

18 (3) availability of alternative or supplemental
19 routes to reduce the noise impacts of the regulations,
20 including the institution of an all water route over
21 the Atlantic Ocean.

22 **SEC. 183. STATE STANDARDS FOR AIRPORT PAVEMENTS.**

23 Section 47105(c) of title 49, United States Code, is
24 amended—

1 (1) *by inserting “(1) IN GENERAL.—” before*
2 *“The Secretary” the first place it appears; and*

3 (2) *by adding at the end the following:*

4 “(2) *PAVEMENT STANDARDS.—*

5 “(A) *TECHNICAL ASSISTANCE.—At the re-*
6 *quest of a State, the Secretary shall, not later*
7 *than 30 days after the date of the request, pro-*
8 *vide technical assistance to the State in devel-*
9 *oping standards, acceptable to the Secretary*
10 *under subparagraph (B), for pavement on non-*
11 *primary public-use airports in the State.*

12 “(B) *REQUIREMENTS.—The Secretary*
13 *shall—*

14 “(i) *continue to provide technical as-*
15 *istance under subparagraph (A) until the*
16 *standards are approved under paragraph*
17 *(1); and*

18 “(ii) *clearly indicate to the State the*
19 *standards that are acceptable to the Sec-*
20 *retary, considering, at a minimum, local*
21 *conditions and locally available materials.”.*

22 **SEC. 184. ELIGIBILITY OF PILOT PROGRAM AIRPORTS.**

23 (a) *DISCRETIONARY FUND.—Section 47115 of title 49,*
24 *United States Code, is further amended by adding at the*
25 *end the following:*

1 “(k) *PARTNERSHIP PROGRAM AIRPORTS.*—

2 “(1) *AUTHORITY.*—*The Secretary may make*
3 *grants with funds made available under this section*
4 *for an airport participating in the program under*
5 *section 47134 if—*

6 “(A) *the Secretary has approved the appli-*
7 *cation of an airport sponsor under section*
8 *47134(b) in fiscal year 2019; and*

9 “(B) *the grant will—*

10 “(i) *satisfy an obligation incurred by*
11 *an airport sponsor under section 47110(e)*
12 *or funded by a nonpublic sponsor for an*
13 *airport development project on the airport;*
14 *or*

15 “(ii) *provide partial Federal reim-*
16 *bursement for airport development (as de-*
17 *fined in section 47102) on the airport lay-*
18 *out plan initiated in the fiscal year in*
19 *which the application was approved, or*
20 *later, for over a period of not more than 10*
21 *years.*

22 “(2) *NONAPPLICABILITY OF CERTAIN SEC-*
23 *TIONS.*—*Grants made under this subsection shall not*
24 *be subject to—*

25 “(A) *subsection (c) of this section;*

1 “(B) section 47117(e); or

2 “(C) any other apportionment formula, spe-
3 cial apportionment category, or minimum per-
4 centage set forth in this chapter.”.

5 (b) *ALLOWABLE PROJECT COSTS; LETTERS OF IN-*
6 *TENT.*—Section 47110(e) of such title is amended by adding
7 *at the end the following:*

8 “(7) *PARTNERSHIP PROGRAM AIRPORTS.*—The Sec-
9 *retary may issue a letter of intent under this section to an*
10 *airport sponsor with an approved application under section*
11 *47134(b) if—*

12 “(A) *the application was approved in fiscal year*
13 *2019; and*

14 “(B) *the project meets all other requirements set*
15 *forth in this chapter.*”.

16 **SEC. 185. GRANDFATHERING OF CERTAIN DEED AGREE-**
17 **MENTS GRANTING THROUGH-THE-FENCE AC-**
18 **CESS TO GENERAL AVIATION AIRPORTS.**

19 Section 47107(s) of title 49, United States Code, is
20 *amended by adding at the end the following:*

21 “(3) *EXEMPTION.*—The terms and conditions of
22 *paragraph (2) shall not apply to an agreement de-*
23 *scribed in paragraph (1) made before the enactment*
24 *of the FAA Modernization and Reform Act of 2012*
25 *(Public Law 112–95) that the Secretary determines*

1 *does not comply with such terms and conditions but*
2 *involves property that is subject to deed or lease re-*
3 *strictions that are considered perpetual and that can-*
4 *not readily be brought into compliance. However, if*
5 *the Secretary determines that the airport sponsor and*
6 *residential property owners are able to make any*
7 *modification to such an agreement on or after the*
8 *date of enactment of this paragraph, the exemption*
9 *provided by this paragraph shall no longer apply.”.*

10 **SEC. 186. STAGE 3 AIRCRAFT STUDY.**

11 *(a) STUDY.—Not later than 180 days after the date*
12 *of enactment of this Act, the Comptroller General of the*
13 *United States shall initiate a review of the potential bene-*
14 *fits, costs, and other impacts that would result from a*
15 *phaseout of covered stage 3 aircraft.*

16 *(b) CONTENTS.—The review shall include—*

17 *(1) a determination of the number, types, fre-*
18 *quency of operations, and owners and operators of*
19 *covered stage 3 aircraft;*

20 *(2) an analysis of the potential benefits, costs,*
21 *and other impacts to air carriers, general aviation*
22 *operators, airports, communities surrounding air-*
23 *ports, and the general public associated with phasing*
24 *out or reducing the operations of covered stage 3 air-*

1 *craft, assuming such a phaseout or reduction is put*
2 *into effect over a reasonable period of time;*

3 *(3) a determination of lessons learned from the*
4 *phaseout of stage 2 aircraft that might be applicable*
5 *to a phaseout or reduction in the operations of cov-*
6 *ered stage 3 aircraft, including comparisons between*
7 *the benefits, costs, and other impacts associated with*
8 *the phaseout of stage 2 aircraft and the potential ben-*
9 *efits, costs, and other impacts determined under para-*
10 *graph (2);*

11 *(4) a determination of the costs and logistical*
12 *challenges associated with recertifying stage 3 aircraft*
13 *capable of meeting stage 4 noise levels; and*

14 *(5) a determination of stakeholder views on the*
15 *feasibility and desirability of phasing out covered*
16 *stage 3 aircraft, including the views of—*

17 *(A) air carriers;*

18 *(B) airports;*

19 *(C) communities surrounding airports;*

20 *(D) aircraft and avionics manufacturers;*

21 *(E) operators of covered stage 3 aircraft*

22 *other than air carriers; and*

23 *(F) such other stakeholders and aviation ex-*
24 *perts as the Comptroller General considers ap-*
25 *propriate.*

1 (c) *REPORT.*—Not later than 18 months after the date
2 of enactment of this Act, the Comptroller General shall sub-
3 mit to the appropriate committees of Congress a report on
4 the results of the review.

5 (d) *COVERED STAGE 3 AIRCRAFT DEFINED.*—In this
6 section, the term “covered stage 3 aircraft” means a civil
7 subsonic jet aircraft that is not capable of meeting the stage
8 4 noise levels in part 36 of title 14, Code of Federal Regula-
9 tions.

10 **SEC. 187. AIRCRAFT NOISE EXPOSURE.**

11 (a) *REVIEW.*—The Administrator of the Federal Avia-
12 tion Administration shall conclude the Administrator’s on-
13 going review of the relationship between aircraft noise expo-
14 sure and its effects on communities around airports.

15 (b) *REPORT.*—

16 (1) *IN GENERAL.*—Not later than 2 years after
17 the date of enactment of this Act, the Administrator
18 shall submit to Congress a report containing the re-
19 sults of the review.

20 (2) *PRELIMINARY RECOMMENDATIONS.*—The re-
21 port shall contain such preliminary recommendations
22 as the Administrator determines appropriate for re-
23 vising the land use compatibility guidelines in part
24 150 of title 14, Code of Federal Regulations, based on

1 (1) *include an examination of the incremental*
2 *health impacts attributable to noise exposure that re-*
3 *sult from aircraft flights, including sleep disturbance*
4 *and elevated blood pressure;*

5 (2) *be focused on residents in the metropolitan*
6 *area of—*

7 (A) *Boston;*

8 (B) *Chicago;*

9 (C) *the District of Columbia;*

10 (D) *New York;*

11 (E) *the Northern California Metroplex;*

12 (F) *Phoenix;*

13 (G) *the Southern California Metroplex;*

14 (H) *Seattle; or*

15 (I) *such other area as may be identified by*
16 *the Administrator;*

17 (3) *consider, in particular, the incremental*
18 *health impacts on residents living partly or wholly*
19 *underneath flight paths most frequently used by air-*
20 *craft flying at an altitude lower than 10,000 feet, in-*
21 *cluding during takeoff or landing;*

22 (4) *include an assessment of the relationship be-*
23 *tween a perceived increase in aircraft noise, including*
24 *as a result of a change in flight paths that increases*
25 *the visibility of aircraft from a certain location, and*

1 *an actual increase in aircraft noise, particularly in*
2 *areas with high or variable levels of nonaircraft-re-*
3 *lated ambient noise; and*

4 *(5) consider the economic harm or benefits to*
5 *businesses located partly or wholly underneath flight*
6 *paths most frequently used by aircraft flying at an*
7 *altitude lower than 10,000 feet, including during*
8 *takeoff or landing.*

9 *(c) ELIGIBILITY.—An institution of higher education*
10 *is eligible to conduct the study if the institution—*

11 *(1) has—*

12 *(A) a school of public health that has par-*
13 *ticipated in the Center of Excellence for Aircraft*
14 *Noise and Aviation Emissions Mitigation of the*
15 *Federal Aviation Administration; or*

16 *(B) a center for environmental health that*
17 *receives funding from the National Institute of*
18 *Environmental Health Sciences;*

19 *(2) is located in one of the areas identified in*
20 *subsection (b);*

21 *(3) applies to the Administrator in a timely*
22 *fashion;*

23 *(4) demonstrates to the satisfaction of the Ad-*
24 *ministrator that the institution is qualified to con-*
25 *duct the study;*

1 (5) agrees to submit to the Administrator, not
2 later than 3 years after entering into an agreement
3 under subsection (a), the results of the study, includ-
4 ing any source materials used; and

5 (6) meets such other requirements as the Admin-
6 istrator determines necessary.

7 (d) *SUBMISSION OF STUDY.*—Not later than 90 days
8 after the Administrator receives the results of the study, the
9 Administrator shall submit to the appropriate committees
10 of Congress the study and a summary of the results.

11 **SEC. 190. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

12 (a) *IN GENERAL.*—The Secretary of Transportation
13 may carry out a pilot program involving not more than
14 6 projects at public-use airports in accordance with this
15 section.

16 (b) *GRANTS.*—In carrying out the program, the Sec-
17 retary may make grants to sponsors of public-use airports
18 from funds apportioned under section 47117(e)(1)(A) of
19 title 49, United States Code.

20 (c) *USE OF FUNDS.*—Amounts from a grant received
21 by the sponsor of a public-use airport under the program
22 shall be used for environmental mitigation projects that will
23 measurably reduce or mitigate aviation impacts on noise,
24 air quality, or water quality at the airport or within 5
25 miles of the airport.

1 (d) *ELIGIBILITY.*—Notwithstanding any other provi-
2 sion of chapter 471 of title 49, United States Code, an envi-
3 ronmental mitigation project approved under this section
4 shall be treated as eligible for assistance under that chapter.

5 (e) *SELECTION CRITERIA.*—In selecting from among
6 applicants for participation in the program, the Secretary
7 may give priority consideration to projects that—

8 (1) will achieve the greatest reductions in air-
9 craft noise, airport emissions, or airport water qual-
10 ity impacts either on an absolute basis or on a per
11 dollar of funds expended basis; and

12 (2) will be implemented by an eligible consor-
13 tium.

14 (f) *FEDERAL SHARE.*—The Federal share of the cost
15 of a project carried out under the program shall be 50 per-
16 cent.

17 (g) *MAXIMUM AMOUNT.*—Not more than \$2,500,000
18 may be made available by the Secretary in grants under
19 the program for any single project.

20 (h) *IDENTIFYING BEST PRACTICES.*—The Secretary
21 may establish and publish information identifying best
22 practices for reducing or mitigating aviation impacts on
23 noise, air quality, and water quality at airports or in the
24 vicinity of airports based on the projects carried out under
25 the program.

1 (i) *SUNSET.*—*The program shall terminate 5 years*
2 *after the Secretary makes the first grant under the program.*

3 (j) *DEFINITIONS.*—*In this section, the following defini-*
4 *tions apply:*

5 (1) *ELIGIBLE CONSORTIUM.*—*The term “eligible*
6 *consortium” means a consortium that is composed of*
7 *2 or more of the following entities:*

8 (A) *Businesses incorporated in the United*
9 *States.*

10 (B) *Public or private educational or re-*
11 *search organizations located in the United*
12 *States.*

13 (C) *Entities of State or local governments*
14 *in the United States.*

15 (D) *Federal laboratories.*

16 (2) *ENVIRONMENTAL MITIGATION PROJECT.*—*The*
17 *term “environmental mitigation project” means a*
18 *project that—*

19 (A) *introduces new environmental mitiga-*
20 *tion techniques or technologies that have been*
21 *proven in laboratory demonstrations;*

22 (B) *proposes methods for efficient adapta-*
23 *tion or integration of new concepts into airport*
24 *operations; and*

1 (C) will demonstrate whether new tech-
2 niques or technologies for environmental mitiga-
3 tion are—

4 (i) practical to implement at or near
5 multiple public-use airports; and

6 (ii) capable of reducing noise, airport
7 emissions, or water quality impacts in
8 measurably significant amounts.

9 (k) *AUTHORIZATION FOR THE TRANSFER OF FUNDS*
10 *FROM DEPARTMENT OF DEFENSE.—*

11 (1) *IN GENERAL.—The Administrator of the Fed-*
12 *eral Aviation Administration may accept funds from*
13 *the Secretary of Defense to increase the authorized*
14 *funding for this section by the amount of such trans-*
15 *fer only to carry out projects designed for environ-*
16 *mental mitigation at a site previously, but not cur-*
17 *rently, managed by the Department of Defense.*

18 (2) *ADDITIONAL GRANTEES.—If additional funds*
19 *are made available by the Secretary of Defense under*
20 *paragraph (1), the Administrator may increase the*
21 *number of grantees under subsection (a).*

22 **SEC. 191. EXTENDING AVIATION DEVELOPMENT STREAM-**
23 **LINING.**

24 (a) *IN GENERAL.—Section 47171 of title 49, United*
25 *States Code, is amended—*

1 (1) *in subsection (a), in the matter preceding*
2 *paragraph (1), by inserting “general aviation airport*
3 *construction or improvement projects,” after “con-*
4 *gested airports,”;*

5 (2) *in subsection (b)—*

6 (A) *by redesignating paragraph (2) as*
7 *paragraph (3); and*

8 (B) *by inserting after paragraph (1) the fol-*
9 *lowing:*

10 “*(2) GENERAL AVIATION AIRPORT CONSTRUCTION*
11 *OR IMPROVEMENT PROJECT.—A general aviation air-*
12 *port construction or improvement project shall be sub-*
13 *ject to the coordinated and expedited environmental*
14 *review process requirements set forth in this section.”;*

15 (3) *in subsection (c)(1), by striking “subsection*
16 *(b)(2)” and inserting “subsection (b)(3)”;*

17 (4) *in subsection (d), by striking “subsection*
18 *(b)(2)” and inserting “subsection (b)(3)”;*

19 (5) *in subsection (h), by striking “subsection*
20 *(b)(2)” and inserting “subsection (b)(3)”;* and

21 (6) *in subsection (k), by striking “subsection*
22 *(b)(2)” and inserting “subsection (b)(3)”.*

23 (b) *DEFINITIONS.—Section 47175 of title 49, United*
24 *States Code, is amended by adding at the end the following:*

1 “(8) *GENERAL AVIATION AIRPORT CONSTRUCTION*
2 *OR IMPROVEMENT PROJECT.*—*The term ‘general avia-*
3 *tion airport construction or improvement project’*
4 *means—*

5 “(A) *a project for the construction or exten-*
6 *sion of a runway, including any land acquisi-*
7 *tion, helipad, taxiway, safety area, apron, or*
8 *navigational aids associated with the runway or*
9 *runway extension, at a general aviation airport,*
10 *a reliever airport, or a commercial service air-*
11 *port that is not a primary airport (as such*
12 *terms are defined in section 47102); and*

13 “(B) *any other airport development project*
14 *that the Secretary designates as facilitating*
15 *aviation capacity building projects at a general*
16 *aviation airport.”.*

17 **SEC. 192. ZERO-EMISSION VEHICLES AND TECHNOLOGY.**

18 (a) *IN GENERAL.*—*Section 47136 of title 49, United*
19 *States Code, as so redesignated, is amended—*

20 (1) *by striking subsections (a) and (b) and in-*
21 *serting the following:*

22 “(a) *IN GENERAL.*—*The Secretary of Transportation*
23 *may establish a pilot program under which the sponsors*
24 *of public-use airports may use funds made available under*

1 *this chapter or section 48103 for use at such airports to*
2 *carry out—*

3 “(1) *activities associated with the acquisition, by*
4 *purchase or lease, and operation of eligible zero-emis-*
5 *sion vehicles and equipment, including removable*
6 *power sources for such vehicles; and*

7 “(2) *the construction or modification of infra-*
8 *structure to facilitate the delivery of fuel, power or*
9 *services necessary for the use of such vehicles.*

10 “(b) *ELIGIBILITY.—A public-use airport is eligible for*
11 *participation in the program if the eligible vehicles or*
12 *equipment are—*

13 “(1) *used exclusively on airport property; or*

14 “(2) *used exclusively to transport passengers and*
15 *employees between the airport and—*

16 “(A) *nearby facilities which are owned or*
17 *controlled by the airport or which otherwise di-*
18 *rectly support the functions or services provided*
19 *by the airport; or*

20 “(B) *an intermodal surface transportation*
21 *facility adjacent to the airport.”;*

22 (2) *by striking subsections (d) through (f) and*
23 *inserting the following:*

1 “(d) *FEDERAL SHARE.*—*The Federal share of the cost*
2 *of a project carried out under the program shall be the Fed-*
3 *eral share specified in section 47109.*

4 “(e) *TECHNICAL ASSISTANCE.*—

5 “(1) *IN GENERAL.*—*The sponsor of a public-use*
6 *airport may use not more than 10 percent of the*
7 *amounts made available to the sponsor under the pro-*
8 *gram in any fiscal year for—*

9 “(A) *technical assistance; and*

10 “(B) *project management support to assist*
11 *the airport with the solicitation, acquisition, and*
12 *deployment of zero-emission vehicles, related*
13 *equipment, and supporting infrastructure.*

14 “(2) *PROVIDERS OF TECHNICAL ASSISTANCE.*—
15 *To receive the technical assistance or project manage-*
16 *ment support described in paragraph (1), partici-*
17 *pants in the program may use—*

18 “(A) *a nonprofit organization selected by*
19 *the Secretary; or*

20 “(B) *a university transportation center re-*
21 *ceiving grants under section 5505 in the region*
22 *of the airport.*

23 “(f) *MATERIALS IDENTIFYING BEST PRACTICES.*—*The*
24 *Secretary may create and make available materials identi-*
25 *fying best practices for carrying out activities funded under*

1 *the program based on previous related projects and other*
2 *sources.*

3 “(g) *ALLOWABLE PROJECT COST.*—*The allowable*
4 *project cost for the acquisition of a zero-emission vehicle*
5 *shall be the total cost of purchasing or leasing the vehicle,*
6 *including the cost of technical assistance or project manage-*
7 *ment support described in subsection (e).*

8 “(h) *FLEXIBLE PROCUREMENT.*—*A sponsor of a pub-*
9 *lic-use airport may use funds made available under the pro-*
10 *gram to acquire, by purchase or lease, a zero-emission vehi-*
11 *cle and a removable power source in separate transactions,*
12 *including transactions by which the airport purchases the*
13 *vehicle and leases the removable power source.*

14 “(i) *TESTING REQUIRED.*—

15 “(1) *IN GENERAL.*—*A sponsor of a public-use*
16 *airport may not use funds made available under the*
17 *program to acquire a zero-emission vehicle unless that*
18 *make, model, or type of vehicle has been tested by a*
19 *Federal vehicle testing facility acceptable to the Sec-*
20 *retary.*

21 “(2) *PENALTIES FOR FALSE STATEMENTS.*—*A*
22 *certification of compliance under paragraph (1) shall*
23 *be considered a certification required under this sub-*
24 *chapter for purposes of section 47126.*

1 “(j) *DEFINITIONS.*—*In this section, the following defi-*
2 *nitions apply:*

3 “(1) *ELIGIBLE ZERO-EMISSION VEHICLE AND*
4 *EQUIPMENT.*—*The term ‘eligible zero-emission vehicle*
5 *and equipment’ means a zero-emission vehicle, equip-*
6 *ment related to such a vehicle, or ground support*
7 *equipment that includes zero-emission technology that*
8 *is—*

9 “(A) *used exclusively on airport property;*

10 *or*

11 “(B) *used exclusively to transport pas-*
12 *sengers and employees between the airport and—*

13 “(i) *nearby facilities which are owned*
14 *or controlled by the airport or which other-*
15 *wise directly support the functions or serv-*
16 *ices provided by the airport; or*

17 “(ii) *an intermodal surface transpor-*
18 *tation facility adjacent to the airport.*

19 “(2) *REMOVABLE POWER SOURCE.*—*The term*
20 *‘removable power source’ means a power source that*
21 *is separately installed in, and removable from, a zero-*
22 *emission vehicle and may include a battery, a fuel*
23 *cell, an ultra-capacitor, or other power source used in*
24 *a zero-emission vehicle.*

1 “(3) *ZERO-EMISSION VEHICLE*.—The term ‘zero-
2 *emission vehicle*’ means—

3 “(A) a zero-emission vehicle as defined in
4 section 88.102–94 of title 40, Code of Federal
5 Regulations; or

6 “(B) a vehicle that produces zero exhaust
7 emissions of any criteria pollutant (or precursor
8 pollutant) under any possible operational modes
9 and conditions.”.

10 (b) *SPECIAL APPORTIONMENT CATEGORIES*.—Section
11 47117(e)(1)(A) of title 49, United States Code, is amended
12 by inserting “for airport development described in section
13 47102(3)(Q),” after “under section 47141.”.

14 (c) *DEPLOYMENT OF ZERO EMISSION VEHICLE TECH-*
15 *NOLOGY*.—

16 (1) *ESTABLISHMENT*.—The Secretary of Trans-
17 portation may establish a zero-emission airport tech-
18 nology program—

19 (A) to facilitate the deployment of commer-
20 cially viable zero-emission airport vehicles, tech-
21 nology, and related infrastructure; and

22 (B) to minimize the risk of deploying such
23 vehicles, technology, and infrastructure.

24 (2) *GENERAL AUTHORITY*.—

1 (A) *ASSISTANCE TO NONPROFIT ORGANIZA-*
2 *TIONS.—The Secretary may provide assistance*
3 *under the program to not more than 3 geo-*
4 *graphically diverse, eligible organizations to con-*
5 *duct zero-emission airport technology and infra-*
6 *structure projects.*

7 (B) *FORMS OF ASSISTANCE.—The Secretary*
8 *may provide assistance under the program in the*
9 *form of grants, contracts, and cooperative agree-*
10 *ments.*

11 (3) *SELECTION OF PARTICIPANTS.—*

12 (A) *NATIONAL SOLICITATION.—In selecting*
13 *participants, the Secretary shall—*

14 (i) *conduct a national solicitation for*
15 *applications for assistance under the pro-*
16 *gram; and*

17 (ii) *select the recipients of assistance*
18 *under the program on a competitive basis.*

19 (B) *CONSIDERATIONS.—In selecting from*
20 *among applicants for assistance under the pro-*
21 *gram, the Secretary shall consider—*

22 (i) *the ability of an applicant to con-*
23 *tribute significantly to deploying zero-emis-*
24 *sion technology as the technology relates to*
25 *airport operations;*

1 (ii) the financing plan and cost-share
2 potential of the applicant; and

3 (iii) other factors, as the Secretary de-
4 termines appropriate.

5 (C) *PRIORITY.*—In selecting from among
6 applicants for assistance under the program, the
7 Secretary shall give priority consideration to an
8 applicant that has successfully managed ad-
9 vanced transportation technology projects, in-
10 cluding projects related to zero-emission trans-
11 portation operations.

12 (4) *ELIGIBLE PROJECTS.*—A recipient of assist-
13 ance under the program shall use the assistance—

14 (A) to review and conduct demonstrations
15 of zero-emission technologies and related infra-
16 structure at airports;

17 (B) to evaluate the credibility of new,
18 unproven vehicle and energy-efficient tech-
19 nologies in various aspects of airport operations
20 prior to widespread investment in the tech-
21 nologies by airports and the aviation industry;

22 (C) to collect data and make the recipient's
23 findings available to airports, so that airports
24 can evaluate the applicability of new technologies
25 to their facilities; and

1 (D) to report the recipient's findings to the
2 Secretary.

3 (5) ADMINISTRATIVE PROVISIONS.—

4 (A) FEDERAL SHARE.—The Federal share
5 of the cost of a project carried out under the pro-
6 gram may not exceed 80 percent.

7 (B) TERMS AND CONDITIONS.—A grant,
8 contract, or cooperative agreement under this
9 section shall be subject to such terms and condi-
10 tions as the Secretary determines appropriate.

11 (6) DEFINITIONS.—In this subsection, the fol-
12 lowing definitions apply:

13 (A) ELIGIBLE ORGANIZATION.—The term
14 “eligible organization” means an organization
15 that has expertise in zero-emission technology.

16 (B) ORGANIZATION.—The term “organiza-
17 tion” means—

18 (i) described in section 501(c)(3) of the
19 Internal Revenue Code of 1986 and exempt
20 from tax under section 501(a) of the Inter-
21 nal Revenue Code of 1986;

22 (ii) a university transportation center
23 receiving grants under section 5505 of title
24 49, United States Code; or

1 (iii) any other Federal or non-Federal
2 entity as the Secretary considers appro-
3 priate.

4 **TITLE II—FAA SAFETY**
5 **CERTIFICATION REFORM**
6 **Subtitle A—General Provisions**

7 **SEC. 201. DEFINITIONS.**

8 *In this title, the following definitions apply:*

9 (1) *ADMINISTRATOR.*—The term “Adminis-
10 trator” means the Administrator of the FAA.

11 (2) *ADVISORY COMMITTEE.*—The term “Advisory
12 Committee” means the Safety Oversight and Certifi-
13 cation Advisory Committee established under section
14 202.

15 (3) *FAA.*—The term “FAA” means the Federal
16 Aviation Administration.

17 (4) *SECRETARY.*—The term “Secretary” means
18 the Secretary of Transportation.

19 (5) *SYSTEMS SAFETY APPROACH.*—The term
20 “systems safety approach” means the application of
21 specialized technical and managerial skills to the sys-
22 tematic, forward-looking identification and control of
23 hazards throughout the lifecycle of a project, program,
24 or activity.

1 **SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
2 **SORY COMMITTEE.**

3 (a) *ESTABLISHMENT.*—Not later than 60 days after
4 the date of enactment of this Act, the Secretary shall estab-
5 lish a Safety Oversight and Certification Advisory Com-
6 mittee.

7 (b) *DUTIES.*—The Advisory Committee shall provide
8 advice to the Secretary on policy-level issues facing the
9 aviation community that are related to FAA safety over-
10 sight and certification programs and activities, including,
11 at a minimum, the following:

12 (1) *Aircraft and flight standards certification*
13 *processes, including efforts to streamline those proc-*
14 *esses.*

15 (2) *Implementation and oversight of safety man-*
16 *agement systems.*

17 (3) *Risk-based oversight efforts.*

18 (4) *Utilization of delegation and designation au-*
19 *thorities, including organization designation author-*
20 *ization.*

21 (5) *Regulatory interpretation standardization ef-*
22 *forts.*

23 (6) *Training programs.*

24 (7) *Expediting the rulemaking process and giv-*
25 *ing priority to rules related to safety.*

1 (8) *Enhancing global competitiveness of United*
2 *States manufactured and United States certificated*
3 *aerospace and aviation products and services through-*
4 *out the world.*

5 (c) *FUNCTIONS.—In carrying out its duties under sub-*
6 *section (b), the Advisory Committee shall:*

7 (1) *Foster industry collaboration in an open and*
8 *transparent manner.*

9 (2) *Consult with, and ensure participation by—*

10 (A) *the private sector, including representa-*
11 *tives of—*

12 (i) *general aviation;*

13 (ii) *commercial aviation;*

14 (iii) *aviation labor;*

15 (iv) *aviation maintenance, repair, and*
16 *overhaul;*

17 (v) *aviation, aerospace, and avionics*
18 *manufacturing;*

19 (vi) *unmanned aircraft systems opera-*
20 *tors and manufacturers; and*

21 (vii) *the commercial space transpor-*
22 *tation industry;*

23 (B) *members of the public; and*

24 (C) *other interested parties.*

1 (3) *Recommend consensus national goals, strategic objectives, and priorities for the most efficient, streamlined, and cost-effective certification and safety oversight processes in order to maintain the safety of the aviation system and, at the same time, allow the FAA to meet future needs and ensure that aviation stakeholders remain competitive in the global marketplace.*

9 (4) *Provide policy guidance recommendations for the FAA's certification and safety oversight efforts.*

11 (5) *On a regular basis, review and provide recommendations on the FAA's certification and safety oversight efforts.*

14 (6) *Periodically review and evaluate registration, certification, and related fees.*

16 (7) *Provide appropriate legislative, regulatory, and guidance recommendations for the air transportation system and the aviation safety regulatory environment.*

20 (8) *Recommend performance objectives for the FAA and industry.*

22 (9) *Recommend performance metrics and goals to track and review the FAA and the regulated aviation industry on their progress towards streamlining*

1 *certification reform, conducting flight standards re-*
2 *form, and carrying out regulation consistency efforts.*

3 (10) *Provide a venue for tracking progress to-*
4 *ward national goals and sustaining joint commit-*
5 *ments.*

6 (11) *Recommend recruiting, hiring, training,*
7 *and continuing education objectives for FAA aviation*
8 *safety engineers and aviation safety inspectors.*

9 (12) *Provide advice and recommendations to the*
10 *FAA on how to prioritize safety rulemaking projects.*

11 (13) *Improve the development of FAA regula-*
12 *tions by providing information, advice, and rec-*
13 *ommendations related to aviation issues.*

14 (14) *Facilitate the validation and acceptance of*
15 *United States manufactured and United States cer-*
16 *tificated products and services throughout the world.*

17 (d) *MEMBERSHIP.—*

18 (1) *IN GENERAL.—The Advisory Committee shall*
19 *be composed of the following members:*

20 (A) *The Administrator (or the Administra-*
21 *tor’s designee).*

22 (B) *At least 11 individuals, appointed by*
23 *the Secretary, each of whom represents at least*
24 *1 of the following interests:*

1 (i) *Transport aircraft and engine*
2 *manufacturers.*

3 (ii) *General aviation aircraft and en-*
4 *gine manufacturers.*

5 (iii) *Avionics and equipment manufac-*
6 *turers.*

7 (iv) *Aviation labor organizations, in-*
8 *cluding collective bargaining representatives*
9 *of FAA aviation safety inspectors and avia-*
10 *tion safety engineers.*

11 (v) *General aviation operators.*

12 (vi) *Air carriers.*

13 (vii) *Business aviation operators.*

14 (viii) *Unmanned aircraft systems*
15 *manufacturers and operators.*

16 (ix) *Aviation safety management ex-*
17 *perts.*

18 (x) *Aviation maintenance, repair, and*
19 *overhaul.*

20 (xi) *Airport owners and operators.*

21 (2) *NONVOTING MEMBERS.—*

22 (A) *IN GENERAL.—In addition to the mem-*
23 *bers appointed under paragraph (1), the Advi-*
24 *sory Committee shall be composed of nonvoting*
25 *members appointed by the Secretary from among*

1 *individuals representing FAA safety oversight*
2 *program offices.*

3 (B) *DUTIES.—The nonvoting members*
4 *may—*

5 *(i) take part in deliberations of the Ad-*
6 *visory Committee; and*

7 *(ii) provide input with respect to any*
8 *final reports or recommendations of the Ad-*
9 *visory Committee.*

10 (C) *LIMITATION.—The nonvoting members*
11 *may not represent any stakeholder interest other*
12 *than that of an FAA safety oversight program*
13 *office.*

14 (3) *TERMS.—Each voting member and non-*
15 *voting member of the Advisory Committee appointed*
16 *by the Secretary shall be appointed for a term of 2*
17 *years.*

18 (4) *COMMITTEE CHARACTERISTICS.—The Advi-*
19 *sory Committee shall have the following characteris-*
20 *tics:*

21 (A) *Each voting member under paragraph*
22 (1)(B) *shall be an executive officer of the organi-*
23 *zation who has decisionmaking authority within*
24 *the member's organization and can represent*

1 *and enter into commitments on behalf of such or-*
2 *ganization.*

3 *(B) The ability to obtain necessary infor-*
4 *mation from experts in the aviation and aero-*
5 *space communities.*

6 *(C) A membership size that enables the Ad-*
7 *visory Committee to have substantive discussions*
8 *and reach consensus on issues in a timely man-*
9 *ner.*

10 *(D) Appropriate expertise, including exper-*
11 *tise in certification and risk-based safety over-*
12 *sight processes, operations, policy, technology,*
13 *labor relations, training, and finance.*

14 *(5) LIMITATION ON STATUTORY CONSTRUC-*
15 *TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)*
16 *may not be construed to prohibit or otherwise limit*
17 *the appointment of any individual as a member of*
18 *the Advisory Committee.*

19 *(e) CHAIRPERSON.—*

20 *(1) IN GENERAL.—The Chairperson of the Advi-*
21 *sory Committee shall be appointed by the Secretary*
22 *from among those members of the Advisory Committee*
23 *that are voting members under subsection (d)(1)(B).*

1 (2) *TERM.*—*Each member appointed under*
2 *paragraph (1) shall serve a term of 2 years as Chair-*
3 *person.*

4 (f) *MEETINGS.*—

5 (1) *FREQUENCY.*—*The Advisory Committee shall*
6 *meet at least twice each year at the call of the Chair-*
7 *person.*

8 (2) *PUBLIC ATTENDANCE.*—*The meetings of the*
9 *Advisory Committee shall be open and accessible to*
10 *the public.*

11 (g) *SPECIAL COMMITTEES.*—

12 (1) *ESTABLISHMENT.*—*The Advisory Committee*
13 *may establish special committees composed of private*
14 *sector representatives, members of the public, labor*
15 *representatives, and other relevant parties in com-*
16 *plying with consultation and participation require-*
17 *ments under this section.*

18 (2) *RULEMAKING ADVICE.*—*A special committee*
19 *established by the Advisory Committee may—*

20 (A) *provide rulemaking advice and rec-*
21 *ommendations to the Advisory Committee with*
22 *respect to aviation-related issues;*

23 (B) *provide the FAA additional opportuni-*
24 *ties to obtain firsthand information and insight*

1 *from those parties that are most affected by exist-*
2 *ing and proposed regulations; and*

3 *(C) assist in expediting the development, re-*
4 *vision, or elimination of rules without circum-*
5 *venting public rulemaking processes and proce-*
6 *dures.*

7 *(3) APPLICABLE LAW.—Public Law 92–463 shall*
8 *not apply to a special committee established by the*
9 *Advisory Committee.*

10 *(h) SUNSET.—The Advisory Committee shall termi-*
11 *nate on the last day of the 6-year period beginning on the*
12 *date of the initial appointment of the members of the Advi-*
13 *sory Committee.*

14 *(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVI-*
15 *SORY COMMITTEE.—The Air Traffic Procedures Advisory*
16 *Committee established by the FAA shall terminate on the*
17 *date of the initial appointment of the members of the Advi-*
18 *sory Committee.*

19 ***Subtitle B—Aircraft Certification***
20 ***Reform***

21 ***SEC. 211. AIRCRAFT CERTIFICATION PERFORMANCE OBJEC-***
22 ***TIVES AND METRICS.***

23 *(a) IN GENERAL.—Not later than 120 days after the*
24 *date on which the Advisory Committee is established under*
25 *section 202, the Administrator shall establish performance*

1 objectives and apply and track performance metrics for the
2 FAA and the aviation industry relating to aircraft certifi-
3 cation in accordance with this section.

4 (b) *COLLABORATION.*—The Administrator shall carry
5 out this section in collaboration with the Advisory Com-
6 mittee and update agency performance objectives and
7 metrics after considering the recommendations of the Advi-
8 sory Committee under paragraphs (8) and (9) of section
9 202(c).

10 (c) *PERFORMANCE OBJECTIVES.*—In carrying out sub-
11 section (a), the Administrator shall establish performance
12 objectives for the FAA and the aviation industry to ensure
13 that, with respect to aircraft certification, progress is made
14 toward, at a minimum—

15 (1) *eliminating certification delays and improv-*
16 *ing cycle times;*

17 (2) *increasing accountability for both the FAA*
18 *and the aviation industry;*

19 (3) *achieving full utilization of FAA delegation*
20 *and designation authorities, including organizational*
21 *designation authorization;*

22 (4) *fully implementing risk management prin-*
23 *ciples and a systems safety approach;*

24 (5) *reducing duplication of effort;*

25 (6) *increasing transparency;*

1 (7) *developing and providing training, including*
2 *recurrent training, in auditing and a systems safety*
3 *approach to certification oversight;*

4 (8) *improving the process for approving or ac-*
5 *cepting certification actions between the FAA and bi-*
6 *lateral partners;*

7 (9) *maintaining and improving safety;*

8 (10) *streamlining the hiring process for—*

9 (A) *qualified systems safety engineers to*
10 *support the FAA’s efforts to implement a systems*
11 *safety approach; and*

12 (B) *qualified systems engineers to guide the*
13 *engineering of complex systems within the FAA;*
14 *and*

15 (11) *maintaining the leadership of the United*
16 *States in international aviation and aerospace.*

17 (d) *PERFORMANCE METRICS.—In carrying out sub-*
18 *section (a), the Administrator shall apply and track per-*
19 *formance metrics for the FAA and the regulated aviation*
20 *industry established by the Advisory Committee.*

21 (e) *DATA GENERATION.—*

22 (1) *BASELINES.—Not later than 1 year after the*
23 *date on which the Advisory Committee recommends*
24 *initial performance metrics for the FAA and the regu-*
25 *lated aviation industry under section 202, the Ad-*

1 *ministrator shall generate initial data with respect to*
2 *each of the performance metrics applied and tracked*
3 *under this section.*

4 (2) *BENCHMARKS TO MEASURE PROGRESS TO-*
5 *WARD GOALS.—The Administrator shall use the*
6 *metrics applied and tracked under this section to gen-*
7 *erate data on an ongoing basis and to measure*
8 *progress toward the achievement of national goals rec-*
9 *ommended by the Advisory Committee.*

10 (f) *PUBLICATION.—The Administrator shall make data*
11 *generated using the performance metrics applied and*
12 *tracked under this section available to the public in a*
13 *searchable, sortable, and downloadable format through the*
14 *internet website of the FAA or other appropriate methods*
15 *and shall ensure that the data are made available in a man-*
16 *ner that—*

17 (1) *does not provide identifying information re-*
18 *garding an individual or entity; and*

19 (2) *prevents inappropriate disclosure of propri-*
20 *etary information.*

21 **SEC. 212. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

22 (a) *IN GENERAL.—Chapter 447 of title 49, United*
23 *States Code, is amended by adding at the end the following:*

24 **“§ 44736. Organization designation authorizations**

25 *“(a) DELEGATIONS OF FUNCTIONS.—*

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (3), when overseeing an ODA holder, the Ad-*
3 *ministrator of the FAA shall—*

4 “(A) *require, based on an application sub-*
5 *mitted by the ODA holder and approved by the*
6 *Administrator (or the Administrator’s designee),*
7 *a procedures manual that addresses all proce-*
8 *dures and limitations regarding the functions to*
9 *be performed by the ODA holder;*

10 “(B) *delegate fully to the ODA holder each*
11 *of the functions to be performed as specified in*
12 *the procedures manual, unless the Administrator*
13 *determines, after the date of the delegation and*
14 *as a result of an inspection or other investiga-*
15 *tion, that the public interest and safety of air*
16 *commerce requires a limitation with respect to 1*
17 *or more of the functions;*

18 “(C) *conduct regular oversight activities by*
19 *inspecting the ODA holder’s delegated functions*
20 *and taking action based on validated inspection*
21 *findings; and*

22 “(D) *for each function that is limited under*
23 *subparagraph (B), work with the ODA holder to*
24 *develop the ODA holder’s capability to execute*

1 *that function safely and effectively and return to*
2 *full authority status.*

3 “(2) *DUTIES OF ODA HOLDERS.—An ODA hold-*
4 *er shall—*

5 “(A) *perform each specified function dele-*
6 *gated to the ODA holder in accordance with the*
7 *approved procedures manual for the delegation;*

8 “(B) *make the procedures manual available*
9 *to each member of the appropriate ODA unit;*
10 *and*

11 “(C) *cooperate fully with oversight activities*
12 *conducted by the Administrator in connection*
13 *with the delegation.*

14 “(3) *EXISTING ODA HOLDERS.—With regard to*
15 *an ODA holder operating under a procedures manual*
16 *approved by the Administrator before the date of en-*
17 *actment of the FAA Reauthorization Act of 2018, the*
18 *Administrator shall—*

19 “(A) *at the request of the ODA holder and*
20 *in an expeditious manner, approve revisions to*
21 *the ODA holder’s procedures manual;*

22 “(B) *delegate fully to the ODA holder each*
23 *of the functions to be performed as specified in*
24 *the procedures manual, unless the Administrator*
25 *determines, after the date of the delegation and*

1 *as a result of an inspection or other investiga-*
2 *tion, that the public interest and safety of air*
3 *commerce requires a limitation with respect to*
4 *one or more of the functions;*

5 “(C) *conduct regular oversight activities by*
6 *inspecting the ODA holder’s delegated functions*
7 *and taking action based on validated inspection*
8 *findings; and*

9 “(D) *for each function that is limited under*
10 *subparagraph (B), work with the ODA holder to*
11 *develop the ODA holder’s capability to execute*
12 *that function safely and effectively and return to*
13 *full authority status.*

14 “(b) *ODA OFFICE.—*

15 “(1) *ESTABLISHMENT.—Not later than 120 days*
16 *after the date of enactment of this section, the Admin-*
17 *istrator of the FAA shall identify, within the FAA Of-*
18 *ice of Aviation Safety, a centralized policy office to*
19 *be known as the Organization Designation Authoriza-*
20 *tion Office or the ODA Office.*

21 “(2) *PURPOSE.—The purpose of the ODA Office*
22 *shall be to provide oversight and ensure the consist-*
23 *ency of the FAA’s audit functions under the ODA*
24 *program across the FAA.*

25 “(3) *FUNCTIONS.—The ODA Office shall—*

1 “(A)(i) at the request of an ODA holder,
2 eliminate all limitations specified in a proce-
3 dures manual in place on the day before the date
4 of enactment of the FAA Reauthorization Act of
5 2018 that are low and medium risk as deter-
6 mined by a risk analysis using criteria estab-
7 lished by the ODA Office and disclosed to the
8 ODA holder, except where an ODA holder’s per-
9 formance warrants the retention of a specific
10 limitation due to documented concerns about in-
11 adequate current performance in carrying out
12 that authorized function;

13 “(ii) require an ODA holder to establish a
14 corrective action plan to regain authority for
15 any retained limitations;

16 “(iii) require an ODA holder to notify the
17 ODA Office when all corrective actions have been
18 accomplished; and

19 “(iv) make a reassessment to determine if
20 subsequent performance in carrying out any re-
21 tained limitation warrants continued retention
22 and, if such reassessment determines perform-
23 ance meets objectives, lift such limitation imme-
24 diately;

1 “(B) improve FAA and ODA holder per-
2 formance and ensure full utilization of the au-
3 thorities delegated under the ODA program;

4 “(C) develop a more consistent approach to
5 audit priorities, procedures, and training under
6 the ODA program;

7 “(D) review, in a timely fashion, a random
8 sample of limitations on delegated authorities
9 under the ODA program to determine if the lim-
10 itations are appropriate;

11 “(E) ensure national consistency in the in-
12 terpretation and application of the requirements
13 of the ODA program, including any limitations,
14 and in the performance of the ODA program;
15 and

16 “(F) at the request of an ODA holder, re-
17 view and approve new limitations to ODA func-
18 tions.

19 “(c) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 “(1) FAA.—The term ‘FAA’ means the Federal
22 Aviation Administration.

23 “(2) ODA HOLDER.—The term ‘ODA holder’
24 means an entity authorized to perform functions pur-

1 *suant to a delegation made by the Administrator of*
2 *the FAA under section 44702(d).*

3 “(3) *ODA UNIT.*—*The term “ODA unit” means*
4 *a group of 2 or more individuals who perform, under*
5 *the supervision of an ODA holder, authorized func-*
6 *tions under an ODA.*

7 “(4) *ORGANIZATION.*—*The term “organization”*
8 *means a firm, partnership, corporation, company, as-*
9 *sociation, joint-stock association, or governmental en-*
10 *tity.*

11 “(5) *ORGANIZATION DESIGNATION AUTHORIZA-*
12 *TION; ODA.*—*The term ‘Organization Designation Au-*
13 *thorization’ or ‘ODA’ means an authorization by the*
14 *FAA under section 44702(d) for an organization com-*
15 *posed of 1 or more ODA units to perform approved*
16 *functions on behalf of the FAA.”.*

17 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
18 *447 of title 49, United States Code, is amended by adding*
19 *at the end the following:*

 “44736. *Organization designation authorizations.*”.

20 **SEC. 213. ODA REVIEW.**

21 (a) *ESTABLISHMENT OF EXPERT REVIEW PANEL.*—

22 (1) *EXPERT PANEL.*—*Not later than 120 days*
23 *after the date of enactment of this Act, the Adminis-*
24 *trator shall convene a multidisciplinary expert review*
25 *panel (in this section referred to as the “Panel”).*

1 (2) *COMPOSITION OF PANEL.*—

2 (A) *APPOINTMENT OF MEMBERS.*—*The*
3 *Panel shall be composed of not more than 20*
4 *members appointed by the Administrator.*

5 (B) *QUALIFICATIONS.*—*The members ap-*
6 *pointed to the Panel shall—*

7 (i) *each have a minimum of 5 years of*
8 *experience in processes and procedures*
9 *under the ODA program; and*

10 (ii) *represent, at a minimum, ODA*
11 *holders, aviation manufacturers, safety ex-*
12 *perts, and FAA labor organizations, includ-*
13 *ing labor representatives of FAA aviation*
14 *safety inspectors and aviation safety engi-*
15 *neers.*

16 (b) *SURVEY.*—*The Panel shall conduct a survey of*
17 *ODA holders and ODA program applicants to document*
18 *and assess FAA certification and oversight activities, in-*
19 *cluding use of the ODA program and the timeliness and*
20 *efficiency of the certification process. In carrying out this*
21 *subsection, the Panel shall consult with appropriate survey*
22 *experts to best design and conduct the survey.*

23 (c) *ASSESSMENT AND RECOMMENDATIONS.*—*The*
24 *Panel shall assess and make recommendations concerning—*

1 (1) *the FAA’s processes and procedures under the*
2 *ODA program and whether the processes and proce-*
3 *dures function as intended;*

4 (2) *the best practices of and lessons learned by*
5 *ODA holders and FAA personnel who provide over-*
6 *sight of ODA holders;*

7 (3) *performance incentive policies that—*

8 (A) *are related to the ODA program for*
9 *FAA personnel; and*

10 (B) *do not conflict with the public interest;*

11 (4) *training activities related to the ODA pro-*
12 *gram for FAA personnel and ODA holders;*

13 (5) *the impact, if any, that oversight of the ODA*
14 *program has on FAA resources and the FAA’s ability*
15 *to process applications for certifications outside of the*
16 *ODA program; and*

17 (6) *the results of the survey conducted under sub-*
18 *section (b).*

19 (d) *REPORT.—Not later than 180 days after the date*
20 *the Panel is convened under subsection (a), the Panel shall*
21 *submit to the Administrator, the Advisory Committee, and*
22 *the appropriate committees of Congress a report on the find-*
23 *ings and recommendations of the Panel.*

1 (e) *DEFINITIONS.*—*The definitions contained in sec-*
2 *tion 44736 of title 49, United States Code, as added by this*
3 *Act, apply to this section.*

4 (f) *APPLICABLE LAW.*—*Public Law 92–463 shall not*
5 *apply to the Panel.*

6 (g) *SUNSET.*—*The Panel shall terminate on the date*
7 *of submission of the report under subsection (d), or on the*
8 *date that is 1 year after the Panel is convened under sub-*
9 *section (a), whichever occurs first.*

10 **SEC. 214. TYPE CERTIFICATION RESOLUTION PROCESS.**

11 (a) *IN GENERAL.*—*Section 44704(a) of title 49, United*
12 *States Code, is amended by adding at the end the following:*

13 “(6) *TYPE CERTIFICATION RESOLUTION PROC-*
14 *ESS.*—

15 “(A) *IN GENERAL.*—*Not later than 15*
16 *months after the date of enactment of the FAA*
17 *Reauthorization Act of 2018, the Administrator*
18 *shall establish an effective, timely, and milestone-*
19 *based issue resolution process for type certifi-*
20 *cation activities under this subsection.*

21 “(B) *PROCESS REQUIREMENTS.*—*The reso-*
22 *lution process shall provide for—*

23 “(i) *resolution of technical issues at*
24 *pre-established stages of the certification*

1 *process, as agreed to by the Administrator*
2 *and the type certificate applicant;*

3 “(ii) *automatic elevation to appro-*
4 *appropriate management personnel of the Federal*
5 *Aviation Administration and the type cer-*
6 *tificate applicant of any major certification*
7 *process milestone that is not completed or*
8 *resolved within a specific period of time*
9 *agreed to by the Administrator and the type*
10 *certificate applicant; and*

11 “(iii) *resolution of a major certifi-*
12 *cation process milestone elevated pursuant*
13 *to clause (ii) within a specific period of*
14 *time agreed to by the Administrator and the*
15 *type certificate applicant.*

16 “(C) *MAJOR CERTIFICATION PROCESS MILE-*
17 *STONE DEFINED.—In this paragraph, the term*
18 *‘major certification process milestone’ means a*
19 *milestone related to a type certification basis,*
20 *type certification plan, type inspection author-*
21 *ization, issue paper, or other major type certifi-*
22 *cation activity agreed to by the Administrator*
23 *and the type certificate applicant.”.*

24 (b) *TECHNICAL AMENDMENT.—Section 44704 of title*
25 *49, United States Code, is amended in the section heading*

1 by striking “**airworthiness certificates,**” and in-
2 serting “**airworthiness certificates,**”.

3 **SEC. 215. REVIEW OF CERTIFICATION PROCESS FOR SMALL**
4 **GENERAL AVIATION AIRPLANES.**

5 (a) *IN GENERAL.*—Not later than 1 year after the date
6 of enactment of this Act, the Comptroller General of the
7 United States shall initiate a review of the Federal Aviation
8 Administration’s implementation of the final rule titled
9 “Revision of Airworthiness Standards for Normal, Utility,
10 Acrobatic, and Commuter Category Airplanes” (81 Fed.
11 Reg. 96572).

12 (b) *CONSIDERATIONS.*—In carrying out the review, the
13 Comptroller General shall assess—

14 (1) *how the rule puts into practice the Adminis-*
15 *tration’s efforts to implement performance and risk-*
16 *based safety standards;*

17 (2) *the extent to which the rule has resulted in*
18 *the implementation of a streamlined regulatory re-*
19 *gime to improve safety, reduce regulatory burden, and*
20 *decrease costs;*

21 (3) *whether the rule and its implementation have*
22 *spurred innovation and technological adoption;*

23 (4) *how consensus standards accepted by the*
24 *FAA facilitate the development of new safety equip-*
25 *ment and aircraft capabilities; and*

1 (5) *whether lessons learned from the rule and its*
2 *implementation have resulted in best practices that*
3 *could be applied to airworthiness standards for other*
4 *categories of aircraft.*

5 (c) *REPORT.—Not later than 180 days after the date*
6 *of initiation of the review, the Comptroller General shall*
7 *submit to the appropriate committees of Congress a report*
8 *on the results of the review, including findings and rec-*
9 *ommendations.*

10 **SEC. 216. ODA STAFFING AND OVERSIGHT.**

11 (a) *REPORT TO CONGRESS.—Not later than 270 days*
12 *after the date of enactment of this Act, the Administrator*
13 *shall submit to the appropriate committees of Congress a*
14 *report on the Administration’s progress with respect to—*

15 (1) *determining what additional model inputs*
16 *and labor distribution codes are needed to identify*
17 *ODA oversight staffing needs;*

18 (2) *developing and implementing system-based*
19 *evaluation criteria and risk-based tools to aid ODA*
20 *team members in targeting their oversight activities;*

21 (3) *developing agreements and processes for shar-*
22 *ing resources to ensure adequate oversight of ODA*
23 *personnel performing certification and inspection*
24 *work at supplier and company facilities; and*

25 (4) *ensuring full utilization of ODA authority.*

1 **(b) ODA DEFINED.**—*In this section, the term “ODA”*
2 *has the meaning given that term in section 44736 of title*
3 *49, United States Code, as added by this Act.*

4 ***Subtitle C—Flight Standards***
5 ***Reform***

6 **SEC. 221. FLIGHT STANDARDS PERFORMANCE OBJECTIVES**
7 **AND METRICS.**

8 **(a) IN GENERAL.**—*Not later than 120 days after the*
9 *date on which the Advisory Committee is established under*
10 *section 202, the Administrator shall establish performance*
11 *objectives and apply and track performance metrics for the*
12 *FAA and the aviation industry relating to flight standards*
13 *activities in accordance with this section.*

14 **(b) COLLABORATION.**—*The Administrator shall carry*
15 *out this section in collaboration with the Advisory Com-*
16 *mittee, and update agency performance objectives and*
17 *metrics after considering the recommendations of the Advi-*
18 *sory Committee under paragraphs (8) and (9) of section*
19 *202(c).*

20 **(c) PERFORMANCE OBJECTIVES.**—*In carrying out sub-*
21 *section (a), the Administrator shall establish performance*
22 *objectives for the FAA and the aviation industry to ensure*
23 *that, with respect to flight standards activities, progress is*
24 *made toward, at a minimum—*

1 (1) *eliminating delays with respect to such ac-*
2 *tivities;*

3 (2) *increasing accountability for both the FAA*
4 *and the aviation industry;*

5 (3) *achieving full utilization of FAA delegation*
6 *and designation authorities, including organizational*
7 *designation authority;*

8 (4) *fully implementing risk management prin-*
9 *ciples and a systems safety approach;*

10 (5) *reducing duplication of effort;*

11 (6) *eliminating inconsistent regulatory interpre-*
12 *tations and inconsistent enforcement activities;*

13 (7) *improving and providing greater opportuni-*
14 *ties for training, including recurrent training, in au-*
15 *diting and a systems safety approach to oversight;*

16 (8) *developing and allowing utilization of a sin-*
17 *gle master source for guidance;*

18 (9) *providing and utilizing a streamlined appeal*
19 *process for the resolution of regulatory interpretation*
20 *questions;*

21 (10) *maintaining and improving safety; and*

22 (11) *increasing transparency.*

23 (d) *PERFORMANCE METRICS.*—*In carrying out sub-*
24 *section (a), the Administrator shall apply and track per-*

1 *formance metrics for the FAA and the regulated aviation*
2 *industry established by the Advisory Committee.*

3 *(e) DATA GENERATION.—*

4 *(1) BASELINES.—Not later than 1 year after the*
5 *date on which the Advisory Committee recommends*
6 *initial performance metrics for the FAA and the regu-*
7 *lated aviation industry under section 202, the Ad-*
8 *ministrator shall generate initial data with respect to*
9 *each of the performance metrics applied and tracked*
10 *under this section.*

11 *(2) BENCHMARKS TO MEASURE PROGRESS TO-*
12 *WARD GOALS.—The Administrator shall use the*
13 *metrics applied and tracked under this section to gen-*
14 *erate data on an ongoing basis and to measure*
15 *progress toward the achievement of national goals rec-*
16 *ommended by the Advisory Committee.*

17 *(f) PUBLICATION.—The Administrator shall make data*
18 *generated using the performance metrics applied and*
19 *tracked under this section available to the public in a*
20 *searchable, sortable, and downloadable format through the*
21 *internet website of the FAA or other appropriate methods*
22 *and shall ensure that the data are made available in a man-*
23 *ner that—*

24 *(1) does not provide identifying information re-*
25 *garding an individual or entity; and*

1 (2) *prevents inappropriate disclosure of propri-*
2 *etary information.*

3 **SEC. 222. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
4 **FORM.**

5 (a) *ESTABLISHMENT.*—*Not later than 90 days after*
6 *the date of enactment of this Act, the Administrator shall*
7 *establish the FAA Task Force on Flight Standards Reform*
8 *(in this section referred to as the “Task Force”).*

9 (b) *MEMBERSHIP.*—

10 (1) *APPOINTMENT.*—*The membership of the Task*
11 *Force shall be appointed by the Administrator.*

12 (2) *NUMBER.*—*The Task Force shall be composed*
13 *of not more than 20 members.*

14 (3) *REPRESENTATION REQUIREMENTS.*—*The*
15 *membership of the Task Force shall include represent-*
16 *atives, with knowledge of flight standards regulatory*
17 *processes and requirements, of—*

18 (A) *air carriers;*

19 (B) *general aviation;*

20 (C) *business aviation;*

21 (D) *repair stations;*

22 (E) *unmanned aircraft systems operators;*

23 (F) *flight schools;*

1 (G) labor unions, including those rep-
2 resenting FAA aviation safety inspectors and
3 those representing FAA aviation safety engineers;

4 (H) aviation and aerospace manufacturers;
5 and

6 (I) aviation safety experts.

7 (c) *DUTIES.*—The duties of the Task Force shall in-
8 clude, at a minimum, identifying best practices and pro-
9 viding recommendations, for current and anticipated budg-
10 etary environments, with respect to—

11 (1) simplifying and streamlining flight stand-
12 ards regulatory processes, including issuance and
13 oversight of certificates;

14 (2) reorganizing Flight Standards Services to es-
15 tablish an entity organized by function rather than
16 geographic region, if appropriate;

17 (3) FAA aviation safety inspector training op-
18 portunities;

19 (4) ensuring adequate and timely provision of
20 Flight Standards activities and responses necessary
21 for type certification, operational evaluation, and
22 entry into service of newly manufactured aircraft;

23 (5) FAA aviation safety inspector standards and
24 performance; and

25 (6) achieving, across the FAA, consistent—

1 (A) *regulatory interpretations; and*

2 (B) *application of oversight activities.*

3 (d) *REPORT.*—*Not later than 1 year after the date of*
4 *the establishment of the Task Force, the Task Force shall*
5 *submit to the appropriate committees of Congress a report*
6 *detailing—*

7 (1) *the best practices identified and rec-*
8 *ommendations provided by the Task Force under sub-*
9 *section (c); and*

10 (2) *any recommendations of the Task Force for*
11 *additional regulatory, policy, or cost-effective legisla-*
12 *tive action to improve the efficiency of agency activi-*
13 *ties.*

14 (e) *APPLICABLE LAW.*—*Public Law 92–463 shall not*
15 *apply to the Task Force.*

16 (f) *SUNSET.*—*The Task Force shall terminate on the*
17 *earlier of—*

18 (1) *the date on which the Task Force submits the*
19 *report required under subsection (d); or*

20 (2) *the date that is 18 months after the date on*
21 *which the Task Force is established under subsection*
22 *(a).*

1 **SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.**

2 (a) *ESTABLISHMENT.*—Not later than 1 year after the
3 date of enactment of this Act, the Administrator shall estab-
4 lish a centralized safety guidance database that will—

5 (1) encompass all of the regulatory guidance doc-
6 uments of the FAA Office of Aviation Safety;

7 (2) contain, for each such guidance document, a
8 link to the Code of Federal Regulations provision to
9 which the document relates; and

10 (3) be publicly available in a manner that—

11 (A) protects from disclosure identifying in-
12 formation regarding an individual or entity;

13 and

14 (B) prevents inappropriate disclosure pro-
15 prietary information.

16 (b) *DATA ENTRY TIMING.*—

17 (1) *EXISTING DOCUMENTS.*—Not later than 14
18 months after the date of enactment of this Act, the
19 Administrator shall begin entering into the database
20 established under subsection (a) all of the regulatory
21 guidance documents of the Office of Aviation Safety
22 that are in effect and were issued before the date on
23 which the Administrator begins such entry process.

24 (2) *NEW DOCUMENTS AND CHANGES.*—On and
25 after the date on which the Administrator begins the
26 document entry process under paragraph (1), the Ad-

1 *ministrator shall ensure that all new regulatory guid-*
2 *ance documents of the Office of Aviation Safety and*
3 *any changes to existing documents are included in the*
4 *database established under subsection (a) as such doc-*
5 *uments or changes to existing documents are issued.*

6 *(c) CONSULTATION REQUIREMENT.—In establishing*
7 *the database under subsection (a), the Administrator shall*
8 *consult and collaborate with appropriate stakeholders, in-*
9 *cluding labor organizations (including those representing*
10 *aviation workers, FAA aviation safety engineers and FAA*
11 *aviation safety inspectors) and aviation industry stake-*
12 *holders.*

13 *(d) REGULATORY GUIDANCE DOCUMENTS DEFINED.—*
14 *In this section, the term “regulatory guidance documents”*
15 *means all forms of written information issued by the FAA*
16 *that an individual or entity may use to interpret or apply*
17 *FAA regulations and requirements, including information*
18 *an individual or entity may use to determine acceptable*
19 *means of compliance with such regulations and require-*
20 *ments, such as an order, manual, circular, policy statement,*
21 *legal interpretation memorandum, or rulemaking docu-*
22 *ment.*

1 **SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS**

2 **BOARD.**

3 (a) *ESTABLISHMENT.*—Not later than 180 days after
4 the date of enactment of this Act, the Administrator shall
5 establish a Regulatory Consistency Communications Board
6 (in this section referred to as the “Board”).

7 (b) *CONSULTATION REQUIREMENT.*—In establishing
8 the Board, the Administrator shall consult and collaborate
9 with appropriate stakeholders, including FAA labor organi-
10 zations (including labor organizations representing FAA
11 aviation safety inspectors) and industry stakeholders.

12 (c) *MEMBERSHIP.*—The Board shall be composed of
13 FAA representatives, appointed by the Administrator,
14 from—

15 (1) the Flight Standards Service;

16 (2) the Aircraft Certification Service; and

17 (3) the Office of the Chief Counsel.

18 (d) *FUNCTIONS.*—The Board shall carry out the fol-
19 lowing functions:

20 (1) Establish, at a minimum, processes by
21 which—

22 (A) FAA personnel and persons regulated
23 by the FAA may submit anonymous regulatory
24 interpretation questions without fear of retalia-
25 tion;

1 (B) FAA personnel may submit written
2 questions, and receive written responses, as to
3 whether a previous approval or regulatory inter-
4 pretation issued by FAA personnel in another of-
5 fice or region is correct or incorrect; and

6 (C) any other person may submit written
7 anonymous regulatory interpretation questions.

8 (2) Meet on a regular basis to discuss and resolve
9 questions submitted pursuant to paragraph (1) and
10 the appropriate application of regulations and policy
11 with respect to each question.

12 (3) Provide to a person that submitted a ques-
13 tion pursuant to subparagraph (A) or (B) of para-
14 graph (1) a timely written response to the question.

15 (4) Establish a process to make resolutions of
16 common regulatory interpretation questions publicly
17 available to FAA personnel, persons regulated by the
18 FAA, and the public without revealing any identi-
19 fying data of the person that submitted the question
20 and in a manner that protects any proprietary infor-
21 mation.

22 (5) Ensure the incorporation of resolutions of
23 questions submitted pursuant to paragraph (1) into
24 regulatory guidance documents, as such term is de-
25 fined in section 223(d).

1 (e) *PERFORMANCE METRICS, TIMELINES, AND*
2 *GOALS.*—Not later than 180 days after the date on which
3 the Advisory Committee recommends performance objectives
4 and performance metrics for the FAA and the regulated
5 aviation industry under section 202, the Administrator, in
6 collaboration with the Advisory Committee, shall—

7 (1) establish performance metrics, timelines, and
8 goals to measure the progress of the Board in resolv-
9 ing regulatory interpretation questions submitted
10 pursuant to subsection (d)(1); and

11 (2) implement a process for tracking the progress
12 of the Board in meeting the performance metrics,
13 timelines, and goals established under paragraph (1).

14 ***Subtitle D—Safety Workforce***

15 **SEC. 231. SAFETY WORKFORCE TRAINING STRATEGY.**

16 (a) *SAFETY WORKFORCE TRAINING STRATEGY.*—Not
17 later than 60 days after the date of enactment of this Act,
18 the Administrator shall review and revise its safety work-
19 force training strategy to ensure that such strategy—

20 (1) aligns with an effective risk-based approach
21 to safety oversight;

22 (2) best uses available resources;

23 (3) allows FAA employees participating in orga-
24 nization management teams or conducting ODA pro-
25 gram audits to complete, in a timely fashion, appro-

1 *appropriate training, including recurrent training, in au-*
2 *diting and a systems safety approach to oversight;*

3 *(4) seeks knowledge-sharing opportunities be-*
4 *tween the FAA and the aviation industry in new*
5 *technologies, equipment and systems, best practices,*
6 *and other areas of interest related to safety oversight;*

7 *(5) functions within the current and anticipated*
8 *budgetary environments;*

9 *(6) fosters an inspector and engineer workforce*
10 *that has the skills and training necessary to improve*
11 *risk-based approaches that focus on requirements*
12 *management and auditing skills; and*

13 *(7) includes, as appropriate, milestones and*
14 *metrics for meeting the requirements of paragraphs*
15 *(1) through (5).*

16 *(b) REPORT.—Not later than 270 days after the date*
17 *of the revision of the strategy required under subsection (a),*
18 *the Administrator shall submit to the appropriate commit-*
19 *tees of Congress a report on the implementation of the strat-*
20 *egy and progress in meeting any milestones and metrics*
21 *included in the strategy.*

22 *(c) DEFINITIONS.—In this section, the following defi-*
23 *nitions apply:*

24 *(1) ODA; ODA HOLDER.—The terms “ODA” and*
25 *“ODA holder” have the meanings given those terms in*

1 *section 44736 of title 49, United States Code, as*
2 *added by this Act.*

3 (2) *ODA PROGRAM.—The term “ODA program”*
4 *means the program to standardize FAA management*
5 *and oversight of the organizations that are approved*
6 *to perform certain functions on behalf of the Adminis-*
7 *tration under section 44702(d) of title 49, United*
8 *States Code.*

9 (3) *ORGANIZATION MANAGEMENT TEAM.—The*
10 *term “organization management team” means a team*
11 *consisting of FAA aviation safety engineers, flight test*
12 *pilots, and aviation safety inspectors overseeing an*
13 *ODA holder and its certification activity.*

14 **SEC. 232. WORKFORCE REVIEW.**

15 (a) *WORKFORCE REVIEW.—Not later than 90 days*
16 *after the date of enactment of this Act, the Comptroller Gen-*
17 *eral of the United States shall conduct a review to assess*
18 *the workforce and training needs of the FAA Office of Avia-*
19 *tion Safety in the anticipated budgetary environment.*

20 (b) *CONTENTS.—The review required under subsection*
21 *(a) shall include—*

22 (1) *a review of current aviation safety inspector*
23 *and aviation safety engineer hiring, training, and re-*
24 *current training requirements;*

1 (2) *an analysis of the skills and qualifications*
2 *required of aviation safety inspectors and aviation*
3 *safety engineers for successful performance in the cur-*
4 *rent and future projected aviation safety regulatory*
5 *environment, including the need for a systems engi-*
6 *neering discipline within the FAA to guide the engi-*
7 *neering of complex systems, with an emphasis on au-*
8 *diting designated authorities;*

9 (3) *a review of current performance incentive*
10 *policies of the FAA, as applied to the Office of Avia-*
11 *tion Safety, including awards for performance;*

12 (4) *an analysis of ways the FAA can work with*
13 *industry and labor, including labor groups rep-*
14 *resenting FAA aviation safety inspectors and avia-*
15 *tion safety engineers, to establish knowledge-sharing*
16 *opportunities between the FAA and the aviation in-*
17 *dustry regarding new equipment and systems, best*
18 *practices, and other areas of interest; and*

19 (5) *recommendations on the most effective quali-*
20 *fications, training programs (including e-learning*
21 *training), and performance incentive approaches to*
22 *address the needs of the future projected aviation safe-*
23 *ty regulatory system in the anticipated budgetary en-*
24 *vironment.*

1 (c) *REPORT.*—Not later than 270 days after the date
2 of enactment of this Act, the Comptroller General shall sub-
3 mit to the appropriate committees of Congress a report on
4 the results of the review required under subsection (a).

5 ***Subtitle E—International Aviation***

6 ***SEC. 241. PROMOTION OF UNITED STATES AEROSPACE*** 7 ***STANDARDS, PRODUCTS, AND SERVICES*** 8 ***ABROAD.***

9 Section 40104 of title 49, United States Code, is
10 amended by adding at the end the following:

11 “(d) *PROMOTION OF UNITED STATES AEROSPACE*
12 *STANDARDS, PRODUCTS, AND SERVICES ABROAD.*—The
13 Secretary shall take appropriate actions to—

14 “(1) *promote United States aerospace-related*
15 *safety standards abroad;*

16 “(2) *facilitate and vigorously defend approvals of*
17 *United States aerospace products and services abroad;*

18 “(3) *with respect to bilateral partners, utilize bi-*
19 *lateral safety agreements and other mechanisms to*
20 *improve validation of United States certificated aero-*
21 *nautical products, services, and appliances and en-*
22 *hance mutual acceptance in order to eliminate*
23 *redundancies and unnecessary costs; and*

1 “(4) *with respect to the aeronautical safety au-*
2 *thorities of a foreign country, streamline validation*
3 *and coordination processes.*”.

4 **SEC. 242. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
5 **RESPONSIBILITIES.**

6 *Section 44701(e) of title 49, United States Code, is*
7 *amended by adding at the end the following:*

8 “(5) *FOREIGN AIRWORTHINESS DIRECTIVES.*—

9 “(A) *ACCEPTANCE.*—*Subject to subpara-*
10 *graph (D), the Administrator may accept an*
11 *airworthiness directive, as defined in section*
12 *39.3 of title 14, Code of Federal Regulations,*
13 *issued by an aeronautical safety authority of a*
14 *foreign country, and leverage that authority’s*
15 *regulatory process, if—*

16 “(i) *the country is the state of design*
17 *for the product that is the subject of the air-*
18 *worthiness directive;*

19 “(ii) *the United States has a bilateral*
20 *safety agreement relating to aircraft certifi-*
21 *cation with the country;*

22 “(iii) *as part of the bilateral safety*
23 *agreement with the country, the Adminis-*
24 *trator has determined that such aero-*
25 *nautical safety authority has an aircraft*

1 *certification system relating to safety that*
2 *produces a level of safety equivalent to the*
3 *level produced by the system of the Federal*
4 *Aviation Administration;*

5 “(iv) *the aeronautical safety authority*
6 *of the country utilizes an open and trans-*
7 *parent notice and comment process in the*
8 *issuance of airworthiness directives; and*

9 “(v) *the airworthiness directive is nec-*
10 *essary to provide for the safe operation of*
11 *the aircraft subject to the directive.*

12 “(B) *ALTERNATIVE APPROVAL PROCESS.—*
13 *Notwithstanding subparagraph (A), the Admin-*
14 *istrator may issue a Federal Aviation Adminis-*
15 *tration airworthiness directive instead of accept-*
16 *ing an airworthiness directive otherwise eligible*
17 *for acceptance under such subparagraph, if the*
18 *Administrator determines that such issuance is*
19 *necessary for safety or operational reasons due to*
20 *the complexity or unique features of the Federal*
21 *Aviation Administration airworthiness directive*
22 *or the United States aviation system.*

23 “(C) *ALTERNATIVE MEANS OF COMPLI-*
24 *ANCE.—The Administrator may—*

1 “(i) accept an alternative means of
2 compliance, with respect to an airworthi-
3 ness directive accepted under subparagraph
4 (A), that was approved by the aeronautical
5 safety authority of the foreign country that
6 issued the airworthiness directive; or

7 “(ii) notwithstanding subparagraph
8 (A), and at the request of any person af-
9 fected by an airworthiness directive accept-
10 ed under such subparagraph, approve an al-
11 ternative means of compliance with respect
12 to the airworthiness directive.

13 “(D) *LIMITATION.*—The Administrator may
14 not accept an airworthiness directive issued by
15 an aeronautical safety authority of a foreign
16 country if the airworthiness directive addresses
17 matters other than those involving the safe oper-
18 ation of an aircraft.”.

19 **SEC. 243. FAA LEADERSHIP ABROAD.**

20 (a) *IN GENERAL.*—To promote United States aero-
21 space safety standards, reduce redundant regulatory activ-
22 ity, and facilitate acceptance of FAA design and production
23 approvals abroad, the Administrator shall—

24 (1) attain greater expertise in issues related to
25 dispute resolution, intellectual property, and export

1 *control laws to better support FAA certification and*
2 *other aerospace regulatory activities abroad;*

3 (2) *work with United States companies to more*
4 *accurately track the amount of time it takes foreign*
5 *authorities, including bilateral partners, to validate*
6 *United States certificated aeronautical products;*

7 (3) *provide assistance to United States compa-*
8 *nies that have experienced significantly long foreign*
9 *validation wait times;*

10 (4) *work with foreign authorities, including bi-*
11 *lateral partners, to collect and analyze data to deter-*
12 *mine the timeliness of the acceptance and validation*
13 *of FAA design and production approvals by foreign*
14 *authorities and the acceptance and validation of for-*
15 *foreign-certified products by the FAA;*

16 (5) *establish appropriate benchmarks and*
17 *metrics to measure the success of bilateral aviation*
18 *safety agreements and to reduce the validation time*
19 *for United States certificated aeronautical products*
20 *abroad; and*

21 (6) *work with foreign authorities, including bi-*
22 *lateral partners, to improve the timeliness of the ac-*
23 *ceptance and validation of FAA design and produc-*
24 *tion approvals by foreign authorities and the accept-*

1 *ance and validation of foreign-certified products by*
2 *the FAA.*

3 *(b) REPORT.—Not later than 1 year after the date of*
4 *enactment of this Act, the Administrator shall submit to*
5 *the appropriate committees of Congress a report that—*

6 *(1) describes the FAA’s strategic plan for inter-*
7 *national engagement;*

8 *(2) describes the structure and responsibilities of*
9 *all FAA offices that have international responsibil-*
10 *ities, including the Aircraft Certification Office, and*
11 *all the activities conducted by those offices related to*
12 *certification and production;*

13 *(3) describes current and forecasted staffing and*
14 *travel needs for the FAA’s international engagement*
15 *activities, including the needs of the Aircraft Certifi-*
16 *cation Office in the current and forecasted budgetary*
17 *environment;*

18 *(4) provides recommendations, if appropriate, to*
19 *improve the existing structure and personnel and*
20 *travel policies supporting the FAA’s international en-*
21 *gagement activities, including the activities of the*
22 *Aviation Certification Office, to better support the*
23 *growth of United States aerospace exports; and*

24 *(5) identifies cost-effective policy initiatives, reg-*
25 *ulatory initiatives, or legislative initiatives needed to*

1 *improve and enhance the timely acceptance of United*
2 *States aerospace products abroad.*

3 *(c) INTERNATIONAL TRAVEL.—The Administrator, or*
4 *the Administrator’s designee, may authorize international*
5 *travel for any FAA employee, without the approval of any*
6 *other person or entity, if the Administrator determines that*
7 *the travel is necessary—*

8 *(1) to promote United States aerospace safety*
9 *standards; or*

10 *(2) to support expedited acceptance of FAA de-*
11 *sign and production approvals.*

12 **SEC. 244. REGISTRATION, CERTIFICATION, AND RELATED**
13 **FEES.**

14 *Section 45305 of title 49, United States Code, is*
15 *amended—*

16 *(1) in subsection (a) by striking “Subject to sub-*
17 *section (b)” and inserting “Subject to subsection (c)”;*

18 *(2) by redesignating subsections (b) and (c) as*
19 *subsections (c) and (d), respectively; and*

20 *(3) by inserting after subsection (a) the fol-*
21 *lowing:*

22 *“(b) CERTIFICATION SERVICES.—Subject to subsection*
23 *(c), and notwithstanding section 45301(a), the Adminis-*
24 *trator may establish and collect a fee from a foreign govern-*

1 *ment or entity for services related to certification, regardless*
2 *of where the services are provided, if the fee—*

3 *“(1) is established and collected in a manner*
4 *consistent with aviation safety agreements; and*

5 *“(2) does not exceed the estimated costs of the*
6 *services.”.*

7 **TITLE III—SAFETY**

8 **Subtitle A—General Provisions**

9 **SEC. 301. DEFINITIONS.**

10 *In this title, the following definitions apply:*

11 *(1) ADMINISTRATOR.—The term “Adminis-*
12 *trator” means the Administrator of the FAA.*

13 *(2) FAA.—The term “FAA” means the Federal*
14 *Aviation Administration.*

15 **SEC. 302. FAA TECHNICAL TRAINING.**

16 *(a) E-LEARNING TRAINING PILOT PROGRAM.—Not*
17 *later than 90 days after the date of enactment of this Act,*
18 *the Administrator, in collaboration with the exclusive bar-*
19 *gaining representatives of covered FAA personnel, shall es-*
20 *tablish an e-learning training pilot program in accordance*
21 *with the requirements of this section.*

22 *(b) CURRICULUM.—The pilot program shall—*

23 *(1) include a recurrent training curriculum for*
24 *covered FAA personnel to ensure that the covered FAA*

1 *personnel receive instruction on the latest aviation*
2 *technologies, processes, and procedures;*

3 (2) *focus on providing specialized technical*
4 *training for covered FAA personnel, as determined*
5 *necessary by the Administrator;*

6 (3) *include training courses on applicable regu-*
7 *lations of the Federal Aviation Administration; and*

8 (4) *consider the efficacy of instructor-led online*
9 *training.*

10 (c) *PILOT PROGRAM TERMINATION.*—*The pilot pro-*
11 *gram shall terminate 1 year after the date of establishment*
12 *of the pilot program.*

13 (d) *E-LEARNING TRAINING PROGRAM.*—*Upon termi-*
14 *nation of the pilot program, the Administrator shall assess*
15 *and establish or update an e-learning training program*
16 *that incorporates lessons learned for covered FAA personnel*
17 *as a result of the pilot program.*

18 (e) *DEFINITIONS.*—*In this section, the following defini-*
19 *tions apply:*

20 (1) *COVERED FAA PERSONNEL.*—*The term “cov-*
21 *ered FAA personnel” means airway transportation*
22 *systems specialists and aviation safety inspectors of*
23 *the Federal Aviation Administration.*

24 (2) *E-LEARNING TRAINING.*—*The term “e-learn-*
25 *ing training” means learning utilizing electronic*

1 *technologies to access educational curriculum outside*
2 *of a traditional classroom.*

3 **SEC. 303. SAFETY CRITICAL STAFFING.**

4 *(a) UPDATE OF FAA'S SAFETY CRITICAL STAFFING*
5 *MODEL.—Not later than 270 days after the date of enact-*
6 *ment of this Act, the Administrator shall update the safety*
7 *critical staffing model of the Administration to determine*
8 *the number of aviation safety inspectors that will be needed*
9 *to fulfill the safety oversight mission of the Administration.*

10 *(b) AUDIT BY DOT INSPECTOR GENERAL.—*

11 *(1) IN GENERAL.—Not later than 90 days after*
12 *the date on which the Administrator has updated the*
13 *safety critical staffing model under subsection (a), the*
14 *Inspector General of the Department of Transpor-*
15 *tation shall conduct an audit of the staffing model.*

16 *(2) CONTENTS.—The audit shall include, at a*
17 *minimum—*

18 *(A) a review of the assumptions and meth-*
19 *odologies used in devising and implementing the*
20 *staffing model to assess the adequacy of the staff-*
21 *ing model in predicting the number of aviation*
22 *safety inspectors needed—*

23 *(i) to properly fulfill the mission of the*
24 *Administration; and*

1 (ii) to meet the future growth of the
2 aviation industry; and

3 (B) a determination on whether the staffing
4 model takes into account the Administration's
5 authority to fully utilize designees.

6 (3) *REPORT ON AUDIT.*—

7 (A) *REPORT TO SECRETARY.*—Not later
8 than 30 days after the date of completion of the
9 audit, the Inspector General shall submit to the
10 Secretary a report on the results of the audit.

11 (B) *REPORT TO CONGRESS.*—Not later than
12 60 days after the date of receipt of the report, the
13 Secretary shall submit to the appropriate com-
14 mittees of Congress a copy of the report, together
15 with, if appropriate, a description of any actions
16 taken or to be taken to address the results of the
17 audit.

18 **SEC. 304. INTERNATIONAL EFFORTS REGARDING TRACKING**
19 **OF CIVIL AIRCRAFT.**

20 The Administrator shall exercise leadership on cre-
21 ating a global approach to improving aircraft tracking by
22 working with—

23 (1) foreign counterparts of the Administrator in
24 the International Civil Aviation Organization and its
25 subsidiary organizations;

- 1 (2) *other international organizations and fora;*
2 *and*
3 (3) *the private sector.*

4 **SEC. 305. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**
5 **TEMS.**

6 (a) *ASSESSMENT.*—*Not later than 90 days after the*
7 *date of enactment of this Act, the Administrator shall ini-*
8 *tiate an assessment of aircraft data access and retrieval sys-*
9 *tems for part 121 air carrier aircraft that are used in ex-*
10 *tended overwater operations to—*

- 11 (1) *determine if the systems provide improved*
12 *access and retrieval of aircraft data and cockpit voice*
13 *recordings in the event of an aircraft accident; and*
14 (2) *assess the cost effectiveness of each system as-*
15 *sessed.*

16 (b) *SYSTEMS TO BE EXAMINED.*—*The systems to be*
17 *examined under this section shall include, at a minimum—*

- 18 (1) *various methods for improving detection and*
19 *retrieval of flight data, including—*
20 (A) *low-frequency underwater locating de-*
21 *vices; and*
22 (B) *extended battery life for underwater lo-*
23 *cating devices;*
24 (2) *automatic deployable flight recorders;*
25 (3) *emergency locator transmitters;*

1 (4) *triggered transmission of flight data and*
2 *other satellite-based solutions;*

3 (5) *distress-mode tracking; and*

4 (6) *protections against disabling flight recorder*
5 *systems.*

6 (c) *REPORT.*—*Not later than 1 year after the date of*
7 *initiation of the assessment, the Administrator shall submit*
8 *to the appropriate committees of Congress a report on the*
9 *results of the assessment.*

10 (d) *PART 121 AIR CARRIER DEFINED.*—*In this sec-*
11 *tion, the term “part 121 air carrier” means an air carrier*
12 *with authority to conduct operations under part 121 of title*
13 *14, Code of Federal Regulations.*

14 **SEC. 306. ADVANCED COCKPIT DISPLAYS.**

15 (a) *IN GENERAL.*—*Not later than 180 days after the*
16 *date of enactment of this Act, the Administrator shall ini-*
17 *tiate a review of heads-up display systems, heads-down dis-*
18 *play systems employing synthetic vision systems, and en-*
19 *hanced vision systems (in this section referred to as “HUD*
20 *systems”, “SVS”, and “EVS”, respectively).*

21 (b) *CONTENTS.*—*The review shall—*

22 (1) *evaluate the impacts of single- and dual-in-*
23 *stalled HUD systems, SVS, and EVS on the safety*
24 *and efficiency of aircraft operations within the na-*
25 *tional airspace system; and*

1 (2) *review a sufficient quantity of commercial*
2 *aviation accidents or incidents in order to evaluate if*
3 *HUD systems, SVS, or EVS would have produced a*
4 *better outcome in each accident or incident.*

5 (c) *CONSULTATION.—In conducting the review, the Ad-*
6 *ministrator shall consult with aviation manufacturers, rep-*
7 *resentatives of pilot groups, aviation safety organizations,*
8 *and any government agencies the Administrator considers*
9 *appropriate.*

10 (d) *REPORT.—Not later than 1 year after the date of*
11 *enactment of this Act, the Administrator shall submit to*
12 *the appropriate committees of Congress a report containing*
13 *the results of the review, the actions the Administrator*
14 *plans to take with respect to the systems reviewed, and the*
15 *associated timeline for such actions.*

16 **SEC. 307. EMERGENCY MEDICAL EQUIPMENT ON PAS-**
17 **SENGER AIRCRAFT.**

18 (a) *IN GENERAL.—Not later than 1 year after the date*
19 *of enactment of this Act, the Administrator shall evaluate*
20 *and revise, as appropriate, regulations in part 121 of title*
21 *14, Code of Federal Regulations, regarding emergency med-*
22 *ical equipment, including the contents of first-aid kits, ap-*
23 *plicable to all certificate holders operating passenger air-*
24 *craft under that part.*

1 (b) *CONSIDERATION.*—*In carrying out subsection (a),*
2 *the Administrator shall consider whether the minimum con-*
3 *tents of approved emergency medical kits, including ap-*
4 *proved first-aid kits, include appropriate medications and*
5 *equipment to meet the emergency medical needs of children*
6 *and pregnant women.*

7 **SEC. 308. FAA AND NTSB REVIEW OF GENERAL AVIATION**
8 **SAFETY.**

9 (a) *STUDY REQUIRED.*—*Not later than 30 days after*
10 *the date of enactment of this Act, the Administrator, in co-*
11 *ordination with the Chairman of the National Transpor-*
12 *tation Safety Board, shall initiate a study of general avia-*
13 *tion safety.*

14 (b) *STUDY CONTENTS.*—*The study required under sub-*
15 *section (a) shall include—*

16 (1) *a review of all general aviation accidents*
17 *since 2000, including a review of—*

18 (A) *the number of such accidents;*

19 (B) *the number of injuries and fatalities,*
20 *including with respect to both occupants of air-*
21 *craft and individuals on the ground, as a result*
22 *of such accidents;*

23 (C) *the number of such accidents inves-*
24 *tigated by the National Transportation Safety*
25 *Board;*

1 (D) the number of such accidents inves-
2 tigated by the FAA; and

3 (E) a summary of the factual findings and
4 probable cause determinations with respect to
5 such accidents;

6 (2) an assessment of the most common probable
7 cause determinations issued for general aviation acci-
8 dents since 2000;

9 (3) an assessment of the most common facts ana-
10 lyzed by the FAA and the National Transportation
11 Safety Board in the course of investigations of general
12 aviation accidents since 2000, including operational
13 details;

14 (4) a review of the safety recommendations of the
15 National Transportation Safety Board related to gen-
16 eral aviation accidents since 2000;

17 (5) an assessment of the responses of the FAA
18 and the general aviation community to the safety rec-
19 ommendations of the National Transportation Safety
20 Board related to general aviation accidents since
21 2000;

22 (6) an assessment of the most common general
23 aviation safety issues;

1 (7) a review of the total costs to the Federal Gov-
2 ernment to conduct investigations of general aviation
3 accidents over the last 10 years; and

4 (8) other matters the Administrator or the
5 Chairman considers appropriate.

6 (c) *RECOMMENDATIONS AND ACTIONS TO ADDRESS*
7 *GENERAL AVIATION SAFETY.*—Based on the results of the
8 study required under subsection (a), the Administrator, in
9 consultation with the Chairman, shall make such rec-
10 ommendations, including with respect to regulations and
11 enforcement activities, as the Administrator considers nec-
12 essary to—

13 (1) address general aviation safety issues identi-
14 fied under the study;

15 (2) protect persons and property on the ground;
16 and

17 (3) improve the safety of general aviation opera-
18 tors in the United States.

19 (d) *AUTHORITY.*—Notwithstanding any other provi-
20 sion of law, the Administrator shall have the authority to
21 undertake actions to address the recommendations made
22 under subsection (c).

23 (e) *REPORT.*—Not later than 1 year after the date of
24 enactment of this Act, the Administrator shall submit to
25 the appropriate committees of Congress a report on the re-

1 *sults of the study required under subsection (a), including*
2 *the recommendations described in subsection (c).*

3 (f) *GENERAL AVIATION DEFINED.*—*In this section, the*
4 *term “general aviation” means aircraft operation for per-*
5 *sonal, recreational, or other noncommercial purposes.*

6 **SEC. 309. CALL TO ACTION AIRLINE ENGINE SAFETY RE-**
7 **VIEW.**

8 (a) *CALL TO ACTION AIRLINE ENGINE SAFETY RE-*
9 *VIEW.*—*Not later than 90 days after the date of enactment*
10 *of this Act, the Administrator shall initiate a Call to Action*
11 *safety review on airline engine safety in order to bring*
12 *stakeholders together to share best practices and implement*
13 *actions to address airline engine safety.*

14 (b) *CONTENTS.*—*The Call to Action safety review re-*
15 *quired pursuant to subsection (a) shall include—*

16 (1) *a review of Administration regulations, guid-*
17 *ance, and directives related to airline engines during*
18 *design and production, including the oversight of*
19 *those processes;*

20 (2) *a review of Administration regulations, guid-*
21 *ance, and directives related to airline engine oper-*
22 *ation and maintenance and the oversight of those*
23 *processes;*

24 (3) *a review of reportable accidents and inci-*
25 *idents involving airline engines during calendar years*

1 2014 through 2018, including any identified contrib-
2 uting factors to the reportable accident or incident;
3 and

4 (4) a process for stakeholders, including inspec-
5 tors, manufacturers, maintenance providers, airlines,
6 labor, and aviation safety experts, to provide feedback
7 and share best practices.

8 (c) *REPORT AND RECOMMENDATIONS.*—Not later than
9 90 days after the conclusion of the Call to Action safety
10 review pursuant to subsection (a), the Administrator shall
11 submit to the appropriate committees of Congress a report
12 on the results of the review and any recommendations for
13 actions or best practices to improve airline engine safety.

14 **SEC. 310. SENSE OF CONGRESS ON ACCESS TO AIR CARRIER**
15 **FLIGHT DECKS.**

16 It is the sense of Congress that the Administrator
17 should collaborate with other aviation authorities to ad-
18 vance a global standard for access to air carrier flight decks
19 and redundancy requirements consistent with the flight
20 deck access and redundancy requirements in the United
21 States.

22 **SEC. 311. PART 135 ACCIDENT AND INCIDENT DATA.**

23 (a) *IN GENERAL.*—Not later than 1 year after the date
24 of enactment of this Act, the Administrator shall—

1 (1) *determine, in collaboration with the National*
2 *Transportation Safety Board and part 135 industry*
3 *stakeholders, what, if any, additional data should be*
4 *reported as part of an accident or incident notice—*

5 (A) *to more accurately measure the safety of*
6 *on-demand part 135 aircraft activity;*

7 (B) *to pinpoint safety problems; and*

8 (C) *to form the basis for critical research*
9 *and analysis of general aviation issues; and*

10 (2) *provide a briefing to the appropriate com-*
11 *mittees of Congress on the findings under paragraph*
12 *(1), including a description of any additional data to*
13 *be collected, a timeframe for implementing the addi-*
14 *tional data collection, and any potential obstacles to*
15 *implementation.*

16 (b) *DEFINITION OF PART 135.—In this section, the*
17 *term “part 135” means part 135 of title 14, Code of Federal*
18 *Regulations.*

19 **SEC. 312. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
20 **THORITY.**

21 *It is the sense of Congress that the pilot in command*
22 *of an aircraft is directly responsible for, and is the final*
23 *authority as to, the operation of that aircraft, as set forth*
24 *in section 91.3(a) of title 14, Code of Federal Regulations*
25 *(or any successor regulation thereto).*

1 **SEC. 313. REPORT ON CONSPICUITY NEEDS FOR SURFACE**
2 **VEHICLES OPERATING ON THE AIRSIDE OF**
3 **AIR CARRIER SERVED AIRPORTS.**

4 (a) *STUDY REQUIRED.*—*The Administrator shall*
5 *carry out a study on the need for the FAA to prescribe con-*
6 *spicuity standards for surface vehicles operating on the*
7 *airside of the categories of airports that air carriers serve*
8 *as specified in subsection (b).*

9 (b) *COVERED AIRPORTS.*—*The study required by sub-*
10 *section (a) shall cover, at a minimum, 1 large hub airport,*
11 *1 medium hub airport, and 1 small hub airport, as those*
12 *terms are defined in section 40102 of title 49, United States*
13 *Code.*

14 (c) *REPORT TO CONGRESS.*—*Not later than July 1,*
15 *2019, the Administrator shall submit to the appropriate*
16 *committees of Congress a report setting forth the results of*
17 *the study required by subsection (a), including such rec-*
18 *ommendations as the Administrator considers appropriate*
19 *regarding the need for the Administration to prescribe con-*
20 *spicuity standards as described in subsection (a).*

21 **SEC. 314. HELICOPTER AIR AMBULANCE OPERATIONS DATA**
22 **AND REPORTS.**

23 (a) *IN GENERAL.*—*Not later than 1 year after the date*
24 *of enactment of this Act, the Administrator, in collaboration*
25 *with helicopter air ambulance industry stakeholders, shall*
26 *assess the availability of information to the general public*

1 *related to the location of heliports and helipads used by heli-*
2 *copters providing air ambulance services, including*
3 *helipads and helipads outside of those listed as part of any*
4 *existing databases of Airport Master Record (5010) forms.*

5 *(b) REQUIREMENTS.—Based on the assessment under*
6 *subsection (a), the Administrator shall—*

7 *(1) update, as necessary, any existing guidance*
8 *on what information is included in the current data-*
9 *bases of Airport Master Record (5010) forms to in-*
10 *clude information related to heliports and helipads*
11 *used by helicopters providing air ambulance services;*
12 *or*

13 *(2) develop, as appropriate and in collaboration*
14 *with helicopter air ambulance industry stakeholders,*
15 *a new database of heliports and helipads used by heli-*
16 *copters providing air ambulance services.*

17 *(c) REPORTS.—*

18 *(1) ASSESSMENT REPORT.—Not later than 30*
19 *days after the date the assessment under subsection*
20 *(a) is complete, the Administrator shall submit to the*
21 *appropriate committees of Congress a report on the*
22 *assessment, including any recommendations on how*
23 *to make information related to the location of heli-*
24 *ports and helipads used by helicopters providing air*
25 *ambulance services available to the general public.*

1 (2) *IMPLEMENTATION REPORT*.—Not later than
2 30 days after completing action under paragraph (1)
3 or paragraph (2) of subsection (b), the Administrator
4 shall submit to the appropriate committees of Con-
5 gress a report on such action.

6 (d) *INCIDENT AND ACCIDENT DATA*.—Section 44731
7 of title 49, United States Code, is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by striking “not later than 1 year after the date
11 of enactment of this section, and annually there-
12 after” and inserting “annually”;

13 (B) in paragraph (2), by striking “flights
14 and hours flown, by registration number, during
15 which helicopters operated by the certificate hold-
16 er were providing helicopter air ambulance serv-
17 ices” and inserting “hours flown by the heli-
18 copters operated by the certificate holder”;

19 (C) in paragraph (3)—

20 (i) by striking “of flight” and inserting
21 “of patients transported and the number of
22 patient transport”;

23 (ii) by inserting “or” after “inter-
24 facility transport,”; and

1 (iii) by striking “, or ferry or repositioning flight”;

2
3 (D) in paragraph (5)—

4 (i) by striking “flights and”; and

5 (ii) by striking “while providing air ambulance services”; and

6
7 (E) by amending paragraph (6) to read as follows:

8
9 “(6) The number of hours flown at night by helicopters operated by the certificate holder.”;

10
11 (2) in subsection (d)—

12 (A) by striking “Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit” and inserting “The Administrator shall submit annually”; and

13
14
15
16 (B) by adding at the end the following:

17 “The report shall include the number of accidents experienced by helicopter air ambulance operations, the number of fatal accidents experienced by helicopter air ambulance operations, and the rate, per 100,000 flight hours, of accidents and fatal accidents experienced by operators providing helicopter air ambulance services.”;

24
25

1 (3) by redesignating subsection (e) as subsection
2 (f); and

3 (4) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) IMPLEMENTATION.—In carrying out this section,
6 the Administrator, in collaboration with part 135 certifi-
7 cate holders providing helicopter air ambulance services,
8 shall—

9 “(1) propose and develop a method to collect and
10 store the data submitted under subsection (a), includ-
11 ing a method to protect the confidentiality of any
12 trade secret or proprietary information submitted;
13 and

14 “(2) ensure that the database under subsection
15 (c) and the report under subsection (d) include data
16 and analysis that will best inform efforts to improve
17 the safety of helicopter air ambulance operations.”.

18 **SEC. 315. AVIATION RULEMAKING COMMITTEE FOR PART**

19 **135 PILOT REST AND DUTY RULES.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of enactment of this Act, the Administrator shall con-
22 vene an aviation rulemaking committee to review, and de-
23 velop findings and recommendations regarding, pilot rest
24 and duty rules under part 135 of title 14, Code of Federal
25 Regulations.

1 **(b) DUTIES.**—*The Administrator shall—*

2 (1) *not later than 2 years after the date of enact-*
3 *ment of this Act, submit to the appropriate commit-*
4 *tees of Congress a report based on the findings of the*
5 *aviation rulemaking committee; and*

6 (2) *not later than 1 year after the date of sub-*
7 *mission of the report under paragraph (1), issue a*
8 *notice of proposed rulemaking based on any consensus*
9 *recommendations reached by the aviation rulemaking*
10 *committee.*

11 **(c) COMPOSITION.**—*The aviation rulemaking com-*
12 *mittee shall consist of members appointed by the Adminis-*
13 *trator, including—*

14 (1) *representatives of industry;*

15 (2) *representatives of aviation labor organiza-*
16 *tions, including collective bargaining units rep-*
17 *resenting pilots who are covered by part 135 of title*
18 *14, Code of Federal Regulations, and subpart K of*
19 *part 91 of such title; and*

20 (3) *aviation safety experts with specific knowl-*
21 *edge of flight crewmember education and training re-*
22 *quirements under part 135 of such title.*

23 **(d) CONSIDERATIONS.**—*The Administrator shall direct*
24 *the aviation rulemaking committee to consider—*

1 (1) *recommendations of prior part 135 rule-*
2 *making committees;*

3 (2) *accommodations necessary for small busi-*
4 *nesses;*

5 (3) *scientific data derived from aviation-related*
6 *fatigue and sleep research;*

7 (4) *data gathered from aviation safety reporting*
8 *programs;*

9 (5) *the need to accommodate the diversity of op-*
10 *erations conducted under part 135, including the*
11 *unique duty and rest time requirements of air ambu-*
12 *lance pilots; and*

13 (6) *other items, as appropriate.*

14 **SEC. 316. REPORT ON OBSOLETE TEST EQUIPMENT.**

15 (a) *REPORT.*—*Not later than 180 days after the date*
16 *of enactment of this Act, the Administrator shall submit*
17 *to the appropriate committees of Congress a report on the*
18 *National Test Equipment Program of the FAA (in this sec-*
19 *tion referred to as the “Program”).*

20 (b) *CONTENTS.*—*The report shall include—*

21 (1) *a list of all known outstanding requests for*
22 *test equipment, cataloged by type and location, under*
23 *the Program;*

1 (2) a description of the current method under the
2 Program of ensuring calibrated equipment is in place
3 for utilization;

4 (3) a plan by the Administrator for appropriate
5 inventory of such equipment;

6 (4) the Administrator’s recommendations for in-
7 creasing multifunctionality in future test equipment
8 and all known and foreseeable manufacturer techno-
9 logical advances; and

10 (5) a plan to replace, as appropriate, obsolete
11 test equipment throughout the service areas.

12 **SEC. 317. HELICOPTER FUEL SYSTEM SAFETY.**

13 (a) *IN GENERAL.*—Chapter 447 of title 49, United
14 States Code, is further amended by adding at the end the
15 following:

16 **“§44737. Helicopter fuel system safety**

17 “(a) *PROHIBITION.*—

18 “(1) *IN GENERAL.*—A person may not operate a
19 covered rotorcraft in United States airspace unless the
20 design of the rotorcraft is certified by the Adminis-
21 trator of the Federal Aviation Administration to—

22 “(A) comply with the requirements applica-
23 ble to the category of the rotorcraft under para-
24 graphs (1), (2), (3), (5), and (6) of section
25 27.952(a), section 27.952(c), section 27.952(f),

1 *section 27.952(g), section 27.963(g) (but allowing*
2 *for a minimum puncture force of 250 pounds if*
3 *successfully drop tested in-structure), and section*
4 *27.975(b) or paragraphs (1), (2), (3), (5), and*
5 *(6) of section 29.952(a), section 29.952(c), section*
6 *29.952(f), section 29.952(g), section 29.963(b)*
7 *(but allowing for a minimum puncture force of*
8 *250 pounds if successfully drop tested in-structure),*
9 *and 29.975(a)(7) of title 14, Code of Federal*
10 *Regulations, as in effect on the date of en-*
11 *actment of this section; or*

12 *“(B) employ other means acceptable to the*
13 *Administrator to provide an equivalent level of*
14 *fuel system crash resistance.*

15 *“(2) COVERED ROTORCRAFT DEFINED.—In this*
16 *subsection, the term ‘covered rotorcraft’ means a*
17 *rotorcraft not otherwise required to comply with sec-*
18 *tion 27.952, section 27.963, and section 27.975, or*
19 *section 29.952, section 29.963, and section 29.975 of*
20 *title 14, Code of Federal Regulations as in effect on*
21 *the date of enactment of this section for which manu-*
22 *facture was completed, as determined by the Adminis-*
23 *trator, on or after the date that is 18 months after the*
24 *date of enactment of this section.*

1 “(b) *ADMINISTRATIVE PROVISIONS.—The Adminis-*
2 *trator shall—*

3 “(1) *expedite the certification and validation of*
4 *United States and foreign type designs and retrofit*
5 *kits that improve fuel system crashworthiness; and*

6 “(2) *not later than 180 days after the date of en-*
7 *actment of this section, and periodically thereafter,*
8 *issue a bulletin to—*

9 “(A) *inform rotorcraft owners and operators*
10 *of available modifications to improve fuel system*
11 *crashworthiness; and*

12 “(B) *urge that such modifications be in-*
13 *stalled as soon as practicable.*

14 “(c) *RULE OF CONSTRUCTION.—Nothing in this sec-*
15 *tion may be construed to affect the operation of a rotorcraft*
16 *by the Department of Defense.”.*

17 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
18 *447 of title 49, United States Code, is amended by adding*
19 *at the end the following:*

 “44737. *Helicopter fuel system safety.*”.

20 **SEC. 318. APPLICABILITY OF MEDICAL CERTIFICATION**
21 **STANDARDS TO OPERATORS OF AIR BAL-**
22 **LOONS.**

23 (a) *SHORT TITLE.—This section may be cited as the*
24 *“Commercial Balloon Pilot Safety Act of 2018”.*

1 (b) *IN GENERAL.*—Not later than 180 days after the
2 date of enactment of this Act, the Administrator shall revise
3 section 61.3(c) of title 14, Code of Federal Regulations (re-
4 lating to second-class medical certificates), to apply to an
5 operator of an air balloon to the same extent such regula-
6 tions apply to a pilot flight crewmember of other aircraft.

7 (c) *AIR BALLOON DEFINED.*—In this section, the term
8 “air balloon” has the meaning given the term “balloon” in
9 section 1.1 of title 14, Code of Federal Regulations (or any
10 corresponding similar regulation or ruling).

11 **SEC. 319. DESIGNATED PILOT EXAMINER REFORMS.**

12 (a) *IN GENERAL.*—The Administrator shall assign to
13 the Aviation Rulemaking Advisory Committee (in this sec-
14 tion referred to as the “Committee”) the task of reviewing
15 all regulations and policies related to designated pilot ex-
16 aminers appointed under section 183.23 of title 14, Code
17 of Federal Regulations. The Committee shall focus on the
18 processes and requirements by which the FAA selects,
19 trains, and deploys individuals as designated pilot exam-
20 iners, and provide recommendations with respect to the reg-
21 ulatory and policy changes necessary to ensure an adequate
22 number of designated pilot examiners are deployed and
23 available to perform their duties. The Committee also shall
24 make recommendations with respect to the regulatory and
25 policy changes if necessary to allow a designated pilot ex-

1 aminer perform a daily limit of 3 new check rides with
2 no limit for partial check rides and to serve as a designed
3 pilot examiner without regard to any individual managing
4 office.

5 (b) *ACTION BASED ON RECOMMENDATIONS.*—Not later
6 than 1 year after receiving recommendations under sub-
7 section (a), the Administrator shall take such action as the
8 Administrator considers appropriate with respect to those
9 recommendations.

10 **SEC. 320. VOLUNTARY REPORTS OF OPERATIONAL OR**
11 **MAINTENANCE ISSUES RELATED TO AVIA-**
12 **TION SAFETY.**

13 (a) *IN GENERAL.*—There shall be a presumption that
14 an individual's voluntary report of an operational or main-
15 tenance issue related to aviation safety under an aviation
16 safety action program meets the criteria for acceptance as
17 a valid report under such program.

18 (b) *DISCLAIMER REQUIRED.*—Any dissemination,
19 within the participating organization, of a report that was
20 submitted and accepted under an aviation safety action
21 program pursuant to the presumption under subsection (a),
22 but that has not undergone review by an event review com-
23 mittee, shall be accompanied by a disclaimer stating that
24 the report—

1 (1) *has not been reviewed by an event review*
2 *committee tasked with reviewing such reports; and*

3 (2) *may subsequently be determined to be ineli-*
4 *gible for inclusion in the aviation safety action pro-*
5 *gram.*

6 (c) *REJECTION OF REPORT.—*

7 (1) *IN GENERAL.—A report described under sub-*
8 *section (a) shall be rejected from an aviation safety*
9 *action program if, after a review of the report, an*
10 *event review committee tasked with reviewing such re-*
11 *port, or the Federal Aviation Administration member*
12 *of the event review committee in the case that the re-*
13 *view committee does not reach consensus, determines*
14 *that the report fails to meet the criteria for acceptance*
15 *under such program.*

16 (2) *PROTECTIONS.—In any case in which a re-*
17 *port of an individual described under subsection (a)*
18 *is rejected under paragraph (1)—*

19 (A) *the enforcement-related incentive offered*
20 *to the individual for making such a report shall*
21 *not apply; and*

22 (B) *the protection from disclosure of the re-*
23 *port itself under section 40123 of title 49, United*
24 *States Code, shall not apply.*

1 (3) *AVIATION SAFETY ACTION PROGRAM DE-*
2 *FINED.*—*In this section, the term “aviation safety ac-*
3 *tion program” means a program established in ac-*
4 *cordance with Federal Aviation Administration Advi-*
5 *sory Circular 120–66B, issued November 15, 2002*
6 *(including any similar successor advisory circular),*
7 *to allow an individual to voluntarily disclose oper-*
8 *ational or maintenance issues related to aviation*
9 *safety.*

10 **SEC. 321. EVALUATION REGARDING ADDITIONAL GROUND**
11 **BASED TRANSMITTERS.**

12 *The Administrator shall conduct an evaluation of pro-*
13 *viding additional ground based transmitters for Automatic*
14 *Dependent Surveillance–Broadcasts (ADS–B) to provide a*
15 *minimum operational network in Alaska along major flight*
16 *routes.*

17 **SEC. 322. IMPROVED SAFETY IN RURAL AREAS.**

18 *The Administrator shall permit an air carrier oper-*
19 *ating pursuant to part 135 of title 14, Code of Federal Reg-*
20 *ulations, to operate to a destination with a published ap-*
21 *proach, in a noncontiguous State under instrument flight*
22 *rules and conduct an instrument approach without a des-*
23 *tination Meteorological Aerodrome Report (METAR) if a*
24 *current Area Forecast, supplemented by noncertified local*
25 *weather observations (such as weather cameras and human*

1 observations) is available, and an alternate airport that has
2 a weather report is specified. The operator shall have ap-
3 proved procedures for departure and en route weather eval-
4 uation.

5 **SEC. 323. EXIT ROWS.**

6 (a) *REVIEW.*—The Administrator shall conduct a re-
7 view of current safety procedures regarding unoccupied exit
8 rows on a covered aircraft in passenger air transportation
9 during all stages of flight.

10 (b) *CONSULTATION.*—In carrying out the review, the
11 Administrator shall consult with air carriers, aviation
12 manufacturers, and labor stakeholders.

13 (c) *REPORT.*—Not later than 1 year after the date of
14 enactment of this Act, the Administrator shall submit to
15 the appropriate committees of Congress a report on the re-
16 sults of the review.

17 (d) *COVERED AIRCRAFT DEFINED.*—In this section,
18 the term “covered aircraft” means an aircraft operating
19 under part 121 of title 14, Code of Federal Regulations.

20 **SEC. 324. COMPTROLLER GENERAL REPORT ON FAA EN-**
21 **FORCEMENT POLICY.**

22 Not later than 1 year after the date of enactment of
23 this Act, the Comptroller General of the United States shall
24 complete a study, and report to the appropriate committees
25 of Congress on the results thereof, on the effectiveness of

1 *Order 8000.373, Federal Aviation Administration Compli-*
2 *ance Philosophy, announced on June 26, 2015. Such study*
3 *shall include information about—*

4 *(1) whether reports of safety incidents increased*
5 *following the order;*

6 *(2) whether reduced enforcement penalties in-*
7 *creased the overall number of safety incidents that oc-*
8 *curred; and*

9 *(3) whether FAA enforcement staff registered*
10 *complaints about reduced enforcement reducing com-*
11 *pliance with safety regulations.*

12 **SEC. 325. ANNUAL SAFETY INCIDENT REPORT.**

13 *(a) IN GENERAL.—Not later than 1 year after the date*
14 *of enactment of this Act, and annually thereafter for 5*
15 *years, the Administrator, shall submit to the appropriate*
16 *committees of Congress a report regarding part 121 airline*
17 *safety oversight.*

18 *(b) CONTENTS.—The annual report shall include—*

19 *(1) a description of the Federal Aviation Admin-*
20 *istration’s safety oversight process to ensure the safety*
21 *of the traveling public;*

22 *(2) a description of risk-based oversight methods*
23 *applied to ensure aviation safety, including to spe-*
24 *cific issues addressed in the year preceding the report*

1 *that in the determination of the Administrator ad-*
2 *dress safety risk; and*

3 *(3) in the instance of specific reviews of air car-*
4 *rier performance to safety regulations, a description*
5 *of cases where the timelines for recurrent reviews are*
6 *advanced.*

7 **SEC. 326. AIRCRAFT AIR QUALITY.**

8 *(a) EDUCATIONAL MATERIALS.—Not later than 1 year*
9 *after the date of enactment of this Act, the Administrator*
10 *shall, in consultation with relevant stakeholders, establish*
11 *and make available on a publicly available Internet website*
12 *of the Administration, educational materials for flight at-*
13 *tendants, pilots, and aircraft maintenance technicians on*
14 *how to respond to incidents on board aircraft involving*
15 *smoke or fumes.*

16 *(b) REPORTING OF INCIDENTS OF SMOKE OR FUMES*
17 *ON BOARD AIRCRAFT.—Not later than 180 days after the*
18 *date of enactment of this Act, the Administrator shall, in*
19 *consultation with relevant stakeholders, issue guidance for*
20 *flight attendants, pilots, and aircraft maintenance techni-*
21 *cians to report incidents of smoke or fumes on board an*
22 *aircraft operated by a commercial air carrier and with re-*
23 *spect to the basis on which commercial air carriers shall*
24 *report such incidents through the Service Difficulty Report-*
25 *ing System.*

1 (c) *RESEARCH TO DEVELOP TECHNIQUES TO MON-*
2 *ITOR BLEED AIR QUALITY.*—Not later than 180 days after
3 *the date of enactment of this Act, the Administrator shall*
4 *commission a study by the Airliner Cabin Environment Re-*
5 *search Center of Excellence—*

6 (1) *to identify and measure the constituents and*
7 *levels of constituents resulting from bleed air in the*
8 *cabins of a representative set of commercial aircraft*
9 *in operation of the United States;*

10 (2) *to assess the potential health effects of such*
11 *constituents on passengers and cabin and flight deck*
12 *crew;*

13 (3) *to identify technologies suitable to provide re-*
14 *liable and accurate warning of bleed air contamina-*
15 *tion, including technologies to effectively monitor the*
16 *aircraft air supply system when the aircraft is in*
17 *flight; and*

18 (4) *to identify potential techniques to prevent*
19 *fume events.*

20 (d) *REPORT REQUIRED.*—Not later than 18 months
21 *after the date of enactment of this Act, the Administrator*
22 *shall submit to the appropriate committees of Congress a*
23 *report on the feasibility, efficacy, and cost-effectiveness of*
24 *certification and installation of systems to evaluate bleed*
25 *air quality.*

1 (e) *PILOT PROGRAM.*—The FAA may conduct a pilot
2 program to evaluate the effectiveness of technologies identi-
3 fied in subsection (c).

4 **SEC. 327. APPROACH CONTROL RADAR.**

5 The Administrator shall—

6 (1) identify airports that are currently served by
7 FAA towers with nonradar approach and departure
8 control (type 4 classification in the Federal Aviation
9 Administration OPSNET); and

10 (2) develop an implementation plan, which takes
11 into account budgetary and flight volume consider-
12 ations, to provide an airport identified under para-
13 graph (1), if appropriate, with approach control
14 radar.

15 **SEC. 328. REPORT ON AIRLINE AND PASSENGER SAFETY.**

16 (a) *REPORT.*—Not later than 180 days after the date
17 of enactment of this Act, the Administrator shall submit
18 to the appropriate committees of Congress a report on air-
19 line and passenger safety.

20 (b) *CONTENTS.*—The report required under subsection
21 (a) shall include—

22 (1) the average age of commercial aircraft owned
23 and operated by United States air carriers;

24 (2) the over-all use of planes, including average
25 lifetime of commercial aircraft;

1 (3) *the number of hours aircraft are in flight*
2 *over the life of the aircraft and the average number*
3 *of hours on domestic and international flights, respec-*
4 *tively;*

5 (4) *the impact of metal fatigue on aircraft usage*
6 *and safety;*

7 (5) *a review on contractor assisted maintenance*
8 *of commercial aircraft; and*

9 (6) *a re-evaluation of the rules on inspection of*
10 *aging airplanes.*

11 **SEC. 329. PERFORMANCE-BASED STANDARDS.**

12 *The Administrator shall, to the maximum extent pos-*
13 *sible and consistent with Federal law, and based on input*
14 *by the public, ensure that regulations, guidance, and poli-*
15 *cies issued by the FAA on and after the date of enactment*
16 *of this Act are issued in the form of performance-based*
17 *standards, providing an equal or higher level of safety.*

18 **SEC. 330. REPORT AND RECOMMENDATIONS ON CERTAIN**

19 **AVIATION SAFETY RISKS.**

20 *Not later than 1 year after the date of the enactment*
21 *of this Act, the Administrator shall submit to the appro-*
22 *priate committees of Congress a report that—*

23 (1) *identifies safety risks associated with power*
24 *outages at airports caused by weather or other factors,*
25 *and recommends actions to improve resilience of avia-*

1 *tion communication, navigation, and surveillance*
2 *systems in the event of such outages; and*

3 (2) *reviews alerting mechanisms, devices, and*
4 *procedures for enhancing the situational awareness of*
5 *pilots and air traffic controllers in the event of a fail-*
6 *ure or an irregularity of runway lights, and provides*
7 *recommendations on the further implementation of*
8 *such mechanisms, devices, or procedures.*

9 **SEC. 331. REVIEW OF FAA'S AVIATION SAFETY INFORMA-**
10 **TION ANALYSIS AND SHARING SYSTEM.**

11 (a) *AUDIT BY DEPARTMENT OF TRANSPORTATION IN-*
12 *SPECTOR GENERAL.—Not later than 90 days after the date*
13 *of enactment of this Act, the inspector general of the Depart-*
14 *ment of Transportation shall initiate a follow-up review of*
15 *the FAA's Aviation Safety Information Analysis and Shar-*
16 *ing (ASIAS) system to assess FAA's efforts and plans to*
17 *improve the system.*

18 (b) *REVIEW.—The review shall include, at a min-*
19 *imum, an evaluation of FAA's efforts to improve the ASIAS*
20 *system's predictive capabilities and solutions developed to*
21 *more widely disseminate results of ASIAS data analyses,*
22 *as well as an update on previous inspector general rec-*
23 *ommendations to improve this safety analysis and sharing*
24 *system.*

1 (c) *REPORT.*—The inspector general shall submit to
2 the appropriate committees of Congress a report on the re-
3 sults of the review carried out under this section and any
4 recommendations to improve FAA’s ASIAS system.

5 **SEC. 332. AIRPORT RESCUE AND FIREFIGHTING.**

6 (a) *FIREFIGHTING FOAM.*—Not later than 3 years
7 after the date of enactment of this Act, the Administrator,
8 using the latest version of National Fire Protection Associa-
9 tion 403, “Standard for Aircraft Rescue and Fire-Fighting
10 Services at Airports”, and in coordination with the Admin-
11 istrator of the Environmental Protection Agency, aircraft
12 manufacturers and airports, shall not require the use of
13 fluorinated chemicals to meet the performance standards
14 referenced in chapter 6 of AC No: 150/5210–6D and accept-
15 able under 139.319(l) of title 14, Code of Federal Regula-
16 tions.

17 (b) *TRAINING FACILITIES.*—Not later than 90 days
18 after the date of enactment of this Act, the Administrator
19 shall submit to the appropriate committees of Congress—

20 (1) a report on the number and sufficiency of
21 aircraft rescue and firefighting training facilities in
22 each FAA region; and

23 (2) a plan, if appropriate, to address any cov-
24 erage gaps identified in the report.

1 **SEC. 333. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
2 **AND BATTERIES.**

3 (a) *HARMONIZATION WITH ICAO TECHNICAL IN-*
4 *STRUCTIONS.—*

5 (1) *ADOPTION OF ICAO INSTRUCTIONS.—*

6 (A) *IN GENERAL.—Pursuant to section 828*
7 *of the FAA Modernization and Reform Act of*
8 *2012 (49 U.S.C. 44701 note), not later than 90*
9 *days after the date of enactment of this Act, the*
10 *Secretary of Transportation shall conform*
11 *United States regulations on the air transport of*
12 *lithium cells and batteries with the lithium cells*
13 *and battery requirements in the 2015–2016 edi-*
14 *tion of the International Civil Aviation Organi-*
15 *zation’s (referred to in this subsection as*
16 *“ICAO”) Technical Instructions (to include all*
17 *addenda), including the revised standards adopt-*
18 *ed by ICAO which became effective on April 1,*
19 *2016 and any further revisions adopted by ICAO*
20 *prior to the effective date of the FAA Reauthor-*
21 *ization Act of 2018.*

22 (B) *FURTHER PROCEEDINGS.—Beginning*
23 *on the date the revised regulations under sub-*
24 *paragraph (A) are published in the Federal Reg-*
25 *ister, any lithium cell and battery rulemaking*
26 *action or update commenced on or after that*

1 date shall continue to comply with the require-
2 ments under section 828 of the FAA Moderniza-
3 tion and Reform Act of 2012 (49 U.S.C. 44701
4 note).

5 (2) *REVIEW OF OTHER REGULATIONS.*—Pursu-
6 ant to section 828 of the FAA Modernization and Re-
7 form Act of 2012 (49 U.S.C. 44701 note), the Sec-
8 retary of Transportation may initiate a review of
9 other existing regulations regarding the air transpor-
10 tation, including passenger-carrying and cargo air-
11 craft, of lithium batteries and cells.

12 (b) *MEDICAL DEVICE BATTERIES.*—

13 (1) *IN GENERAL.*—For United States applicants,
14 the Secretary of Transportation shall consider and ei-
15 ther grant or deny, not later than 45 days after re-
16 ceipt of an application, an application submitted in
17 compliance with part 107 of title 49, Code of Federal
18 Regulations, for special permits or approvals for air
19 transportation of lithium ion cells or batteries specifi-
20 cally used by medical devices. Not later than 30 days
21 after the date of application, the Pipeline and Haz-
22 ardous Materials Safety Administration shall provide
23 a draft special permit to the Federal Aviation Ad-
24 ministration based on the application. The Federal
25 Aviation Administration shall conduct an on-site in-

1 *spection for issuance of the special permit not later*
2 *than 20 days after the date of receipt of the draft spe-*
3 *cial permit from the Pipeline and Hazardous Mate-*
4 *rials Safety Administration.*

5 *(2) LIMITED EXCEPTIONS TO RESTRICTIONS ON*
6 *AIR TRANSPORTATION OF MEDICAL DEVICE BAT-*
7 *TERIES.—The Secretary shall issue limited exceptions*
8 *to the restrictions on transportation of lithium ion*
9 *and lithium metal batteries to allow the shipment on*
10 *a passenger aircraft of not more than 2 replacement*
11 *batteries specifically used for a medical device if—*

12 *(A) the intended destination of the batteries*
13 *is not serviced daily by cargo aircraft if a bat-*
14 *tery is required for medically necessary care;*
15 *and*

16 *(B) with regard to a shipper of lithium ion*
17 *or lithium metal batteries for medical devices*
18 *that cannot comply with a charge limitation in*
19 *place at the time, each battery is—*

20 *(i) individually packed in an inner*
21 *packaging that completely encloses the bat-*
22 *tery;*

23 *(ii) placed in a rigid outer packaging;*
24 *and*

1 (iii) *protected to prevent a short cir-*
2 *cuit.*

3 (3) *MEDIAL DEVICE DEFINED.*—*In this sub-*
4 *section, the term “medical device” means an instru-*
5 *ment, apparatus, implement, machine, contrivance,*
6 *implant, or in vitro reagent, including any compo-*
7 *nent, part, or accessory thereof, which is intended for*
8 *use in the diagnosis of disease or other conditions, or*
9 *in the cure, mitigation, treatment, or prevention of*
10 *disease, of a person.*

11 (4) *SAVINGS CLAUSE.*—*Nothing in this sub-*
12 *section shall be construed as expanding or con-*
13 *stricting any other authority the Secretary of Trans-*
14 *portation has under section 828 of the FAA Mod-*
15 *ernization and Reform Act of 2012 (49 U.S.C. 44701*
16 *note).*

17 (c) *LITHIUM BATTERY SAFETY WORKING GROUP.*—

18 (1) *IN GENERAL.*—*Not later than 90 days after*
19 *the date of enactment of this Act, the Secretary of*
20 *Transportation shall establish a lithium battery safe-*
21 *ty working group (referred to as the “working group”*
22 *in this section) to promote and coordinate efforts re-*
23 *lated to the promotion of the safe manufacture, use,*
24 *and transportation of lithium batteries and cells.*

1 (2) *DUTIES.*—*The working group shall coordi-*
2 *nate and facilitate the transfer of knowledge and ex-*
3 *pertise among the following Federal agencies:*

4 (A) *The Department of Transportation.*

5 (B) *The Consumer Product Safety Commis-*
6 *sion.*

7 (C) *The National Institute on Standards*
8 *and Technology.*

9 (D) *The Food and Drug Administration.*

10 (3) *MEMBERS.*—*The Secretary shall appoint not*
11 *more than 8 members to the working group with ex-*
12 *pertise in the safe manufacture, use, or transportation*
13 *of lithium batteries and cells.*

14 (4) *SUBCOMMITTEES.*—*The Secretary, or mem-*
15 *bers of the working group, may—*

16 (A) *establish working group subcommittees*
17 *to focus on specific issues related to the safe*
18 *manufacture, use, or transportation of lithium*
19 *batteries and cells; and*

20 (B) *include in a subcommittee the partici-*
21 *pation of nonmember stakeholders with expertise*
22 *in areas that the Secretary or members consider*
23 *necessary.*

24 (5) *REPORT.*—*Not later than 1 year after the*
25 *date it is established, the working group shall—*

1 (A) identify and assess—

2 (i) additional ways to decrease the risk
3 of fires and explosions from lithium bat-
4 teries and cells;

5 (ii) additional ways to ensure uniform
6 transportation requirements for both bulk
7 and individual batteries; and

8 (iii) new or existing technologies that
9 may reduce the fire and explosion risk of
10 lithium batteries and cells; and

11 (B) transmit to the appropriate committees
12 of Congress a report on the assessments con-
13 ducted under subparagraph (A), including any
14 legislative recommendations to effectuate the safe-
15 ty improvements described in clauses (i) through
16 (iii) of that subparagraph.

17 (6) TERMINATION.—The working group, and any
18 working group subcommittees, shall terminate 90
19 days after the date the report is transmitted under
20 paragraph (5).

21 (d) LITHIUM BATTERY AIR SAFETY ADVISORY COM-
22 MITTEE.—

23 (1) ESTABLISHMENT.—Not later than 60 days
24 after the date of enactment of this Act, the Secretary
25 shall establish, in accordance with the requirements of

1 *the Federal Advisory Committee Act (5 U.S.C. App.),*
2 *a lithium ion and lithium metal battery air safety*
3 *advisory committee (in this subsection referred to as*
4 *the “Committee”).*

5 (2) *DUTIES.—The Committee shall—*

6 (A) *facilitate communication between man-*
7 *ufacturers of lithium ion and lithium metal cells*
8 *and batteries, manufacturers of products incor-*
9 *porating both large and small lithium ion and*
10 *lithium metal batteries, air carriers, and the*
11 *Federal Government regarding the safe air*
12 *transportation of lithium ion and lithium metal*
13 *cells and batteries and the effectiveness and eco-*
14 *nomie and social impacts of the regulation of*
15 *such transportation;*

16 (B) *provide the Secretary, the Federal Avia-*
17 *tion Administration, and the Pipeline and Haz-*
18 *ardous Materials Safety Administration with*
19 *timely information about new lithium ion and*
20 *lithium metal battery technology and transpor-*
21 *tation safety practices and methodologies;*

22 (C) *provide a forum for the Secretary to*
23 *provide information on and to discuss the activi-*
24 *ties of the Department of Transportation relat-*
25 *ing to lithium ion and lithium metal battery*

1 *transportation safety, the policies underlying the*
2 *activities, and positions to be advocated in inter-*
3 *national forums;*

4 *(D) provide a forum for the Secretary to*
5 *provide information and receive advice on—*

6 *(i) activities carried out throughout the*
7 *world to communicate and enforce relevant*
8 *United States regulations and the ICAO*
9 *Technical Instructions; and*

10 *(ii) the effectiveness of the activities;*

11 *(E) provide advice and recommendations to*
12 *the Secretary with respect to lithium ion and*
13 *lithium metal battery air transportation safety,*
14 *including how best to implement activities to in-*
15 *crease awareness of relevant requirements and*
16 *their importance to travelers and shippers; and*

17 *(F) review methods to decrease the risk*
18 *posed by air shipment of undeclared hazardous*
19 *materials and efforts to educate those who pre-*
20 *pare and offer hazardous materials for shipment*
21 *via air transport.*

22 *(3) MEMBERSHIP.—The Committee shall be com-*
23 *posed of the following members:*

24 *(A) Individuals appointed by the Secretary*
25 *to represent—*

- 1 (i) large volume manufacturers of lith-
2 ium ion and lithium metal cells and bat-
3 teries;
- 4 (ii) domestic manufacturers of lithium
5 ion and lithium metal batteries or battery
6 packs;
- 7 (iii) manufacturers of consumer prod-
8 ucts powered by lithium ion and lithium
9 metal batteries;
- 10 (iv) manufacturers of vehicles powered
11 by lithium ion and lithium metal batteries;
- 12 (v) marketers of products powered by
13 lithium ion and lithium metal batteries;
- 14 (vi) cargo air service providers based
15 in the United States;
- 16 (vii) passenger air service providers
17 based in the United States;
- 18 (viii) pilots and employees of air serv-
19 ice providers described in clauses (vi) and
20 (vii);
- 21 (ix) shippers of lithium ion and lith-
22 ium metal batteries for air transportation;
- 23 (x) manufacturers of battery-powered
24 medical devices or batteries used in medical
25 devices; and

1 (xi) employees of the Department of
2 Transportation, including employees of the
3 Federal Aviation Administration and the
4 Pipeline and Hazardous Materials Safety
5 Administration.

6 (B) Representatives of such other Govern-
7 ment departments and agencies as the Secretary
8 determines appropriate.

9 (C) Any other individuals the Secretary de-
10 termines are appropriate to comply with Federal
11 law.

12 (4) REPORT.—

13 (A) IN GENERAL.—Not later than 180 days
14 after the establishment of the Committee, the
15 Committee shall submit to the Secretary and the
16 appropriate committees of Congress a report
17 that—

18 (i) describes and evaluates the steps
19 being taken in the private sector and by
20 international regulatory authorities to im-
21 plement and enforce requirements relating
22 to the safe transportation by air of bulk
23 shipments of lithium ion cells and batteries;
24 and

1 (ii) identifies any areas of enforcement
2 or regulatory requirements for which there
3 is consensus that greater attention is need-
4 ed.

5 (B) *INDEPENDENT STATEMENTS.*—Each
6 member of the Committee shall be provided an
7 opportunity to submit an independent statement
8 of views with the report submitted pursuant to
9 subparagraph (A).

10 (5) *MEETINGS.*—

11 (A) *IN GENERAL.*—The Committee shall
12 meet at the direction of the Secretary and at
13 least twice a year.

14 (B) *PREPARATION FOR ICAO MEETINGS.*—
15 Notwithstanding subparagraph (A), the Sec-
16 retary shall convene a meeting of the Committee
17 in connection with and in advance of each meet-
18 ing of the International Civil Aviation Organi-
19 zation, or any of its panels or working groups,
20 addressing the safety of air transportation of
21 lithium ion and lithium metal batteries to brief
22 Committee members on positions to be taken by
23 the United States at such meeting and provide
24 Committee members a meaningful opportunity to
25 comment.

1 (6) *TERMINATION.*—*The Committee shall termi-*
2 *nate on the date that is 6 years after the date on*
3 *which the Committee is established.*

4 (7) *TERMINATION OF FUTURE OF AVIATION ADVI-*
5 *SORY COMMITTEE.*—*The Future of Aviation Advisory*
6 *Committee shall terminate on the date on which the*
7 *lithium ion battery air safety advisory committee is*
8 *established.*

9 (e) *COOPERATIVE EFFORTS TO ENSURE COMPLIANCE*
10 *WITH SAFETY REGULATIONS.*—

11 (1) *IN GENERAL.*—*The Secretary of Transpor-*
12 *tation, in coordination with appropriate Federal*
13 *agencies, shall carry out cooperative efforts to ensure*
14 *that shippers who offer lithium ion and lithium metal*
15 *batteries for air transport to or from the United*
16 *States comply with U.S. Hazardous Materials Regu-*
17 *lations and ICAO Technical Instructions.*

18 (2) *COOPERATIVE EFFORTS.*—*The cooperative ef-*
19 *forts the Secretary shall carry out pursuant to para-*
20 *graph (1) include the following:*

21 (A) *Encouraging training programs at lo-*
22 *cations outside the United States from which*
23 *substantial cargo shipments of lithium ion or*
24 *lithium metal batteries originate for manufac-*
25 *turers, freight forwarders, and other shippers*

1 *and potential shippers of lithium ion and lith-*
2 *ium metal batteries.*

3 *(B) Working with Federal, regional, and*
4 *international transportation agencies to ensure*
5 *enforcement of U.S. Hazardous Materials Regu-*
6 *lations and ICAO Technical Instructions with*
7 *respect to shippers who offer noncompliant ship-*
8 *ments of lithium ion and lithium metal bat-*
9 *teries.*

10 *(C) Sharing information, as appropriate,*
11 *with Federal, regional, and international trans-*
12 *portation agencies regarding noncompliant ship-*
13 *ments.*

14 *(D) Pursuing a joint effort with the inter-*
15 *national aviation community to develop a proc-*
16 *ess to obtain assurances that appropriate en-*
17 *forcement actions are taken to reduce the likeli-*
18 *hood of noncompliant shipments, especially with*
19 *respect to jurisdictions in which enforcement ac-*
20 *tivities historically have been limited.*

21 *(E) Providing information in brochures*
22 *and on the internet in appropriate foreign lan-*
23 *guages and dialects that describes the actions re-*
24 *quired to comply with U.S. Hazardous Materials*
25 *Regulations and ICAO Technical Instructions.*

1 (F) *Developing joint efforts with the inter-*
2 *national aviation community to promote a better*
3 *understanding of the requirements of and meth-*
4 *ods of compliance with U.S. Hazardous Mate-*
5 *rials Regulations and ICAO Technical Instruc-*
6 *tions.*

7 (3) *REPORTING.*—*Not later than 120 days after*
8 *the date of enactment of this Act, and annually there-*
9 *after for 2 years, the Secretary shall submit to the ap-*
10 *propriate committees of Congress a report on compli-*
11 *ance with the policy set forth in subsection (e) and*
12 *the cooperative efforts carried out, or planned to be*
13 *carried out, under this subsection.*

14 (f) *PACKAGING IMPROVEMENTS.*—*Not later than 180*
15 *days after the date of enactment of this Act, the Secretary,*
16 *in consultation with interested stakeholders, shall submit to*
17 *the appropriate committees of Congress an evaluation of*
18 *current practices for the packaging of lithium ion batteries*
19 *and cells for air transportation, including recommenda-*
20 *tions, if any, to improve the packaging of such batteries*
21 *and cells for air transportation in a safe, efficient, and cost-*
22 *effective manner.*

23 (g) *DEPARTMENT OF TRANSPORTATION POLICY ON*
24 *INTERNATIONAL REPRESENTATION.*—

1 (1) *IN GENERAL.*—*It shall be the policy of the*
2 *Department of Transportation to support the partici-*
3 *ipation of industry and labor stakeholders in all pan-*
4 *els and working groups of the dangerous goods panel*
5 *of the ICAO and any other international test or*
6 *standard setting organization that considers proposals*
7 *on the safety or transportation of lithium ion and*
8 *lithium metal batteries in which the United States*
9 *participates.*

10 (2) *PARTICIPATION.*—*The Secretary of Transpor-*
11 *tation shall request that as part of the ICAO delibera-*
12 *tions in the dangerous goods panel on these issues,*
13 *that appropriate experts on issues under consider-*
14 *ation be allowed to participate.*

15 (h) *DEFINITIONS.*—*In this section, the following defi-*
16 *initions apply:*

17 (1) *ICAO TECHNICAL INSTRUCTIONS.*—*The term*
18 *“ICAO Technical Instructions” has the meaning*
19 *given that term in section 828(c) of the FAA Mod-*
20 *ernization and Reform Act of 2012 (49 U.S.C. 44701*
21 *note).*

22 (2) *U.S. HAZARDOUS MATERIALS REGULA-*
23 *TIONS.*—*The term “U.S. Hazardous Materials Regu-*
24 *lations” means the regulations in parts 100 through*
25 *177 of title 49, Code of Federal Regulations (includ-*

1 *ing amendments adopted after the date of enactment*
2 *of this Act).*

3 **SEC. 334. RUNWAY SAFETY.**

4 *(a) IN GENERAL.—Not later than 6 months after the*
5 *date of enactment of this Act, the Administrator shall sub-*
6 *mit to the appropriate committees of Congress a report on*
7 *improving runway safety.*

8 *(b) CONTENTS.—In the report required under this sec-*
9 *tion, the Administrator shall—*

10 *(1) review the relative benefits and risks of re-*
11 *quiring the use of runway awareness and advisory*
12 *systems in turbine-powered airplanes with a max-*
13 *imum takeoff weight greater than 19,000 pounds;*

14 *(2) review systems capable of detecting wrong-*
15 *surface alignment to determine whether the capability*
16 *exists to detect imminent wrong-surface landings at*
17 *each airport where such a system is in use;*

18 *(3) describe information gathered from the use of*
19 *the Airport Surface Surveillance Capability system at*
20 *San Francisco International Airport since July 2017;*

21 *(4) assess available technologies to determine*
22 *whether it is feasible, cost-effective, and appropriate*
23 *to install and deploy, at any airport, systems to pro-*
24 *vide a direct warning capability to flight crews or air*

1 *traffic controllers, or both, of potential runway incur-*
2 *sions; and*

3 (5) *describe FAA efforts to develop metrics that*
4 *would allow the FAA to determine whether runway*
5 *incursions are increasing and to assess the effective-*
6 *ness of implemented runway safety initiatives.*

7 (c) *CONSULTATION.*—*The Administrator shall consult*
8 *with the National Transportation Safety Board in devel-*
9 *oping the report required under this section.*

10 **SEC. 335. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
11 **AND REST REQUIREMENTS.**

12 (a) *MODIFICATION OF FINAL RULE.*—

13 (1) *IN GENERAL.*—*Not later than 30 days after*
14 *the date of enactment of this Act, the Secretary of*
15 *Transportation shall modify the final rule of the Fed-*
16 *eral Aviation Administration published in the Fed-*
17 *eral Register on August 19, 1994 (59 Fed. Reg.*
18 *42974; relating to flight attendant duty period limi-*
19 *tations and rest requirements) in accordance with the*
20 *requirements of this subsection.*

21 (2) *CONTENTS.*—*The final rule, as modified*
22 *under paragraph (1), shall ensure that—*

23 (A) *a flight attendant scheduled to a duty*
24 *period of 14 hours or less is given a scheduled*
25 *rest period of at least 10 consecutive hours; and*

1 (B) the rest period is not reduced under any
2 circumstances.

3 (b) *FATIGUE RISK MANAGEMENT PLAN.*—

4 (1) *SUBMISSION OF PLAN BY PART 121 AIR CAR-*
5 *RIERS.*—Not later than 90 days after the date of en-
6 actment of this Act, each air carrier operating under
7 part 121 of title 14, Code of Federal Regulations (in
8 this section referred to as a “part 121 air carrier”),
9 shall submit to the Administrator of the Federal
10 Aviation Administration for review and acceptance a
11 fatigue risk management plan for the carrier’s flight
12 attendants.

13 (2) *CONTENTS OF PLAN.*—A fatigue risk manage-
14 ment plan submitted by a part 121 air carrier under
15 paragraph (1) shall include the following:

16 (A) Current flight time and duty period
17 limitations.

18 (B) A rest scheme consistent with such limi-
19 tations that enables the management of flight at-
20 tendant fatigue, including annual training to
21 increase awareness of—

22 (i) fatigue;

23 (ii) the effects of fatigue on flight at-
24 tendants; and

25 (iii) fatigue countermeasures.

1 (C) *Development and use of a methodology*
2 *that continually assesses the effectiveness of im-*
3 *plementation of the plan, including the ability of*
4 *the plan—*

5 (i) *to improve alertness; and*

6 (ii) *to mitigate performance errors.*

7 (3) *REVIEW.—Not later than 1 year after the*
8 *date of enactment of this Act, the Administrator shall*
9 *review and accept or reject each fatigue risk manage-*
10 *ment plan submitted under this subsection. If the Ad-*
11 *ministrator rejects a plan, the Administrator shall*
12 *provide suggested modifications for resubmission of*
13 *the plan.*

14 (4) *PLAN UPDATES.—*

15 (A) *IN GENERAL.—A part 121 air carrier*
16 *shall update its fatigue risk management plan*
17 *under paragraph (1) every 2 years and submit*
18 *the update to the Administrator for review and*
19 *acceptance.*

20 (B) *REVIEW.—Not later than 1 year after*
21 *the date of submission of a plan update under*
22 *subparagraph (A), the Administrator shall re-*
23 *view and accept or reject the update. If the Ad-*
24 *ministrator rejects an update, the Administrator*

1 *shall provide suggested modifications for resub-*
2 *mission of the update.*

3 (5) *COMPLIANCE.*—*A part 121 air carrier shall*
4 *comply with the fatigue risk management plan of the*
5 *air carrier that is accepted by the Administrator*
6 *under this subsection.*

7 (6) *CIVIL PENALTIES.*—*A violation of this sub-*
8 *section by a part 121 air carrier shall be treated as*
9 *a violation of chapter 447 of title 49, United States*
10 *Code, for purposes of the application of civil penalties*
11 *under chapter 463 of that title.*

12 **SEC. 336. SECONDARY COCKPIT BARRIERS.**

13 (a) *SHORT TITLE.*—*This section may be cited as the*
14 *“Saracini Aviation Safety Act of 2018”.*

15 (b) *REQUIREMENT.*—*Not later than 1 year after the*
16 *date of the enactment of this Act, the Administrator of the*
17 *Federal Aviation Administration shall issue an order re-*
18 *quiring installation of a secondary cockpit barrier on each*
19 *new aircraft that is manufactured for delivery to a pas-*
20 *senger air carrier in the United States operating under the*
21 *provisions of part 121 of title 14, Code of Federal Regula-*
22 *tions.*

23 **SEC. 337. AIRCRAFT CABIN EVACUATION PROCEDURES.**

24 (a) *REVIEW.*—*The Administrator of the Federal Avia-*
25 *tion Administration shall review—*

1 (1) *evacuation certification of transport-category*
2 *aircraft used in air transportation, with regard to—*

3 (A) *emergency conditions, including im-*
4 *pacts into water;*

5 (B) *crew procedures used for evacuations*
6 *under actual emergency conditions;*

7 (C) *any relevant changes to passenger de-*
8 *mographics and legal requirements, including*
9 *the Americans with Disabilities Act of 1990 (42*
10 *U.S.C. 12101 et seq.), that affect emergency evac-*
11 *uations; and*

12 (D) *any relevant changes to passenger seat-*
13 *ing configurations, including changes to seat*
14 *width, padding, reclining, size, pitch, leg room,*
15 *and aisle width; and*

16 (2) *recent accidents and incidents in which pas-*
17 *sengers evacuated such aircraft.*

18 (b) *CONSULTATION; REVIEW OF DATA.—In conducting*
19 *the review under subsection (a), the Administrator shall—*

20 (1) *consult with the National Transportation*
21 *Safety Board, transport-category aircraft manufac-*
22 *turers, air carriers, and other relevant experts and*
23 *Federal agencies, including groups representing pas-*
24 *sengers, airline crew members, maintenance employ-*
25 *ees, and emergency responders; and*

1 (2) *review relevant data with respect to evacu-*
2 *ation certification of transport-category aircraft.*

3 (c) *REPORT TO CONGRESS.*—*Not later than 1 year*
4 *after the date of enactment of this Act, the Administrator*
5 *shall submit to the appropriate committees of Congress a*
6 *report on the results of the review under subsection (a) and*
7 *related recommendations, if any, including recommenda-*
8 *tions for revisions to the assumptions and methods used for*
9 *assessing evacuation certification of transport-category air-*
10 *craft.*

11 **SEC. 338. SENSE OF CONGRESS.**

12 *It is the sense of Congress that—*

13 (1) *each air carrier should have in place policies*
14 *and procedures to address sexual misconduct, includ-*
15 *ing policies and procedures to—*

16 (B) *facilitate the reporting of sexual mis-*
17 *conduct to appropriate law enforcement agencies;*

18 (C) *communicate to personnel and pas-*
19 *sengers of the air carrier the rights of such indi-*
20 *viduals with respect to sexual misconduct;*

21 (D) *train personnel of the air carrier to rec-*
22 *ognize and respond appropriately to, and to no-*
23 *tify the appropriate law enforcement agency of,*
24 *sexual misconduct; and*

1 (E) ensure other appropriate actions are
2 undertaken to respond effectively to sexual mis-
3 conduct; and

4 (2) individuals who perpetrate sexual mis-
5 conduct should be held accountable under all applica-
6 ble Federal and State laws.

7 **SEC. 339. CIVIL PENALTIES FOR INTERFERENCE.**

8 (a) *INTERFERENCE WITH CABIN OR FLIGHT CREW.*—
9 Section 46318(a) of title 49, United States Code, is amend-
10 ed—

11 (1) by inserting “or sexually” after “physically”
12 each place it appears; and

13 (2) by striking “\$25,000” and inserting
14 “\$35,000”.

15 **SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT**
16 **TASK FORCE.**

17 (a) *ESTABLISHMENT OF TASK FORCE.*—The Secretary
18 of Transportation shall establish a task force, to be known
19 as the “National In-Flight Sexual Misconduct Task Force”
20 (referred to in this section as “Task Force”) to—

21 (1) review current practices, protocols and re-
22 quirements of air carriers in responding to allega-
23 tions of sexual misconduct by passengers onboard air-
24 craft, including training, reporting and data collec-
25 tion; and

1 (2) *provide recommendations on training, re-*
2 *porting and data collection regarding allegations of*
3 *sexual misconduct occurring on passenger airline*
4 *flights that are informed by the review of information*
5 *described in paragraph (1) and subsection (c)(5) on*
6 *passengers who have experienced sexual misconduct*
7 *onboard aircraft.*

8 (b) *MEMBERSHIP.—The Task Force shall be composed*
9 *of, at a minimum, representatives from—*

10 (1) *Department of Transportation;*

11 (2) *Department of Justice, including the Federal*
12 *Bureau of Investigation, Office of Victims for Crimes,*
13 *and the Office on Violence Against Women;*

14 (3) *National organizations that specialize in*
15 *providing services to sexual assault victims;*

16 (4) *labor organizations that represent flight at-*
17 *tendants;*

18 (5) *labor organizations that represent pilots;*

19 (6) *airports;*

20 (7) *air carriers;*

21 (8) *State and local law enforcement agencies;*

22 *and*

23 (9) *such other Federal agencies and stakeholder*
24 *organizations as the Secretary of Transportation con-*
25 *siders appropriate.*

1 (c) *PURPOSE OF TASK FORCE.*—*The purpose of the*
2 *Task Force shall be to—*

3 (1) *issue recommendations for addressing allega-*
4 *tions of sexual misconduct by passengers onboard air-*
5 *craft, including airline employee and contractor*
6 *training;*

7 (2) *issue recommendations on effective ways for*
8 *passengers involved in incidents of alleged sexual mis-*
9 *conduct to report such allegation of sexual mis-*
10 *conduct;*

11 (3) *issue recommendations on how to most effec-*
12 *tively provide data on instances of alleged sexual mis-*
13 *conduct onboard aircraft and to whom the data col-*
14 *lected should be reported in a manner that protects*
15 *the privacy and confidentiality of individuals in-*
16 *volved in incidents of alleged sexual misconduct and*
17 *precludes the release of data that publically identifies*
18 *an individual air carrier to enable better under-*
19 *standing of the frequency and severity of such mis-*
20 *conduct;*

21 (4) *issue recommendations for flight attendants,*
22 *pilots, and other appropriate airline personnel on law*
23 *enforcement notification in incidents of alleged sexual*
24 *misconduct;*

1 (5) *review and utilize first-hand accounts from*
2 *passengers who have experienced sexual misconduct*
3 *onboard aircraft; and*

4 (6) *other matters deemed necessary by the Task*
5 *Force.*

6 (d) *REPORT.—Not later than 1 year after the date of*
7 *enactment of this Act, the Task Force shall submit a report*
8 *with its recommendations and findings developed pursuant*
9 *to subsection (c) to the Secretary of Transportation.*

10 (e) *PLAN.—Not later than 180 days after receiving the*
11 *report required under subsection (d) the Secretary of Trans-*
12 *portation, in coordination with relevant federal agencies,*
13 *shall submit to appropriate committees of Congress a plan*
14 *to address the recommendations in the report required*
15 *under subsection (d). The Secretary of Transportation shall*
16 *make changes to guidance, policies and regulations, as nec-*
17 *essary, within 1 year of submitting the plan required in*
18 *this subsection.*

19 (f) *REGULATIONS.—Not later than 1 year after sub-*
20 *mitting the plan required in this subsection, the Secretary*
21 *of Transportation may issue regulations as deemed nec-*
22 *essary to require each air carrier and other covered entity*
23 *to develop a policy concerning sexual misconduct in accord-*
24 *ance with the recommendations and findings of the Task*
25 *Force under subsection (c).*

1 (g) *SUNSET.*—*The Task Force established pursuant to*
2 *subsection (a) shall terminate upon the submission of the*
3 *report pursuant to subsection (d).*

4 **SEC. 339B. REPORTING PROCESS FOR SEXUAL MIS-**
5 **CONDUCT ONBOARD AIRCRAFT.**

6 (a) *IN GENERAL.*—*Not later than two years after the*
7 *date of the enactment of this Act, the Attorney General, in*
8 *coordination with relevant Federal agencies, shall establish*
9 *a streamlined process, based on the plan required under sec-*
10 *tion 339A(e) of this Act, for individuals involved in inci-*
11 *dents of alleged sexual misconduct onboard aircraft to re-*
12 *port such allegations of sexual misconduct to law enforce-*
13 *ment in a manner that protects the privacy and confiden-*
14 *tiality of individuals involved in such allegations.*

15 (b) *AVAILABILITY OF REPORTING PROCESS.*—*The*
16 *process for reporting established under subsection (a) shall*
17 *be made available to the public on the primary Internet*
18 *websites of—*

19 (1) *the Office for Victims of Crime and the Office*
20 *on Violence Against Women of the Department of Jus-*
21 *tice;*

22 (2) *the Federal Bureau of Investigation; and*

23 (3) *the Department of Transportation.*

1 ***Subtitle B—Unmanned Aircraft***
 2 ***Systems***

3 ***SEC. 341. DEFINITIONS; INTEGRATION OF CIVIL UNMANNED***
 4 ***AIRCRAFT SYSTEMS INTO NATIONAL AIR-***
 5 ***SPACE SYSTEM.***

6 (a) *IN GENERAL.*—Part A of subtitle VII of title 49,
 7 United States Code, is amended by inserting after chapter
 8 447 the following:

9 ***“CHAPTER 448—UNMANNED AIRCRAFT***
 10 ***SYSTEMS***

“Sec.

“44801. Definitions.

“44802. Integration of civil unmanned aircraft systems into national airspace system.

11 ***“§ 44801. Definitions***

12 *“In this chapter, the following definitions apply:*

13 *“(1) ACTIVELY TETHERED UNMANNED AIRCRAFT*
 14 *SYSTEM.—The term ‘actively tethered unmanned air-*
 15 *craft system’ means an unmanned aircraft system in*
 16 *which the unmanned aircraft component—*

17 *“(A) weighs 4.4 pounds or less, including*
 18 *payload but not including the tether;*

19 *“(B) is physically attached to a ground sta-*
 20 *tion with a taut, appropriately load-rated tether*
 21 *that provides continuous power to the unmanned*
 22 *aircraft and is unlikely to be separated from the*
 23 *unmanned aircraft; and*

1 “(C) is controlled and retrieved by such
2 ground station through physical manipulation of
3 the tether.

4 “(2) *APPROPRIATE COMMITTEES OF CON-*
5 *GRESS.—The term ‘appropriate committees of Con-*
6 *gress’ means the Committee on Commerce, Science,*
7 *and Transportation of the Senate and the Committee*
8 *on Transportation and Infrastructure of the House of*
9 *Representatives.*

10 “(3) *ARCTIC.—The term ‘Arctic’ means the*
11 *United States zone of the Chukchi Sea, Beaufort Sea,*
12 *and Bering Sea north of the Aleutian chain.*

13 “(4) *CERTIFICATE OF WAIVER; CERTIFICATE OF*
14 *AUTHORIZATION.—The terms ‘certificate of waiver’*
15 *and ‘certificate of authorization’ mean a Federal*
16 *Aviation Administration grant of approval for a spe-*
17 *cific flight operation.*

18 “(5) *COUNTER-UAS SYSTEM.—The term*
19 *‘counter-UAS system’ means a system or device capa-*
20 *ble of lawfully and safely disabling, disrupting, or*
21 *seizing control of an unmanned aircraft or unmanned*
22 *aircraft system.*

23 “(6) *PERMANENT AREAS.—The term ‘permanent*
24 *areas’ means areas on land or water that provide for*

1 *launch, recovery, and operation of small unmanned*
2 *aircraft.*

3 “(7) *PUBLIC UNMANNED AIRCRAFT SYSTEM.*—
4 *The term ‘public unmanned aircraft system’ means*
5 *an unmanned aircraft system that meets the quali-*
6 *fications and conditions required for operation of a*
7 *public aircraft.*

8 “(8) *SENSE AND AVOID CAPABILITY.*—*The term*
9 *‘sense and avoid capability’ means the capability of*
10 *an unmanned aircraft to remain a safe distance from*
11 *and to avoid collisions with other airborne aircraft,*
12 *structures on the ground, and other objects.*

13 “(9) *SMALL UNMANNED AIRCRAFT.*—*The term*
14 *‘small unmanned aircraft’ means an unmanned air-*
15 *craft weighing less than 55 pounds, including the*
16 *weight of anything attached to or carried by the air-*
17 *craft.*

18 “(10) *TEST RANGE.*—*The term ‘test range’*
19 *means a defined geographic area where research and*
20 *development are conducted as authorized by the Ad-*
21 *ministrator of the Federal Aviation Administration,*
22 *and includes any of the 6 test ranges established by*
23 *the Administrator under section 332(c) of the FAA*
24 *Modernization and Reform Act of 2012 (49 U.S.C.*
25 *40101 note), as in effect on the day before the date*

1 *of enactment of the FAA Reauthorization Act of 2018,*
2 *and any public entity authorized by the Federal*
3 *Aviation Administration as an unmanned aircraft*
4 *system flight test center before January 1, 2009.*

5 “(11) *UNMANNED AIRCRAFT.*—*The term ‘un-*
6 *manned aircraft’ means an aircraft that is operated*
7 *without the possibility of direct human intervention*
8 *from within or on the aircraft.*

9 “(12) *UNMANNED AIRCRAFT SYSTEM.*—*The term*
10 *‘unmanned aircraft system’ means an unmanned air-*
11 *craft and associated elements (including communica-*
12 *tion links and the components that control the un-*
13 *manned aircraft) that are required for the operator to*
14 *operate safely and efficiently in the national airspace*
15 *system.*

16 “(13) *UTM.*—*The term ‘UTM’ means an un-*
17 *manned aircraft system traffic management system or*
18 *service.*

19 **“§44802. *Integration of civil unmanned aircraft sys-***
20 ***tems into national airspace system***

21 “(a) *REQUIRED PLANNING FOR INTEGRATION.*—

22 “(1) *COMPREHENSIVE PLAN.*—*Not later than No-*
23 *vember 10, 2012, the Secretary of Transportation, in*
24 *consultation with representatives of the aviation in-*
25 *dustry, Federal agencies that employ unmanned air-*

1 *craft systems technology in the national airspace sys-*
2 *tem, and the unmanned aircraft systems industry,*
3 *shall develop a comprehensive plan to safely accelerate*
4 *the integration of civil unmanned aircraft systems*
5 *into the national airspace system.*

6 “(2) *CONTENTS OF PLAN.*—*The plan required*
7 *under paragraph (1) shall contain, at a minimum,*
8 *recommendations or projections on—*

9 “(A) *the rulemaking to be conducted under*
10 *subsection (b), with specific recommendations on*
11 *how the rulemaking will—*

12 “(i) *define the acceptable standards for*
13 *operation and certification of civil un-*
14 *manned aircraft systems;*

15 “(ii) *ensure that any civil unmanned*
16 *aircraft system includes a sense-and-avoid*
17 *capability; and*

18 “(iii) *establish standards and require-*
19 *ments for the operator and pilot of a civil*
20 *unmanned aircraft system, including stand-*
21 *ards and requirements for registration and*
22 *licensing;*

23 “(B) *the best methods to enhance the tech-*
24 *nologies and subsystems necessary to achieve the*

1 *safe and routine operation of civil unmanned*
2 *aircraft systems in the national airspace system;*

3 “(C) *a phased-in approach to the integra-*
4 *tion of civil unmanned aircraft systems into the*
5 *national airspace system;*

6 “(D) *a timeline for the phased-in approach*
7 *described under subparagraph (C);*

8 “(E) *creation of a safe airspace designation*
9 *for cooperative manned and unmanned flight op-*
10 *erations in the national airspace system;*

11 “(F) *establishment of a process to develop*
12 *certification, flight standards, and air traffic re-*
13 *quirements for civil unmanned aircraft systems*
14 *at test ranges where such systems are subject to*
15 *testing;*

16 “(G) *the best methods to ensure the safe op-*
17 *eration of civil unmanned aircraft systems and*
18 *public unmanned aircraft systems simulta-*
19 *neously in the national airspace system; and*

20 “(H) *incorporation of the plan into the an-*
21 *nuual NextGen Implementation Plan document*
22 *(or any successor document) of the Federal Avia-*
23 *tion Administration.*

24 “(3) *DEADLINE.—The plan required under para-*
25 *graph (1) shall provide for the safe integration of civil*

1 *unmanned aircraft systems into the national airspace*
2 *system as soon as practicable, but not later than Sep-*
3 *tember 30, 2015.*

4 “(4) *REPORT TO CONGRESS.*—*Not later than*
5 *February 14, 2013, the Secretary shall submit to Con-*
6 *gress a copy of the plan required under paragraph*
7 *(1).*

8 “(5) *ROADMAP.*—*Not later than February 14,*
9 *2013, the Secretary shall approve and make available*
10 *in print and on the Administration’s internet website*
11 *a 5-year roadmap for the introduction of civil un-*
12 *manned aircraft systems into the national airspace*
13 *system, as coordinated by the Unmanned Aircraft*
14 *Program Office of the Administration. The Secretary*
15 *shall update, in coordination with the Administrator*
16 *of the National Aeronautics and Space Administra-*
17 *tion (NASA) and relevant stakeholders, including*
18 *those in industry and academia, the roadmap annu-*
19 *ally. The roadmap shall include, at a minimum—*

20 “(A) *cost estimates, planned schedules, and*
21 *performance benchmarks, including specific*
22 *tasks, milestones, and timelines, for unmanned*
23 *aircraft systems integration into the national*
24 *airspace system, including an identification of—*

1 “(i) the role of the unmanned aircraft
2 systems test ranges established under sub-
3 section (c) and the Unmanned Aircraft Sys-
4 tems Center of Excellence;

5 “(ii) performance objectives for un-
6 manned aircraft systems that operate in the
7 national airspace system; and

8 “(iii) research and development prior-
9 ities for tools that could assist air traffic
10 controllers as unmanned aircraft systems
11 are integrated into the national airspace
12 system, as appropriate;

13 “(B) a description of how the Administra-
14 tion plans to use research and development, in-
15 cluding research and development conducted
16 through NASA’s Unmanned Aircraft Systems
17 Traffic Management initiatives, to accommodate,
18 integrate, and provide for the evolution of un-
19 manned aircraft systems in the national air-
20 space system;

21 “(C) an assessment of critical performance
22 abilities necessary to integrate unmanned air-
23 craft systems into the national airspace system,
24 and how these performance abilities can be dem-
25 onstrated; and

1 “(D) an update on the advancement of tech-
2 nologies needed to integrate unmanned aircraft
3 systems into the national airspace system, in-
4 cluding decisionmaking by adaptive systems,
5 such as sense-and-avoid capabilities and cyber
6 physical systems security.

7 “(b) RULEMAKING.—Not later than 18 months after
8 the date on which the plan required under subsection (a)(1)
9 is submitted to Congress under subsection (a)(4), the Sec-
10 retary shall publish in the Federal Register—

11 “(1) a final rule on small unmanned aircraft
12 systems that will allow for civil operation of such sys-
13 tems in the national airspace system, to the extent the
14 systems do not meet the requirements for expedited
15 operational authorization under section 44807;

16 “(2) a notice of proposed rulemaking to imple-
17 ment the recommendations of the plan required under
18 subsection (a)(1), with the final rule to be published
19 not later than 16 months after the date of publication
20 of the notice; and

21 “(3) an update to the Administration’s most re-
22 cent policy statement on unmanned aircraft systems,
23 contained in Docket No. FAA–2006–25714.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) *TABLE OF CHAPTERS.*—The table of chapters
 2 for subtitle VII of title 49, United States Code, is
 3 amended by inserting after the item relating to chap-
 4 ter 447 the following:

“448 . Unmanned aircraft systems 44801”.

5 (2) *REPEAL.*—Section 332 of the *FAA Mod-*
 6 *ernization and Reform Act of 2012* (49 U.S.C. 40101
 7 note) and the item relating to that section in the table
 8 of contents under section 1(b) of that Act are repealed.

9 **SEC. 342. UPDATE OF FAA COMPREHENSIVE PLAN.**

10 (a) *IN GENERAL.*—Not later than 270 days after the
 11 date of enactment of this Act, the Secretary of Transpor-
 12 tation shall update the comprehensive plan described in sec-
 13 tion 44802 of title 49, United States Code, to develop a con-
 14 cept of operations for the integration of unmanned aircraft
 15 into the national airspace system.

16 (b) *CONSIDERATIONS.*—In carrying out the update
 17 under subsection (a), the Secretary shall consider, at a min-
 18 imum—

19 (1) the potential use of UTM and other tech-
 20 nologies to ensure the safe and lawful operation of un-
 21 manned aircraft in the national airspace system;

22 (2) the appropriate roles, responsibilities, and
 23 authorities of government agencies and the private
 24 sector in identifying and reporting unlawful or harm-
 25 ful operations and operators of unmanned aircraft;

1 (3) *the use of models, threat assessments, prob-*
2 *abilities, and other methods to distinguish between*
3 *lawful and unlawful operations of unmanned air-*
4 *craft; and*

5 (4) *appropriate systems, training, intergovern-*
6 *mental processes, protocols, and procedures to miti-*
7 *gate risks and hazards posed by unlawful or harmful*
8 *operations of unmanned aircraft systems.*

9 (c) *CONSULTATION.*—*The Secretary shall carry out the*
10 *update under subsection (a) in consultation with represent-*
11 *atives of the aviation industry, Federal agencies that em-*
12 *ploy unmanned aircraft systems technology in the national*
13 *airspace system, and the unmanned aircraft systems indus-*
14 *try.*

15 (d) *PROGRAM ALIGNMENT REPORT.*—*Not later than*
16 *90 days after the date of enactment of this Act, the Sec-*
17 *retary shall submit to the appropriate committees of Con-*
18 *gress, a report that describes a strategy to—*

19 (1) *avoid duplication;*

20 (2) *leverage capabilities learned across programs;*

21 (3) *support the safe integration of UAS into the*
22 *national airspace; and*

23 (4) *systematically and timely implement or exe-*
24 *cute—*

- 1 (A) *commercially-operated Low Altitude*
2 *Authorization and Notification Capability;*
3 (B) *the Unmanned Aircraft System Inte-*
4 *gration Pilot Program; and*
5 (C) *the Unmanned Traffic Management*
6 *Pilot Program.*

7 **SEC. 343. UNMANNED AIRCRAFT TEST RANGES.**

8 (a) *IN GENERAL.*—Chapter 448 of title 49, United
9 States Code, as added by this Act, is further amended by
10 adding at the end the following:

11 **“§ 44803. Unmanned aircraft test ranges**

12 “(a) *IN GENERAL.*—The Administrator of the Federal
13 Aviation Administration shall carry out and update, as ap-
14 propriate, a program for the use of the test ranges to facili-
15 tate the safe integration of unmanned aircraft systems into
16 the national airspace system.

17 “(b) *PROGRAM REQUIREMENTS.*—In carrying out the
18 program under subsection (a), the Administrator shall—

19 “(1) *designate airspace for safely testing the in-*
20 *tegration of unmanned flight operations in the na-*
21 *tional airspace system;*

22 “(2) *develop operational standards and air traf-*
23 *fic requirements for unmanned flight operations at*
24 *test ranges;*

1 “(3) coordinate with, and leverage the resources
2 of, the National Aeronautics and Space Administra-
3 tion and the Department of Defense;

4 “(4) address both civil and public unmanned
5 aircraft systems;

6 “(5) ensure that the program is coordinated with
7 relevant aspects of the Next Generation Air Transpor-
8 tation System;

9 “(6) provide for verification of the safety of un-
10 manned aircraft systems and related navigation pro-
11 cedures as it relates to continued development of
12 standards for integration into the national airspace
13 system;

14 “(7) engage test range operators, as necessary
15 and within available resources, in projects for re-
16 search, development, testing, and evaluation of un-
17 manned aircraft systems to facilitate the Federal
18 Aviation Administration’s development of standards
19 for the safe integration of unmanned aircraft into the
20 national airspace system, which may include solu-
21 tions for—

22 “(A) developing and enforcing geographic
23 and altitude limitations;

24 “(B) providing for alerts by the manufac-
25 turer of an unmanned aircraft system regarding

1 *any hazards or limitations on flight, including*
2 *prohibition on flight as necessary;*

3 “(C) *sense and avoid capabilities;*

4 “(D) *beyond-visual-line-of-sight operations,*
5 *nighttime operations, operations over people, op-*
6 *eration of multiple small unmanned aircraft sys-*
7 *tems, and unmanned aircraft systems traffic*
8 *management, or other critical research priorities;*
9 *and*

10 “(E) *improving privacy protections through*
11 *the use of advances in unmanned aircraft sys-*
12 *tems technology;*

13 “(8) *coordinate periodically with all test range*
14 *operators to ensure test range operators know which*
15 *data should be collected, what procedures should be*
16 *followed, and what research would advance efforts to*
17 *safely integrate unmanned aircraft systems into the*
18 *national airspace system;*

19 “(9) *streamline to the extent practicable the ap-*
20 *proval process for test ranges when processing un-*
21 *manned aircraft certificates of waiver or authoriza-*
22 *tion for operations at the test sites;*

23 “(10) *require each test range operator to protect*
24 *proprietary technology, sensitive data, or sensitive re-*
25 *search of any civil or private entity when using that*

1 *test range without the need to obtain an experimental*
2 *or special airworthiness certificate;*

3 *“(11) allow test range operators to receive Fed-*
4 *eral funding, other than from the Federal Aviation*
5 *Administration, including in-kind contributions,*
6 *from test range participants in the furtherance of re-*
7 *search, development, and testing objectives.*

8 *“(c) WAIVERS.—In carrying out this section the Ad-*
9 *ministrator may waive the requirements of section 44711*
10 *of title 49, United States Code, including related regula-*
11 *tions, to the extent consistent with aviation safety.*

12 *“(d) REVIEW OF OPERATIONS BY TEST RANGE OPERA-*
13 *TORS.—The operator of each test range under subsection (a)*
14 *shall—*

15 *“(1) review the operations of unmanned aircraft*
16 *systems conducted at the test range, including—*

17 *“(A) ongoing or completed research; and*

18 *“(B) data regarding operations by private*
19 *and public operators; and*

20 *“(2) submit to the Administrator, in such form*
21 *and manner as specified by the Administrator, the re-*
22 *sults of the review, including recommendations to fur-*
23 *ther enable private research and development oper-*
24 *ations at the test ranges that contribute to the Federal*
25 *Aviation Administration’s safe integration of un-*

1 *manned aircraft systems into the national airspace*
2 *system, on a quarterly basis until the program termi-*
3 *nates.*

4 *“(e) TESTING.—The Secretary of Transportation may*
5 *authorize an operator of a test range described in subsection*
6 *(a) to administer testing requirements established by the*
7 *Administrator for unmanned aircraft systems operations.*

8 *“(f) COLLABORATIVE RESEARCH AND DEVELOPMENT*
9 *AGREEMENTS.—The Administrator may use the other*
10 *transaction authority under section 106(l)(6) and enter*
11 *into collaborative research and development agreements, to*
12 *direct research related to unmanned aircraft systems, in-*
13 *cluding at any test range under subsection (a), and in co-*
14 *ordination with the Center of Excellence for Unmanned*
15 *Aircraft Systems.*

16 *“(g) USE OF CENTER OF EXCELLENCE FOR UN-*
17 *MANNED AIRCRAFT SYSTEMS.—The Administrator, in car-*
18 *rying out research necessary to implement the consensus*
19 *safety standards requirements in section 44805 shall, to the*
20 *maximum extent practicable, leverage the research and test-*
21 *ing capacity and capabilities of the Center of Excellence*
22 *for Unmanned Aircraft Systems and the test ranges.*

23 *“(h) TERMINATION.—The program under this section*
24 *shall terminate on September 30, 2023.”.*

1 (b) *TABLE OF CONTENTS.*—*The table of contents for*
2 *chapter 448, as added by this Act, is further amended by*
3 *adding at the end the following:*

 “44803. *Unmanned aircraft system test ranges.*”.

4 **SEC. 344. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.**

5 (a) *IN GENERAL.*—*Chapter 448 of title 49, United*
6 *States Code, as added by this Act, is further amended by*
7 *adding at the end the following:*

8 **“§44804. Small unmanned aircraft in the Arctic**

9 “(a) *IN GENERAL.*—*The Secretary of Transportation*
10 *shall develop a plan and initiate a process to work with*
11 *relevant Federal agencies and national and international*
12 *communities to designate permanent areas in the Arctic*
13 *where small unmanned aircraft may operate 24 hours per*
14 *day for research and commercial purposes.*

15 “(b) *PLAN CONTENTS.*—*The plan under subsection (a)*
16 *shall include the development of processes to facilitate the*
17 *safe operation of small unmanned aircraft beyond the vis-*
18 *ual line of sight.*

19 “(c) *REQUIREMENTS.*—*Each permanent area des-*
20 *ignated under subsection (a) shall enable over-water flights*
21 *from the surface to at least 2,000 feet in altitude, with in-*
22 *gress and egress routes from selected coastal launch sites.*

23 “(d) *AGREEMENTS.*—*To implement the plan under*
24 *subsection (a), the Secretary may enter into an agreement*
25 *with relevant national and international communities.*

1 “(e) AIRCRAFT APPROVAL.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 not later than 1 year after the entry into force of an
4 agreement necessary to effectuate the purposes of this
5 section, the Secretary shall work with relevant na-
6 tional and international communities to establish and
7 implement a process for approving the use of a small
8 unmanned aircraft in the designated permanent areas
9 in the Arctic without regard to whether the small un-
10 manned aircraft is used as a public aircraft, a civil
11 aircraft, or a model aircraft.

12 “(2) EXISTING PROCESS.—The Secretary may
13 implement an existing process to meet the require-
14 ments under paragraph (1).”.

15 (b) TABLE OF CONTENTS.—The table of contents for
16 chapter 448 of title 49, United States Code, as added by
17 this Act, is further amended by adding at the end the fol-
18 lowing:

“44804. Small unmanned aircraft in the Arctic.”.

19 **SEC. 345. SMALL UNMANNED AIRCRAFT SAFETY STAND-**
20 **ARDS.**

21 (a) IN GENERAL.—Chapter 448 of title 49, United
22 States Code, as added by this Act, is further amended by
23 adding at the end the following:

1 **“§ 44805. Small Unmanned aircraft safety standards**

2 “(a) *FAA PROCESS FOR ACCEPTANCE AND AUTHOR-*
3 *IZATION.—The Administrator of the Federal Aviation Ad-*
4 *ministration shall establish a process for—*

5 “(1) *accepting risk-based consensus safety stand-*
6 *ards related to the design, production, and modifica-*
7 *tion of small unmanned aircraft systems;*

8 “(2) *authorizing the operation of small un-*
9 *manned aircraft system make and model designed,*
10 *produced, or modified in accordance with the con-*
11 *sensus safety standards accepted under paragraph*
12 *(1);*

13 “(3) *authorizing a manufacturer to self-certify a*
14 *small unmanned aircraft system make or model that*
15 *complies with consensus safety standards accepted*
16 *under paragraph (1); and*

17 “(4) *certifying a manufacturer of small un-*
18 *manned aircraft systems, or an employee of such*
19 *manufacturer, that has demonstrated compliance with*
20 *the consensus safety standards accepted under para-*
21 *graph (1) and met any other qualifying criteria, as*
22 *determined by the Administrator, to alternatively sat-*
23 *isfy the requirements of paragraph (1).*

24 “(b) *CONSIDERATIONS.—Before accepting consensus*
25 *safety standards under subsection (a), the Administrator of*

1 *the Federal Aviation Administration shall consider the fol-*
2 *lowing:*

3 “(1) *Technologies or standards related to geo-*
4 *graphic limitations, altitude limitations, and sense*
5 *and avoid capabilities.*

6 “(2) *Using performance-based requirements.*

7 “(3) *Assessing varying levels of risk posed by dif-*
8 *ferent small unmanned aircraft systems and their op-*
9 *eration and tailoring performance-based requirements*
10 *to appropriately mitigate risk.*

11 “(4) *Predetermined action to maintain safety in*
12 *the event that a communications link between a small*
13 *unmanned aircraft and its operator is lost or com-*
14 *promised.*

15 “(5) *Detectability and identifiability to pilots,*
16 *the Federal Aviation Administration, and air traffic*
17 *controllers, as appropriate.*

18 “(6) *Means to prevent tampering with or modi-*
19 *fication of any system, limitation, or other safety*
20 *mechanism or standard under this section or any*
21 *other provision of law, including a means to identify*
22 *any tampering or modification that has been made.*

23 “(7) *Consensus identification standards under*
24 *section 2202 of the FAA Extension, Safety, and Secu-*

1 *ality Act of 2016 (Public Law 114–190; 130 Stat.*
2 *615).*

3 *“(8) To the extent not considered previously by*
4 *the consensus body that crafted consensus safety*
5 *standards, cost-benefit and risk analyses of consensus*
6 *safety standards that may be accepted pursuant to*
7 *subsection (a) for newly designed small unmanned*
8 *aircraft systems.*

9 *“(9) Applicability of consensus safety standards*
10 *to small unmanned aircraft systems that are not*
11 *manufactured commercially.*

12 *“(10) Any technology or standard related to*
13 *small unmanned aircraft systems that promotes avia-*
14 *tion safety.*

15 *“(11) Any category of unmanned aircraft sys-*
16 *tems that should be exempt from the consensus safety*
17 *standards based on risk factors.*

18 *“(e) NONAPPLICABILITY OF OTHER LAWS.—The proc-*
19 *ess for authorizing the operation of small unmanned air-*
20 *craft systems under subsection (a) may allow for operation*
21 *of any applicable small unmanned aircraft systems within*
22 *the national airspace system without requiring—*

23 *“(1) airworthiness certification requirements*
24 *under section 44704 of this title; or*

1 “(2) type certification under part 21 of title 14,
2 Code of Federal Regulations.

3 “(f) REVOCATION.—The Administrator may suspend
4 or revoke the authorizations in subsection (a) if the Admin-
5 istrator determines that the manufacturer or the small un-
6 manned aircraft system is no longer in compliance with
7 the standards accepted by the Administrator under sub-
8 section (a)(1) or with the manufacturer’s statement of com-
9 pliance under subsection (h).

10 “(g) REQUIREMENTS.—With regard to an authoriza-
11 tion under the processes in subsection (a), the Adminis-
12 trator may require a manufacturer of small unmanned air-
13 craft systems to provide the Federal Aviation Administra-
14 tion with the following:

15 “(1) The aircraft system’s operating instructions.

16 “(2) The aircraft system’s recommended mainte-
17 nance and inspection procedures.

18 “(3) The manufacturer’s statement of compliance
19 described in subsection (h).

20 “(4) Upon request, a sample aircraft to be in-
21 spected by the Federal Aviation Administration to en-
22 sure compliance with the consensus safety standards
23 accepted by the Administrator under subsection (a).

1 “(h) *MANUFACTURER’S STATEMENT OF COMPLIANCE*
2 *FOR SMALL UAS.*—A manufacturer’s statement of compli-
3 *ance shall—*

4 “(1) *identify the aircraft make, model, range of*
5 *serial numbers, and any applicable consensus safety*
6 *standards used and accepted by the Administrator;*

7 “(2) *state that the aircraft make and model*
8 *meets the provisions of the consensus safety standards*
9 *identified in paragraph (1);*

10 “(3) *state that the aircraft make and model con-*
11 *forms to the manufacturer’s design data and is manu-*
12 *factured in a way that ensures consistency across*
13 *units in the production process in order to meet the*
14 *applicable consensus safety standards accepted by the*
15 *Administrator;*

16 “(4) *state that the manufacturer will make*
17 *available to the Administrator, operators, or cus-*
18 *tomers—*

19 “(A) *the aircraft’s operating instructions,*
20 *which conform to the consensus safety standards*
21 *identified in paragraph (1); and*

22 “(B) *the aircraft’s recommended mainte-*
23 *nance and inspection procedures, which conform*
24 *to the consensus safety standards identified in*
25 *paragraph (1);*

1 “(5) state that the manufacturer will monitor
2 *safety-of-flight issues and take action to ensure it*
3 *meets the consensus safety standards identified in*
4 *paragraph (1) and report these issues and subsequent*
5 *actions to the Administrator;*

6 “(6) state that at the request of the Adminis-
7 8 cess for the Administrator to its facilities for the pur-
9 poses of overseeing compliance with this section; and

10 “(7) state that the manufacturer, in accordance
11 with the consensus safety standards accepted by the
12 Federal Aviation Administration, has—

13 “(A) ground and flight tested random sam-
14 ples of the aircraft;

15 “(B) found the sample aircraft performance
16 acceptable; and

17 “(C) determined that the make and model of
18 aircraft is suitable for safe operation.

19 “(i) *PROHIBITIONS.—*

20 “(1) *FALSE STATEMENTS OF COMPLIANCE.—It*
21 *shall be unlawful for any person to knowingly submit*
22 *a statement of compliance described in subsection (h)*
23 *that is fraudulent or intentionally false.*

24 “(2) *INTRODUCTION INTO INTERSTATE COM-*
25 *MERCE.—Unless the Administrator determines oper-*

1 *ation of an unmanned aircraft system may be con-*
2 *ducted without an airworthiness certificate or permis-*
3 *sion, authorization, or approval under subsection (a),*
4 *it shall be unlawful for any person to knowingly in-*
5 *troduce or deliver for introduction into interstate*
6 *commerce any small unmanned aircraft system that*
7 *is manufactured after the date that the Administrator*
8 *accepts consensus safety standards under this section*
9 *unless—*

10 *“(A) the make and model has been author-*
11 *ized for operation under subsection (a); or*

12 *“(B) the aircraft has alternatively received*
13 *design and production approval issued by the*
14 *Federal Aviation Administration.*

15 *“(j) EXCLUSIONS.—The Administrator may exempt*
16 *from the requirements of this section small unmanned air-*
17 *craft systems that are not capable of navigating beyond the*
18 *visual line of sight of the operator through advanced flight*
19 *systems and technology, if the Administrator determines*
20 *that such an exemption does not pose a risk to the safety*
21 *of the national airspace system.”.*

22 *(b) UNMANNED AIRCRAFT SYSTEMS RESEARCH FACIL-*
23 *ITY.—The Center of Excellence for Unmanned Aircraft Sys-*
24 *tems shall establish an unmanned aircraft systems research*
25 *facility to study appropriate safety standards for un-*

1 *manned aircraft systems and to validate such standards,*
2 *as directed by the Administrator of the Federal Aviation*
3 *Administration, consistent with section 44805 of title 49,*
4 *United States Code, as added by this section.*

5 (c) *TABLE OF CONTENTS.—The table of contents for*
6 *chapter 448 of title 49, United States Code, as added by*
7 *this Act, is further amended by adding at the end the fol-*
8 *lowing:*

“44805. Small unmanned aircraft safety standards.”.

9 **SEC. 346. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

10 (a) *IN GENERAL.—Chapter 448 of title 49, United*
11 *States Code, as added by this Act, is further amended by*
12 *adding at the end the following:*

13 **“§ 44806. Public unmanned aircraft systems**

14 *“(a) GUIDANCE.—The Secretary of Transportation*
15 *shall issue guidance regarding the operation of a public un-*
16 *manned aircraft system—*

17 *“(1) to streamline and expedite the process for*
18 *the issuance of a certificate of authorization or a cer-*
19 *tificate of waiver;*

20 *“(2) to facilitate the capability of public agencies*
21 *to develop and use test ranges, subject to operating re-*
22 *strictions required by the Federal Aviation Adminis-*
23 *tration, to test and operate public unmanned aircraft*
24 *systems; and*

1 “(3) to provide guidance on a public agency’s re-
2 responsibilities when operating an unmanned aircraft
3 without a civil airworthiness certificate issued by the
4 Administration.

5 “(b) AGREEMENTS WITH GOVERNMENT AGENCIES.—

6 “(1) IN GENERAL.—The Secretary shall enter
7 into an agreement with each appropriate public agen-
8 cy to simplify the process for issuing a certificate of
9 waiver or a certificate of authorization with respect
10 to an application for authorization to operate a pub-
11 lic unmanned aircraft system in the national air-
12 space system.

13 “(2) CONTENTS.—An agreement under para-
14 graph (1) shall—

15 “(A) with respect to an application de-
16 scribed in paragraph (1)—

17 “(i) provide for an expedited review of
18 the application;

19 “(ii) require a decision by the Admin-
20 istrator on approval or disapproval not
21 later than 60 business days after the date of
22 submission of the application; and

23 “(iii) allow for an expedited appeal if
24 the application is disapproved;

1 “(B) allow for a one-time approval of simi-
2 lar operations carried out during a fixed period
3 of time; and

4 “(C) allow a government public safety agen-
5 cy to operate an unmanned aircraft weighing 4.4
6 pounds or less if that unmanned aircraft is oper-
7 ated—

8 “(i) within or beyond the visual line of
9 sight of the operator;

10 “(ii) less than 400 feet above the
11 ground;

12 “(iii) during daylight conditions;

13 “(iv) within Class G airspace; and

14 “(v) outside of 5 statute miles from
15 any airport, heliport, seaplane base, space-
16 port, or other location with aviation activi-
17 ties.

18 “(c) *PUBLIC ACTIVELY TETHERED UNMANNED AIR-*
19 *CRAFT SYSTEMS.*—

20 “(1) *IN GENERAL.*—Not later than 180 days
21 after the date of enactment of this Act, the Adminis-
22 trator of the Federal Aviation Administration shall
23 permit the use of, and may issue guidance regarding,
24 the use of public actively tethered unmanned aircraft
25 systems that are—

1 “(A) operated at an altitude of less than
2 150 feet above ground level;

3 “(B) operated—

4 “(i) within class G airspace; or

5 “(ii) at or below the ceiling depicted on
6 the Federal Aviation Administration’s pub-
7 lished UAS facility maps for class B, C, D,
8 or E surface area airspace;

9 “(C) not flown directly over non-partici-
10 pating persons;

11 “(D) operated within visual line of sight of
12 the operator; and

13 “(E) operated in a manner that does not
14 interfere with and gives way to any other air-
15 craft.

16 “(2) REQUIREMENTS.—Public actively tethered
17 unmanned aircraft systems may be operated —

18 “(A) without any requirement to obtain a
19 certificate of authorization, certificate of waiver,
20 or other approval by the Federal Aviation Ad-
21 ministration;

22 “(B) without requiring airman certification
23 under section 44703 of this title or any rule or
24 regulation relating to airman certification; and

1 “(C) *without requiring airworthiness cer-*
2 *tification under section 44704 of this title or any*
3 *rule or regulation relating to aircraft certifi-*
4 *cation.*

5 “(3) *SAFETY STANDARDS.—Public actively teth-*
6 *ered unmanned aircraft systems operated within the*
7 *scope of the guidance issued pursuant to paragraph*
8 *(1) shall be exempt from the requirements of section*
9 *44805 of this title.*

10 “(4) *SAVINGS PROVISION.—Nothing in this sub-*
11 *section shall be construed to preclude the Adminis-*
12 *trator of the Federal Aviation Administration from*
13 *issuing new regulations for public actively tethered*
14 *unmanned aircraft systems in order to ensure the*
15 *safety of the national airspace system.*

16 “(d) *FEDERAL AGENCY COORDINATION TO ENHANCE*
17 *THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUB-*
18 *LIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator*
19 *shall assist Federal civilian Government agencies that oper-*
20 *ate unmanned aircraft systems within civil-controlled air-*
21 *space, in operationally deploying and integrating sense and*
22 *avoid capabilities, as necessary to operate unmanned air-*
23 *craft systems safely within the national airspace system.”.*

24 “(b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

1 (1) *TABLE OF CONTENTS.*—*The table of contents*
 2 *for chapter 448 of title 49, United States Code, as*
 3 *added by this Act, is further amended by adding at*
 4 *the end the following:*

“44806. *Public unmanned aircraft systems.*”.

5 (2) *PUBLIC UNMANNED AIRCRAFT SYSTEMS.*—
 6 *Section 334 of the FAA Modernization and Reform*
 7 *Act of 2012 (49 U.S.C. 40101 note) and the item re-*
 8 *lating to that section in the table of contents under*
 9 *section 1(b) of that Act (126 Stat. 13) are repealed.*

10 (3) *FACILITATING INTERAGENCY COOPERA-*
 11 *TION.*—*Section 2204(a) of the FAA Extension, Safety,*
 12 *and Security Act of 2016 (Public Law 114-190; 130*
 13 *Stat. 615) is amended by striking “section 334(c) of*
 14 *the FAA Modernization and Reform Act of 2012 (49*
 15 *U.S.C. 40101 note)” and inserting “section 44806 of*
 16 *title 49, United States Code”.*

17 **SEC. 347. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
 18 **AIRCRAFT SYSTEMS.**

19 (a) *IN GENERAL.*—*Chapter 448 of title 49, United*
 20 *States Code, as added by this Act, is further amended by*
 21 *adding at the end the following:*

22 **“§ 44807. Special authority for certain unmanned air-**
 23 **craft systems**

24 “(a) *IN GENERAL.*—*Notwithstanding any other re-*
 25 *quirement of this chapter, the Secretary of Transportation*

1 *shall use a risk-based approach to determine if certain un-*
2 *manned aircraft systems may operate safely in the national*
3 *airspace system notwithstanding completion of the com-*
4 *prehensive plan and rulemaking required by section 44802*
5 *or the guidance required by section 44806.*

6 “(b) *ASSESSMENT OF UNMANNED AIRCRAFT SYS-*
7 *TEMS.—In making the determination under subsection (a),*
8 *the Secretary shall determine, at a minimum—*

9 “(1) *which types of unmanned aircraft systems,*
10 *if any, as a result of their size, weight, speed, oper-*
11 *ational capability, proximity to airports and popu-*
12 *lated areas, operation over people, and operation*
13 *within or beyond the visual line of sight, or operation*
14 *during the day or night, do not create a hazard to*
15 *users of the national airspace system or the public;*
16 *and*

17 “(2) *whether a certificate under section 44703 or*
18 *section 44704 of this title, or a certificate of waiver*
19 *or certificate of authorization, is required for the op-*
20 *eration of unmanned aircraft systems identified*
21 *under paragraph (1) of this subsection.*

22 “(c) *REQUIREMENTS FOR SAFE OPERATION.—If the*
23 *Secretary determines under this section that certain un-*
24 *manned aircraft systems may operate safely in the national*
25 *airspace system, the Secretary shall establish requirements*

1 *for the safe operation of such aircraft systems in the na-*
2 *tional airspace system, including operation related to re-*
3 *search, development, and testing of proprietary systems.*

4 “(d) *SUNSET.*—*The authority under this section for*
5 *the Secretary to determine if certain unmanned aircraft*
6 *systems may operate safely in the national airspace system*
7 *terminates effective September 30, 2023.”.*

8 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

9 (1) *TABLE OF CONTENTS.*—*The table of contents*
10 *for chapter 448, as added by this Act, is further*
11 *amended by adding at the end the following:*

“44807. Special authority for certain unmanned aircraft systems.”.

12 (2) *SPECIAL RULES FOR CERTAIN UNMANNED*
13 *AIRCRAFT SYSTEMS.*—*Section 333 of the FAA Mod-*
14 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
15 *note) and the item relating to that section in the table*
16 *of contents under section 1(b) of that Act (126 Stat.*
17 *13) are repealed.*

18 **SEC. 348. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
19 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
20 **HIRE.**

21 (a) *IN GENERAL.*—*Chapter 448 of title 49, United*
22 *States Code, as added by this Act, is further amended by*
23 *adding at the end the following:*

1 **“§44808. Carriage of property by small unmanned**
2 **aircraft systems for compensation or hire**

3 “(a) *IN GENERAL.*—Not later than 1 year after the
4 date of enactment of the *FAA Reauthorization Act of 2018*,
5 the Administrator of the Federal Aviation Administration
6 shall update existing regulations to authorize the carriage
7 of property by operators of small unmanned aircraft sys-
8 tems for compensation or hire within the United States.

9 “(b) *CONTENTS.*—Any rulemaking conducted under
10 subsection (a) shall provide for the following:

11 “(1) *Use performance-based requirements.*

12 “(2) *Consider varying levels of risk to other air-*
13 *craft and to persons and property on the ground*
14 *posed by different unmanned aircraft systems and*
15 *their operation and tailor performance-based require-*
16 *ments to appropriately mitigate risk.*

17 “(3) *Consider the unique characteristics of highly*
18 *automated, small unmanned aircraft systems.*

19 “(4) *Include requirements for the safe operation*
20 *of small unmanned aircraft systems that, at a min-*
21 *imum, address—*

22 “(A) *airworthiness of small unmanned air-*
23 *craft systems;*

24 “(B) *qualifications for operators and the*
25 *type and nature of the operations;*

1 “(C) operating specifications governing the
2 type and nature of the unmanned aircraft sys-
3 tem air carrier operations; and

4 “(D) the views of State, local, and tribal of-
5 ficials related to potential impacts of the car-
6 riage of property by operators of small un-
7 manned aircraft systems for compensation or
8 hire within the communities to be served.

9 “(5) SMALL UAS.—The Secretary may amend
10 part 298 of title 14, Code of Federal Regulations, to
11 update existing regulations to establish economic au-
12 thority for the carriage of property by small un-
13 manned aircraft systems for compensation or hire.
14 Such authority shall only require—

15 “(A) registration with the Department of
16 Transportation;

17 “(B) authorization from the Federal Avia-
18 tion Administration to conduct operations; and

19 “(C) compliance with chapters 401, 411,
20 and 417.

21 “(6) AVAILABILITY OF CURRENT CERTIFICATION
22 PROCESSES.—Pending completion of the rulemaking
23 required in subsection (a) of this section, a person
24 may seek an air carrier operating certificate and cer-
25 tificate of public convenience and necessity, or an ex-

1 *emption from such certificate, using existing proc-*
2 *esses.”.*

3 *(b) TABLE OF CONTENTS.—The table of contents for*
4 *chapter 448 of title 49, United States Code, as added by*
5 *this Act, is further amended by adding at the end the fol-*
6 *lowing:*

“44808. Carriage of property by small unmanned aircraft systems for compensa-
tion or hire.”.

7 **SEC. 349. EXCEPTION FOR LIMITED RECREATIONAL OPER-**
8 **ATIONS OF UNMANNED AIRCRAFT.**

9 *(a) IN GENERAL.—Chapter 448 of title 49, United*
10 *States Code, as added by this Act, is further amended by*
11 *adding at the end the following:*

12 **“§44809. Exception for limited recreational oper-**
13 **ations of unmanned aircraft**

14 *“(a) IN GENERAL.—Except as provided in subsection*
15 *(e), and notwithstanding chapter 447 of title 49, United*
16 *States Code, a person may operate a small unmanned air-*
17 *craft without specific certification or operating authority*
18 *from the Federal Aviation Administration if the operation*
19 *adheres to all of the following limitations:*

20 *“(1) The aircraft is flown strictly for rec-*
21 *reational purposes.*

22 *“(2) The aircraft is operated in accordance with*
23 *or within the programming of a community-based or-*
24 *ganization’s set of safety guidelines that are developed*

1 *in coordination with the Federal Aviation Adminis-*
2 *tration.*

3 “(3) *The aircraft is flown within the visual line*
4 *of sight of the person operating the aircraft or a vis-*
5 *ual observer co-located and in direct communication*
6 *with the operator.*

7 “(4) *The aircraft is operated in a manner that*
8 *does not interfere with and gives way to any manned*
9 *aircraft.*

10 “(5) *In Class B, Class C, or Class D airspace or*
11 *within the lateral boundaries of the surface area of*
12 *Class E airspace designated for an airport, the oper-*
13 *ator obtains prior authorization from the Adminis-*
14 *trator or designee before operating and complies with*
15 *all airspace restrictions and prohibitions.*

16 “(6) *In Class G airspace, the aircraft is flown*
17 *from the surface to not more than 400 feet above*
18 *ground level and complies with all airspace restric-*
19 *tions and prohibitions.*

20 “(7) *The operator has passed an aeronautical*
21 *knowledge and safety test described in subsection (g)*
22 *and maintains proof of test passage to be made avail-*
23 *able to the Administrator or law enforcement upon re-*
24 *quest.*

1 “(8) *The aircraft is registered and marked in ac-*
2 *cordance with chapter 441 of this title and proof of*
3 *registration is made available to the Administrator or*
4 *a designee of the Administrator or law enforcement*
5 *upon request.*

6 “(b) *OTHER OPERATIONS.—Unmanned aircraft oper-*
7 *ations that do not conform to the limitations in subsection*
8 *(a) must comply with all statutes and regulations generally*
9 *applicable to unmanned aircraft and unmanned aircraft*
10 *systems.*

11 “(c) *OPERATIONS AT FIXED SITES.—*

12 “(1) *OPERATING PROCEDURE REQUIRED.—Per-*
13 *sons operating unmanned aircraft under subsection*
14 *(a) from a fixed site within Class B, Class C, or Class*
15 *D airspace or within the lateral boundaries of the*
16 *surface area of Class E airspace designated for an*
17 *airport, or a community-based organization con-*
18 *ducting a sanctioned event within such airspace, shall*
19 *make the location of the fixed site known to the Ad-*
20 *ministrator and shall establish a mutually agreed*
21 *upon operating procedure with the air traffic control*
22 *facility.*

23 “(2) *UNMANNED AIRCRAFT WEIGHING MORE*
24 *THAN 55 POUNDS.—A person may operate an un-*
25 *manned aircraft weighing more than 55 pounds, in-*

1 *cluding the weight of anything attached to or carried*
2 *by the aircraft, under subsection (a) if—*

3 *“(A) the unmanned aircraft complies with*
4 *standards and limitations developed by a com-*
5 *munity-based organization and approved by the*
6 *Administrator; and*

7 *“(B) the aircraft is operated from a fixed*
8 *site as described in paragraph (1).*

9 *“(d) UPDATES.—*

10 *“(1) IN GENERAL.—The Administrator, in con-*
11 *sultation with government, stakeholders, and commu-*
12 *nity-based organizations, shall initiate a process to*
13 *periodically update the operational parameters under*
14 *subsection (a), as appropriate.*

15 *“(2) CONSIDERATIONS.—In updating an oper-*
16 *ational parameter under paragraph (1), the Adminis-*
17 *trator shall consider—*

18 *“(A) appropriate operational limitations to*
19 *mitigate risks to aviation safety and national se-*
20 *curity, including risk to the uninvolved public*
21 *and critical infrastructure;*

22 *“(B) operations outside the membership,*
23 *guidelines, and programming of a community-*
24 *based organization;*

1 “(C) *physical characteristics, technical*
2 *standards, and classes of aircraft operating*
3 *under this section;*

4 “(D) *trends in use, enforcement, or inci-*
5 *idents involving unmanned aircraft systems;*

6 “(E) *ensuring, to the greatest extent prac-*
7 *ticable, that updates to the operational param-*
8 *eters correspond to, and leverage, advances in*
9 *technology; and*

10 “(F) *equipage requirements that facilitate*
11 *safe, efficient, and secure operations and further*
12 *integrate all unmanned aircraft into the na-*
13 *tional airspace system.*

14 “(3) *SAVINGS CLAUSE.—Nothing in this sub-*
15 *section shall be construed as expanding the authority*
16 *of the Administrator to require a person operating an*
17 *unmanned aircraft under this section to seek permis-*
18 *sive authority of the Administrator, beyond that re-*
19 *quired in subsection (a) of this section, prior to oper-*
20 *ation in the national airspace system.*

21 “(e) *STATUTORY CONSTRUCTION.—Nothing in this sec-*
22 *tion shall be construed to limit the authority of the Admin-*
23 *istrator to pursue an enforcement action against a person*
24 *operating any unmanned aircraft who endangers the safety*
25 *of the national airspace system.*

1 “(f) *EXCEPTIONS.*—*Nothing in this section prohibits*
2 *the Administrator from promulgating rules generally appli-*
3 *cable to unmanned aircraft, including those unmanned air-*
4 *craft eligible for the exception set forth in this section, relat-*
5 *ing to—*

6 “(1) *updates to the operational parameters for*
7 *unmanned aircraft in subsection (a);*

8 “(2) *the registration and marking of unmanned*
9 *aircraft;*

10 “(3) *the standards for remotely identifying own-*
11 *ers and operators of unmanned aircraft systems and*
12 *associated unmanned aircraft; and*

13 “(4) *other standards consistent with maintain-*
14 *ing the safety and security of the national airspace*
15 *system.*

16 “(g) *AERONAUTICAL KNOWLEDGE AND SAFETY*
17 *TEST.*—

18 “(1) *IN GENERAL.*—*Not later than 180 days*
19 *after the date of enactment of this section, the Admin-*
20 *istrator, in consultation with manufacturers of un-*
21 *manned aircraft systems, other industry stakeholders,*
22 *and community-based organizations, shall develop an*
23 *aeronautical knowledge and safety test, which can*
24 *then be administered electronically by the Adminis-*

1 *trator, a community-based organization, or a person*
2 *designated by the Administrator.*

3 *“(2) REQUIREMENTS.—The Administrator shall*
4 *ensure the aeronautical knowledge and safety test is*
5 *designed to adequately demonstrate an operator’s—*

6 *“(A) understanding of aeronautical safety*
7 *knowledge; and*

8 *“(B) knowledge of Federal Aviation Admin-*
9 *istration regulations and requirements per-*
10 *taining to the operation of an unmanned air-*
11 *craft system in the national airspace system.*

12 *“(h) COMMUNITY-BASED ORGANIZATION DEFINED.—*
13 *In this section, the term ‘community-based organization’*
14 *means a membership-based association entity that—*

15 *“(1) is described in section 501(c)(3) of the In-*
16 *ternal Revenue Code of 1986;*

17 *“(2) is exempt from tax under section 501(a) of*
18 *the Internal Revenue Code of 1986;*

19 *“(3) the mission of which is demonstrably the*
20 *furtherance of model aviation;*

21 *“(4) provides a comprehensive set of safety*
22 *guidelines for all aspects of model aviation addressing*
23 *the assembly and operation of model aircraft and that*
24 *emphasize safe aeromodelling operations within the*
25 *national airspace system and the protection and safe-*

1 *ty of individuals and property on the ground, and*
2 *may provide a comprehensive set of safety rules and*
3 *programming for the operation of unmanned aircraft*
4 *that have the advanced flight capabilities enabling ac-*
5 *tive, sustained, and controlled navigation of the air-*
6 *craft beyond visual line of sight of the operator;*

7 *“(5) provides programming and support for any*
8 *local charter organizations, affiliates, or clubs; and*

9 *“(6) provides assistance and support in the de-*
10 *velopment and operation of locally designated model*
11 *aircraft flying sites.*

12 *“(i) RECOGNITION OF COMMUNITY-BASED ORGANIZA-*
13 *TIONS.—In collaboration with aeromodelling stakeholders,*
14 *the Administrator shall publish an advisory circular within*
15 *180 days of the date of enactment of this section that identi-*
16 *fies the criteria and process required for recognition of com-*
17 *munity-based organizations.”.*

18 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

19 *(1) TABLE OF CONTENTS.—The table of contents*
20 *for chapter 448 of title 49, United States Code, as*
21 *added by this Act, is further amended by adding at*
22 *the end the following:*

“44809. Exception for limited recreational operations of unmanned aircraft.”.

23 *(2) REPEAL.—Section 336 of the FAA Mod-*
24 *ernization and Reform Act of 2012 (49 U.S.C. 40101*

1 *note) and the item relating to that section in the table*
2 *of contents under section 1(b) of that Act are repealed.*

3 **SEC. 350. USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTI-**
4 **TUTIONS OF HIGHER EDUCATION.**

5 *(a) EDUCATIONAL AND RESEARCH PURPOSES.—For*
6 *the purposes of section 44809 of title 49, United States*
7 *Code, as added by this Act, a “recreational purpose” as dis-*
8 *tinguished in subsection (a)(1) of such section shall include*
9 *an unmanned aircraft system operated by an institution*
10 *of higher education for educational or research purposes.*

11 *(b) UPDATES.—In updating an operational parameter*
12 *under subsection (d)(1) of such section for unmanned air-*
13 *craft systems operated by an institution of higher education*
14 *for educational or research purposes, the Administrator*
15 *shall consider—*

16 *(1) use of small unmanned aircraft systems and*
17 *operations at an accredited institution of higher edu-*
18 *cation, for educational or research purposes, as a*
19 *component of the institution’s curricula or research;*

20 *(2) the development of streamlined, risk-based*
21 *operational approval for unmanned aircraft systems*
22 *operated by institutions of higher education; and*

23 *(3) the airspace and aircraft operators that may*
24 *be affected by such operations at the institution of*
25 *higher education.*

1 (c) *DEADLINE FOR ESTABLISHMENT OF PROCEDURES*
2 *AND STANDARDS.*—Not later than 270 days after the date
3 of enactment of this Act, the Administrator of the Federal
4 Aviation Administration may establish regulations, proce-
5 dures, and standards, as necessary, to facilitate the safe op-
6 eration of unmanned aircraft systems operated by institu-
7 tions of higher education for educational or research pur-
8 poses.

9 (d) *DEFINITIONS.*—In this section:

10 (1) *INSTITUTION OF HIGHER EDUCATION.*—The
11 term “institution of higher education” has the mean-
12 ing given to that term by section 101(a) of the Higher
13 Education Act of 1965 (20 U.S.C. 1001(a)).

14 (2) *EDUCATIONAL OR RESEARCH PURPOSES.*—
15 The term “education or research purposes”, with re-
16 spect to the operation of an unmanned aircraft sys-
17 tem by an institution of higher education, includes—

18 (A) instruction of students at the institu-
19 tion;

20 (B) academic or research related uses of un-
21 manned aircraft systems that have been ap-
22 proved by the institution, including Federal re-
23 search;

24 (C) activities undertaken by the institution
25 as part of research projects, including research

1 *projects sponsored by the Federal Government;*
2 *and*

3 *(D) other academic activities approved by*
4 *the institution.*

5 *(e) STATUTORY CONSTRUCTION.—*

6 *(1) ENFORCEMENT.—Nothing in this section*
7 *shall be construed to limit the authority of the Ad-*
8 *ministrator to pursue an enforcement action against*
9 *a person operating any unmanned aircraft who en-*
10 *dangers the safety of the national airspace system.*

11 *(2) REGULATIONS AND STANDARDS.—Nothing in*
12 *this section prohibits the Administrator from promul-*
13 *gating any rules or standards consistent with main-*
14 *taining the safety and security of the national air-*
15 *space system.*

16 **SEC. 351. UNMANNED AIRCRAFT SYSTEMS INTEGRATION**
17 **PILOT PROGRAM.**

18 *(a) AUTHORITY.—The Secretary of Transportation*
19 *may establish a pilot program to enable enhanced drone*
20 *operations as required in the October 25, 2017 Presidential*
21 *Memorandum entitled “Unmanned Aircraft Systems Inte-*
22 *gration Pilot Program” and described in 82 Federal Reg-*
23 *ister 50301.*

24 *(b) APPLICATIONS.—The Secretary shall accept appli-*
25 *cations from State, local, and Tribal governments, in part-*

1 *nership with unmanned aircraft system operators and other*
2 *private-sector stakeholders, to test and evaluate the integra-*
3 *tion of civil and public UAS operations into the low-alti-*
4 *tude national airspace system.*

5 *(c) OBJECTIVES.—The purpose of the pilot program is*
6 *to accelerate existing UAS integration plans by working to*
7 *solve technical, regulatory, and policy challenges, while ena-*
8 *bling advanced UAS operations in select areas subject to*
9 *ongoing safety oversight and cooperation between the Fed-*
10 *eral Government and applicable State, local, or Tribal ju-*
11 *risdictions, in order to—*

12 *(1) accelerate the safe integration of UAS into*
13 *the NAS by testing and validating new concepts of be-*
14 *yond visual line of sight operations in a controlled*
15 *environment, focusing on detect and avoid tech-*
16 *nologies, command and control links, navigation,*
17 *weather, and human factors;*

18 *(2) address ongoing concerns regarding the po-*
19 *tential security and safety risks associated with UAS*
20 *operating in close proximity to human beings and*
21 *critical infrastructure by ensuring that operators*
22 *communicate more effectively with Federal, State,*
23 *local, and Tribal law enforcement to enable law en-*
24 *forcement to determine if a UAS operation poses such*
25 *a risk;*

1 (3) *promote innovation in and development of*
2 *the United States unmanned aviation industry, espe-*
3 *cially in sectors such as agriculture, emergency man-*
4 *agement, inspection, and transportation safety, in*
5 *which there are significant public benefits to be*
6 *gained from the deployment of UAS; and*

7 (4) *identify the most effective models of bal-*
8 *ancing local and national interests in UAS integra-*
9 *tion.*

10 (d) *APPLICATION SUBMISSION.*—*The Secretary shall*
11 *establish application requirements and require applicants*
12 *to include the following information:*

13 (1) *Identification of the airspace to be used, in-*
14 *cluding shape files and altitudes.*

15 (2) *Description of the types of planned oper-*
16 *ations.*

17 (3) *Identification of stakeholder partners to test*
18 *and evaluate planned operations.*

19 (4) *Identification of available infrastructure to*
20 *support planned operations.*

21 (5) *Description of experience with UAS oper-*
22 *ations and regulations.*

23 (6) *Description of existing UAS operator and*
24 *any other stakeholder partnerships and experience.*

1 (7) *Description of plans to address safety, secu-*
2 *urity, competition, privacy concerns, and community*
3 *outreach.*

4 (e) *MONITORING AND ENFORCEMENT OF LIMITA-*
5 *TIONS.—*

6 (1) *IN GENERAL.—Monitoring and enforcement*
7 *of any limitations enacted pursuant to this pilot*
8 *project shall be the responsibility of the jurisdiction.*

9 (2) *SAVINGS PROVISION.—Nothing in paragraph*
10 *(1) may be construed to prevent the Secretary from*
11 *enforcing Federal law.*

12 (3) *EXAMPLES OF LIMITATIONS.—Limitations*
13 *under this section may include—*

14 (A) *prohibiting flight during specified*
15 *morning and evening rush hours or only permit-*
16 *ting flight during specified hours such as day-*
17 *light hours, sufficient to ensure reasonable air-*
18 *space access;*

19 (B) *establishing designated take-off and*
20 *landing zones, limiting operations over moving*
21 *locations or fixed site public road and parks,*
22 *sidewalks or private property based on zoning*
23 *density, or other land use considerations;*

24 (C) *requiring notice to public safety or zon-*
25 *ing or land use authorities before operating; and*

1 (D) *prohibiting operations in connection*
2 *with community or sporting events that do not*
3 *remain in one place (for example, parades and*
4 *running events).*

5 (f) *SELECTION CRITERIA.—In making determinations,*
6 *the Secretary shall evaluate whether applications meet or*
7 *exceed the following criteria:*

8 (1) *Overall economic, geographic, and climatic*
9 *diversity of the selected jurisdictions.*

10 (2) *Overall diversity of the proposed models of*
11 *government involvement.*

12 (3) *Overall diversity of the UAS operations to be*
13 *conducted.*

14 (4) *The location of critical infrastructure.*

15 (5) *The involvement of commercial entities in the*
16 *proposal and their ability to advance objectives that*
17 *may serve the public interest as a result of further in-*
18 *tegration of UAS into the NAS.*

19 (6) *The involvement of affected communities in,*
20 *and their support for, participating in the pilot pro-*
21 *gram.*

22 (7) *The commitment of the governments and*
23 *UAS operators involved in the proposal to comply*
24 *with requirements related to national defense, home-*

1 *land security, and public safety and to address com-*
2 *petition, privacy, and civil liberties concerns.*

3 *(8) The commitment of the governments and*
4 *UAS operators involved in the proposal to achieve the*
5 *following policy objectives:*

6 *(A) Promoting innovation and economic de-*
7 *velopment.*

8 *(B) Enhancing transportation safety.*

9 *(C) Enhancing workplace safety.*

10 *(D) Improving emergency response and*
11 *search and rescue functions.*

12 *(E) Using radio spectrum efficiently and*
13 *competitively.*

14 *(g) IMPLEMENTATION.—The Secretary shall use the*
15 *data collected and experience gained over the course of this*
16 *pilot program to—*

17 *(1) identify and resolve technical challenges to*
18 *UAS integration;*

19 *(2) address airspace use to safely and efficiently*
20 *integrate all aircraft;*

21 *(3) inform operational standards and procedures*
22 *to improve safety (for example, detect and avoid ca-*
23 *pabilities, navigation and altitude performance, and*
24 *command and control link);*

1 (4) *inform FAA standards that reduce the need*
2 *for waivers (for example, for operations over human*
3 *beings, night operations, and beyond visual line of*
4 *sight); and*

5 (5) *address competing interests regarding UAS*
6 *operational expansion, safety, security, roles and re-*
7 *sponsibilities of non-Federal Government entities, and*
8 *privacy issues.*

9 (h) *NOTIFICATION.—Prior to initiating any addi-*
10 *tional rounds of agreements with State, local, or Tribal gov-*
11 *ernments as part of the pilot program established under*
12 *subsection (a), the Secretary shall notify the Committee on*
13 *Transportation and Infrastructure and the Committee on*
14 *Appropriations of the House of Representatives and the*
15 *Committee on Commerce, Science, and Transportation and*
16 *the Committee on Appropriations in the Senate.*

17 (i) *SUNSET.—The pilot program established under*
18 *subsection (a) shall terminate 3 years after the date on*
19 *which the memorandum referenced in subsection (a) is*
20 *signed by the President.*

21 (j) *SAVINGS CLAUSE.— Nothing in this section shall*
22 *affect any proposals, selections, imposition of conditions,*
23 *operations, or other decisions made—*

24 (1) *under the pilot program developed by the*
25 *Secretary of Transportation pursuant to the Presi-*

1 *dential memorandum titled “Unmanned Aircraft*
2 *Systems Integration Pilot Program”, as published in*
3 *the Federal Register on October 30, 2017 (82 Fed.*
4 *Reg. 50301); and*

5 *(2) prior to the date of enactment of this Act.*

6 *(k) DEFINITIONS.—In this section:*

7 *(1) The term “Lead Applicant” means an eligi-*
8 *ble State, local or Tribal government that has sub-*
9 *mitted a timely application.*

10 *(2) The term “NAS” means the low-altitude na-*
11 *tional airspace system.*

12 *(3) The term “UAS” means unmanned aircraft*
13 *system.*

14 **SEC. 352. PART 107 TRANSPARENCY AND TECHNOLOGY IM-**
15 **PROVEMENTS.**

16 *(a) TRANSPARENCY.—Not later than 30 days after the*
17 *date of enactment of this Act, the Administrator shall pub-*
18 *lish on the FAA website a representative sample of the safe-*
19 *ty justifications, offered by applicants for small unmanned*
20 *aircraft system waivers and airspace authorizations, that*
21 *have been approved by the Administration for each regula-*
22 *tion waived or class of airspace authorized, except that any*
23 *published justification shall not reveal proprietary or com-*
24 *mercially sensitive information.*

1 (b) *TECHNOLOGY IMPROVEMENTS.*—Not later than 90
2 days after the date of enactment of this Act, the Adminis-
3 trator shall revise the online waiver and certificates of au-
4 thorization processes—

5 (1) to provide real time confirmation that an
6 application filed online has been received by the Ad-
7 ministration; and

8 (2) to provide an applicant with an opportunity
9 to review the status of the applicant’s application.

10 **SEC. 353. EMERGENCY EXEMPTION PROCESS.**

11 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
12 that the use of unmanned aircraft systems by civil and pub-
13 lic operators—

14 (1) is an increasingly important tool in response
15 to a catastrophe, disaster, or other emergency;

16 (2) helps facilitate emergency response oper-
17 ations, such as firefighting and search and rescue;
18 and

19 (3) helps facilitate post-catastrophic response op-
20 erations, such as utility and infrastructure restora-
21 tion efforts and the safe and prompt processing, ad-
22 justment, and payment of insurance claims.

23 (b) *UPDATES.*—The Administrator shall, as necessary,
24 update and improve the Special Government Interest proc-
25 ess described in chapter 7 of Federal Aviation Administra-

1 *tion Order JO 7200.23A to ensure that civil and public op-*
2 *erators, including local law enforcement agencies and first*
3 *responders, continue to use unmanned aircraft system oper-*
4 *ations quickly and efficiently in response to a catastrophe,*
5 *disaster, or other emergency.*

6 (c) *BEST PRACTICES.—The Administrator shall de-*
7 *velop best practices for the use of unmanned aircraft sys-*
8 *tems by States and localities to respond to a catastrophe,*
9 *disaster, or other emergency response and recovery oper-*
10 *ation.*

11 **SEC. 354. TREATMENT OF UNMANNED AIRCRAFT OPER-**
12 **ATING UNDERGROUND.**

13 *An unmanned aircraft system that is operated under-*
14 *ground for mining purposes shall not be subject to regula-*
15 *tion or enforcement by the FAA under title 49, United*
16 *States Code.*

17 **SEC. 355. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
18 **MENTS.**

19 (a) *PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-*
20 *MENTS.—Section 40102(a)(41) of title 49, United States*
21 *Code, is amended by adding at the end the following:*

22 “(F) *An unmanned aircraft that is owned*
23 *and operated by, or exclusively leased for at least*
24 *90 continuous days by, an Indian Tribal govern-*
25 *ment, as defined in section 102 of the Robert T.*

1 *Stafford Disaster Relief and Emergency Assist-*
2 *ance Act (42 U.S.C. 5122), except as provided in*
3 *section 40125(b).”.*

4 **(b) CONFORMING AMENDMENT.**—*Section 40125(b) of*
5 *title 49, United States Code, is amended by striking “or*
6 *(D)” and inserting “(D), or (F)”.*

7 **SEC. 356. AUTHORIZATION OF APPROPRIATIONS FOR KNOW**
8 **BEFORE YOU FLY CAMPAIGN.**

9 *There are authorized to be appropriated to the Admin-*
10 *istrator of the Federal Aviation Administration \$1,000,000*
11 *for each of fiscal years 2019 through 2023, out of funds*
12 *made available under section 106(k), for the Know Before*
13 *You Fly educational campaign or similar public informa-*
14 *tional efforts intended to broaden unmanned aircraft sys-*
15 *tems safety awareness.*

16 **SEC. 357. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.**

17 *It is the policy of the United States that the operation*
18 *of any unmanned aircraft or unmanned aircraft system*
19 *shall be carried out in a manner that respects and protects*
20 *personal privacy consistent with the United States Con-*
21 *stitution and Federal, State, and local law.*

22 **SEC. 358. UAS PRIVACY REVIEW.**

23 **(a) REVIEW.**—*The Comptroller General of the United*
24 *States, in consideration of relevant efforts led by the Na-*
25 *tional Telecommunications and Information Administra-*

1 *tion, shall carry out a review of the privacy issues and con-*
2 *cerns associated with the operation of unmanned aircraft*
3 *systems in the national airspace system.*

4 (b) *CONSULTATION.*—*In carrying out the review, the*
5 *Comptroller General shall—*

6 (1) *consult with the Department of Transpor-*
7 *tation and the National Telecommunications and In-*
8 *formation Administration of the Department of Com-*
9 *merce on its ongoing efforts responsive to the Presi-*
10 *dential memorandum titled “Promoting Economic*
11 *Competitiveness While Safeguarding Privacy, Civil*
12 *Rights, and Civil Liberties in Domestic Use of Un-*
13 *manned Aircraft Systems” and dated February 15,*
14 *2015;*

15 (2) *examine and identify the existing Federal,*
16 *State, or relevant local laws that address an individ-*
17 *ual’s personal privacy;*

18 (3) *identify specific issues and concerns that*
19 *may limit the availability of civil or criminal legal*
20 *remedies regarding inappropriate operation of un-*
21 *manned aircraft systems in the national airspace sys-*
22 *tem;*

23 (4) *identify any deficiencies in Federal, State, or*
24 *local privacy protections; and*

1 (5) *provide recommendations to address any lim-*
2 *itations and deficiencies identified in paragraphs (3)*
3 *and (4).*

4 (c) *REPORT.—Not later than 180 days after the date*
5 *of enactment of this Act, the Secretary shall submit to the*
6 *appropriate committees of Congress a report on the results*
7 *of the review required under subsection (a).*

8 **SEC. 359. STUDY ON FIRE DEPARTMENT AND EMERGENCY**
9 **SERVICE AGENCY USE OF UNMANNED AIR-**
10 **CRAFT SYSTEMS.**

11 (a) *STUDY.—*

12 (1) *IN GENERAL.—The Administrator shall con-*
13 *duct a study on the use of unmanned aircraft systems*
14 *by fire departments and emergency service agencies.*
15 *Such study shall include an analysis of—*

16 (A) *how fire departments and emergency*
17 *service agencies currently use unmanned aircraft*
18 *systems;*

19 (B) *obstacles to greater use of unmanned*
20 *aircraft systems by fire departments and emer-*
21 *gency service agencies;*

22 (C) *the best way to provide outreach to sup-*
23 *port greater use of unmanned aircraft systems by*
24 *fire departments and emergency service agencies;*

1 (D) laws or regulations that present bar-
2 riers to career, combination, and volunteer fire
3 departments' ability to use unmanned aircraft
4 systems;

5 (E) training and certifications required for
6 the use of unmanned aircraft systems by fire de-
7 partments and emergency service agencies;

8 (F) airspace limitations and concerns in
9 the use of unmanned aircraft systems by fire de-
10 partments and emergency service agencies;

11 (G) roles of unmanned aircraft systems in
12 the provision of fire and emergency services;

13 (H) technological challenges to greater adop-
14 tion of unmanned aircraft systems by fire de-
15 partments and emergency service agencies; and

16 (I) other issues determined appropriate by
17 the Administrator.

18 (2) CONSULTATION.—In conducting the study
19 under paragraph (1), the Administrator shall consult
20 with national fire and emergency service organiza-
21 tions.

22 (b) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Administrator shall submit
24 to the appropriate committees of Congress a report on the

1 *study conducted under subsection (a), including the Admin-*
2 *istrator’s findings, conclusions, and recommendations.*

3 **SEC. 360. STUDY ON FINANCING OF UNMANNED AIRCRAFT**
4 **SERVICES.**

5 (a) *IN GENERAL.*—Not later than 60 days after the
6 date of enactment of this Act, the Comptroller General of
7 the United States shall initiate a study on appropriate fee
8 mechanisms to recover the costs of—

9 (1) *the regulation and safety oversight of un-*
10 *manned aircraft and unmanned aircraft systems; and*

11 (2) *the provision of air navigation services to*
12 *unmanned aircraft and unmanned aircraft systems.*

13 (b) *CONSIDERATIONS.*—In carrying out the study, the
14 Comptroller General shall consider, at a minimum—

15 (1) *any recommendations of Task Group 3 of the*
16 *Drone Advisory Committee chartered by the Federal*
17 *Aviation Administration on August 31, 2016;*

18 (2) *the total annual costs incurred by the Fed-*
19 *eral Aviation Administration for the regulation and*
20 *safety oversight of activities related to unmanned air-*
21 *craft;*

22 (3) *the annual costs attributable to various*
23 *types, classes, and categories of unmanned aircraft*
24 *activities;*

1 (4) *air traffic services provided to unmanned*
2 *aircraft operating under instrument flight rules, ex-*
3 *cluding public aircraft;*

4 (5) *the number of full-time Federal Aviation Ad-*
5 *ministration employees dedicated to unmanned air-*
6 *craft programs;*

7 (6) *the use of privately operated UTM and other*
8 *privately operated unmanned aircraft systems;*

9 (7) *the projected growth of unmanned aircraft*
10 *operations for various applications and the estimated*
11 *need for regulation, oversight, and other services;*

12 (8) *the number of small businesses involved in*
13 *the various sectors of the unmanned aircraft industry*
14 *and operating as primary users of unmanned air-*
15 *craft; and*

16 (9) *any best practices or policies utilized by ju-*
17 *risdictions outside the United States relating to par-*
18 *tial or total recovery of regulation and safety over-*
19 *sight costs related to unmanned aircraft and other*
20 *emergent technologies.*

21 (c) *REPORT TO CONGRESS.*—*Not later than 180 days*
22 *after initiating the study, the Comptroller General shall*
23 *submit to the appropriate committees of Congress a report*
24 *containing recommendations on appropriate fee mecha-*
25 *nisms to recover the costs of regulating and providing air*

1 *navigation services to unmanned aircraft and unmanned*
2 *aircraft systems.*

3 **SEC. 361. REPORT ON UAS AND CHEMICAL AERIAL APPLICA-**
4 **TION.**

5 *Not later than 1 year after the date of enactment of*
6 *this Act, the Administrator shall submit to the appropriate*
7 *committees of Congress a report evaluating which aviation*
8 *safety requirements under part 137 of title 14, Code of Fed-*
9 *eral Regulations, should apply to unmanned aircraft sys-*
10 *tem operations engaged in aerial spraying of chemicals for*
11 *agricultural purposes.*

12 **SEC. 362. SENSE OF CONGRESS REGARDING UNMANNED**
13 **AIRCRAFT SAFETY.**

14 *It is the sense of Congress that—*

15 *(1) the unauthorized operation of unmanned air-*
16 *craft near airports presents a serious hazard to avia-*
17 *tion safety;*

18 *(2) a collision between an unmanned aircraft*
19 *and a conventional aircraft in flight could jeopardize*
20 *the safety of persons aboard the aircraft and on the*
21 *ground;*

22 *(3) Federal aviation regulations, including sec-*
23 *tions 91.126 through 91.131 of title 14, Code of Fed-*
24 *eral Regulations, prohibit unauthorized operation of*
25 *an aircraft in controlled airspace near an airport;*

1 (4) *Federal aviation regulations, including sec-*
2 *tion 91.13 of title 14, Code of Federal Regulations,*
3 *prohibit the operation of an aircraft in a careless or*
4 *reckless manner so as to endanger the life or property*
5 *of another;*

6 (5) *the Administrator should pursue all available*
7 *civil and administrative remedies available to the Ad-*
8 *ministrator, including referrals to other government*
9 *agencies for criminal investigations, with respect to*
10 *persons who operate unmanned aircraft in an unau-*
11 *thorized manner;*

12 (6) *the Administrator should—*

13 (A) *place particular priority in continuing*
14 *measures, including partnering with nongovern-*
15 *mental organizations and State and local agen-*
16 *cies, to educate the public about the dangers to*
17 *public safety of operating unmanned aircraft*
18 *over areas that have temporary flight restrictions*
19 *in place, for purposes such as wildfires, without*
20 *appropriate authorization; and*

21 (B) *partner with State and local agencies to*
22 *effectively enforce relevant laws so that un-*
23 *manned aircrafts do not interfere with the efforts*
24 *of emergency responders;*

1 (7) *the Administrator should place particular*
2 *priority on continuing measures, including partner-*
3 *ships with nongovernmental organizations, to educate*
4 *the public about the dangers to the public safety of*
5 *operating unmanned aircraft near airports without*
6 *the appropriate approvals or authorizations; and*

7 (8) *manufacturers and retail sellers of small un-*
8 *manned aircraft systems should take steps to educate*
9 *consumers about the safe and lawful operation of such*
10 *systems.*

11 **SEC. 363. PROHIBITION REGARDING WEAPONS.**

12 (a) *IN GENERAL.*—*Unless authorized by the Adminis-*
13 *trator, a person may not operate an unmanned aircraft or*
14 *unmanned aircraft system that is equipped or armed with*
15 *a dangerous weapon.*

16 (b) *DANGEROUS WEAPON DEFINED.*—*In this section,*
17 *the term “dangerous weapon” has the meaning given that*
18 *term in section 930(g)(2) of title 18, United States Code.*

19 (c) *PENALTY.*—*A person who violates this section is*
20 *liable to the United States Government for a civil penalty*
21 *of not more than \$25,000 for each violation.*

22 **SEC. 364. U.S. COUNTER-UAS SYSTEM REVIEW OF INTER-**
23 **AGENCY COORDINATION PROCESSES.**

24 (a) *IN GENERAL.*—*Not later than 60 days after that*
25 *date of enactment of this Act, the Administrator, in con-*

1 *sultation with government agencies currently authorized to*
2 *operate Counter-Unmanned Aircraft System (C-UAS) sys-*
3 *tems within the United States (including the territories and*
4 *possessions of the United States), shall initiate a review of*
5 *the following:*

6 (1) *The process the Administration is using for*
7 *interagency coordination of C-UAS activity pursuant*
8 *to a relevant Federal statute authorizing such activity*
9 *within the United States (including the territories*
10 *and possessions of the United States).*

11 (2) *The standards the Administration is uti-*
12 *lizing for operation of a C-UAS systems pursuant to*
13 *a relevant Federal statute authorizing such activity*
14 *within the United States (including the territories*
15 *and possessions of the United States), including*
16 *whether the following criteria are being taken into*
17 *consideration in the development of the standards:*

18 (A) *Safety of the national airspace.*

19 (B) *Protecting individuals and property on*
20 *the ground.*

21 (C) *Non-interference with avionics of*
22 *manned aircraft, and unmanned aircraft, oper-*
23 *ating legally in the national airspace.*

24 (D) *Non-interference with air traffic control*
25 *systems.*

1 (E) Adequate coordination procedures and
2 protocols with the Federal Aviation Administra-
3 tion during the operation of C-UAS systems.

4 (F) Adequate training for personnel oper-
5 ating C-UAS systems.

6 (G) Assessment of the efficiency and effec-
7 tiveness of the coordination and review processes
8 to ensure national airspace safety while mini-
9 mizing bureaucracy.

10 (H) Best practices for the consistent oper-
11 ation of C-UAS systems to the maximum extent
12 practicable.

13 (I) Current airspace authorization informa-
14 tion shared by automated approval processes for
15 airspace authorizations, such as the Low Altitude
16 Authorization and Notification Capability.

17 (J) Such other matters the Administrator
18 considers necessary for the safe and lawful oper-
19 ation of C-UAS systems.

20 (3) Similar interagency coordination processes
21 already used for other matters that may be used as
22 a model for improving the interagency coordination
23 for the usage of C-UAS systems.

24 (b) REPORT.—Not later than 180 days after the date
25 upon which the review in subsection (a) is initiated, the

1 *Administrator shall submit to the Committee on Transpor-*
2 *tation and Infrastructure of the House of Representatives,*
3 *the Committee on Armed Services of the House of Represent-*
4 *atives, and the Committee on Commerce, Science, and*
5 *Transportation in the Senate, and the Committee on Armed*
6 *Services of the Senate, a report on the Administration's ac-*
7 *tivities related to C-UAS systems, including—*

8 (1) *any coordination with Federal agencies and*
9 *States, subdivisions and States, political authorities*
10 *of at least 2 States that operate C-UAS systems;*

11 (2) *an assessment of the standards being utilized*
12 *for the operation of a counter-UAS systems within the*
13 *United States (including the territories and posses-*
14 *sions of the United States);*

15 (3) *an assessment of the efficiency and effective-*
16 *ness of the interagency coordination and review proc-*
17 *esses to ensure national airspace safety while mini-*
18 *mizing bureaucracy; and*

19 (4) *a review of any additional authorities needed*
20 *by the Federal Aviation Administration to effectively*
21 *oversee the management of C-UAS systems within the*
22 *United States (including the territories and posses-*
23 *sions of the United States).*

1 **SEC. 365. COOPERATION RELATED TO CERTAIN COUNTER-**
2 **UAS TECHNOLOGY.**

3 *In matters relating to the use of systems in the na-*
4 *tional airspace system intended to mitigate threats posed*
5 *by errant or hostile unmanned aircraft system operations,*
6 *the Secretary of Transportation shall consult with the Sec-*
7 *retary of Defense to streamline deployment of such systems*
8 *by drawing upon the expertise and experience of the De-*
9 *partment of Defense in acquiring and operating such sys-*
10 *tems consistent with the safe and efficient operation of the*
11 *national airspace system.*

12 **SEC. 366. STRATEGY FOR RESPONDING TO PUBLIC SAFETY**
13 **THREATS AND ENFORCEMENT UTILITY OF**
14 **UNMANNED AIRCRAFT SYSTEMS.**

15 *(a) IN GENERAL.—Not later than 1 year after the date*
16 *of enactment of this Act, the Administrator of the Federal*
17 *Aviation Administration shall develop a comprehensive*
18 *strategy to provide outreach to State and local governments*
19 *and provide guidance for local law enforcement agencies*
20 *and first responders with respect to—*

21 *(1) how to identify and respond to public safety*
22 *threats posed by unmanned aircraft systems; and*

23 *(2) how to identify and take advantage of oppor-*
24 *tunities to use unmanned aircraft systems to enhance*
25 *the effectiveness of local law enforcement agencies and*
26 *first responders.*

1 (b) *RESOURCES*.—Not later than 180 days after the
2 date of enactment of this Act, the Administrator shall estab-
3 lish a publicly available Internet website that contains re-
4 sources for State and local law enforcement agencies and
5 first responders seeking—

6 (1) to respond to public safety threats posed by
7 unmanned aircraft systems; and

8 (2) to identify and take advantage of opportuni-
9 ties to use unmanned aircraft systems to enhance the
10 effectiveness of local law enforcement agencies and
11 public safety response efforts.

12 (c) *UNMANNED AIRCRAFT SYSTEM DEFINED*.—In this
13 section, the term “unmanned aircraft system” has the
14 meaning given that term in section 44801 of title 49,
15 United States Code, as added by this Act.

16 **SEC. 367. INCORPORATION OF FEDERAL AVIATION ADMIN-**
17 **ISTRATION OCCUPATIONS RELATING TO UN-**
18 **MANNED AIRCRAFT INTO VETERANS EMPLOY-**
19 **MENT PROGRAMS OF THE ADMINISTRATION.**

20 Not later than 180 days after the date of the enactment
21 of this Act, the Administrator of the Federal Aviation Ad-
22 ministration, in consultation with the Secretary of Veterans
23 Affairs, the Secretary of Defense, and the Secretary of
24 Labor, shall determine whether occupations of the Adminis-
25 tration relating to unmanned aircraft systems technology

1 *and regulations can be incorporated into the Veterans’ Em-*
2 *ployment Program of the Administration, particularly in*
3 *the interaction between such program and the New Sights*
4 *Work Experience Program and the Vet-Link Cooperative*
5 *Education Program.*

6 **SEC. 368. PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE.**

7 *Not later than 180 days after the date of enactment*
8 *of this Act, the Secretary of Transportation shall issue guid-*
9 *ance for the expedited and timely access to special use air-*
10 *space for public unmanned aircraft systems in order to as-*
11 *sist Federal, State, local, or tribal law enforcement organi-*
12 *zations in conducting law enforcement, emergency response,*
13 *or for other activities.*

14 **SEC. 369. APPLICATIONS FOR DESIGNATION.**

15 *Section 2209 of the FAA Extension, Safety, and Secu-*
16 *rity Act of 2016 (Public Law 114–190; 130 Stat. 615) is*
17 *amended—*

18 *(1) in subsection (b)(1)(C)(i), by striking “and*
19 *distribution facilities and equipment” and inserting*
20 *“distribution facilities and equipment, and railroad*
21 *facilities”; and*

22 *(2) by adding at the end the following:*

23 *“(e) DEADLINES.—*

1 “(1) Not later than March 31, 2019, the Admin-
2 istrator shall publish a notice of proposed rulemaking
3 to carry out the requirements of this section.

4 “(2) Not later than 12 months after publishing
5 the notice of proposed rulemaking under paragraph
6 (1), the Administrator shall issue a final rule.”.

7 **SEC. 370. SENSE OF CONGRESS ON ADDITIONAL RULE-**
8 **MAKING AUTHORITY.**

9 *It is the sense of Congress that—*

10 (1) *beyond visual line of sight operations, night-*
11 *time operations, and operations over people of un-*
12 *manned aircraft systems have tremendous potential—*

13 (A) *to enhance both commercial and aca-*
14 *demic use;*

15 (B) *to spur economic growth and develop-*
16 *ment through innovative applications of this*
17 *emerging technology; and*

18 (C) *to improve emergency response efforts as*
19 *it relates to assessing damage to critical infra-*
20 *structure such as roads, bridges, and utilities, in-*
21 *cluding water and power, ultimately speeding re-*
22 *sponse time;*

23 (2) *advancements in miniaturization of safety*
24 *technologies, including for aircraft weighing under*
25 *4.4 pounds, have increased economic opportunities for*

1 *using unmanned aircraft systems while reducing ki-*
2 *netic energy and risk compared to unmanned aircraft*
3 *that may weigh 4.4 pounds or more, but less than 55*
4 *pounds;*

5 *(3) advancements in unmanned technology will*
6 *have the capacity to ultimately improve manned air-*
7 *craft safety; and*

8 *(4) integrating unmanned aircraft systems safely*
9 *into the national airspace, including beyond visual*
10 *line of sight operations, nighttime operations on a*
11 *routine basis, and operations over people should re-*
12 *main a top priority for the Federal Aviation Admin-*
13 *istration as it pursues additional rulemakings under*
14 *the amendments made by this section.*

15 **SEC. 371. ASSESSMENT OF AIRCRAFT REGISTRATION FOR**
16 **SMALL UNMANNED AIRCRAFT.**

17 *(a) EVALUATION.—Not later than 180 days after the*
18 *date of enactment of this Act, the Secretary of Transpor-*
19 *tation shall enter into an agreement with the National*
20 *Academy of Public Administration, to estimate and assess*
21 *compliance with and the effectiveness of the registration of*
22 *small unmanned aircraft systems by the Federal Aviation*
23 *Administration pursuant to the interim final rule issued*
24 *on December 16, 2015, titled “Registration and Marking*

1 *Requirements for Small Unmanned Aircraft*” (80 Fed. Reg.
2 78593).

3 (b) *METRICS*.—Upon receiving the assessment, the Sec-
4 retary shall, to the extent practicable, develop metrics to
5 measure compliance with the interim final rule described
6 in subsection (a), and any subsequent final rule, including
7 metrics with respect to—

8 (1) *the levels of compliance with the interim*
9 *final rule and any subsequent final rule;*

10 (2) *the number of enforcement actions taken by*
11 *the Administration for violations of or noncompliance*
12 *with the interim final rule and any subsequent final*
13 *rule, together with a description of the actions; and*

14 (3) *the effect of the interim final rule and any*
15 *subsequent final rule on compliance with any fees as-*
16 *sociated with the use of small unmanned aircraft sys-*
17 *tems.*

18 (c) *REPORT*.—Not later than 1 year after the date of
19 enactment of this Act, the Secretary shall submit to the to
20 the appropriate committees of Congress a report con-
21 taining—

22 (1) *the results of the assessment required under*
23 *subsection (a);*

24 (2) *the metrics required under subsection (b) and*
25 *how the Secretary will track these metrics; and*

1 (3) *recommendations to Congress for improve-*
2 *ments to the registration process for small unmanned*
3 *aircraft, if necessary.*

4 **SEC. 372. ENFORCEMENT.**

5 (a) *UAS SAFETY ENFORCEMENT.*—*The Administrator*
6 *of the Federal Aviation Administration shall establish a*
7 *pilot program to utilize available remote detection or iden-*
8 *tification technologies for safety oversight, including en-*
9 *forcement actions against operators of unmanned aircraft*
10 *systems that are not in compliance with applicable Federal*
11 *aviation laws, including regulations.*

12 (b) *REPORTING.*—*As part of the pilot program, the Ad-*
13 *ministrator shall establish and publicize a mechanism for*
14 *the public and Federal, State, and local law enforcement*
15 *to report suspected operation of unmanned aircraft in vio-*
16 *lation of applicable Federal laws and regulations.*

17 (c) *REPORT TO CONGRESS.*—*Not later than 1 year*
18 *after the date of enactment of the FAA Reauthorization Act*
19 *of 2018, and annually thereafter through the duration of*
20 *the pilot program established in subsection (a), the Admin-*
21 *istrator shall submit to the appropriate committees of Con-*
22 *gress a report on the following:*

23 (1) *The number of unauthorized unmanned air-*
24 *craft operations detected in restricted airspace, in-*

1 *cluding in and around airports, together with a de-*
2 *scription of such operations.*

3 (2) *The number of enforcement cases brought by*
4 *the Federal Aviation Administration or other Federal*
5 *agencies for unauthorized operation of unmanned air-*
6 *craft detected through the program, together with a*
7 *description of such cases.*

8 (3) *Recommendations for safety and operational*
9 *standards for unmanned aircraft detection and miti-*
10 *gation systems.*

11 (4) *Recommendations for any legislative or regu-*
12 *latory changes related to mitigation or detection or*
13 *identification of unmanned aircraft systems.*

14 (d) *SUNSET.*—*The pilot program established in sub-*
15 *section (a) shall terminate on September 30, 2023.*

16 (e) *CIVIL PENALTIES.*—*Section 46301 of title 49,*
17 *United States Code, is amended—*

18 (1) *in subsection (a)(1)(A), by inserting “chapter*
19 *448,” after “chapter 447 (except sections 44717 and*
20 *44719–44723),”;*

21 (2) *in subsection (a)(5)(A)(i), by inserting*
22 *“chapter 448,” after “chapter 447 (except sections*
23 *44717–44723),”;*

1 (3) in subsection (d)(2), by inserting “chapter
2 448,” after “chapter 447 (except sections 44717 and
3 44719–44723),”; and

4 (4) in subsection (f)(1)(A)(i), by inserting “chap-
5 ter 448,” after “chapter 447 (except sections 44717
6 and 44719–44723),”.

7 (f) *RULE OF CONSTRUCTION.*—Nothing in this section
8 shall be construed to limit the authority of the Adminis-
9 trator to pursue an enforcement action for a violation of
10 this subtitle or any other applicable provision of aviation
11 safety law or regulation using remote detection or identi-
12 fication or other technology following the sunset of the pilot
13 program.

14 **SEC. 373. FEDERAL AND LOCAL AUTHORITIES.**

15 (a) *IN GENERAL.*—Not later than 180 days after the
16 date of enactment of this Act, the Comptroller General of
17 the United States shall—

18 (1) conduct a study on the relative roles of the
19 Federal Government, State, local and Tribal govern-
20 ments in the regulation and oversight of low-altitude
21 operations of unmanned aircraft systems in the na-
22 tional airspace system; and

23 (2) submit to the appropriate committees of Con-
24 gress a report on the study, including the Comptroller
25 General’s findings and conclusions.

1 (b) *CONTENTS.*—*The study under subsection (a) shall*
2 *review the following:*

3 (1) *The current state of the law with respect to*
4 *Federal authority over low-altitude operations of un-*
5 *manned aircraft systems in the national airspace sys-*
6 *tem.*

7 (2) *The current state of the law with respect to*
8 *State, local, and Tribal authority over low-altitude*
9 *operations of unmanned aircraft systems in the na-*
10 *tional airspace system.*

11 (3) *Potential gaps between authorities under*
12 *paragraphs (1) and (2).*

13 (4) *The degree of regulatory consistency required*
14 *among the Federal Government, State governments,*
15 *local governments, and Tribal governments for the*
16 *safe and financially viable growth and development of*
17 *the unmanned aircraft industry.*

18 (5) *The interests of Federal, State, local, and*
19 *Tribal governments affected by low-altitude oper-*
20 *ations of unmanned aircraft systems and the authori-*
21 *ties of those governments to protect such interests.*

22 (6) *The infrastructure requirements necessary for*
23 *monitoring the low-altitude operations of small un-*
24 *manned aircraft and enforcing applicable laws.*

1 **SEC. 374. SPECTRUM.**

2 (a) *REPORT.*—Not later than 270 days after the date
3 of enactment of this Act, and after consultation with rel-
4 evant stakeholders, the Administrator of the Federal Avia-
5 tion Administration, the National Telecommunications and
6 Information Administration, and the Federal Communica-
7 tions Commission, shall submit to the Committee on Com-
8 merce, Science, and Transportation of the Senate, the Com-
9 mittee on Transportation and Infrastructure of the House
10 of Representatives, and the Committee on Energy and Com-
11 merce of the House of Representatives a report—

12 (1) *on whether unmanned aircraft systems oper-*
13 *ations should be permitted, but not required, to oper-*
14 *ate on spectrum that was recommended for allocation*
15 *for AM(R)S and control links for UAS by the World*
16 *Radio Conferences in 2007 (L-band, 960-1164 MHz)*
17 *and 2012 (C-band, 5030-5091 MHz), on an unli-*
18 *icensed, shared, or exclusive basis, for operations with-*
19 *in the UTM system or outside of such a system;*

20 (2) *that addresses any technological, statutory,*
21 *regulatory, and operational barriers to the use of such*
22 *spectrum; and*

23 (3) *that, if it is determined that some spectrum*
24 *frequencies are not suitable for beyond-visual-line-of-*
25 *sight operations by unmanned aircraft systems, in-*

1 *cludes recommendations of other spectrum frequencies*
2 *that may be appropriate for such operations.*

3 *(b) NO EFFECT ON OTHER SPECTRUM.—The report*
4 *required under subsection (a) does not prohibit or delay use*
5 *of any licensed spectrum to satisfy control links, tracking,*
6 *diagnostics, payload communications, collision avoidance,*
7 *and other functions for unmanned aircraft systems oper-*
8 *ations.*

9 **SEC. 375. FEDERAL TRADE COMMISSION AUTHORITY.**

10 *(a) IN GENERAL.—A violation of a privacy policy by*
11 *a person that uses an unmanned aircraft system for com-*
12 *ensation or hire, or in the furtherance of a business enter-*
13 *prise, in the national airspace system shall be an unfair*
14 *and deceptive practice in violation of section 5(a) of the*
15 *Federal Trade Commission Act (15 U.S.C. 45(a)).*

16 *(b) DEFINITIONS.—In this section, the terms “un-*
17 *manned aircraft” and “unmanned aircraft system” have*
18 *the meanings given those terms in section 44801 of title 49,*
19 *United States Code.*

20 **SEC. 376. PLAN FOR FULL OPERATIONAL CAPABILITY OF**
21 **UNMANNED AIRCRAFT SYSTEMS TRAFFIC**
22 **MANAGEMENT.**

23 *(a) IN GENERAL.—In conjunction with completing the*
24 *requirements of section 2208 of the FAA Extension, Safety,*
25 *and Security Act of 2016 (49 U.S.C. 40101 note), subject*

1 *to subsection (b) of this section, the Administrator, in co-*
2 *ordination with the Administrator of the National Aero-*
3 *navtics and Space Administration, and in consultation*
4 *with unmanned aircraft systems industry stakeholders,*
5 *shall develop a plan to allow for the implementation of un-*
6 *manned aircraft systems traffic management (UTM) serv-*
7 *ices that expand operations beyond visual line of sight, have*
8 *full operational capability, and ensure the safety and secu-*
9 *urity of all aircraft.*

10 *(b) COMPLETION OF UTM SYSTEM PILOT PROGRAM.—*

11 *The Administrator shall ensure that the UTM system pilot*
12 *program, as established in section 2208 of the FAA Exten-*
13 *sion, Safety, and Security Act of 2016 (49 U.S.C. 40101*
14 *note), is conducted to meet the following objectives of a com-*
15 *prehensive UTM system by the conclusion of the pilot pro-*
16 *gram:*

17 *(1) In cooperation with the National Aeronautics*
18 *and Space Administration and manned and un-*
19 *manned aircraft industry stakeholders, allow testing*
20 *of unmanned aircraft operations, of increasing vol-*
21 *umes and density, in airspace above test ranges, as*
22 *such term is defined in section 44801 of title 49,*
23 *United States Code, as well as other sites determined*
24 *by the Administrator to be suitable for UTM testing,*
25 *including those locations selected under the pilot pro-*

1 *gram required in the October 25, 2017, Presidential*
2 *Memorandum entitled, “Unmanned Aircraft Systems*
3 *Integration Pilot Program” and described in 82 Fed-*
4 *eral Register 50301.*

5 *(2) Permit the testing of various remote identi-*
6 *fication and tracking technologies evaluated by the*
7 *Unmanned Aircraft Systems Identification and*
8 *Tracking Aviation Rulemaking Committee.*

9 *(3) Where the particular operational environ-*
10 *ment permits, permit blanket waiver authority to*
11 *allow any unmanned aircraft approved by a UTM*
12 *system pilot program selectee to be operated under*
13 *conditions currently requiring a case-by-case waiver*
14 *under part 107, title 14, Code of Federal Regulations,*
15 *provided that any blanket waiver addresses risks to*
16 *airborne objects as well as persons and property on*
17 *the ground.*

18 *(c) IMPLEMENTATION PLAN CONTENTS.—The plan re-*
19 *quired by subsection (a) shall—*

20 *(1) include the development of safety standards*
21 *to permit, authorize, or allow the use of UTM serv-*
22 *ices, which may include the demonstration and vali-*
23 *dation of such services at the test ranges, as defined*
24 *in section 44801 of title 49, United States Code, or*
25 *other sites as authorized by the Administrator;*

1 (2) *outline the roles and responsibilities of indus-*
2 *try and government in establishing UTM services that*
3 *allow applicants to conduct commercial and non-*
4 *commercial operations, recognizing the primary pri-*
5 *vate sector role in the development and implementa-*
6 *tion of the Low Altitude Authorization and Notifica-*
7 *tion Capability and future expanded UTM services;*

8 (3) *include an assessment of various components*
9 *required for necessary risk reduction and mitigation*
10 *in relation to the use of UTM services, including—*

11 (A) *remote identification of both cooperative*
12 *and non-cooperative unmanned aircraft systems*
13 *in the national airspace system;*

14 (B) *deconfliction of cooperative unmanned*
15 *aircraft systems in the national airspace system*
16 *by such services;*

17 (C) *the manner in which the Federal Avia-*
18 *tion Administration will conduct oversight of*
19 *UTM systems, including interfaces between UTM*
20 *service providers and air traffic control;*

21 (D) *the need for additional technologies to*
22 *detect cooperative and non-cooperative aircraft;*

23 (E) *collaboration and coordination with air*
24 *traffic control, or management services and tech-*

1 *nologies to ensure the safety oversight of manned*
2 *and unmanned aircraft, including—*

3 *(i) the Federal Aviation Administra-*
4 *tion responsibilities to collect and dissemi-*
5 *nate relevant data to UTM service pro-*
6 *viders; and*

7 *(ii) data exchange protocols to share*
8 *UAS operator intent, operational approvals,*
9 *operational restraints, and other data nec-*
10 *essary to ensure safety or security of the*
11 *National Airspace System;*

12 *(F) the potential for UTM services to man-*
13 *age unmanned aircraft systems carrying either*
14 *cargo, payload, or passengers, weighing more*
15 *than 55 pounds, and operating at altitudes high-*
16 *er than 400 feet above ground level; and*

17 *(G) cybersecurity protections, data integ-*
18 *egrity, and national and homeland security bene-*
19 *fits; and*

20 *(4) establish a process for—*

21 *(A) accepting applications for operation of*
22 *UTM services in the national airspace system;*

23 *(B) setting the standards for independent*
24 *private sector validation and verification that*
25 *the standards for UTM services established pur-*

1 *suant to paragraph (1) enabling operations be-*
2 *yond visual line of sight, have been met by ap-*
3 *plicants; and*

4 *(C) notifying the applicant, not later than*
5 *120 days after the Administrator receives a com-*
6 *plete application, with a written approval, dis-*
7 *approval, or request to modify the application.*

8 *(d) SAFETY STANDARDS.—In developing the safety*
9 *standards in subsection (c)(1), the Administrator—*

10 *(1) shall require that UTM services help ensure*
11 *the safety of unmanned aircraft and other aircraft*
12 *operations that occur primarily or exclusively in air-*
13 *space 400 feet above ground level and below, includ-*
14 *ing operations conducted under a waiver issued pur-*
15 *suant to subpart D of part 107 of title 14, Code of*
16 *Federal Regulations;*

17 *(2) shall consider, as appropriate—*

18 *(A) protection of persons and property on*
19 *the ground;*

20 *(B) remote identification and tracking of*
21 *aircraft;*

22 *(C) collision avoidance with respect to ob-*
23 *stacles and non-cooperative aircraft;*

1 (D) deconfliction of cooperative aircraft and
2 integration of other relevant airspace consider-
3 ations;

4 (E) right of way rules, inclusive of UAS op-
5 erations;

6 (F) safe and reliable coordination between
7 air traffic control and other systems operated in
8 the national airspace system;

9 (G) detection of non-cooperative aircraft;

10 (H) geographic and local factors including
11 but not limited to terrain, buildings and struc-
12 tures;

13 (I) aircraft equipage; and

14 (J) qualifications, if any, necessary to oper-
15 ate UTM services; and

16 (3) may establish temporary flight restrictions or
17 other means available such as a certificate of waiver
18 or authorization (COA) for demonstration and vali-
19 dation of UTM services.

20 (e) *REVOCATION.*—The Administrator may revoke the
21 permission, authorization, or approval for the operation of
22 UTM services if the Administrator determines that the serv-
23 ices or its operator are no longer in compliance with appli-
24 cable safety standards.

1 (f) *LOW-RISK AREAS.*—*The Administrator shall estab-*
2 *lish expedited procedures for approval of UTM services op-*
3 *erated in—*

4 (1) *airspace away from congested areas; or*

5 (2) *other airspace above areas in which oper-*
6 *ations of unmanned aircraft pose low risk, as deter-*
7 *mined by the Administrator.*

8 (g) *CONSULTATION.*—*In carrying out this section, the*
9 *Administrator shall consult with other Federal agencies, as*
10 *appropriate.*

11 (h) *SENSE OF CONGRESS.*—*It is the sense of Congress*
12 *that, in developing the safety standards for UTM services,*
13 *the Federal Aviation Administration shall consider ongoing*
14 *research and development efforts on UTM services conducted*
15 *by—*

16 (1) *the National Aeronautics and Space Admin-*
17 *istration in partnership with industry stakeholders;*

18 (2) *the UTM System pilot program required by*
19 *section 2208 of the FAA Extension, Safety, and Secu-*
20 *rity Act of 2016 (49 U.S.C. 40101 note); and*

21 (3) *the participants in the pilot program re-*
22 *quired in the October 25, 2017, Presidential Memo-*
23 *randum entitled, “Unmanned Aircraft Systems Inte-*
24 *gration Pilot Program” and described in 82 Federal*
25 *Register 50301.*

1 (i) *DEADLINE.*—Not later than 1 year after the date
2 of conclusion of the UTM pilot program established in sec-
3 tion 2208 of the *FAA Extension, Safety, and Security Act*
4 of 2016 (49 U.S.C. 40101 note), the Administrator shall—

5 (1) complete the plan required by subsection (a);

6 (2) submit the plan to—

7 (A) the Committee on Commerce, Science,
8 and Transportation of the Senate; and

9 (B) the Committee on Science, Space, and
10 Technology and the Committee on Transpor-
11 tation and Infrastructure of the House of Rep-
12 resentatives; and

13 (3) publish the plan on a publicly accessible
14 Internet website of the Federal Aviation Administra-
15 tion.

16 **SEC. 377. EARLY IMPLEMENTATION OF CERTAIN UTM SERV-**
17 **ICES.**

18 (a) *IN GENERAL.*—Not later than 120 days after the
19 date of the enactment of this Act, the Administrator shall,
20 upon request of a UTM service provider, determine if cer-
21 tain UTM services may operate safely in the national air-
22 space system before completion of the implementation plan
23 required by section 376.

24 (b) *ASSESSMENT OF UTM SERVICES.*—In making the
25 determination under subsection (a), the Administrator shall

1 assess, at a minimum, whether the proposed UTM services,
2 as a result of their operational capabilities, reliability, in-
3 tended use, areas of operation, and the characteristics of
4 the aircraft involved, will maintain the safety and effi-
5 ciency of the national airspace system and address any
6 identified risks to manned or unmanned aircraft and per-
7 sons and property on the ground.

8 (c) *REQUIREMENTS FOR SAFE OPERATION.*—If the
9 Administrator determines that certain UTM services may
10 operate safely in the national airspace system, the Adminis-
11 trator shall establish requirements for their safe operation
12 in the national airspace system.

13 (d) *EXPEDITED PROCEDURES.*—The Administrator
14 shall provide expedited procedures for making the assess-
15 ment and determinations under this section where the UTM
16 services will be provided primarily or exclusively in air-
17 space above areas in which the operation of unmanned air-
18 craft poses low risk, including but not limited to croplands
19 and areas other than congested areas.

20 (e) *CONSULTATION.*—In carrying out this section, the
21 Administrator shall consult with other Federal agencies, as
22 appropriate.

23 (f) *PREEXISTING UTM SERVICES APPROVALS.*—Noth-
24 ing in this Act shall affect or delay approvals, waivers, or
25 exemptions granted by the Administrator for UTM services

1 *already in existence or approved by the Administrator prior*
2 *to the date of enactment of this Act, including approvals*
3 *under the Low Altitude Authorization and Notification Ca-*
4 *pability.*

5 **SEC. 378. SENSE OF CONGRESS.**

6 *It is the sense of Congress that—*

7 *(1) each person that uses an unmanned aircraft*
8 *system for compensation or hire, or in the furtherance*
9 *of a business enterprise, except those operated for pur-*
10 *poses protected by the First Amendment of the Con-*
11 *stitution, should have a written privacy policy con-*
12 *sistent with section 357 that is appropriate to the na-*
13 *ture and scope of the activities regarding the collec-*
14 *tion, use, retention, dissemination, and deletion of*
15 *any data collected during the operation of an un-*
16 *manned aircraft system;*

17 *(2) each privacy policy described in paragraph*
18 *(1) should be periodically reviewed and updated as*
19 *necessary; and*

20 *(3) each privacy policy described in paragraph*
21 *(1) should be publicly available.*

22 **SEC. 379. COMMERCIAL AND GOVERNMENTAL OPERATORS.**

23 *(a) IN GENERAL.—Not later than 270 days after the*
24 *date of enactment of this Act, the Administrator shall, to*
25 *the extent practicable and consistent with applicable law,*

1 *make available in a single location on the website of the*
2 *Department of Transportation:*

3 (1) *Any certificate of waiver or authorization*
4 *issued by the Administration to Federal, State, tribal*
5 *or local governments for the operation of unmanned*
6 *aircraft systems within 30 days of issuance of such*
7 *certificate of waiver or authorization.*

8 (2) *A spreadsheet of UAS registrations, includ-*
9 *ing the city, state, and zip code of each registered*
10 *drone owner, on its website that is updated once per*
11 *quarter each calendar year.*

12 (3) *Summary descriptions and general purposes*
13 *of public unmanned aircraft operations, including the*
14 *locations where such unmanned aircraft may gen-*
15 *erally operate.*

16 (4) *Summary descriptions of common civil un-*
17 *manned aircraft operations.*

18 (5) *The expiration date of any authorization of*
19 *public or civil unmanned aircraft operations.*

20 (6) *Links to websites of State agencies that en-*
21 *force any applicable privacy laws.*

22 (7) *For any unmanned aircraft system, except*
23 *with respect to any operation protected by the First*
24 *Amendment to the Constitution of the United States,*
25 *that will collect personally identifiable information*

1 *about individuals, including the use of facial recogni-*
2 *tion—*

3 *(A) the circumstance under which the sys-*
4 *tem will be used;*

5 *(B) the specific kinds of personally identifi-*
6 *able information that the system will collect*
7 *about individuals; and*

8 *(C) how the information referred to in sub-*
9 *paragraph (B), and the conclusions drawn from*
10 *such information, will be used, disclosed, and*
11 *otherwise handled, including—*

12 *(i) how the collection or retention of*
13 *such information that is unrelated to the*
14 *specific use will be minimized;*

15 *(ii) under what circumstances such in-*
16 *formation might be sold, leased, or otherwise*
17 *provided to third parties;*

18 *(iii) the period during which such in-*
19 *formation will be retained;*

20 *(iv) when and how such information,*
21 *including information no longer relevant to*
22 *the specified use, will be destroyed; and*

23 *(v) steps that will be used to protect*
24 *against the unauthorized disclosure of any*
25 *information or data, such as the use of*

1 *encryption methods and other security fea-*
2 *tures.*

3 (8) *With respect to public unmanned aircraft*
4 *systems—*

5 (A) *the locations where the unmanned air-*
6 *craft system will operate;*

7 (B) *the time during which the unmanned*
8 *aircraft system will operate;*

9 (C) *the general purpose of the flight; and*

10 (D) *the technical capabilities that the un-*
11 *manned aircraft system possesses.*

12 (b) *EXCEPTIONS.—The Administrator shall not dis-*
13 *close information pursuant to subsection (a) if the Adminis-*
14 *trator determines that the release of such information—*

15 (1) *is not applicable;*

16 (2) *is not practicable, including when the infor-*
17 *mation is not available to the Administrator;*

18 (3) *is not in compliance with applicable law;*

19 (4) *would compromise national defense, home-*
20 *land security or law enforcement activity;*

21 (5) *would be withheld pursuant to an exception*
22 *of the section 552 of title 5, United States Code (com-*
23 *monly known as the “Freedom of Information Act”);*

24 *or*

25 (6) *is otherwise contrary to the public interest.*

1 (c) *SUNSET*.—*This section will cease to be effective on*
2 *the date that is the earlier of—*

3 (1) *the date of publication of a Notice of Pro-*
4 *posed Rulemaking or guidance regarding remote iden-*
5 *tification standards under section 2202 of the FAA*
6 *Extension, Safety, and Security Act of 2016 (Public*
7 *Law 114–190; 130 Stat. 615); or*

8 (2) *September 30, 2023.*

9 **SEC. 380. TRANSITION LANGUAGE.**

10 (a) *REGULATIONS*.—*Notwithstanding the repeals*
11 *under sections 341, 348, 347, and 383 of this Act, all orders,*
12 *determinations, rules, regulations, permits, grants, and*
13 *contracts, which have been issued under any law described*
14 *under subsection (b) of this section before the effective date*
15 *of this Act shall continue in effect until modified or revoked*
16 *by the Secretary of Transportation, acting through the Ad-*
17 *ministrator of the Federal Aviation Administration, as ap-*
18 *plicable, by a court of competent jurisdiction, or by oper-*
19 *ation of law other than this Act.*

20 (b) *LAWS DESCRIBED*.—*The laws described under this*
21 *subsection are as follows:*

22 (1) *Section 332 of the FAA Modernization and*
23 *Reform Act of 2012 (49 U.S.C. 40101 note).*

24 (2) *Section 333 of the FAA Modernization and*
25 *Reform Act of 2012 (49 U.S.C. 40101 note).*

1 (3) *Section 334 of the FAA Modernization and*
2 *Reform Act of 2012 (49 U.S.C. 40101 note).*

3 (4) *Section 2206 of the FAA Extension, Safety,*
4 *and Security Act of 2016 (Public Law 114–190; 130*
5 *Stat. 615).*

6 (c) *EFFECT ON PENDING PROCEEDINGS.—This Act*
7 *shall not affect administrative or judicial proceedings pend-*
8 *ing on the effective date of this Act.*

9 **SEC. 381. UNMANNED AIRCRAFT SYSTEMS IN RESTRICTED**
10 **BUILDINGS OR GROUNDS.**

11 *Section 1752 of title 18, United States Code, is amend-*
12 *ed by adding after subsection (a)(4) the following:*

13 “(5) *knowingly and willfully operates an un-*
14 *manned aircraft system with the intent to knowingly*
15 *and willfully direct or otherwise cause such un-*
16 *manned aircraft system to enter or operate within or*
17 *above a restricted building or grounds;”.*

18 **SEC. 382. PROHIBITION.**

19 (a) *AMENDMENT.—Chapter 2 of title 18, United States*
20 *Code, is amended by adding at the end the following:*

21 **“§ 40A. Operation of unauthorized unmanned aircraft**
22 **over wildfires**

23 “(a) *IN GENERAL.—Except as provided in subsection*
24 *(b), an individual who operates an unmanned aircraft and*
25 *knowingly or recklessly interferes with a wildfire suppres-*

1 sion, or law enforcement or emergency response efforts re-
2 lated to a wildfire suppression, shall be fined under this
3 title, imprisoned for not more than 2 years, or both.

4 “(b) *EXCEPTIONS.*—This section does not apply to the
5 operation of an unmanned aircraft conducted by a unit or
6 agency of the United States Government or of a State, trib-
7 al, or local government (including any individual con-
8 ducting such operation pursuant to a contract or other
9 agreement entered into with the unit or agency) for the pur-
10 pose of protecting the public safety and welfare, including
11 firefighting, law enforcement, or emergency response.

12 “(c) *DEFINITIONS.*—In this section, the following defi-
13 nitions apply:

14 “(1) *UNMANNED AIRCRAFT.*—The term ‘un-
15 manned aircraft’ has the meaning given the term in
16 section 44801 of title 49, United States Code.

17 “(2) *WILDFIRE.*—The term ‘wildfire’ has the
18 meaning given that term in section 2 of the Emer-
19 gency Wildfire Suppression Act (42 U.S.C. 1856m).

20 “(3) *WILDFIRE SUPPRESSION.*—The term ‘wild-
21 fire suppression’ means an effort to contain, extin-
22 guish, or suppress a wildfire.”.

23 (b) *CONFORMING AMENDMENT.*—The table of sections
24 for chapter 2 of title 18, United States Code, is amended

1 *by inserting after the item relating to section 40 the fol-*
2 *lowing:*

“40A. Operation of unauthorized unmanned aircraft over wildfires.”.

3 **SEC. 383. AIRPORT SAFETY AND AIRSPACE HAZARD MITIGA-**
4 **TION AND ENFORCEMENT.**

5 *(a) IN GENERAL.—Chapter 448 of title 49, United*
6 *States Code, as amended by this Act, is further amended*
7 *by inserting at the end the following:*

8 **“§44810. Airport safety and airspace hazard mitiga-**
9 **tion and enforcement**

10 *“(a) COORDINATION.—The Administrator of the Fed-*
11 *eral Aviation Administration shall work with the Secretary*
12 *of Defense, the Secretary of Homeland Security, and the*
13 *heads of other relevant Federal departments and agencies*
14 *for the purpose of ensuring that technologies or systems that*
15 *are developed, tested, or deployed by Federal departments*
16 *and agencies to detect and mitigate potential risks posed*
17 *by errant or hostile unmanned aircraft system operations*
18 *do not adversely impact or interfere with safe airport oper-*
19 *ations, navigation, air traffic services, or the safe and effi-*
20 *cient operation of the national airspace system.*

21 *“(b) PLAN.—*

22 *“(1) IN GENERAL.—The Administrator shall de-*
23 *velop a plan for the certification, permitting, author-*
24 *izing, or allowing of the deployment of technologies or*

1 *systems for the detection and mitigation of unmanned*
2 *aircraft systems.*

3 “(2) *CONTENTS.*—*The plan shall provide for the*
4 *development of policies, procedures, or protocols that*
5 *will allow appropriate officials of the Federal Avia-*
6 *tion Administration to utilize such technologies or*
7 *systems to take steps to detect and mitigate potential*
8 *airspace safety risks posed by unmanned aircraft sys-*
9 *tem operations.*

10 “(3) *AVIATION RULEMAKING COMMITTEE.*—*The*
11 *Administrator shall charter an aviation rulemaking*
12 *committee to make recommendations for such a plan*
13 *and any standards that the Administrator determines*
14 *may need to be developed with respect to such tech-*
15 *nologies or systems. The Federal Advisory Committee*
16 *Act (5 U.S.C. App.) shall not apply to an aviation*
17 *rulemaking committee chartered under this para-*
18 *graph.*

19 “(4) *NON-DELEGATION.*—*The plan shall not dele-*
20 *gate any authority granted to the Administrator*
21 *under this section to other Federal, State, local, terri-*
22 *torial, or tribal agencies, or an airport sponsor, as*
23 *defined in section 47102 of title 49, United States*
24 *Code.*

1 “(c) *AIRSPACE HAZARD MITIGATION PROGRAM.*—In
2 *order to test and evaluate technologies or systems that detect*
3 *and mitigate potential aviation safety risks posed by un-*
4 *manned aircraft, the Administrator shall deploy such tech-*
5 *nologies or systems at 5 airports, including 1 airport that*
6 *ranks in the top 10 of the FAA’s most recent Passenger*
7 *Boarding Data.*

8 “(d) *AUTHORITY.*—Under the testing and evaluation
9 *in subsection (c), the Administrator shall use unmanned*
10 *aircraft detection and mitigation systems to detect and*
11 *mitigate the unauthorized operation of an unmanned air-*
12 *craft that poses a risk to aviation safety.*

13 “(e) *AIP FUNDING ELIGIBILITY.*—Upon the certifi-
14 *cation, permitting, authorizing, or allowing of such tech-*
15 *nologies and systems that have been successfully tested*
16 *under this section, an airport sponsor may apply for a*
17 *grant under subchapter I of chapter 471 to purchase an*
18 *unmanned aircraft detection and mitigation system. For*
19 *purposes of this subsection, purchasing an unmanned air-*
20 *craft detection and mitigation system shall be considered*
21 *airport development (as defined in section 47102).*

22 “(f) *BRIEFING.*—The Administrator shall annually
23 *brief the appropriate committees of Congress, including the*
24 *Committee on Judiciary of the House of Representatives*

1 *and the Committee on the Judiciary of the Senate, on the*
2 *implementation of this section.*

3 “(g) *APPLICABILITY OF OTHER LAWS.*—Section 46502
4 *of this title, section 32 of title 18, United States Code (com-*
5 *monly known as the Aircraft Sabotage Act), section 1031*
6 *of title 18, United States Code (commonly known as the*
7 *Computer Fraud and Abuse Act of 1986), sections 2510–*
8 *2522 of title 18, United States Code (commonly known as*
9 *the Wiretap Act), and sections 3121–3127 of title 18,*
10 *United States Code (commonly known as the Pen/Trap*
11 *Statute), shall not apply to activities authorized by the Ad-*
12 *ministrator pursuant to subsection (c) and (d).*

13 “(h) *SUNSET.*—*This section ceases to be effective Sep-*
14 *tember 30, 2023.*

15 “(i) *NON-DELEGATION.*—*The Administrator shall not*
16 *delegate any authority granted to the Administrator under*
17 *this section to other Federal, State, local, territorial, or trib-*
18 *al agencies, or an airport sponsor, as defined in section*
19 *47102 of title 49, United States Code. The Administrator*
20 *may partner with other Federal agencies under this section,*
21 *subject to any restrictions contained in such agencies’ au-*
22 *thority to operate counter unmanned aircraft systems.”.*

23 “(b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

1 (1) *TABLE OF CONTENTS.*—*The table of contents*
2 *for chapter 448, as amended by this Act, is further*
3 *amended by inserting at the end the following:*

 “44810. *Airport safety and airspace hazard mitigation and enforcement.*”.

4 (2) *PILOT PROJECT FOR AIRPORT SAFETY AND*
5 *AIRSPACE HAZARD MITIGATION.*—*Section 2206 of the*
6 *FAA Extension, Safety, and Security Act of 2016*
7 *(Public Law 114–190; 130 Stat. 615) and the item*
8 *relating to that section in the table of contents under*
9 *section 1(b) of that Act are repealed.*

10 **SEC. 384. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

11 (a) *IN GENERAL.*—*Chapter 2 of title 18, United States*
12 *Code, is amended by inserting after section 39A the fol-*
13 *lowing:*

14 **“§ 39B. Unsafe operation of unmanned aircraft**

15 “(a) *OFFENSE.*—*Any person who operates an un-*
16 *manned aircraft and:*

17 “(1) *Knowingly interferes with, or disrupts the*
18 *operation of, an aircraft carrying 1 or more occu-*
19 *pants operating in the special aircraft jurisdiction of*
20 *the United States, in a manner that poses an immi-*
21 *nent safety hazard to such occupants, shall be pun-*
22 *ished as provided in subsection (c).*

23 “(2) *Recklessly interferes with, or disrupts the*
24 *operation of, an aircraft carrying 1 or more occu-*
25 *pants operating in the special aircraft jurisdiction of*

1 *the United States, in a manner that poses an immi-*
2 *nent safety hazard to such occupants, shall be pun-*
3 *ished as provided in subsection (c).*

4 “(b) *OPERATION OF UNMANNED AIRCRAFT IN CLOSE*
5 *PROXIMITY TO AIRPORTS.—*

6 “(1) *IN GENERAL.—Any person who, without au-*
7 *thorization, knowingly operates an unmanned air-*
8 *craft within a runway exclusion zone shall be pun-*
9 *ished as provided in subsection (c).*

10 “(2) *RUNWAY EXCLUSION ZONE DEFINED.—In*
11 *this subsection, the term ‘runway exclusion zone’*
12 *means a rectangular area—*

13 “(A) *centered on the centerline of an active*
14 *runway of an airport immediately around which*
15 *the airspace is designated as class B, class C, or*
16 *class D airspace at the surface under part 71 of*
17 *title 14, Code of Federal Regulations; and*

18 “(B) *the length of which extends parallel to*
19 *the runway’s centerline to points that are 1 stat-*
20 *ute mile from each end of the runway and the*
21 *width of which is 1/2 statute mile.*

22 “(c) *PENALTY.—*

23 “(1) *IN GENERAL.—Except as provided in para-*
24 *graph (2), the punishment for an offense under sub-*

1 sections (a) or (b) shall be a fine under this title, im-
2 prisonment for not more than 1 year, or both.

3 “(2) *SERIOUS BODILY INJURY OR DEATH.*—Any
4 person who:

5 “(A) Causes serious bodily injury or death
6 during the commission of an offense under sub-
7 section (a)(2) shall be fined under this title, im-
8 prisoned for a term of up to 10 years, or both.

9 “(B) Causes, or attempts or conspires to
10 cause, serious bodily injury or death during the
11 commission of an offense under subsections
12 (a)(1) and (b) shall be fined under this title, im-
13 prisoned for any term of years or for life, or
14 both.”.

15 (b) *TABLE OF CONTENTS.*—The table of contents for
16 chapter 2 of title 18, United States Code, is amended by
17 inserting after the item relating to section 39A the fol-
18 lowing:

 “39B. *Unsafe operation of unmanned aircraft.*”.

19 ***Subtitle C—General Aviation Safety***

20 ***SEC. 391. SHORT TITLE.***

21 This subtitle may be cited as the “*Fairness for Pilots*
22 *Act*”.

1 **SEC. 392. EXPANSION OF PILOT'S BILL OF RIGHTS.**

2 (a) *NOTIFICATION OF INVESTIGATION.*—Subsection (b)
3 of section 2 of the Pilot's Bill of Rights (Public Law 112–
4 153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

5 (1) in paragraph (2)(A), by inserting “and the
6 specific activity on which the investigation is based”
7 after “nature of the investigation”;

8 (2) in paragraph (3), by striking “timely”; and

9 (3) in paragraph (5), by striking “section
10 44709(c)(2)” and inserting “section 44709(e)(2)”.

11 (b) *RELEASE OF INVESTIGATIVE REPORTS.*—Section 2
12 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat.
13 1159; 49 U.S.C. 44703 note) is further amended by adding
14 at the end the following:

15 “(f) *RELEASE OF INVESTIGATIVE REPORTS.*—

16 “(1) *IN GENERAL.*—

17 “(A) *EMERGENCY ORDERS.*—In any pro-
18 ceeding conducted under part 821 of title 49,
19 Code of Federal Regulations, relating to the
20 amendment, modification, suspension, or revoca-
21 tion of an airman certificate, in which the Ad-
22 ministrator issues an emergency order under
23 subsections (d) and (e) of section 44709, section
24 44710, or section 46105(c) of title 49, United
25 States Code, or another order that takes effect
26 immediately, the Administrator shall provide,

1 upon request, to the individual holding the air-
2 man certificate the releasable portion of the in-
3 vestigative report at the time the Administrator
4 issues the order. If the complete Report of Inves-
5 tigation is not available at the time of the re-
6 quest, the Administrator shall issue all portions
7 of the report that are available at the time and
8 shall provide the full report not later than 5
9 days after its completion.

10 “(B) *OTHER ORDERS.*—In any non-
11 emergency proceeding conducted under part 821
12 of title 49, Code of Federal Regulations, relating
13 to the amendment, modification, suspension, or
14 revocation of an airman certificate, in which the
15 Administrator notifies the certificate holder of a
16 proposed certificate action under subsections (b)
17 and (c) of section 44709 or section 44710 of title
18 49, United States Code, the Administrator shall,
19 upon the written request of the covered certificate
20 holder and at any time after that notification,
21 provide to the covered certificate holder the re-
22 leasable portion of the investigative report.

23 “(2) *MOTION FOR DISMISSAL.*—If the Adminis-
24 trator does not provide the releasable portions of the
25 investigative report to the individual holding the air-

1 *man certificate subject to the proceeding referred to in*
2 *paragraph (1) by the time required by that para-*
3 *graph, the individual may move to dismiss the com-*
4 *plaint of the Administrator or for other relief and,*
5 *unless the Administrator establishes good cause for the*
6 *failure to provide the investigative report or for a lack*
7 *of timeliness, the administrative law judge shall order*
8 *such relief as the judge considers appropriate.*

9 *“(3) RELEASABLE PORTION OF INVESTIGATIVE*
10 *REPORT.—For purposes of paragraph (1), the releas-*
11 *able portion of an investigative report is all informa-*
12 *tion in the report, except for the following:*

13 *“(A) Information that is privileged.*

14 *“(B) Information that constitutes work*
15 *product or reflects internal deliberative process.*

16 *“(C) Information that would disclose the*
17 *identity of a confidential source.*

18 *“(D) Information the disclosure of which is*
19 *prohibited by any other provision of law.*

20 *“(E) Information that is not relevant to the*
21 *subject matter of the proceeding.*

22 *“(F) Information the Administrator can*
23 *demonstrate is withheld for good cause.*

24 *“(G) Sensitive security information, as de-*
25 *finied in section 15.5 of title 49, Code of Federal*

1 *Regulations (or any corresponding similar rul-*
 2 *ing or regulation).*

3 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
 4 *subsection shall be construed to prevent the Adminis-*
 5 *trator from releasing to an individual subject to an*
 6 *investigation described in subsection (b)(1)—*

7 “(A) *information in addition to the infor-*
 8 *mation included in the releasable portion of the*
 9 *investigative report; or*

10 “(B) *a copy of the investigative report be-*
 11 *fore the Administrator issues a complaint.*”.

12 **SEC. 393. NOTIFICATION OF REEXAMINATION OF CERTIFI-**
 13 **CATE HOLDERS.**

14 (a) *IN GENERAL.*—*Section 44709(a) of title 49, United*
 15 *States Code, is amended—*

16 (1) *by striking “The Administrator” and insert-*
 17 *ing the following:*

18 “(1) *IN GENERAL.*—*The Administrator*”;

19 (2) *by adding at the end the following:*

20 “(2) *NOTIFICATION OF REEXAMINATION OF AIR-*
 21 *MAN.*—*Before taking any action to reexamine an air-*
 22 *man under paragraph (1) the Administrator shall*
 23 *provide to the airman—*

24 “(A) *a reasonable basis, described in detail,*
 25 *for requesting the reexamination; and*

1 “(B) any information gathered by the Fed-
2 eral Aviation Administration, that the Adminis-
3 trator determines is appropriate to provide, such
4 as the scope and nature of the requested reexam-
5 ination, that formed the basis for that justifica-
6 tion.”.

7 **SEC. 394. EXPEDITING UPDATES TO NOTAM PROGRAM.**

8 (a) *IN GENERAL.*—Beginning on the date that is 180
9 days after the date of enactment of this Act, the Adminis-
10 trator may not take any enforcement action against any
11 individual for a violation of a NOTAM (as defined in sec-
12 tion 3 of the Pilot’s Bill of Rights (49 U.S.C. 44701 note))
13 until the Administrator certifies to the appropriate commit-
14 tees of Congress that the Administrator has complied with
15 the requirements of section 3 of the Pilot’s Bill of Rights,
16 as amended by this section.

17 (b) *AMENDMENTS.*—Section 3 of the Pilot’s Bill of
18 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
19 44701 note) is amended—

20 (1) in subsection (a)(2)—

21 (A) in the matter preceding subparagraph

22 (A)—

23 (i) by striking “this Act” and inserting
24 “the Fairness for Pilots Act”; and

1 (ii) by striking “begin” and inserting
2 “complete the implementation of”;

3 (B) by amending subparagraph (B) to read
4 as follows:

5 “(B) to continue developing and modern-
6 izing the NOTAM repository, in a public central
7 location, to maintain and archive all NOTAMs,
8 including the original content and form of the
9 notices, the original date of publication, and any
10 amendments to such notices with the date of each
11 amendment, in a manner that is Internet-acces-
12 sible, machine-readable, and searchable;”;

13 (C) in subparagraph (C), by striking the
14 period at the end and inserting “; and”; and

15 (D) by adding at the end the following:

16 “(D) to specify the times during which tem-
17 porary flight restrictions are in effect and the
18 duration of a designation of special use airspace
19 in a specific area.”; and

20 (2) by amending subsection (d) to read as fol-
21 lows:

22 “(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE
23 FOR NOTAMS.—

24 “(1) IN GENERAL.—The Administrator—

1 “(A) shall consider the repository for
2 NOTAMs under subsection (a)(2)(B) to be the
3 sole location for airmen to check for NOTAMs;
4 and

5 “(B) may not consider a NOTAM to be an-
6 nounced or published until the NOTAM is in-
7 cluded in the repository for NOTAMs under sub-
8 section (a)(2)(B).

9 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
10 LATIONS OF NOTAMS NOT IN REPOSITORY.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), beginning on the date that
13 the repository under subsection (a)(2)(B) is final
14 and published, the Administrator may not take
15 any enforcement action against an airman for a
16 violation of a NOTAM during a flight if—

17 “(i) that NOTAM is not available
18 through the repository before the commence-
19 ment of the flight; and

20 “(ii) that NOTAM is not reasonably
21 accessible and identifiable to the airman.

22 “(B) EXCEPTION FOR NATIONAL SECUR-
23 RITY.—Subparagraph (A) shall not apply in the
24 case of an enforcement action for a violation of

1 a NOTAM that directly relates to national secu-
2 rity.”.

3 **SEC. 395. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

4 (a) *IN GENERAL.*—Subchapter I of chapter 471 of title
5 49, United States Code, is amended by inserting after sec-
6 tion 47124 the following:

7 **“§ 47124a. Accessibility of certain flight data**

8 “(a) *DEFINITIONS.*—In this section:

9 “(1) *ADMINISTRATION.*—The term ‘Administra-
10 tion’ means the Federal Aviation Administration.

11 “(2) *ADMINISTRATOR.*—The term ‘Adminis-
12 trator’ means the Administrator of the Federal Avia-
13 tion Administration.

14 “(3) *APPLICABLE INDIVIDUAL.*—The term ‘appli-
15 cable individual’ means an individual who is the sub-
16 ject of an investigation initiated by the Administrator
17 related to a covered flight record.

18 “(4) *CONTRACT TOWER.*—The term ‘contract
19 tower’ means an air traffic control tower providing
20 air traffic control services pursuant to a contract
21 with the Administration under section 47124.

22 “(5) *COVERED FLIGHT RECORD.*—The term ‘cov-
23 ered flight record’ means any air traffic data (as de-
24 fined in section 2(b)(4)(B) of the Pilot’s Bill of Rights
25 (49 U.S.C. 44703 note)), created, maintained, or con-

1 *trolled by any program of the Administration, includ-*
2 *ing any program of the Administration carried out*
3 *by employees or contractors of the Administration,*
4 *such as contract towers, flight service stations, and*
5 *controller training programs.*

6 *“(b) PROVISION OF COVERED FLIGHT RECORD TO AD-*
7 *MINISTRATION.—*

8 *“(1) REQUESTS.—Whenever the Administration*
9 *receives a written request for a covered flight record*
10 *from an applicable individual and the covered flight*
11 *record is not in the possession of the Administration,*
12 *the Administrator shall request the covered flight*
13 *record from the contract tower or other contractor of*
14 *the Administration in possession of the covered flight*
15 *record.*

16 *“(2) PROVISION OF RECORDS.—Any covered*
17 *flight record created, maintained, or controlled by a*
18 *contract tower or another contractor of the Adminis-*
19 *tration that maintains covered flight records shall be*
20 *provided to the Administration if the Administration*
21 *requests the record pursuant to paragraph (1).*

22 *“(3) NOTICE OF PROPOSED CERTIFICATE AC-*
23 *TION.—If the Administrator has issued, or subse-*
24 *quently issues, a Notice of Proposed Certificate Action*
25 *relying on evidence contained in the covered flight*

1 *record and the individual who is the subject of an in-*
2 *vestigation has requested the record, the Adminis-*
3 *trator shall promptly produce the record and extend*
4 *the time the individual has to respond to the Notice*
5 *of Proposed Certificate Action until the covered flight*
6 *record is provided.*

7 *“(c) IMPLEMENTATION.—*

8 *“(1) IN GENERAL.—Not later than 180 days*
9 *after the date of enactment of the Fairness for Pilots*
10 *Act, the Administrator shall promulgate regulations*
11 *or guidance to ensure compliance with this section.*

12 *“(2) COMPLIANCE BY CONTRACTORS.—*

13 *“(A) IN GENERAL.—Compliance with this*
14 *section by a contract tower or other contractor of*
15 *the Administration that maintains covered flight*
16 *records shall be included as a material term in*
17 *any contract between the Administration and the*
18 *contract tower or contractor entered into or re-*
19 *newed on or after the date of enactment of the*
20 *Fairness for Pilots Act.*

21 *“(B) NONAPPLICABILITY.—Subparagraph*
22 *(A) shall not apply to any contract or agreement*
23 *in effect on the date of enactment of the Fairness*
24 *for Pilots Act unless the contract or agreement is*

1 renegotiated, renewed, or modified after that
2 date.

3 “(d) *PROTECTION OF CERTAIN DATA.*—*The Adminis-*
4 *trator of the Federal Aviation Administration may with-*
5 *hold information that would otherwise be required to be*
6 *made available under section only if—*

7 “(1) *the Administrator determines, based on in-*
8 *formation in the possession of the Administrator, that*
9 *the Administrator may withhold the information in*
10 *accordance with section 552a of title 5, United States*
11 *Code; or*

12 “(2) *the information is submitted pursuant to a*
13 *voluntary safety reporting program covered by section*
14 *40123 of title 49, United States Code.”.*

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
16 *The table of contents for chapter 471 is amended by insert-*
17 *ing after the item relating to section 47124 the following:*
“47124a. Accessibility of certain flight data.”.

18 **SEC. 396. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
19 **TAIN NOTICES.**

20 *Not later than 90 days after the date of enactment of*
21 *this Act, the Administrator shall designate the appropriate*
22 *legal counsel of the Administration as an appropriate offi-*
23 *cial for purposes of section 13.11 of title 14, Code of Federal*
24 *Regulations.*

1 **TITLE IV—AIR SERVICE**
2 **IMPROVEMENTS**
3 **Subtitle A—Airline Customer**
4 **Service Improvements**

5 **SEC. 401. DEFINITIONS.**

6 *In this title:*

7 (1) *COVERED AIR CARRIER.*—*The term “covered*
8 *air carrier” means an air carrier or a foreign air*
9 *carrier as those terms are defined in section 40102 of*
10 *title 49, United States Code.*

11 (2) *ONLINE SERVICE.*—*The term “online service”*
12 *means any service available over the internet, or that*
13 *connects to the internet or a wide-area network.*

14 (3) *TICKET AGENT.*—*The term “ticket agent” has*
15 *the meaning given the term in section 40102 of title*
16 *49, United States Code.*

17 **SEC. 402. RELIABLE AIR SERVICE IN AMERICAN SAMOA.**

18 *Section 40109(g) of title 49, United States Code, is*
19 *amended—*

20 (1) *in paragraph (2) by striking subparagraph*
21 *(C) and inserting the following:*

22 “(C) *review the exemption at least every 30 days*
23 *(or, in the case of an exemption that is necessary to*
24 *provide and sustain air transportation in American*
25 *Samoa between the islands of Tutuila and Manu’a, at*

1 *least every 180 days) to ensure that the unusual cir-*
2 *cumstances that established the need for the exemption*
3 *still exist.”; and*

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

6 “(3) *RENEWAL OF EXEMPTIONS.*—

7 “(A) *IN GENERAL.*—*Except as provided in*
8 *subparagraph (B), the Secretary may renew an*
9 *exemption (including renewals) under this sub-*
10 *section for not more than 30 days.*

11 “(B) *EXCEPTION.*—*The Secretary may*
12 *renew an exemption (including renewals) under*
13 *this subsection that is necessary to provide and*
14 *sustain air transportation in American Samoa*
15 *between the islands of Tutuila and Manu’a for*
16 *not more than 180 days.*

17 “(4) *CONTINUATION OF EXEMPTIONS.*—*An ex-*
18 *emption granted by the Secretary under this sub-*
19 *section may continue for not more than 5 days after*
20 *the unusual circumstances that established the need*
21 *for the exemption cease.”.*

22 **SEC. 403. CELL PHONE VOICE COMMUNICATION BAN.**

23 “(a) *IN GENERAL.*—*Subchapter I of chapter 417 of title*
24 *49, United States Code, is amended by adding at the end*
25 *the following:*

1 **“§ 41725. Prohibition on certain cell phone voice com-**
2 **munications**

3 “(a) *PROHIBITION.*—*The Secretary of Transportation*
4 *shall issue regulations—*

5 “(1) *to prohibit an individual on an aircraft*
6 *from engaging in voice communications using a mo-*
7 *bile communications device during a flight of that*
8 *aircraft in scheduled passenger interstate or intra-*
9 *state air transportation; and*

10 “(2) *that exempt from the prohibition described*
11 *in paragraph (1) any—*

12 “(A) *member of the flight crew on duty on*
13 *an aircraft;*

14 “(B) *flight attendant on duty on an air-*
15 *craft; and*

16 “(C) *Federal law enforcement officer acting*
17 *in an official capacity.*

18 “(b) *DEFINITIONS.*—*In this section, the following defi-*
19 *initions apply:*

20 “(1) *FLIGHT.*—*The term ‘flight’ means, with re-*
21 *spect to an aircraft, the period beginning when the*
22 *aircraft takes off and ending when the aircraft lands.*

23 “(2) *MOBILE COMMUNICATIONS DEVICE.*—

24 “(A) *IN GENERAL.*—*The term ‘mobile com-*
25 *munications device’ means any portable wireless*

1 *telecommunications equipment utilized for the*
2 *transmission or reception of voice data.*

3 “(B) *LIMITATION.*—*The term ‘mobile com-*
4 *munications device’ does not include a phone in-*
5 *stalled on an aircraft.’”.*

6 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
7 *417 of title 49, United States Code, is amended by inserting*
8 *after the item relating to section 41724 the following:*

 “*41725. Prohibition on certain cell phone voice communications.*”.

9 **SEC. 404. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

10 *Section 42303(b) of title 49, United States Code, is*
11 *amended to read as follows:*

12 “(b) *REQUIRED DISCLOSURES.*—*An air carrier, for-*
13 *eign air carrier, or ticket agent selling, in the United*
14 *States, a ticket for a flight in foreign air transportation*
15 *to a country listed on the internet website established under*
16 *subsection (a) shall—*

17 “(1) *disclose, on its own internet website or*
18 *through other means, that the destination country*
19 *may require the air carrier or foreign air carrier to*
20 *treat an aircraft passenger cabin with insecticides*
21 *prior to the flight or to apply an aerosol insecticide*
22 *in an aircraft cabin used for such a flight when the*
23 *cabin is occupied with passengers; and*

1 “(2) refer the purchaser of the ticket to the inter-
2 net website established under subsection (a) for addi-
3 tional information.”.

4 **SEC. 405. CONSUMER COMPLAINTS HOTLINE.**

5 Section 42302 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(d) *USE OF NEW TECHNOLOGIES.*—The Secretary
8 shall periodically evaluate the benefits of using mobile
9 phone applications or other widely used technologies to pro-
10 vide new means for air passengers to communicate com-
11 plaints in addition to the telephone number established
12 under subsection (a) and shall provide such new means as
13 the Secretary determines appropriate.”.

14 **SEC. 406. CONSUMER INFORMATION ON ACTUAL FLIGHT**
15 **TIMES.**

16 (a) *STUDY.*—The Secretary of Transportation shall
17 conduct a study on the feasibility and advisability of modi-
18 fying regulations contained in section 234.11 of title 14,
19 Code of Federal Regulations, to ensure that—

20 (1) a reporting carrier (including its contrac-
21 tors), during the course of a reservation or ticketing
22 discussion or other inquiry, discloses to a consumer
23 upon reasonable request the projected period between
24 the actual wheels-off and wheels-on times for a report-
25 able flight; and

1 (2) a reporting carrier displays, on the public
2 internet website of the carrier, information on the ac-
3 tual wheels-off and wheels-on times during the most
4 recent calendar month for a reportable flight.

5 (b) DEFINITIONS.—In this section, the terms “report-
6 ing carrier” and “reportable flight” have the meanings
7 given those terms in section 234.2 of title 14, Code of Fed-
8 eral Regulations (as in effect on the date of enactment of
9 this Act).

10 (c) REPORT.—Not later than 1 year after the date of
11 enactment of this Act, the Secretary shall submit to the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report on the
15 results of the study.

16 **SEC. 407. TRAINING POLICIES REGARDING RACIAL, ETHNIC,**
17 **AND RELIGIOUS NONDISCRIMINATION.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall submit to the appropriate com-
21 mittees of Congress and the Secretary of Transportation a
22 report describing—

23 (1) each air carrier’s training policy for its em-
24 ployees and contractors regarding racial, ethnic, and
25 religious nondiscrimination; and

1 (2) *how frequently an air carrier is required to*
2 *train new employees and contractors because of turn-*
3 *over in positions that require such training.*

4 **(b) BEST PRACTICES.**—*After the date the report is sub-*
5 *mitted under subsection (a), the Secretary shall develop and*
6 *disseminate to air carriers best practices necessary to im-*
7 *prove the training policies described in subsection (a), based*
8 *on the findings of the report and in consultation with—*

9 (1) *passengers of diverse racial, ethnic, and reli-*
10 *gious backgrounds;*

11 (2) *national organizations that represent im-*
12 *pacted communities;*

13 (3) *air carriers;*

14 (4) *airport operators; and*

15 (5) *contract service providers.*

16 **SEC. 408. TRAINING ON HUMAN TRAFFICKING FOR CERTAIN**
17 **STAFF.**

18 **(a) IN GENERAL.**—*Chapter 447 of title 49, United*
19 *States Code, as amended by this Act, is further amended*
20 *by adding at the end the following:*

21 **“§44738. Training on human trafficking for certain**
22 **staff**

23 *“In addition to other training requirements, each air*
24 *carrier shall provide training to ticket counter agents, gate*
25 *agents, and other air carrier workers whose jobs require reg-*

1 *ular interaction with passengers on recognizing and re-*
2 *sponding to potential human trafficking victims.”.*

3 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
4 *447 of title 49, United States Code, as amended by this*
5 *Act, is further amended by adding at the end the following:*
“44738. Training on human trafficking for certain staff.”.

6 **SEC. 409. PROHIBITIONS AGAINST SMOKING ON PAS-**
7 **SENGER FLIGHTS.**

8 *Section 41706 of title 49, United States Code, is*
9 *amended—*

10 (1) *by redesignating subsection (d) as subsection*
11 *(e); and*

12 (2) *by inserting after subsection (c) the fol-*
13 *lowing:*

14 *“(d) ELECTRONIC CIGARETTES.—*

15 *“(1) INCLUSION.—The use of an electronic ciga-*
16 *rette shall be treated as smoking for purposes of this*
17 *section.*

18 *“(2) ELECTRONIC CIGARETTE DEFINED.—In this*
19 *section, the term ‘electronic cigarette’ means a device*
20 *that delivers nicotine to a user of the device in the*
21 *form of a vapor that is inhaled to simulate the experi-*
22 *ence of smoking.”.*

1 **SEC. 410. REPORT ON BAGGAGE REPORTING REQUIRE-**
2 **MENTS.**

3 *Not later than 6 months after the date of enactment*
4 *of this Act, the Secretary of Transportation shall—*

5 *(1) study and publicize for comment a cost-ben-*
6 *efit analysis to air carriers and consumers of chang-*
7 *ing the baggage reporting requirements of section*
8 *234.6 of title 14, Code of Federal Regulations, before*
9 *the implementation of such requirements; and*

10 *(2) submit a report on the findings of the cost-*
11 *benefit analysis to the appropriate committees of Con-*
12 *gress.*

13 **SEC. 411. ENFORCEMENT OF AVIATION CONSUMER PROTEC-**
14 **TION RULES.**

15 *(a) IN GENERAL.—The Comptroller General of the*
16 *United States shall conduct a study to consider and evalu-*
17 *ate Department of Transportation enforcement of aviation*
18 *consumer protection rules.*

19 *(b) CONTENTS.—The study under subsection (a) shall*
20 *include an evaluation of—*

21 *(1) available enforcement mechanisms;*

22 *(2) any obstacles to enforcement; and*

23 *(3) trends in Department of Transportation en-*
24 *forcement actions.*

25 *(c) REPORT.—Not later than 1 year after the date of*
26 *enactment of this Act, the Comptroller General shall submit*

1 to the appropriate committees of Congress a report on the
2 study, including the Comptroller General's findings, conclu-
3 sions, and recommendations.

4 **SEC. 412. STROLLERS.**

5 (a) *IN GENERAL.*—Subchapter I of chapter 417 of title
6 49, United States Code, as amended by this Act, is further
7 amended by adding at the end the following:

8 **“§ 41726. Strollers**

9 “(a) *IN GENERAL.*—Except as provided in subsection
10 (b), a covered air carrier shall not deny a passenger the
11 ability to check a stroller at the departure gate if the stroller
12 is being used by a passenger to transport a child traveling
13 on the same flight as the passenger.

14 “(b) *EXCEPTION.*—Subsection (a) shall not apply in
15 instances where the size or weight of the stroller poses a
16 safety or security risk.

17 “(c) *COVERED AIR CARRIER DEFINED.*—In this sec-
18 tion, the term ‘covered air carrier’ means an air carrier
19 or a foreign air carrier as those terms are defined in section
20 40102 of title 49, United States Code.”.

21 (b) *TABLE OF CONTENTS.*—The analysis for chapter
22 417 of title 49, United States Code, is further amended by
23 inserting after the item relating to section 41725 the fol-
24 lowing:

“41726. Strollers.”.

1 **SEC. 413. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.**

2 (a) *REVIEW.*—

3 (1) *IN GENERAL.*—Not later than 1 year after
4 the date of enactment of this Act, the Secretary of
5 Transportation, in consultation with the Adminis-
6 trator of the Federal Aviation Administration, shall
7 review the categorization of delays and cancellations
8 with respect to air carriers that are required to report
9 such data.

10 (2) *CONSIDERATIONS.*—In conducting the review
11 under paragraph (1), the Secretary shall consider, at
12 a minimum—

13 (A) whether delays and cancellations were
14 the result of—

15 (i) decisions or matters within the con-
16 trol or within the discretion of the Federal
17 Aviation Administration, including ground
18 stop or delay management programs in re-
19 sponse to adverse weather conditions;

20 (ii) business decisions or other matters
21 within the air carrier's control or discretion
22 in response to adverse weather conditions,
23 including efforts to disrupt the travel of the
24 fewest number of passengers; or

25 (iii) other factors;

1 (B) if the data indicate whether and to
2 what extent delays and cancellations attributed
3 by an air carrier to weather disproportionately
4 impact service to smaller airports and commu-
5 nities;

6 (C) whether it is an unfair or deceptive
7 practice for an air carrier to inform a passenger
8 that a flight is delayed or cancelled due to
9 weather alone when other factors are involved;

10 (D) limitations, if any, in the Federal
11 Aviation Administration air traffic control sys-
12 tems that reduce the capacity or efficiency of the
13 national airspace system during adverse weather
14 events; and

15 (E) relevant analytical work by academic
16 institutions.

17 (3) CONSULTATION.—The Secretary may consult
18 air carriers and the Advisory Committee for Aviation
19 Consumer Protection, established under section 411 of
20 the FAA Modernization and Reform Act of 2012 (49
21 U.S.C. 42301 prec. note), to assist in conducting the
22 review and providing recommendations on improving
23 the quality and quantity of information provided to
24 passengers adversely affected by a cancellation or
25 delay.

1 (b) *REPORT.*—Not later than 90 days after the date
2 the review under subsection (a) is complete, the Secretary
3 shall submit to the appropriate committees of Congress a
4 report on the review under subsection (a), including any
5 recommendations.

6 (c) *SAVINGS PROVISION.*—Nothing in this section shall
7 be construed as affecting or penalizing—

8 (1) the decision of an air carrier to maximize its
9 system capacity during weather-related events to ac-
10 commodate the greatest number of passengers; or

11 (2) any decisions of an air carrier or the Federal
12 Aviation Administration in any matter related to or
13 affecting the safety of any person.

14 **SEC. 414. INVOLUNTARY CHANGES TO ITINERARIES.**

15 (a) *REVIEW.*—

16 (1) *IN GENERAL.*—Not later than 1 year after
17 the date of enactment of this Act, the Secretary of
18 Transportation shall review the rate at which air car-
19 riers change passenger itineraries more than 24 hours
20 before departure, where the new itineraries involve
21 additional stops or depart 3 hours earlier or later
22 than originally scheduled and compensation or other
23 suitable air transportation is not offered. In con-
24 ducting the review, the Secretary shall consider the

1 *compensation and alternative travel options provided*
2 *or offered by the air carrier in such situations.*

3 (2) *CONSULTATION.*—*The Secretary may consult*
4 *with air carriers and the Advisory Committee for*
5 *Aviation Consumer Protection, established under sec-*
6 *tion 411 of the FAA Modernization and Reform Act*
7 *of 2012 (49 U.S.C. 42301 prec. note), to assist in con-*
8 *ducting the review and providing recommendations.*

9 (b) *REPORT.*—*Not later than 90 days after the date*
10 *the review under subsection (a) is complete, the Secretary*
11 *shall submit to appropriate committees of Congress a report*
12 *on the review under subsection (a).*

13 **SEC. 415. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**
14 **TION CONSUMER PROTECTION.**

15 *Section 411 of the FAA Modernization and Reform Act*
16 *of 2012 (49 U.S.C. 42301 prec. note) is amended in sub-*
17 *section (h) by striking “2018” and inserting “2023”.*

18 **SEC. 416. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
19 **TECTION INFORMATION.**

20 *Not later than 180 days after the date of enactment*
21 *of this Act, the Secretary of Transportation shall—*

22 (1) *complete an evaluation of the aviation con-*
23 *sumer protection portion of the Department of Trans-*
24 *portation’s public internet website to identify any*
25 *changes to the user interface, including the interface*

1 *presented to individuals accessing the website from a*
2 *mobile device, that will improve usability, accessi-*
3 *bility, consumer satisfaction, and website perform-*
4 *ance;*

5 *(2) in completing the evaluation under para-*
6 *graph (1)—*

7 *(A) consider the best practices of other Fed-*
8 *eral agencies with effective websites; and*

9 *(B) consult with the Federal Web Managers*
10 *Council;*

11 *(3) develop a plan, including an implementation*
12 *timeline, for—*

13 *(A) making the changes identified under*
14 *paragraph (1); and*

15 *(B) making any necessary changes to that*
16 *portion of the website that will enable a con-*
17 *sumer, in a manner that protects the privacy of*
18 *consumers and employees, to—*

19 *(i) access information regarding each*
20 *complaint filed with the Aviation Consumer*
21 *Protection Division of the Department of*
22 *Transportation;*

23 *(ii) search the complaints described in*
24 *clause (i) by the name of the air carrier, the*
25 *dates of departure and arrival, the airports*

1 of origin and departure, and the type of
2 complaint; and

3 (iii) determine the date a complaint
4 was filed and the date a complaint was re-
5 solved; and

6 (4) submit the evaluation and plan to appro-
7 priate committees of Congress.

8 **SEC. 417. PROTECTION OF PETS ON AIRPLANES.**

9 (a) *PROHIBITION.*—Chapter 447 of title 49, United
10 *States Code, is further amended by adding at the end the*
11 *following:*

12 **“§ 44739. Pets on airplanes**

13 “(a) *PROHIBITION.*—It shall be unlawful for any per-
14 *son to place a live animal in an overhead storage compart-*
15 *ment of an aircraft operated under part 121 of title 14,*
16 *Code of Federal Regulations.*

17 “(b) *CIVIL PENALTY.*—The Administrator may impose
18 *a civil penalty under section 46301 for each violation of*
19 *this section.”.*

20 (b) *CONFORMING AMENDMENT.*—The analysis for
21 *chapter 447 of title 49, United States Code, is further*
22 *amended by adding at the end the following:*

“44739. *Pets on airplanes.*”.

1 **SEC. 418. ADVISORY COMMITTEE ON AIR AMBULANCE AND**
2 **PATIENT BILLING.**

3 (a) *IN GENERAL.*—Not later than 60 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation, in consultation with the Secretary of Health and
6 Human Services, shall establish an advisory committee for
7 the purpose of reviewing options to improve the disclosure
8 of charges and fees for air medical services, better inform
9 consumers of insurance options for such services, and pro-
10 tect consumers from balance billing.

11 (b) *COMPOSITION OF THE ADVISORY COMMITTEE.*—
12 The advisory committee shall be composed of the following
13 members:

14 (1) *The Secretary of Transportation, or the Sec-*
15 *retary's designee.*

16 (2) *The Secretary of Health and Human Serv-*
17 *ices, or the Secretary's designee.*

18 (3) *One representative, to be appointed by the*
19 *Secretary of Transportation, of each of the following:*

20 (A) *Each relevant Federal agency, as deter-*
21 *mined by the Secretary of Transportation.*

22 (B) *State insurance regulators*

23 (C) *Health insurance providers.*

24 (D) *Patient advocacy groups.*

25 (E) *Consumer advocacy groups.*

1 (F) *Physician specializing in emergency,*
2 *trauma, cardiac, or stroke.*

3 (4) *Three representatives, to be appointed by the*
4 *Secretary of Transportation, to represent the various*
5 *segments of the air ambulance industry.*

6 (5) *Additional three representatives not covered*
7 *under paragraphs (1) through (4), as determined nec-*
8 *essary and appropriate by the Secretary.*

9 (c) *CONSULTATION.*—*The advisory committee shall, as*
10 *appropriate, consult with relevant experts and stakeholders*
11 *not captured in (b) while conducting its review.*

12 (d) *RECOMMENDATIONS.*—*The advisory committee*
13 *shall make recommendations with respect to disclosure of*
14 *charges and fees for air ambulance services and insurance*
15 *coverage, consumer protection and enforcement authorities*
16 *of both the Department of Transportation and State au-*
17 *thorities, and the prevention of balance billing to con-*
18 *sumers. The recommendations shall address, at a min-*
19 *imum—*

20 (1) *the costs, benefits, practicability, and impact*
21 *on all stakeholders of clearly distinguishing between*
22 *charges for air transportation services and charges for*
23 *non-air transportation services in bills and invoices,*
24 *including the costs, benefits, and practicability of—*

1 (A) developing cost-allocation methodologies
2 to separate charges for air transportation serv-
3 ices from charges for non-air transportation
4 services; and

5 (B) formats for bills and invoices that clear-
6 ly distinguish between charges for air transpor-
7 tation services and charges for non-air transpor-
8 tation services;

9 (2) options, best practices, and identified stand-
10 ards to prevent instances of balance billing such as
11 improving network and contract negotiation, dispute
12 resolution between health insurance and air medical
13 service providers, and explanation of insurance cov-
14 erage and subscription programs to consumers;

15 (3) steps that can be taken by State legislatures,
16 State insurance regulators, State attorneys general,
17 and other State officials as appropriate, consistent
18 with current legal authorities regarding consumer
19 protection;

20 (4) recommendations made by the Comptroller
21 General study, GAO-17-637, including what addi-
22 tional data from air ambulance providers and other
23 sources should be collected by the Department of
24 Transportation to improve its understanding of the
25 air ambulance market and oversight of the air ambu-

1 *lance industry for the purposes of pursuing action re-*
2 *lated to unfair or deceptive practices or unfair meth-*
3 *ods of competition, which may include—*

4 *(A) cost data;*

5 *(B) standard charges and payments re-*
6 *ceived per transport;*

7 *(C) whether the provider is part of a hos-*
8 *pital-sponsored program, municipality-sponsored*
9 *program, hospital-independent partnership (hy-*
10 *brid) program, or independent program;*

11 *(D) number of transports per base and heli-*
12 *copter;*

13 *(E) market shares of air ambulance pro-*
14 *viders inclusive of any parent or holding compa-*
15 *nies;*

16 *(F) any data indicating the extent of com-*
17 *petition among air ambulance providers on the*
18 *basis of price and service;*

19 *(G) prices assessed to consumers and insur-*
20 *ers for air transportation and any non-transport-*
21 *ation services provided by air ambulance pro-*
22 *viders; and*

23 *(H) financial performance of air ambulance*
24 *providers;*

1 (5) *definitions of all applicable terms that are*
2 *not defined in statute or regulations; and*

3 (6) *other matters as determined necessary or ap-*
4 *propriate.*

5 (e) *REPORT.*—*Not later than 180 days after the date*
6 *of the first meeting of the advisory committee, the advisory*
7 *committee shall submit to the Secretary of Transportation,*
8 *the Secretary of Health and Human Services, and the ap-*
9 *propriate committees of Congress a report containing the*
10 *recommendations made under subsection (d).*

11 (f) *RULEMAKING.*—*Upon receipt of the report under*
12 *subsection (e), the Secretary of Transportation shall con-*
13 *sider the recommendations of the advisory committee and*
14 *issue regulations or other guidance as deemed necessary—*

15 (1) *to require air ambulance providers to regu-*
16 *larly report data to the Department of Transpor-*
17 *tation;*

18 (2) *to increase transparency related to Depart-*
19 *ment of Transportation actions related to consumer*
20 *complaints; and*

21 (3) *to provide other consumer protections for cus-*
22 *tomers of air ambulance providers.*

23 (g) *ELIMINATION OF ADVISORY COUNCIL ON TRANS-*
24 *PORTATION STATISTICS.*—*The Advisory Council on Trans-*

1 *portation Statistics shall terminate on the date of enact-*
2 *ment of this Act.*

3 **SEC. 419. AIR AMBULANCE COMPLAINTS TO THE DEPART-**
4 **MENT OF TRANSPORTATION.**

5 *(a) CONSUMER COMPLAINTS.—Section 42302 of title*
6 *49, United States Code, is further amended—*

7 *(1) in subsection (a) by inserting “(including*
8 *transportation by air ambulance (as defined by the*
9 *Secretary of Transportation))” after “air transpor-*
10 *tation”; and*

11 *(2) by adding at the end the following:*

12 *“(e) AIR AMBULANCE PROVIDERS.—Each air ambu-*
13 *lance provider shall include the hotline telephone number,*
14 *link to the Internet website established under subsection (a),*
15 *and contact information for the Aviation Consumer Advo-*
16 *cate established under section 425 on—*

17 *“(1) any invoice, bill, or other communication*
18 *provided to a passenger or customer of the provider;*
19 *and*

20 *“(2) its Internet Web site, and any related mo-*
21 *bile device application.”.*

22 *(b) UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR*
23 *METHODS OF COMPETITION.—Section 41712(a) of title 49,*
24 *United States Code, is amended by inserting “air ambu-*
25 *lance consumer (as defined by the Secretary of Transpor-*

1 tation),” after “foreign air carrier,” in the first place it
2 appears.

3 **SEC. 420. REPORT TO CONGRESS ON AIR AMBULANCE**
4 **OVERSIGHT.**

5 (a) *IN GENERAL.*—Not later than 180 days after sub-
6 mission of the report required under section 418, the Sec-
7 retary of Transportation shall submit a report to the appro-
8 priate committees of Congress on air ambulance oversight.

9 (b) *CONTENTS OF REPORT.*—The report required
10 under subsection (a) shall include—

11 (1) a description of how the Secretary will con-
12 duct oversight of air ambulance providers, including
13 the information sources the Secretary will use to con-
14 duct such oversight; and

15 (2) a timeline for the issuance of any guidance
16 concerning unfair and deceptive practices among air
17 ambulance providers, including guidance for States
18 and political subdivisions of States to refer such mat-
19 ters to the Secretary.

20 **SEC. 421. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
21 **ORED BY A COVERED AIR CARRIER.**

22 Not later than 1 year after the date of enactment of
23 this Act, the Secretary of Transportation shall promulgate
24 regulations that require each covered air carrier to prompt-
25 ly provide a refund to a passenger of any ancillary fees

1 *paid for services related to air travel that the passenger does*
2 *not receive, including on the passenger's scheduled flight,*
3 *on a subsequent replacement itinerary if there has been a*
4 *rescheduling, or for a flight not taken by the passenger.*

5 **SEC. 422. ADVANCE BOARDING DURING PREGNANCY .**

6 *Not later than 180 days after the date of enactment*
7 *of this Act, the Secretary of Transportation shall review air*
8 *carrier policies regarding traveling during pregnancy and,*
9 *if appropriate, may revise regulations, as the Secretary*
10 *considers necessary, to require an air carrier to offer ad-*
11 *vance boarding of an aircraft to a pregnant passenger who*
12 *requests such assistance.*

13 **SEC. 423. CONSUMER COMPLAINT PROCESS IMPROVEMENT.**

14 *(a) IN GENERAL.—Section 42302(c) of title 49, United*
15 *States Code is amended—*

16 *(1) in the matter preceding paragraph (1), by*
17 *striking “An air carrier or foreign air carrier pro-*
18 *viding scheduled air transportation using any air-*
19 *craft that as originally designed has a passenger ca-*
20 *capacity of 30 or more passenger seats” and inserting*
21 *“Each air carrier and foreign air carrier”;*

22 *(2) in paragraph (1), by striking “air carrier”*
23 *and inserting “carrier”; and*

24 *(3) in paragraph (2), by striking “air carrier”*
25 *and inserting “carrier”.*

1 (b) *RULEMAKING.*—Not later than 1 year after the date
2 of enactment of this Act, the Secretary of Transportation
3 shall promulgate regulations to implement the requirements
4 of section 42302 of title 49, United States Code, as amended
5 by this Act.

6 **SEC. 424. AVIATION CONSUMER ADVOCATE.**

7 (a) *IN GENERAL.*—The Secretary of Transportation
8 shall review aviation consumer complaints received that al-
9 lege a violation of law and, as appropriate, pursue enforce-
10 ment or corrective actions that would be in the public inter-
11 est.

12 (b) *CONSIDERATIONS.*—In considering which cases to
13 pursue for enforcement or corrective action under subsection
14 (a), the Secretary shall consider—

15 (1) the Air Carrier Access Act of 1986 (Public
16 Law 99–435; 100 Stat. 1080);

17 (2) unfair and deceptive practices by air carriers
18 (including air ambulance operators), foreign air car-
19 riers, and ticket agents;

20 (3) the terms and conditions agreed to between
21 passengers and air carriers (including air ambulance
22 operators), foreign air carriers, or ticket agents;

23 (4) aviation consumer protection and tarmac
24 delay contingency planning requirements for both air-
25 ports and airlines;

- 1 (5) *protection of air ambulance consumers; and*
2 (6) *any other applicable law.*

3 (c) *AVIATION CONSUMER ADVOCATE.—*

4 (1) *IN GENERAL.—Within the Aviation Con-*
5 *sumer Protection Division of the Department of*
6 *Transportation, there shall be an Aviation Consumer*
7 *Advocate.*

8 (2) *FUNCTIONS.—The Aviation Consumer Advo-*
9 *cate shall—*

10 (A) *assist consumers in resolving carrier*
11 *service complaints filed with the Aviation Con-*
12 *sumer Protection Division;*

13 (B) *review the resolution by the Department*
14 *of Transportation of carrier service complaints;*

15 (C) *identify and recommend actions the De-*
16 *partment can take to improve the enforcement of*
17 *aviation consumer protection rules, protection of*
18 *air ambulance consumers, and resolution of car-*
19 *rier service complaints; and*

20 (D) *identify and recommend regulations*
21 *and policies that can be amended to more effec-*
22 *tively resolve carrier service complaints.*

23 (d) *ANNUAL REPORTS.—The Secretary, through the*
24 *Aviation Consumer Advocate, shall submit to the appro-*

1 *pr*iate committees of Congress an annual report summa-
2 *rizing the following:*

3 (1) *The total number of annual complaints re-*
4 *ceived by the Department, including the number of*
5 *complaints by the name of each air carrier and for-*
6 *ign air carrier.*

7 (2) *The total number of annual complaints by*
8 *category of complaint.*

9 (3) *The number of complaints referred in the*
10 *preceding year for enforcement or corrective action by*
11 *the Department.*

12 (4) *Any recommendations under paragraphs*
13 *(2)(C) and (2)(D) of subsection (c).*

14 (5) *Such other data as the Aviation Consumer*
15 *Advocate considers appropriate.*

16 (e) *SUNSET ON REPORTING REQUIREMENT.—The re-*
17 *porting requirement of subsection (d) shall terminate on*
18 *September 30, 2023.*

19 **SEC. 425. TICKETS ACT.**

20 (a) *SHORT TITLE.—This section may be cited as the*
21 *“Transparency Improvements and Compensation to Keep*
22 *Every Ticketholder Safe Act of 2018” or the “TICKETS*
23 *Act”.*

24 (b) *BOARDED PASSENGERS.—Beginning on the date*
25 *of enactment of this Act, a covered air carrier may not deny*

1 *a revenue passenger traveling on a confirmed reservation*
2 *permission to board, or involuntarily remove that passenger*
3 *from the aircraft, once a revenue passenger has—*

4 (1) *checked in for the flight prior to the check-*
5 *in deadline; and*

6 (2) *had their ticket or boarding pass collected or*
7 *electronically scanned and accepted by the gate agent.*

8 (c) *LIMITATIONS.—The prohibition pursuant to sub-*
9 *section (b) shall not apply when—*

10 (1) *there is a safety, security, or health risk with*
11 *respect to that revenue passenger or there is a safety*
12 *or security issue requiring removal of a revenue pas-*
13 *senger; or*

14 (2) *the revenue passenger is engaging in behavior*
15 *that is obscene, disruptive, or otherwise unlawful.*

16 (d) *RULE OF CONSTRUCTION.—Nothing in this section*
17 *may be construed to limit or otherwise affect the responsi-*
18 *bility or authority of a pilot in command of an aircraft*
19 *under section 121.533 of title 14, Code of Federal Regula-*
20 *tions, or limit any penalty under section 46504 of title 49,*
21 *United States Code.*

22 (e) *INVOLUNTARY DENIED BOARDING COMPENSA-*
23 *TION.—Not later than 60 days after the date of enactment*
24 *of this Act, the Secretary of Transportation shall issue a*

1 *final rule to revise part 250 of title 14, Code of Federal*
2 *Regulations, to clarify that—*

3 (1) *there is not a maximum level of compensa-*
4 *tion an air carrier or foreign air carrier may pay to*
5 *a passenger who is involuntarily denied boarding as*
6 *the result of an oversold flight;*

7 (2) *the compensation levels set forth in that part*
8 *are the minimum levels of compensation an air car-*
9 *rier or foreign air carrier must pay to a passenger*
10 *who is involuntarily denied boarding as the result of*
11 *an oversold flight; and*

12 (3) *an air carrier or foreign air carrier must*
13 *proactively offer to pay compensation to a passenger*
14 *who is voluntarily or involuntarily denied boarding*
15 *on an oversold flight, rather than waiting until the*
16 *passenger requests the compensation.*

17 *(f) GAO REPORT ON OVERSALES.—*

18 (1) *IN GENERAL.—The Comptroller General of*
19 *the United States shall review airline policies and*
20 *practices related to oversales of flights.*

21 (2) *CONSIDERATIONS.—In conducting the review*
22 *under paragraph (1), the Comptroller General shall*
23 *examine—*

1 (A) the impact on passengers as a result of
2 an oversale, including increasing or decreasing
3 the costs of passenger air transportation;

4 (B) economic and operational factors which
5 result in oversales;

6 (C) whether, and if so how, the incidence of
7 oversales varies depending on markets;

8 (D) potential consequences on the limiting
9 of oversales; and

10 (E) best practices on how oversale policies
11 can be communicated to passengers at airline
12 check-in desks and airport gates.

13 (3) *REPORT.*—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 shall submit to the appropriate committees of Con-
16 gress a report on the review under paragraph (2).

17 (g) *GATE NOTICE OF POLICIES.*—The Secretary may
18 provide guidance on how these policies should be commu-
19 nicated at covered air carrier check-in desks and airport
20 gates.

21 **SEC. 426. REPORT ON AVAILABILITY OF LAVATORIES ON**
22 **COMMERCIAL AIRCRAFT.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Comptroller General of the United States

1 *shall submit to the appropriate committees of Congress a*
2 *report assessing—*

3 (1) *the availability of functional lavatories on*
4 *commercial aircraft*

5 (2) *the extent to which flights take off without*
6 *functional lavatories;*

7 (3) *the ability of passengers with disabilities to*
8 *access lavatories on commercial aircraft;*

9 (4) *the extent of complaints to the Department of*
10 *Transportation and air carriers related to lavatories*
11 *and efforts they have taken to address complaints;*
12 *and*

13 (5) *the extent to which air carriers are reducing*
14 *the size and number of lavatories to add more seats*
15 *and whether this creates passenger lavatory access*
16 *issues.*

17 **SEC. 427. CONSUMER PROTECTION REQUIREMENTS RELAT-**
18 **ING TO LARGE TICKET AGENTS.**

19 (a) *IN GENERAL.*—*Not later than 180 days after the*
20 *date of enactment of this Act, the Secretary of Transpor-*
21 *tation shall issue a final rule to require large ticket agents*
22 *to adopt minimum customer service standards.*

23 (b) *PURPOSE.*—*The purpose of the final rule shall be*
24 *to ensure that, to the extent feasible, there is a consistent*

1 *level of consumer protection regardless of where consumers*
2 *purchase air fares and related air transportation services.*

3 (c) *STANDARDS.—In issuing the final rule, the Sec-*
4 *retary shall consider, to the extent feasible, establishing*
5 *standards consistent with all customer service and disclo-*
6 *sure requirements applicable to covered air carriers under*
7 *this title and associated regulations.*

8 (d) *DEFINITIONS.—In this section, the following defi-*
9 *nitions apply:*

10 (1) *TICKET AGENT.—*

11 (A) *IN GENERAL.—Subject to subparagraph*
12 *(B), the term “ticket agent” has the meaning*
13 *given that term in section 40102(a) of title 49,*
14 *United States Code.*

15 (B) *INCLUSION.—The term “ticket agent”*
16 *includes a person who acts as an intermediary*
17 *involved in the sale of air transportation directly*
18 *or indirectly to consumers, including by oper-*
19 *ating an electronic airline information system, if*
20 *the person—*

21 (i) *holds the person out as a source of*
22 *information about, or reservations for, the*
23 *air transportation industry; and*

24 (ii) *receives compensation in any way*
25 *related to the sale of air transportation.*

1 (2) *LARGE TICKET AGENT.*—The term “large
2 ticket agent” means a ticket agent with annual reve-
3 nues of \$100,000,000 or more.

4 (e) *ENFORCEMENT.*—No large ticket agent may be
5 found in noncompliance of any standard or requirement
6 adopted in the final rule required by this section if—

7 (1) the large ticket agent is unable to meet the
8 new standard or requirement due to the lack of infor-
9 mation or data from the covered air carrier and the
10 information is required for the large ticket agent to
11 comply with such standard or requirement; or

12 (2) the sale of air transportation is made by a
13 large ticket agent pursuant to a specific corporate or
14 government fare management contract.

15 **SEC. 428. WIDESPREAD DISRUPTIONS.**

16 (a) *IN GENERAL.*—Chapter 423 of title 49, United
17 States Code, is amended by adding at the end the following:

18 **“§ 42304. Widespread disruptions**

19 “(a) *GENERAL REQUIREMENTS.*—In the event of a
20 widespread disruption, a covered air carrier shall imme-
21 diately publish, via a prominent link on the air carrier’s
22 public internet website, a clear statement indicating wheth-
23 er, with respect to a passenger of the air carrier whose trav-
24 el is interrupted as a result of the widespread disruption,
25 the air carrier will—

1 “(1) provide for hotel accommodations;

2 “(2) arrange for ground transportation;

3 “(3) provide meal vouchers;

4 “(4) arrange for air transportation on another
5 air carrier or foreign air carrier to the passenger’s
6 destination; and

7 “(5) provide for sleeping facilities inside the air-
8 port terminal.

9 “(b) *DEFINITIONS.*—In this section, the following defi-
10 nitions apply:

11 “(1) *WIDESPREAD DISRUPTION.*—The term
12 ‘widespread disruption’ means, with respect to a cov-
13 ered air carrier, the interruption of all or the over-
14 whelming majority of the air carrier’s systemwide
15 flight operations, including flight delays and cancella-
16 tions, as the result of the failure of 1 or more com-
17 puter systems or computer networks of the air carrier.

18 “(2) *COVERED AIR CARRIER.*—The term ‘covered
19 air carrier’ means an air carrier that provides sched-
20 uled passenger air transportation by operating an
21 aircraft that as originally designed has a passenger
22 capacity of 30 or more seats.

23 “(c) *SAVINGS PROVISION.*—Nothing in this section
24 may be construed to modify, abridge, or repeal any obliga-
25 tion of an air carrier under section 42301.”.

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
2 *chapter 423 of title 49, United States Code, is amended by*
3 *adding at the end the following:*

“42304. Widespread disruptions.”.

4 **SEC. 429. PASSENGER RIGHTS.**

5 (a) *GUIDELINES.*—*Not later than 90 days after the*
6 *date of enactment of this Act, the Secretary of Transpor-*
7 *tation shall require each covered air carrier to submit a*
8 *summarized 1-page document that describes the rights of*
9 *passengers in air transportation, including guidelines for*
10 *the following:*

11 (1) *Compensation (regarding rebooking options,*
12 *refunds, meals, and lodging) for flight delays of var-*
13 *ious lengths.*

14 (2) *Compensation (regarding rebooking options,*
15 *refunds, meals, and lodging) for flight diversions.*

16 (3) *Compensation (regarding rebooking options,*
17 *refunds, meals, and lodging) for flight cancellations.*

18 (4) *Compensation for mishandled baggage, in-*
19 *cluding delayed, damaged, pilfered, or lost baggage.*

20 (5) *Voluntary relinquishment of a ticketed seat*
21 *due to overbooking or priority of other passengers.*

22 (6) *Involuntary denial of boarding and forced*
23 *removal for whatever reason, including for safety and*
24 *security reasons.*

1 (b) *FILING OF SUMMARIZED GUIDELINES.*—Not later
2 than 90 days after each air carrier submits its guidelines
3 to the Secretary under subsection (a), the air carrier shall
4 make available such 1-page document in a prominent loca-
5 tion on its website.

6 ***Subtitle B—Aviation Consumers***
7 ***With Disabilities***

8 ***SEC. 431. AVIATION CONSUMERS WITH DISABILITIES***
9 ***STUDY.***

10 (a) *STUDY.*—Not later than 1 year after the date of
11 enactment of this Act, the Comptroller General of the United
12 States shall conduct a study that includes—

13 (1) a review of airport accessibility best practices
14 for individuals with disabilities, including best prac-
15 tices that improve infrastructure facilities and com-
16 munications methods, including those related to
17 wayfinding, amenities, and passenger care;

18 (2) a review of air carrier and airport training
19 policies related to section 41705 of title 49, United
20 States Code;

21 (3) a review of air carrier training policies re-
22 lated to properly assisting passengers with disabili-
23 ties; and

24 (4) a review of accessibility best practices that
25 exceed those recommended under Public Law 90–480

1 *(popularly known as the Architectural Barriers Act of*
2 *1968; 42 U.S.C. 4151 et seq.), the Rehabilitation Act*
3 *of 1973 (29 U.S.C. 701 et seq.), the Air Carrier Access*
4 *Act of 1986 (Public Law 99-435; 100 Stat. 1080 et*
5 *seq.), and the Americans with Disabilities Act of 1990*
6 *(42 U.S.C. 12101 et seq.).*

7 **(b) REPORT.**—*Not later than 1 year after the date the*
8 *Comptroller General initiates the study under subsection*
9 *(a), the Comptroller General shall submit to the Secretary*
10 *of Transportation and the appropriate committees of Con-*
11 *gress a report on the study, including findings and rec-*
12 *ommendations.*

13 **SEC. 432. STUDY ON IN-CABIN WHEELCHAIR RESTRAINT**
14 **SYSTEMS.**

15 **(a) STUDY.**—*Not later than 2 years after the date of*
16 *enactment of this Act, the Architectural and Transportation*
17 *Barriers Compliance Board, in consultation with the Sec-*
18 *retary of Transportation, aircraft manufacturers, air car-*
19 *riers, and disability advocates, shall conduct a study to de-*
20 *termine—*

21 **(1) the feasibility of in-cabin wheelchair re-**
22 *straint systems; and*

23 **(2) if feasible, the ways in which individuals**
24 *with significant disabilities using wheelchairs, includ-*

1 *ing power wheelchairs, can be accommodated with in-*
 2 *cabin wheelchair restraint systems.*

3 **(b) REPORT.**—*Not later than 1 year after the initi-*
 4 *ation of the study under subsection (a), the Architectural*
 5 *and Transportation Barriers Compliance Board shall sub-*
 6 *mit to the appropriate committees of Congress a report on*
 7 *the findings of the study.*

8 **SEC. 433. IMPROVING WHEELCHAIR ASSISTANCE FOR INDI-**
 9 **VIDUALS WITH DISABILITIES .**

10 *Following the receipt of the report required under sec-*
 11 *tion 2107 of the FAA Extension, Safety, and Security Act*
 12 *of 2016 (Public Law 114–190; 130 Stat. 622), the Secretary*
 13 *of Transportation shall develop, if appropriate, specific rec-*
 14 *ommendations regarding improvements to wheelchair as-*
 15 *sistance provided by air carriers and recommendations on*
 16 *how training programs by air carriers can address con-*
 17 *sumer complaints regarding wheelchair assistance.*

18 **SEC. 434. AIRLINE PASSENGERS WITH DISABILITIES BILL**
 19 **OF RIGHTS.**

20 **(a) AIRLINE PASSENGERS WITH DISABILITIES BILL**
 21 **OF RIGHTS.**—*The Secretary of Transportation shall develop*
 22 *a document, to be known as the “Airline Passengers with*
 23 *Disabilities Bill of Rights”, using plain language to de-*
 24 *scribe the basic protections and responsibilities of covered*
 25 *air carriers, their employees and contractors, and people*

1 *with disabilities under the section 41705 of title 49, United*
2 *States Code.*

3 (b) *CONTENT.—In developing the Airline Passengers*
4 *with Disabilities Bill of Rights under subsection (a), the*
5 *Secretary shall include, at a minimum, plain language de-*
6 *scriptions of protections and responsibilities provided in*
7 *law related to the following:*

8 (1) *The right of passengers with disabilities to be*
9 *treated with dignity and respect.*

10 (2) *The right of passengers with disabilities to*
11 *receive timely assistance, if requested, from properly*
12 *trained covered air carrier and contractor personnel.*

13 (3) *The right of passengers with disabilities to*
14 *travel with wheelchairs, mobility aids, and other as-*
15 *istive devices, including necessary medications and*
16 *medical supplies, including stowage of such wheel-*
17 *chairs, aids, and devices.*

18 (4) *The right of passengers with disabilities to*
19 *receive seating accommodations, if requested, to ac-*
20 *commodate a disability.*

21 (5) *The right of passengers with disabilities to*
22 *receive announcements in an accessible format.*

23 (6) *The right of passengers with disabilities to*
24 *speak with a complaint resolution officer or to file a*

1 *complaint with a covered air carrier or the Depart-*
2 *ment of Transportation.*

3 *(c) RULE OF CONSTRUCTION.—The development of the*
4 *Airline Passengers with Disabilities Bill of Rights under*
5 *subsections (a) and (b) shall not be construed as expanding*
6 *or restricting the rights available to passengers with disabil-*
7 *ities on the day before the date of the enactment of this Act*
8 *pursuant to any statute or regulation.*

9 *(d) CONSULTATIONS.—In developing the Airline Pas-*
10 *sengers with Disabilities Bill of Rights under subsection (a),*
11 *the Secretary of Transportation shall consult with stake-*
12 *holders, including disability organizations and covered air*
13 *carriers and their contractors.*

14 *(e) DISPLAY.—Each covered air carrier shall include*
15 *the Airline Passengers with Disabilities Bill of Rights—*

16 *(1) on a publicly available internet website of the*
17 *covered air carrier; and*

18 *(2) in any pre-flight notifications or commu-*
19 *nications provided to passengers who alert the covered*
20 *air carrier in advance of the need for accommoda-*
21 *tions relating to a disability.*

22 *(f) TRAINING.—Covered air carriers and contractors of*
23 *covered air carriers shall submit to the Secretary of Trans-*
24 *portation plans that ensure employees of covered air car-*
25 *riers and their contractors receive training on the protec-*

1 *tions and responsibilities described in the Airline Pas-*
 2 *sengers with Disabilities Bill of Rights. The Secretary shall*
 3 *review such plans to ensure the plans address the matters*
 4 *described in subsection (b).*

5 **SEC. 435. SENSE OF CONGRESS REGARDING EQUAL ACCESS**
 6 **FOR INDIVIDUALS WITH DISABILITIES.**

7 *It is the sense of Congress that—*

8 *(1) the aviation industry and every relevant*
 9 *stakeholder must work to ensure that every individual*
 10 *who experiences a disability has equal access to air*
 11 *travel;*

12 *(2) as technology and ease of travel continue to*
 13 *advance, accessibility must be a priority; and*

14 *(3) accommodations must—*

15 *(A) extend to every airport and service or*
 16 *facility of an air carrier; and*

17 *(B) be inclusive of every disability.*

18 **SEC. 436. CIVIL PENALTIES RELATING TO HARM TO PAS-**
 19 **SENGERS WITH DISABILITIES.**

20 *Section 46301(a) of title 49, United States Code, is*
 21 *amended by adding at the end the following:*

22 *“(7) PENALTIES RELATING TO HARM TO PASSENGERS*
 23 *WITH DISABILITIES.—*

24 *“(A) PENALTY FOR BODILY HARM OR DAMAGE*
 25 *TO WHEELCHAIR OR OTHER MOBILITY AID.—The*

1 *amount of a civil penalty assessed under this section*
2 *for a violation of section 41705 that involves damage*
3 *to a passenger’s wheelchair or other mobility aid or*
4 *injury to a passenger with a disability may be in-*
5 *creased above the otherwise applicable maximum*
6 *amount under this section for a violation of section*
7 *41705 to an amount not to exceed 3 times the max-*
8 *imum penalty otherwise allowed.*

9 *“(B) EACH ACT CONSTITUTES SEPARATE OF-*
10 *FENSE.—Notwithstanding paragraph (2), a separate*
11 *violation of section 41705 occurs for each act of dis-*
12 *crimination prohibited by that section.”.*

13 **SEC. 437. HARMONIZATION OF SERVICE ANIMAL STAND-**
14 **ARDS.**

15 *(a) RULEMAKING.—The Secretary of Transportation*
16 *shall conduct a rulemaking proceeding—*

17 *(1) to define the term “service animal” for pur-*
18 *poses of air transportation; and*

19 *(2) to develop minimum standards for what is*
20 *required for service and emotional support animals*
21 *carried in aircraft cabins.*

22 *(b) CONSIDERATIONS.—In conducting the rulemaking*
23 *under subsection (a), the Secretary shall consider, at a min-*
24 *imum—*

1 (1) *whether to align the definition of “service*
2 *animal” with the definition of that term in regula-*
3 *tions of the Department of Justice implementing the*
4 *Americans with Disabilities Act of 1990 (Public Law*
5 *101–336);*

6 (2) *reasonable measures to ensure pets are not*
7 *claimed as service animals, such as—*

8 (A) *whether to require photo identification*
9 *for a service animal identifying the type of ani-*
10 *mal, the breed of animal, and the service the ani-*
11 *mal provides to the passenger;*

12 (B) *whether to require documentation indi-*
13 *cating whether or not a service animal was*
14 *trained by the owner or an approved training*
15 *organization;*

16 (C) *whether to require, from a licensed phy-*
17 *sician, documentation indicating the mitigating*
18 *task or tasks a service animal provides to its*
19 *owner; and*

20 (D) *whether to allow a passenger to be ac-*
21 *companied by more than 1 service animal;*

22 (3) *reasonable measures to ensure the safety of*
23 *all passengers, such as—*

24 (A) *whether to require health and vaccina-*
25 *tion records for a service animal; and*

1 (B) whether to require third-party proof of
2 behavioral training for a service animal;

3 (4) the impact additional requirements on serv-
4 ice animals could have on access to air transportation
5 for passengers with disabilities; and

6 (5) if impacts on access to air transportation for
7 passengers with disabilities are found, ways to elimi-
8 nate or mitigate those impacts.

9 (c) *FINAL RULE.*—Not later than 18 months after the
10 date of enactment of this Act, the Secretary shall issue a
11 final rule pursuant to the rulemaking conducted under this
12 section.

13 **SEC. 438. REVIEW OF PRACTICES FOR TICKETING, PRE-**
14 **FLIGHT SEAT ASSIGNMENTS, AND STOWING**
15 **OF ASSISTIVE DEVICES FOR PASSENGERS**
16 **WITH DISABILITIES.**

17 (a) *REVIEW.*—

18 (1) *IN GENERAL.*—Not later than 30 days after
19 the first meeting of the advisory committee on the air
20 travel needs of passengers with disabilities established
21 in section 439 (referred to in this section as the “Ad-
22 visory Committee”), the Secretary of Transportation
23 shall direct the Advisory Committee to review current
24 regulations with respect to practices for ticketing, pre-

1 *flight seat assignments, and stowing of assistive de-*
2 *VICES for passengers with disabilities.*

3 (2) *RECOMMENDATIONS.*—*In carrying out the re-*
4 *view under paragraph (1), the Advisory Committee*
5 *shall, at a minimum, provide recommendations on*
6 *whether current regulations should be modified or*
7 *prescribed to—*

8 (A) *provide accommodations for passengers*
9 *with disabilities, if requested, in ticketing and*
10 *pre-flight assignments;*

11 (B) *require covered air carriers to provide*
12 *priority access to bulkhead seating to passengers*
13 *with disabilities who need access to features of*
14 *those seats due to disabilities regardless of class*
15 *of service of ticket purchased; and*

16 (C) *ensure passengers with disabilities are*
17 *able to stow assistive devices without cost.*

18 (b) *REPORT.*—*Not later than 6 months after the date*
19 *of their first meeting, the Advisory Committee shall submit*
20 *to the Secretary of Transportation and the appropriate*
21 *committees of Congress a report on the review conducted*
22 *under subsection (a)(1), including the recommendations de-*
23 *veloped under subsection (a)(2).*

1 **SEC. 439. ADVISORY COMMITTEE ON THE AIR TRAVEL**
2 **NEEDS OF PASSENGERS WITH DISABILITIES.**

3 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
4 *tation shall establish an advisory committee on issues re-*
5 *lated to the air travel needs of passengers with disabilities*
6 *(referred to in this section as the “Advisory Committee”).*

7 (b) *DUTIES.*—*The Advisory Committee shall—*

8 (1) *identify and assess the disability-related ac-*
9 *cess barriers encountered by passengers with disabil-*
10 *ities;*

11 (2) *determine the extent to which the programs*
12 *and activities of the Department of Transportation*
13 *are addressing the barriers identified in paragraph*
14 *(1);*

15 (3) *recommend consumer protection improve-*
16 *ments to the air travel experience of passengers with*
17 *disabilities;*

18 (4) *advise the Secretary with regard to the im-*
19 *plementation of section 41705 of title 49, United*
20 *States Code; and*

21 (5) *conduct such activities as the Secretary con-*
22 *siders necessary to carry out this section.*

23 (c) *MEMBERSHIP.*—

24 (1) *IN GENERAL.*—*The Advisory Committee shall*
25 *be composed of at least 1 representative of each of the*
26 *following groups:*

1 (A) *Passengers with disabilities.*

2 (B) *National disability organizations.*

3 (C) *Air carriers.*

4 (D) *Airport operators.*

5 (E) *Contractor service providers.*

6 (F) *Aircraft manufacturers.*

7 (G) *Wheelchair manufacturers.*

8 (H) *National veterans organizations rep-*
9 *resenting disabled veterans.*

10 (2) *APPOINTMENT.*—*The Secretary of Transpor-*
11 *tation shall appoint each member of the Advisory*
12 *Committee.*

13 (3) *VACANCIES.*—*A vacancy in the Advisory*
14 *Committee shall be filled in the manner in which the*
15 *original appointment was made.*

16 (d) *CHAIRPERSON.*—*The Secretary of Transportation*
17 *shall designate, from among the members appointed under*
18 *subsection (c), an individual to serve as chairperson of the*
19 *Advisory Committee.*

20 (e) *TRAVEL EXPENSES.*—*Members of the Advisory*
21 *Committee shall serve without pay, but shall receive travel*
22 *expenses, including per diem in lieu of subsistence, in ac-*
23 *cordance with subchapter I of chapter 57 of title 5, United*
24 *States Code.*

25 (f) *REPORTS.*—

1 (1) *IN GENERAL.*—Not later than 14 months
2 after the date of establishment of the Advisory Com-
3 mittee, and annually thereafter, the Advisory Com-
4 mittee shall submit to the Secretary of Transportation
5 a report on the needs of passengers with disabilities
6 in air travel, including—

7 (A) an assessment of existing disability-re-
8 lated access barriers, and any emerging dis-
9 ability-related access barriers that will likely be
10 an issue in the next 5 calendar years;

11 (B) an evaluation of the extent to which the
12 Department of Transportation's programs and
13 activities are eliminating disability-related ac-
14 cess barriers;

15 (C) a description of the Advisory Commit-
16 tee's actions;

17 (D) a description of improvements related
18 to the air travel experience of passengers with
19 disabilities; and

20 (E) any recommendations for legislation,
21 administrative action, or other action that the
22 Advisory Committee considers appropriate.

23 (2) *REPORT TO CONGRESS.*—Not later than 60
24 days after the date the Secretary receives the report
25 under paragraph (1), the Secretary shall submit to

1 *the appropriate committees of Congress a copy of the*
2 *report, including any additional findings or rec-*
3 *ommendations that the Secretary considers appro-*
4 *priate.*

5 *(g) TERMINATION.—The Advisory Committee estab-*
6 *lished under this section shall terminate on September 30,*
7 *2023.*

8 *(h) TERMINATION OF THE NEXT GENERATION AIR*
9 *TRANSPORTATION SYSTEM SENIOR POLICY COMMITTEE.—*
10 *The Next Generation Air Transportation System Senior*
11 *Policy Committee established by the Secretary of Transpor-*
12 *tation shall terminate on the date of the initial appoint-*
13 *ment of the members of the Advisory Committee.*

14 **SEC. 440. REGULATIONS ENSURING ASSISTANCE FOR PAS-**
15 **SENGERS WITH DISABILITIES IN AIR TRANS-**
16 **PORTATION.**

17 *(a) IN GENERAL.—Not later than 180 days after the*
18 *date of enactment of this Act, the Secretary of Transpor-*
19 *tation shall—*

20 *(1) review, and if necessary revise, applicable*
21 *regulations to ensure that passengers with disabilities*
22 *who request assistance while traveling in air trans-*
23 *portation receive dignified, timely, and effective as-*
24 *sistance at airports and on aircraft from trained per-*
25 *sonnel; and*

1 (2) review, and if necessary revise, applicable
2 regulations related to covered air carrier training
3 programs for air carrier personnel, including contrac-
4 tors, who provide physical assistance to passengers
5 with disabilities to ensure that training under such
6 programs—

7 (A) occurs on an annual schedule for all
8 new and continuing personnel charged with pro-
9 viding physical assistance; and

10 (B) includes, as appropriate, instruction by
11 personnel, with hands-on training for employees
12 who physically lift or otherwise physically assist
13 passengers with disabilities, including the use of
14 relevant equipment.

15 (b) *TYPES OF ASSISTANCE.*—The assistance referred to
16 subsection (a)(1) may include requests for assistance in
17 boarding or deplaning an aircraft, requests for assistance
18 in connecting between flights, and other similar or related
19 requests, as appropriate.

20 **SEC. 441. TRANSPARENCY FOR DISABLED PASSENGERS.**

21 The compliance date of the final rule, dated November
22 2, 2016, on the reporting of data for mishandled baggage
23 and wheelchairs in aircraft cargo compartments (81 Fed.
24 Reg. 76300) shall be effective not later than 60 days after
25 the date of enactment of this Act.

1 **Subtitle C—Small Community Air**
2 **Service**

3 **SEC. 451. ESSENTIAL AIR SERVICE AUTHORIZATION.**

4 (a) *IN GENERAL.*—Section 41742(a)(2) of title 49,
5 *United States Code*, is amended by striking “\$150,000,000
6 *for fiscal year 2011*” and all that follows before “to carry
7 *out*” and inserting “\$155,000,000 for fiscal year 2018,
8 \$158,000,000 for fiscal year 2019, \$161,000,000 for fiscal
9 *year 2020*, \$165,000,000 for fiscal year 2021, \$168,000,000
10 *for fiscal year 2022*, and \$172,000,000 for fiscal year 2023”.

11 (b) *SEASONAL SERVICE.*—The Secretary of Transpor-
12 *tation* may consider the flexibility of current operational
13 *dates and airport accessibility to meet local community*
14 *needs when issuing requests for proposal of essential air*
15 *service at seasonal airports.*

16 **SEC. 452. STUDY ON ESSENTIAL AIR SERVICE REFORM.**

17 (a) *STUDY.*—

18 (1) *IN GENERAL.*—The Comptroller General of
19 *the United States shall conduct a study on the effects*
20 *of section 6 of the Airport and Airway Extension Act*
21 *of 2011, Part IV (Public Law 112–27), section 421 of*
22 *the FAA Modernization and Reform Act of 2012*
23 *(Public Law 112–95), and other relevant Federal*
24 *laws enacted after 2010, including the amendments*

1 *made by those laws, on the Essential Air Service pro-*
2 *gram.*

3 (2) *SCOPE.*—*In conducting the study under*
4 *paragraph (1), the Comptroller General shall analyze,*
5 *at a minimum—*

6 (A) *the impact of each relevant Federal law,*
7 *including the amendments made by each law, on*
8 *the Essential Air Service program;*

9 (B) *what actions communities and air car-*
10 *riers have taken to reduce ticket prices or in-*
11 *crease enplanements as a result of each law;*

12 (C) *the issuance of waivers by the Secretary*
13 *under section 41731(e) of title 49, United States*
14 *Code;*

15 (D) *whether budgetary savings resulted*
16 *from each law; and*

17 (E) *options for further reform of the Essen-*
18 *tial Air Service program.*

19 (b) *REQUIRED ANALYSIS ON COMMUNITIES.*—*In car-*
20 *rying out subsection (a)(2)(E) the Comptroller General*
21 *shall include, for each option for further reform, an analysis*
22 *of the impact on local economies of communities with air-*
23 *ports receiving Essential Air Service funding, access to air*
24 *travel for residents of rural communities and the impact*
25 *to local businesses in such communities.*

1 (c) *REPORT.*—Not later than 180 days after the date
 2 of enactment of this Act, the Comptroller General shall sub-
 3 mit to the appropriate committees of Congress a report on
 4 the results of the study conducted under subsection (a).

5 **SEC. 453. AIR TRANSPORTATION TO NONELIGIBLE PLACES.**

6 (a) *DEFINITIONS.*—Section 41731(a)(1)(A)(ii) of title
 7 49, United States Code, is amended by striking “Wendell
 8 H. Ford Aviation Investment and Reform Act for the 21st
 9 Century,” and inserting “FAA Extension, Safety, and Se-
 10 curity Act of 2016 (Public Law 114–190),”.

11 (b) *PROGRAM SUNSET.*—Section 41736 of title 49,
 12 United States Code, is amended by adding at the end the
 13 following:

14 “(h) *SUNSET.*—

15 “(1) *PROPOSALS.*—No proposal under subsection
 16 (a) may be accepted by the Secretary after the date
 17 of enactment of this subsection.

18 “(2) *PROGRAM.*—The Secretary may not provide
 19 any compensation under this section after the date
 20 that is 2 years after the date of enactment of this sub-
 21 section.”.

22 **SEC. 454. INSPECTOR GENERAL REVIEW OF SERVICE AND**
 23 **OVERSIGHT OF UNSUBSIDIZED CARRIERS.**

24 (a) *IN GENERAL.*—Not later than 1 year after the date
 25 of enactment of this Act, the inspector general of the Depart-

1 *ment of Transportation shall conduct and complete a review*
2 *of orders issued by the Department of Transportation from*
3 *2005 through the date of enactment of this Act to determine*
4 *whether the carriers providing unsubsidized service pro-*
5 *vided basic essential air service, and whether the Depart-*
6 *ment conducted sufficient oversight of carriers providing*
7 *unsubsidized service to ensure air service quality and com-*
8 *munity satisfaction.*

9 (b) *CONTENTS.*—*The review shall include, at a min-*
10 *imum—*

11 (1) *a review of the Department’s efforts to com-*
12 *municate to the community served by the unsub-*
13 *sidized carrier on any material air service changes;*
14 *and*

15 (2) *a review of the Department’s efforts to closely*
16 *monitor the quality of air service provided by the un-*
17 *subsidized carrier and request proposals for basic es-*
18 *sential air service if necessary.*

19 (c) *REPORT.*—*Not later than 30 days after the date*
20 *of completion of the review, the inspector general shall sub-*
21 *mit to the appropriate committees of Congress a report on*
22 *the results of the review.*

23 **SEC. 455. SMALL COMMUNITY AIR SERVICE.**

24 (a) *ELIGIBILITY.*—*Section 41743(c) of title 49, United*
25 *States Code, is amended—*

1 (1) *by striking paragraph (1) and inserting the*
2 *following:*

3 “(1) *SIZE.—On the date of submission of the rel-*
4 *evant application under subsection (b), the airport*
5 *erving the community or consortium—*

6 “(A) *is not larger than a small hub airport,*
7 *as determined using the Department of Trans-*
8 *portation’s most recently published classification;*
9 *and*

10 “(B) *has—*

11 “(i) *insufficient air carrier service; or*

12 “(ii) *unreasonably high air fares.”;*

13 (2) *by striking paragraph (4) and inserting the*
14 *following:*

15 “(4) *OVERALL LIMIT.—*

16 “(A) *IN GENERAL.—No more than 40 com-*
17 *munities or consortia of communities, or a com-*
18 *bination thereof, may be selected to participate*
19 *in the program in each year for which funds are*
20 *appropriated for the program.*

21 “(B) *SAME PROJECTS.—Except as provided*
22 *in subparagraph (C), no community, consortia*
23 *of communities, or combination thereof may par-*
24 *ticipate in the program in support of the same*
25 *project more than once in a 10-year period, but*

1 *any community, consortia of communities, or*
2 *combination thereof may apply, subsequent to*
3 *such participation, to participate in the pro-*
4 *gram in support of a different project at any*
5 *time.*

6 “(C) *EXCEPTION.—The Secretary may*
7 *waive the limitation under subparagraph (B) re-*
8 *lated to projects that are the same if the Sec-*
9 *retary determines that the community or consor-*
10 *tium spent little or no money on its previous*
11 *project or encountered industry or environmental*
12 *challenges, due to circumstances that were rea-*
13 *sonably beyond the control of the community or*
14 *consortium.”;*

15 *(3) in paragraph (5)—*

16 *(A) by redesignating subparagraphs (E)*
17 *and (F) as subparagraphs (F) and (G), respec-*
18 *tively; and*

19 *(B) by inserting after subparagraph (D) the*
20 *following:*

21 *“(E) the assistance will be used to help re-*
22 *store scheduled passenger air service that has*
23 *been terminated;”.*

24 **(b) AUTHORITY TO MAKE AGREEMENTS.—***Section*
25 *41743(e)(1) of title 49, United States Code, is amended by*

1 *adding at the end the following: “The Secretary may amend*
2 *the scope of a grant agreement at the request of the commu-*
3 *nity or consortium and any participating air carrier, and*
4 *may limit the scope of a grant agreement to only the ele-*
5 *ments using grant assistance or to only the elements*
6 *achieved, if the Secretary determines that the amendment*
7 *is reasonably consistent with the original purpose of the*
8 *project.”*

9 (c) *AUTHORIZATION OF APPROPRIATIONS.—Section*
10 *41743(e)(2) of title 49, United States Code, is amended to*
11 *read as follows:*

12 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*
13 *There is authorized to be appropriated to the Sec-*
14 *retary \$10,000,000 for each of fiscal years 2018*
15 *through 2023 to carry out this section. Such sums*
16 *shall remain available until expended.”.*

17 **SEC. 456. WAIVERS.**

18 Section 41732 is amended by adding at the end the
19 *following:*

20 “(c) *WAIVERS.—Notwithstanding section 41733(e),*
21 *upon request by an eligible place, the Secretary may waive,*
22 *in whole or in part, subsections (a) and (b) of this section*
23 *or subsections (a) through (c) of section 41734. A waiver*
24 *issued under this subsection shall remain in effect for a lim-*
25 *ited period of time, as determined by the Secretary.”.*

1 **SEC. 457. EXTENSION OF FINAL ORDER ESTABLISHING**
2 **MILEAGE ADJUSTMENT ELIGIBILITY.**

3 *Section 409(d) of the Vision 100—Century of Aviation*
4 *Reauthorization Act (49 U.S.C. 41731 note) is amended by*
5 *striking “2018” and inserting “2023”.*

6 **SEC. 458. REDUCTION IN SUBSIDY-PER-PASSENGER.**

7 *Section 426 of the FAA Modernization and Reform Act*
8 *of 2012 (126 Stat. 98) is amended by adding at the end*
9 *the following:*

10 *“(d) REDUCTION IN SUBSIDY-PER-PASSENGER.—*

11 *“(1) IN GENERAL.—The Secretary shall waive*
12 *application of the subsidy-per-passenger cap described*
13 *under subsection (c) if the Secretary finds that the*
14 *community’s subsidy-per-passenger for a fiscal year is*
15 *lower than the subsidy-per-passenger for any of the 3*
16 *previous fiscal years.*

17 *“(2) EXCEPTION.—The Secretary shall waive ap-*
18 *plication of the subsidy-per-passenger cap if the sub-*
19 *sidy-per-passenger for a fiscal year is less than 10*
20 *percent higher than the highest subsidy-per-passenger*
21 *from any of the 3 previous fiscal years. The Secretary*
22 *may only waive application of the subsidy-per-pas-*
23 *senger cap under this paragraph once per commu-*
24 *nity.*

25 *“(3) RULE OF CONSTRUCTION.—Nothing in this*
26 *subsection shall be construed to limit the Secretary’s*

1 ability under subsection (c) to waive application of
2 the subsidy-per-passenger cap.”.

3 **TITLE V—MISCELLANEOUS**

4 **SEC. 501. DEFINITIONS.**

5 *In this title, the following definitions apply:*

6 (1) *ADMINISTRATION.*—*The term “Administra-*
7 *tion” means the Federal Aviation Administration.*

8 (2) *ADMINISTRATOR.*—*The term “Adminis-*
9 *trator” means the Administrator of the FAA.*

10 (3) *ADS-B.*—*The term “ADS-B” means auto-*
11 *matic dependent surveillance-broadcast.*

12 (4) *ADS-B OUT.*—*The term “ADS-B Out”*
13 *means automatic dependent surveillance-broadcast*
14 *with the ability to transmit information from the air-*
15 *craft to ground stations and to other equipped air-*
16 *craft.*

17 (5) *FAA.*—*The term “FAA” means the Federal*
18 *Aviation Administration.*

19 (6) *NEXTGEN.*—*The term “NextGen” means the*
20 *Next Generation Air Transportation System.*

21 **SEC. 502. REPORT ON AIR TRAFFIC CONTROL MODERNIZA-**
22 **TION.**

23 (a) *FAA REPORT.*—*Not later than 180 days after the*
24 *date of enactment of this Act, the Administrator shall sub-*
25 *mit to the appropriate committees of Congress a report de-*

1 *scribing the multiyear effort of the Administration to mod-*
2 *ernize the air transportation system (in this section referred*
3 *to as the “modernization effort”), including—*

4 *(1) the number of years that the modernization*
5 *effort has been underway as of the date of the report;*

6 *(2) the total amount of money expended on the*
7 *modernization effort as of the date of the report (in-*
8 *cluding a description of how that amount was cal-*
9 *culated);*

10 *(3) the net present value of the benefits reported*
11 *from aircraft operators resulting from the money ex-*
12 *pended on the modernization effort as of the date of*
13 *the report;*

14 *(4) a definition for NextGen, including a de-*
15 *scription of any changes to that definition that oc-*
16 *curred between 2003 and the date of the report;*

17 *(5) the net present value of the money expended*
18 *on NextGen as of the date of the report if such money*
19 *had been deposited into a Government trust fund in-*
20 *stead of being expended on NextGen;*

21 *(6) a description of the benefits promised and*
22 *benefits delivered with respect to NextGen as of the*
23 *date of the report;*

1 (7) any changes to the benefits promised with re-
2 spect to NextGen between the date on which NextGen
3 began and the date of the report;

4 (8) a description of each program or project that
5 comprises NextGen, including—

6 (A) when the program or project was initi-
7 ated;

8 (B) the total budget for the program or
9 project;

10 (C) the initial budget for the program or
11 project;

12 (D) the acquisition program baseline for the
13 program or project;

14 (E) whether the program or project has ever
15 breached the acquisition program baseline and, if
16 so, a description of when, why, and how the
17 breach was resolved;

18 (F) whether the program or project has been
19 re-baselined or divided into smaller segments
20 and, if so, a description of when, why, and the
21 impact to the cost of the program or project;

22 (G) the initial schedule for the program or
23 project;

24 (H) whether the program or project was de-
25 layed and, if so, a description of how long, why,

1 *and the impact to the cost of the program or*
2 *project;*

3 *(I) whether the Administration changed any*
4 *contract term or deliverable for the program or*
5 *project and, if so, a description of the change,*
6 *why it happened, and the impact to the cost of*
7 *the program or project;*

8 *(J) benefits promised with respect to the*
9 *program or project at initiation;*

10 *(K) benefits delivered with respect to the*
11 *program or project as of the date of the report;*

12 *(L) whether the program or project was*
13 *cancelled and, if so, a description of why and*
14 *when;*

15 *(M) for cancelled programs or projects,*
16 *whether there were any costs associated with the*
17 *decision to cancel and, if so, a description of the*
18 *amount of the costs (including for both the Ad-*
19 *ministration and the private sector);*

20 *(N) the metrics, milestones, and deadlines*
21 *set for the program or project and how the Ad-*
22 *ministration tracked and ensured compliance*
23 *with those metrics, milestones, and deadlines;*

1 (O) how the Administration conducted over-
2 sight of the program or project and any related
3 stakeholder collaboration efforts;

4 (P) the status of the program or project as
5 of the date of the report; and

6 (Q) an assessment of the key risks to the full
7 implementation of the program and a descrip-
8 tion of how the Administration is mitigating, or
9 plans to mitigate, those risks;

10 (9) the date upon which, or milestone by which,
11 the Administration anticipates NextGen will be com-
12 plete; and

13 (10) any lessons learned during the NextGen ef-
14 fort, and whether, how, and to what effect those les-
15 sons have been applied.

16 (b) *INSPECTOR GENERAL REPORT.*—Not later than
17 270 days after the date on which the report required under
18 subsection (a) is submitted, the inspector general of the De-
19 partment of Transportation shall review the report and sub-
20 mit to the appropriate committees of Congress a statement
21 of the inspector general that—

22 (1) determines the accuracy of the information
23 reported;

24 (2) describes any concerns with the accuracy of
25 the information reported;

1 (3) summarizes concerns raised by the inspector
2 general, the Government Accountability Office, and
3 other sources with respect to the Administration's im-
4 plementation and oversight of NextGen since the date
5 on which NextGen began;

6 (4) describes—

7 (A) any pertinent recommendations made
8 by the inspector general related to the Adminis-
9 tration's implementation and oversight of
10 NextGen since the date on which NextGen began;

11 and

12 (B) whether and how the Administration
13 addressed the recommendations; and

14 (5) provides any other information that the in-
15 spector general determines is appropriate.

16 **SEC. 503. RETURN ON INVESTMENT REPORT.**

17 (a) *IN GENERAL.*—Not later than 1 year after the date
18 of enactment of this Act, and annually thereafter until the
19 date that each NextGen program has a positive return on
20 investment, the Administrator shall submit to the appro-
21 priate committees of Congress a report on the status of each
22 NextGen program, including the most recent NextGen pri-
23 ority list under subsection (c).

24 (b) *CONTENTS.*—The report under subsection (a) shall
25 include, for each NextGen program—

1 (1) *an estimate of the date the program will have*
2 *a positive return on investment;*

3 (2) *an explanation for any delay in the delivery*
4 *of expected benefits from previously published esti-*
5 *mates on delivery of such benefits, in implementing or*
6 *utilizing the program;*

7 (3) *an estimate of the completion date;*

8 (4) *an assessment of the long-term and near-term*
9 *user benefits of the program for—*

10 (A) *the Federal Government; and*

11 (B) *the users of the national airspace sys-*
12 *tem; and*

13 (5) *a description of how the program directly*
14 *contributes to a safer and more efficient air traffic*
15 *control system.*

16 (c) *NEXTGEN PRIORITY LIST.—Based on the assess-*
17 *ment under subsection (a), the Administrator shall—*

18 (1) *develop, in coordination with the NextGen*
19 *Advisory Committee and considering the need for a*
20 *balance between long-term and near-term user bene-*
21 *fits, a prioritization of the NextGen programs;*

22 (2) *annually update the priority list under*
23 *paragraph (1); and*

1 (3) *prepare budget submissions to reflect the cur-*
2 *rent status of NextGen programs and projected re-*
3 *turns on investment for each NextGen program.*

4 (d) *DEFINITION OF RETURN ON INVESTMENT.*—*In this*
5 *section, the term “return on investment” means the cost as-*
6 *sociated with technologies that are required by law or policy*
7 *as compared to the financial benefits derived from such*
8 *technologies by a government or a user of airspace.*

9 (e) *REPEAL OF NEXTGEN PRIORITIES.*—*Section 202*
10 *of the FAA Modernization and Reform Act of 2012 (Public*
11 *Law 112–95; 49 U.S.C. 40101 note) and the item relating*
12 *to that section in the table of contents under section 1(b)*
13 *of that Act are repealed.*

14 **SEC. 504. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
15 **GENCY PLANS.**

16 (a) *AIR TRAFFIC CONTROL OPERATIONAL CONTIN-*
17 *GENCY PLANS.*—*Not later than 1 year after the date of en-*
18 *actment of this Act, the Administrator shall review the Ad-*
19 *ministration’s air traffic control operational contingency*
20 *plans (FAA Order JO 1900.47E), and, as the Adminis-*
21 *trator considers appropriate, update such plans, to address*
22 *potential air traffic facility outages that could have a major*
23 *impact on the operation of the national airspace system,*
24 *including the most recent findings and recommendations in*
25 *the report under subsection (c).*

1 (b) *UPDATES.*—Not later than 60 days after the date
2 *the air traffic control operational contingency plans are re-*
3 *viewed under subsection (a), the Administrator shall submit*
4 *to the appropriate committees of Congress a report on the*
5 *review, including any recommendations for ensuring air*
6 *traffic facility outages do not have a major impact on the*
7 *operation of the national airspace system.*

8 (c) *RESILIENCY RECOMMENDATIONS.*—Not later than
9 *180 days after the date of enactment of this Act, and peri-*
10 *odically thereafter as the Administrator considers appro-*
11 *priate, the Administrator shall convene NextGen program*
12 *officials to evaluate, expedite, and complete a report on how*
13 *planned NextGen capabilities can enhance the resiliency*
14 *and continuity of national airspace system operations and*
15 *mitigate the impact of future air traffic control disruptions.*

16 **SEC. 505. 2020 ADS-B OUT MANDATE PLAN.**

17 *The Administrator, in collaboration with the NextGen*
18 *Advisory Committee, shall—*

19 (1) *not later than 90 days after the date of en-*
20 *actment of this Act—*

21 (A) *identify any known and potential bar-*
22 *riers to compliance with the 2020 ADS-B Out*
23 *mandate under section 91.225 of title 14, Code*
24 *of Federal Regulations;*

1 (B) develop a plan to address the known
2 barriers identified in paragraph (1), including a
3 schedule for—

4 (i) periodically reevaluating the poten-
5 tial barriers identified in paragraph (1);
6 and

7 (ii) developing solutions and imple-
8 menting actions to address the known and
9 potential barriers; and

10 (C) submit the plan to the appropriate com-
11 mittees of Congress; and

12 (2) not later than 90 days after the date the plan
13 is submitted under paragraph (1), submit to the ap-
14 propriate committees of Congress a report on the
15 progress made toward meeting the 2020 ADS-B Out
16 mandate.

17 **SEC. 506. SECURING AIRCRAFT AVIONICS SYSTEMS.**

18 (a) *IN GENERAL.*—The Administrator shall consider,
19 where appropriate, revising Federal Aviation Administra-
20 tion regulations regarding airworthiness certification—

21 (1) to address cybersecurity for avionics systems,
22 including software components; and

23 (2) to require that aircraft avionics systems used
24 for flight guidance or aircraft control be secured
25 against unauthorized access via passenger in-flight

1 *entertainment systems through such means as the Ad-*
2 *ministrator determines appropriate to protect the avi-*
3 *onics systems from unauthorized external and inter-*
4 *nal access.*

5 *(b) CONSIDERATION.—In carrying out subsection (a),*
6 *the Administrator shall consider the recommendations of the*
7 *Aircraft Systems Information Security Protection Working*
8 *Group under section 2111 of the FAA Extension Safety and*
9 *Security Act of 2016 (Public Law 114–190; 130 Stat. 615).*

10 **SEC. 507. HUMAN FACTORS.**

11 *(a) IN GENERAL.—In order to avoid having to subse-*
12 *quently modify products and services developed as a part*
13 *of NextGen, the Administrator shall—*

14 *(1) recognize and incorporate, in early design*
15 *phases of all relevant NextGen programs, the human*
16 *factors and procedural and airspace implications of*
17 *stated goals and associated technical changes; and*

18 *(2) ensure that a human factors specialist, sepa-*
19 *rate from the research and certification groups, is di-*
20 *rectly involved with the NextGen approval process.*

21 *(b) REPORT.—Not later than 1 year after the date of*
22 *enactment of this Act, the Administrator shall submit to*
23 *the appropriate committees of Congress a report on the*
24 *progress made toward implementing the requirements*
25 *under subsection (a).*

1 **SEC. 508. PROGRAMMATIC RISK MANAGEMENT.**

2 *To better inform the Administration’s decisions re-*
3 *garding the prioritization of efforts and allocation of re-*
4 *sources for NextGen, the Administrator shall—*

5 *(1) solicit input from specialists in probability*
6 *and statistics to identify and prioritize the pro-*
7 *grammatic and implementation risks to NextGen;*
8 *and*

9 *(2) develop a method to manage and mitigate the*
10 *risks identified in paragraph (1).*

11 **SEC. 509. REVIEW OF FAA STRATEGIC CYBERSECURITY**
12 **PLAN.**

13 *(a) IN GENERAL.—Not later than 1 year after the date*
14 *of enactment of this Act, the Administrator shall initiate*
15 *a review of the comprehensive and strategic framework of*
16 *principles and policies (referred to in this section as the*
17 *“framework”) developed pursuant to section 2111 of the*
18 *FAA Extension, Safety, and Security Act of 2016 (49*
19 *U.S.C. 44903 note).*

20 *(b) CONTENTS.—In undertaking the review under sub-*
21 *section (a), the Administrator shall—*

22 *(1) assess the degree to which the framework*
23 *identifies and addresses known cybersecurity risks as-*
24 *sociated with the aviation system;*

1 (2) review existing short- and long-term objec-
2 tives for addressing cybersecurity risks to the national
3 airspace system; and

4 (3) assess the Administration’s level of engage-
5 ment and coordination with aviation stakeholders
6 and other appropriate agencies, organizations, or
7 groups with which the Administration consults to
8 carry out the framework.

9 (c) *UPDATES*.—Upon completion of the review under
10 subsection (a), the Administrator shall modify the frame-
11 work, as appropriate, to address any deficiencies identified
12 by the review.

13 (d) *REPORT TO CONGRESS*.—Not later than 180 days
14 after initiating the review required by subsection (a), the
15 Administrator shall submit to the appropriate committees
16 of Congress a report on the results of the review, including
17 a description of any modifications made to the framework.

18 **SEC. 510. CONSOLIDATION AND REALIGNMENT OF FAA**

19 **SERVICES AND FACILITIES.**

20 (a) *PURPOSE AND INPUT*.—Section 804(a) of the *FAA*
21 *Modernization and Reform Act of 2012* (49 U.S.C. 44501
22 *note*) is amended—

23 (1) in paragraph (2) by striking “The purpose
24 of the report shall be—” and all that follows through

1 “(B) to reduce” and inserting “The purpose of the re-
2 port shall be to reduce”; and

3 (2) by striking paragraph (4) and inserting the
4 following:

5 “(4) *INPUT*.—The report shall be prepared by the
6 Administrator (or the Administrator’s designee) with
7 the participation of—

8 “(A) representatives of labor organizations
9 representing air traffic control system employees
10 of the FAA; and

11 “(B) industry stakeholders.”.

12 (b) *MILITARY OPERATIONS EXCLUSION*.—Section 804
13 of the *FAA Modernization and Reform Act of 2012* (49
14 *U.S.C. 44501 note*) is amended—

15 (1) by redesignating subsection (e) as subsection
16 (f); and

17 (2) by inserting after subsection (d) the fol-
18 lowing:

19 “(e) *MILITARY OPERATIONS EXCLUSION*.—

20 “(1) *IN GENERAL*.—The Administrator may not
21 realign or consolidate a combined *TRACON* and
22 tower with radar facility of the FAA under this sec-
23 tion if, in 2015, the total annual military operations
24 at the facility comprised at least 40 percent of the
25 total annual *TRACON* operations at the facility.

1 “(2) *TRACON DEFINED.*—*In this subsection, the*
2 *term ‘TRACON’ means terminal radar approach con-*
3 *trol.’.*”

4 **SEC. 511. FAA REVIEW AND REFORM.**

5 (a) *AGENCY REPORT.*—*Not later than 60 days after*
6 *the date of enactment of this Act, the Administrator shall*
7 *submit to the appropriate committees of Congress a detailed*
8 *analysis of any actions taken to address the findings and*
9 *recommendations included in the report required under sec-*
10 *tion 812(d) of the FAA Modernization and Reform Act of*
11 *2012 (49 U.S.C. 106 note), including—*

12 (1) *consolidating, phasing-out, or eliminating*
13 *duplicative positions, programs, roles, or offices;*

14 (2) *eliminating or streamlining wasteful prac-*
15 *tices;*

16 (3) *eliminating or phasing-out redundant, obso-*
17 *lete, or unnecessary functions;*

18 (4) *reforming and streamlining inefficient proc-*
19 *esses so that the activities of the Administration are*
20 *completed in an expedited and efficient manner; and*

21 (5) *reforming or eliminating ineffectual or out-*
22 *dated policies.*

23 (b) *ADDITIONAL REVIEW.*—*Not later than 18 months*
24 *after the date of enactment of this Act, the Administrator*
25 *shall undertake and complete a thorough review of each pro-*

1 *gram, office, and organization within the Administration*
2 *to identify—*

3 (1) *duplicative positions, programs, roles, or of-*
4 *fices;*

5 (2) *wasteful practices;*

6 (3) *redundant, obsolete, or unnecessary functions;*

7 (4) *inefficient processes; and*

8 (5) *ineffectual or outdated policies.*

9 (c) *ACTIONS TO STREAMLINE AND REFORM FAA.—*

10 *Not later than 60 days after the date of completion of the*
11 *review under subsection (b), the Administrator shall under-*
12 *take such actions as may be necessary to address the find-*
13 *ings of the Administrator under such subsection.*

14 (d) *REPORT TO CONGRESS.—Not later than 120 days*
15 *after the date of completion of the review under subsection*
16 *(b), the Administrator shall submit to the appropriate com-*
17 *mittees of Congress a report on the actions taken by the*
18 *Administrator pursuant to subsection (c), including any*
19 *recommendations for legislative or administrative actions.*

20 **SEC. 512. AIR SHOWS.**

21 *On an annual basis, the Administrator shall work*
22 *with representatives of Administration-approved air shows,*
23 *the general aviation community, and stadiums and other*
24 *large outdoor events and venues to identify and resolve, to*
25 *the maximum extent practicable, scheduling conflicts be-*

1 *tween Administration-approved air shows and large out-*
2 *door events and venues where—*

3 *(1) flight restrictions will be imposed pursuant*
4 *to section 521 of title V of division F of Public Law*
5 *108–199 (118 Stat. 343); or*

6 *(2) any other restriction will be imposed pursu-*
7 *ant to Federal Aviation Administration Flight Data*
8 *Center Notice to Airmen 4/3621 (or any successor no-*
9 *tice to airmen).*

10 **SEC. 513. PART 91 REVIEW, REFORM, AND STREAMLINING.**

11 *(a) ESTABLISHMENT OF TASK FORCE.—Not later than*
12 *90 days after the date of enactment of this Act, the Adminis-*
13 *trator shall establish a task force comprised of representa-*
14 *tives of the general aviation industry who regularly perform*
15 *part 91 operations, labor unions (including those rep-*
16 *resenting FAA aviation safety inspectors and FAA aviation*
17 *safety engineers), manufacturers, and the Government to—*

18 *(1) conduct an assessment of the FAA oversight*
19 *and authorization processes and requirements for air-*
20 *craft under part 91; and*

21 *(2) make recommendations to streamline the ap-*
22 *plicable authorization and approval processes, im-*
23 *prove safety, and reduce regulatory cost burdens and*
24 *delays for the FAA and aircraft owners and operators*
25 *who operate pursuant to part 91.*

1 (b) *CONTENTS.*—*In conducting the assessment and*
2 *making recommendations under subsection (a), the task*
3 *force shall consider—*

4 (1) *process reforms and improvements to allow*
5 *the FAA to review and approve applications in a fair*
6 *and timely fashion;*

7 (2) *the appropriateness of requiring an author-*
8 *ization for each experimental aircraft rather than*
9 *using a broader all-makes-and-models approach;*

10 (3) *ways to improve the timely response to letters*
11 *of authorization applications for aircraft owners and*
12 *operators who operate pursuant to part 91, including*
13 *setting deadlines and granting temporary or auto-*
14 *matic authorizations if deadlines are missed by the*
15 *FAA;*

16 (4) *methods for enhancing the effective use of del-*
17 *egation systems;*

18 (5) *methods for training the FAA’s field office*
19 *employees in risk-based and safety management sys-*
20 *tem oversight; and*

21 (6) *such other matters related to streamlining*
22 *part 91 authorization and approval processes as the*
23 *task force considers appropriate.*

24 (c) *REPORT TO CONGRESS.*—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date of enactment of this Act, the Administrator
3 shall submit to the appropriate committees of Con-
4 gress a report on the results of the task force’s assess-
5 ment.

6 (2) *CONTENTS.*—The report shall include an ex-
7 planation of how the Administrator will—

8 (A) implement the recommendations of the
9 task force;

10 (B) measure progress in implementing the
11 recommendations; and

12 (C) measure the effectiveness of the imple-
13 mented recommendations.

14 (d) *IMPLEMENTATION OF RECOMMENDATIONS.*—Not
15 later than 18 months after the date of enactment of this
16 Act, the Administrator shall implement the recommenda-
17 tions made under this section.

18 (e) *DEFINITION.*—In this section, the term “part 91”
19 means part 91 of title 14, Code of Federal Regulations.

20 (f) *APPLICABLE LAW.*—Public Law 92–463 shall not
21 apply to the task force.

22 (g) *SUNSET.*—The task force shall terminate on the
23 day the Administrator submits the report required under
24 subsection (c).

1 **SEC. 514. AIRCRAFT LEASING.**

2 *Section 44112(b) of title 49, United States Code, is*
3 *amended—*

4 *(1) by striking “on land or water”; and*

5 *(2) by inserting “operational” before “control”.*

6 **SEC. 515. PILOTS SHARING FLIGHT EXPENSES WITH PAS-**
7 **SENGERS.**

8 *(a) GUIDANCE.—*

9 *(1) IN GENERAL.—Not later than 90 days after*
10 *the date of enactment of this Act, the Administrator*
11 *shall make publicly available, in a clear and concise*
12 *format, advisory guidance that describes how a pilot*
13 *may share flight expenses with passengers in a man-*
14 *ner consistent with Federal law, including regula-*
15 *tions.*

16 *(2) EXAMPLES INCLUDED.—The guidance shall*
17 *include examples of—*

18 *(A) flights for which pilots and passengers*
19 *may share expenses;*

20 *(B) flights for which pilots and passengers*
21 *may not share expenses;*

22 *(C) the methods of communication that pi-*
23 *lots and passengers may use to arrange flights*
24 *for which expenses are shared; and*

1 (D) the methods of communication that pi-
2 lots and passengers may not use to arrange
3 flights for which expenses are shared.

4 (b) *REPORT.*—

5 (1) *IN GENERAL.*—Not later than 180 days after
6 the date on which guidance is made publicly available
7 under subsection (a), the Comptroller General of the
8 United States shall submit to the appropriate com-
9 mittees of Congress a report analyzing Federal policy
10 with respect to pilots sharing flight expenses with
11 passengers.

12 (2) *EVALUATIONS INCLUDED.*—The report sub-
13 mitted under paragraph (1) shall include an evalua-
14 tion of—

15 (A) the rationale for such Federal policy;

16 (B) safety and other concerns related to pi-
17 lots sharing flight expenses with passengers; and

18 (C) benefits related to pilots sharing flight
19 expenses with passengers.

20 **SEC. 516. TERMINAL AERODROME FORECAST.**

21 (a) *IN GENERAL.*—The Administrator shall permit a
22 covered air carrier to operate to or from a location in a
23 noncontiguous State without a Terminal Aerodrome Fore-
24 cast or Meteorological Aerodrome Report if—

1 (1) *such location is determined to be under vis-*
2 *ual meteorological conditions;*

3 (2) *a current Area Forecast, supplemented by*
4 *other local weather observations or reports, is avail-*
5 *able; and*

6 (3) *an alternate airport that has an available*
7 *Terminal Aerodrome Forecast and weather report is*
8 *specified.*

9 (b) *PROCEDURES.—A covered air carrier shall—*

10 (1) *have approved procedures for dispatch or re-*
11 *lease and enroute weather evaluation; and*

12 (2) *operate under instrument flight rules enroute*
13 *to the destination.*

14 (c) *LIMITATION.—Without a written finding of neces-*
15 *sity, based on objective and historical evidence of imminent*
16 *threat to safety, the Administrator shall not promulgate*
17 *any operation specification, policy, or guidance document*
18 *pursuant to this section that is more restrictive than, or*
19 *requires procedures that are not expressly stated in, the reg-*
20 *ulations.*

21 (d) *COVERED AIR CARRIER DEFINED.—In this sec-*
22 *tion, the term “covered air carrier” means an air carrier*
23 *operating in a noncontiguous State under part 121 of title*
24 *14, Code of Federal Regulations.*

1 **SEC. 517. PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING**
2 **FLIGHT TIMES.**

3 *The Administrator shall issue regulations modifying*
4 *section 61.51(j)(4) of title 14, Code of Federal Regulations,*
5 *so as to include aircraft under the direct operational control*
6 *of forestry and fire protection agencies as public aircraft*
7 *eligible for logging flight times.*

8 **SEC. 518. AIRCRAFT REGISTRY OFFICE.**

9 *The Administrator shall designate employees at the*
10 *Aircraft Registry Office in Oklahoma City, Oklahoma, as*
11 *excepted employees in the event of a shutdown or emergency*
12 *furlough to ensure that the office remains open for the dura-*
13 *tion of the lapse in Federal Government appropriations to*
14 *the Federal Aviation Administration.*

15 **SEC. 519. FAA DATA TRANSPARENCY.**

16 *Section 45303 of title 49, United States Code, is*
17 *amended by adding at the end the following:*

18 *“(g) DATA TRANSPARENCY.—*

19 *“(1) AIR TRAFFIC SERVICES INITIAL DATA RE-*
20 *PORT.—*

21 *“(A) INITIAL REPORT.—Not later than 6*
22 *months after the date of enactment of the FAA*
23 *Reauthorization Act of 2018, the Administrator*
24 *and the Chief Operating Officer of the Air Traf-*
25 *fic Organization shall, based upon the most re-*
26 *cently available full fiscal year data, complete*

1 *the following calculations for each segment of air*
2 *traffic services users:*

3 “(i) *The total costs allocable to the use*
4 *of air traffic services for that segment dur-*
5 *ing such fiscal year.*

6 “(ii) *The total revenues received from*
7 *that segment during such fiscal year.*

8 “(B) *VALIDATION OF MODEL.—*

9 “(i) *REVIEW AND DETERMINATION.—*
10 *Not later than 3 months after completion of*
11 *the initial report required under subpara-*
12 *graph (A), the inspector general of the De-*
13 *partment of Transportation shall review*
14 *and determine the validity of the model*
15 *used by the Administrator and the Chief*
16 *Operating Officer to complete the calcula-*
17 *tions required under subparagraph (A).*

18 “(ii) *VALIDATION PROCESS.—In the*
19 *event that the inspector general determines*
20 *that the model used by the Administrator*
21 *and the Chief Operating Officer to complete*
22 *the calculations required by subparagraph*
23 *(A) is not valid—*

24 “(I) *the inspector general shall*
25 *provide the Administrator and Chief*

1 *Operating Officer recommendations on*
2 *how to revise the model;*

3 *“(II) the Administrator and the*
4 *Chief Operating Officer shall complete*
5 *the calculations required by subpara-*
6 *graph (A) utilizing the revised model*
7 *and resubmit the revised initial report*
8 *required under subparagraph (A) to*
9 *the inspector general; and*

10 *“(III) not later than 3 months*
11 *after completion of the revised initial*
12 *report required under subparagraph*
13 *(A), the inspector general shall review*
14 *and determine the validity of the re-*
15 *vised model used by the Administrator*
16 *and the Chief Operating Officer to*
17 *complete the calculations required by*
18 *subparagraph (A).*

19 *“(iii) ACCESS TO DATA.—The Admin-*
20 *istrator and the Chief Operating Officer*
21 *shall provide the inspector general of the*
22 *Department of Transportation with unfet-*
23 *tered access to all data produced by the cost*
24 *accounting system operated and maintained*
25 *pursuant to subsection (e).*

1 “(C) *REPORT TO CONGRESS.*—Not later
2 than 60 days after completion of the review and
3 receiving a determination that the model used is
4 valid under subparagraph (B), the Adminis-
5 trator and the Chief Operating Officer shall sub-
6 mit to the Committee on Transportation and In-
7 frastructure, the Committee on Appropriations,
8 and the Committee on Ways and Means of the
9 House of Representatives, and the Committee on
10 Commerce, Science, and Transportation, the
11 Committee on Appropriations, and the Com-
12 mittee on Finance of the Senate a report describ-
13 ing the results of the calculations completed
14 under subparagraph (A).

15 “(D) *PUBLICATION.*—Not later than 60
16 days after submission of the report required
17 under subparagraph (C), the Administrator and
18 Chief Operating Officer shall publish the initial
19 report, including any revision thereto if required
20 as a result of the validation process for the
21 model.

22 “(2) *AIR TRAFFIC SERVICES BIENNIAL DATA RE-*
23 *PORTING.*—

24 “(A) *BIENNIAL DATA REPORTING.*—Not
25 later than March 31, 2019, and biennially there-

1 *after for 8 years, the Administrator and the*
2 *Chief Operating Officer shall, using the validated*
3 *model, complete the following calculations for*
4 *each segment of air traffic services users for the*
5 *most recent full fiscal year:*

6 “(i) *The total costs allocable to the use*
7 *of the air traffic services for that segment.*

8 “(ii) *The total revenues received from*
9 *that segment.*

10 “(B) *REPORT TO CONGRESS.—Not later*
11 *than 15 days after completing the calculations*
12 *under subparagraph (A), the Administrator and*
13 *the Chief Operating Officer shall complete and*
14 *submit to the Committee on Transportation and*
15 *Infrastructure, the Committee on Appropria-*
16 *tions, and the Committee on Ways and Means of*
17 *the House of Representatives, and the Committee*
18 *on Commerce, Science, and Transportation, the*
19 *Committee on Appropriations, and the Com-*
20 *mittee on Finance of the Senate a report con-*
21 *taining the results of such calculations.*

22 “(C) *PUBLICATION.—Not later than 60 days*
23 *after completing the calculations pursuant to*
24 *subparagraph (A), the Administrator and the*

1 Chief Operating Officer shall publish the results
2 of such calculations.

3 “(3) SEGMENTS OF AIR TRAFFIC SERVICES
4 USERS.—

5 “(A) IN GENERAL.—For purposes of this
6 subsection, each of the following shall constitute
7 a separate segment of air traffic services users:

8 “(i) Passenger air carriers conducting
9 operations under part 121 of title 14, Code
10 of Federal Regulations.

11 “(ii) All-cargo air carriers conducting
12 operations under part 121 of such title.

13 “(iii) Operators covered by part 125 of
14 such title.

15 “(iv) Air carriers and operators of pis-
16 ton-engine aircraft operating under part
17 135 of such title.

18 “(v) Air carriers and operators of tur-
19 bine-engine aircraft operating under part
20 135 of such title.

21 “(vi) Foreign air carriers providing
22 passenger air transportation.

23 “(vii) Foreign air carriers providing
24 all-cargo air transportation.

1 “(viii) Operators of turbine-engine air-
2 craft operating under part 91 of such title,
3 excluding those operating under subpart (K)
4 of such part.

5 “(ix) Operators of piston-engine air-
6 craft operating under part 91 of such title,
7 excluding those operating under subpart (K)
8 of such part.

9 “(x) Operators covered by subpart (K)
10 of part 91 of such title.

11 “(xi) Operators covered by part 133 of
12 such title.

13 “(xii) Operators covered by part 136 of
14 such title.

15 “(xiii) Operators covered by part 137
16 of such title.

17 “(xiv) Operators of public aircraft that
18 qualify under section 40125.

19 “(xv) Operators of aircraft that neither
20 take off from, nor land in, the United
21 States.

22 “(B) *ADDITIONAL SEGMENTS.*—The Sec-
23 retary may identify and include additional seg-
24 ments of air traffic users under subparagraph
25 (A) as revenue and air traffic services cost data

1 *become available for that additional segment of*
2 *air traffic services users.*

3 “(4) *DEFINITIONS.—For purposes of this sub-*
4 *section:*

5 “(A) *AIR TRAFFIC SERVICES.—The term*
6 *‘air traffic services’ means services—*

7 “(i) *used for the monitoring, directing,*
8 *control, and guidance of aircraft or flows of*
9 *aircraft and for the safe conduct of flight,*
10 *including communications, navigation, and*
11 *surveillance services and provision of aero-*
12 *nautical information; and*

13 “(ii) *provided directly, or contracted*
14 *for, by the Federal Aviation Administra-*
15 *tion.*

16 “(B) *AIR TRAFFIC SERVICES USER.—The*
17 *term ‘air traffic services user’ means any indi-*
18 *vidual or entity using air traffic services pro-*
19 *vided directly, or contracted for, by the Federal*
20 *Aviation Administration within United States*
21 *airspace or international airspace delegated to*
22 *the United States.”.*

1 **SEC. 520. INTRA-AGENCY COORDINATION.**

2 *Not later than 120 days after the date of enactment*
3 *of this Act, the Administrator shall implement a policy*
4 *that—*

5 *(1) designates the Associate Administrator for*
6 *Commercial Space Transportation as the primary li-*
7 *aison between the commercial space transportation*
8 *industry and the Administration;*

9 *(2) recognizes the necessity of, and set forth proc-*
10 *esses for, launch license and permit holder coordina-*
11 *tion with the Air Traffic Organization on matters in-*
12 *cluding—*

13 *(A) the use of air navigation facilities;*

14 *(B) airspace safety; and*

15 *(C) planning of commercial space launch*
16 *and launch support activities;*

17 *(3) designates a single point of contact within*
18 *the Air Traffic Organization who is responsible for—*

19 *(A) maintaining letters of agreement be-*
20 *tween a launch license or permit holder and a*
21 *Federal Aviation Administration facility;*

22 *(B) making such letters of agreement avail-*
23 *able to the Associate Administrator for Commer-*
24 *cial Space Transportation;*

1 (C) ensuring that a facility that has entered
2 into such a letter of agreement is aware of and
3 fulfills its responsibilities under the letter; and

4 (D) liaising between the Air Traffic Organi-
5 zation and the Associate Administrator for Com-
6 mercial Space Transportation on any matter re-
7 lating to such a letter of agreement; and

8 (4) requires the Associate Administrator for
9 Commercial Space Transportation to facilitate, upon
10 the request of a launch license or permit holder—

11 (A) coordination between a launch license
12 and permit holder and the Air Traffic Organiza-
13 tion; and

14 (B) the negotiation of letters of agreement
15 between a launch license or permit holder and a
16 Federal Aviation Administration facility or the
17 Air Traffic Organization.

18 **SEC. 521. ADMINISTRATIVE SERVICES FRANCHISE FUND.**

19 (a) *IN GENERAL.*—Not later than 30 days after the
20 date of enactment of this section, the inspector general of
21 the Department of Transportation shall initiate an audit
22 of the Administrative Services Franchise Fund of the FAA
23 (in this section referred to as the “Franchise Fund”).

24 (b) *CONSIDERATIONS.*—In conducting the audit pursu-
25 ant to subsection (a), the inspector general shall—

1 (1) *review the history, intended purpose, and ob-*
2 *jectives of the Franchise Fund;*

3 (2) *describe and assess each program, service, or*
4 *activity that uses the Franchise Fund, including—*

5 (A) *the agencies or government bodies that*
6 *use each program, service, or activity;*

7 (B) *the number of employees, including full-*
8 *time equivalents and contractors, associated with*
9 *each program, service, or activity;*

10 (C) *the costs associated with the employees*
11 *described in subparagraph (B) and the extent to*
12 *which such costs are covered by Federal appro-*
13 *priations or Franchise Fund revenue;*

14 (D) *the revenue, expenses, and profits or*
15 *losses associated with each program, service, or*
16 *activity;*

17 (E) *overhead rates associated with each pro-*
18 *gram, service, or activity; and*

19 (F) *a breakdown of the revenue collected*
20 *from services provided to the FAA, Department*
21 *of Transportation, other Federal entities, and*
22 *non-Federal entities;*

23 (3) *assess the FAA's governance and oversight of*
24 *the Franchise Fund and the programs, service, and*
25 *activities that use the Franchise Fund, including the*

1 *use of internal and publicly available performance*
 2 *metrics;*

3 *(4) evaluate the current and historical unobli-*
 4 *gated and unexpended balances of the Franchise*
 5 *Fund; and*

6 *(5) assess the degree to which FAA policies and*
 7 *controls associated with the Franchise Fund conform*
 8 *with generally accepted accounting principles, Fed-*
 9 *eral policies, best practices, or other guidance relating*
 10 *to revolving funds.*

11 *(c) REPORT.—Not later than 180 days after the date*
 12 *of initiation of the audit described in subsection (a), the*
 13 *inspector general shall submit to the appropriate commit-*
 14 *tees of Congress a report on the results of the audit, includ-*
 15 *ing findings and recommendations.*

16 **SEC. 522. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
 17 **CAST.**

18 *(a) REPEAL.—Subsection (b) of section 211 of the FAA*
 19 *Modernization and Reform Act of 2012 (49 U.S.C. 40101*
 20 *note) is repealed.*

21 *(b) REQUIREMENT.—The Administrator shall ensure*
 22 *that any regulation issued pursuant to such subsection has*
 23 *no force or effect.*

1 **SEC. 523. CONTRACT WEATHER OBSERVERS.**

2 *Section 2306(b) of the FAA Extension, Safety, and Se-*
3 *curity Act of 2016 (Public Law 114–190; 130 Stat. 641)*
4 *is amended by striking “2018” and inserting “2023”.*

5 **SEC. 524. REGIONS AND CENTERS.**

6 *(a) IN GENERAL.—Section 44507 of title 49, United*
7 *States Code, is amended—*

8 *(1) by striking the section heading and inserting*
9 *“**Regions and centers**”;*

10 *(2) by striking “The Civil Aeromedical Insti-*
11 *tute” and inserting the following:*

12 *“(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil*
13 *Aeromedical Institute”;* and

14 *(3) by adding at the end the following:*

15 *“(b) WILLIAM J. HUGHES TECHNICAL CENTER.—The*
16 *Secretary of Transportation shall define the roles and re-*
17 *sponsibilities of the William J. Hughes Technical Center*
18 *in a manner that is consistent with the defined roles and*
19 *responsibilities of the Civil Aeromedical Institute under*
20 *subsection (a).”.*

21 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
22 *445 of title 49, United States Code, is amended by striking*
23 *the item relating to section 44507 and inserting the fol-*
24 *lowing:*

“44507. Regions and centers.”.

1 **SEC. 525. GEOSYNTHETIC MATERIALS.**

2 *The Administrator, to the extent practicable, shall en-*
3 *courage the use of durable, resilient, and sustainable mate-*
4 *rials and practices, including the use of geosynthetic mate-*
5 *rials and other innovative technologies, in carrying out the*
6 *activities of the Federal Aviation Administration.*

7 **SEC. 526. NATIONAL AIRMAIL MUSEUM.**

8 *(a) FINDINGS.—Congress finds that—*

9 *(1) in 1930, commercial airmail carriers began*
10 *operations at Smith Field in Fort Wayne, Indiana;*

11 *(2) the United States lacks a national museum*
12 *dedicated to airmail; and*

13 *(3) the airmail hangar at Smith Field in Fort*
14 *Wayne, Indiana—*

15 *(A) will educate the public on the role of*
16 *airmail in aviation history; and*

17 *(B) honor the role of the hangar in the his-*
18 *tory of the Nation's airmail service.*

19 *(b) DESIGNATION.—*

20 *(1) IN GENERAL.—The airmail museum located*
21 *at the Smith Field in Fort Wayne, Indiana, is des-*
22 *ignated as the “National Airmail Museum”.*

23 *(2) EFFECT OF DESIGNATION.—The national*
24 *museum designated by this section is not a unit of the*
25 *National Park System and the designation of the Na-*
26 *tional Airmail Museum shall not require or permit*

1 *Federal funds to be expended for any purpose related*
2 *to that national memorial.*

3 **SEC. 527. STATUS OF AGREEMENT BETWEEN FAA AND LIT-**
4 **TLE ROCK PORT AUTHORITY.**

5 (a) *BRIEFING REQUIREMENT.*—*Not later than 30 days*
6 *after the date of enactment of this Act, the Administrator*
7 *shall provide to the appropriate committees of Congress a*
8 *briefing on the agreement between the FAA and the Little*
9 *Rock Port Authority to relocate the Little Rock Very High*
10 *Frequency Omnidirectional Range with Collocated Tactical*
11 *Air Control and Navigation (LIT VORTAC).*

12 (b) *BRIEFING CONTENTS.*—*The briefing required*
13 *under subsection (a) shall include the following:*

14 (1) *The status of the efforts by the Federal Avia-*
15 *tion Administration to relocate the LIT VORTAC.*

16 (2) *The long-term and short-term budget projec-*
17 *tions for the relocation project.*

18 (3) *A description of and timeline for each phase*
19 *of the relocation project.*

20 (4) *A description of and explanation for the re-*
21 *quired location radius.*

22 (5) *A description of work completed by the Fed-*
23 *eral Aviation Administration as of the date of the*
24 *briefing.*

1 **SEC. 528. BRIEFING ON AIRCRAFT DIVERSIONS FROM LOS**
2 **ANGELES INTERNATIONAL AIRPORT TO HAW-**
3 **THORNE MUNICIPAL AIRPORT.**

4 *Not later than 1 year after the date of the enactment*
5 *of this Act, the Administrator shall provide a briefing to*
6 *appropriate committees of Congress on diversions of air-*
7 *craft from Los Angeles International Airport to Hawthorne*
8 *Municipal Airport, also known as Jack Northrop Field, in*
9 *the City of Hawthorne, California. This briefing shall cover*
10 *at least the previous one-year period and include the total*
11 *number of aircraft diversions, the average number of diver-*
12 *sions per day, the types of aircraft diverted, and the reasons*
13 *for the diversions.*

14 **SEC. 529. TFR REPORT.**

15 *(a) IN GENERAL.—Not later than 1 year after the date*
16 *of enactment of this Act (except as described in subsection*
17 *(d)), the Administrator shall submit to the appropriate*
18 *committees of Congress a report containing the results of*
19 *the study described in subsection (b).*

20 *(b) RECOMMENDATIONS.—The Administrator shall*
21 *make recommendations based on—*

22 *(1) an analysis of—*

23 *(A) the economic effects of temporary flight*
24 *restrictions, particularly temporary flight re-*
25 *strictions issued pursuant to section 91.141 of*
26 *title 14, Code of Federal Regulations, on airports*

1 *or aviation-related businesses located or based in*
2 *an area covered by the temporary flight restric-*
3 *tion; and*

4 *(B) potential options and recommendations*
5 *for mitigating identified negative economic ef-*
6 *fects on airports or aviation-related businesses*
7 *located or based in an area frequently covered by*
8 *a temporary flight restriction; and*

9 *(2) an analysis of the potential for using secu-*
10 *rity procedures similar to those described in the*
11 *Maryland Three Program (allowing properly vetted*
12 *private pilots to fly to, from, or between the three gen-*
13 *eral aviation airports closest to the National Capital*
14 *Region) during temporary flight restrictions in the*
15 *following airports:*

16 *(A) Solberg Airport.*

17 *(B) Somerset Airport.*

18 *(C) Palm Beach County Park Airport (also*
19 *known as Lantana Airport).*

20 *(c) COLLABORATION.—In making the recommenda-*
21 *tions described in subsection (b), the Administrator shall*
22 *consult with—*

23 *(1) industry stakeholders; and*

24 *(2) the head of any other agency that, in the Ad-*
25 *ministrator's determination, is a stakeholder agency.*

1 (d) *SPECIAL DEADLINE.*—Not later than 90 days after
2 the date of enactment of this Act, the Administrator shall
3 submit to the appropriate committees of Congress a report
4 containing the results of the portion of the study described
5 in subsection (b)(1)(A).

6 **SEC. 530. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

7 (a) *REQUIREMENT TO PROVIDE SERVICES AND RE-*
8 *LATED SUPPORT.*—The Administrator shall provide air
9 traffic services and aviation safety support for large,
10 multiday aviation events, including airshows and fly-ins,
11 where the average daily number of manned operations were
12 1,000 or greater in at least one of the preceding two years,
13 without the imposition or collection of any fee, tax, or other
14 charge for that purpose. Amounts for the provision of such
15 services and support shall be derived from amounts appro-
16 priated or otherwise available for the Administration.

17 (b) *DETERMINATION OF SERVICES AND SUPPORT TO*
18 *BE PROVIDED.*—In determining the services and support
19 to be provided for an aviation event for purposes of sub-
20 section (a), the Administrator shall take into account the
21 following:

22 (1) *The services and support required to meet*
23 *levels of activity at prior events, if any, similar to the*
24 *event.*

1 (2) *The anticipated need for services and support*
2 *at the event.*

3 **SEC. 531. APPLICATION OF VETERANS' PREFERENCE TO**
4 **FEDERAL AVIATION ADMINISTRATION PER-**
5 **SONNEL MANAGEMENT SYSTEM.**

6 *Section 40122(g)(2)(B) of title 49, United States Code,*
7 *is amended—*

8 (1) *by inserting “3304(f), to the extent consistent*
9 *with the Federal Aviation Administration’s status as*
10 *an excepted service agency,” before “3308-3320”; and*

11 (2) *by inserting “3330a, 3330b, 3330c, and*
12 *3330d,” before “relating”.*

13 **SEC. 532. CLARIFICATION OF REQUIREMENTS FOR LIVING**
14 **HISTORY FLIGHTS.**

15 (a) *IN GENERAL.—Notwithstanding any other law or*
16 *regulation, in administering sections 61.113(c), 91.9,*
17 *91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and 119.21(a)*
18 *of title 14, Code of Federal Regulations (or any successor*
19 *regulations), the Administrator shall allow an aircraft*
20 *owner or operator to accept monetary or in-kind donations*
21 *for a flight operated by a living history flight experience*
22 *provider, if the aircraft owner or operator has—*

23 (1) *volunteered to provide such transportation;*
24 *and*

1 (2) notified any individual that will be on the
2 flight, at the time of inquiry about the flight, that the
3 flight operation is for charitable purposes and is not
4 subject to the same requirements as a commercial
5 flight.

6 (b) *CONDITIONS TO ENSURE PUBLIC SAFETY.*—The
7 Administrator, consistent with current standards of the Ad-
8 ministration for such operations, shall impose minimum
9 standards with respect to training and flight hours for oper-
10 ations conducted by an owner or operator of an aircraft
11 providing living history flight experience operations, in-
12 cluding mandating that the pilot in command of such air-
13 craft hold a commercial pilot certificate with instrument
14 rating and be current and qualified with respect to all rat-
15 ings or authorizations applicable to the specific aircraft
16 being flown to ensure the safety of flight operations de-
17 scribed in subsection (a).

18 (c) *LIVING HISTORY FLIGHT EXPERIENCE PROVIDER*
19 *DEFINED.*—In this section, the term “living history flight
20 experience provider” means an aircraft owner, aircraft op-
21 erator, or organization that provides, arranges, or otherwise
22 fosters living history flight experiences for the purpose of
23 fulfilling its mission.

1 **SEC. 533. REVIEW AND REFORM OF FAA PERFORMANCE**
2 **MANAGEMENT SYSTEM.**

3 (a) *ESTABLISHMENT OF ADVISORY PANEL.*—Not later
4 than 90 days after the date of enactment of this section,
5 the Secretary of Transportation shall establish an advisory
6 panel comprising no more than 7 independent, nongovern-
7 mental experts in budget, finance, or personnel management
8 to review and evaluate the effectiveness of the FAA's per-
9 sonnel management system and performance management
10 program for employees not covered by collective bargaining
11 agreements.

12 (b) *REVIEW, EVALUATION, AND RECOMMENDATIONS.*—
13 The advisory panel shall, at a minimum—

14 (1) review all appropriate FAA orders, policies,
15 procedures, guidance, and the Human Resources Pol-
16 icy Manual;

17 (2) review any applicable reports regarding
18 FAA's personnel management system, including re-
19 ports of the Department of Transportation Office of
20 Inspector General, Government Accountability Office,
21 and National Academy of Public Administration, and
22 determine the status of recommendations made in
23 those reports;

24 (3) review the personnel management system of
25 any other agency or governmental entity with a simi-

1 *lar system to the FAA for best practices with regard*
2 *to personnel management;*

3 *(4) assess the unique personnel authorities grant-*
4 *ed to the FAA, determine whether the FAA has taken*
5 *full advantage of those authorities, and identify those*
6 *authorities the FAA has not fully taken advantage of;*

7 *(5) review and determine the overall effectiveness*
8 *of the FAA's compensation, bonus pay, performance*
9 *metrics, and evaluation processes for employees not*
10 *covered by collective bargaining agreements;*

11 *(6) review whether existing performance metrics*
12 *and bonus pay practices align with the FAA's mis-*
13 *sion and significantly improve the FAA's provision of*
14 *air traffic services, implementation of air traffic con-*
15 *trol modernization initiatives, and accomplishment of*
16 *other FAA operational objectives;*

17 *(7) identify the highest, lowest, and average com-*
18 *plete compensation for each position of employees not*
19 *covered by collective bargaining agreements;*

20 *(8) survey interested parties and stakeholders,*
21 *including representatives of the aviation industry, for*
22 *their views and recommendations regarding improve-*
23 *ments to the FAA's personnel management system*
24 *and performance management program;*

1 (9) *develop recommendations to address the find-*
2 *ings of the work done pursuant to paragraphs (1)*
3 *through (7), and to address views and recommenda-*
4 *tions raised by interested parties pursuant to para-*
5 *graph (8); and*

6 (10) *develop recommendations to improve the*
7 *FAA's personnel management system and perform-*
8 *ance management program, including the compensa-*
9 *tion, bonus pay, performance metrics, and evaluation*
10 *processes, for employees not covered by collective bar-*
11 *gaining agreements.*

12 (c) *REPORT.—Not later than 1 year after initiating*
13 *the review and evaluation pursuant to subsection (a), the*
14 *advisory panel shall submit a report on the results of the*
15 *review and evaluation and its recommendations to the Sec-*
16 *retary, the Administrator, the appropriate committees of*
17 *Congress.*

18 (d) *REPORT TO CONGRESS.—Not later than 3 months*
19 *after submittal of the report pursuant to subsection (c), the*
20 *Administrator shall transmit to the appropriate committees*
21 *of Congress a report summarizing the findings of the advi-*
22 *sory panel that—*

23 (1) *contains an explanation of how the Adminis-*
24 *trator will implement the recommendations of the ad-*

1 *visory panel and measure the effectiveness of the rec-*
2 *ommendations; and*

3 *(2) specifies any recommendations that the Ad-*
4 *ministrator will not implement and the reasons for*
5 *not implementing such recommendations.*

6 *(e) SUNSET.—The advisory panel shall terminate on*
7 *the date that is 60 days after the transmittal of the report*
8 *pursuant to subsection (d).*

9 **SEC. 534. NEXTGEN DELIVERY STUDY.**

10 *(a) STUDY.—Not later than 180 days after the enact-*
11 *ment of this Act, the inspector general of the Department*
12 *of Transportation shall initiate a study of the potential im-*
13 *pacts of a significantly delayed, significantly diminished,*
14 *or completely failed delivery of the Next Generation Air*
15 *Transportation System modernization initiative by the*
16 *Federal Aviation Administration, including impacts to the*
17 *air traffic control system and the national airspace system*
18 *as a whole.*

19 *(b) SCOPE OF STUDY.—In carrying out the study*
20 *under subsection (a), the inspector general shall assess the*
21 *Administration’s performance related to the NextGen mod-*
22 *ernization initiative, including—*

23 *(1) the potential impacts on the operational effi-*
24 *ciency of our aviation system;*

1 (2) *an analysis of potential economic losses and*
2 *stranded investments directly related to NextGen;*

3 (3) *an analysis of the potential impacts to our*
4 *international competitiveness in aviation innovation;*

5 (4) *an analysis of the main differences that*
6 *would be seen in our air traffic control system;*

7 (5) *the potential impacts on the flying public,*
8 *including potential impacts to flight times, fares, and*
9 *delays in the air and on the ground;*

10 (6) *the effects on supply chains reliant on air*
11 *transportation of cargo;*

12 (7) *the potential impacts on the long-term bene-*
13 *fits promised by NextGen;*

14 (8) *an analysis of the potential impacts on air-*
15 *craft noise and flight paths;*

16 (9) *the potential changes in separation stand-*
17 *ards, fuel consumption, flight paths, block times, and*
18 *landing procedures or lack thereof;*

19 (10) *the potential impacts on aircraft taxi times*
20 *and aircraft emissions or lack thereof;*

21 (11) *a determination of the total potential costs*
22 *and logistical challenges of the failure of NextGen, in-*
23 *cluding a comparison of the potential loss of the re-*
24 *turn on public and private sector investment related*
25 *to NextGen, as compared to other available invest-*

1 *ment alternatives, between December 12, 2003, and*
2 *the date of enactment of this Act; and*

3 *(12) other matters arising in the course of the*
4 *study.*

5 *(c) REPORT.—Not later than 1 year after the date of*
6 *initiation of the study under subsection (a), the inspector*
7 *general shall submit to the appropriate committees of Con-*
8 *gress a report on the results of the study.*

9 **SEC. 535. STUDY ON ALLERGIC REACTIONS.**

10 *Not later than 120 days after the date of enactment*
11 *of this Act, the Administrator shall—*

12 *(1) study the prevalence of allergic reactions on*
13 *board flights, whether airlines universally report reac-*
14 *tions to the Federal Aviation Administration, and the*
15 *frequency of first aid inventory checks to ensure medi-*
16 *cine to prevent anaphylactic shock is in an aircraft;*
17 *and*

18 *(2) submit a report to the Committees on Trans-*
19 *portation and Infrastructure, Energy and Commerce,*
20 *and Appropriations of the House of Representatives*
21 *and the Committees on Commerce, Science, and*
22 *Transportation, Health, Education, Labor, and Pen-*
23 *sions, and Appropriations of the Senate.*

1 **SEC. 536. OXYGEN MASK DESIGN STUDY.**

2 *Not later than 180 days after the date of enactment*
3 *of this Act, the Administrator shall conduct a study to re-*
4 *view and evaluate the design and effectiveness of commer-*
5 *cial aircraft oxygen masks. In conducting the study, the Ad-*
6 *ministrator shall determine whether the current design of*
7 *oxygen masks is adequate, and whether changes to the de-*
8 *sign could increase correct passenger usage of the masks.*

9 **SEC. 537. AIR CARGO STUDY.**

10 *(a) IN GENERAL.—Not later than 6 months after the*
11 *date of enactment of this Act, the Comptroller General of*
12 *the United States shall begin a study of international air*
13 *cargo services among the United States and Central Amer-*
14 *ican, South American, and Caribbean Basin countries,*
15 *that—*

16 *(1) analyzes the supply of and demand for air*
17 *cargo transportation services among the United States*
18 *and Central American, South American, and Carib-*
19 *bean Basin countries;*

20 *(2) analyzes the supply of and demand for air*
21 *cargo transportation services between—*

22 *(A) the United States, Central American,*
23 *South American, and Caribbean Basin countries;*

24 *and*

25 *(B) African and European countries;*

1 (3) identifies the busiest routes in terms of cargo
2 capacity and frequency of air service;

3 (4) identifies any air carrier or foreign air car-
4 rier hubs in Central American, South American, and
5 Caribbean Basin countries at which a significant
6 amount of air cargo is sorted, handled, or consoli-
7 dated for transportation to or from the United States;

8 (5) identifies any air carrier or foreign air car-
9 rier hubs in the United States at which a significant
10 amount of air cargo is sorted, handled, or consoli-
11 dated for transportation to or from Central Amer-
12 ican, South American, and Caribbean Basin coun-
13 tries.

14 (6) identifies any significant gaps in the air
15 cargo services or cargo air carrier networks—

16 (A) among the countries described in para-
17 graph (2)(A);

18 (B) between such countries and African
19 countries; and

20 (C) between such countries and European
21 countries; and

22 (7) assesses the possible impact of the establish-
23 ment of an air carrier hub in Puerto Rico at which
24 air cargo is sorted, handled, or consolidated for trans-

1 *portation to or from the United States, including the*
 2 *impact on—*

3 *(A) the employment rate and economy of*
 4 *Puerto Rico;*

5 *(B) domestic and foreign air transportation*
 6 *of cargo;*

7 *(C) United States competitiveness in the air*
 8 *transportation of cargo;*

9 *(D) air cargo operations at other airports*
 10 *in the United States; and*

11 *(E) domestic air carrier employment.*

12 *(b) REPORT.—Not later than 12 months after the date*
 13 *of enactment of this Act, the Comptroller General shall sub-*
 14 *mit to the appropriate committees of Congress a report on*
 15 *the results of the study described in subsection (a).*

16 *(c) DEFINITION.—In this section, the term “Caribbean*
 17 *Basin countries” has the same meaning given the term*
 18 *“Caribbean Basin country” in section 501 of the Food for*
 19 *Peace Act (7 U.S.C. 1737).*

20 **SEC. 538. SENSE OF CONGRESS ON PREVENTING THE**
 21 **TRANSPORTATION OF DISEASE-CARRYING**
 22 **MOSQUITOES AND OTHER INSECTS ON COM-**
 23 **MERCIAL AIRCRAFT.**

24 *It is the sense of Congress that the Secretary of Trans-*
 25 *portation and the Secretary of Agriculture should, in co-*

1 *ordination and consultation with the World Health Organi-*
2 *zation, develop a framework and guidance for the use of*
3 *safe, effective, and nontoxic means of preventing the trans-*
4 *portation of disease-carrying mosquitoes and other insects*
5 *on commercial aircraft.*

6 **SEC. 539. TECHNICAL CORRECTIONS.**

7 (a) *AIRPORT CAPACITY ENHANCEMENT PROJECTS AT*
8 *CONGESTED AIRPORTS.*—Section 40104(c) of title 49,
9 *United States Code, is amended by striking “section 47176”*
10 *and inserting “section 47175”.*

11 (b) *PASSENGER FACILITY CHARGES.*—Section
12 *40117(a)(5) of title 49, United States Code, is amended by*
13 *striking “charge or charge” and inserting “charge”.*

14 (c) *OVERFLIGHTS OF NATIONAL PARKS.*—Section
15 *40128(a)(3) of title 49, United States Code, is amended by*
16 *striking “under part 91 of the title 14,” and inserting*
17 *“under part 91 of title 14,”.*

18 (d) *PLANS TO ADDRESS NEEDS OF FAMILIES OF PAS-*
19 *SENGERS INVOLVED IN FOREIGN AIR CARRIER ACCI-*
20 *DENTS.*—Section 41313(c)(16) of title 49, *United States*
21 *Code, is amended by striking “An assurance that the foreign*
22 *air carrier” and inserting “An assurance that”.*

23 (e) *OPERATIONS OF CARRIERS.*—*The analysis for*
24 *chapter 417 of title 49, United States Code, is amended by*

1 *striking the item relating to section 41718 and inserting*
2 *the following:*

“41718. Special rules for Ronald Reagan Washington National Airport.”.

3 (f) *SCHEDULES FOR CERTAIN TRANSPORTATION OF*
4 *MAIL.—Section 41902(a) of title 49, United States Code,*
5 *is amended by striking “section 41906” and inserting “sec-*
6 *tion 41905”.*

7 (g) *WEIGHING MAIL.—Section 41907 of title 49,*
8 *United States Code, is amended by striking “and” and all*
9 *that follows through “administrative” and inserting “and*
10 *administrative”.*

11 (h) *STRUCTURES INTERFERING WITH AIR COMMERCE*
12 *OR NATIONAL SECURITY.—Section 44718(b)(1) of title 49,*
13 *United States Code, is amended—*

14 (1) *in the matter preceding subparagraph (A) by*
15 *striking “air navigation facilities and equipment”*
16 *and inserting “air or space navigation facilities and*
17 *equipment”; and*

18 (2) *in subparagraph (A)—*

19 (A) *in clause (v) by striking “and” at the*
20 *end;*

21 (B) *by redesignating clause (vi) as clause*
22 *(vii); and*

23 (C) *by inserting after clause (v) the fol-*
24 *lowing:*

1 “(vi) the impact on launch and reentry
2 for launch and reentry vehicles arriving or
3 departing from a launch site or reentry site
4 licensed by the Secretary of Transportation;
5 and”.

6 (i) *FLIGHT ATTENDANT CERTIFICATION*.—Section
7 44728 of title 49, United States Code, is amended—

8 (1) in subsection (c), by striking “chapter” and
9 inserting “title”; and

10 (2) in subsection (d)(3), by striking “is” and in-
11 serting “be”.

12 (j) *FEEES INVOLVING AIRCRAFT NOT PROVIDING AIR*
13 *TRANSPORTATION*.—Section 45302 of title 49, United
14 States Code, is amended by striking “44703(f)(2)” each
15 place it appears and inserting “44703(g)(2)”.

16 (k) *SCHEDULE OF FEES*.—Section 45301(a)(1) of title
17 49, United States Code, is amended by striking “United
18 States government” and inserting “United States Govern-
19 ment”.

20 (l) *CLASSIFIED EVIDENCE*.—Section 46111(g)(2)(A) of
21 title 49, United States Code, is amended by striking “(18
22 U.S.C. App.)” and inserting “(18 U.S.C. App.)”.

23 (m) *CHAPTER 465*.—The analysis for chapter 465 of
24 title 49, United States Code, is amended by striking the
25 following item:

“46503. Repealed.”.

1 (n) *ALLOWABLE COST STANDARDS.*—Section
2 47110(b)(2) of title 49, United States Code, is amended—

3 (1) in subparagraph (B), by striking
4 “compatability” and inserting “compatibility”; and

5 (2) in subparagraph (D)(i), by striking “cli-
6 matic” and inserting “climatic”.

7 (o) *DEFINITION OF QUALIFIED HUBZONE SMALL*
8 *BUSINESS CONCERN.*—Section 47113(a)(3) of title 49,
9 United States Code, is amended by striking “(15 U.S.C.
10 632(o))” and inserting “(15 U.S.C. 632(p))”.

11 (p) *SPECIAL APPORTIONMENT CATEGORIES.*—Section
12 47117(e)(1)(B) is amended by striking “at least” and in-
13 serting “At least”.

14 (q) *SOLICITATION AND CONSIDERATION OF COM-*
15 *MENTS.*—Section 47171(l) of title 49, United States Code,
16 is amended by striking “4371” and inserting “4321”.

17 (r) *OPERATIONS AND MAINTENANCE.*—Section 48104
18 is amended by striking “(a) *AUTHORIZATION OF APPRO-*
19 *PRIATIONS.*—the” and inserting “The”.

20 (s) *ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-*
21 *CANTLY INCREASED COSTS.*—Section 426 of the *FAA Mod-*
22 *ernization and Reform Act of 2012* is amended—

23 (1) in subsection (a) (49 U.S.C. 41737 note) by
24 striking “Secretary” and inserting “Secretary of
25 Transportation”; and

1 (2) *in subsection (c) (49 U.S.C. 41731 note) by*
2 *striking “the Secretary may waive” and inserting*
3 *“the Secretary of Transportation may waive”.*

4 (t) *AIRCRAFT DEPARTURE QUEUE MANAGEMENT*
5 *PILOT PROGRAM.—Section 507(a) of the FAA Moderniza-*
6 *tion and Reform Act of 2012 (49 U.S.C. 44505 note) is*
7 *amended by striking “section 48101(a)” and inserting “sec-*
8 *tion 48101(a) of title 49, United States Code,”.*

9 **SEC. 540. REPORT ON ILLEGAL CHARTER FLIGHTS.**

10 *Not later than 180 days after the date of enactment*
11 *of this Act, the Secretary of Transportation shall submit*
12 *to the appropriate committees of Congress an analysis of*
13 *reports filed during the 10-year period preceding such date*
14 *of enactment through the illegal charter hotline of the FAA*
15 *and other sources that includes—*

16 (1) *what followup action the Department of*
17 *Transportation or the Administration takes when a*
18 *report of illegal charter operations is received;*

19 (2) *how the Department of Transportation or the*
20 *Administration decides to allocate resources;*

21 (3) *challenges the Department of Transportation*
22 *or the Administration face in identifying illegal oper-*
23 *ators; and*

1 (4) recommendations for improving the efforts of
2 the Department of Transportation or the Administra-
3 tion to combat illegal charter carrier operations.

4 **SEC. 541. USE OF NASA'S SUPER GUPPY AIRCRAFT FOR**
5 **COMMERCIAL TRANSPORT.**

6 Notwithstanding section 40125 of title 49, United
7 States Code, the Aero Spacelines Super Guppy Turbine B-
8 377-SGT aircraft, serial number 0004, may be used to pro-
9 vide the transport, for compensation or hire, of oversized
10 space launch vehicle components or oversized spacecraft
11 components while continuing to qualify as a public aircraft
12 operation pursuant to section 40102(a)(41)(A) of title 49,
13 United States Code, if—

14 (1) the aircraft is owned and operated by the
15 National Aeronautics and Space Administration;

16 (2) commercial operation is limited to operations
17 conducted wholly in United States airspace; and

18 (3) no commercially available domestic air
19 transport alternative exists.

20 **SEC. 542. PROHIBITED AIRSPACE ASSESSMENT.**

21 (a) *IN GENERAL.*—Not later than 1 year after the date
22 of enactment of this Act, the Secretary of Transportation,
23 in coordination with appropriate Federal agencies, shall
24 conduct an assessment on the security of United States pro-
25 hibited airspace designated by the Federal Aviation Admin-

1 *istration, with a focus on permanent prohibited airspace*
2 *(in this section referred to as “United States prohibited air-*
3 *space”).*

4 *(b) MINIMUM COMPONENTS.—The assessment devel-*
5 *oped under subsection (a) shall be unclassified but may con-*
6 *tain a classified annex. It shall, at a minimum, include—*

7 *(1) a summary of the number and types of viola-*
8 *tions of United States prohibited airspace and histor-*
9 *ical trends of such numbers and types;*

10 *(2) an assessment of the processes used to estab-*
11 *lish United States prohibited airspace;*

12 *(3) an assessment of manned and unmanned air-*
13 *craft, current and future, with the ability to penetrate*
14 *United States prohibited airspace undetected;*

15 *(4) an assessment of the current and future ca-*
16 *pabilities of the United States to mitigate threats to*
17 *United States prohibited airspace;*

18 *(5) recommendations on how to improve security*
19 *of United States prohibited airspace; and*

20 *(6) a process to modify section 99.7 of title 14,*
21 *Code of Federal Regulations, to expand the Adminis-*
22 *trator’s authority to establish temporary flight restric-*
23 *tions in cooperation with State and local law enforce-*
24 *ment agencies, or as required for purposes of national*

1 security, homeland security, or law enforcement sup-
2 port.

3 **SEC. 543. REPORT ON MULTIAGENCY USE OF AIRSPACE AND**
4 **ENVIRONMENTAL REVIEW.**

5 (a) *IN GENERAL.*—Not later than 180 days after the
6 date of the enactment of this Act, the Administrator, in con-
7 sultation with the Secretary of Defense, shall submit to the
8 covered committees of Congress a report documenting efforts
9 made toward improving processes to resolve persistent chal-
10 lenges for special use airspace requests in support of, or as-
11 sociated with, short notice testing requirements at Major
12 Range and Test Facility Bases, including the establishment
13 of temporary military operations areas used for conducting
14 short-term, scheduled exercises.

15 (b) *ELEMENTS.*—The report required under subsection
16 (a) shall include the following elements:

17 (1) *Analysis of previous efforts to streamline in-*
18 *ternal processes associated with the designation of*
19 *temporary military operations areas at Major Range*
20 *and Test Facility Bases and the use of such areas for*
21 *scheduled exercises.*

22 (2) *Analysis of progress made to ensure consist-*
23 *ency of environmental review, including impact anal-*
24 *ysis, associated environmental studies, or consulta-*
25 *tion, while complying with the National Environ-*

1 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
2 *and other environmental requirements.*

3 (3) *Identification of challenges, if any, in com-*
4 *plying with the National Environmental Policy Act*
5 *of 1969.*

6 (4) *A description of airspace requirements, cur-*
7 *rent test and training needs statements completed*
8 *during the 10-year period preceding the report, and*
9 *future 5-year requirements, including all temporary*
10 *military operating areas, special use airspaces, in-*
11 *strument routes, visual routes, and unfulfilled user re-*
12 *quirements.*

13 (5) *Proposed options and solutions to overcome*
14 *identified challenges, if any, including identifying*
15 *whether—*

16 (A) *a solution or solutions can be incor-*
17 *porated within the existing Federal Aviation Ad-*
18 *ministration and Department of Defense Memo-*
19 *randum of Understanding; or*

20 (B) *changes to current law are required.*

21 (c) *DEFINITIONS.—In this section:*

22 (1) *COVERED COMMITTEES OF CONGRESS.—The*
23 *term “covered committees of Congress” means—*

1 (A) *the Committee on Commerce, Science,*
2 *and Transportation and the Committee on*
3 *Armed Services of the Senate; and*

4 (B) *the Committee on Transportation and*
5 *Infrastructure and the Committee on Armed*
6 *Services of the House of Representatives.*

7 (2) *MAJOR RANGE AND TEST FACILITY BASE.—*
8 *The term “Major Range and Test Facility Base” has*
9 *the meaning given the term in section 196(i) of title*
10 *10, United States Code.*

11 (3) *SPECIAL USE AIRSPACE.—The term “special*
12 *use airspace” means certain designations of airspace*
13 *designated by the Federal Aviation Administration,*
14 *as administered by the Secretary of Defense.*

15 **SEC. 544. AGENCY PROCUREMENT REPORTING REQUIRE-**
16 **MENTS.**

17 *Section 40110(d) of title 49, United States Code, is*
18 *amended by adding at the end the following:*

19 “(5) *ANNUAL REPORT ON THE PURCHASE OF*
20 *FOREIGN MANUFACTURED ARTICLES.—*

21 “(A) *REPORT.—(i) Not later than 90 days*
22 *after the end of the fiscal year, the Secretary of*
23 *Transportation shall submit a report to Congress*
24 *on the dollar amount of acquisitions subject to*
25 *the Buy American Act made by the agency from*

1 *entities that manufacture the articles, materials,*
2 *or supplies outside of the United States in such*
3 *fiscal year.*

4 *“(ii) The report required by clause (i) shall*
5 *only include acquisitions with total value exceed-*
6 *ing the micro-purchase level.*

7 *“(B) CONTENTS.—The report required by*
8 *subparagraph (A) shall separately indicate—*

9 *“(i) the dollar value of any articles,*
10 *materials, or supplies purchased that were*
11 *manufactured outside of the United States;*
12 *and*

13 *“(ii) a summary of the total procure-*
14 *ment funds spent on goods manufactured in*
15 *the United States versus funds spent on*
16 *goods manufactured outside of the United*
17 *States.*

18 *“(C) AVAILABILITY OF REPORT.—The Sec-*
19 *retary shall make the report under subparagraph*
20 *(A) publicly available on the agency’s website*
21 *not later than 30 days after submission to Con-*
22 *gress.”.*

23 **SEC. 545. FAA ORGANIZATIONAL REFORM.**

24 *(a) CHIEF TECHNOLOGY OFFICER.—Section 106(s) of*
25 *title 49, United States Code, is amended to read as follows:*

1 “(s) *CHIEF TECHNOLOGY OFFICER.*—

2 “(1) *IN GENERAL.*—

3 “(A) *APPOINTMENT.*—*There shall be a Chief*
4 *Technology Officer appointed by the Chief Oper-*
5 *ating Officer. The Chief Technology Officer shall*
6 *report directly to the Chief Operating Officer.*

7 “(B) *MINIMUM QUALIFICATIONS.*—*The Chief*
8 *Technology Officer shall have—*

9 “(i) *at least 10 years experience in en-*
10 *gineering management or another relevant*
11 *technical management field; and*

12 “(ii) *knowledge of or experience in the*
13 *aviation industry.*

14 “(C) *REMOVAL.*—*The Chief Technology Of-*
15 *ficer shall serve at the pleasure of the Adminis-*
16 *trator.*

17 “(D) *RESTRICTION.*—*The Chief Technology*
18 *Officer may not also be the Deputy Adminis-*
19 *trator.*

20 “(2) *RESPONSIBILITIES.*—*The responsibilities of*
21 *the Chief Technology Officer shall include—*

22 “(A) *ensuring the proper operation, mainte-*
23 *nance, and cybersecurity of technology systems*
24 *relating to the air traffic control system across*
25 *all program offices of the Administration;*

1 “(B) coordinating the implementation, op-
2 eration, maintenance, and cybersecurity of tech-
3 nology programs relating to the air traffic con-
4 trol system with the aerospace industry and
5 other Federal agencies;

6 “(C) reviewing and providing advice to the
7 Secretary, the Administrator, and the Chief Op-
8 erating Officer on the Administration’s budget,
9 cost-accounting system, and benefit-cost analyses
10 with respect to technology programs relating to
11 the air traffic control system;

12 “(D) consulting with the Administrator on
13 the Capital Investment Plan of the Administra-
14 tion prior to its submission to Congress;

15 “(E) developing an annual air traffic con-
16 trol system technology operation and mainte-
17 nance plan that is consistent with the annual
18 performance targets established under paragraph
19 (4); and

20 “(F) ensuring that the air traffic control
21 system architecture remains, to the maximum
22 extent practicable, flexible enough to incorporate
23 future technological advances developed and di-
24 rectly procured by aircraft operators.

25 “(3) COMPENSATION.—

1 “(A) *IN GENERAL.*—*The Chief Technology*
2 *Officer shall be paid at an annual rate of basic*
3 *pay to be determined by the Administrator, in*
4 *consultation with the Chief Operating Officer.*
5 *The annual rate may not exceed the annual com-*
6 *penetration paid under section 102 of title 3. The*
7 *Chief Technology Officer shall be subject to the*
8 *postemployment provisions of section 207 of title*
9 *18 as if the position of Chief Technology Officer*
10 *were described in section 207(c)(2)(A)(i) of that*
11 *title.*

12 “(B) *BONUS.*—*In addition to the annual*
13 *rate of basic pay authorized by subparagraph*
14 *(A), the Chief Technology Officer may receive a*
15 *bonus for any calendar year not to exceed 30*
16 *percent of the annual rate of basic pay, based*
17 *upon the Administrator’s evaluation of the Chief*
18 *Technology Officer’s performance in relation to*
19 *the performance targets established under para-*
20 *graph (4).*

21 “(4) *ANNUAL PERFORMANCE TARGETS.*—

22 “(A) *IN GENERAL.*—*The Administrator and*
23 *the Chief Operating Officer, in consultation with*
24 *the Chief Technology Officer, shall establish*
25 *measurable annual performance targets for the*

1 *Chief Technology Officer in key operational*
2 *areas.*

3 “(B) *REPORT.—The Administrator shall*
4 *transmit to the Committee on Transportation*
5 *and Infrastructure of the House of Representa-*
6 *tives and the Committee on Commerce, Science,*
7 *and Transportation of the Senate a report de-*
8 *scribing the annual performance targets estab-*
9 *lished under subparagraph (A).*

10 “(5) *ANNUAL PERFORMANCE REPORT.—The*
11 *Chief Technology Officer shall prepare and transmit*
12 *to the Secretary of Transportation, the Committee on*
13 *Transportation and Infrastructure of the House of*
14 *Representatives, and the Committee on Commerce,*
15 *Science, and Transportation of the Senate an annual*
16 *report containing—*

17 “(A) *detailed descriptions and metrics of*
18 *how successful the Chief Technology Officer was*
19 *in meeting the annual performance targets estab-*
20 *lished under paragraph (4); and*

21 “(B) *other information as may be requested*
22 *by the Administrator and the Chief Operating*
23 *Officer.”.*

24 (b) *CONFORMING AMENDMENTS.—*

1 (1) *Section 709(a)(3)(L) of the Vision 100–Cen-*
2 *tury of Aviation Reauthorization Act (49 U.S.C.*
3 *40101 note) is amended by striking “Chief NextGen*
4 *Officer” and inserting “Chief Technology Officer”.*

5 (2) *Section 804(a)(4)(A) of the FAA Moderniza-*
6 *tion and Reform Act of 2012 (49 U.S.C. 44501 note)*
7 *is amended by striking “Chief NextGen Officer” and*
8 *inserting “Chief Technology Officer”.*

9 **SEC. 546. FAA CIVIL AVIATION REGISTRY UPGRADE.**

10 (a) *IN GENERAL.*—*Not later than 3 years after the*
11 *date of enactment of this Act, the Administrator of the Fed-*
12 *eral Aviation Administration shall complete covered up-*
13 *grades of the Administration’s Civil Aviation Registry (in*
14 *this section referred to as the “Registry”).*

15 (b) *COVERED UPGRADE DEFINED.*—*In this section, the*
16 *term “covered upgrades” means—*

17 (1) *the digitization of nondigital Registry infor-*
18 *mation, including paper documents, microfilm im-*
19 *ages, and photographs, from an analog or nondigital*
20 *format to a digital format;*

21 (2) *the digitalization of Registry manual and*
22 *paper-based processes, business operations, and func-*
23 *tions by leveraging digital technologies and a broader*
24 *use of digitized data;*

1 (3) *the implementation of systems allowing a*
2 *member of the public to submit any information or*
3 *form to the Registry and conduct any transaction*
4 *with the Registry by electronic or other remote means;*
5 *and*

6 (4) *allowing more efficient, broader, and remote*
7 *access to the Registry.*

8 (c) *APPLICABILITY.—The requirements of subsection*
9 *(a) shall apply to the entire Civil Aviation Registry, includ-*
10 *ing the Aircraft Registration Branch and the Airmen Cer-*
11 *tification Branch.*

12 (d) *MANUAL SURCHARGE.—Chapter 453 of title 49,*
13 *United States Code, is amended by adding at the end the*
14 *following:*

15 **“§ 45306. Manual surcharge**

16 “(a) *IN GENERAL.—Not later 3 years after the date*
17 *of enactment of the FAA Reauthorization Act of 2018, the*
18 *Administrator shall impose and collect a surcharge on a*
19 *Civil Aviation Registry transaction that—*

20 “(1) *is conducted in person at the Civil Aviation*
21 *Registry;*

22 “(2) *could be conducted, as determined by the*
23 *Administrator, with the same or greater level of effi-*
24 *ciency by electronic or other remote means; and*

1 “(3) is not related to research or other non-com-
2 mercial activities.

3 “(b) *MAXIMUM SURCHARGE.*—A surcharge imposed
4 and collected under subsection (a) shall not exceed twice the
5 maximum fee the Administrator is authorized to charge for
6 the registration of an aircraft, not used to provide air
7 transportation, after the transfer of ownership under section
8 45302(b)(2).

9 “(c) *CREDIT TO ACCOUNT AND AVAILABILITY.*—Monies
10 collected from a surcharge imposed under subsection (a)
11 shall be treated as monies collected under section 45302 and
12 subject to the terms and conditions set forth in section
13 45302(d).”.

14 (e) *REPORT.*—Not later than 1 year after date of en-
15 actment of this Act, and annually thereafter until the cov-
16 ered upgrades required under subsection (a) are complete,
17 the Administrator shall submit a report to the appropriate
18 committees of Congress describing—

19 (1) the schedule for the covered upgrades to the
20 Registry;

21 (2) the office responsible for the implementation
22 of the such covered upgrades;

23 (3) the metrics being used to measure progress in
24 implementing the covered upgrades; and

1 (4) *the status of the covered upgrades as of the*
2 *date of the report.*

3 **SEC. 547. ENHANCED AIR TRAFFIC SERVICES.**

4 (a) *IN GENERAL.*—*Not later than 180 days after the*
5 *date of enactment of this Act, the Administrator shall estab-*
6 *lish a pilot program to provide air traffic control services*
7 *on a preferential basis to aircraft equipped with certain*
8 *NextGen avionics that—*

9 (1) *lasts at least 2 years; and*

10 (2) *operates in at least 3 suitable airports.*

11 (b) *DURATION OF DAILY SERVICE.*—*The air traffic*
12 *control services provided under the pilot program estab-*
13 *lished under subsection (a) shall occur for at least 3 con-*
14 *secutive hours between 0600 and 2200 local time during*
15 *each day of the pilot program.*

16 (c) *AIRPORT SELECTION.*—*The Administrator shall*
17 *designate airports for participation in the pilot program*
18 *after consultation with aircraft operators, manufacturers,*
19 *and airport sponsors.*

20 (d) *DEFINITIONS.*—

21 (1) *CERTAIN NEXTGEN AVIONICS.*—*The term*
22 *“certain NextGen avionics” means those avionics and*
23 *related software designated by the Administrator after*
24 *consultations with aircraft operators and manufac-*
25 *turers.*

1 (2) *PREFERENTIAL BASIS.*—The term “pref-
2 *erential basis*” means—

3 (A) *prioritizing aircraft equipped with cer-*
4 *tain NextGen avionics during a Ground Delay*
5 *Program by assigning them fewer minutes of*
6 *delay relative to other aircraft based upon prin-*
7 *ciples established after consultation with aircraft*
8 *operators and manufacturers; or*

9 (B) *sequencing aircraft equipped with cer-*
10 *tain NextGen avionics ahead of other aircraft in*
11 *the Traffic Flow Management System to the*
12 *maximum extent consistent with safety.*

13 (e) *SUNSET.*—The pilot program established under
14 *subsection (a) shall terminate on September 30, 2023.*

15 (f) *REPORT.*—Not later than 90 days after the date
16 *on which the pilot program terminates, the Administrator*
17 *shall submit to the appropriate committees of Congress a*
18 *report on the results of the pilot program.*

19 **SEC. 548. SENSE OF CONGRESS ON ARTIFICIAL INTEL-**
20 **LIGENCE IN AVIATION.**

21 *It is the sense of Congress that the Administration*
22 *should, in consultation with appropriate Federal agencies*
23 *and industry stakeholders, periodically review the use or*
24 *proposed use of artificial intelligence technologies within the*
25 *aviation system and assess whether the Administration*

1 *needs a plan regarding artificial intelligence standards and*
2 *best practices to carry out its mission.*

3 **SEC. 549. STUDY ON CYBERSECURITY WORKFORCE OF FAA.**

4 *(a) STUDY.—Not later than 1 year after the date of*
5 *the enactment of this Act, the Administrator shall enter into*
6 *an agreement with the National Academy of Sciences to*
7 *conduct a study on the cybersecurity workforce of the Ad-*
8 *ministration in order to develop recommendations to in-*
9 *crease the size, quality, and diversity of such workforce, in-*
10 *cluding cybersecurity researchers and specialists.*

11 *(b) REPORT TO CONGRESS.—Not later than 180 days*
12 *after the completion of the study conducted under subsection*
13 *(a), the Administrator shall submit to the appropriate com-*
14 *mittees of Congress a report on the results of such study.*

15 **SEC. 550. TREATMENT OF MULTIYEAR LESSEES OF LARGE**
16 **AND TURBINE-POWERED MULTIENGINE AIR-**
17 **CRAFT.**

18 *The Secretary of Transportation shall revise such regu-*
19 *lations as may be necessary to ensure that multiyear lessees*
20 *and owners of large and turbine-powered multiengine air-*
21 *craft are treated equally for purposes of joint ownership*
22 *policies of the FAA.*

1 **SEC. 551. EMPLOYEE ASSAULT PREVENTION AND RE-**
2 **SPONSE PLANS.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date of enactment of this Act, each air carrier operating
5 under part 121 of title 14, Code of Federal Regulations (in
6 this section referred to as a “part 121 air carrier”), shall
7 submit to the Administrator for review and acceptance an
8 Employee Assault Prevention and Response Plan related to
9 the customer service agents of the air carrier and that is
10 developed in consultation with the labor union representing
11 such agents.

12 (b) *CONTENTS OF PLAN.*—An Employee Assault Pre-
13 vention and Response Plan submitted under subsection (a)
14 shall include the following:

15 (1) *Reporting protocols for air carrier customer*
16 *service agents who have been the victim of a verbal or*
17 *physical assault.*

18 (2) *Protocols for the immediate notification of*
19 *law enforcement after an incident of verbal or phys-*
20 *ical assault committed against an air carrier cus-*
21 *tomers service agent.*

22 (3) *Protocols for informing Federal law enforce-*
23 *ment with respect to violations of section 46503 of*
24 *title 49, United States Code.*

25 (4) *Protocols for ensuring that a passenger in-*
26 *volved in a violent incident with a customer service*

1 *agent of an air carrier is not allowed to move through*
2 *airport security or board an aircraft until appro-*
3 *priate law enforcement has had an opportunity to as-*
4 *sess the incident and take appropriate action.*

5 *(5) Protocols for air carriers to inform pas-*
6 *sengers of Federal laws protecting Federal, airport,*
7 *and air carrier employees who have security duties*
8 *within an airport.*

9 *(c) EMPLOYEE TRAINING.—A part 121 air carrier*
10 *shall conduct initial and recurrent training for all employ-*
11 *ees, including management, of the air carrier with respect*
12 *to the plan required under subsection (a), which shall in-*
13 *clude training on de-escalating hostile situations, written*
14 *protocols on dealing with hostile situations, and the report-*
15 *ing of relevant incidents.*

16 *(d) STUDY.—Not later than 180 days after the date*
17 *of enactment of this Act, the Comptroller General of the*
18 *United States shall—*

19 *(1) complete a study of crimes of violence (as de-*
20 *finied in section 16 of title 18, United States Code)*
21 *committed against airline customer service represent-*
22 *atives while they are performing their duties and on*
23 *airport property; and*

1 (2) *submit the findings of the study, including*
2 *any recommendations, to the appropriate committees*
3 *of Congress.*

4 (e) *GAP ANALYSIS.—The study required under sub-*
5 *section (d) shall include a gap analysis to determine if*
6 *State and local laws and resources are adequate to deter*
7 *or otherwise address the crimes of violence described in sub-*
8 *section (a) and recommendations on how to address any*
9 *identified gaps.*

10 **SEC. 552. STUDY ON TRAINING OF CUSTOMER-FACING AIR**
11 **CARRIER EMPLOYEES.**

12 (a) *IN GENERAL.—Not later than 1 year after the date*
13 *of enactment of this Act, the Secretary of Transportation*
14 *shall conduct a study on the training received by customer-*
15 *facing employees of air carriers.*

16 (b) *CONTENTS.—The study shall include—*

17 (1) *an analysis of the training received by cus-*
18 *tomers-facing employees with respect to the manage-*
19 *ment of disputes on aircraft;*

20 (2) *an examination of how institutions of higher*
21 *learning, in coordination with air carriers, customer-*
22 *facing employees and their representatives, consumer*
23 *advocacy organizations, and other stakeholders,*
24 *could—*

1 (2) review, and if necessary update, existing
2 policies in accordance with the standards developed
3 under paragraph (1); and

4 (3) establish a process under which appropriate
5 onsite airport personnel or an aviation official may,
6 with appropriate manufacturer training or alter-
7 native training as determined by the Administrator,
8 be permitted to conduct the minimum triannual pre-
9 ventative maintenance checks under the advisory cir-
10 cular for non-Federal automated weather observing
11 systems (AC 150/5220–16E) and any other similar,
12 successor checks.

13 (b) *PERMISSION.*—Permission to conduct the min-
14 imum triannual preventative maintenance checks described
15 under subsection (a)(3) and any similar, successor checks
16 shall not be withheld but for specific cause.

17 (c) *STANDARDS.*—In updating the standards under
18 subsection (a)(1), the Administrator shall—

19 (1) ensure the standards are performance-based;

20 (2) use risk analysis to determine the accuracy
21 of the automated weather observing systems outputs
22 required for pilots to perform safe aircraft operations;
23 and

1 (3) *provide a cost-benefit analysis to determine*
2 *whether the benefits outweigh the cost for any require-*
3 *ment not directly related to safety.*

4 *(d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—*

5 (1) *IN GENERAL.—Notwithstanding any other*
6 *law, the Administrator is authorized to and shall*
7 *wave any positive benefit-cost ratio requirement for*
8 *automated weather-observing system equipment under*
9 *subchapter I of chapter 471, of title 49, United States*
10 *Code, if—*

11 (A) *the airport sponsor or State, as appli-*
12 *cable, certifies that a grant for such automated*
13 *weather observing systems equipment under that*
14 *chapter will assist an applicable airport to re-*
15 *spond to regional emergency needs, including*
16 *medical, firefighting, and search and rescue*
17 *needs;*

18 (B) *the Secretary determines, after consulta-*
19 *tion with the airport sponsor or State, as appli-*
20 *cable, that the placement of automated weather-*
21 *observing equipment at the airport will not*
22 *cause unacceptable radio frequency congestion;*
23 *and*

24 (C) *the other requirements under that chap-*
25 *ter are met.*

1 (2) *APPLICABILITY TO LOW POPULATION DENSITY*
2 *STATES.*—*This subsection is applicable only to air-*
3 *ports located in states with a population density,*
4 *based on the most recent decennial census, of 50 or*
5 *fewer persons per square mile.*

6 (e) *REPORT.*—*Not later than September 30, 2025, the*
7 *Administrator shall submit to the appropriate committees*
8 *of Congress a report on the implementation of the require-*
9 *ments under this section.*

10 **SEC. 554. PRIORITIZING AND SUPPORTING THE HUMAN**
11 **INTERVENTION MOTIVATION STUDY (HIMS)**
12 **PROGRAM AND THE FLIGHT ATTENDANT**
13 **DRUG AND ALCOHOL PROGRAM (FADAP).**

14 (a) *IN GENERAL.*—*The Administration shall continue*
15 *to prioritize and support the Human Intervention Motiva-*
16 *tion Study (HIMS) program for flight crewmembers and*
17 *the Flight Attendant Drug and Alcohol Program (FADAP)*
18 *for flight attendants.*

19 (b) *STUDY AND RECOMMENDATIONS.*—

20 (1) *IN GENERAL.*—*The Secretary of Transpor-*
21 *tation shall enter into an agreement with the Trans-*
22 *portation Research Board (in this subsection referred*
23 *to as the “Board”) under which the Board shall—*

24 (A) *conduct a study on the Human Inter-*
25 *vention Motivation Study (HIMS) program, the*

1 *Flight Attendant Drug and Alcohol Program*
2 *(FADAP), and any other drug and alcohol pro-*
3 *grams within the other modal administrations*
4 *within the Department of Transportation;*

5 *(B) to the extent justified by the findings*
6 *from the study described in subparagraph (A),*
7 *make recommendations to the Federal Aviation*
8 *Administration and other administrations with-*
9 *in the Department of Transportation on how to*
10 *implement programs, or changes to existing pro-*
11 *grams, that seek to help transportation workers*
12 *get treatment for drug and alcohol abuse and re-*
13 *turn to work; and*

14 *(C) upon the completion of the study de-*
15 *scribed in subparagraph (A), submit to the ap-*
16 *propriate committees of Congress a report on*
17 *such study, including the Board's findings, con-*
18 *clusions, and recommendations.*

19 (2) *REQUIREMENT.*—*In conducting the study*
20 *under paragraph (1), the Board shall identify—*

21 *(A) best policies and practices within exist-*
22 *ing programs; and*

23 *(B) best prevention, early intervention, and*
24 *return to work practices specifically around pre-*

1 *scription medication abuse, with a special em-*
2 *phasis on employee use of opioids.*

3 **SEC. 555. COST-EFFECTIVENESS ANALYSIS OF EQUIPMENT**

4 **RENTAL.**

5 *(a) AGENCY ANALYSIS OF EQUIPMENT ACQUISITION.—*

6 *(1) IN GENERAL.—Except as provided for under*
7 *subsection (d), the head of each executive agency shall*
8 *acquire equipment using the method of acquisition*
9 *most advantageous to the Federal Government based*
10 *on a case-by-case analysis of comparative costs and*
11 *other factors, including those factors listed in section*
12 *7.401 of the Federal Acquisition Regulation.*

13 *(2) METHODS OF ACQUISITION.—The methods of*
14 *acquisition to be compared in the analysis under*
15 *paragraph (1) shall include, at a minimum, pur-*
16 *chase, short-term rental or lease, long-term rental or*
17 *lease, interagency acquisition, and acquisition agree-*
18 *ments with a State or a local government as described*
19 *in subsection (c).*

20 *(3) AMENDMENT OF FEDERAL ACQUISITION REG-*
21 *ULATION.—Not later than 180 days after the date of*
22 *the enactment of this Act, the Federal Acquisition*
23 *Regulatory Council shall amend the Federal Acquisi-*
24 *tion Regulation to implement the requirement of this*
25 *subsection, including a determination of the factors*

1 *for executive agencies to consider for purposes of per-*
2 *forming the analysis under paragraph (1).*

3 (4) *RULE OF CONSTRUCTION.—Nothing in this*
4 *subsection shall be construed to affect the requirements*
5 *of chapter 37 of title 41, United States Code, section*
6 *2305 of title 10, United States Code, or section 1535*
7 *of title 31, United States Code.*

8 (b) *DATE OF IMPLEMENTATION.—The analysis de-*
9 *scribed in subsection (a) shall be applied to contracts for*
10 *the acquisition of equipment entered into on or after the*
11 *date that the Federal Acquisition Regulation is amended*
12 *pursuant to paragraph (3) of such subsection.*

13 (c) *ACQUISITION AGREEMENTS WITH STATES OR*
14 *LOCAL GOVERNMENTS.—*

15 (1) *IN GENERAL.—Notwithstanding any other*
16 *provision of law, including chapter 37 of title 41,*
17 *United States Code, the Small Business Act (15*
18 *U.S.C. 631 et seq.), and section 2305 of title 10,*
19 *United States Code, the head of an executive agency*
20 *may enter into an acquisition agreement authorized*
21 *by this section directly with a State or a local govern-*
22 *ment if the agency head determines that the agree-*
23 *ment otherwise satisfies the requirements of subsection*
24 *(a)(1).*

1 (2) *TERMS AND CONDITIONS.*—*Any agreement*
2 *under paragraph (1) shall contain such terms and*
3 *conditions as the head of the agency deems necessary*
4 *or appropriate to protect the interests of the United*
5 *States.*

6 (d) *EXCEPTIONS.*—*The analysis otherwise required*
7 *under subsection (a) is not required—*

8 (1) *when the President has issued an emergency*
9 *declaration or a major disaster declaration pursuant*
10 *to the Robert T. Stafford Disaster Relief and Emer-*
11 *gency Assistance Act (42 U.S.C. 5121 et seq.);*

12 (2) *in other emergency situations if the agency*
13 *head makes a determination that obtaining such*
14 *equipment is necessary in order to protect human life*
15 *or property; or*

16 (3) *when otherwise authorized by law.*

17 (e) *STUDY OF AGENCY ANALYSES.*—*Not later than 2*
18 *years after the date of the enactment of this Act, the Comp-*
19 *troller General of the United States shall submit to the Com-*
20 *mittee on Oversight and Government Reform of the House*
21 *of Representatives and the Committee on Homeland Secu-*
22 *rity and Governmental Affairs of the Senate a comprehen-*
23 *sive report on the decisions made by the executive agencies*
24 *with the highest levels of acquisition spending, and a sam-*
25 *ple of executive agencies with lower levels of acquisition*

1 *spending, to acquire high-value equipment by lease, rental,*
2 *or purchase pursuant to subpart 7.4 of the Federal Acquisi-*
3 *tion Regulation.*

4 (f) *DEFINITIONS.—In this section:*

5 (1) *EXECUTIVE AGENCY.—The term “executive*
6 *agency” has the meaning given that term in section*
7 *102 of title 40, United States Code.*

8 (2) *INTERAGENCY ACQUISITION.—The term*
9 *“interagency acquisition” has the meaning given that*
10 *term in section 2.101 of the Federal Acquisition Reg-*
11 *ulation.*

12 (3) *STATE.—The term “State” has the meaning*
13 *given the term in section 6501 of title 31, United*
14 *States Code.*

15 (4) *LOCAL GOVERNMENT.—The term “local gov-*
16 *ernment” means any unit of local government within*
17 *a State, including a county, municipality, city, bor-*
18 *ough, town, township, parish, local public authority,*
19 *school district, special district, intrastate district,*
20 *council of governments, or regional or interstate gov-*
21 *ernment entity, and any agency or instrumentality of*
22 *a local government.*

23 **SEC. 556. AIRCRAFT REGISTRATION.**

24 (a) *IN GENERAL.—Not later than 180 days after the*
25 *date of enactment of this Act, the Administrator shall ini-*

1 *tiate a rulemaking to increase the duration of aircraft reg-*
2 *istrations for noncommercial general aviation aircraft to*
3 *7 years.*

4 *(b) CONSIDERATIONS.—In promulgating the notice of*
5 *proposed rulemaking described in subsection (a), the Ad-*
6 *ministrator may consider any events, circumstances,*
7 *changes in any ownership entity or structure, or other con-*
8 *dition that would necessitate renewal prior to the expira-*
9 *tion of an aircraft registration.*

10 **SEC. 557. REQUIREMENT TO CONSULT WITH STAKE-**
11 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
12 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
13 **GRAM.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act, the Administrator shall consult with stake-*
16 *holders in defining the scope and requirements for any new*
17 *Future Flight Service Program of the Administration to be*
18 *used in a competitive source selection for the next flight*
19 *service contract with the Administration.*

20 **SEC. 558. FEDERAL AVIATION ADMINISTRATION PERFORM-**
21 **ANCE MEASURES AND TARGETS.**

22 *(a) PERFORMANCE MEASURES.—Not later than 180*
23 *days after the date of enactment of this Act, the Secretary*
24 *of Transportation shall establish performance measures re-*

1 *lating to the management of the Administration, which*
2 *shall, at a minimum, include measures to assess—*

3 *(1) the timely and cost-effective completion of*
4 *projects; and*

5 *(2) the effectiveness of the Administration in*
6 *achieving the goals described in section 47171 of title*
7 *49, United States Code.*

8 *(b) PERFORMANCE TARGETS.—Not later than 180*
9 *days after the date on which the Secretary establishes per-*
10 *formance measures in accordance with subsection (a), the*
11 *Secretary shall establish performance targets relating to*
12 *each of the measures described in that subsection.*

13 *(c) REPORT.—Not later than 2 years after the date of*
14 *enactment of this Act, the inspector general of the Depart-*
15 *ment of Transportation shall submit to the appropriate*
16 *committees of Congress a report describing the progress of*
17 *the Secretary in meeting the performance targets established*
18 *under subsection (b).*

19 **SEC. 559. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
20 **FACILITIES IN THE NEW YORK CITY AND NEW-**
21 **ARK REGION.**

22 *Not later than 90 days after the date of enactment of*
23 *this Act, the Administrator shall submit to the appropriate*
24 *committees of Congress a report on the Administration's*
25 *staffing and scheduling plans for air traffic control facili-*

1 *ties in the New York City and Newark region for the 1-*
2 *year period beginning on such date of enactment.*

3 **SEC. 560. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
4 **PHILADELPHIA METROPOLITAN AREA AIR-**
5 **SPACE PROJECT.**

6 *Not later than 90 days after the date of enactment of*
7 *this Act, the Administrator shall develop and publish in*
8 *the Federal Register a work plan for the New York/New Jer-*
9 *sey/Philadelphia Metropolitan Area Airspace Project.*

10 **SEC. 561. ANNUAL REPORT ON INCLUSION OF DISABLED**
11 **VETERAN LEAVE IN PERSONNEL MANAGE-**
12 **MENT SYSTEM.**

13 *Not later than 1 year after the date of enactment of*
14 *this Act, and not less frequently than annually there after*
15 *until the date that is 5 years after the date of enactment*
16 *of this Act, the Administrator shall publish on a publicly*
17 *accessible internet website a report on—*

18 *(1) the effect of the amendments made by sub-*
19 *sections (a) and (b) of section 2 of the Federal Avia-*
20 *tion Administration Veteran Transition Improvement*
21 *Act of 2016 (Public Law 114–242), on the Adminis-*
22 *tration’s work force; and*

23 *(2) the number of disabled veterans benefitting*
24 *from such subsections.*

1 **SEC. 562. ENHANCED SURVEILLANCE CAPABILITY.**

2 *Not later than 120 days after the date of enactment*
3 *of this Act, the Administrator shall identify and implement*
4 *a strategy to—*

5 *(1) advance near-term and long-term uses of en-*
6 *hanced surveillance systems, such as space-based*
7 *ADS-B, within United States airspace or inter-*
8 *national airspace delegated to the United States;*

9 *(2) exercise leadership on setting global stand-*
10 *ards for the separation of aircraft in oceanic airspace*
11 *by working with—*

12 *(A) foreign counterparts of the Adminis-*
13 *trator in the International Civil Aviation Orga-*
14 *nization and its subsidiary organizations;*

15 *(B) other international organizations and*
16 *fora; and*

17 *(C) the private sector; and*

18 *(3) ensure the participation of the Administra-*
19 *tion in the analysis of trials of enhanced surveillance*
20 *systems, such as space-based ADS-B, performed by*
21 *foreign air navigation service providers in North At-*
22 *lantic airspace.*

1 **SEC. 563. ACCESS OF AIR CARRIERS TO INFORMATION**
2 **ABOUT APPLICANTS TO BE PILOTS FROM NA-**
3 **TIONAL DRIVER REGISTER.**

4 *Section 30305(b)(8) of title 49, United States Code, is*
5 *amended to read as follows:*

6 *“(8)(A) An individual who is seeking employ-*
7 *ment by an air carrier as a pilot may request the*
8 *chief driver licensing official of a State to provide in-*
9 *formation about the individual under subsection (a)*
10 *of this section to the prospective employer of the indi-*
11 *vidual, the authorized agent of the prospective em-*
12 *ployer, or the Secretary of Transportation.*

13 *“(B) An air carrier that is the prospective em-*
14 *ployer of an individual described in subparagraph*
15 *(A), or an authorized agent of such an air carrier,*
16 *may request and receive information about that indi-*
17 *vidual from the National Driver Register through an*
18 *organization approved by the Secretary for purposes*
19 *of requesting, receiving, and transmitting such infor-*
20 *mation directly to the prospective employer of such an*
21 *individual or the authorized agent of the prospective*
22 *employer. This paragraph shall be carried out in ac-*
23 *cordance with paragraphs (2) and (11) of section*
24 *44703(h) and the Fair Credit Reporting Act (15*
25 *U.S.C. 1681 et seq.).*

1 “(C) Information may not be obtained from the
2 National Driver Register under this paragraph if the
3 information was entered in the Register more than 5
4 years before the request unless the information is
5 about a revocation or suspension still in effect on the
6 date of the request.”.

7 **SEC. 564. REGULATORY REFORM.**

8 Section 106(p)(5) of title 49, United States Code, is
9 amended—

10 (1) by striking “Committee, or” and inserting
11 “Committee,”; and

12 (2) by striking the period at the end and insert-
13 ing “, or such aerospace rulemaking committees as the
14 Secretary shall designate.”.

15 **SEC. 565. AVIATION FUEL.**

16 (a) *USE OF UNLEADED AVIATION GASOLINE.*—The
17 Administrator shall allow the use of an unleaded aviation
18 gasoline in an aircraft as a replacement for a leaded gaso-
19 line if the Administrator—

20 (1) determines that the unleaded aviation gaso-
21 line qualifies as a replacement for an approved leaded
22 gasoline;

23 (2) identifies the aircraft and engines that are
24 eligible to use the qualified replacement unleaded gaso-
25 oline; and

1 (3) adopts a process (other than the traditional
2 means of certification) to allow eligible aircraft and
3 engines to operate using qualified replacement un-
4 leaded gasoline in a manner that ensures safety.

5 (b) *TIMING.*—The Administrator shall adopt the proc-
6 ess described in subsection (a)(3) not later than 180 days
7 after the later of—

8 (1) the date on which the Administration com-
9 pletes the Piston Aviation Fuels Initiative; or

10 (2) the date on which the American Society for
11 Testing and Materials publishes a production speci-
12 fication for an unleaded aviation gasoline.

13 (c) *TYPE CERTIFICATION.*—Existing regulatory mech-
14 anisms by which an unleaded aviation gasoline can be ap-
15 proved for use in an engine or aircraft by Type or Supple-
16 mental Type Certificate for individual aircraft and engine
17 types or by Approved Model List Supplemental Type Cer-
18 tificate providing coverage for a broad range of applicable
19 types of aircraft or engines identified in the application
20 shall continue to be fully available as a means of approving
21 and bringing an unleaded aviation gasoline into general
22 use in the United States. Such approvals shall be issued
23 when the Administrator finds that the aircraft or engine
24 performs properly and meets the applicable regulations and
25 minimum standards under the normal certification process.

1 **SEC. 566. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
2 **CONTROL SYSTEM.**

3 *Notwithstanding any other provision of law, the Ad-*
4 *ministrators shall, upon request of a private aircraft owner*
5 *or operator, block the registration number of the aircraft*
6 *of the owner or operator from any public dissemination or*
7 *display, except in data made available to a Government*
8 *agency, for the noncommercial flights of the owner or oper-*
9 *ator.*

10 **SEC. 567. FEDERAL AVIATION ADMINISTRATION WORK-**
11 **FORCE REVIEW.**

12 *(a) IN GENERAL.—Not later than 120 days after the*
13 *date of enactment of this Act, the Comptroller General of*
14 *the United States shall conduct a review to assess the work-*
15 *force and training needs of the FAA in the anticipated*
16 *budgetary environment.*

17 *(b) CONTENTS.—In conducting the review, the Comp-*
18 *troller General shall—*

19 *(1) identify the long-term workforce and training*
20 *needs of the FAA workforce;*

21 *(2) assess the impact of automation, digitaliza-*
22 *tion, and artificial intelligence on the FAA workforce;*

23 *(3) analyze the skills and qualifications required*
24 *of the FAA workforce for successful performance in the*
25 *current and future projected aviation environment;*

1 (4) review current performance incentive policies
2 of the FAA, including awards for performance;

3 (5) analyze ways in which the FAA can work
4 with industry and labor, including labor groups rep-
5 resenting the FAA workforce, to establish knowledge-
6 sharing opportunities between the FAA and the avia-
7 tion industry regarding new equipment and systems,
8 best practices, and other areas of interest; and

9 (6) develop recommendations on the most effec-
10 tive qualifications, training programs (including e-
11 learning training), and performance incentive ap-
12 proaches to address the needs of the future projected
13 aviation regulatory system in the anticipated budg-
14 etary environment.

15 (c) *REPORT.*—Not later than 270 days after the date
16 of enactment of this Act, the Comptroller General shall sub-
17 mit to the appropriate committees of Congress a report on
18 the results of the review.

19 **SEC. 568. REVIEW OF APPROVAL PROCESS FOR USE OF**
20 **LARGE AIR TANKERS AND VERY LARGE AIR**
21 **TANKERS FOR WILDLAND FIREFIGHTING.**

22 (a) *REVIEW AND IMPROVEMENT OF CURRENT AP-*
23 *PROVAL PROCESS.*—The Chief of the Forest Service, in con-
24 sultation with the Administrator, shall conduct a review of
25 the process used by the Forest Service to approve the use

1 *of large air tankers and very large air tankers for wildland*
2 *firefighting for the purpose of—*

3 *(1) determining the current effectiveness, safety,*
4 *and consistency of the approval process;*

5 *(2) developing recommendations for improving*
6 *the effectiveness, safety, and consistency of the ap-*
7 *proval process; and*

8 *(3) assisting in developing standardized next-*
9 *generation requirements for air tankers used for fire-*
10 *fighting.*

11 *(b) REPORTING REQUIREMENT.—Not later than 1 year*
12 *after the date of enactment of this Act, the Chief of the For-*
13 *est Service shall submit to Congress a report describing the*
14 *outcome of the review conducted under subsection (a).*

15 **SEC. 569. FAA TECHNICAL WORKFORCE.**

16 *(a) IN GENERAL.—Not later than 1 year after the date*
17 *of enactment of this Act, the Administrator shall—*

18 *(1) identify and assess barriers to attracting, de-*
19 *veloping, training, and retaining a talented workforce*
20 *in the areas of systems engineering, architecture, sys-*
21 *tems integration, digital communications, and cyber-*
22 *security;*

23 *(2) develop a comprehensive plan to attract, de-*
24 *velop, train, and retain talented individuals in those*
25 *fields; and*

1 (3) *identify existing authorities available to the*
2 *Administrator, through personnel reform, to attract,*
3 *develop, and retain this talent.*

4 (b) *REPORT.—The Administrator shall submit to the*
5 *appropriate committees of Congress a report on the progress*
6 *made toward implementing the requirements under sub-*
7 *section (a).*

8 **SEC. 570. STUDY ON AIRPORT CREDIT ASSISTANCE.**

9 (a) *REVIEW.—*

10 (1) *IN GENERAL.—The Secretary of Transpor-*
11 *tation shall conduct a review to determine whether a*
12 *Federal credit assistance program would be beneficial*
13 *and feasible for airport-related projects as defined in*
14 *section 40117(a) of title 49, United States Code.*

15 (2) *CONSIDERATIONS.—In carrying out the re-*
16 *view under paragraph (1), the Secretary may con-*
17 *sider—*

18 (A) *expanding eligibility under an existing*
19 *Federal credit assistance program to include*
20 *such projects; and*

21 (B) *establishing a new credit assistance*
22 *program for such projects.*

23 (b) *REPORT.—Not later than 270 days after the date*
24 *of enactment of this section, the Secretary shall submit to*
25 *the Committee on Transportation and Infrastructure of the*

1 *House of Representatives, the Committee on Commerce,*
2 *Science, and Transportation of the Senate, and the Com-*
3 *mittee on the Environment and Public Works of the Senate*
4 *a report on the results of the review carried out under sub-*
5 *section (a). The report shall include a description of—*

6 (1) *the benefits and other effects;*

7 (2) *potential projects;*

8 (3) *the budgetary impacts, including an estimate*
9 *of—*

10 (A) *the average annual loan volume;*

11 (B) *the average subsidy rate; and*

12 (C) *any loss of Federal revenue;*

13 (4) *impacts on existing programs;*

14 (5) *the administrative costs; and*

15 (6) *any personnel changes.*

16 **SEC. 571. SPECTRUM AVAILABILITY.**

17 (a) *FINDINGS.—Congress makes the following findings:*

18 (1) *The Spectrum Pipeline Act of 2015 (47*
19 *U.S.C. 921 note) requires the Secretary of Commerce*
20 *to identify 30 megahertz of electromagnetic spectrum*
21 *below the frequency of 3 gigahertz to be reallocated to*
22 *non-Federal use, to shared Federal and non-Federal*
23 *use, or to a combination thereof.*

24 (2) *The Spectrum Pipeline Act of 2015 (47*
25 *U.S.C. 921 note) authorized the Director of the Office*

1 *of Management and Budget to use amounts made*
2 *available through the Spectrum Relocation Fund to*
3 *make payments to Federal entities for research and*
4 *development, engineering studies, economic analyses,*
5 *and other activities intended to improve the efficiency*
6 *and effectiveness of Federal spectrum use in order to*
7 *make such spectrum available for reallocation for*
8 *non-Federal use, for shared Federal and non-Federal*
9 *use, or for a combination thereof.*

10 *(3) The Federal Aviation Administration, in co-*
11 *ordination with the Department of Commerce, the De-*
12 *partment of Defense, and the Department of Home-*
13 *land Security, established the Spectrum Efficient Na-*
14 *tional Surveillance Radar (referred to in this section*
15 *as “SENSR”) Program to assess the feasibility of*
16 *consolidating certain long-range, short-range, and*
17 *weather radar systems in order to make available the*
18 *1300–1350 megahertz band.*

19 *(4) The SENSR Program received approval and*
20 *approximately \$71,500,000 from Office of Manage-*
21 *ment and Budget on June 2, 2017, to proceed with*
22 *Phase I of the SENSR Spectrum Pipeline Plan,*
23 *which will focus on requirements and concept develop-*
24 *ment as well as documenting expected costs and infor-*
25 *mation for all impacted Federal spectrum systems.*

1 **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*
2 *that the SENSR Program of the FAA should continue its*
3 *assessment of the feasibility of making the 1300–1350 mega-*
4 *hertz band of electromagnetic spectrum available for non-*
5 *Federal use.*

6 **SEC. 572. SPECIAL REVIEW RELATING TO AIR SPACE**
7 **CHANGES.**

8 **(a) IN GENERAL.**—*Not later than 180 days after the*
9 *date of enactment of this Act, the Federal Aviation Manage-*
10 *ment Advisory Council established under section 106(p) of*
11 *title 49, United States Code (in this section referred to as*
12 *the “Council”)* shall initiate a special review of the Federal
13 *Aviation Administration.*

14 **(b) REVIEW.**—*The special review of the Administra-*
15 *tion required under subsection (a) shall consist of the fol-*
16 *lowing:*

17 **(1)** *A review of the practices and procedures of*
18 *the Federal Aviation Administration for developing*
19 *proposals with respect to changes in regulations, poli-*
20 *cies, or guidance of the Federal Aviation Administra-*
21 *tion relating to airspace that affect airport oper-*
22 *ations, airport capacity, the environment, or commu-*
23 *nities in the vicinity of airports, including an assess-*
24 *ment of the extent to which there is consultation, or*

1 *a lack of consultation, with respect to such pro-*
2 *posals—*

3 *(A) between and among the affected ele-*
4 *ments of the Federal Aviation Administration,*
5 *including the Air Traffic Organization, the Of-*
6 *fice of Airports, the Flight Standards Service,*
7 *the Office of NextGen, and the Office of Energy*
8 *and Environment; and*

9 *(B) between the Federal Aviation Adminis-*
10 *tration and affected entities, including airports,*
11 *aircraft operators, communities, and State and*
12 *local governments.*

13 *(2) Recommendations for revisions to such prac-*
14 *tices and procedures to improve communications and*
15 *coordination between and among affected elements of*
16 *the Federal Aviation Administration and with other*
17 *affected entities with respect to proposals described in*
18 *paragraph (1) and the potential effects of such pro-*
19 *posals.*

20 *(c) CONSULTATION.—In conducting the special review,*
21 *the Council shall consult with—*

22 *(1) air carriers, including passenger and cargo*
23 *air carriers;*

24 *(2) general aviation, including business aviation*
25 *and fixed wing aircraft and rotorcraft;*

1 (3) airports of various sizes and types;

2 (4) exclusive bargaining representatives of air
3 traffic controllers certified under section 7111 of title
4 5, United States Code; and

5 (5) State aviation officials.

6 (d) *REPORT REQUIRED.*—Not later than 2 years after
7 the date of enactment of this Act, the Administrator shall
8 submit to the appropriate committees of Congress a report
9 on the results of the special review conducted by the Council,
10 including a description of the comments, recommendations,
11 and dissenting views received from the Council and a de-
12 scription of how the Administrator plans to implement the
13 recommendations of the Council.

14 **SEC. 573. REIMBURSEMENT FOR IMMIGRATION INSPEC-**
15 **TIONS.**

16 Section 286(i) of the Immigration and Nationality Act
17 (8 U.S.C. 1356(i)) is amended—

18 (1) by inserting “, train,” after “commercial air-
19 craft”; and

20 (2) by inserting “, rail line,” after “airport”.

21 **SEC. 574. FAA EMPLOYEES IN GUAM.**

22 (a) *IN GENERAL.*—The Secretary of Transportation
23 shall use existing authorities to negotiate an agreement that
24 shall be renegotiated after no sooner than 3 years with the
25 Secretary of Defense—

1 (1) to authorize Federal Aviation Administra-
2 tion employees assigned to Guam, their spouses, and
3 their dependent children access to Department of De-
4 fense health care facilities located in Guam on a
5 space available basis; and

6 (2) to provide for payments by the Federal Avia-
7 tion Administration to the Department of Defense for
8 the administrative and any other costs associated
9 with—

10 (A) enrolling Federal Aviation Administra-
11 tion employees assigned to Guam, their spouses,
12 and their dependent children in any Department
13 of Defense health care facility necessary to allow
14 access pursuant to paragraph (1); and

15 (B) third-party billing for any medical
16 costs incurred as a result of Federal Aviation
17 Administration employees, their spouses, or their
18 dependent children accessing and receiving med-
19 ical treatment or services at a Department of
20 Defense health care facility located in Guam.

21 (b) FUNDS SUBJECT TO APPROPRIATIONS.—Funds for
22 payments by the Federal Aviation Administration described
23 in subsection (a)(2) are subject to the availability of
24 amounts specifically provided in advance for that purpose
25 in appropriations Acts.

1 (c) *REPORT ON ACCESS TO FACILITIES OF THE DE-*
2 *PARTMENT OF DEFENSE IN GUAM.—*

3 (1) *IN GENERAL.—Not later than 180 days after*
4 *the date of the enactment of this Act, the Secretary of*
5 *Transportation and the Secretary of Defense shall*
6 *jointly submit a report to the Committees on Armed*
7 *Services of the Senate and the House of Representa-*
8 *tives, the Committee on Commerce of the Senate, and*
9 *the Committee on Transportation and Infrastructure*
10 *of the House of Representatives on eligibility for and*
11 *access to Department of Defense support facilities by*
12 *Federal Aviation Administration employees in the*
13 *U.S. territory of Guam.*

14 (2) *SCOPE.—The report required under para-*
15 *graph (1) shall:*

16 (A) *Evaluate the ability of Department of*
17 *Defense support facilities in Guam to adequately*
18 *serve current military personnel and dependent*
19 *populations.*

20 (B) *Determine how any substantial in-*
21 *creases to military personnel and dependent pop-*
22 *ulations in Guam would impact the ability of*
23 *existing Department of Defense support facilities*
24 *to provide services for military personnel and de-*
25 *pendents stationed in Guam.*

1 (C) *Provide recommendations on any im-*
2 *provements to existing Department of Defense fa-*
3 *ilities which may be needed to ensure those fa-*
4 *ilities in Guam can support an increased popu-*
5 *lation of military personnel and dependent pop-*
6 *ulation in Guam.*

7 (D) *Consider the impact of expanded access*
8 *to Department of Defense support facilities in*
9 *Guam to Federal Aviation Administration em-*
10 *ployees and their families on the ability of those*
11 *facilities to provide services to military per-*
12 *sonnel and their families.*

13 (E) *Recognize the Federal Aviation Admin-*
14 *istration's vital role as the sole provider of radar*
15 *air traffic control services for aircraft traversing*
16 *into and out of the airspace near and above*
17 *Guam the vast majority of which are military*
18 *operations, Department of Defense aircraft, or*
19 *other aircraft traveling to Guam in order to*
20 *interact with Department of Defense facilities.*

21 (F) *Review the existing authorities author-*
22 *izing eligibility and access for non-military per-*
23 *sonnel and their dependents to Department of*
24 *Defense support facilities, including health care*

1 *facilities, commissaries, and exchanges, outside*
2 *the continental United States.*

3 *(G) Determine the applicability of those ex-*
4 *isting authorities to Department of Defense sup-*
5 *port facilities in the U.S. territory of Guam.*

6 *(H) Outline the specific conditions on*
7 *Guam, which may necessitate access to Depart-*
8 *ment of Defense support facilities in Guam by*
9 *Federal Aviation Administration personnel and*
10 *their families.*

11 *(I) Determine any changes in laws or regu-*
12 *lations that may be necessary to authorize Fed-*
13 *eral Aviation Administration employees and*
14 *their families access to Department of Defense*
15 *health care facilities, commissaries, and ex-*
16 *changes in Guam.*

17 **SEC. 575. GAO STUDY ON AIRLINE COMPUTER NETWORK**
18 **DISRUPTIONS.**

19 *Not later than 1 year after the date of enactment of*
20 *this Act, the Comptroller General of the United States shall*
21 *submit to the appropriate committees of Congress a report*
22 *containing a review of the following:*

23 *(1) Direct and indirect effects on passengers, if*
24 *any, resulting from significant computer network dis-*
25 *ruptions of part 121 (of title 49, Code of Federal Reg-*

1 *ulations) air carriers between January 1, 2014, and*
2 *the date of enactment of this section, including—*

3 *(A) systemwide delays;*

4 *(B) flight cancellations; and*

5 *(C) disrupted or broken itineraries.*

6 *(2) An estimate of any expenses incurred by pas-*
7 *sengers during significant computer network disrup-*
8 *tions, including—*

9 *(A) meals, lodging, and ancillary expenses*
10 *per persons;*

11 *(B) late hotel check-in or car rental fees;*

12 *(C) missed cruise-ship departures; and*

13 *(D) lost productivity.*

14 *(3) Air carriers' contracts of carriage and inter-*
15 *line agreements to determine if and how air carriers*
16 *accommodate passengers affected by significant com-*
17 *puter network disruptions on other air carriers or for-*
18 *eign air carriers.*

19 *(4) Whether passengers who have been displaced*
20 *by significant computer network disruptions are fur-*
21 *nished with alternative transportation aboard another*
22 *air carrier or foreign air carrier.*

23 *(5) Costs incurred by airports, if any, to meet*
24 *the essential needs of passengers, including increased*
25 *demands on utilities, food concessionaires, restroom*

1 *facilities, and security staffing, during significant*
2 *computer network disruptions.*

3 (6) *Other costs, if any, incurred by passengers,*
4 *airports, and other entities as a direct result of sig-*
5 *nificant computer network disruptions.*

6 (7) *Processes, plans, and redundancies in place*
7 *at air carriers to respond to and recover from such*
8 *network disruptions.*

9 **SEC. 576. TOWER MARKING.**

10 *Section 2110 of the FAA Extension, Safety, and Secu-*
11 *rity Act of 2016 (49 U.S.C. 44718 note) is amended to read*
12 *as follows:*

13 **“SEC. 2110. TOWER MARKING.**

14 **“(a) APPLICATION.—**

15 **“(1) IN GENERAL.—***Except as provided by para-*
16 *graph (2), not later than 18 months after the date of*
17 *enactment of the FAA Reauthorization Act of 2018 or*
18 *the date of availability of the database developed by*
19 *the Administrator pursuant to subsection (c), which-*
20 *ever is later, all covered towers shall be either—*

21 *“(A) clearly marked consistent with appli-*
22 *cable guidance in the advisory circular of the*
23 *FAA issued December 4, 2015 (AC 70/7460-IL);*
24 *or*

1 “(B) included in the database described in
2 subsection (c).

3 “(2) METEOROLOGICAL EVALUATION TOWER.—A
4 covered tower that is a meteorological evaluation
5 tower shall be subject to the requirements of subpara-
6 graphs (A) and (B) of paragraph (1).

7 “(b) DEFINITIONS.—

8 “(1) IN GENERAL.—In this section, the following
9 definitions apply:

10 “(A) COVERED TOWER.—

11 “(i) IN GENERAL.—The term ‘covered
12 tower’ means a structure that—

13 “(I) is a meteorological evaluation
14 tower, a self-standing tower, or tower
15 supported by guy wires and ground
16 anchors;

17 “(II) is 10 feet or less in diameter
18 at the above-ground base, excluding
19 concrete footing;

20 “(III) at the highest point of the
21 structure is at least 50 feet above
22 ground level;

23 “(IV) at the highest point of the
24 structure is not more than 200 feet
25 above ground level;

1 “(V) *has accessory facilities on*
2 *which an antenna, sensor, camera, me-*
3 *teorological instrument, or other equip-*
4 *ment is mounted; and*

5 “(VI) *is located on land that is—*

6 “(aa) *in a rural area; and*

7 “(bb) *used for agricultural*
8 *purposes or immediately adjacent*
9 *to such land.*

10 “(ii) *EXCLUSIONS.—The term ‘covered*
11 *tower’ does not include any structure that—*

12 “(I) *is adjacent to a house, barn,*
13 *electric utility station, or other build-*
14 *ing;*

15 “(II) *is within the curtilage of a*
16 *farmstead or adjacent to another build-*
17 *ing or visible structure;*

18 “(III) *supports electric utility*
19 *transmission or distribution lines;*

20 “(IV) *is a wind-powered electrical*
21 *generator with a rotor blade radius*
22 *that exceeds 6 feet;*

23 “(V) *is a street light erected or*
24 *maintained by a Federal, State, local,*
25 *or tribal entity;*

1 “(VI) is designed and constructed
2 to resemble a tree or visible structure
3 other than a tower;

4 “(VII) is an advertising billboard;

5 “(VIII) is located within the
6 right-of-way of a rail carrier, includ-
7 ing within the boundaries of a rail
8 yard, and is used for a railroad pur-
9 pose;

10 “(IX)(aa) is registered with the
11 Federal Communications Commission
12 under the Antenna Structure Registra-
13 tion program set forth under part 17
14 of title 47, Code of Federal Regula-
15 tions; and

16 “(bb) is determined by the Admin-
17 istrator to pose no hazard to air navi-
18 gation; or

19 “(X) has already mitigated any
20 hazard to aviation safety in accord-
21 ance with Federal Aviation Adminis-
22 tration guidance or as otherwise ap-
23 proved by the Administrator.

24 “(B) RURAL AREA.—The term ‘rural area’
25 has the meaning given the term in section

1 609(a)(5) of the Public Utility Regulatory Poli-
2 cies Act of 1978 (7 U.S.C. 918c(a)(5)).

3 “(C) *AGRICULTURAL PURPOSES.*—*The term*
4 *‘agricultural purposes’ means farming in all its*
5 *branches and the cultivation and tillage of the*
6 *soil, the production, cultivation, growing, and*
7 *harvesting of any agricultural or horticultural*
8 *commodities performed by a farmer or on a*
9 *farm, or on pasture land or rangeland.*

10 “(2) *OTHER DEFINITIONS.*—*The Administrator*
11 *shall define such other terms as may be necessary to*
12 *carry out this section.*

13 “(c) *DATABASE.*—*The Administrator shall—*

14 “(1) *develop a new database, or if appropriate*
15 *use an existing database that meets the requirements*
16 *under this section, that contains the location and*
17 *height of each covered tower that, pursuant to sub-*
18 *section (a), the owner or operator of such tower elects*
19 *not to mark (unless the Administrator has determined*
20 *that there is a significant safety risk requiring that*
21 *the tower be marked), except that meteorological eval-*
22 *uation towers shall be marked and contained in the*
23 *database;*

24 “(2) *keep the database current to the extent prac-*
25 *ticable;*

1 “(3) ensure that any proprietary information in
2 the database is protected from disclosure in accord-
3 ance with law;

4 “(4) ensure that, by virtue of accessing the data-
5 base, users agree and acknowledge that information in
6 the database—

7 “(A) may only be used for aviation safety
8 purposes; and

9 “(B) may not be disclosed for purposes
10 other than aviation safety, regardless of whether
11 or not the information is marked or labeled as
12 proprietary or with a similar designation;

13 “(5) ensure that the tower information in the
14 database is de-identified and that the information
15 only includes the location and height of covered tow-
16 ers and whether the tower has guy wires;

17 “(6) ensure that information in the dataset is
18 encrypted at rest and in transit and is protected from
19 unauthorized access and acquisition;

20 “(7) ensure that towers excluded from the defini-
21 tion of covered tower under subsection
22 (d)(1)(B)(ii)(VIII) must be registered by its owner in
23 the database;

24 “(8) ensure that a tower to be included in the
25 database pursuant to subsection (c)(1) and con-

1 *structured after the date on which the database is fully*
2 *operational is submitted by its owner to the FAA for*
3 *inclusion in the database before its construction;*

4 *“(9) ensure that pilots who intend to conduct*
5 *low-altitude operations in locations described in sub-*
6 *section (b)(1)(A)(i)(VI) consult the relevant parts of*
7 *the database before conducting such operations; and*

8 *“(10) make the database available for use not*
9 *later than 1 year after the date of enactment of the*
10 *FAA Reauthorization Act of 2018.*

11 *“(d) EXCLUSION AND WAIVER AUTHORITIES.—As part*
12 *of a rulemaking conducted pursuant to this section, the Ad-*
13 *ministrator—*

14 *“(1) may exclude a class, category, or type of*
15 *tower that is determined by the Administrator, after*
16 *public notice and comment, to not pose a hazard to*
17 *aviation safety;*

18 *“(2) shall establish a process to waive specific*
19 *covered towers from the marking requirements under*
20 *this section as required under the rulemaking if the*
21 *Administrator later determines such tower or towers*
22 *do not pose a hazard to aviation safety;*

23 *“(3) shall consider, in establishing exclusions*
24 *and granting waivers under this subsection, factors*
25 *that may sufficiently mitigate risks to aviation safe-*

1 *ty, such as the length of time the tower has been in*
2 *existence or alternative marking methods or tech-*
3 *nologies that maintains a tower's level of conspicuous-*
4 *ness to a degree which adequately maintains the safe-*
5 *ty of the airspace; and*

6 *“(4) shall consider excluding towers located in a*
7 *State that has enacted tower marking requirements*
8 *according to the Federal Aviation Administration's*
9 *recommended guidance for the voluntary marking of*
10 *meteorological evaluation towers erected in remote*
11 *and rural areas that are less than 200 feet above*
12 *ground level to enhance the conspicuity of the towers*
13 *for low level agricultural operations in the vicinity of*
14 *those towers.*

15 *“(e) PERIODIC REVIEW.—The Administrator shall, in*
16 *consultation with the Federal Communications Commis-*
17 *sion, periodically review any regulations or guidance re-*
18 *garding the marking of covered towers issued pursuant to*
19 *this section and update them as necessary, consistent with*
20 *this section, and in the interest of safety of low-altitude air-*
21 *craft operations.*

22 *“(f) FCC REGULATIONS.—The Federal Communica-*
23 *tions Commission shall amend section 17.7 of title 47, Code*
24 *of Federal Regulations, to require a notification to the Fed-*
25 *eral Aviation Administration for any construction or alter-*

1 *ation of an antenna structure, as defined in section 17.2(a)*
 2 *of title 47, Code of Federal Regulations, that is a covered*
 3 *tower as defined by this section.”.*

4 **SEC. 577. MINIMUM DIMENSIONS FOR PASSENGER SEATS.**

5 *(a) IN GENERAL.—Not later than 1 year after the date*
 6 *of enactment of this Act, and after providing notice and*
 7 *an opportunity for comment, the Administrator of the Fed-*
 8 *eral Aviation Administration shall issue regulations that*
 9 *establish minimum dimensions for passenger seats on air-*
 10 *craft operated by air carriers in interstate air transpor-*
 11 *tation or intrastate air transportation, including mini-*
 12 *imums for seat pitch, width, and length, and that are nec-*
 13 *essary for the safety of passengers.*

14 *(b) DEFINITIONS.—The definitions contained in sec-*
 15 *tion 40102(a) of title 49, United States Code, apply to this*
 16 *section.*

17 **SEC. 578. JUDICIAL REVIEW FOR PROPOSED ALTERNATIVE**

18 **ENVIRONMENTAL REVIEW AND APPROVAL**

19 **PROCEDURES.**

20 *Section 330 of title 23, United States Code, is amend-*
 21 *ed—*

22 *(1) in subsection (a)(2), by striking “5 States”*
 23 *and inserting “2 States”; and*

24 *(2) in subsection (e)—*

1 (A) in paragraph (2)(A), by striking “2
2 years” and inserting “150 days as set forth in
3 section 139(l)”; and

4 (B) in paragraph (3)(B)(i), by striking “2
5 years” and inserting “150 days as set forth in
6 section 139(l)”.

7 **SEC. 579. REGULATORY STREAMLINING.**

8 Not later than 1 year after the date of enactment of
9 this Act, the Administrator of the Federal Aviation Admin-
10 istration shall issue a final regulation revising section
11 121.333(c)(3) of title 14, Code of Federal Regulations, to
12 apply only to flight altitudes above flight level 410.

13 **SEC. 580. SPACEPORTS.**

14 (a) *SENSE OF CONGRESS ON STATE SPACEPORT CON-*
15 *TRIBUTIONS.—It is the Sense of Congress that—*

16 (1) *State and local government-owned or -oper-*
17 *ated spaceports have contributed hundreds of millions*
18 *of dollars in infrastructure improvements to the na-*
19 *tional space launch infrastructure, providing the*
20 *United States Government and commercial customers*
21 *with world-class space launch and processing infra-*
22 *structure that is necessary to support continued*
23 *American leadership in space;*

24 (2) *State and local government-owned or -oper-*
25 *ated spaceports play a critical role in providing resil-*

1 *iciency and redundancy in the national launch infra-*
2 *structure to support national security and civil gov-*
3 *ernment capabilities, and should be recognized as a*
4 *critical infrastructure in Federal strategy and plan-*
5 *ning;*

6 *(3) continued State and local government invest-*
7 *ments at launch and reentry facilities should be en-*
8 *couraged and to the maximum extent practicable sup-*
9 *ported in Federal policies, planning and infrastruc-*
10 *ture investment considerations, including through*
11 *Federal, State, and local partnerships;*

12 *(4) Federal investments in space infrastructure*
13 *should enable partnerships between Federal agencies*
14 *and state and local spaceports to modernize and en-*
15 *able expanded 21st century space transportation in-*
16 *frastructure, especially multi-modal networks needed*
17 *for robust space transportation that support national*
18 *security, civil, and commercial launch customers; and*

19 *(5) States and local governments that have made*
20 *investments to build, maintain, operate, and improve*
21 *capabilities for national security, civil, and commer-*
22 *cial customers should be commended for their infra-*
23 *structure contributions to launch and reentry sites,*
24 *and encouraged through a variety of programs and*

1 *policies to continue these investments in the national*
2 *interest.*

3 *(b) ESTABLISHMENT OF OFFICE OF SPACEPORTS.—*

4 *(1) ESTABLISHMENT OF OFFICE OF SPACE-*
5 *PORTS.—Title 51, United States Code, is amended by*
6 *adding at the end of subtitle V the following:*

7 **“CHAPTER 515—OFFICE OF SPACEPORTS**

8 **“§ 51501. Establishment of Office of Spaceports**

9 *“(a) ESTABLISHMENT OF OFFICE.—Not later than 90*
10 *days after the date of enactment of this section, the Sec-*
11 *retary of Transportation shall identify, within the Office*
12 *of Commercial Space Transportation, a centralized policy*
13 *office to be known as the Office of Spaceports.*

14 *“(b) FUNCTIONS.—The Office of Spaceports shall—*

15 *“(1) support licensing activities for operation of*
16 *launch and reentry sites;*

17 *“(2) develop policies that promote infrastructure*
18 *improvements at spaceports;*

19 *“(3) provide technical assistance and guidance to*
20 *spaceports;*

21 *“(4) promote United States spaceports within*
22 *the Department; and*

23 *“(5) strengthen the Nation’s competitiveness in*
24 *commercial space transportation infrastructure and*

1 *increase resilience for the Federal Government and*
 2 *commercial customers.*

3 “(c) *RECOGNITION.*—*In carrying out the functions as-*
 4 *signed in subsection (b), the Secretary shall recognize the*
 5 *unique needs and distinctions of spaceports that host—*

6 *“(1) launches to or reentries from orbit; and*

7 *“(2) are involved in suborbital launch activities.*

8 “(d) *DIRECTOR.*—*The head of the Office of the Asso-*
 9 *ciate Administrator for Commercial Space Transportation*
 10 *shall designate a Director of the Office of Spaceports.*

11 “(e) *DEFINITION.*—*In this section the term ‘spaceport’*
 12 *means a launch or reentry site that is operated by an entity*
 13 *licensed by the Secretary of Transportation.”.*

14 (2) *TECHNICAL AND CONFORMING AMEND-*
 15 *MENT.*—*The table of chapters of title 51, United State*
 16 *Code, is amended by adding at the end of subtitle V*
 17 *the following:*

“515. *Office of Spaceports* 51501”.

18 (c) *REPORT ON NATIONAL SPACEPORTS POLICY.*—

19 (1) *SENSE OF CONGRESS.*—*It is the sense of*
 20 *Congress that—*

21 (A) *A robust network of space transpor-*
 22 *tation infrastructure, including spaceports, is*
 23 *vital to the growth of the domestic space industry*
 24 *and America’s competitiveness and access to*
 25 *space.*

1 (B) *Non-Federal spaceports have signifi-*
2 *cantly increased the space transportation infra-*
3 *structure of the United States through signifi-*
4 *cant investments by State and local governments,*
5 *which have encouraged greater private invest-*
6 *ment.*

7 (C) *These spaceports have led to the develop-*
8 *ment of a growing number of orbital and sub-*
9 *orbital launch and reentry sites that are avail-*
10 *able to the national security, civil, and commer-*
11 *cial space customers at minimal cost to the Fed-*
12 *eral Government.*

13 (D) *The Federal Government, led by the*
14 *Secretary of Transportation, should seek to pro-*
15 *mote the growth, resilience, and capabilities of*
16 *this space transportation infrastructure through*
17 *policies and through partnerships with State*
18 *and local governments.*

19 (2) *REPORT.—Not later than 1 year after the*
20 *date of enactment of this Act, the Secretary of Trans-*
21 *portation shall submit to Congress a report that—*

22 (A) *evaluates the Federal Government’s na-*
23 *tional security and civil space transportation de-*
24 *mands and the needs of the United States and*
25 *international commercial markets;*

1 (B) proposes policies and programs de-
2 signed to ensure a robust and resilient orbital
3 and suborbital spaceport infrastructure to serve
4 and capitalize on these space transportation op-
5 portunities;

6 (C) reviews the development and invest-
7 ments made by international competitors in for-
8 eign spaceports, to the extent practicable;

9 (D) makes recommendations on how the
10 Federal Government can support, encourage,
11 promote, and facilitate greater investments in
12 infrastructure at spaceports; and

13 (E) considers and makes recommendations
14 about how spaceports can fully support and en-
15 able the national space policy.

16 (3) *UPDATES TO THE REPORT.*—Not later than
17 3 years after the date of enactment of this Act and
18 every 2 years until December 2024, the Secretary
19 shall—

20 (A) update the previous report prepared
21 under this subsection; and

22 (B) submit the updated report to Congress.

23 (4) *CONSULTATIONS REQUIRED.*—In preparing
24 the reports required by this subsection, the Secretary
25 shall consult with individuals including—

- 1 (A) *the Secretary of Defense;*
2 (B) *the Secretary of Commerce;*
3 (C) *the Administrator of the National Aero-*
4 *navitics and Space Administration; and*
5 (D) *interested persons at spaceports, State*
6 *and local governments, and industry.*

7 (d) *REPORT ON SPACE TRANSPORTATION INFRA-*
8 *STRUCTURE MATCHING GRANTS.—*

9 (1) *GAO STUDY AND REPORT.—The Comptroller*
10 *General of the United States shall conduct a study re-*
11 *garding spaceport activities carried out pursuant to*
12 *chapters 509 and 511 of title 51, United States Code,*
13 *including—*

14 (A) *an assessment of potential mechanisms*
15 *to provide Federal support to spaceports, includ-*
16 *ing the airport improvement program established*
17 *under subchapter I of chapter 471 of title 49,*
18 *United States Code, and the program established*
19 *under chapter 511 of title 51, United States*
20 *Code;*

21 (B) *recommendations for potential funding*
22 *options; and*

23 (C) *any necessary changes to improve the*
24 *spaceport application review process.*

1 (2) *CONSULTATION.*—*In carrying out the study*
2 *described in paragraph (1), the Comptroller General*
3 *shall consult with sources from each component of the*
4 *commercial space transportation sector, including in-*
5 *terested persons in industry and government officials*
6 *at the Federal, State, and local levels.*

7 (3) *USER-FUNDED SPACEPORTS.*—*In reviewing*
8 *funding options, the Comptroller General shall distin-*
9 *guish between spaceports that are funded by users and*
10 *those that are not.*

11 (4) *REPORT.*—*Not later than 1 year after the*
12 *date of enactment of this Act, the Comptroller General*
13 *shall submit to Congress a report containing results*
14 *of the study conducted under paragraph (1).*

15 (e) *DEFINITION.*—*In this section, the term “spaceport”*
16 *means a launch or reentry site that is operated by an entity*
17 *licensed by the Secretary of Transportation.*

18 **SEC. 581. SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-**
19 **ATIONS (SPACE SUPPORT VEHICLES).**

20 (a) *SPACE SUPPORT VEHICLE DEFINITIONS.*—*Section*
21 *50902 of title 51, United States Code, is amended—*

22 (1) *by redesignating paragraphs (21) through*
23 *(25) as paragraphs (23) through (27), respectively;*
24 *and*

1 (2) *by inserting after paragraph (20) the fol-*
 2 *lowing:*

3 “(21) ‘space support vehicle flight’ means a flight
 4 *in the air that—*

5 “(A) *is not a launch or reentry; but*

6 “(B) *is conducted by a space support vehi-*
 7 *cle.*

8 “(22) ‘space support vehicle’ means a vehicle
 9 *that is—*

10 “(A) *a launch vehicle;*

11 “(B) *a reentry vehicle; or*

12 “(C) *a component of a launch or reentry ve-*
 13 *hicle.”.*

14 (b) *SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-*
 15 *ATIONS.—*

16 (1) *IN GENERAL.—Chapter 447, of title 49,*
 17 *United States Code, as amended by this Act, is fur-*
 18 *ther amended by adding at the end the following:*

19 “**§44737. Special rule for certain aircraft operations.**

20 “(a) *IN GENERAL.—The operator of an aircraft with*
 21 *a special airworthiness certification in the experimental*
 22 *category may—*

23 “(1) *operate the aircraft for the purpose of con-*
 24 *ducting a space support vehicle flight (as that term*
 25 *is defined in chapter 50902 of title 51); and*

1 “(2) *conduct such flight under such certificate*
2 *carrying persons or property for compensation or hire*

3 —

4 “(A) *notwithstanding any rule or term of a*
5 *certificate issued by the Administrator of the*
6 *Federal Aviation Administration that would*
7 *prohibit flight for compensation or hire; or*

8 “(B) *without obtaining a certificate issued*
9 *by the Administrator to conduct air carrier or*
10 *commercial operations.*

11 “(b) *LIMITED APPLICABILITY.—Subsection (a) shall*
12 *apply only to a space support vehicle flight that satisfies*
13 *each of the following:*

14 “(1) (1) *The aircraft conducting the space sup-*
15 *port vehicle flight—*

16 “(A) *takes flight and lands at a single site*
17 *that is operated by an entity licensed for oper-*
18 *ation under chapter 509 of title 51;*

19 “(B) *is owned or operated by a launch or*
20 *reentry vehicle operator licensed under chapter*
21 *509 of title 51, or on behalf of a launch or re-*
22 *entry vehicle operator licensed under chapter 509*
23 *of title 51;*

24 “(C) *is a launch vehicle, a reentry vehicle,*
25 *or a component of a launch or reentry vehicle li-*

1 *censed for operations pursuant to chapter 509 of*
2 *title 51; and*

3 “(D) *is used only to simulate space flight*
4 *conditions in support of—*

5 “(i) *training for potential space flight*
6 *participants, government astronauts, or*
7 *crew (as those terms are defined in chapter*
8 *509 of title 51);*

9 “(ii) *the testing of hardware to be used*
10 *in space flight; or*

11 “(iii) *research and development tasks,*
12 *which require the unique capabilities of the*
13 *aircraft conducting the flight.*

14 “(c) *RULES OF CONSTRUCTION.—*

15 “(1) *SPACE SUPPORT VEHICLES.—Section*
16 *44711(a)(1) shall not apply to a person conducting a*
17 *space support vehicle flight under this section only to*
18 *the extent that a term of the experimental certificate*
19 *under which the person is operating the space support*
20 *vehicle prohibits the carriage of persons or property*
21 *for compensation or hire.*

22 “(2) *AUTHORITY OF ADMINISTRATOR.—Nothing*
23 *in this section shall be construed to limit the author-*
24 *ity of the Administrator of the Federal Aviation Ad-*
25 *ministration to exempt a person from a regulatory*

1 *prohibition on the carriage of persons or property for*
2 *compensation or hire subject to terms and conditions*
3 *other than those described in this section”.*

4 (2) *TECHNICAL AMENDMENT.—The table of con-*
5 *tents of 447 of title 49, United States Code, as amend-*
6 *ed by this Act, is further amended by adding at the*
7 *end the following:*

“Sec. 44737. Special rule for certain aircraft operations.”.

8 (3) *RULE OF CONSTRUCTION RELATING TO ROLE*
9 *OF NASA.—Nothing in this subsection shall be con-*
10 *strued as limiting the ability of National Aeronautics*
11 *and Space Administration (NASA) to place condi-*
12 *tions on or otherwise qualify the operations of NASA*
13 *contractors providing NASA services.*

14 **SEC. 582. PORTABILITY OF REPAIRMAN CERTIFICATES.**

15 (a) *IN GENERAL.—The Administrator shall assign to*
16 *the Aviation Rulemaking Advisory Committee the task of*
17 *making recommendations with respect to the regulatory and*
18 *policy changes, as appropriate, to allow a repairman cer-*
19 *tificate issued under section 65.101 of title 14, Code of Fed-*
20 *eral Regulations, to be portable from one employing certifi-*
21 *cate holder to another.*

22 (b) *ACTION BASED ON RECOMMENDATIONS.—Not later*
23 *than 1 year after receiving recommendations under sub-*
24 *section (a), the Administrator may take such action as the*

1 Administrator considers appropriate with respect to those
2 recommendations.

3 **SEC. 583. UNDECLARED HAZARDOUS MATERIALS PUBLIC**
4 **AWARENESS CAMPAIGN.**

5 (a) *IN GENERAL.*—The Secretary of Transportation
6 shall carry out a public awareness campaign to reduce the
7 amount of undeclared hazardous materials traveling
8 through air commerce.

9 (b) *CAMPAIGN REQUIREMENTS.*—The public awareness
10 campaign required under subsection (a) shall do the fol-
11 lowing:

12 (1) *Focus on targeting segments of the hazardous*
13 *materials industry with high rates of undeclared*
14 *shipments through air commerce and educate air car-*
15 *riers, shippers, manufacturers, and other relevant*
16 *stakeholders of such segments on properly packaging*
17 *and classifying such shipments.*

18 (2) *Educate the public on proper ways to declare*
19 *and ship hazardous materials, examples of everyday*
20 *items that are considered hazardous materials, and*
21 *penalties associated with intentional shipments of*
22 *undeclared hazardous materials.*

23 (c) *INTERAGENCY WORKING GROUP.*—

24 (1) *ESTABLISHMENT.*—Not later than 30 days
25 after the date of enactment of this Act, the Secretary

1 of Transportation shall establish an interagency
2 working group to promote collaboration and engage-
3 ment between the Department of Transportation and
4 other relevant agencies, and develop recommendations
5 and guidance on how best to conduct the public
6 awareness campaign required under subsection (a).

7 (2) *DUTIES.*—The interagency working group
8 shall consult with relevant stakeholders, including
9 cargo air carriers, passenger air carriers, and labor
10 organizations representing pilots for cargo and pas-
11 senger air carriers operating under part 121 of title
12 14, Code of Federal Regulations.

13 (d) *UPDATE.*—Not later than 1 year after the date of
14 enactment of this Act, the Secretary of Transportation shall
15 provide to the appropriate committees of Congress an up-
16 date on the status of the public awareness campaign re-
17 quired under subsection (a).

18 **SEC. 584. LIABILITY PROTECTION FOR VOLUNTEER PILOTS**

19 **WHO FLY FOR THE PUBLIC BENEFIT.**

20 Section 4 of the Volunteer Protection Act of 1997 (42
21 U.S.C. 14503) is amended—

22 (1) by redesignating subsections (b) through (f)
23 as subsections (c) through (g), respectively;

1 (2) in subsection (a), by striking “subsections (b)
2 and (d)” and inserting “subsections (b), (c), and (e)”;
3 and

4 (3) by inserting after subsection (a) the fol-
5 lowing:

6 “(b) *LIABILITY PROTECTION FOR PILOTS THAT FLY*
7 *FOR PUBLIC BENEFIT.—Except as provided in subsections*
8 *(c) and (e), no volunteer of a volunteer pilot nonprofit orga-*
9 *nization that arranges flights for public benefit shall be lia-*
10 *ble for harm caused by an act or omission of the volunteer*
11 *on behalf of the organization if, at the time of the act or*
12 *omission, the volunteer—*

13 *“(1) was operating an aircraft in furtherance of*
14 *the purpose of, and acting within the scope of the vol-*
15 *unteer’s responsibilities on behalf of, the nonprofit or-*
16 *ganization to provide patient and medical transport*
17 *(including medical transport for veterans), disaster*
18 *relief, humanitarian assistance, or other similar char-*
19 *itable missions;*

20 *“(2) was properly licensed and insured for the*
21 *operation of the aircraft;*

22 *“(3) was in compliance with all requirements of*
23 *the Federal Aviation Administration for recent flight*
24 *experience; and*

1 “(4) did not cause the harm through willful or
2 criminal misconduct, gross negligence, reckless mis-
3 conduct, or a conscious, flagrant indifference to the
4 rights or safety of the individual harmed by the vol-
5 unteer.”; and

6 (4) in subsection (g)(2), as redesignated, by
7 striking “(e)” and inserting “(f)”.

8 **TITLE VI—AVIATION**
9 **WORKFORCE**

10 **Subtitle A—Youth in Aviation**

11 **SEC. 601. STUDENT OUTREACH REPORT.**

12 *Not later than 180 days after the date of enactment*
13 *of this Act, the Administrator of the Federal Aviation Ad-*
14 *ministration shall submit to the appropriate committees of*
15 *Congress a report that describes the Administration’s exist-*
16 *ing outreach efforts, such as the STEM Aviation and Space*
17 *Education Outreach Program, to elementary and secondary*
18 *students who are interested in careers in science, technology,*
19 *engineering, art, and mathematics—*

20 (1) *to prepare and inspire such students for*
21 *aviation and aeronautical careers; and*

22 (2) *to mitigate an anticipated shortage of pilots*
23 *and other aviation professionals.*

1 **SEC. 602. YOUTH ACCESS TO AMERICAN JOBS IN AVIATION**

2 **TASK FORCE.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date of enactment of this Act, the Administrator of the Fed-
5 eral Aviation Administration shall establish a Youth Access
6 to American Jobs in Aviation Task Force (in this section
7 referred to as the “Task Force”).

8 (b) *DUTIES.*—Not later than 12 months after its estab-
9 lishment under subsection (a), the Task Force shall develop
10 and submit to the Administrator recommendations and
11 strategies for the Administration to—

12 (1) *facilitate and encourage high school students*
13 *in the United States, beginning in their junior year,*
14 *to enroll in and complete career and technical edu-*
15 *cation courses, including STEM, that would prepare*
16 *them to enroll in a course of study related to an avia-*
17 *tion career at an institution of higher education, in-*
18 *cluding a community college or trade school;*

19 (2) *facilitate and encourage the students de-*
20 *scribed in paragraph (1) to enroll in a course of*
21 *study related to an aviation career, including avia-*
22 *tion manufacturing, engineering and maintenance, at*
23 *an institution of higher education, including a com-*
24 *munity college or trade school; and*

25 (3) *identify and develop pathways for students*
26 *who complete a course of study described in para-*

1 *graph (2) to secure registered apprenticeships, work-*
2 *force development programs, or careers in the avia-*
3 *tion industry of the United States.*

4 *(c) CONSIDERATIONS.—When developing recommenda-*
5 *tions and strategies under subsection (b), the Task Force*
6 *shall—*

7 *(1) identify industry trends that encourage or*
8 *discourage youth in the United States from pursuing*
9 *careers in aviation;*

10 *(2) consider how the Administration; air car-*
11 *riers; aircraft, powerplant, and avionics manufactur-*
12 *ers; aircraft repair stations; and other aviation stake-*
13 *holders can coordinate efforts to support youth in*
14 *pursuing careers in aviation;*

15 *(3) identify methods of enhancing aviation ap-*
16 *prenticeships, job skills training, mentorship, edu-*
17 *cation, and outreach programs that are exclusive to*
18 *youth in the United States; and*

19 *(4) identify potential sources of government and*
20 *private sector funding, including grants and scholar-*
21 *ships, that may be used to carry out the recommenda-*
22 *tions and strategies described in subsection (b) and to*
23 *support youth in pursuing careers in aviation.*

24 *(d) REPORT.—Not later than 30 days after submission*
25 *of the recommendations and strategies under subsection (b),*

1 *the Task Force shall submit to the appropriate committees*
2 *of Congress a report outlining such recommendations and*
3 *strategies.*

4 (e) *COMPOSITION OF TASK FORCE.—The Adminis-*
5 *trator shall appoint members of the Task Force, including*
6 *representatives from the following:*

7 (1) *Air carriers.*

8 (2) *Aircraft, powerplant, and avionics manufac-*
9 *turers.*

10 (3) *Aircraft repair stations.*

11 (4) *Local educational agencies or high schools.*

12 (5) *Institutions of higher education, including*
13 *community colleges and aviation trade schools.*

14 (6) *Such other aviation and educational stake-*
15 *holders and experts as the Administrator considers*
16 *appropriate.*

17 (f) *PERIOD OF APPOINTMENT.—Members shall be ap-*
18 *pointed to the Task Force for the duration of the existence*
19 *of the Task Force.*

20 (g) *COMPENSATION.—Task Force members shall serve*
21 *without compensation.*

22 (h) *SUNSET.—The Task Force shall terminate upon*
23 *the submittal of the report pursuant to subsection (d).*

24 (i) *DEFINITION OF STEM.—The term “STEM”*
25 *means—*

1 (1) *science, technology, engineering, and mathe-*
2 *matics; and*

3 (2) *other career and technical education subjects*
4 *that build on the subjects described in paragraph (1).*

5 ***Subtitle B—Women in Aviation***

6 ***SEC. 611. SENSE OF CONGRESS REGARDING WOMEN IN***
7 ***AVIATION.***

8 *It is the sense of Congress that the aviation industry*
9 *should explore all opportunities, including pilot training,*
10 *science, technology, engineering, and mathematics edu-*
11 *cation, and mentorship programs, to encourage and support*
12 *female students and aviators to pursue a career in aviation.*

13 ***SEC. 612. SUPPORTING WOMEN’S INVOLVEMENT IN THE***
14 ***AVIATION FIELD.***

15 (a) *ADVISORY BOARD.*—*To encourage women and girls*
16 *to enter the field of aviation, the Administrator of the Fed-*
17 *eral Aviation Administration shall create and facilitate the*
18 *Women in Aviation Advisory Board (referred to in this sec-*
19 *tion as the “Board”), with the objective of promoting orga-*
20 *nizations and programs that are providing education,*
21 *training, mentorship, outreach, and recruitment of women*
22 *into the aviation industry.*

23 (b) *COMPOSITION.*—*The Board shall consist of mem-*
24 *bers whose diverse background and expertise allow them to*

1 *contribute balanced points of view and ideas regarding the*
2 *strategies and objectives set forth in subsection (f).*

3 (c) *SELECTION.*—*Not later than 9 months after the*
4 *date of enactment of this Act, the Administrator shall ap-*
5 *point members of the Board, including representatives from*
6 *the following:*

7 (1) *Major airlines and aerospace companies.*

8 (2) *Nonprofit organizations within the aviation*
9 *industry.*

10 (3) *Aviation business associations.*

11 (4) *Engineering business associations.*

12 (5) *United States Air Force Auxiliary, Civil Air*
13 *Patrol.*

14 (6) *Institutions of higher education and aviation*
15 *trade schools.*

16 (d) *PERIOD OF APPOINTMENT.*—*Members shall be ap-*
17 *pointed to the Board for the duration of the existence of*
18 *the Board.*

19 (e) *COMPENSATION.*—*Board members shall serve with-*
20 *out compensation.*

21 (f) *DUTIES.*—*Not later than 18 months after the date*
22 *of enactment of this Act, the Board shall present a com-*
23 *prehensive plan for strategies the Administration can take,*
24 *which include the following objectives:*

1 (1) *Identifying industry trends that directly or*
2 *indirectly encourage or discourage women from pur-*
3 *suing careers in aviation.*

4 (2) *Coordinating the efforts of airline companies,*
5 *nonprofit organizations, and aviation and engineer-*
6 *ing associations to facilitate support for women pur-*
7 *suing careers in aviation.*

8 (3) *Creating opportunities to expand existing*
9 *scholarship opportunities for women in the aviation*
10 *industry.*

11 (4) *Enhancing aviation training, mentorship,*
12 *education, and outreach programs that are exclusive*
13 *to women.*

14 (g) *REPORTS.—*

15 (1) *IN GENERAL.—Not later than 2 years after*
16 *the date of enactment of this Act, the Board shall sub-*
17 *mit a report outlining the comprehensive plan for*
18 *strategies pursuant to subsection (f) to the Adminis-*
19 *trator and the appropriate committees of Congress.*

20 (2) *AVAILABILITY ONLINE.—The Administrator*
21 *shall make the report publicly available online and in*
22 *print.*

23 (h) *SUNSET.—The Board shall terminate upon the*
24 *submittal of the report pursuant to subsection (g).*

1 ***Subtitle C—Future of Aviation***
2 ***Workforce***

3 **SEC. 621. AVIATION AND AEROSPACE WORKFORCE OF THE**
4 **FUTURE.**

5 (a) *FINDINGS.*—Congress finds that—

6 (1) *in 2016, United States air carriers carried*
7 *a record high number of passengers on domestic*
8 *flights, 719 million passengers;*

9 (2) *the United States aerospace and defense in-*
10 *dustry employed 1.7 million workers in 2015, or*
11 *roughly 2 percent of the Nation’s total employment*
12 *base;*

13 (3) *the average salary of an employee in the*
14 *aerospace and defense industry is 44 percent above*
15 *the national average;*

16 (4) *in 2015, the aerospace and defense industry*
17 *contributed nearly \$202.4 billion in value added to*
18 *the United States economy;*

19 (5) *an effective aviation industry relies on indi-*
20 *viduals with unique skill sets, many of which can be*
21 *directly obtained through career and technical edu-*
22 *cation opportunities; and*

23 (6) *industry and the Federal Government have*
24 *taken some actions to attract qualified individuals to*

1 *careers in aviation and aerospace and to retain*
2 *qualified individuals in such careers.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 *(1) public and private education institutions*
6 *should make available to students and parents infor-*
7 *mation on approved programs of study and career*
8 *pathways, including career exploration, work-based*
9 *learning opportunities, dual and concurrent enroll-*
10 *ment opportunities, and guidance and advisement re-*
11 *sources;*

12 *(2) public and private education institutions*
13 *should partner with aviation and aerospace compa-*
14 *nies to promote career paths available within the in-*
15 *dustry and share information on the unique benefits*
16 *and opportunities the career paths offer;*

17 *(3) aviation companies, including air carriers,*
18 *manufacturers, commercial space companies, un-*
19 *manned aircraft system companies, and repair sta-*
20 *tions, should create opportunities, through apprentice-*
21 *ships or other mechanisms, to attract young people to*
22 *aviation and aerospace careers and to enable individ-*
23 *uals to gain the critical skills needed to thrive in such*
24 *professions; and*

1 (4) *the Federal Government should consider the*
2 *needs of men and women interested in pursuing ca-*
3 *reers in the aviation and aerospace industry, the*
4 *long-term personnel needs of the aviation and aero-*
5 *space industry, and the role of aviation in the United*
6 *States economy in the creation and administration of*
7 *educational and financial aid programs.*

8 **SEC. 622. AVIATION AND AEROSPACE WORKFORCE OF THE**
9 **FUTURE STUDY.**

10 (a) *IN GENERAL.*—*Not later than 90 days after the*
11 *date of enactment of this Act, the Comptroller General of*
12 *the United States shall initiate a study—*

13 (1) *to evaluate the current and future supply of*
14 *individuals in the aviation and aerospace workforce;*

15 (2) *to identify the factors influencing the supply*
16 *of individuals pursuing a career in the aviation or*
17 *aerospace industry, including barriers to entry into*
18 *the workforce; and*

19 (3) *to identify methods to increase the future*
20 *supply of individuals in the aviation and aerospace*
21 *workforce, including best practices or programs to*
22 *incentivize, recruit, and retain young people in avia-*
23 *tion and aerospace professions.*

24 (b) *CONSULTATION.*—*The Comptroller General shall*
25 *conduct the study in consultation with—*

1 (1) *appropriate Federal agencies; and*

2 (2) *the aviation and aerospace industry, institu-*
3 *tions of higher education, and labor stakeholders.*

4 (c) *REPORT TO CONGRESS.*—Not later than 1 year
5 *after the date of enactment of this Act, the Comptroller Gen-*
6 *eral shall submit to the appropriate committees of Congress*
7 *a report on the results of the study and related recommenda-*
8 *tions.*

9 **SEC. 623. SENSE OF CONGRESS ON HIRING VETERANS.**

10 *It is the sense of Congress that the aviation industry,*
11 *including certificate holders under parts 121, 135, and 145*
12 *of title 14, Code of Federal Regulations, should hire more*
13 *of the Nation’s veterans.*

14 **SEC. 624. AVIATION MAINTENANCE INDUSTRY TECHNICAL**
15 **WORKFORCE.**

16 (a) *REGULATIONS.*—Not later than 180 days after the
17 *date of enactment of this Act, the Administrator of the Fed-*
18 *eral Aviation Administration shall issue a final rule to*
19 *modernize training programs at aviation maintenance*
20 *technician schools governed by part 147 of title 14, Code*
21 *of Federal Regulations.*

22 (b) *GUIDANCE.*—Not later than 180 days after the date
23 *of enactment of this Act, the Administrator shall coordinate*
24 *with government, educational institutions, labor organiza-*
25 *tions representing aviation maintenance workers, and busi-*

1 nesses to develop and publish guidance or model curricula
2 for aviation maintenance technician schools referred to in
3 subsection (a) to ensure workforce readiness for industry
4 needs, including curricula related to training in avionics,
5 troubleshooting, and other areas of industry needs.

6 (c) *REVIEW AND PERIODIC UPDATES.*—*The Adminis-*
7 *trator shall—*

8 (1) *ensure training programs referred to in sub-*
9 *section (a) are revised and updated in correlation*
10 *with aviation maintenance technician airman certifi-*
11 *cation standards as necessary to reflect current tech-*
12 *nology and maintenance practices; and*

13 (2) *publish updates to the guidance or model*
14 *curricula required under subsection (b) at least once*
15 *every 2 years, as necessary, from the date of initial*
16 *publication.*

17 (d) *REPORT TO CONGRESS.*—*If the Administrator does*
18 *not issue such final rule by the deadline specified in sub-*
19 *section (a), the Administrator shall, not later than 30 days*
20 *after such deadline, submit to the appropriate committees*
21 *of Congress a report containing—*

22 (1) *an explanation as to why such final rule was*
23 *not issued by such deadline; and*

24 (2) *a schedule for issuing such final rule .*

1 (e) *STUDY.*—*The Comptroller General of the United*
2 *States shall conduct a study on technical workers in the*
3 *aviation maintenance industry.*

4 (f) *CONTENTS.*—*In conducting the study under sub-*
5 *section (e), the Comptroller General shall—*

6 (1) *analyze the current Standard Occupational*
7 *Classification system with regard to the aviation pro-*
8 *fession, particularly technical workers in the aviation*
9 *maintenance industry;*

10 (2) *analyze how changes to the Federal employ-*
11 *ment classification of aviation maintenance industry*
12 *workers might affect government data on unemploy-*
13 *ment rates and wages;*

14 (3) *analyze how changes to the Federal employ-*
15 *ment classification of aviation maintenance industry*
16 *workers might affect projections for future aviation*
17 *maintenance industry workforce needs and project*
18 *technical worker shortfalls;*

19 (4) *analyze the impact of Federal regulation, in-*
20 *cluding Federal Aviation Administration oversight of*
21 *certification, testing, and education programs, on em-*
22 *ployment of technical workers in the aviation mainte-*
23 *nance industry;*

24 (5) *develop recommendations on how Federal*
25 *Aviation Administration regulations and policies*

1 *could be improved to modernize training programs at*
2 *aviation maintenance technical schools and address*
3 *aviation maintenance industry needs for technical*
4 *workers;*

5 *(6) develop recommendations for better coordi-*
6 *nating actions by government, educational institu-*
7 *tions, and businesses to support workforce growth in*
8 *the aviation maintenance industry; and*

9 *(7) develop recommendations for addressing the*
10 *needs for government funding, private investment,*
11 *equipment for training purposes, and other resources*
12 *necessary to strengthen existing training programs or*
13 *develop new training programs to support workforce*
14 *growth in the aviation industry.*

15 *(g) REPORT.—Not later than 1 year after the date of*
16 *enactment of this Act, the Comptroller General shall submit*
17 *to the appropriate committees of Congress a report on the*
18 *results of the study.*

19 *(h) DEFINITIONS.—In this section, the following defi-*
20 *nitions apply:*

21 *(1) AVIATION MAINTENANCE INDUSTRY.—The*
22 *term “aviation maintenance industry” means repair*
23 *stations certificated under part 145 of title 14, Code*
24 *of Federal Regulations.*

1 (2) *TECHNICAL WORKER.*—*The term “technical*
2 *worker” means an individual authorized under part*
3 *43 of title 14, Code of Federal Regulations, to main-*
4 *tain, rebuild, alter, or perform preventive mainte-*
5 *nance on an aircraft, airframe, aircraft engine, pro-*
6 *peller, appliance, or component part or employed by*
7 *an entity so authorized to perform such a function.*

8 **SEC. 625. AVIATION WORKFORCE DEVELOPMENT PRO-**
9 **GRAMS.**

10 (a) *IN GENERAL.*—*The Secretary of Transportation*
11 *shall establish—*

12 (1) *a program to provide grants for eligible*
13 *projects to support the education of future aircraft pi-*
14 *lots and the development of the aircraft pilot work-*
15 *force; and*

16 (2) *a program to provide grants for eligible*
17 *projects to support the education and recruitment of*
18 *aviation maintenance technical workers and the de-*
19 *velopment of the aviation maintenance workforce.*

20 (b) *PROJECT GRANTS.*—

21 (1) *IN GENERAL.*—*Out of amounts made avail-*
22 *able under section 48105 of title 49, United States*
23 *Code, not more than \$5,000,000 for each of fiscal*
24 *years 2019 through 2023 is authorized to be expended*
25 *to provide grants under the program established*

1 *under subsection (a)(1), and \$5,000,000 for each of*
2 *fiscal years 2019 through 2023 is authorized to pro-*
3 *vide grants under the program established under sub-*
4 *section (a)(2).*

5 *(2) DOLLAR AMOUNT LIMIT.—Not more than*
6 *\$500,000 shall be available for any 1 grant in any*
7 *1 fiscal year under the programs established under*
8 *subsection (a).*

9 *(c) ELIGIBLE APPLICATIONS.—*

10 *(1) An application for a grant under the pro-*
11 *gram established under subsection (a)(1) shall be sub-*
12 *mitted, in such form as the Secretary may specify,*
13 *by—*

14 *(A) an air carrier, as defined in section*
15 *40102 of title 49, United States Code, or a labor*
16 *organization representing aircraft pilots;*

17 *(B) an accredited institution of higher edu-*
18 *cation (as defined in section 101 of the Higher*
19 *Education Act of 1965 (20 U. S. C. 1001)) or a*
20 *high school or secondary school (as defined in*
21 *section 7801 of the Higher Education Act of*
22 *1965 (20 U.S.C. 7801));*

23 *(C) a flight school that provides flight train-*
24 *ing, as defined in part 61 of title 14, Code of*
25 *Federal Regulations, or that holds a pilot school*

1 *certificate under part 141 of title 14, Code of*
2 *Federal Regulations; or*

3 *(D) a State or local governmental entity.*

4 *(2) An application for a grant under the pilot*
5 *program established under subsection (a)(2) shall be*
6 *submitted, in such form as the Secretary may specify,*
7 *by—*

8 *(A) a holder of a certificate issued under*
9 *part 21, 121, 135, or 145 of title 14, Code of*
10 *Federal Regulations or a labor organization rep-*
11 *resenting aviation maintenance workers;*

12 *(B) an accredited institution of higher edu-*
13 *cation (as defined in section 101 of the Higher*
14 *Education Act of 1965 (20 U.S.C. 1001)) or a*
15 *high school or secondary school (as defined in*
16 *section 7801 of the Elementary and Secondary*
17 *Education Act of 1965 (20 U.S.C. 7801); and*

18 *(C) a State or local governmental entity.*

19 *(d) ELIGIBLE PROJECTS.—*

20 *(1) For purposes of the program established*
21 *under subsection (a)(1), an eligible project is a*
22 *project—*

23 *(A) to create and deliver curriculum de-*
24 *signed to provide high school students with*
25 *meaningful aviation education that is designed*

1 to prepare the students to become aircraft pilots,
2 aerospace engineers, or unmanned aircraft sys-
3 tems operators; or

4 (B) to support the professional development
5 of teachers using the curriculum described in
6 subparagraph (A).

7 (2) For purposes of the pilot program established
8 under subsection (a)(2), an eligible project is a
9 project—

10 (A) to establish new educational programs
11 that teach technical skills used in aviation main-
12 tenance, including purchasing equipment, or to
13 improve existing such programs;

14 (B) to establish scholarships or apprentice-
15 ships for individuals pursuing employment in
16 the aviation maintenance industry;

17 (C) to support outreach about careers in the
18 aviation maintenance industry to—

19 (i) primary, secondary, and post-sec-
20 ondary school students; or

21 (ii) to communities underrepresented
22 in the industry;

23 (D) to support educational opportunities re-
24 lated to aviation maintenance in economically
25 disadvantaged geographic areas;

1 (E) to support transition to careers in avia-
2 tion maintenance, including for members of the
3 Armed Forces; or

4 (F) to otherwise enhance aviation mainte-
5 nance technical education or the aviation main-
6 tenance industry workforce.

7 (e) *GRANT APPLICATION REVIEW*.—In reviewing and
8 selecting applications for grants under the programs estab-
9 lished under subsection (a), the Secretary shall—

10 (1) prior to selecting among competing applica-
11 tions, consult, as appropriate, with representatives of
12 aircraft repair stations, design and production ap-
13 proval holders, air carriers, labor organizations, busi-
14 ness aviation, general aviation, educational institu-
15 tions, and other relevant aviation sectors; and

16 (2) ensure that the applications selected for
17 projects established under subsection (a)(1) will allow
18 participation from a diverse collection of public and
19 private schools in rural, suburban, and urban areas.

1 ***Subtitle D—Unmanned Aircraft***
2 ***Systems Workforce***

3 ***SEC. 631. COMMUNITY AND TECHNICAL COLLEGE CENTERS***
4 ***OF EXCELLENCE IN SMALL UNMANNED AIR-***
5 ***CRAFT SYSTEM TECHNOLOGY TRAINING.***

6 (a) *DESIGNATION.*—Not later than 180 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation, in consultation with the Secretary of Education and
9 the Secretary of Labor, shall establish a process to designate
10 consortia of public, 2-year institutions of higher education
11 as Community and Technical College Centers of Excellence
12 in Small Unmanned Aircraft System Technology Training
13 (in this section referred to as the “Centers of Excellence”).

14 (b) *FUNCTIONS.*—A Center of Excellence designated
15 under subsection (a) shall have the capacity to train stu-
16 dents for career opportunities in industry and government
17 service related to the use of small unmanned aircraft sys-
18 tems.

19 (c) *EDUCATION AND TRAINING REQUIREMENTS.*—In
20 order to be designated as a Center of Excellence under sub-
21 section (a), a consortium shall be able to address education
22 and training requirements associated with various types of
23 small unmanned aircraft systems, components, and related
24 equipment, including with respect to—

1 (1) *multicopter and fixed-wing small unmanned*
2 *aircraft;*

3 (2) *flight systems, radio controllers, components,*
4 *and characteristics of such aircraft;*

5 (3) *routine maintenance, uses and applications,*
6 *privacy concerns, safety, and insurance for such air-*
7 *craft;*

8 (4) *hands-on flight practice using small un-*
9 *manned aircraft systems and computer simulator*
10 *training;*

11 (5) *use of small unmanned aircraft systems in*
12 *various industry applications and local, State, and*
13 *Federal government programs and services, including*
14 *in agriculture, law enforcement, monitoring oil and*
15 *gas pipelines, natural disaster response and recovery,*
16 *fire and emergency services, and other emerging*
17 *areas;*

18 (6) *Federal policies concerning small unmanned*
19 *aircraft;*

20 (7) *dual credit programs to deliver small un-*
21 *manned aircraft training opportunities to secondary*
22 *school students; or*

23 (8) *training with respect to sensors and the proc-*
24 *essing, analyzing, and visualizing of data collected by*
25 *small unmanned aircraft.*

1 (d) *COLLABORATION.*—*Each Center of Excellence shall*
2 *seek to collaborate with institutions participating in the Al-*
3 *liance for System Safety of UAS through Research Excel-*
4 *lence of the Federal Aviation Administration and with the*
5 *test ranges defined under section 44801 of title 49, United*
6 *States Code, as added by this Act.*

7 (e) *INSTITUTION OF HIGHER EDUCATION.*—*In this*
8 *section, the term “institution of higher education” has the*
9 *meaning given the term in section 101 of the Higher Edu-*
10 *cation Act of 1965 (20 U.S.C. 1001).*

11 **SEC. 632. COLLEGIATE TRAINING INITIATIVE PROGRAM**
12 **FOR UNMANNED AIRCRAFT SYSTEMS.**

13 (a) *IN GENERAL.*—*Not later than 180 days after the*
14 *date of enactment of this Act, the Administrator of the Fed-*
15 *eral Aviation Administration shall establish a collegiate*
16 *training initiative program relating to unmanned aircraft*
17 *systems by making new agreements or continuing existing*
18 *agreements with institutions of higher education (as defined*
19 *in section 101 of the Higher Education Act of 1965 (20*
20 *U.S.C. 1001)) under which the institutions prepare students*
21 *for careers involving unmanned aircraft systems. The Ad-*
22 *ministrator may establish standards for the entry of such*
23 *institutions into the program and for their continued par-*
24 *ticipation in the program.*

1 (b) *UNMANNED AIRCRAFT SYSTEM DEFINED.*—*In this*
2 *section, the term “unmanned aircraft system” has the*
3 *meaning given that term by section 44801 of title 49,*
4 *United States Code, as added by this Act.*

5 **TITLE VII—FLIGHT R&D ACT**
6 **Subtitle A—General Provisions**

7 **SEC. 701. SHORT TITLE.**

8 *This title may be cited as the “FAA Leadership in*
9 *Groundbreaking High-Tech Research and Development*
10 *Act” or the “FLIGHT R&D Act”.*

11 **SEC. 702. DEFINITIONS.**

12 *In this title, the following definitions apply:*

13 (1) *ADMINISTRATOR.*—*The term “Adminis-*
14 *trator” means the Administrator of the Federal Avia-*
15 *tion Administration.*

16 (2) *FAA.*—*The term “FAA” means the Federal*
17 *Aviation Administration.*

18 (3) *NASA.*—*The term “NASA” means the Na-*
19 *tional Aeronautics and Space Administration.*

20 (4) *SECRETARY.*—*The term “Secretary” means*
21 *the Secretary of Transportation.*

22 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) *AUTHORIZATIONS.*—*Section 48102(a) of title 49,*
24 *United States Code, is amended—*

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “and, for each of fiscal years 2012 through*
3 *2015, under subsection (g)”;*

4 (2) *in paragraph (9), by striking “and” at the*
5 *end; and*

6 (3) *by striking paragraph (10) and inserting the*
7 *following:*

8 *“(10) \$189,000,000 for fiscal year 2018;*

9 *“(11) \$194,000,000 for fiscal year 2019;*

10 *“(12) \$199,000,000 for fiscal year 2020;*

11 *“(13) \$204,000,000 for fiscal year 2021;*

12 *“(14) \$209,000,000 for fiscal year 2022; and*

13 *“(15) \$214,000,000 for fiscal year 2023.”.*

14 (b) *RESEARCH PRIORITIES.—Section 48102(b) of title*
15 *49, United States Code, is amended—*

16 (1) *in paragraph (1), by striking “consider” and*
17 *inserting “prioritize safety in considering”;*

18 (2) *by striking paragraph (3);*

19 (3) *by redesignating paragraph (2) as para-*
20 *graph (3); and*

21 (4) *by inserting after paragraph (1) the fol-*
22 *lowing:*

23 *“(2) As safety related activities shall be the high-*
24 *est research priority, at least 70 percent of the*
25 *amount appropriated under subsection (a) of this sec-*

1 *tion shall be for safety research and development*
 2 *projects.”.*

3 *(c) ANNUAL SUBMISSION OF THE NATIONAL AVIATION*
 4 *RESEARCH PLAN.—Section 48102(g) of title 49, United*
 5 *States, Code, is amended to read as follows:*

6 *“(g) ANNUAL SUBMISSION OF THE NATIONAL AVIA-*
 7 *TION RESEARCH PLAN.—The Administrator shall submit*
 8 *the national aviation research plan to Congress no later*
 9 *than the date of submission of the President’s budget request*
 10 *to Congress for that fiscal year, as required under section*
 11 *44501(c).”.*

12 ***Subtitle B—FAA Research and***
 13 ***Development Organization***

14 ***SEC. 711. ASSISTANT ADMINISTRATOR FOR RESEARCH AND***
 15 ***DEVELOPMENT.***

16 *(a) APPOINTMENT.—Not later than 3 months after the*
 17 *date of enactment of this Act, the Administrator shall ap-*
 18 *point an Assistant Administrator for Research and Devel-*
 19 *opment.*

20 *(b) RESPONSIBILITIES.—The Assistant Administrator*
 21 *for Research and Development shall, at a minimum, be re-*
 22 *sponsible for—*

23 *(1) management and oversight of all the FAA’s*
 24 *research and development programs and activities;*
 25 *and*

1 (2) *production of all congressional reports from*
2 *the FAA relevant to research and development, in-*
3 *cluding the national aviation research plan required*
4 *under section 44501(c) of title 49, United States Code.*

5 (c) *DUAL APPOINTMENT.—The Assistant Adminis-*
6 *trator for Research and Development may be a dual-ap-*
7 *pointment, holding the responsibilities of another Assistant*
8 *Administrator.*

9 **SEC. 712. RESEARCH ADVISORY COMMITTEE.**

10 (a) *ADVICE AND RECOMMENDATIONS.—Section*
11 *44508(a)(1)(A) of title 49, United States Code, is amended*
12 *to read as follows:*

13 “(A) *provide advice and recommendations to the*
14 *Administrator of the Federal Aviation Administra-*
15 *tion and Congress about needs, objectives, plans, ap-*
16 *proaches, content, and accomplishments of all avia-*
17 *tion research and development activities and pro-*
18 *grams carried out, including those under sections*
19 *40119, 44504, 44505, 44507, 44511–44513, and*
20 *44912 of this title;”.*

21 (b) *WRITTEN REPLY TO RESEARCH ADVISORY COM-*
22 *MITTEE.—Section 44508 of title 49, United States Code, is*
23 *amended by adding at the end the following:*

24 “(f) *WRITTEN REPLY.—*

1 “(1) *IN GENERAL.*—Not later than 60 days after
2 receiving any recommendation from the research ad-
3 visory committee, the Administrator shall provide a
4 written reply to the research advisory committee that,
5 at a minimum—

6 “(A) clearly states whether the Adminis-
7 trator accepts or rejects the recommendation;

8 “(B) explains the rationale for the Adminis-
9 trator’s decision;

10 “(C) sets forth the timeframe in which the
11 Administrator will implement the recommenda-
12 tion; and

13 “(D) describes the steps the Administrator
14 will take to implement the recommendation.

15 “(2) *TRANSPARENCY.*—The written reply to the
16 research advisory committee, when transmitted to the
17 research advisory committee, shall be—

18 “(A) made publicly available on the re-
19 search advisory committee website; and

20 “(B) transmitted to the Committee on
21 Science, Space, and Technology of the House of
22 Representatives and the Committee on Com-
23 merce, Science, and Transportation of the Sen-
24 ate.

1 “(3) *NATIONAL AVIATION RESEARCH PLAN.*—*The*
2 *national aviation research plan required under sec-*
3 *tion 44501(c) shall include a summary of all research*
4 *advisory committee recommendations and a descrip-*
5 *tion of the status of their implementation.*”.

6 ***Subtitle C—Unmanned Aircraft*** 7 ***Systems***

8 ***SEC. 721. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND*** 9 ***DEVELOPMENT ROADMAP.***

10 *The Secretary shall submit the unmanned aircraft sys-*
11 *tems roadmap to Congress on an annual basis as required*
12 *under section 48802(a) of title 49, United States Code, as*
13 *added by this Act.*

14 ***Subtitle D—Cybersecurity and*** 15 ***Responses to Other Threats***

16 ***SEC. 731. CYBER TESTBED.***

17 *Not later than 6 months after the date of enactment*
18 *of this Act, the Administrator shall develop an integrated*
19 *Cyber Testbed for research, development, evaluation, and*
20 *validation of air traffic control modernization technologies,*
21 *before they enter the national airspace system, as being*
22 *compliant with FAA data security regulations. The Cyber*
23 *Testbed shall be part of an integrated research and develop-*
24 *ment test environment capable of creating, identifying, de-*
25 *fending, and solving cybersecurity-related problems for the*

1 *national airspace system. This integrated test environment*
2 *shall incorporate integrated test capacities within the FAA*
3 *related to the national airspace system and NextGen.*

4 **SEC. 732. STUDY ON THE EFFECT OF EXTREME WEATHER**
5 **ON AIR TRAVEL.**

6 (a) *STUDY REQUIRED.*—*Not later than 1 year after*
7 *the date of enactment of this Act, the Administrator of the*
8 *National Oceanic and Atmospheric Administration and the*
9 *Administrator of the Federal Aviation Administration shall*
10 *jointly complete a study on the effect of extreme weather*
11 *on commercial air travel.*

12 (b) *ELEMENTS.*—*The study required by subsection (a)*
13 *shall include assessment of the following:*

14 (1) *Whether extreme weather may result in an*
15 *increase in turbulence.*

16 (2) *The effect of extreme weather on current com-*
17 *mercial air routes.*

18 (3) *The effect of extreme weather on domestic*
19 *airports, air traffic control facilities, and associated*
20 *facilities.*

1 ***Subtitle E—FAA Research and***
2 ***Development Activities***

3 ***SEC. 741. RESEARCH PLAN FOR THE CERTIFICATION OF***
4 ***NEW TECHNOLOGIES INTO THE NATIONAL***
5 ***AIRSPACE SYSTEM.***

6 *Not later than 1 year after the date of enactment of*
7 *this Act, the Administrator, in consultation with NASA,*
8 *shall transmit a comprehensive research plan for the certifi-*
9 *cation of new technologies into the national airspace system*
10 *to the Committee on Science, Space, and Technology of the*
11 *House of Representatives and the Committee on Commerce,*
12 *Science, and Transportation of the Senate. This plan shall*
13 *identify research necessary to support the certification and*
14 *implementation of NextGen, including both ground and air*
15 *elements, and explain the plan’s relationship to other ac-*
16 *tivities and procedures required for certification and imple-*
17 *mentation of new technologies into the national airspace*
18 *system. This plan shall be informed by the recommenda-*
19 *tions of the National Research Council report titled “Trans-*
20 *formation in the Air—A Review of the FAA Research*
21 *Plan”, issued on June 8, 2015. This plan shall include, at*
22 *a minimum—*

23 (1) *a description of the strategic and prescriptive*
24 *value of the research plan;*

1 (2) *an explanation of the expected outcomes from*
2 *executing the plan;*

3 (3) *an assessment of the FAA’s plan to use re-*
4 *search and development to improve cybersecurity over*
5 *the next 5 years;*

6 (4) *an assessment of the current software assur-*
7 *ance practices, and the desired level or attributes to*
8 *target in the software assurance program; and*

9 (5) *best practices in research and development*
10 *used by other organizations, such as NASA,*
11 *NavCanada, and Eurocontrol.*

12 **SEC. 742. TECHNOLOGY REVIEW.**

13 (a) *REVIEW.—*

14 (1) *IN GENERAL.—The Administrator of the Fed-*
15 *eral Aviation Administration, in coordination with*
16 *the Administrator of the National Aeronautics and*
17 *Space Administration, shall conduct a review of cur-*
18 *rent and planned research on the use of advanced air-*
19 *craft technologies, innovative materials, alternative*
20 *fuels, additive manufacturing, and novel aircraft de-*
21 *signs, to increase aircraft fuel efficiency.*

22 (2) *SUMMARIES.—The review conducted under*
23 *paragraph (1) shall include summaries of projects*
24 *and missions to examine—*

1 (A) *the effectiveness of such technologies,*
2 *materials, fuels, and aircraft designs to enhance*
3 *fuel efficiency and aerodynamic performance,*
4 *and reduce drag, weight, noise, and fuel con-*
5 *sumption; and*

6 (B) *the potential for novel flight pattern*
7 *planning and communications systems to reduce*
8 *aircraft taxiing and airport circling.*

9 (3) *RECOMMENDATIONS.—The review conducted*
10 *under paragraph (1) shall identify potential opportu-*
11 *nities for additional research and development, public*
12 *or private, to increase aircraft fuel efficiency.*

13 (b) *REPORT.—Not later than 1 year after the date of*
14 *enactment of this Act, the Administrator of the Federal*
15 *Aviation Administration shall submit to the appropriate*
16 *committees of Congress a report containing the results of*
17 *the review conducted under subsection (a).*

18 **SEC. 743. CLEEN AIRCRAFT AND ENGINE TECHNOLOGY**

19 **PARTNERSHIP.**

20 (a) *COOPERATIVE AGREEMENT.—Subchapter I of*
21 *chapter 475 of title 49, United States Code, is amended by*
22 *adding at the end the following:*

1 **“§47511. CLEEN engine and airframe technology**
 2 **partnership**

3 “(a) *IN GENERAL.*—*The Administrator of the Federal*
 4 *Aviation Administration shall enter into a cost-sharing co-*
 5 *operative agreement, using a competitive process, with in-*
 6 *stitutions, entities, or consortiums to carry out a program*
 7 *for the development, maturation, and testing of certifiable*
 8 *CLEEN aircraft, engine technologies, and jet fuels for civil*
 9 *subsonic airplanes.*

10 “(b) *CLEEN ENGINE AND AIRFRAME TECHNOLOGY*
 11 *DEFINED.*—*In this section, the term ‘CLEEN aircraft and*
 12 *engine technology’ means continuous lower energy, emis-*
 13 *sions, and noise aircraft and engine technology.*

14 “(c) *PERFORMANCE OBJECTIVE.*—*The Administrator*
 15 *shall establish the performance objectives for the program*
 16 *in terms of the specific objectives to reduce fuel burn, emis-*
 17 *sions and noise.”.*

18 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 19 *table of contents of subchapter I of chapter 475 is amended*
 20 *by inserting after the item relating to section 47510 the fol-*
 21 *lowing:*

“47511. *CLEEN engine and airframe technology partnership.*”.

22 **SEC. 744. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
 23 **FIELD PAVEMENT TECHNOLOGIES.**

24 *Using amounts made available under section 48102(a)*
 25 *of title 49, United States Code, the Administrator of the*

1 *Federal Aviation Administration may carry out a program*
2 *for the research and development of aircraft pavement tech-*
3 *nologies under which the Administrator makes grants to,*
4 *and enters into cooperative agreements with, institutions of*
5 *higher education and nonprofit organizations that—*

6 (1) *research concrete and asphalt airfield pave-*
7 *ment technologies that extend the life of airfield pave-*
8 *ments;*

9 (2) *develop and conduct training;*

10 (3) *provide for demonstration projects; and*

11 (4) *promote the latest airfield pavement tech-*
12 *nologies to aid in the development of safer, more cost*
13 *effective, and more durable airfield pavements.*

14 ***Subtitle F—Geospatial Data***

15 ***SEC. 751. SHORT TITLE; FINDINGS.***

16 (a) *SHORT TITLE.*—*This subtitle may be cited as the*
17 *“Geospatial Data Act of 2018”.*

18 (b) *FINDINGS.*—*Congress finds that—*

19 (1) *open and publicly available data is essential*
20 *to the successful operation of the GeoPlatform;*

21 (2) *the private sector in the United States, for*
22 *the purposes of acquiring and producing quality*
23 *geospatial data and geospatial data services, has been*
24 *and continues to be invaluable in carrying out the*
25 *varying missions of Federal departments and agen-*

1 *cies, as well as contributing positively to the United*
2 *States economy; and*

3 *(3) over the last 2 decades, Congress has passed*
4 *legislation that promotes greater access and use of*
5 *Government information and data, which has—*

6 *(A) sparked new, innovative start-ups and*
7 *services;*

8 *(B) spurred economic growth in many sec-*
9 *tors, such as in the geospatial services;*

10 *(C) advanced scientific research;*

11 *(D) promoted public access to Federally*
12 *funded services and data; and*

13 *(E) improved access to geospatial data for*
14 *the purposes of promoting public health, weather*
15 *forecasting, economic development, environ-*
16 *mental protection, flood zone research, and other*
17 *purposes.*

18 **SEC. 752. DEFINITIONS.**

19 *In this subtitle—*

20 *(1) the term “Advisory Committee” means the*
21 *National Geospatial Advisory Committee established*
22 *under section 754(a);*

23 *(2) the term “Committee” means the Federal Ge-*
24 *ographic Data Committee established under section*
25 *753(a);*

1 (3) *the term “covered agency”—*

2 *(A) means—*

3 *(i) an Executive department, as de-*
4 *defined in section 101 of title 5, United States*
5 *Code, that collects, produces, acquires,*
6 *maintains, distributes, uses, or preserves*
7 *geospatial data on paper or in electronic*
8 *form to fulfill the mission of the Executive*
9 *department, either directly or through a re-*
10 *lationship with another organization, in-*
11 *cluding a State, local government, Indian*
12 *tribe, institution of higher education, busi-*
13 *ness partner or contractor of the Federal*
14 *Government, and the public;*

15 *(ii) the National Aeronautics and*
16 *Space Administration; or*

17 *(iii) the General Services Administra-*
18 *tion; and*

19 *(B) does not include the Department of De-*
20 *fense (including 30 components and agencies*
21 *performing national missions) or any element of*
22 *the intelligence community;*

23 (4) *the term “GeoPlatform” means the*
24 *GeoPlatform described in section 758(a);*

25 (5) *the term “geospatial data”—*

1 (A) means information that is tied to a lo-
2 cation on the Earth, including by identifying the
3 geographic location and characteristics of nat-
4 ural or constructed features and boundaries on
5 the Earth, and that is generally represented in
6 vector datasets by points, lines, polygons, or
7 other complex geographic features or phenomena;

8 (B) may be derived from, among other
9 things, remote sensing, mapping, and surveying
10 technologies;

11 (C) includes images and raster datasets,
12 aerial photographs, and other forms of geospatial
13 data or datasets in digitized or non-digitized
14 form; and

15 (D) does not include—

16 (i) geospatial data and activities of an
17 Indian tribe not carried out, in whole or in
18 part, using Federal funds, as determined by
19 the tribal government;

20 (ii) classified national security-related
21 geospatial data and activities of the Depart-
22 ment of Defense, unless declassified;

23 (iii) classified national security-related
24 geospatial data and activities of the Depart-
25 ment of Energy, unless declassified;

1 (iv) *geospatial data and activities*
2 *under chapter 22 of title 10, United States*
3 *Code, or section 110 of the National Secu-*
4 *rity Act of 1947 (50 U.S.C. 3045);*

5 (v) *intelligence geospatial data and ac-*
6 *tivities, as determined by the Director of*
7 *National Intelligence; or*

8 (vi) *certain declassified national secu-*
9 *rity-related geospatial data and activities of*
10 *the intelligence community, as determined*
11 *by the Secretary of Defense, the Secretary of*
12 *Energy, or the Director of National Intel-*
13 *ligence;*

14 (6) *the term “Indian tribe” has the meaning*
15 *given that term under section 4 of the Indian Self-De-*
16 *termination and Education Assistance Act (25 U.S.C.*
17 *450b);*

18 (7) *the term “institution of higher education”*
19 *has the meaning given that term under section 102 of*
20 *the Higher Education Act of 1965 (20 U.S.C. 1002);*

21 (8) *the term “intelligence community” has the*
22 *meaning given that term in section 3 of the National*
23 *Security Act of 1947 (50 U.S.C. 3003);*

1 (9) the term “lead covered agency” means a lead
2 covered agency for a National Geospatial Data Asset
3 data theme designated under section 756(b)(1);

4 (10) the term “local government” means any
5 city, county, township, town, borough, parish, village,
6 or other general purpose political subdivision of a
7 State;

8 (11) the term “metadata for geospatial data”
9 means information about geospatial data, including
10 the content, source, vintage, accuracy, condition, pro-
11 jection, method of collection, and other characteristics
12 or descriptions of the geospatial data;

13 (12) the term “National Geospatial Data Asset
14 data theme” means the National Geospatial Data
15 Asset core geospatial datasets (including electronic
16 records and coordinates) relating to a topic or subject
17 designated under section 756;

18 (13) the term “National Spatial Data Infra-
19 structure” means the technology, policies, criteria,
20 standards, and employees necessary to promote
21 geospatial data sharing throughout the Federal Gov-
22 ernment, State, tribal, and local governments, and the
23 private sector (including nonprofit organizations and
24 institutions of higher education); and

1 (14) the term “proven practices” means methods
2 and activities that advance the use of geospatial data
3 for the benefit of society.

4 **SEC. 753. FEDERAL GEOGRAPHIC DATA COMMITTEE.**

5 (a) *IN GENERAL.*—There is established within the De-
6 partment of the Interior an interagency committee to be
7 known as the Federal Geographic Data Committee, which
8 shall act as the lead entity in the executive branch for the
9 development, implementation, and review of policies, prac-
10 tices, and standards relating to geospatial data.

11 (b) *MEMBERSHIP.*—

12 (1) *CHAIRPERSON AND VICE CHAIRPERSON.*—The
13 Secretary of the Interior and the Director of the Office
14 of Management and Budget shall serve as Chair-
15 person of the Committee and Vice Chairperson of the
16 Committee, respectively.

17 (2) *OTHER MEMBERS.*—

18 (A) *IN GENERAL.*—The head of each covered
19 agency and the Director of the National
20 Geospatial-Intelligence Agency shall each des-
21 ignate a representative of their respective agency
22 to serve as a member of the Committee.

23 (B) *REQUIREMENT FOR APPOINTMENTS.*—
24 An officer appointed to serve as a member of the
25 Committee shall hold a position as an assistant

1 *secretary, or an equivalent position, or a higher*
2 *ranking position.*

3 (3) *GUIDANCE.*—*Not later than 1 year after the*
4 *date of enactment of this Act, and as needed there-*
5 *after, the Director of the Office of Management and*
6 *Budget shall update guidance with respect to member-*
7 *ship of the Committee and the roles of members of the*
8 *Committee.*

9 (c) *DUTIES.*—*The Committee shall—*

10 (1) *lead the development and management of*
11 *and operational decision making for the National*
12 *Spatial Data Infrastructure strategic plan and*
13 *geospatial data policy in accordance with section 755;*

14 (2) *designate National Geospatial Data Asset*
15 *data themes and oversee the coordinated management*
16 *of the National Geospatial Data Asset data themes in*
17 *accordance with section 756;*

18 (3) *establish and maintain geospatial data*
19 *standards in accordance with section 757;*

20 (4) *periodically review and determine the extent*
21 *to which covered agencies comply with geospatial data*
22 *standards;*

23 (5) *ensure that the GeoPlatform operates in ac-*
24 *cordance with section 758;*

1 (6) *direct and facilitate national implementation*
2 *of the system of National Geospatial Data Asset data*
3 *themes;*

4 (7) *communicate with and foster communication*
5 *among covered agencies and other entities and indi-*
6 *viduals relating to geospatial data technology develop-*
7 *ment, transfer, and exchange in order to—*

8 (A) *identify and meet the needs of users of*
9 *geospatial data;*

10 (B) *promote cost-effective data collection,*
11 *documentation, maintenance, distribution, and*
12 *preservation strategies; and*

13 (C) *leverage Federal and non-Federal re-*
14 *sources, such as promoting Federal shared serv-*
15 *ices and cross-agency coordination for market-*
16 *place solutions;*

17 (8) *define roles and responsibilities and promote*
18 *and guide cooperation and coordination among agen-*
19 *cies of the Federal Government, State, tribal, and*
20 *local governments, institutions of higher education,*
21 *and the private sector in the collection, production,*
22 *sharing, and use of geospatial information, the imple-*
23 *mentation of the National Spatial Data Infrastruc-*
24 *ture, and the identification of proven practices;*

1 (9) *coordinate with international organizations*
2 *having an interest in the National Spatial Data In-*
3 *frastructure or global spatial data infrastructures;*

4 (10) *make available online and update at least*
5 *annually—*

6 (A) *a summary of the status for each Na-*
7 *tional Geospatial Data Asset data theme, based*
8 *on the report submitted by the applicable lead*
9 *covered agency under section 756(b)(3)(E)(ii)(I),*
10 *which shall include—*

11 (i) *an evaluation of the progress of*
12 *each lead covered agency in achieving the*
13 *requirements under subparagraphs (A), (B),*
14 *(C), and (D) of section 756(b)(3); and*

15 (ii) *a determination of whether, for*
16 *each of subparagraphs (A), (B), (C), and*
17 *(D) of section 756(b)(3), each lead covered*
18 *agency meets expectations, has made*
19 *progress toward expectations, or fails to*
20 *meet expectations;*

21 (B) *a summary and evaluation of the*
22 *achievements of each covered agency, based on*
23 *the annual report submitted by the covered agen-*
24 *cy under section 759(b)(1), which shall include a*
25 *determination of whether the covered agency*

1 *meets expectations, has made progress toward ex-*
2 *pectations, or fails to meet expectations for each*
3 *of paragraphs (1) through (13) of section 759(a);*

4 *(C) a collection of periodic technical publi-*
5 *cations, management articles, and reports related*
6 *to the National Spatial Data Infrastructure; and*

7 *(D) a membership directory for the Com-*
8 *mittee, including identifying members of any*
9 *subcommittee or working group of the Com-*
10 *mittee;*

11 *(11)(A) make available to and request comments*
12 *from the Advisory Committee regarding the sum-*
13 *maries and evaluations required under subparagraphs*
14 *(A) and (B) of paragraph (10);*

15 *(B) if requested by the Advisory Committee, re-*
16 *spond to any comments by the Advisory Committee;*
17 *and*

18 *(C) not less than once every 2 years, submit to*
19 *Congress a report that includes the summaries and*
20 *evaluations required under subparagraphs (A) and*
21 *(B) of paragraph (10), the comments of the Advisory*
22 *Committee, and the responses of the Committee to the*
23 *comments;*

24 *(12)(A) make available to and request comments*
25 *from covered agencies regarding the summaries and*

1 *evaluations required under subparagraphs (A) and*
2 *(B) of paragraph (10); and*

3 *(B) not less than once every 2 years, submit to*
4 *Congress a report that includes the comments of the*
5 *covered agencies and the responses of the Committee*
6 *to the comments; and*

7 *(13) support and promote the infrastructure of*
8 *networks, systems, services, and standards that pro-*
9 *vide a digital representation of the Earth to users for*
10 *many applications.*

11 *(d) STAFF SUPPORT.—The Committee shall establish*
12 *an Office of the Secretariat within the Department of the*
13 *Interior to provide administrative support, strategic plan-*
14 *ning, funding, and technical support to the Committee.*

15 **SEC. 754. NATIONAL GEOSPATIAL ADVISORY COMMITTEE.**

16 *(a) ESTABLISHMENT.—The Secretary of the Interior*
17 *shall establish within the Department of the Interior the*
18 *National Geospatial Advisory Committee to provide advice*
19 *and recommendations to the Chairperson of the Committee.*

20 *(b) MEMBERSHIP.—*

21 *(1) COMPOSITION.—The Advisory Committee*
22 *shall be composed of not more than 30 members, at*
23 *least one of which will be from the National*
24 *Geospatial-Intelligence Agency, who shall—*

1 (A) be appointed by the Chairperson of the
2 Committee;

3 (B) be selected—

4 (i) to generally achieve a balanced rep-
5 resentation of the viewpoints of various in-
6 terested parties involved in national
7 geospatial activities and the development of
8 the National Spatial Data Infrastructure;
9 and

10 (ii) with consideration of a geographic
11 balance of residence of the members; and

12 (C) be selected from among groups involved
13 in the geospatial community, including—

14 (i) States;

15 (ii) local governments;

16 (iii) regional governments;

17 (iv) tribal governments;

18 (v) private sector entities;

19 (vi) geospatial information user indus-
20 tries;

21 (vii) professional associations;

22 (viii) scholarly associations;

23 (ix) nonprofit organizations;

24 (x) academia;

1 (xi) licensed geospatial data acquisi-
2 tion professionals; and

3 (xii) the Federal Government.

4 (2) *CHAIRPERSON.*—The Chairperson of the
5 Committee shall appoint the Chairperson of the Advi-
6 sory Committee.

7 (3) *PERIOD OF APPOINTMENT; VACANCIES.*—

8 (A) *IN GENERAL.*—Members shall be ap-
9 pointed for a term of 3 years, with the term of
10 $\frac{1}{3}$ of the members expiring each year.

11 (B) *VACANCIES.*—Any vacancy in the Advi-
12 sory Committee shall not affect its powers, but
13 shall be filled in the same manner as the original
14 appointment.

15 (4) *LIMIT ON TERMS.*—Except for the member
16 from the National Geospatial-Intelligence Agency, an
17 individual—

18 (A) may not be appointed to more than 2
19 consecutive terms as a member of the Advisory
20 Committee; and

21 (B) after serving for 2 consecutive terms, is
22 eligible to be appointed as a member of the Advi-
23 sory Committee on and after the date that is 2
24 years after the end of the second consecutive term

1 *of the individual as a member of the Advisory*
2 *Committee.*

3 (5) *ETHICAL REQUIREMENTS.*—*A member of the*
4 *Advisory Committee may not participate in any spe-*
5 *cific-party matter (including a lease, license, permit,*
6 *contract, claim, agreement, or related litigation) with*
7 *the Department of the Interior in which the member*
8 *has a direct financial interest.*

9 (6) *INCUMBENTS.*—

10 (A) *IN GENERAL.*—*An individual serving*
11 *on the day before the date of enactment of this*
12 *Act as a member of the National Geospatial Ad-*
13 *visory Committee established by the Secretary of*
14 *the Interior may serve as a member of the Advi-*
15 *sory Committee until the end of the term of the*
16 *individual under the appointment.*

17 (B) *LIMIT ON TERMS.*—*Any period of serv-*
18 *ice as a member of the National Geospatial Ad-*
19 *visory Committee established by the Secretary of*
20 *the Interior shall be considered a period of serv-*
21 *ice as a member of the Advisory Committee for*
22 *purposes of paragraph (4).*

23 (c) *SUBCOMMITTEES.*—*A subcommittee of the Advisory*
24 *Committee—*

1 (1) *may be formed for the purposes of compiling*
2 *information or conducting research;*

3 (2) *shall be composed of members appointed by*
4 *the Chairperson of the Advisory Committee;*

5 (3) *shall act under the direction of the Chair-*
6 *person of the Advisory Committee and the officer or*
7 *employee designated under section 10(e) of the Fed-*
8 *eral Advisory Committee Act (5 U.S.C. App.) with re-*
9 *spect to the Advisory Committee;*

10 (4) *shall report the recommendations of the sub-*
11 *committee to the Advisory Committee for consider-*
12 *ation; and*

13 (5) *shall meet as necessary to accomplish the ob-*
14 *jectives of the subcommittee, subject to the approval of*
15 *the Chairperson of the Advisory Committee and the*
16 *availability of resources.*

17 (d) *MEETINGS.—*

18 (1) *IN GENERAL.—The Advisory Committee shall*
19 *meet at the call of the Chairperson, not less than 1*
20 *time each year and not more than 4 times each year.*

21 (2) *QUORUM.—A majority of the members of the*
22 *Advisory Committee shall constitute a quorum, but a*
23 *lesser number of members may hold meetings or hear-*
24 *ings.*

1 (e) *DUTIES OF THE ADVISORY COMMITTEE.*—*The Ad-*
2 *visory Committee shall—*

3 (1) *provide advice and recommendations relating*
4 *to—*

5 (A) *the management of Federal and na-*
6 *tional geospatial programs;*

7 (B) *the development of the National Spatial*
8 *Data Infrastructure; and*

9 (C) *implementation of this subtitle;*

10 (2) *review and comment on geospatial policy*
11 *and management issues; and*

12 (3) *ensure the views of representatives of non-*
13 *Federal interested parties involved in national*
14 *geospatial activities are conveyed to the Committee.*

15 (f) *POWERS OF THE ADVISORY COMMITTEE.*—

16 (1) *MEETINGS.*—*The Advisory Committee may*
17 *hold meetings (which shall be open to the public) and*
18 *sit and act at such times and places as the Advisory*
19 *Committee considers advisable to carry out this sub-*
20 *title.*

21 (2) *INFORMATION FROM COVERED AGENCIES.*—

22 (A) *IN GENERAL.*—*The Advisory Com-*
23 *mittee, with the concurrence of the Chairperson*
24 *of the Committee, may secure directly from any*
25 *covered agency such information as the Advisory*

1 *Committee considers necessary to carry out this*
2 *subtitle. Upon request of the Chairperson of the*
3 *Advisory Committee, the head of such agency*
4 *shall furnish such information to the Advisory*
5 *Committee.*

6 *(B) NONCOOPERATION.—The Advisory*
7 *Committee shall include in the comments of the*
8 *Advisory Committee submitted under section*
9 *753(c)(11) a discussion of any failure by a cov-*
10 *ered agency to furnish information in response*
11 *to a request under subparagraph (A) of this*
12 *paragraph.*

13 *(3) POSTAL SERVICES.—The Advisory Com-*
14 *mittee may use the United States mails in the same*
15 *manner and under the same conditions as other agen-*
16 *cies of the Federal Government.*

17 *(g) ADVISORY COMMITTEE PERSONNEL MATTERS.—*

18 *(1) NO COMPENSATION OF MEMBERS.—*

19 *(A) NON-FEDERAL EMPLOYEES.—A member*
20 *of the Advisory Committee who is not an officer*
21 *or employee of the Federal Government shall*
22 *serve without compensation.*

23 *(B) FEDERAL EMPLOYEES.—A member of*
24 *the Advisory Committee who is an officer or em-*
25 *ployee of the Federal Government shall serve*

1 *without compensation in addition to the com-*
2 *ensation received for the services of the member*
3 *as an officer or employee of the Federal Govern-*
4 *ment.*

5 (2) *TRAVEL EXPENSES.*—*The members of the Ad-*
6 *visory Committee shall be allowed travel expenses, in-*
7 *cluding per diem in lieu of subsistence, at rates au-*
8 *thorized for employees of agencies under subchapter I*
9 *of chapter 57 of title 5, United States Code, while*
10 *away from their homes or regular places of business*
11 *in the performance of services for the Advisory Com-*
12 *mittee.*

13 (3) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Any*
14 *Federal Government employee may be detailed to the*
15 *Committee to support the Advisory Committee with-*
16 *out reimbursement, and such detail shall be without*
17 *interruption or loss of civil service status or privilege.*

18 (4) *STAFF SUPPORT.*—*The Office of the Secre-*
19 *tariat established by the Committee under section*
20 *753(d) shall provide administrative support to the*
21 *Advisory Committee.*

22 (h) *APPLICABILITY OF FACA.*—

23 (1) *IN GENERAL.*—*Except as provided in para-*
24 *graph (2), the Federal Advisory Committee Act (5*
25 *U.S.C. App.) shall apply to the Advisory Committee.*

1 (2) *NO TERMINATION.*—Section 14(a)(2) of the
2 *Federal Advisory Committee Act (5 U.S.C. App.)*
3 *shall not apply to the Advisory Committee.*

4 (i) *TERMINATION.*—

5 (1) *IN GENERAL.*—Except as provided in para-
6 *graph (2), the Advisory Committee shall terminate 10*
7 *years after the date of enactment of this Act.*

8 (2) *CONTINUATION.*—The Advisory Committee
9 *may be continued for successive 10-year periods by*
10 *action taken by the Secretary of the Interior to renew*
11 *the Advisory Committee before the date on which the*
12 *Advisory Committee would otherwise terminate.*

13 **SEC. 755. NATIONAL SPATIAL DATA INFRASTRUCTURE.**

14 (a) *IN GENERAL.*—The National Spatial Data Infra-
15 *structure shall ensure that geospatial data from multiple*
16 *sources (including the covered agencies, State, local, and*
17 *tribal governments, the private sector, and institutions of*
18 *higher education) is available and easily integrated to en-*
19 *hance the understanding of the physical and cultural world.*

20 (b) *GOALS.*—The goals of the National Spatial Data
21 *Infrastructure are to—*

22 (1) *ensure—*

23 (A) *that geospatial data are reviewed prior*
24 *to disclosure to ensure—*

1 (i) compliance with section 552a of
2 title 5 (commonly known as the “Privacy
3 Act of 1974”); and

4 (ii) that personally identifiable infor-
5 mation is not disclosed, which shall include
6 an assessment of re-identification risk when
7 determining what data constitute personally
8 identifiable information;

9 (B) that geospatial data are designed to en-
10 hance the accuracy of statistical information,
11 both in raw form and in derived information
12 products;

13 (C) free and open access for the public to
14 geospatial data, information, and interpretive
15 products, in accordance with Office of Manage-
16 ment and Budget Circular A-130, or any suc-
17 cessor thereto;

18 (D) the protection of proprietary interests
19 related to licensed information and data; and

20 (E) the interoperability and sharing capa-
21 bilities of Federal information systems and data
22 to enable the drawing of resources from covered
23 agencies and partners of covered agencies; and

24 (2) support and advance the establishment of a
25 Global Spatial Data Infrastructure, consistent with

1 national security, national defense, national intel-
2 ligence, and international trade requirements, includ-
3 ing ensuring that covered agencies develop inter-
4 national geospatial data in accordance with inter-
5 national voluntary consensus standards, as defined in
6 Office of Management and Budget Circular A-119, or
7 any successor thereto.

8 (c) *STRATEGIC PLAN.*—The Committee shall prepare
9 and maintain a strategic plan for the development and im-
10 plementation of the National Spatial Data Infrastructure
11 in a manner consistent with national security, national de-
12 fense, and emergency preparedness program policies regard-
13 ing data accessibility.

14 (d) *ADVISORY ROLE.*—The Committee shall advise
15 Federal and non-Federal users of geospatial data on their
16 responsibilities relating to implementation of the National
17 Spatial Data Infrastructure.

18 **SEC. 756. NATIONAL GEOSPATIAL DATA ASSET DATA**
19 **THEMES.**

20 (a) *IN GENERAL.*—The Committee shall designate as
21 National Geospatial Data Asset data themes the primary
22 topics and subjects for which the coordinated development,
23 maintenance, and dissemination of geospatial data will
24 benefit the Federal Government and the interests of the peo-
25 ple of the United States, which shall—

1 (1) *be representations of conceptual topics de-*
2 *scribing digital spatial information for the Nation;*
3 *and*

4 (2) *contain associated datasets (with attribute*
5 *records and coordinates)—*

6 (A) *that are documented, verifiable, and of-*
7 *ficially designated to meet recognized standards;*

8 (B) *that may be used in common; and*

9 (C) *from which other datasets may be de-*
10 *rived.*

11 (b) *LEAD COVERED AGENCIES.—*

12 (1) *IN GENERAL.—For each National Geospatial*
13 *Data Asset data theme, the Committee shall designate*
14 *one or more covered agencies as the lead covered agen-*
15 *cies for the National Geospatial Data Asset data*
16 *theme.*

17 (2) *GENERAL RESPONSIBILITY.—The lead cov-*
18 *ered agencies for a National Geospatial Data Asset*
19 *data theme shall be responsible for ensuring the co-*
20 *ordinated management of the data, supporting re-*
21 *sources (including technology and personnel), and re-*
22 *lated services and products of the National Geospatial*
23 *Data Asset data theme.*

24 (3) *SPECIFIC RESPONSIBILITIES.—To assist in*
25 *fulfilling the responsibilities under paragraph (2)*

1 *with respect to a National Geospatial Data Asset data*
2 *theme, the lead covered agencies shall—*

3 *(A) provide leadership and facilitate the de-*
4 *velopment and implementation of geospatial*
5 *data standards for the National Geospatial Data*
6 *Asset data theme, with a particular emphasis on*
7 *a data content standard for the National*
8 *Geospatial Data Asset data theme, including*
9 *by—*

10 *(i) assessing existing standards;*

11 *(ii) identifying anticipated or needed*
12 *data standards; and*

13 *(iii) developing a plan to originate*
14 *and implement needed standards with rel-*
15 *evant community and international prac-*
16 *tices—*

17 *(I) in accordance with Office of*
18 *Management and Budget Circular A-*
19 *119, or any successor thereto; and*

20 *(II) consistent with or as a part*
21 *of the plan described in subparagraph*
22 *(B);*

23 *(B) provide leadership and facilitate the de-*
24 *velopment and implementation of a plan for na-*

1 *tionwide population of the National Geospatial*
2 *Data Asset data theme, which shall—*

3 *(i) include developing partnership pro-*
4 *grams with States, Indian tribes, institu-*
5 *tions of higher education, private sector en-*
6 *tities, other Federal agencies, and local gov-*
7 *ernments;*

8 *(ii) meet the needs of users of*
9 *geospatial data;*

10 *(iii) address human and financial re-*
11 *source needs;*

12 *(iv) identify needs relating to stand-*
13 *ards, metadata for geospatial data within*
14 *the National Geospatial Data Asset data*
15 *theme, and the GeoPlatform; and*

16 *(v) expedite the development of nec-*
17 *essary National Geospatial Data Asset data*
18 *themes;*

19 *(C) establish goals that support the strategic*
20 *plan for the National Spatial Data Infrastruc-*
21 *ture prepared under section 755(c);*

22 *(D) as necessary, collect and analyze infor-*
23 *mation from users of geospatial data within the*
24 *National Geospatial Data Asset data theme re-*
25 *garding the needs of the users for geospatial data*

1 *and incorporate the needs of users in strategies*
2 *relating to the National Geospatial Data Asset*
3 *data theme; and*

4 *(E) as part of administering the National*
5 *Geospatial Data Asset data theme—*

6 *(i) designate a point of contact within*
7 *the lead covered agency who shall be respon-*
8 *sible for developing, maintaining, coordina-*
9 *tion relating to, and disseminating data*
10 *using the GeoPlatform;*

11 *(ii) submit to the Committee—*

12 *(I) a performance report, at least*
13 *annually, that documents the activities*
14 *relating to and implementation of the*
15 *National Geospatial Data Asset data*
16 *theme, including progress in achieving*
17 *the requirements under subparagraphs*
18 *(A), (B), (C), and (D); and*

19 *(II) comments, as appropriate, re-*
20 *garding the summary and evaluation*
21 *of the performance report provided by*
22 *the Committee under section*
23 *753(c)(12);*

24 *(iii) publish maps or comparable*
25 *graphics online (in accordance with the*

1 mapping conventions specified by the Com-
2 mittee) showing the extent and status of the
3 National Geospatial Data Asset data themes
4 for which the covered agency is a lead cov-
5 ered agency;

6 (iv) encourage individuals and entities
7 that are a source of geospatial data or
8 metadata for geospatial data for the Na-
9 tional Geospatial Data Asset data theme to
10 provide access to such data through the
11 GeoPlatform;

12 (v) coordinate with the GeoPlatform;

13 and

14 (vi) identify and publish proven prac-
15 tices for the use and application of
16 geospatial data of the lead covered agency.

17 **SEC. 757. GEOSPATIAL DATA STANDARDS.**

18 (a) *IN GENERAL.*—In accordance with section 216 of
19 the *E-Government Act of 2002* (44 U.S.C. 3501 note), the
20 Committee shall establish standards for each National
21 Geospatial Data Asset data theme, which—

22 (1) shall include—

23 (A) rules, conditions, guidelines, and char-
24 acteristics for the geospatial data within the Na-
25 tional Geospatial Data Asset data theme and re-

1 *lated processes, technology, and organization;*
2 *and*

3 *(B) content standards for metadata for*
4 *geospatial data within the National Geospatial*
5 *Data Asset data theme;*

6 *(2) to the maximum extent practicable, shall be*
7 *consistent with international standards and protocols;*

8 *(3) shall include universal data standards that*
9 *shall be acceptable for the purposes of declassified in-*
10 *telligence community data; and*

11 *(4) the Committee shall periodically review and*
12 *update as necessary for the standards to remain cur-*
13 *rent, relevant, and effective.*

14 *(b) DEVELOPMENT OF STANDARDS.—The Committee*
15 *shall—*

16 *(1) develop and promulgate standards under this*
17 *section—*

18 *(A) in accordance with Office of Manage-*
19 *ment and Budget Circular A-119, or any suc-*
20 *cessor thereto; and*

21 *(B) after consultation with a broad range of*
22 *data users and providers;*

23 *(2) to the maximum extent possible, use national*
24 *and international standards adopted by voluntary*
25 *standards consensus bodies; and*

1 (3) *establish new standards only to the extent*
2 *standards described in paragraph (2) do not exist.*

3 (c) *EXCLUSION.—The Secretary of the Interior shall*
4 *withhold from public disclosure any information the disclo-*
5 *sure of which reasonably could be expected to cause damage*
6 *to the national interest, security, or defense of the United*
7 *States, including information relating to geospatial intel-*
8 *ligence data activities, as determined in consultation with*
9 *the Director of National Intelligence.*

10 **SEC. 758. GEOPLATFORM.**

11 (a) *IN GENERAL.—The Committee shall operate an*
12 *electronic service that provides access to geospatial data and*
13 *metadata for geospatial data to the general public, to be*
14 *known as the GeoPlatform.*

15 (b) *IMPLEMENTATION.—*

16 (1) *IN GENERAL.—The GeoPlatform—*

17 (A) *shall—*

18 (i) *be available through the internet*
19 *and other communications means;*

20 (ii) *be accessible through a common*
21 *interface;*

22 (iii) *include metadata for all*
23 *geospatial data collected by covered agen-*
24 *cies, directly or indirectly;*

1 (iv) include download access to all
2 open geospatial data directly or indirectly
3 collected by covered agencies; and

4 (v) include a set of programming in-
5 structions and standards providing an
6 automated means of accessing available
7 geospatial data, which—

8 (I) harmonize sources and data
9 standards associated with geospatial
10 data, including metadata; and

11 (II) to the maximum extent prac-
12 ticable, as determined by the Chair-
13 person of the Committee, shall be made
14 publicly available;

15 (B) may include geospatial data from a
16 source other than a covered agency, if determined
17 appropriate by the Committee; and

18 (C) shall not store or serve proprietary in-
19 formation or data acquired under a license by
20 the Federal Government, unless authorized by the
21 data provider.

22 (2) *MANAGING PARTNER.*—The Chairperson of
23 the Committee shall designate an agency to serve as
24 the managing partner for developing and operating
25 the GeoPlatform, taking direction from the Committee

1 *on the scope, functionality, and performance of the*
2 *GeoPlatform.*

3 (c) *CLARIFICATION.—Although the GeoPlatform is in-*
4 *tended to include all National Geospatial Data Asset and*
5 *other Federal datasets, nothing in this subtitle shall be con-*
6 *strued to prevent a covered agency from also presenting,*
7 *providing, or disseminating data that is—*

8 (1) *specific to the functions of the covered agen-*
9 *cy; or*

10 (2) *targeted to information consumers that di-*
11 *rectly interface with the services, portals, or other*
12 *mechanisms of the covered agency.*

13 **SEC. 759. COVERED AGENCY RESPONSIBILITIES.**

14 (a) *IN GENERAL.—Each covered agency shall—*

15 (1) *prepare, maintain, publish, and implement a*
16 *strategy for advancing geographic information and*
17 *related geospatial data and activities appropriate to*
18 *the mission of the covered agency, in support of the*
19 *strategic plan for the National Spatial Data Infra-*
20 *structure prepared under section 755(c);*

21 (2) *collect, maintain, disseminate, and preserve*
22 *geospatial data such that the resulting data, informa-*
23 *tion, or products can be readily shared with other*
24 *Federal agencies and non-Federal users;*

1 (3) *promote the integration of geospatial data*
2 *from all sources;*

3 (4) *ensure that data information products and*
4 *other records created in geospatial data and activities*
5 *are included on agency record schedules that have*
6 *been approved by the National Archives and Records*
7 *Administration;*

8 (5) *allocate resources to fulfill the responsibilities*
9 *of effective geospatial data collection, production, and*
10 *stewardship with regard to related activities of the*
11 *covered agency, and as necessary to support the ac-*
12 *tivities of the Committee;*

13 (6) *use the geospatial data standards, including*
14 *the standards for metadata for geospatial data, and*
15 *other appropriate standards, including documenting*
16 *geospatial data with the relevant metadata and mak-*
17 *ing metadata available through the GeoPlatform;*

18 (7) *coordinate and work in partnership with*
19 *other Federal agencies, agencies of State, tribal, and*
20 *local governments, institutions of higher education,*
21 *and the private sector to efficiently and cost-effec-*
22 *tively collect, integrate, maintain, disseminate, and*
23 *preserve geospatial data, building upon existing non-*
24 *Federal geospatial data to the extent possible;*

25 (8) *use geospatial information to—*

1 (A) make Federal geospatial information
2 and services more useful to the public;

3 (B) enhance operations;

4 (C) support decision making; and

5 (D) enhance reporting to the public and to
6 Congress;

7 (9) protect personal privacy and maintain con-
8 fidentiality in accordance with Federal policy and
9 law;

10 (10) participate in determining, when applica-
11 ble, whether declassified data can contribute to and
12 become a part of the National Spatial Data Infra-
13 structure;

14 (11) search all sources, including the
15 GeoPlatform, to determine if existing Federal, State,
16 local, or private geospatial data meets the needs of the
17 covered agency before expending funds for geospatial
18 data collection;

19 (12) to the maximum extent practicable, ensure
20 that a person receiving Federal funds for geospatial
21 data collection provides high-quality data; and

22 (13) appoint a contact to coordinate with the
23 lead covered agencies for collection, acquisition, main-
24 tenance, and dissemination of the National

1 *Geospatial Data Asset data themes used by the cov-*
2 *ered agency.*

3 *(b) REPORTING.—*

4 *(1) IN GENERAL.—Each covered agency shall*
5 *submit to the Committee an annual report regarding*
6 *the achievements of the covered agency in preparing*
7 *and implementing the strategy described in subsection*
8 *(a)(1) and complying with the other requirements*
9 *under subsection (a).*

10 *(2) BUDGET SUBMISSION.—Each covered agency*
11 *shall—*

12 *(A) include geospatial data in preparing*
13 *the budget submission of the covered agency to*
14 *the President under sections 1105(a) and 1108 of*
15 *title 31, United States Code;*

16 *(B) maintain an inventory of all geospatial*
17 *data assets in accordance with OMB Circular*
18 *A–130, or any successor thereto; and*

19 *(C) prepare an annual report to Congress*
20 *identifying Federal-wide geospatial data assets,*
21 *as defined in OMB Circular A–16, as set forth*
22 *in OMB memo M–11–03, Issuance of OMB Cir-*
23 *cular A–16 Supplemental Guidance (November*
24 *10, 2010), or any successor thereto.*

1 (3) *DISCLOSURE.*—Each covered agency shall
2 disclose each contract, cooperative agreement, grant,
3 or other transaction that deals with geospatial data,
4 which may include posting information relating to
5 the contract, cooperative agreement, grant, or other
6 transaction on *www.USAspending.gov* and
7 *www.itdashboard.gov*, or any successors thereto.

8 (4) *OMB REVIEW.*—In reviewing the annual
9 budget justifications submitted by covered agencies,
10 the Office of Management and Budget shall take into
11 consideration the summary and evaluations required
12 under subparagraphs (A) and (B) of section
13 753(c)(10), comments, and replies to comments as re-
14 quired under paragraphs (11) and (12) of section
15 753(c), in its annual evaluation of the budget jus-
16 tification of each covered agency.

17 (5) *REPORTING.*—The Office of Management and
18 Budget shall include a discussion of the summaries
19 and evaluation of the progress in establishing the Na-
20 tional Spatial Data Infrastructure in each E-Govern-
21 ment status report submitted under section 3606 of
22 title 44, United States Code.

23 (c) *AUDITS.*—Not less than once every 2 years, the in-
24 specter general of a covered agency (or senior ethics official
25 of the covered agency for a covered agency without an in-

1 *spector general) shall submit to Congress an audit of the*
2 *collection, production, acquisition, maintenance, distribu-*
3 *tion, use, and preservation of geospatial data by the covered*
4 *agency, which shall include a review of—*

5 *(1) the compliance of the covered agency with the*
6 *standards for geospatial data, including metadata for*
7 *geospatial data, established under section 757;*

8 *(2) the compliance of the covered agency with the*
9 *requirements under subsection (a); and*

10 *(3) the compliance of the covered agency on the*
11 *limitation on the use of Federal funds under section*
12 *759A.*

13 **SEC. 759A. LIMITATION ON USE OF FEDERAL FUNDS.**

14 *(a) DEFINITION.—In this section, the term “implemen-*
15 *tation date” means the date that is 5 years after the date*
16 *on which standards for each National Geospatial Data*
17 *Asset data theme are established under section 757.*

18 *(b) LIMITATION.—Except as provided otherwise in this*
19 *section, on and after the implementation date, a covered*
20 *agency may not use Federal funds for the collection, produc-*
21 *tion, acquisition, maintenance, or dissemination of*
22 *geospatial data that does not comply with the applicable*
23 *standards established under section 757, as determined by*
24 *the Committee.*

1 (c) *EXCEPTION FOR EXISTING GEOSPATIAL DATA.*—
2 *On and after the implementation date, a covered agency*
3 *may use Federal funds to maintain and disseminate*
4 *geospatial data that does not comply with the applicable*
5 *standards established under section 757 if the geospatial*
6 *data was collected, produced, or acquired by the covered*
7 *agency before the implementation date.*

8 (d) *WAIVER.*—

9 (1) *IN GENERAL.*—*The Chairperson of the Com-*
10 *mittee may grant a waiver of the limitation under*
11 *subsection (b), upon a request from a covered agency*
12 *submitted in accordance with paragraph (2).*

13 (2) *REQUIREMENTS.*—*A request for a waiver*
14 *under paragraph (1) shall—*

15 (A) *be submitted not later than 30 days be-*
16 *fore the implementation date;*

17 (B) *provide a detailed explanation of the*
18 *reasons for seeking a waiver;*

19 (C) *provide a detailed plan to achieve com-*
20 *pliance with the applicable standards established*
21 *under section 757; and*

22 (D) *provide the date by which the covered*
23 *agency shall achieve compliance with the appli-*
24 *cable standards established under section 757.*

1 (e) *BEST EFFORTS TO COMPLY DURING TRANSI-*
2 *TION.—During the period beginning on the date on which*
3 *standards for a National Geospatial Data Asset data theme*
4 *are established under section 757 and ending on the imple-*
5 *mentation date, each covered agency, to the maximum ex-*
6 *tent practicable, shall collect, produce, acquire, maintain,*
7 *and disseminate geospatial data within the National*
8 *Geospatial Data Asset data theme in accordance with the*
9 *standards.*

10 **SEC. 759B. SAVINGS PROVISION.**

11 *Nothing in this subtitle shall repeal, amend, or super-*
12 *sede any existing law unless specifically provided in this*
13 *subtitle.*

14 **SEC. 759C. PRIVATE SECTOR.**

15 *The Committee and each covered agency may, to the*
16 *maximum extent practical, rely upon and use the private*
17 *sector in the United States for the provision of geospatial*
18 *data and services.*

19 ***Subtitle G—Miscellaneous***

20 **SEC. 761. NEXTGEN RESEARCH.**

21 *Not later than 1 year after the date of enactment of*
22 *this Act, the Administrator shall submit to the Committee*
23 *on Science, Space, and Technology and the Committee on*
24 *Transportation and Infrastructure of the House of Rep-*
25 *resentatives and the Committee on Commerce, Science, and*

1 *Transportation of the Senate a report specifying the top*
 2 *5 priority research areas for the implementation and ad-*
 3 *vancement of NextGen, including—*

4 (1) *an assessment of why the research areas are*
 5 *a priority for the implementation and advancement*
 6 *of NextGen;*

7 (2) *an identification of the other Federal agen-*
 8 *cies and private organizations assisting the Adminis-*
 9 *tration with the research; and*

10 (3) *an estimate of when the research will be com-*
 11 *pleted.*

12 **SEC. 762. ADVANCED MATERIALS CENTER OF EXCELLENCE.**

13 (a) *IN GENERAL.*—Chapter 445 of title 49, United
 14 *States Code, is amended by adding at the end the following:*

15 **“§ 44518. Advanced Materials Center of Excellence**

16 “(a) *IN GENERAL.*—The Administrator of the Federal
 17 *Aviation Administration shall continue operation of the*
 18 *Advanced Materials Center of Excellence (referred to in this*
 19 *section as the ‘Center’) under its structure as in effect on*
 20 *March 1, 2016, which shall focus on applied research and*
 21 *training on the durability and maintainability of advanced*
 22 *materials in transport airframe structures.*

23 “(b) *RESPONSIBILITIES.*—The Center shall—

24 “(1) *promote and facilitate collaboration among*
 25 *academia, the Transportation Division of the Federal*

1 *Aviation Administration, and the commercial aircraft*
 2 *industry, including manufacturers, commercial air*
 3 *carriers, and suppliers; and*

4 *“(2) establish goals set to advance technology,*
 5 *improve engineering practices, and facilitate con-*
 6 *tinuing education in relevant areas of study.”.*

7 *(b) TABLE OF CONTENTS.—The table of contents for*
 8 *chapter 445 of title 49, United States Code, is amended by*
 9 *adding at the end the following:*

“44518. Advanced Materials Center of Excellence.”.

10 ***TITLE VIII—AVIATION REVENUE***
 11 ***PROVISIONS***

12 ***SEC. 801. EXPENDITURE AUTHORITY FROM AIRPORT AND***
 13 ***AIRWAY TRUST FUND.***

14 *(a) IN GENERAL.—Section 9502(d)(1) of the Internal*
 15 *Revenue Code of 1986 is amended—*

16 *(1) in the matter preceding subparagraph (A) by*
 17 *striking “October 1, 2018” and inserting “October 1,*
 18 *2023”; and*

19 *(2) in subparagraph (A) by striking the semi-*
 20 *colon at the end and inserting “or the FAA Reauthor-*
 21 *ization Act of 2018;”.*

22 *(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of*
 23 *such Code is amended by striking “October 1, 2018” and*
 24 *inserting “October 1, 2023”.*

1 **SEC. 802. EXTENSION OF TAXES FUNDING AIRPORT AND**
2 **AIRWAY TRUST FUND.**

3 (a) *FUEL TAXES.*—Section 4081(d)(2)(B) of the Inter-
4 *nal Revenue Code of 1986 is amended by striking “Sep-*
5 *tember 30, 2018” and inserting “September 30, 2023”.*

6 (b) *TICKET TAXES.*—

7 (1) *PERSONS.*—Section 4261(k)(1)(A)(ii) of such
8 *Code is amended by striking “September 30, 2018”*
9 *and inserting “September 30, 2023”.*

10 (2) *PROPERTY.*—Section 4271(d)(1)(A)(ii) of
11 *such Code is amended by striking “September 30,*
12 *2018” and inserting “September 30, 2023”.*

13 (c) *FRACTIONAL OWNERSHIP PROGRAMS.*—

14 (1) *FUEL TAX.*—Section 4043(d) of such Code is
15 *amended by striking “September 30, 2021” and in-*
16 *serting “September 30, 2023”.*

17 (2) *TREATMENT AS NONCOMMERCIAL AVIA-*
18 *TION.*—Section 4083(b) of such Code is amended by
19 *striking “October 1, 2018” and inserting “October 1,*
20 *2023”.*

21 (3) *EXEMPTION FROM TICKET TAXES.*—Section
22 *4261(j) of such Code is amended by striking “Sep-*
23 *tember 30, 2018” and inserting “September 30,*
24 *2023”.*

1 ***DIVISION C—NATIONAL TRANS-***
2 ***PORTATION SAFETY BOARD***
3 ***REAUTHORIZATION ACT OF***
4 ***2018***

5 ***SEC. 1101. SHORT TITLE.***

6 *This division may be cited as the “National Transpor-*
7 *tation Safety Board Reauthorization Act”.*

8 ***SEC. 1102. DEFINITIONS.***

9 *In this division, the following definitions apply:*

10 (1) *BOARD.*—*The term “Board” means the Na-*
11 *tional Transportation Safety Board.*

12 (2) *CHAIRMAN.*—*The term “Chairman” means*
13 *the Chairman of the National Transportation Safety*
14 *Board.*

15 (3) *MOST WANTED LIST.*—*The term “Most Want-*
16 *ed List” means the Board publication entitled “Most*
17 *Wanted List”.*

18 ***SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.***

19 *Section 1118(a) of title 49, United States Code, is*
20 *amended to read as follows:*

21 *“(a) IN GENERAL.—There are authorized to be appro-*
22 *priated for the purposes of this chapter \$111,400,000 for*
23 *fiscal year 2019, \$112,400,000 for fiscal year 2020,*
24 *\$113,400,000 for fiscal year 2021, and \$114,400,000 for fis-*

1 *cal year 2022. Such sums shall remain available until ex-*
2 *pended.”.*

3 **SEC. 1104. STILL IMAGES.**

4 *(a) STILL IMAGES, VOICE RECORDERS, AND VIDEO*
5 *RECORDERS.—*

6 *(1) COCKPIT RECORDINGS AND TRANSCRIPTS.—*
7 *Section 1114(c) of title 49, United States Code, is*
8 *amended—*

9 *(A) by redesignating paragraph (2) as*
10 *paragraph (3);*

11 *(B) in paragraph (3), as so redesignated, by*
12 *inserting “REFERENCES TO INFORMATION IN*
13 *MAKING SAFETY RECOMMENDATIONS.—” before*
14 *“This”; and*

15 *(C) in paragraph (1)—*

16 *(i) in the first sentence, by striking*
17 *“The Board” and inserting “CONFIDEN-*
18 *TIALITY OF RECORDINGS.—Except as pro-*
19 *vided in paragraph (2), the Board”; and*

20 *(ii) by amending the second sentence to*
21 *read as follows:*

22 *“(2) EXCEPTION.—Subject to subsections (b) and*
23 *(g), the Board shall make public any part of a tran-*
24 *script, any written depiction of visual information*
25 *obtained from a video recorder, or any still image ob-*

1 *tained from a video recorder the Board decides is rel-*
2 *evant to the accident or incident—*

3 *“(A) if the Board holds a public hearing on*
4 *the accident or incident, at the time of the hear-*
5 *ing; or*

6 *“(B) if the Board does not hold a public*
7 *hearing, at the time a majority of the other fac-*
8 *tual reports on the accident or incident are*
9 *placed in the public docket.”.*

10 *(2) SURFACE VEHICLE RECORDINGS AND TRAN-*
11 *SCRIPTS.—Section 1114(d) of title 49, United States*
12 *Code, is amended—*

13 *(A) by redesignating paragraph (2) as*
14 *paragraph (3); and*

15 *(B) in paragraph (1)—*

16 *(i) in the first sentence, by striking*
17 *“The Board” and inserting “Except as pro-*
18 *vided in paragraph (2), the Board”;* and

19 *(ii) by amending the second sentence to*
20 *read as follows:*

21 *“(2) EXCEPTION.—Subject to subsections (b) and*
22 *(g), the Board shall make public any part of a tran-*
23 *script, any written depiction of visual information*
24 *obtained from a video recorder, or any still image ob-*

1 *tained from a video recorder the Board decides is rel-*
2 *evant to the accident—*

3 *“(A) if the Board holds a public hearing on*
4 *the accident, at the time of the hearing; or*

5 *“(B) if the Board does not hold a public*
6 *hearing, at the time a majority of the other fac-*
7 *tual reports on the accident are placed in the*
8 *public docket.”.*

9 *(3) PRIVACY PROTECTIONS.—Section 1114 of*
10 *title 49, United States Code, is amended by adding*
11 *at the end the following:*

12 *“(g) PRIVACY PROTECTIONS.—Before making public*
13 *any still image obtained from a video recorder under sub-*
14 *section (c)(2) or subsection (d)(2), the Board shall take such*
15 *action as appropriate to protect from public disclosure any*
16 *information that readily identifies an individual, including*
17 *a decedent.”.*

18 *(b) COCKPIT AND SURFACE VEHICLE RECORDINGS*
19 *AND TRANSCRIPTS.—Section 1154(a) of title 49, United*
20 *States Code, is amended—*

21 *(1) in the heading, by striking “TRANSCRIPTS*
22 *AND RECORDINGS” and inserting “IN GENERAL”;*

23 *(2) in paragraph (1)—*

1 (A) by redesignating subparagraphs (A)
2 and (B) as subparagraphs (B) and (C), respec-
3 tively; and

4 (B) by inserting before subparagraph (B),
5 as so redesignated, the following:

6 “(A) any still image that the National
7 Transportation Safety Board has not made
8 available to the public under section 1114(c) or
9 1114(d) of this title;”;

10 (3) in paragraph (3)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “recorder recording” and insert-
13 ing “recorder recording, including with regard to
14 a video recording any still image that the Na-
15 tional Transportation Safety Board has not
16 made available to the public under section
17 1114(c) or 1114(d) of this title;”;

18 (B) in subparagraph (B), by striking “re-
19 corder recording” and inserting “recorder record-
20 ing, including with regard to a video recording
21 any still image that the National Transportation
22 Safety Board has not made available to the pub-
23 lic under section 1114(c) or 1114(d) of this
24 title;”;

25 (4) in paragraph (4)—

1 (A) in subparagraph (A)—

2 (i) by inserting “a still image or” be-
3 fore “a part of a cockpit”; and

4 (ii) by striking “the part of the tran-
5 script or the recording” each place it ap-
6 pears and inserting “the still image, the
7 part of the transcript, or the recording”;

8 (B) in subparagraph (B)—

9 (i) by inserting “a still image or” be-
10 fore “a part of a cockpit”; and

11 (ii) by striking “the part of the tran-
12 script or the recording” each place it ap-
13 pears and inserting “the still image, the
14 part of the transcript, or the recording”;

15 and

16 (5) in paragraph (6)—

17 (A) by redesignating subparagraph (B) as
18 subparagraph (C); and

19 (B) by inserting after subparagraph (A) the
20 following:

21 “(B) *STILL IMAGE*.—The term ‘still image’
22 means any still image obtained from a video re-
23 corder.”.

1 **SEC. 1105. ELECTRONIC RECORDS.**

2 Section 1134(a)(2) of title 49, United States Code, is
3 amended by inserting “including an electronic record,”
4 after “record,”.

5 **SEC. 1106. REPORT ON MOST WANTED LIST METHODOLOGY.**

6 (a) *IN GENERAL.*—Not later than the date on which
7 the first Most Wanted List to be published after the date
8 of enactment of this Act is published, the Chairman shall
9 publish on a publicly available website of the Board and
10 submit to appropriate committees of Congress a report on
11 the methodology used to prioritize and select recommenda-
12 tions to be included by the Board in the Most Wanted List.

13 (b) *ELEMENTS.*—The report under subsection (a) shall
14 include—

15 (1) a detailed description of how the Board ac-
16 counts for the risk to safety addressed in each of its
17 recommendations, including the extent to which the
18 Board considers—

19 (A) the types of data and other information,
20 including studies and reports, used to identify
21 the amount and probability of risk to safety;

22 (B) the reduction of the risk to safety, esti-
23 mated over a period of time, by implementing
24 each recommendation;

1 (C) the practicality and feasibility of
2 achieving the reduction of the risk to safety de-
3 scribed in subparagraph (B); and

4 (D) any alternate means of reducing the
5 risk;

6 (2) a detailed description of the extent to which
7 the Board considers any prior, related investigation,
8 safety recommendation, or other safety action when
9 prioritizing and selecting recommendations; and

10 (3) a description of the extent of coordination
11 and consultation when prioritizing and selecting the
12 recommendations.

13 (c) *GAO REPORT.*—Not later than 15 months after the
14 date that the methodology report is published under sub-
15 section (a), the Comptroller General of the United States
16 shall submit to the appropriate committees of Congress a
17 report examining the methodology used by the Board to
18 prioritize and select safety recommendations for inclusion
19 in the Most Wanted List.

20 **SEC. 1107. METHODOLOGY.**

21 (a) *REDESIGNATION.*—Section 1116 of title 49, United
22 States Code, is amended by adding at the end the following:

23 “(c) *ANNUAL REPORT.*—The National Transportation
24 Safety Board shall submit a report to Congress on July 1
25 of each year. The report shall include—

1 “(1) a statistical and analytical summary of the
2 *transportation accident investigations conducted and*
3 *reviewed by the Board during the prior calendar*
4 *year;*

5 “(2) a survey and summary of the recommenda-
6 *tions made by the Board to reduce the likelihood of*
7 *recurrence of those accidents together with the ob-*
8 *served response to each recommendation;*

9 “(3) a detailed appraisal of the accident inves-
10 *tigation and accident prevention activities of other*
11 *departments, agencies, and instrumentalities of the*
12 *United States Government and State and local gov-*
13 *ernmental authorities having responsibility for those*
14 *activities under a law of the United States or a State;*

15 “(4) a description of the activities and oper-
16 *ations of the National Transportation Safety Board*
17 *Training Center during the prior calendar year;*

18 “(5) a list of accidents, during the prior cal-
19 *endar year, that the Board was required to inves-*
20 *tigate under section 1131 but did not investigate and*
21 *an explanation of why they were not investigated;*
22 *and*

23 “(6) a list of ongoing investigations that have ex-
24 *ceeded the expected time allotted for completion by*

1 *Board order and an explanation for the additional*
2 *time required to complete each such investigation.”.*

3 *(b) METHODOLOGY.—*

4 *(1) IN GENERAL.—Section 1117 of title 49,*
5 *United States Code, is amended to read as follows:*

6 **“§ 1117. Methodology**

7 *“(a) IN GENERAL.—Not later than 2 years after the*
8 *date of enactment of the National Transportation Safety*
9 *Board Reauthorization Act, the Chairman shall include*
10 *with each investigative report in which a recommendation*
11 *is issued by the Board a methodology section detailing the*
12 *process and information underlying the selection of each*
13 *recommendation.*

14 *“(b) ELEMENTS.—Except as provided in subsection*
15 *(c), the methodology section under subsection (a) shall in-*
16 *clude, for each recommendation—*

17 *“(1) a brief summary of the Board’s collection*
18 *and analysis of the specific accident investigation in-*
19 *formation most relevant to the recommendation;*

20 *“(2) a description of the Board’s use of external*
21 *information, including studies, reports, and experts,*
22 *other than the findings of a specific accident inves-*
23 *tigation, if any were used to inform or support the*
24 *recommendation, including a brief summary of the*

1 *specific safety benefits and other effects identified by*
2 *each study, report, or expert; and*

3 “(3) *a brief summary of any examples of actions*
4 *taken by regulated entities before the publication of*
5 *the safety recommendation, to the extent such actions*
6 *are known to the Board, that were consistent with the*
7 *recommendation.*

8 “(c) *ACCEPTABLE LIMITATION.—If the Board knows of*
9 *more than 3 examples taken by regulated entities before the*
10 *publication of the safety recommendation that were con-*
11 *sistent with the recommendation, the brief summary under*
12 *subsection (b)(3) may be limited to only 3 of those examples.*

13 “(d) *EXCEPTION.—Subsection (a) shall not apply if*
14 *the recommendation is only for a person to disseminate in-*
15 *formation on—*

16 “(1) *an existing agency best practices document;*
17 *or*

18 “(2) *an existing regulatory requirement.*

19 “(e) *RULE OF CONSTRUCTION.—Nothing in this sec-*
20 *tion may be construed to require any change to a rec-*
21 *ommendation made by the Board before the date of enact-*
22 *ment of the National Transportation Safety Board Reau-*
23 *thorization Act, unless the recommendation is a repeat rec-*
24 *ommendation issued on or after the date of enactment of*
25 *such Act.*

1 “(f) *SAVINGS CLAUSE.*—*Nothing in this section may*
2 *be construed—*

3 “(1) *to delay publication of the findings, cause,*
4 *or probable cause of a Board investigation;*

5 “(2) *to delay the issuance of an urgent rec-*
6 *ommendation that the Board has determined must be*
7 *issued to avoid immediate loss, death, or injury; or*

8 “(3) *to limit the number of examples the Board*
9 *may consider before issuing a recommendation.”.*

10 (2) *CLERICAL AMENDMENT.*—*The analysis for*
11 *chapter 11 of title 49, United States Code, is amended*
12 *by inserting after the item relating to section 1116 the*
13 *following:*

“117. Methodology.”.

14 **SEC. 1108. MULTIMODAL ACCIDENT DATABASE MANAGE-**
15 **MENT SYSTEM.**

16 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
17 *date of enactment of this Act, the Board shall establish and*
18 *maintain a multimodal accident database management sys-*
19 *tem for Board investigators.*

20 (b) *PURPOSES.*—*The purposes of the system shall be*
21 *to support the Board in improving—*

22 (1) *the quality of accident data the Board makes*
23 *available to the public; and*

24 (2) *the selection of accidents for investigation*
25 *and allocation of limited resources.*

1 (c) *REQUIREMENTS.*—*The system shall—*

2 (1) *maintain a historical record of accidents that*
3 *are investigated by the Board; and*

4 (2) *be capable of the secure storage, retrieval,*
5 *and management of information associated with the*
6 *investigations of such accidents.*

7 **SEC. 1109. ADDRESSING THE NEEDS OF FAMILIES OF INDI-**
8 **VIDUALS INVOLVED IN ACCIDENTS.**

9 (a) *AIR CARRIERS HOLDING CERTIFICATES OF PUB-*
10 *LIC CONVENIENCE AND NECESSITY.*—*Section 41113 of title*
11 *49, United States Code, is amended—*

12 (1) *in subsection (a), by striking “a major” and*
13 *inserting “any”; and*

14 (2) *in subsection (b)—*

15 (A) *in paragraph (9), by striking “(and*
16 *any other victim of the accident)” and inserting*
17 *“(and any other victim of the accident, including*
18 *any victim on the ground)”;*

19 (B) *in paragraph (16), by striking “major”*
20 *and inserting “any”; and*

21 (C) *in paragraph (17)(A), by striking “sig-*
22 *nificant” and inserting “any”.*

23 (b) *FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR*
24 *TRANSPORTATION.*—*Section 41313 of title 49, United*
25 *States Code, is amended—*

1 (1) *in subsection (b), by striking “a major” and*
2 *inserting “any”; and*

3 (2) *in subsection (c)—*

4 (A) *in paragraph (1), by striking “a sig-*
5 *nificant” and inserting “any”;*

6 (B) *in paragraph (2), by striking “a sig-*
7 *nificant” and inserting “any”;*

8 (C) *by amending paragraph (9) to read as*
9 *follows:*

10 “(9) *EQUAL TREATMENT OF PASSENGERS.—An*
11 *assurance that the treatment of the families of nonrev-*
12 *enue passengers (and any other victim of the accident,*
13 *including any victim on the ground) will be the same*
14 *as the treatment of the families of revenue pas-*
15 *sengers.”;*

16 (D) *in paragraph (16)—*

17 (i) *by striking “major” and inserting*
18 *“any”; and*

19 (ii) *by striking “the foreign air carrier*
20 *will consult” and inserting “will consult”;*
21 *and*

22 (E) *in paragraph (17)(A), by striking “sig-*
23 *nificant” and inserting “any”.*

1 (c) *ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.*—Section 1136 of title
2 *49, United States Code, is amended—*

4 (1) *in subsection (a), by striking “aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life” and inserting “aircraft accident involving an air carrier or foreign air carrier, resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency”;* and

12 (2) *in subsection (h)—*

13 (A) *by amending paragraph (1) to read as follows:*

15 “(1) *AIRCRAFT ACCIDENT.*—*The term ‘aircraft accident’ means any aviation disaster, regardless of its cause or suspected cause, for which the National Transportation Safety Board is the lead investigative agency.’;* and

20 (B) *in paragraph (2)—*

21 (i) *in subparagraph (A), by striking “;*
22 *and” and inserting a semicolon;*

23 (ii) *in subparagraph (B), by striking*
24 *the period at the end and inserting “; and”;*
25 *and*

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) any other person injured or killed in
4 the aircraft accident, as determined appropriate
5 by the Board.”.

6 (d) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
7 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 of
8 title 49, United States Code, is amended—

9 (1) in subsection (a), by striking “resulting in a
10 major loss of life” and inserting “resulting in any
11 loss of life, and for which the National Transpor-
12 tation Safety Board will serve as the lead investiga-
13 tive agency”; and

14 (2) by amending subsection (h)(1) to read as fol-
15 lows:

16 “(1) RAIL PASSENGER ACCIDENT.—The term
17 ‘rail passenger accident’ means any rail passenger
18 disaster that—

19 “(A) results in any loss of life;

20 “(B) the National Transportation Safety
21 Board will serve as the lead investigative agency
22 for; and

23 “(C) occurs in the provision of—

1 “(i) interstate intercity rail passenger
2 transportation (as such term is defined in
3 section 24102); or

4 “(ii) high-speed rail (as such term is
5 defined in section 26105) transportation,
6 regardless of its cause or suspected cause.”.

7 (e) *INFORMATION FOR FAMILIES OF INDIVIDUALS IN-*
8 *VOLVED IN ACCIDENTS.*—

9 (1) *IN GENERAL.*—Subchapter III of chapter 11
10 of subtitle II of title 49, United States Code, is
11 amended by adding at the end the following:

12 **“§ 1140. Information for families of individuals in-**
13 **involved in accidents**

14 “*In the course of an investigation of an accident de-*
15 *scribed in section 1131(a)(1), except an aircraft accident*
16 *described in section 1136 or a rail passenger accident de-*
17 *scribed in section 1139, the Board may, to the maximum*
18 *extent practicable, ensure that the families of individuals*
19 *involved in the accident, and other individuals the Board*
20 *deems appropriate—*

21 “(1) *are informed as to the roles, with respect to*
22 *the accident and the post-accident activities, of the*
23 *Board;*

1 “(2) are briefed, before any public briefing, about
2 the accident, its causes, and any other findings from
3 the investigation; and

4 “(3) are individually informed of and allowed to
5 attend any public hearings and meetings of the Board
6 about the accident.”.

7 (2) *TABLE OF CONTENTS.*—The table of contents
8 of chapter 11 of subtitle II of title 49, United States
9 Code, is amended by inserting after the item relating
10 to section 1139 the following:

“1140. Information for families of individuals involved in accidents.”.

11 **SEC. 1110. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
12 **ON INVESTIGATION LAUNCH DECISION-MAK-**
13 **ING PROCESSES.**

14 Section 1138 of title 49, United States Code, is amend-
15 ed—

16 (1) in subsection (b)—

17 (A) by redesignating paragraphs (5) and
18 (6) as paragraphs (6) and (7), respectively; and

19 (B) by inserting after paragraph (4) the fol-
20 lowing:

21 “(5) the process and procedures to select an acci-
22 dent to investigate;”; and

23 (2) in subsection (c), by inserting a comma after
24 “Science”.

1 **SEC. 1111. PERIODIC REVIEW OF SAFETY RECOMMENDA-**
2 **TIONS.**

3 (a) *REPORTS.*—Section 1116 of title 49, United States
4 Code, as amended by this Act, is further amended—

5 (1) in the heading, by striking “**and studies**”
6 and inserting “**, studies, and retrospective re-**
7 **views**”; and

8 (2) by adding at the end the following:

9 “(d) *RETROSPECTIVE REVIEWS.*—

10 “(1) *IN GENERAL.*—Subject to paragraph (2),
11 not later than June 1, 2019, and at least every 5
12 years thereafter, the Chairman shall complete a retro-
13 spective review of recommendations issued by the
14 Board that are classified as open by the Board.

15 “(2) *CONTENTS.*—A review under paragraph (1)
16 shall include—

17 “(A) a determination of whether the rec-
18 ommendation should be updated, closed, or re-
19 issued in light of—

20 “(i) changed circumstances;

21 “(ii) more recently issued recommenda-
22 tions;

23 “(iii) the availability of new tech-
24 nologies; or

1 “(iv) new information making the rec-
2 ommendation ineffective or insufficient for
3 achieving its objective; and

4 “(B) a justification for each determination
5 under subparagraph (A).

6 “(3) REPORT.—Not later than 180 days after the
7 date a review under paragraph (1) is complete, the
8 Chairman shall submit to the Committee on Com-
9 merce, Science, and Transportation of the Senate and
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives a report that in-
12 cludes—

13 “(A) the findings of the review under para-
14 graph (1);

15 “(B) each determination under paragraph
16 (2)(A) and justification under paragraph (2)(B);
17 and

18 “(C) if applicable, a schedule for updating,
19 closing, or reissuing a recommendation.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chapter
21 11 of title 49, United States Code, is amended by striking
22 the item relating to section 1116 and inserting the fol-
23 lowing:

 “1116. Reports, studies, and retrospective reviews.”.

24 (c) SAVINGS CLAUSE.—Nothing in this section or the
25 amendments made by this section may be construed to limit

1 *or otherwise affect the authority of the Board to update,*
2 *close, or reissue a recommendation.*

3 **SEC. 1112. GENERAL ORGANIZATION.**

4 *(a) TERMS OF THE CHAIRMAN AND VICE CHAIRMAN.—*
5 *Section 1111(d) of title 49, United States Code, is amended*
6 *by striking “2 years” and inserting “3 years”.*

7 *(b) NONPUBLIC COLLABORATIVE DISCUSSIONS.—Sec-*
8 *tion 1111 of such title is further amended by adding at*
9 *the end the following:*

10 *“(k) OPEN MEETINGS.—*

11 *“(1) IN GENERAL.—The Board shall be deemed*
12 *to be an agency for purposes of section 552b of title*
13 *5.*

14 *“(2) NONPUBLIC COLLABORATIVE DISCUS-*
15 *SIONS.—*

16 *“(A) IN GENERAL.—Notwithstanding sec-*
17 *tion 552b of title 5, a majority of the members*
18 *may hold a meeting that is not open to public*
19 *observation to discuss official agency business*
20 *if—*

21 *“(i) no formal or informal vote or*
22 *other official agency action is taken at the*
23 *meeting;*

1 “(ii) each individual present at the
2 meeting is a member or an employee of the
3 Board;

4 “(iii) at least 1 member of the Board
5 from each political party is present at the
6 meeting, if applicable; and

7 “(iv) the General Counsel of the Board
8 is present at the meeting.

9 “(B) DISCLOSURE OF NONPUBLIC COLLABO-
10 RATIVE DISCUSSIONS.—Except as provided
11 under subparagraphs (C) and (D), not later than
12 2 business days after the conclusion of a meeting
13 under subparagraph (A), the Board shall make
14 available to the public, in a place easily acces-
15 sible to the public—

16 “(i) a list of the individuals present at
17 the meeting; and

18 “(ii) a summary of the matters, in-
19 cluding key issues, discussed at the meeting,
20 except for any matter the Board properly
21 determines may be withheld from the public
22 under section 552b(c) of title 5.

23 “(C) SUMMARY.—If the Board properly de-
24 termines a matter may be withheld from the
25 public under section 552b(c) of title 5, the Board

1 *shall provide a summary with as much general*
2 *information as possible on each matter withheld*
3 *from the public.*

4 “(D) *ACTIVE INVESTIGATIONS.*—*If a discus-*
5 *sion under subparagraph (A) directly relates to*
6 *an active investigation, the Board shall make the*
7 *disclosure under subparagraph (B) on the date*
8 *the Board adopts the final report.*

9 “(E) *PRESERVATION OF OPEN MEETINGS*
10 *REQUIREMENTS FOR AGENCY ACTION.*—*Nothing*
11 *in this paragraph may be construed to limit the*
12 *applicability of section 552b of title 5 with re-*
13 *spect to a meeting of the members other than*
14 *that described in this paragraph.*

15 “(F) *STATUTORY CONSTRUCTION.*—*Nothing*
16 *in this paragraph may be construed—*

17 “(i) *to limit the applicability of section*
18 *552b of title 5 with respect to any informa-*
19 *tion which is proposed to be withheld from*
20 *the public under subparagraph (B)(i); or*

21 “(ii) *to authorize the Board to with-*
22 *hold from any individual any record that is*
23 *accessible to that individual under section*
24 *552a of title 5.”.*

1 (c) *AUTHORITY TO ACQUIRE SMALL UNMANNED AIR-*
2 *CRAFT SYSTEMS FOR INVESTIGATION PURPOSES.*—Section
3 *1113(b)(1) of such title is amended—*

4 (1) *in subparagraph (H), by striking “and” at*
5 *the end;*

6 (2) *in subparagraph (I), by striking the period*
7 *at the end and inserting “; and”; and*

8 (3) *by adding at the end the following:*

9 *“(J) notwithstanding section 1343 of title*
10 *31, acquire 1 or more small unmanned aircraft*
11 *(as defined in section 44801) for use in inves-*
12 *tigations under this chapter.”.*

13 (d) *INVESTIGATIVE OFFICERS.*—Section 1113 of such
14 *title is amended by striking subsection (h).*

15 (e) *TECHNICAL AMENDMENT.*—Section 1113(a)(1) of
16 *such title is amended by striking “subpena” and inserting*
17 *“subpoena”.*

18 **SEC. 1113. TECHNICAL AND CONFORMING AMENDMENTS.**

19 (a) *TABLE OF CONTENTS.*—The table of contents of
20 *subchapter III of chapter 11 of subtitle II of title 49, United*
21 *States Code, is amended in the item relating to section 1138*
22 *by striking “Board” and inserting “Board.”.*

23 (b) *GENERAL AUTHORITY.*—Section 1131(a)(1)(A) of
24 *title 49, United States Code, is amended by striking “a pub-*
25 *lic aircraft as defined by section 40102(a)(37) of this title”*

1 *and inserting “a public aircraft as defined by section*
2 *40102(a) of this title”.*

3 ***DIVISION D—DISASTER***
4 ***RECOVERY REFORM***

5 ***SEC. 1201. SHORT TITLE.***

6 *This division may be cited as the “Disaster Recovery*
7 *Reform Act of 2018”.*

8 ***SEC. 1202. APPLICABILITY.***

9 *(a) APPLICABILITY FOR STAFFORD ACT.—Except as*
10 *otherwise expressly provided, the amendments in this divi-*
11 *sion to the Robert T. Stafford Disaster Relief and Emer-*
12 *gency Assistance Act (42 U.S.C. 5121 et seq.) apply to each*
13 *major disaster and emergency declared by the President on*
14 *or after August 1, 2017, under the Robert T. Stafford Dis-*
15 *aster Relief and Emergency Assistance Act.*

16 *(b) DIVISION APPLICABILITY.—Except as otherwise ex-*
17 *pressly provided, the authorities provided under this divi-*
18 *sion apply to each major disaster and emergency declared*
19 *by the President under the Robert T. Stafford Disaster Re-*
20 *lief and Emergency Assistance Act on or after January 1,*
21 *2016.*

22 ***SEC. 1203. DEFINITIONS.***

23 *In this division:*

1 (1) *ADMINISTRATOR.*—*The term “Adminis-*
2 *trator” means the Administrator of the Federal*
3 *Emergency Management Agency.*

4 (2) *AGENCY.*—*The term “Agency” means the*
5 *Federal Emergency Management Agency.*

6 (3) *STATE.*—*The term “State” has the meaning*
7 *given that term in section 102 of the Robert T. Staf-*
8 *ford Disaster Relief and Emergency Assistance Act*
9 *(42 U.S.C. 5122).*

10 **SEC. 1204. WILDFIRE PREVENTION.**

11 (a) *MITIGATION ASSISTANCE.*—*Section 420 of the Rob-*
12 *ert T. Stafford Disaster Relief and Emergency Assistance*
13 *Act (42 U.S.C. 5187) is amended—*

14 (1) *by redesignating subsection (d) as subsection*
15 *(e); and*

16 (2) *by inserting after subsection (c) the fol-*
17 *lowing:*

18 “*(d) HAZARD MITIGATION ASSISTANCE.—Whether or*
19 *not a major disaster is declared, the President may provide*
20 *hazard mitigation assistance in accordance with section*
21 *404 in any area affected by a fire for which assistance was*
22 *provided under this section.*”.

23 (b) *CONFORMING AMENDMENTS.*—*The Robert T. Staf-*
24 *ford Disaster Relief and Emergency Assistance Act (42*
25 *U.S.C. 5121 et seq.) is amended—*

1 (1) *in section 404(a) (42 U.S.C. 5170c(a)) (as*
2 *amended by this division)—*

3 (A) *by inserting before the first period “, or*
4 *any area affected by a fire for which assistance*
5 *was provided under section 420”;* and

6 (B) *in the third sentence by inserting “or*
7 *event under section 420” after “major disaster”*
8 *each place it appears; and*

9 (2) *in section 322(e)(1) (42 U.S.C. 5165(e)(1)),*
10 *by inserting “or event under section 420” after*
11 *“major disaster” each place it appears.*

12 (c) *REPORTING REQUIREMENT.—Not later than 1 year*
13 *after the date of enactment of this Act and annually there-*
14 *after, the Administrator shall submit to the Committee on*
15 *Homeland Security and Governmental Affairs of the Sen-*
16 *ate, the Committee on Transportation and Infrastructure*
17 *of the House of Representatives, and the Committees on Ap-*
18 *propriations of the Senate and the House of Representatives*
19 *a report containing a summary of any projects carried out,*
20 *and any funding provided to those projects, under sub-*
21 *section (d) of section 420 of the Robert T. Stafford Disaster*
22 *Relief and Emergency Assistance Act (42 U.S.C. 5187) (as*
23 *amended by this section).*

1 **SEC. 1205. ADDITIONAL ACTIVITIES.**

2 *Section 404 of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5170c) is amend-*
4 *ed by adding at the end the following:*

5 “(f) *USE OF ASSISTANCE.—Recipients of hazard miti-*
6 *gation assistance provided under this section and section*
7 *203 may use the assistance to conduct activities to help re-*
8 *duce the risk of future damage, hardship, loss, or suffering*
9 *in any area affected by a wildfire or windstorm, such as—*

10 “(1) *reseeding ground cover with quick-growing*
11 *or native species;*

12 “(2) *mulching with straw or chipped wood;*

13 “(3) *constructing straw, rock, or log dams in*
14 *small tributaries to prevent flooding;*

15 “(4) *placing logs and other erosion barriers to*
16 *catch sediment on hill slopes;*

17 “(5) *installing debris traps to modify road and*
18 *trail drainage mechanisms;*

19 “(6) *modifying or removing culverts to allow*
20 *drainage to flow freely;*

21 “(7) *adding drainage dips and constructing*
22 *emergency spillways to keep roads and bridges from*
23 *washing out during floods;*

24 “(8) *planting grass to prevent the spread of nox-*
25 *ious weeds;*

26 “(9) *installing warning signs;*

1 “(10) establishing defensible space measures;

2 “(11) reducing hazardous fuels;

3 “(12) mitigating windstorm damage, including
4 replacing or installing electrical transmission or dis-
5 tribution utility pole structures with poles that are
6 resilient to extreme wind and combined ice and wind
7 loadings for the basic wind speeds and ice conditions
8 associated with the relevant location;

9 “(13) removing standing burned trees; and

10 “(14) replacing water systems that have been
11 burned and have caused contamination.”.

12 **SEC. 1206. ELIGIBILITY FOR CODE IMPLEMENTATION AND**
13 **ENFORCEMENT.**

14 (a) *IN GENERAL.*—Section 402 of the Robert T. Staf-
15 ford Disaster Relief and Emergency Assistance Act (42
16 U.S.C. 5170a) is amended—

17 (1) in paragraph (4), by striking “and” at the
18 end;

19 (2) by redesignating paragraph (5) as para-
20 graph (6); and

21 (3) by inserting after paragraph (4) the fol-
22 lowing:

23 “(5) provide assistance to State and local gov-
24 ernments for building code and floodplain manage-
25 ment ordinance administration and enforcement, in-

1 *cluding inspections for substantial damage compli-*
2 *ance; and”.*

3 *(b) REPAIR, RESTORATION, AND REPLACEMENT OF*
4 *DAMAGED FACILITIES.—Section 406(a)(2) of the Robert T.*
5 *Stafford Disaster Relief and Emergency Assistance Act (42*
6 *U.S.C. 5172(a)(2)) is amended—*

7 *(1) in subparagraph (B), by striking “and” at*
8 *the end;*

9 *(2) in subparagraph (C), by striking the period*
10 *at the end and inserting “; and”; and*

11 *(3) by adding at the end the following:*

12 *“(D) base and overtime wages for extra*
13 *hires to facilitate the implementation and en-*
14 *forcement of adopted building codes for a period*
15 *of not more than 180 days after the major dis-*
16 *aster is declared.”.*

17 **SEC. 1207. PROGRAM IMPROVEMENTS.**

18 *(a) HAZARD MITIGATION.—Section 406(c) of the Rob-*
19 *ert T. Stafford Disaster Relief and Emergency Assistance*
20 *Act (42 U.S.C. 5172(c)) is amended—*

21 *(1) in paragraph (1)(A), by striking “90 percent*
22 *of”; and*

23 *(2) in paragraph (2)(A), by striking “75 percent*
24 *of”.*

1 (b) *FLOOD INSURANCE.*—Section 406(d)(1) of the Rob-
2 *ert T. Stafford Disaster Relief and Emergency Assistance*
3 *Act (42 U.S.C. 5172(d)(1)) is amended by adding at the*
4 *end the following: “This section shall not apply to more*
5 *than one building of a multi-structure educational, law en-*
6 *forcement, correctional, fire, or medical campus, for any*
7 *major disaster or emergency declared by the President*
8 *under section 401 or 501, respectively, of the Robert T. Staf-*
9 *ford Disaster Relief and Emergency Assistance Act (42*
10 *U.S.C. 5170, 5191) on or after January 1, 2016, through*
11 *December 31, 2018.”.*

12 (c) *PARTICIPATION.*—Section 428(d) of the Robert T.
13 *Stafford Disaster Relief and Emergency Assistance Act (42*
14 *U.S.C. 5189f(d)) is amended—*

15 (1) *by striking “Participation in” and inserting*
16 *the following:*

17 “(1) *IN GENERAL.*—*Participation in*”; and

18 (2) *by adding at the end the following:*

19 “(2) *NO CONDITIONS.*—*The President may not*
20 *condition the provision of Federal assistance under*
21 *this Act on the election by a State, local, or Indian*
22 *tribal government, or owner or operator of a private*
23 *nonprofit facility to participate in the alternative*
24 *procedures adopted under this section.”.*

1 (d) *CERTIFICATION.*—Section 428(e)(1) of the Robert
2 *T. Stafford Disaster Relief and Emergency Assistance Act*
3 *(42 U.S.C. 5189f(e)(1)) is amended—*

4 (1) *in subparagraph (E), by striking “and” at*
5 *the end;*

6 (2) *in subparagraph (F), by striking the period*
7 *at the end and inserting “; and”; and*

8 (3) *by adding at the end the following:*

9 “*(G) once certified by a professionally li-*
10 *censed engineer and accepted by the Adminis-*
11 *trator, the estimates on which grants made pur-*
12 *suant to this section are based shall be presumed*
13 *to be reasonable and eligible costs, as long as*
14 *there is no evidence of fraud.”.*

15 **SEC. 1208. PRIORITIZATION OF FACILITIES.**

16 *Not later than 180 days after the date of enactment*
17 *of this Act, the Administrator shall provide guidance and*
18 *training on an annual basis to State, local, and Indian*
19 *tribal governments, first responders, and utility companies*
20 *on—*

21 (1) *the need to prioritize assistance to hospitals,*
22 *nursing homes, and other long-term care facilities to*
23 *ensure that such health care facilities remain func-*
24 *tioning or return to functioning as soon as prac-*

1 *ticable during power outages caused by natural haz-*
2 *ards, including severe weather events;*

3 *(2) how hospitals, nursing homes and other long-*
4 *term care facilities should adequately prepare for*
5 *power outages during a major disaster or emergency,*
6 *as those terms are defined in section 102 of the Robert*
7 *T. Stafford Disaster Relief and Emergency Assistance*
8 *Act (42 U.S.C. 5122); and*

9 *(3) how State, local, and Indian tribal govern-*
10 *ments, first responders, utility companies, hospitals,*
11 *nursing homes, and other long-term care facilities*
12 *should develop a strategy to coordinate emergency re-*
13 *sponse plans, including the activation of emergency*
14 *response plans, in anticipation of a major disaster,*
15 *including severe weather events.*

16 **SEC. 1209. GUIDANCE ON EVACUATION ROUTES.**

17 *(a) IN GENERAL.—*

18 *(1) IDENTIFICATION.—The Administrator, in co-*
19 *ordination with the Administrator of the Federal*
20 *Highway Administration, shall develop and issue*
21 *guidance for State, local, and Indian tribal govern-*
22 *ments regarding the identification of evacuation*
23 *routes.*

24 *(2) GUIDANCE.—The Administrator of the Fed-*
25 *eral Highway Administration, in coordination with*

1 *the Administrator, shall revise existing guidance or*
2 *issue new guidance as appropriate for State, local,*
3 *and Indian tribal governments regarding the design,*
4 *construction, maintenance, and repair of evacuation*
5 *routes.*

6 *(b) CONSIDERATIONS.—*

7 *(1) IDENTIFICATION.—In developing the guid-*
8 *ance under subsection (a)(1), the Administrator shall*
9 *consider—*

10 *(A) whether evacuation routes have resisted*
11 *impacts and recovered quickly from disasters, re-*
12 *gardless of cause;*

13 *(B) the need to evacuate special needs popu-*
14 *lations, including—*

15 *(i) individuals with a physical or men-*
16 *tal disability;*

17 *(ii) individuals in schools, daycare*
18 *centers, mobile home parks, prisons, nursing*
19 *homes and other long-term care facilities,*
20 *and detention centers;*

21 *(iii) individuals with limited-English*
22 *proficiency;*

23 *(iv) the elderly; and*

24 *(v) individuals who are tourists, sea-*
25 *sonal workers, or homeless;*

1 (C) the sharing of information and other
2 public communications with evacuees during
3 evacuations;

4 (D) the sheltering of evacuees, including the
5 care, protection, and sheltering of animals;

6 (E) the return of evacuees to their homes;
7 and

8 (F) such other items the Administrator con-
9 siders appropriate.

10 (2) *DESIGN, CONSTRUCTION, MAINTENANCE, AND*
11 *REPAIR.*—In revising or issuing guidance under sub-
12 section (a)(2), the Administrator of the Federal High-
13 way Administration shall consider—

14 (A) methods that assist evacuation routes
15 to—

16 (i) withstand likely risks to viability,
17 including flammability and hydrostatic
18 forces;

19 (ii) improve durability, strength (in-
20 cluding the ability to withstand tensile
21 stresses and compressive stresses), and sus-
22 tainability; and

23 (iii) provide for long-term cost savings;

24 (B) the ability of evacuation routes to effec-
25 tively manage contraflow operations;

1 (C) for evacuation routes on public lands,
2 the viewpoints of the applicable Federal land
3 management agency regarding emergency oper-
4 ations, sustainability, and resource protection;
5 and

6 (D) such other items the Administrator of
7 the Federal Highway Administration considers
8 appropriate.

9 (c) *STUDY.*—The Administrator, in coordination with
10 the Administrator of the Federal Highway Administration
11 and State, local, territorial, and Indian tribal governments,
12 may—

13 (1) conduct a study of the adequacy of available
14 evacuation routes to accommodate the flow of evac-
15 uees; and

16 (2) submit recommendations on how to help with
17 anticipated evacuation route flow, based on the study
18 conducted under paragraph (1), to—

19 (A) the Federal Highway Administration;

20 (B) the Agency;

21 (C) State, local, territorial, and Indian
22 tribal governments; and

23 (D) Congress.

24 **SEC. 1210. DUPLICATION OF BENEFITS.**

25 (a) *IN GENERAL.*—

1 (1) *AUTHORITY.*—Section 312(b) of the Robert T.
2 *Stafford Disaster Relief and Emergency Assistance*
3 *Act (42 U.S.C. 5155(b)) is amended by adding at the*
4 *end the following:*

5 “(4) *WAIVER OF GENERAL PROHIBITION.*—

6 “(A) *IN GENERAL.*—*The President may*
7 *waive the general prohibition provided in sub-*
8 *section (a) upon request of a Governor on behalf*
9 *of the State or on behalf of a person, business*
10 *concern, or any other entity suffering losses as a*
11 *result of a major disaster or emergency, if the*
12 *President finds such waiver is in the public in-*
13 *terest and will not result in waste, fraud, or*
14 *abuse. In making this decision, the President*
15 *may consider the following:*

16 “(i) *The recommendations of the Ad-*
17 *ministrator of the Federal Emergency Man-*
18 *agement Agency made in consultation with*
19 *the Federal agency or agencies admin-*
20 *istering the duplicative program.*

21 “(ii) *If a waiver is granted, the assist-*
22 *ance to be funded is cost effective.*

23 “(iii) *Equity and good conscience.*

24 “(iv) *Other matters of public policy*
25 *considered appropriate by the President.*

1 “(B) *GRANT OR DENIAL OF WAIVER.*—A re-
2 quest under subparagraph (A) shall be granted
3 or denied not later than 45 days after submis-
4 sion of such request.

5 “(C) *PROHIBITION ON DETERMINATION*
6 *THAT LOAN IS A DUPLICATION.*—Notwith-
7 standing subsection (c), in carrying out subpara-
8 graph (A), the President may not determine that
9 a loan is a duplication of assistance, provided
10 that all Federal assistance is used toward a loss
11 suffered as a result of the major disaster or emer-
12 gency.”.

13 (2) *LIMITATION.*—This subsection, including the
14 amendment made by paragraph (1), shall not be con-
15 strued to apply to section 406 or 408 of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5172, 5174).

18 (3) *APPLICABILITY.*—The amendment made by
19 paragraph (1) shall apply to any major disaster or
20 emergency declared by the President under section
21 401 or 501, respectively, of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5170, 5191) between January 1, 2016, and
24 December 31, 2021.

1 (4) *SUNSET.*—On the date that is 5 years after
2 the date of enactment of this Act, section 312(b) of the
3 Robert T. Stafford Disaster Relief and Emergency As-
4 sistance Act (42 U.S.C. 5155(b)) is amended by strik-
5 ing paragraph (4), as added by subsection (a)(1) of
6 this section.

7 (5) *REPORT.*—

8 (A) *IN GENERAL.*—Not later than 1 year
9 after the date of enactment of this Act, the Ad-
10 ministrator, in coordination with other relevant
11 Federal agencies, shall submit to the congress-
12 sional committees of jurisdiction a report con-
13 ducted by all relevant Federal agencies to im-
14 prove the comprehensive delivery of disaster as-
15 sistance to individuals following a major dis-
16 aster or emergency declaration under the Robert
17 T. Stafford Disaster Relief and Emergency As-
18 sistance Act.

19 (B) *CONTENTS.*—The report required under
20 subparagraph (A) shall include both administra-
21 tive actions taken, or planned to be taken, by the
22 agencies as well as legislative proposals, where
23 appropriate, of the following:

24 (i) *Efforts to improve coordination be-*
25 *tween the Agency and other relevant Federal*

1 *agencies when delivering disaster assistance*
2 *to individuals.*

3 *(ii) Clarify the sequence of delivery of*
4 *disaster assistance to individuals from the*
5 *Agency, and other relevant Federal agencies.*

6 *(iii) Clarify the interpretation and im-*
7 *plementation of section 312 of the Robert T.*
8 *Stafford Disaster Relief and Emergency As-*
9 *sistance Act (42 U.S.C. 5155) when pro-*
10 *viding disaster assistance to individuals,*
11 *including providing a common interpreta-*
12 *tion across the Agency, and other relevant*
13 *Federal agencies, of the definitions and re-*
14 *quirements under such section 312.*

15 *(iv) Increase the effectiveness of com-*
16 *munication to applicants for assistance pro-*
17 *grams for individuals after a disaster dec-*
18 *laration, including the breadth of programs*
19 *available and the potential impacts of uti-*
20 *lizing one program versus another.*

21 *(C) REPORT UPDATE.—Not later than 4*
22 *years after the date of enactment of this sub-*
23 *section, the Administrator, in coordination with*
24 *other relevant Federal agencies, shall submit to*
25 *the congressional committees of jurisdiction an*

1 *update to the report required under subpara-*
2 *graph (A).*

3 ***(b) FUNDING OF A FEDERALLY AUTHORIZED WATER***
4 ***RESOURCES DEVELOPMENT PROJECT.—***

5 ***(1) ELIGIBLE ACTIVITIES.—****Notwithstanding sec-*
6 *tion 312 of the Robert T. Stafford Disaster Relief and*
7 *Emergency Assistance Act (42 U.S.C. 5155) and its*
8 *implementing regulations, assistance provided pursu-*
9 *ant to section 404 of such Act may be used to fund*
10 *activities authorized for construction within the scope*
11 *of a federally authorized water resources development*
12 *project of the Army Corps of Engineers if such activi-*
13 *ties are also eligible activities under such section.*

14 ***(2) FEDERAL FUNDING.—****All Federal funding*
15 *provided under section 404 pursuant to this section*
16 *shall be applied toward the Federal share of such*
17 *project.*

18 ***(3) NON-FEDERAL MATCH.—****All non-Federal*
19 *matching funds required under section 404 pursuant*
20 *to this section shall be applied toward the non-Fed-*
21 *eral share of such project.*

22 ***(4) TOTAL FEDERAL SHARE.—****Funding provided*
23 *under section 404 pursuant to this section may not*
24 *exceed the total Federal share for such project.*

25 ***(5) NO EFFECT.—****Nothing in this section shall—*

1 (A) affect the cost-share requirement of a
2 hazard mitigation measure under section 404;

3 (B) affect the eligibility criteria for a haz-
4 ard mitigation measure under section 404;

5 (C) affect the cost share requirements of a
6 federally authorized water resources development
7 project; and

8 (D) affect the responsibilities of a non-Fed-
9 eral interest with respect to the project, including
10 those related to the provision of lands, easements,
11 rights-of-way, dredge material disposal areas,
12 and necessary relocations.

13 (6) *LIMITATION.*—If a federally authorized water
14 resources development project of the Army Corps of
15 Engineers is constructed with funding provided under
16 section 404 pursuant to this subsection, no further
17 Federal funding shall be provided for construction of
18 such project

19 **SEC. 1211. STATE ADMINISTRATION OF ASSISTANCE FOR DI-**
20 **RECT TEMPORARY HOUSING AND PERMA-**
21 **NENT HOUSING CONSTRUCTION.**

22 (a) *STATE ROLE.*—Section 408(f) of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act (42
24 U.S.C. 5174(f)) is amended—

25 (1) in paragraph (1)—

1 (A) by striking the paragraph heading and
2 inserting “STATE- OR INDIAN TRIBAL GOVERN-
3 MENT-ADMINISTERED ASSISTANCE AND OTHER
4 NEEDS ASSISTANCE.—”;

5 (B) in subparagraph (A)—

6 (i) by striking “financial”; and

7 (ii) by striking “subsection (e)” and
8 inserting “subsections (c)(1)(B), (c)(4), and
9 (e) if the President and the State or Indian
10 tribal government comply, as determined by
11 the Administrator, with paragraph (3)”;
12 and

13 (C) in subparagraph (B)—

14 (i) by striking “financial”; and

15 (ii) by striking “subsection (e)” and
16 inserting “subsections (c)(1)(B), (c)(4), and
17 (e)”; and

18 (2) by adding at the end the following:

19 “(3) REQUIREMENTS.—

20 “(A) APPLICATION.—A State or Indian
21 tribal government desiring to provide assistance
22 under subsection (c)(1)(B), (c)(4), or (e) shall
23 submit to the President an application for a
24 grant to provide financial assistance under the
25 program.

1 “(B) *CRITERIA.*—*The President, in con-*
2 *sultation and coordination with State and In-*
3 *Indian tribal governments, shall establish criteria*
4 *for the approval of applications submitted under*
5 *subparagraph (A). The criteria shall include, at*
6 *a minimum—*

7 “(i) *a requirement that the State or*
8 *Indian tribal government submit a housing*
9 *strategy under subparagraph (C);*

10 “(ii) *the demonstrated ability of the*
11 *State or Indian tribal government to man-*
12 *age the program under this section;*

13 “(iii) *there being in effect a plan ap-*
14 *proved by the President as to how the State*
15 *or Indian tribal government will comply*
16 *with applicable Federal laws and regula-*
17 *tions and how the State or Indian tribal*
18 *government will provide assistance under*
19 *its plan;*

20 “(iv) *a requirement that the State or*
21 *Indian tribal government comply with rules*
22 *and regulations established pursuant to sub-*
23 *section (j); and*

1 “(v) a requirement that the President,
2 or the designee of the President, comply
3 with subsection (i).

4 “(C) *REQUIREMENT OF HOUSING STRAT-*
5 *EGY.—*

6 “(i) *IN GENERAL.—*A State or Indian
7 tribal government submitting an applica-
8 tion under this paragraph shall have an ap-
9 proved housing strategy, which shall be de-
10 veloped and submitted to the President for
11 approval.

12 “(ii) *REQUIREMENTS.—*The housing
13 strategy required under clause (i) shall—

14 “(I) outline the approach of the
15 State in working with Federal part-
16 ners, Indian tribal governments, local
17 communities, nongovernmental organi-
18 zations, and individual disaster sur-
19 vivors to meet disaster-related shel-
20 tering and housing needs; and

21 “(II) include the establishment of
22 an activation plan for a State Disaster
23 Housing Task Force, as outlined in the
24 National Disaster Housing Strategy, to
25 bring together State, tribal, local, Fed-

1 *eral, nongovernmental, and private*
2 *sector expertise to evaluate housing re-*
3 *quirements, consider potential solu-*
4 *tions, recognize special needs popu-*
5 *lations, and propose recommendations.*

6 *“(D) QUALITY ASSURANCE.—Before approv-*
7 *ing an application submitted under this section,*
8 *the President, or the designee of the President,*
9 *shall institute adequate policies, procedures, and*
10 *internal controls to prevent waste, fraud, abuse,*
11 *and program mismanagement for this program*
12 *and for programs under subsections (c)(1)(B),*
13 *(c)(4), and (e). The President shall monitor and*
14 *conduct quality assurance activities on a State*
15 *or Indian tribal government’s implementation of*
16 *programs under subsections (c)(1)(B), (c)(4),*
17 *and (e). If, after approving an application of a*
18 *State or Indian tribal government submitted*
19 *under this paragraph, the President determines*
20 *that the State or Indian tribal government is not*
21 *administering the program established by this*
22 *section in a manner satisfactory to the Presi-*
23 *dent, the President shall withdraw the approval.*

24 *“(E) AUDITS.—The Inspector General of the*
25 *Department of Homeland Security shall provide*

1 *for periodic audits of the programs administered*
2 *by States and Indian tribal governments under*
3 *this subsection.*

4 “(F) *APPLICABLE LAWS.*—*All Federal laws*
5 *applicable to the management, administration,*
6 *or contracting of the programs by the Federal*
7 *Emergency Management Agency under this sec-*
8 *tion shall be applicable to the management, ad-*
9 *ministration, or contracting by a non-Federal*
10 *entity under this section.*

11 “(G) *REPORT ON EFFECTIVENESS.*—*Not*
12 *later than 18 months after the date of enactment*
13 *of this paragraph, the Inspector General of the*
14 *Department of Homeland Security shall submit*
15 *a report to the Committee on Homeland Security*
16 *and Governmental Affairs of the Senate and the*
17 *Committee on Transportation and Infrastructure*
18 *of the House of Representatives on the State or*
19 *Indian tribal government’s role to provide assist-*
20 *ance under this section. The report shall contain*
21 *an assessment of the effectiveness of the State or*
22 *Indian tribal government’s role in providing as-*
23 *sistance under this section, including—*

1 “(i) whether the State or Indian tribal
2 government’s role helped to improve the gen-
3 eral speed of disaster recovery;

4 “(ii) whether the State or Indian tribal
5 government providing assistance under this
6 section had the capacity to administer this
7 section; and

8 “(iii) recommendations for changes to
9 improve the program if the State or Indian
10 tribal government’s role to administer the
11 programs should be continued.

12 “(H) REPORT ON INCENTIVES.—Not later
13 than 12 months after the date of enactment of
14 this paragraph, the Administrator of the Federal
15 Emergency Management Agency shall submit a
16 report to the Committee on Homeland Security
17 and Governmental Affairs of the Senate and the
18 Committee on Transportation and Infrastructure
19 of the House of Representatives on a potential
20 incentive structure for awards made under this
21 section to encourage participation by eligible
22 States and Indian tribal governments. In devel-
23 oping this report, the Administrator of the Fed-
24 eral Emergency Management Agency shall con-
25 sult with State, local, and Indian tribal entities

1 to gain their input on any such incentive struc-
2 ture to encourage participation and shall include
3 this information in the report. This report
4 should address, among other options, potential
5 adjustments to the cost-share requirement and
6 management costs to State and Indian tribal
7 governments.

8 “(I) *PROHIBITION.*—The President may not
9 condition the provision of Federal assistance
10 under this Act on a State or Indian tribal gov-
11 ernment requesting a grant under this section.

12 “(J) *MISCELLANEOUS.*—

13 “(i) *NOTICE AND COMMENT.*—The Ad-
14 ministrators of the Federal Emergency Man-
15 agement Agency may waive notice and com-
16 ment rulemaking with respect to rules to
17 carry out this section, if the Administrator
18 determines doing so is necessary to expedi-
19 tiously implement this section, and may
20 carry out this section as a pilot program
21 until such regulations are promulgated.

22 “(ii) *FINAL RULE.*—Not later than 2
23 years after the date of enactment of this
24 paragraph, the Administrator of the Federal
25 Emergency Management Agency shall issue

1 *final regulations to implement this sub-*
2 *section as amended by the Disaster Recov-*
3 *ery Reform Act of 2018.*

4 “(iii) *WAIVER AND EXPIRATION.*—*The*
5 *authority under clause (i) and any pilot*
6 *program implemented pursuant to such*
7 *clause shall expire 2 years after the date of*
8 *enactment of this paragraph or upon*
9 *issuance of final regulations pursuant to*
10 *clause (ii), whichever occurs sooner.”.*

11 *(b) REIMBURSEMENT.*—*The Federal Emergency Man-*
12 *agement Agency (FEMA) shall reimburse State and local*
13 *units of government (for requests received within a period*
14 *of 3 years after the declaration of a major disaster under*
15 *section 401 of the Robert T. Stafford Disaster Relief and*
16 *Emergency Assistance Act (42 U.S.C. 5170)) upon deter-*
17 *mination that a locally implemented housing solution, im-*
18 *plemented by State or local units of government—*

19 *(1) costs 50 percent of comparable FEMA solu-*
20 *tion or whatever the locally implemented solution*
21 *costs, whichever is lower;*

22 *(2) complies with local housing regulations and*
23 *ordinances; and*

24 *(3) the housing solution was implemented within*
25 *90 days of the disaster.*

1 **SEC. 1212. ASSISTANCE TO INDIVIDUALS AND HOUSE-**
2 **HOLDS.**

3 *Section 408(h) of the Robert T. Stafford Disaster Relief*
4 *and Emergency Assistance Act (42 U.S.C. 5174(h)) is*
5 *amended—*

6 *(1) in paragraph (1), by inserting “, excluding*
7 *financial assistance to rent alternate housing accom-*
8 *modations under subsection (c)(1)(A)(i) and financial*
9 *assistance to address other needs under subsection (e)”*
10 *after “disaster”;*

11 *(2) by redesignating paragraph (2) as para-*
12 *graph (3);*

13 *(3) by inserting after paragraph (1) the fol-*
14 *lowing:*

15 *“(2) OTHER NEEDS ASSISTANCE.—The max-*
16 *imum financial assistance any individual or house-*
17 *hold may receive under subsection (e) shall be equiva-*
18 *lent to the amount set forth in paragraph (1) with re-*
19 *spect to a single major disaster.”;*

20 *(4) in paragraph (3) (as so redesignated), by*
21 *striking “paragraph (1)” and inserting “paragraphs*
22 *(1) and (2)”;* and

23 *(5) by inserting after paragraph (3) (as so redес-*
24 *ignated) the following:*

25 *“(4) EXCLUSION OF NECESSARY EXPENSES FOR*
26 *INDIVIDUALS WITH DISABILITIES.—*

1 “(A) *IN GENERAL.*—*The maximum amount*
2 *of assistance established under paragraph (1)*
3 *shall exclude expenses to repair or replace dam-*
4 *aged accessibility-related improvements under*
5 *paragraphs (2), (3), and (4) of subsection (c) for*
6 *individuals with disabilities.*

7 “(B) *OTHER NEEDS ASSISTANCE.*—*The*
8 *maximum amount of assistance established*
9 *under paragraph (2) shall exclude expenses to re-*
10 *pair or replace accessibility-related personal*
11 *property under subsection (e)(2) for individuals*
12 *with disabilities.”.*

13 **SEC. 1213. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.**

14 (a) *LEASE AND REPAIR OF RENTAL UNITS FOR TEM-*
15 *PORARY HOUSING.*—*Section 408(c)(1)(B)(i)(II) of the*
16 *Robert T. Stafford Disaster Relief and Emergency Assist-*
17 *ance Act (42 U.S.C. 5174(c)(1)(B)(i)(II)) is amended to*
18 *read as follows:*

19 “(II) *IMPROVEMENTS OR RE-*
20 *PAIRS.*—*Under the terms of any lease*
21 *agreement for property entered into*
22 *under this subsection, the value of the*
23 *improvements or repairs shall be de-*
24 *ducted from the value of the lease*
25 *agreement.”.*

1 (b) *RENTAL PROPERTIES IMPACTED.*—Section
2 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster
3 Relief and Emergency Assistance Act (42 U.S.C.
4 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

5 “(aa) enter into lease agree-
6 ments with owners of multifamily
7 rental property impacted by a
8 major disaster or located in areas
9 covered by a major disaster dec-
10 laration to house individuals and
11 households eligible for assistance
12 under this section; and”.

13 (c) *INSPECTOR GENERAL REPORT.*—Not later than 2
14 years after the date of the enactment of this Act, the inspec-
15 tor general of the Department of Homeland Security
16 shall—

17 (1) assess the use of the authority provided under
18 section 408(c)(1)(B) of the Robert T. Stafford Disaster
19 Relief and Emergency Assistance Act (42 U.S.C.
20 5174(c)(1)(B)), as amended by this division, includ-
21 ing the adequacy of any benefit-cost analysis done to
22 justify the use of this alternative; and

23 (2) submit a report on the results of the assess-
24 ment conducted under paragraph (1) to the appro-
25 priate committees of Congress.

1 **SEC. 1214. PRIVATE NONPROFIT FACILITY.**

2 *Section 102(11)(B) of the Robert T. Stafford Disaster*
3 *Relief and Emergency Assistance Act (42 U.S.C.*
4 *5122(11)(B)) is amended by inserting “food banks,” after*
5 *“shelter workshops,”.*

6 **SEC. 1215. MANAGEMENT COSTS.**

7 *Section 324 of the Robert T. Stafford Disaster Relief*
8 *and Emergency Assistance Act (42 U.S.C. 5165b) is amend-*
9 *ed—*

10 *(1) in subsection (a) by striking “any adminis-*
11 *trative expense, and any other expense not directly*
12 *chargeable to” and inserting “any direct administra-*
13 *tive cost, and any other administrative expense asso-*
14 *ciated with”; and*

15 *(2) in subsection (b)—*

16 *(A) by striking “Notwithstanding” and in-*
17 *serting the following:*

18 *“(1) IN GENERAL.—Notwithstanding”;*

19 *(B) in paragraph (1), as added by subpara-*
20 *graph (A), by striking “establish” and inserting*
21 *“implement”; and*

22 *(C) by adding at the end the following:*

23 *“(2) SPECIFIC MANAGEMENT COSTS.—The Ad-*
24 *ministrator of the Federal Emergency Management*
25 *Agency shall provide the following percentage rates,*
26 *in addition to the eligible project costs, to cover direct*

1 *and indirect costs of administering the following pro-*
2 *grams:*

3 “(A) *HAZARD MITIGATION.*—A grantee
4 *under section 404 may be reimbursed not more*
5 *than 15 percent of the total amount of the grant*
6 *award under such section of which not more*
7 *than 10 percent may be used by the grantee and*
8 *5 percent by the subgrantee for such costs.*

9 “(B) *PUBLIC ASSISTANCE.*—A grantee
10 *under sections 403, 406, 407, and 502 may be*
11 *reimbursed not more than 12 percent of the total*
12 *award amount under such sections, of which not*
13 *more than 7 percent may be used by the grantee*
14 *and 5 percent by the subgrantee for such costs.”.*

15 **SEC. 1216. FLEXIBILITY.**

16 (a) *WAIVER AUTHORITY.*—

17 (1) *DEFINITION.*—*In this subsection, the term*
18 *“covered assistance” means assistance provided—*

19 (A) *under section 408 of the Robert T. Staf-*
20 *ford Disaster Relief and Emergency Assistance*
21 *Act (42 U.S.C. 5174); and*

22 (B) *in relation to a major disaster or emer-*
23 *gency declared by the President under section*
24 *401 or 501, respectively, of the Robert T. Staf-*
25 *ford Disaster Relief and Emergency Assistance*

1 *Act (42 U.S.C. 5170, 5191) on or after October*
2 *28, 2012.*

3 (2) *AUTHORITY.—Notwithstanding section*
4 *3716(e) of title 31, United States Code, the Adminis-*
5 *trator—*

6 *(A) subject to subparagraph (B), may waive*
7 *a debt owed to the United States related to cov-*
8 *ered assistance provided to an individual or*
9 *household if—*

10 *(i) the covered assistance was distrib-*
11 *uted based on an error by the Agency;*

12 *(ii) there was no fault on behalf of the*
13 *debtor; and*

14 *(iii) the collection of the debt would be*
15 *against equity and good conscience; and*

16 *(B) may not waive a debt under subpara-*
17 *graph (A) if the debt involves fraud, the presen-*
18 *tation of a false claim, or misrepresentation by*
19 *the debtor or any party having an interest in the*
20 *claim.*

21 (3) *MONITORING OF COVERED ASSISTANCE DIS-*
22 *TRIBUTED BASED ON ERROR.—*

23 *(A) IN GENERAL.—The Inspector General of*
24 *the Department of Homeland Security shall*
25 *monitor the distribution of covered assistance to*

1 *individuals and households to determine the per-*
2 *centage of such assistance distributed based on*
3 *an error.*

4 *(B) REMOVAL OF WAIVER AUTHORITY*
5 *BASED ON EXCESSIVE ERROR RATE.—If the In-*
6 *spector General of the Department of Homeland*
7 *Security determines, with respect to any 12-*
8 *month period, that the amount of covered assist-*
9 *ance distributed based on an error by the Agency*
10 *exceeds 4 percent of the total amount of covered*
11 *assistance distributed—*

12 *(i) the Inspector General shall notify*
13 *the Administrator and publish the deter-*
14 *mination in the Federal Register; and*

15 *(ii) with respect to any major disaster*
16 *or emergency declared by the President*
17 *under section 401 or section 501, respec-*
18 *tively, of the Robert T. Stafford Disaster*
19 *Relief and Emergency Assistance Act (42*
20 *U.S.C. 5170; 42 U.S.C. 5191) after the date*
21 *on which the determination is published*
22 *under subparagraph (A), the authority of*
23 *the Administrator to waive debt under*
24 *paragraph (2) shall no longer be effective.*

1 (b) *RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-*
2 *ITED.*—

3 (1) *IN GENERAL.*—*Notwithstanding section*
4 *3716(e) of title 31, United States Code, and unless*
5 *there is evidence of civil or criminal fraud, the Agen-*
6 *cy may not take any action to recoup covered assist-*
7 *ance from the recipient of such assistance if the re-*
8 *ceipt of such assistance occurred on a date that is*
9 *more than 3 years before the date on which the Agen-*
10 *cy first provides to the recipient written notification*
11 *of an intent to recoup.*

12 (2) *COVERED ASSISTANCE DEFINED.*—*In this*
13 *subsection, the term “covered assistance” means as-*
14 *sistance provided—*

15 (A) *under section 408 of the Robert T. Staf-*
16 *ford Disaster Relief and Emergency Assistance*
17 *Act (42 U.S.C. 5174); and*

18 (B) *in relation to a major disaster or emer-*
19 *gency declared by the President under section*
20 *401 or 501, respectively, of such Act (42 U.S.C.*
21 *5170; 42 U.S.C. 5191) on or after January 1,*
22 *2012.*

23 (c) *STATUTE OF LIMITATIONS.*—

1 (1) *IN GENERAL.*—Section 705 of the Robert T.
2 *Stafford Disaster Relief and Emergency Assistance*
3 *Act (42 U.S.C. 5205) is amended—*

4 (A) *in subsection (a)(1)—*

5 (i) *by striking “Except” and inserting*
6 *“Notwithstanding section 3716(e) of title*
7 *31, United States Code, and except”; and*

8 (ii) *by striking “report for the disaster*
9 *or emergency” and inserting “report for*
10 *project completion as certified by the grant-*
11 *ee”; and*

12 (B) *in subsection (b)—*

13 (i) *in paragraph (1) by striking “re-*
14 *port for the disaster or emergency” and in-*
15 *serting “report for project completion as*
16 *certified by the grantee”; and*

17 (ii) *in paragraph (3) by inserting “for*
18 *project completion as certified by the grant-*
19 *ee” after “final expenditure report”.*

20 (2) *APPLICABILITY.*—

21 (A) *IN GENERAL.*—*With respect to disaster*
22 *or emergency assistance provided to a State or*
23 *local government on or after January 1, 2004—*

24 (i) *no administrative action may be*
25 *taken to recover a payment of such assist-*

1 *ance after the date of enactment of this Act*
2 *if the action is prohibited under section*
3 *705(a)(1) of the Robert T. Stafford Disaster*
4 *Relief and Emergency Assistance Act (42*
5 *U.S.C. 5205(a)(1)), as amended by para-*
6 *graph (1); and*

7 *(ii) any administrative action to re-*
8 *cover a payment of such assistance that is*
9 *pending on such date of enactment shall be*
10 *terminated if the action is prohibited under*
11 *section 705(a)(1) of that Act, as amended*
12 *by paragraph (1).*

13 *(B) LIMITATION.—This section, including*
14 *the amendments made by this section, may not*
15 *be construed to invalidate or otherwise affect any*
16 *administration action completed before the date*
17 *of enactment of this Act.*

18 **SEC. 1217. ADDITIONAL DISASTER ASSISTANCE.**

19 *(a) DISASTER MITIGATION.—Section 209 of the Public*
20 *Works and Economic Development Act of 1965 (42 U.S.C.*
21 *3149) is amended by adding at the end the following:*

22 *“(e) DISASTER MITIGATION.—In providing assistance*
23 *pursuant to subsection (c)(2), if appropriate and as appli-*
24 *cable, the Secretary may encourage hazard mitigation in*
25 *assistance provided pursuant to such subsection.”.*

1 (b) *EMERGENCY MANAGEMENT ASSISTANCE COMPACT*
2 *GRANTS*.—Section 661(d) of the Post-Katrina Emergency
3 *Management Reform Act of 2006* (6 U.S.C. 761(d)) is
4 amended by striking “for fiscal year 2008” and inserting
5 “for each of fiscal years 2018 through 2022”.

6 (c) *EMERGENCY MANAGEMENT PERFORMANCE*
7 *GRANTS PROGRAM*.—Section 662(f) of the Post-Katrina
8 *Emergency Management Reform Act of 2006* (6 U.S.C.
9 762(f)) is amended by striking “the program” and all that
10 follows through “2012” and inserting “the program, for
11 each of fiscal years 2018 through 2022”.

12 (d) *TECHNICAL AMENDMENT*.—Section 403(a)(3) of
13 the *Robert T. Stafford Disaster Relief and Emergency As-*
14 *sistance Act* (42 U.S.C. 5170b(a)(3)) is amended by striking
15 the second subparagraph (J).

16 **SEC. 1218. NATIONAL VETERINARY EMERGENCY TEAMS.**

17 (a) *IN GENERAL*.—The Administrator of the Federal
18 *Emergency Management Agency* may establish one or more
19 *national veterinary emergency teams at accredited colleges*
20 *of veterinary medicine.*

21 (b) *RESPONSIBILITIES*.—A national veterinary emer-
22 *gency team shall—*

23 (1) *deploy with a team of the National Urban*
24 *Search and Rescue Response System to assist with—*

25 (A) *veterinary care of canine search teams;*

1 (B) locating and treating companion ani-
2 mals, service animals, livestock, and other ani-
3 mals; and

4 (C) surveillance and treatment of zoonotic
5 diseases;

6 (2) recruit, train, and certify veterinary profes-
7 sionals, including veterinary students, in accordance
8 with an established set of plans and standard oper-
9 ating guidelines to carry out the duties associated
10 with planning for and responding to major disasters
11 and emergencies as described in paragraph (1);

12 (3) assist State governments, Indian tribal gov-
13 ernments, local governments, and nonprofit organiza-
14 tions in developing emergency management and evac-
15 uation plans that account for the care and rescue of
16 animals and in improving local readiness for pro-
17 viding veterinary medical response during an emer-
18 gency or major disaster; and

19 (4) coordinate with the Department of Homeland
20 Security, the Department of Health and Human
21 Services, the Department of Agriculture, State, local,
22 and Indian tribal governments (including depart-
23 ments of animal and human health), veterinary and
24 health care professionals, and volunteers.

1 **SEC. 1219. RIGHT OF ARBITRATION.**

2 *Section 423 of the Robert T. Stafford Disaster Relief*
3 *and Emergency Assistance Act (42 U.S.C. 5189a) is amend-*
4 *ed by adding at the end the following:*

5 “(d) *RIGHT OF ARBITRATION.*—

6 “(1) *IN GENERAL.*—*Notwithstanding this section,*
7 *an applicant for assistance under this title may re-*
8 *quest arbitration to dispute the eligibility for assist-*
9 *ance or repayment of assistance provided for a dis-*
10 *pute of more than \$500,000 for any disaster that oc-*
11 *curred after January 1, 2016. Such arbitration shall*
12 *be conducted by the Civilian Board of Contract Ap-*
13 *peals and the decision of such Board shall be binding.*

14 “(2) *REVIEW.*—*The Civilian Board of Contract*
15 *Appeals shall consider from the applicant all original*
16 *and additional documentation, testimony, or other*
17 *such evidence supporting the applicant’s position at*
18 *any time during arbitration.*

19 “(3) *RURAL AREAS.*—*For an applicant for as-*
20 *sistance in a rural area under this title, the assist-*
21 *ance amount eligible for arbitration pursuant to this*
22 *subsection shall be \$100,000.*

23 “(4) *RURAL AREA DEFINED.*—*For the purposes*
24 *of this subsection, the term ‘rural area’ means an*
25 *area with a population of less than 200,000 outside*
26 *an urbanized area.*

1 “(5) *ELIGIBILITY.*—*To participate in arbitra-*
2 *tion under this subsection, an applicant—*

3 “(A) *shall submit the dispute to the arbitra-*
4 *tion process established under the authority*
5 *granted under section 601 of Public Law 111-5;*
6 *and*

7 “(B) *may submit a request for arbitration*
8 *after the completion of the first appeal under*
9 *subsection (a) at any time before the Adminis-*
10 *trator of the Federal Emergency Management*
11 *Agency has issued a final agency determination*
12 *or 180 days after the Administrator’s receipt of*
13 *the appeal if the Administrator has not provided*
14 *the applicant with a final determination on the*
15 *appeal. The applicant’s request shall contain*
16 *documentation from the administrative record*
17 *for the first appeal and may contain additional*
18 *documentation supporting the applicant’s posi-*
19 *tion.”.*

20 **SEC. 1220. UNIFIED FEDERAL ENVIRONMENTAL AND HIS-**
21 **TORIC PRESERVATION REVIEW.**

22 (a) *REVIEW AND ANALYSIS.*—*Not later than 180 days*
23 *after the date of enactment of this Act, the Administrator*
24 *shall review the Unified Federal Environmental and His-*
25 *toric Preservation review process established pursuant to*

1 *section 429 of the Robert T. Stafford Disaster Relief and*
2 *Emergency Assistance Act (42 U.S.C. 5189g), and submit*
3 *a report to the Committee on Transportation and Infra-*
4 *structure of the House of Representatives and the Committee*
5 *on Homeland Security and Governmental Affairs of the*
6 *Senate that includes the following:*

7 (1) *An analysis of whether and how the unified*
8 *process has expedited the interagency review process*
9 *to ensure compliance with the environmental and his-*
10 *toric requirements under Federal law relating to dis-*
11 *aster recovery projects.*

12 (2) *A survey and analysis of categorical exclu-*
13 *sions used by other Federal agencies that may be ap-*
14 *plicable to any activity related to a major disaster or*
15 *emergency declared by the President under section*
16 *401 or 501, respectively, of the Robert T. Stafford*
17 *Disaster Relief and Emergency Assistance Act (42*
18 *U.S.C. 5170, 5191).*

19 (3) *Recommendations on any further actions, in-*
20 *cluding any legislative proposals, needed to expedite*
21 *and streamline the review process.*

22 (b) *REGULATIONS.—After completing the review, sur-*
23 *vey, and analyses under subsection (a), but not later than*
24 *2 years after the date of enactment of this Act, and after*
25 *providing notice and opportunity for public comment, the*

1 *Administrator shall issue regulations to implement any reg-*
2 *ulatory recommendations, including any categorical exclu-*
3 *sions identified under subsection (a), to the extent that the*
4 *categorical exclusions meet the criteria for a categorical ex-*
5 *clusion under section 1508.4 of title 40, Code of Federal*
6 *Regulations, and section II of DHS Instruction Manual*
7 *023–01–001–01.*

8 **SEC. 1221. CLOSEOUT INCENTIVES.**

9 (a) *FACILITATING CLOSEOUT.*—Section 705 of the
10 *Robert T. Stafford Disaster Relief and Emergency Assist-*
11 *ance Act (42 U.S.C. 5205) is amended by adding at the*
12 *end the following:*

13 “(d) *FACILITATING CLOSEOUT.*—

14 “(1) *INCENTIVES.*—The Administrator of the
15 *Federal Emergency Management Agency may develop*
16 *incentives and penalties that encourage State, local,*
17 *or Indian tribal governments to close out expenditures*
18 *and activities on a timely basis related to disaster or*
19 *emergency assistance.*

20 “(2) *AGENCY REQUIREMENTS.*—The Federal
21 *Emergency Management Agency shall, consistent with*
22 *applicable regulations and required procedures, meet*
23 *its responsibilities to improve closeout practices and*
24 *reduce the time to close disaster program awards.”.*

1 (b) *REGULATIONS.*—*The Administrator shall issue reg-*
2 *ulations to implement the amendment made by this section.*

3 **SEC. 1222. PERFORMANCE OF SERVICES.**

4 *Section 306 of the Robert T. Stafford Disaster Relief*
5 *and Emergency Assistance Act (42 U.S.C. 5149) is amend-*
6 *ed by adding at the end the following:*

7 “(c) *The Administrator of the Federal Emergency*
8 *Management Agency is authorized to appoint temporary*
9 *personnel, after serving continuously for 3 years, to posi-*
10 *tions in the Federal Emergency Management Agency in the*
11 *same manner that competitive service employees with com-*
12 *petitive status are considered for transfer, reassignment, or*
13 *promotion to such positions. An individual appointed*
14 *under this subsection shall become a career-conditional em-*
15 *ployee, unless the employee has already completed the serv-*
16 *ice requirements for career tenure.”.*

17 **SEC. 1223. STUDY TO STREAMLINE AND CONSOLIDATE IN-**
18 **FORMATION COLLECTION.**

19 *Not later than 1 year after the date of enactment of*
20 *this Act, the Administrator—*

21 (1) *in coordination with the Small Business Ad-*
22 *ministration, the Department of Housing and Urban*
23 *Development, the Disaster Assistance Working Group*
24 *of the Council of the Inspectors General on Integrity*
25 *and Efficiency, and other appropriate agencies, con-*

1 *duct a study and develop a plan, consistent with law,*
2 *under which the collection of information from dis-*
3 *aster assistance applicants and grantees will be modi-*
4 *fied, streamlined, expedited, efficient, flexible, consoli-*
5 *dated, and simplified to be less burdensome, duplica-*
6 *tive, and time consuming for applicants and grantees;*

7 *(2) in coordination with the Small Business Ad-*
8 *ministration, the Department of Housing and Urban*
9 *Development, the Disaster Assistance Working Group*
10 *of the Council of the Inspectors General on Integrity*
11 *and Efficiency, and other appropriate agencies, de-*
12 *velop a plan for the regular collection and reporting*
13 *of information on Federal disaster assistance award-*
14 *ed, including the establishment and maintenance of a*
15 *website for presenting the information to the public;*
16 *and*

17 *(3) submit the plans developed under paragraphs*
18 *(1) and (2) to the Committee on Transportation and*
19 *Infrastructure of the House of Representatives and the*
20 *Committee on Homeland Security and Governmental*
21 *Affairs of the Senate.*

22 **SEC. 1224. AGENCY ACCOUNTABILITY.**

23 *Title IV of the Robert T. Stafford Disaster Relief and*
24 *Emergency Assistance Act (42 U.S.C. 5170 et seq.) is*
25 *amended by adding at the end the following:*

1 **“SEC. 430. AGENCY ACCOUNTABILITY.**

2 “(a) *PUBLIC ASSISTANCE.*—Not later than 5 days
3 after an award of a public assistance grant is made under
4 section 406 that is in excess of \$1,000,000, the Adminis-
5 trator of the Federal Emergency Management Agency shall
6 publish on the website of the Federal Emergency Manage-
7 ment Agency the specifics of each such grant award, includ-
8 ing—

9 “(1) identifying the Federal Emergency Manage-
10 ment Agency Region;

11 “(2) the disaster or emergency declaration num-
12 ber;

13 “(3) the State, county, and applicant name;

14 “(4) if the applicant is a private nonprofit orga-
15 nization;

16 “(5) the damage category code;

17 “(6) the amount of the Federal share obligated;

18 and

19 “(7) the date of the award.

20 “(b) *MISSION ASSIGNMENTS.*—

21 “(1) *IN GENERAL.*—Not later than 5 days after
22 the issuance of a mission assignment or mission as-
23 signment task order, the Administrator of the Federal
24 Emergency Management Agency shall publish on the
25 website of the Federal Emergency Management Agen-
26 cy any mission assignment or mission assignment

1 *task order to another Federal department or agency*
2 *regarding a major disaster in excess of \$1,000,000,*
3 *including—*

4 *“(A) the name of the impacted State or In-*
5 *dian Tribe;*

6 *“(B) the disaster declaration for such State*
7 *or Indian Tribe;*

8 *“(C) the assigned agency;*

9 *“(D) the assistance requested;*

10 *“(E) a description of the disaster;*

11 *“(F) the total cost estimate;*

12 *“(G) the amount obligated;*

13 *“(H) the State or Indian tribal government*
14 *cost share, if applicable;*

15 *“(I) the authority under which the mission*
16 *assignment or mission assignment task order*
17 *was directed; and*

18 *“(J) if applicable, the date a State or In-*
19 *dian Tribe requested the mission assignment.*

20 *“(2) RECORDING CHANGES.—Not later than 10*
21 *days after the last day of each month until a mission*
22 *assignment or mission assignment task order de-*
23 *scribed in paragraph (1) is completed and closed out,*
24 *the Administrator of the Federal Emergency Manage-*

1 *ment Agency shall update any changes to the total*
2 *cost estimate and the amount obligated.*

3 *“(c) DISASTER RELIEF MONTHLY REPORT.—Not later*
4 *than 10 days after the first day of each month, the Adminis-*
5 *trator of the Federal Emergency Management Agency shall*
6 *publish on the website of the Federal Emergency Manage-*
7 *ment Agency reports, including a specific description of the*
8 *methodology and the source data used in developing such*
9 *reports, including—*

10 *“(1) an estimate of the amounts for the fiscal*
11 *year covered by the President’s most recent budget*
12 *pursuant to section 1105(a) of title 31, United States*
13 *Code, including—*

14 *“(A) the unobligated balance of funds to be*
15 *carried over from the prior fiscal year to the*
16 *budget year;*

17 *“(B) the unobligated balance of funds to be*
18 *carried over from the budget year to the budget*
19 *year plus 1;*

20 *“(C) the amount of obligations for noncata-*
21 *strophic events for the budget year;*

22 *“(D) the amount of obligations for the budg-*
23 *et year for catastrophic events delineated by*
24 *event and by State;*

1 “(E) the total amount that has been pre-
2 viously obligated or will be required for cata-
3 strophic events delineated by event and by State
4 for all prior years, the current fiscal year, the
5 budget year, and each fiscal year thereafter;

6 “(F) the amount of previously obligated
7 funds that will be recovered for the budget year;

8 “(G) the amount that will be required for
9 obligations for emergencies, as described in sec-
10 tion 102(1), major disasters, as described in sec-
11 tion 102(2), fire management assistance grants,
12 as described in section 420, surge activities, and
13 disaster readiness and support activities; and

14 “(H) the amount required for activities not
15 covered under section 251(b)(2)(D)(iii) of the
16 Balanced Budget and Emergency Deficit Control
17 Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)); and

18 “(2) an estimate or actual amounts, if available,
19 of the following for the current fiscal year, which shall
20 be submitted not later than the fifth day of each
21 month, published by the Administrator of the Federal
22 Emergency Management Agency on the website of the
23 Federal Emergency Management Agency not later
24 than the fifth day of each month:

1 “(A) A summary of the amount of appro-
2 priations made available by source, the transfers
3 executed, the previously allocated funds recov-
4 ered, and the commitments, allocations, and obli-
5 gations made.

6 “(B) A table of disaster relief activity delin-
7 eated by month, including—

8 “(i) the beginning and ending bal-
9 ances;

10 “(ii) the total obligations to include
11 amounts obligated for fire assistance, emer-
12 gencies, surge, and disaster support activi-
13 ties;

14 “(iii) the obligations for catastrophic
15 events delineated by event and by State;
16 and

17 “(iv) the amount of previously obli-
18 gated funds that are recovered.

19 “(C) A summary of allocations, obligations,
20 and expenditures for catastrophic events delin-
21 eated by event.

22 “(D) The cost of the following categories of
23 spending:

24 “(i) Public assistance.

25 “(ii) Individual assistance.

1 “(iii) *Mitigation.*

2 “(iv) *Administrative.*

3 “(v) *Operations.*

4 “(vi) *Any other relevant category (in-*
5 *cluding emergency measures and disaster*
6 *resources) delineated by disaster.*

7 “(E) *The date on which funds appropriated*
8 *will be exhausted.*

9 “(d) *CONTRACTS.—*

10 “(1) *INFORMATION.—Not later than 10 days*
11 *after the first day of each month, the Administrator*
12 *of the Federal Emergency Management Agency shall*
13 *publish on the website of the Federal Emergency Man-*
14 *agement Agency the specifics of each contract in ex-*
15 *cess of \$1,000,000 that the Federal Emergency Man-*
16 *agement Agency enters into, including—*

17 “(A) *the name of the party;*

18 “(B) *the date the contract was awarded;*

19 “(C) *the amount and scope of the contract;*

20 “(D) *if the contract was awarded through a*
21 *competitive bidding process;*

22 “(E) *if no competitive bidding process was*
23 *used, the reason why competitive bidding was*
24 *not used; and*

1 “(F) *the authority used to bypass the com-*
2 *petitive bidding process.*

3 *The information shall be delineated by disaster, if ap-*
4 *plicable, and specify the damage category code, if ap-*
5 *plicable.*

6 “(2) *REPORT.—Not later than 10 days after the*
7 *last day of the fiscal year, the Administrator of the*
8 *Federal Emergency Management Agency shall provide*
9 *a report to the appropriate committees of Congress*
10 *summarizing the following information for the pre-*
11 *ceding fiscal year:*

12 “(A) *The number of contracts awarded*
13 *without competitive bidding.*

14 “(B) *The reasons why a competitive bidding*
15 *process was not used.*

16 “(C) *The total amount of contracts awarded*
17 *with no competitive bidding.*

18 “(D) *The damage category codes, if applica-*
19 *ble, for contracts awarded without competitive*
20 *bidding.*

21 “(e) *COLLECTION OF PUBLIC ASSISTANCE RECIPIENT*
22 *AND SUBRECIPIENT CONTRACTS.—*

23 “(1) *IN GENERAL.—Not later than 180 days*
24 *after the date of enactment of this subsection, the Ad-*
25 *ministrator of the Federal Emergency Management*

1 *Agency shall initiate and maintain an effort to collect*
2 *and store information, prior to the project closeout*
3 *phase on any contract entered into by a public assist-*
4 *ance recipient or subrecipient that through the base*
5 *award, available options, or any subsequent modifica-*
6 *tions has an estimated value of more than \$1,000,000*
7 *and is funded through section 324, 403, 404, 406,*
8 *407, 428, or 502, including—*

9 *“(A) the disaster number, project worksheet*
10 *number, and the category of work associated*
11 *with each contract;*

12 *“(B) the name of each party;*

13 *“(C) the date the contract was awarded;*

14 *“(D) the amount of the contract;*

15 *“(E) the scope of the contract;*

16 *“(F) the period of performance for the con-*
17 *tract; and*

18 *“(G) whether the contract was awarded*
19 *through a competitive bidding process.*

20 *“(2) AVAILABILITY OF INFORMATION COL-*
21 *LECTED.—The Administrator of the Federal Emer-*
22 *gency Management Agency shall make the informa-*
23 *tion collected and stored under paragraph (1) avail-*
24 *able to the Inspector General of the Department of*
25 *Homeland Security, the Government Accountability*

1 Office, and appropriate committees of Congress, upon
2 request.

3 “(3) *REPORT.*—Not later than 365 days after the
4 date of enactment of this subsection, the Adminis-
5 trator of the Federal Emergency Management Agency
6 shall submit a report to the Committee on Homeland
7 Security and Governmental Affairs of the Senate and
8 the Committee on Transportation and Infrastructure
9 of the House of Representatives on the efforts of the
10 Federal Emergency Management Agency to collect the
11 information described in paragraph (1).”.

12 **SEC. 1225. AUDIT OF CONTRACTS.**

13 Notwithstanding any other provision of law, the Ad-
14 ministrators of the Federal Emergency Management Agency
15 shall not reimburse a State or local government, an Indian
16 tribal government (as defined in section 102 of the Robert
17 T. Stafford Disaster Relief and Emergency Assistance Act
18 (42 U.S.C. 5122), or the owner or operator of a private
19 nonprofit facility (as defined in section 102 of the Robert
20 T. Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5122) for any activities made pursuant to a con-
22 tract entered into after August 1, 2017, that prohibits the
23 Administrator or the Comptroller General of the United
24 States from auditing or otherwise reviewing all aspects re-
25 lating to the contract.

1 **SEC. 1226. INSPECTOR GENERAL AUDIT OF FEMA CON-**
2 **TRACTS FOR TARPS AND PLASTIC SHEETING.**

3 (a) *IN GENERAL.*—Not later than 30 days after the
4 date of enactment of this Act, the Inspector General of the
5 Department of Homeland Security shall initiate an audit
6 of the contracts awarded by the Agency for tarps and plastic
7 sheeting for the Commonwealth of Puerto Rico and the
8 United States Virgin Islands in response to Hurricane
9 Irma and Hurricane Maria.

10 (b) *CONSIDERATIONS.*—In carrying out the audit
11 under subsection (a), the inspector general shall review—

12 (1) *the contracting process used by the Agency to*
13 *evaluate offerors and award the relevant contracts to*
14 *contractors;*

15 (2) *the assessment conducted by the Agency of the*
16 *past performance of the contractors, including any*
17 *historical information showing that the contractors*
18 *had supported large-scale delivery quantities in the*
19 *past;*

20 (3) *the assessment conducted by the Agency of the*
21 *capacity of the contractors to carry out the relevant*
22 *contracts, including with respect to inventory, pro-*
23 *duction, and financial capabilities;*

24 (4) *how the Agency ensured that the contractors*
25 *met the terms of the relevant contracts; and*

1 (5) *whether the failure of the contractors to meet*
2 *the terms of the relevant contracts and the subsequent*
3 *cancellation by the Agency of the relevant contracts*
4 *affected the provision of tarps and plastic sheeting to*
5 *the Commonwealth of Puerto Rico and the United*
6 *States Virgin Islands.*

7 (c) *REPORT.—Not later than 270 days after the date*
8 *of initiation of the audit under subsection (a), the inspector*
9 *general shall submit to the Committee on Transportation*
10 *and Infrastructure of the House of Representatives and the*
11 *Committee on Homeland Security and Governmental Af-*
12 *airs of the Senate a report on the results of the audit, in-*
13 *cluding findings and recommendations.*

14 **SEC. 1227. RELIEF ORGANIZATIONS.**

15 *Section 309 of the Robert T. Stafford Disaster Relief*
16 *and Emergency Assistance Act (42 U.S.C. 5152) is amend-*
17 *ed—*

18 (1) *in subsection (a), by striking “and other re-*
19 *lief or” and inserting “long-term recovery groups, do-*
20 *mestic hunger relief, and other relief, or”;* and

21 (2) *in subsection (b), by striking “and other re-*
22 *lief or” and inserting “long-term recovery groups, do-*
23 *mestic hunger relief, and other relief, or”.*

1 **SEC. 1228. GUIDANCE ON INUNDATED AND SUBMERGED**
2 **ROADS.**

3 *The Administrator of the Federal Emergency Manage-*
4 *ment Agency, in coordination with the Administrator of the*
5 *Federal Highway Administration, shall develop and issue*
6 *guidance for State, local, and Indian tribal governments*
7 *regarding repair, restoration, and replacement of inundated*
8 *and submerged roads damaged or destroyed by a major dis-*
9 *aster, and for associated expenses incurred by the Govern-*
10 *ment, with respect to roads eligible for assistance under sec-*
11 *tion 406 of the Robert T. Stafford Disaster Relief and*
12 *Emergency Assistance Act (42 U.S.C. 5172).*

13 **SEC. 1229. EXTENSION OF ASSISTANCE.**

14 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
15 *sion of law, in the case of an individual eligible to receive*
16 *unemployment assistance under section 410(a) of the Robert*
17 *T. Stafford Disaster Relief and Emergency Assistance Act*
18 *(42 U.S.C. 5177(a)) as a result of a disaster declaration*
19 *made for Hurricane Irma and Hurricane Maria in the*
20 *Commonwealth of Puerto Rico and the United States Virgin*
21 *Islands, the President shall make such assistance available*
22 *for 52 weeks after the date of the disaster declaration effec-*
23 *tive as if enacted at the time of the disaster declaration.*

24 (b) *NO ADDITIONAL FUNDS AUTHORIZED.*—*No addi-*
25 *tional funds are authorized to carry out the requirements*
26 *of this section.*

1 **SEC. 1230. GUIDANCE AND RECOMMENDATIONS.**

2 (a) *GUIDANCE.*—*The Administrator shall provide*
3 *guidance to a common interest community that provides*
4 *essential services of a governmental nature on actions that*
5 *a common interest community may take in order to be eligi-*
6 *ble to receive reimbursement from a grantee that receives*
7 *funds from the Agency for certain activities performed after*
8 *an event that results in a major disaster declared by the*
9 *President under section 401 of the Robert T. Stafford Dis-*
10 *aster Relief and Emergency Assistance Act (42 U.S.C.*
11 *5170).*

12 (b) *RECOMMENDATIONS.*—*Not later than 90 days after*
13 *the date of enactment of this Act, the Administrator shall*
14 *provide to the Committee on Transportation and Infra-*
15 *structure of the House of Representatives and the Committee*
16 *on Homeland Security and Governmental Affairs of the*
17 *Senate a legislative proposal on how to provide eligibility*
18 *for disaster assistance with respect to common areas of con-*
19 *dominiums and housing cooperatives.*

20 (c) *EFFECTIVE DATE.*—*This section shall be effective*
21 *on the date of enactment of this Act.*

22 **SEC. 1231. GUIDANCE ON HAZARD MITIGATION ASSIST-**
23 **ANCE.**

24 (a) *IN GENERAL.*—*Not later than 180 days after the*
25 *date of enactment of this Act, the Administrator shall issue*
26 *guidance regarding the acquisition of property for open*

1 *space as a mitigation measure under section 404 of the Rob-*
2 *ert T. Stafford Disaster Relief and Emergency Assistance*
3 *Act (42 U.S.C. 5170c) that includes—*

4 (1) *a process by which the State hazard mitiga-*
5 *tion officer appointed for such an acquisition shall,*
6 *not later than 60 days after the applicant for assist-*
7 *ance enters into an agreement with the Administrator*
8 *regarding the acquisition, provide written notification*
9 *to each affected unit of local government for such ac-*
10 *quisition that includes—*

11 (A) *the location of the acquisition;*

12 (B) *the State-local assistance agreement for*
13 *the hazard mitigation grant program;*

14 (C) *a description of the acquisition; and*

15 (D) *a copy of the deed restriction; and*

16 (2) *recommendations for entering into and im-*
17 *plementing a memorandum of understanding between*
18 *units of local government and covered entities that in-*
19 *cludes provisions to allow an affected unit of local*
20 *government notified under paragraph (1) to—*

21 (A) *use and maintain the open space cre-*
22 *ated by such a project, consistent with section*
23 *404 (including related regulations, standards,*
24 *and guidance) and consistent with all adjoining*
25 *property, subject to the notification of the adjoin-*

1 *ing property, so long as the cost of the mainte-*
2 *nance is borne by the local government; and*

3 *(B) maintain the open space pursuant to*
4 *standards exceeding any local government stand-*
5 *ards defined in the agreement with the Adminis-*
6 *trator described under paragraph (1).*

7 *(b) DEFINITIONS.—In this section:*

8 *(1) AFFECTED UNIT OF LOCAL GOVERNMENT.—*
9 *The term “affected unit of local government” means*
10 *any entity covered by the definition of local govern-*
11 *ment in section 102 of the Robert T. Stafford Disaster*
12 *Relief and Emergency Assistance Act (42 U.S.C.*
13 *5122), that has jurisdiction over the property subject*
14 *to the acquisition described in subsection (a).*

15 *(2) COVERED ENTITY.—The term “covered enti-*
16 *ty” means—*

17 *(A) the grantee or subgrantee receiving as-*
18 *sistance for an open space project described in*
19 *subsection (a);*

20 *(B) the State in which such project is lo-*
21 *cated; and*

22 *(C) the applicable Regional Administrator*
23 *of the Agency.*

1 **SEC. 1232. LOCAL IMPACT.**

2 (a) *IN GENERAL.*—*In making recommendations to the*
3 *President regarding a major disaster declaration, the Ad-*
4 *ministrator of the Federal Emergency Management Agency*
5 *shall give greater consideration to severe local impact or*
6 *recent multiple disasters. Further, the Administrator shall*
7 *make corresponding adjustments to the Agency’s policies*
8 *and regulations regarding such consideration. Not later*
9 *than 1 year after the date of enactment of this section, the*
10 *Administrator shall report to the Committee on Transpor-*
11 *tation and Infrastructure of the House of Representatives*
12 *and the Committee on Homeland Security and Govern-*
13 *mental Affairs of the Senate on the changes made to regula-*
14 *tions and policies and the number of declarations that have*
15 *been declared based on the new criteria.*

16 (b) *EFFECTIVE DATE.*—*This section shall be effective*
17 *on the date of enactment of this Act.*

18 **SEC. 1233. ADDITIONAL HAZARD MITIGATION ACTIVITIES.**

19 *Section 404 of the Robert T. Stafford Disaster Relief*
20 *and Emergency Assistance Act (42 U.S.C. 5170c), as*
21 *amended by this division, is further amended by adding*
22 *at the end the following:*

23 “(g) *USE OF ASSISTANCE FOR EARTHQUAKE HAZ-*
24 *ARDS.*—*Recipients of hazard mitigation assistance pro-*
25 *vided under this section and section 203 may use the assist-*
26 *ance to conduct activities to help reduce the risk of future*

1 *damage, hardship, loss, or suffering in any area affected*
 2 *by earthquake hazards, including—*

3 “(1) *improvements to regional seismic networks*
 4 *in support of building a capability for earthquake*
 5 *early warning;*

6 “(2) *improvements to geodetic networks in sup-*
 7 *port of building a capability for earthquake early*
 8 *warning; and*

9 “(3) *improvements to seismometers, Global Posi-*
 10 *tioning System receivers, and associated infrastruc-*
 11 *ture in support of building a capability for earth-*
 12 *quake early warning.”.*

13 **SEC. 1234. NATIONAL PUBLIC INFRASTRUCTURE**
 14 **PREDISASTER HAZARD MITIGATION.**

15 *(a) PREDISASTER HAZARD MITIGATION.—Section 203*
 16 *of the Robert T. Stafford Disaster Relief and Emergency*
 17 *Assistance Act (42 U.S.C. 5133) is amended—*

18 *(1) in subsection (c) by inserting “Public Infra-*
 19 *structure” after “the National”;*

20 *(2) in subsection (e)(1)(B)—*

21 *(A) by striking “or” at the end of clause*
 22 *(ii);*

23 *(B) by striking the period at the end of*
 24 *clause (iii) and inserting “; or”;* and

25 *(C) by adding at the end the following:*

1 “(iv) to establish and carry out en-
2 forcement activities and implement the lat-
3 est published editions of relevant consensus-
4 based codes, specifications, and standards
5 that incorporate the latest hazard-resistant
6 designs and establish minimum acceptable
7 criteria for the design, construction, and
8 maintenance of residential structures and
9 facilities that may be eligible for assistance
10 under this Act for the purpose of protecting
11 the health, safety, and general welfare of the
12 buildings’ users against disasters.”;

13 (3) in subsection (f)—

14 (A) in paragraph (1) by inserting “for
15 mitigation activities that are cost effective” after
16 “competitive basis”; and

17 (B) by adding at the end the following:

18 “(3) REDISTRIBUTION OF UNOBLIGATED
19 AMOUNTS.—The President may—

20 “(A) withdraw amounts of financial assist-
21 ance made available to a State (including
22 amounts made available to local governments of
23 a State) under this subsection that remain unob-
24 ligated by the end of the third fiscal year after

1 *the fiscal year for which the amounts were allo-*
2 *cated; and*

3 “(B) *in the fiscal year following a fiscal*
4 *year in which amounts were withdrawn under*
5 *subparagraph (A), add the amounts to any other*
6 *amounts available to be awarded on a competi-*
7 *tive basis pursuant to paragraph (1).”;*

8 *(4) in subsection (g)—*

9 *(A) by inserting “provide financial assist-*
10 *ance only in States that have received a major*
11 *disaster declaration in the previous 7 years, or*
12 *to any Indian tribal government located par-*
13 *tially or entirely within the boundaries of such*
14 *States, and” after “the President shall”;*

15 *(B) in paragraph (9) by striking “and” at*
16 *the end;*

17 *(C) by redesignating paragraph (10) as*
18 *paragraph (12); and*

19 *(D) by adding after paragraph (9) the fol-*
20 *lowing:*

21 “(10) *the extent to which the State, local, Indian*
22 *tribal, or territorial government has facilitated the*
23 *adoption and enforcement of the latest published edi-*
24 *tions of relevant consensus-based codes, specifications,*
25 *and standards, including amendments made by State,*

1 *local, Indian tribal, or territorial governments during*
2 *the adoption process that incorporate the latest haz-*
3 *ard-resistant designs and establish criteria for the de-*
4 *sign, construction, and maintenance of residential*
5 *structures and facilities that may be eligible for as-*
6 *sistance under this Act for the purpose of protecting*
7 *the health, safety, and general welfare of the build-*
8 *ings' users against disasters;*

9 *“(11) the extent to which the assistance will fund*
10 *activities that increase the level of resiliency; and”;*

11 *(5) by striking subsection (i) and inserting the*
12 *following:*

13 *“(i) NATIONAL PUBLIC INFRASTRUCTURE*
14 *PREDISASTER MITIGATION ASSISTANCE.—*

15 *“(1) IN GENERAL.—The President may set aside*
16 *from the Disaster Relief Fund, with respect to each*
17 *major disaster, an amount equal to 6 percent of the*
18 *estimated aggregate amount of the grants to be made*
19 *pursuant to sections 403, 406, 407, 408, 410, 416,*
20 *and 428 for the major disaster in order to provide*
21 *technical and financial assistance under this section*
22 *and such set aside shall be deemed to be related to ac-*
23 *tivities carried out pursuant to major disasters under*
24 *this Act.*

1 “(2) *ESTIMATED AGGREGATE AMOUNT.*—Not
2 *later than 180 days after each major disaster declara-*
3 *tion pursuant to this Act, the estimated aggregate*
4 *amount of grants for purposes of paragraph (1) shall*
5 *be determined by the President and such estimated*
6 *amount need not be reduced, increased, or changed*
7 *due to variations in estimates.*

8 “(3) *NO REDUCTION IN AMOUNTS.*—*The amount*
9 *set aside pursuant to paragraph (1) shall not reduce*
10 *the amounts otherwise made available for sections*
11 *403, 404, 406, 407, 408, 410, 416, and 428 under this*
12 *Act.”; and*

13 *(6) by striking subsections (j) and (m);*

14 *(7) by redesignating subsections (k), (l), and (n)*
15 *as subsections (j), (k), and (l), respectively and*

16 *(8) by adding at the end the following:*

17 “(m) *LATEST PUBLISHED EDITIONS.*—*For purposes of*
18 *subsections (e)(1)(B)(iv) and (g)(10), the term ‘latest pub-*
19 *lished editions’ means, with respect to relevant consensus-*
20 *based codes, specifications, and standards, the 2 most re-*
21 *cently published editions.”.*

22 “(b) *APPLICABILITY.*—*The amendments made to section*
23 *203 of the Robert T. Stafford Disaster Relief and Emer-*
24 *gency Assistance Act (42 U.S.C. 5133) by paragraphs (3)*

1 *and (5) of subsection (a) shall apply to funds appropriated*
2 *on or after the date of enactment of this Act.*

3 (c) *SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 (1) *all funding expended from the National Pub-*
6 *lic Infrastructure Predisaster Mitigation Assistance*
7 *created by Section 203(i)(1) of the Robert T. Stafford*
8 *Disaster Relief and Emergency Assistance Act (42*
9 *U.S.C. 5133), as added by this section, shall not be*
10 *considered part of FEMA’s regular appropriations for*
11 *non-Stafford activities, also known as the Federal*
12 *Emergency Management Agency’s Disaster Relief*
13 *Fund base; and*

14 (2) *the President should have the funds related to*
15 *the National Public Infrastructure Predisaster Miti-*
16 *gation Assistance created by Section 203(i)(1) of the*
17 *Robert T. Stafford Disaster Relief and Emergency As-*
18 *sistance Act (42 U.S.C. 5133), as added by this sec-*
19 *tion, identified in and allocated from the Federal*
20 *Emergency Management Agency’s Disaster Relief*
21 *Fund for major disasters declared pursuant to the*
22 *Robert T. Stafford Disaster Relief and Emergency As-*
23 *sistance Act (42 U.S.C. 5121 et seq.).*

24 (d) *SUNSET.—On the date that is 5 years after the*
25 *date of enactment of this Act, section 203 of the Robert T.*

1 *Stafford Disaster Relief and Emergency Assistance Act (42*
2 *U.S.C. 5133) is amended by striking subsection (m), as*
3 *added by subsection (a)(8) of this section.*

4 **SEC. 1235. ADDITIONAL MITIGATION ACTIVITIES.**

5 (a) *HAZARD MITIGATION CLARIFICATION.*—Section
6 *404(a) of the Robert T. Stafford Disaster Relief and Emer-*
7 *gency Assistance Act (42 U.S.C. 5170c(a)) is amended by*
8 *striking the first sentence and inserting the following: “The*
9 *President may contribute up to 75 percent of the cost of*
10 *hazard mitigation measures which the President has deter-*
11 *mined are cost effective and which substantially reduce the*
12 *risk of, or increase resilience to, future damage, hardship,*
13 *loss, or suffering in any area affected by a major disaster.”.*

14 (b) *ELIGIBLE COST.*—Section 406(e)(1)(A) of the Rob-
15 *ert T. Stafford Disaster Relief and Emergency Assistance*
16 *Act (42 U.S.C. 5172(e)(1)(A)) is amended—*

17 (1) *in the matter preceding clause (i), by insert-*
18 *ing after “section,” the following: “for disasters de-*
19 *clared on or after August 1, 2017, or a disaster in*
20 *which a cost estimate has not yet been finalized for*
21 *a project, or for any project for which the finalized*
22 *cost estimate is on appeal,”;*

23 (2) *in clause (i), by striking “and” at the end;*

24 (3) *in clause (ii)—*

1 (A) by striking “codes, specifications, and
2 standards” and inserting “the latest published
3 editions of relevant consensus-based codes, speci-
4 fications, and standards that incorporate the lat-
5 est hazard-resistant designs and establish min-
6 imum acceptable criteria for the design, con-
7 struction, and maintenance of residential struc-
8 tures and facilities that may be eligible for as-
9 sistance under this Act for the purposes of pro-
10 tecting the health, safety, and general welfare of
11 a facility’s users against disasters”;

12 (B) by striking “applicable at the time at
13 which the disaster occurred”; and

14 (C) by striking the period at the end and
15 inserting “; and”; and

16 (4) by adding at the end the following:

17 “(iii) in a manner that allows the fa-
18 cility to meet the definition of resilient de-
19 veloped pursuant to this subsection.”.

20 (c) *OTHER ELIGIBLE COST.*—Section 406(e)(1) of the
21 Robert T. Stafford Disaster Relief and Emergency Assist-
22 ance Act (42 U.S.C. 5172(e)(1)) is further amended by add-
23 ing at the end the following:

24 “(C) *CONTRIBUTIONS.*—Contributions for
25 the eligible cost made under this section may be

1 *provided on an actual cost basis or on cost-esti-*
2 *mation procedures.”.*

3 *(d) NEW RULES.—Section 406(e) of the Robert T.*
4 *Stafford Disaster Relief and Emergency Assistance Act (42*
5 *U.S.C. 5172(e)) is further amended by adding at the end*
6 *the following:*

7 “(5) *NEW RULES.—*

8 “(A) *IN GENERAL.—Not later than 18*
9 *months after the date of enactment of this para-*
10 *graph, the President, acting through the Admin-*
11 *istrator of the Federal Emergency Management*
12 *Agency, and in consultation with the heads of*
13 *relevant Federal departments and agencies, shall*
14 *issue a final rulemaking that defines the terms*
15 *‘resilient’ and ‘resiliency’ for purposes of this*
16 *subsection.*

17 “(B) *INTERIM GUIDANCE.—Not later than*
18 *60 days after the date of enactment of this para-*
19 *graph, the Administrator shall issue interim*
20 *guidance to implement this subsection. Such in-*
21 *terim guidance shall expire 18 months after the*
22 *date of enactment of this paragraph or upon*
23 *issuance of final regulations pursuant to sub-*
24 *paragraph (A), whichever occurs first.*

1 (1) *Providing a list of equipment required in the*
2 *event a hazardous substance is released into the envi-*
3 *ronment.*

4 (2) *Outlining the health risks associated with ex-*
5 *posure to hazardous substances to improve treatment*
6 *response.*

7 (3) *Publishing best practices for mitigating fur-*
8 *ther danger to communities from hazardous sub-*
9 *stances.*

10 (b) *IMPLEMENTATION.—The requirement of subsection*
11 *(a) shall be implemented not later than 180 days after the*
12 *date of enactment of this Act.*

13 **SEC. 1237. CERTAIN RECOUPMENT PROHIBITED.**

14 (a) *IN GENERAL.—Notwithstanding any other provi-*
15 *sion of law, the Agency shall deem any covered disaster as-*
16 *sistance to have been properly procured, provided, and uti-*
17 *lized, and shall restore any funding of covered disaster as-*
18 *sistance previously provided but subsequently withdrawn or*
19 *deobligated.*

20 (b) *COVERED DISASTER ASSISTANCE DEFINED.—In*
21 *this section, the term “covered disaster assistance” means*
22 *assistance—*

23 (1) *provided to a local government pursuant to*
24 *section 403, 406, or 407 of the Robert T. Stafford Dis-*

1 *aster Relief and Emergency Assistance Act (42 U.S.C.*
2 *5170b, 5172, or 5173); and*

3 *(2) with respect to which the inspector general of*
4 *the Department of Homeland Security has deter-*
5 *mined, after an audit, that—*

6 *(A) the Agency deployed to the local govern-*
7 *ment a Technical Assistance Contractor to re-*
8 *view field operations, provide eligibility advice,*
9 *and assist with day-to-day decisions;*

10 *(B) the Technical Assistance Contractor*
11 *provided inaccurate information to the local gov-*
12 *ernment; and*

13 *(C) the local government relied on the inac-*
14 *curate information to determine that relevant*
15 *contracts were eligible, reasonable, and reimburs-*
16 *able.*

17 *(c) EFFECTIVE DATE.—This section shall be effective*
18 *on the date of enactment of this Act.*

19 **SEC. 1238. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
20 **HOUSEHOLDS AND NONPROFIT FACILITIES.**

21 *(a) CRITICAL DOCUMENT FEE WAIVER.—*

22 *(1) IN GENERAL.—Notwithstanding section 1 of*
23 *the Passport Act of June 4, 1920 (22 U.S.C. 214) or*
24 *any other provision of law, the President, in consulta-*
25 *tion with the Governor of a State, may provide a*

1 *waiver under this subsection to an individual or*
2 *household described in section 408(e)(1) of the Robert*
3 *T. Stafford Disaster Relief and Emergency Assistance*
4 *Act (42 U.S.C. 5174(e)(1)) for the following document*
5 *replacement fees:*

6 *(A) The passport application fee for indi-*
7 *viduals who lost their United States passport in*
8 *a major disaster within the preceding three cal-*
9 *endar years.*

10 *(B) The file search fee for a United States*
11 *passport.*

12 *(C) The Application for Waiver of Passport*
13 *and/or Visa form (Form I-193) fee.*

14 *(D) The Permanent Resident Card replace-*
15 *ment form (Form I-90) filing fee.*

16 *(E) The Declaration of Intention form*
17 *(Form N-300) filing fee.*

18 *(F) The Naturalization/Citizenship Docu-*
19 *ment replacement form (Form N-565) filing fee.*

20 *(G) The Employment Authorization form*
21 *(Form I-765) filing fee.*

22 *(H) The biometric service fee.*

23 (2) *EXEMPTION FROM FORM REQUIREMENT.—*

24 *The authority of the President to waive fees under*
25 *subparagraphs (C) through (H) of paragraph (1) ap-*

1 *plies regardless of whether the individual or household*
2 *qualifies for a Form I-912 Request for Fee Waiver,*
3 *or any successor thereto.*

4 (3) *EXEMPTION FROM ASSISTANCE MAXIMUM.—*
5 *The assistance limit in section 408(h) of the Robert*
6 *T. Stafford Disaster Relief and Emergency Assistance*
7 *Act (42 U.S.C. 5174(h)) shall not apply to any fee*
8 *waived under this subsection.*

9 (4) *REPORT.—Not later than 365 days after the*
10 *date of enactment of this subsection, the Adminis-*
11 *trator and the head of any other agency given critical*
12 *document fee waiver authority under this subsection*
13 *shall submit a report to the Committee on Homeland*
14 *Security and Governmental Affairs of the Senate and*
15 *the Committee on Transportation and Infrastructure*
16 *of the House of Representatives on the costs associated*
17 *with providing critical document fee waivers as de-*
18 *scribed in paragraph (1).*

19 (b) *FEDERAL ASSISTANCE TO PRIVATE NONPROFIT*
20 *CHILDCARE FACILITIES.—Section 102(11)(A) of the Robert*
21 *T. Stafford Disaster Relief and Emergency Assistance Act*
22 *(42 U.S.C. 5122(11)(A)) is amended—*

23 (1) *in the second subparagraph (A) (as added by*
24 *Public Law 115-123), by inserting “center-based*
25 *childcare,” after “facility),”; and*

1 (2) *in the first subparagraph (A), by striking*
2 “(A) *IN GENERAL.—The term ‘private nonprofit facil-*
3 *ity’ means private nonprofit educational, utility’ and*
4 *all that follows through ‘President.’.*”

5 (c) *APPLICABILITY.—The amendment made by sub-*
6 *section (b)(1) shall apply to any major disaster or emer-*
7 *gency declared by the President under section 401 or 501,*
8 *respectively, of the Robert T. Stafford Disaster Relief and*
9 *Emergency Assistance Act (42 U.S.C. 5170, 5191) on or*
10 *after the date of enactment of this Act.*

11 **SEC. 1239. COST OF ASSISTANCE ESTIMATES.**

12 (a) *IN GENERAL.—Not later than 270 days after the*
13 *date of enactment of this Act, the Administrator shall re-*
14 *view the factors considered when evaluating a request for*
15 *a major disaster declaration under the Robert T. Stafford*
16 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
17 *5121 et seq.), specifically the estimated cost of the assist-*
18 *ance, and provide a report and briefing to the Committee*
19 *on Homeland Security and Governmental Affairs of the*
20 *Senate and the Committee on Transportation and Infra-*
21 *structure of the House of Representatives.*

22 (b) *RULEMAKING.—Not later than 2 years after the*
23 *date of enactment of this Act, the Administrator shall re-*
24 *view and initiate a rulemaking to update the factors consid-*
25 *ered when evaluating a Governor’s request for a major dis-*

1 aster declaration, including reviewing how the Agency esti-
2 mates the cost of major disaster assistance, and consider
3 other impacts on the capacity of a jurisdiction to respond
4 to disasters. In determining the capacity of a jurisdiction
5 to respond to disasters, and prior to the issuance of such
6 a rule, the Administrator shall engage in meaningful con-
7 sultation with relevant representatives of State, regional,
8 local, and Indian tribal government stakeholders.

9 **SEC. 1240. REPORT ON INSURANCE SHORTFALLS.**

10 *Not later than 2 years after the date of enactment of*
11 *this section, and each year thereafter until 2023, the Ad-*
12 *ministrator of the Federal Emergency Management Agency*
13 *shall submit a report to Congress on the number of instances*
14 *and the estimated amounts involved, by State, for cases in*
15 *which self-insurance amounts have been insufficient to ad-*
16 *dress flood damages.*

17 **SEC. 1241. POST DISASTER BUILDING SAFETY ASSESSMENT.**

18 *(a) BUILDING SAFETY ASSESSMENT TEAM.—*

19 *(1) IN GENERAL.—The Administrator shall co-*
20 *ordinate with State and local governments and orga-*
21 *nizations representing design professionals, such as*
22 *architects and engineers, to develop guidance, includ-*
23 *ing best practices, for post-disaster assessment of*
24 *buildings by licensed architects and engineers to en-*
25 *sure the design professionals properly analyze the*

1 *structural integrity and livability of buildings and*
2 *structures.*

3 (2) *PUBLICATION.*—*The Administrator shall*
4 *publish the guidance required to be developed under*
5 *paragraph (1) not later than 1 year after the date of*
6 *enactment of this Act.*

7 (b) *NATIONAL INCIDENT MANAGEMENT SYSTEM.*—*The*
8 *Administrator shall revise or issue guidance as required to*
9 *the National Incident Management System Resource Man-*
10 *agement component to ensure the functions of post-disaster*
11 *building safety assessment, such as those functions per-*
12 *formed by design professionals are accurately resource typed*
13 *within the National Incident Management System.*

14 (c) *EFFECTIVE DATE.*—*This section shall be effective*
15 *on the date of enactment of this Act.*

16 **SEC. 1242. FEMA UPDATES ON NATIONAL PREPAREDNESS**
17 **ASSESSMENT.**

18 *Not later than 6 months after the date of enactment*
19 *of this Act, and every 6 months thereafter until completion,*
20 *the Administrator shall submit to the Committee on Home-*
21 *land Security and Governmental Affairs of the Senate and*
22 *the Committees on Transportation and Infrastructure and*
23 *Homeland Security of the House of Representatives an up-*
24 *date on the progress of the Agency in completing action 6*
25 *with respect to the report published by the Government Ac-*

1 *countability Office entitled “2012 Annual Report: Opportu-*
2 *nities to Reduce Duplication, Overlap and Fragmentation,*
3 *Achieve Savings, and Enhance Revenue” (February 28,*
4 *2012), which recommends the Agency to—*

5 *(1) complete a national preparedness assessment*
6 *of capability gaps at each level based on tiered, capa-*
7 *bility-specific performance objectives to enable*
8 *prioritization of grant funding; and*

9 *(2) identify the potential costs for establishing*
10 *and maintaining those capabilities at each level and*
11 *determine what capabilities Federal agencies should*
12 *provide.*

13 **SEC. 1243. FEMA REPORT ON DUPLICATION IN NON-NAT-**
14 **URAL DISASTER PREPAREDNESS GRANT PRO-**
15 **GRAMS.**

16 *Not later than 180 days after the date of enactment*
17 *of this Act, the Administrator shall submit to the Commit-*
18 *tees on Homeland Security and Governmental Affairs of the*
19 *Senate and the Committees on Transportation and Infra-*
20 *structure and Homeland Security of the House of Rep-*
21 *resentatives a report on the results of the efforts of the Agen-*
22 *cy to identify and prevent unnecessary duplication within*
23 *and across the non-natural disaster preparedness grant pro-*
24 *grams of the Agency, as recommended in the report pub-*
25 *lished by the Government Accountability Office entitled*

1 “2012 Annual Report: Opportunities to Reduce Dupli-
2 cation, Overlap and Fragmentation, Achieve Savings, and
3 Enhance Revenue” (February 28, 2012), including with re-
4 spect to—

5 (1) the Urban Area Security Initiative estab-
6 lished under section 2003 of the Homeland Security
7 Act of 2002 (6 U.S.C. 604);

8 (2) the Port Security Grant Program authorized
9 under section 70107 of title 46, United States Code;

10 (3) the State Homeland Security Grant Program
11 established under section 2004 of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 605); and

13 (4) the Transit Security Grant Program author-
14 ized under titles XIV and XV of the Implementing
15 Recommendations of the 9/11 Commission Act of 2007
16 (6 U.S.C. 1131 et seq.).

17 **SEC. 1244. STUDY AND REPORT.**

18 (a) *IN GENERAL.*—Not later than 90 days after the
19 date of enactment of this Act, the Administrator shall enter
20 into a contract with the National Academy of Medicine to
21 conduct a study and prepare a report as described in sub-
22 section (b).

23 (b) *STUDY AND REPORT.*—

24 (1) *STUDY.*—

1 (A) *IN GENERAL.*—*The study described in*
2 *this subsection shall be a study of matters con-*
3 *cerning best practices in mortality counts as a*
4 *result of a major disaster (as defined in section*
5 *102 of the Robert T. Stafford Disaster Relief and*
6 *Emergency Assistance Act (42 U.S.C. 5122)).*

7 (B) *CONTENTS.*—*The study described in*
8 *this subsection shall address approaches to quan-*
9 *tifying mortality and significant morbidity*
10 *among populations affected by major disasters,*
11 *which shall include best practices and policy rec-*
12 *ommendations for—*

13 (i) *equitable and timely attribution, in*
14 *order to facilitate access to available bene-*
15 *fits, among other things;*

16 (ii) *timely prospective tracking of pop-*
17 *ulation levels of mortality and significant*
18 *morbidity, and their causes, in order to*
19 *continuously inform response efforts; and*

20 (iii) *a retrospective study of disaster-*
21 *related mortality and significant morbidity*
22 *to inform after-action analysis and improve*
23 *subsequent preparedness efforts.*

24 (2) *REPORT.*—*Not later than 2 years after the*
25 *date on which the contract described in subsection (a)*

1 *is entered into, the National Academy of Medicine*
2 *shall complete and transmit to the Administrator a*
3 *report on the study described in paragraph (1).*

4 *(c) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-*
5 *tional funds are authorized to carry out the requirements*
6 *of this section.*

7 **SEC. 1245. REVIEW OF ASSISTANCE FOR DAMAGED UNDER-**
8 **GROUND WATER INFRASTRUCTURE.**

9 *(a) DEFINITION OF PUBLIC ASSISTANCE GRANT PRO-*
10 *GRAM.—The term “public assistance grant program” means*
11 *the public assistance grant program authorized under sec-*
12 *tions 403, 406, 407, 428, and 502(a) of the Robert T. Staf-*
13 *ford Disaster Relief and Emergency Assistance Act (42*
14 *U.S.C. 5170b, 5172, 5173, 5192(a)).*

15 *(b) REVIEW AND BRIEFING.—Not later than 60 days*
16 *after the date of enactment of this Act, the Administrator*
17 *shall—*

18 *(1) conduct a review of the assessment and eligi-*
19 *bility process under the public assistance grant pro-*
20 *gram with respect to assistance provided for damaged*
21 *underground water infrastructure as a result of a*
22 *major disaster declared under section 401 of such Act*
23 *(42 U.S.C. 5170), including wildfires, and shall in-*
24 *clude the extent to which local technical memoranda,*
25 *prepared by a local unit of government in consulta-*

1 *tion with the relevant State or Federal agencies, iden-*
2 *tified damaged underground water infrastructure that*
3 *should be eligible for the public assistance grant pro-*
4 *gram; and*

5 *(2) provide to the Committee on Homeland Secu-*
6 *rity and Governmental Affairs of the Senate and the*
7 *Committee on Transportation and Infrastructure of*
8 *the House of Representatives a briefing on the review*
9 *conducted under paragraph (1).*

10 *(c) REPORT AND RECOMMENDATIONS.—The Adminis-*
11 *trator shall—*

12 *(1) not later than 180 days after the date of en-*
13 *actment of this Act, issue a report on the review con-*
14 *ducted under subsection (b)(1); and*

15 *(2) not later than 180 days after the date on*
16 *which the Administrator issues the report required*
17 *under paragraph (1), initiate a rulemaking, if appro-*
18 *priate, to address any recommendations contained in*
19 *the report.*

20 **SEC. 1246. EXTENSION.**

21 *The Administrator shall extend the deadlines to imple-*
22 *ment the reasonable and prudent alternative outlined in the*
23 *jeopardy biological opinion dated April 14, 2016, by up to*
24 *3 years from the date of enactment of this Act. Within 18*
25 *months from the date of enactment of this Act, the Adminis-*

1 *trator shall submit to the Committee on Homeland Security*
 2 *and Governmental Affairs, the Committee on Banking,*
 3 *Housing, and Urban Affairs, and the Committee on Envi-*
 4 *ronment and Public Works of the Senate; and the Com-*
 5 *mittee on Homeland Security, the Committee on Natural*
 6 *Resources, and the Committee on Transportation and In-*
 7 *frastructure of the House of Representatives a report on the*
 8 *status of implementing these reasonable and prudent alter-*
 9 *natives.*

10 ***DIVISION E—CONCRETE***
 11 ***MASONRY***

12 ***SEC. 1301. SHORT TITLE.***

13 *This division may be cited as the “Concrete Masonry*
 14 *Products Research, Education, and Promotion Act of*
 15 *2018”.*

16 ***SEC. 1302. DECLARATION OF POLICY.***

17 *(a) PURPOSE.—The purpose of this division is to au-*
 18 *thorize the establishment of an orderly program for devel-*
 19 *oping, financing, and carrying out an effective, continuous,*
 20 *and coordinated program of research, education, and pro-*
 21 *motion, including funds for marketing and market research*
 22 *activities, that is designed to—*

23 *(1) strengthen the position of the concrete ma-*
 24 *sonry products industry in the domestic marketplace;*

1 (2) *maintain, develop, and expand markets and*
2 *uses for concrete masonry products in the domestic*
3 *marketplace; and*

4 (3) *promote the use of concrete masonry products*
5 *in construction and building.*

6 (b) *LIMITATION.*—*Nothing in this division may be*
7 *construed to provide for the control of production or other-*
8 *wise limit the right of any person to manufacture concrete*
9 *masonry products.*

10 **SEC. 1303. DEFINITIONS.**

11 *For the purposes of this division:*

12 (1) *BLOCK MACHINE.*—*The term “block ma-*
13 *chine” means a piece of equipment that utilizes vibra-*
14 *tion and compaction to form concrete masonry prod-*
15 *ucts.*

16 (2) *BOARD.*—*The term “Board” means the Con-*
17 *crete Masonry Products Board established under sec-*
18 *tion 1305.*

19 (3) *CAVITY.*—*The term “cavity” means the open*
20 *space in the mold of a block machine capable of form-*
21 *ing a single concrete masonry unit having nominal*
22 *plan dimensions of 8 inches by 16 inches.*

23 (4) *CONCRETE MASONRY PRODUCTS.*—*The term*
24 *“concrete masonry products” refers to a broader class*
25 *of products, including concrete masonry units as well*

1 *as hardscape products such as concrete pavers and*
2 *segmental retaining wall units, manufactured on a*
3 *block machine using dry-cast concrete.*

4 (5) *CONCRETE MASONRY UNIT.*—*The term “con-*
5 *crete masonry unit”*—

6 (A) *means a concrete masonry product that*
7 *is a manmade masonry unit having an actual*
8 *width of 3 inches or greater and manufactured*
9 *from dry-cast concrete using a block machine;*
10 *and*

11 (B) *includes concrete block and related con-*
12 *crete units used in masonry applications.*

13 (6) *CONFLICT OF INTEREST.*—*The term “conflict*
14 *of interest” means, with respect to a member or em-*
15 *ployee of the Board, a situation in which such mem-*
16 *ber or employee has a direct or indirect financial or*
17 *other interest in a person that performs a service for,*
18 *or enters into a contract with, for anything of eco-*
19 *nomical value.*

20 (7) *DEPARTMENT.*—*The term “Department”*
21 *means the Department of Commerce.*

22 (8) *DRY-CAST CONCRETE.*—*The term “dry-cast*
23 *concrete” means a composite material that is com-*
24 *posed essentially of aggregates embedded in a binding*
25 *medium composed of a mixture of cementitious mate-*

1 *rials (including hydraulic cement, pozzolans, or other*
2 *cementitious materials) and water of such a consist-*
3 *ency to maintain its shape after forming in a block*
4 *machine.*

5 (9) *EDUCATION.*—*The term “education” means*
6 *programs that will educate or communicate the bene-*
7 *fits of concrete masonry products in safe and environ-*
8 *mentally sustainable development, advancements in*
9 *concrete masonry product technology and develop-*
10 *ment, and other information and programs designed*
11 *to generate increased demand for commercial, residen-*
12 *tial, multifamily, and institutional projects using*
13 *concrete masonry products and to generally enhance*
14 *the image of concrete masonry products.*

15 (10) *MACHINE CAVITIES.*—*The term “machine*
16 *cavities” means the cavities with which a block ma-*
17 *chine could be equipped.*

18 (11) *MACHINE CAVITIES IN OPERATION.*—*The*
19 *term “machine cavities in operation” means those*
20 *machine cavities associated with a block machine that*
21 *have produced concrete masonry units within the last*
22 *6 months of the date set for determining eligibility*
23 *and is fully operable and capable of producing con-*
24 *crete masonry units.*

1 (12) *MANUFACTURER.*—*The term “manufac-*
2 *turer” means any person engaged in the manufac-*
3 *turing of commercial concrete masonry products in*
4 *the United States.*

5 (13) *MASONRY UNIT.*—*The term “masonry unit”*
6 *means a noncombustible building product intended to*
7 *be laid by hand or joined using mortar, grout, surface*
8 *bonding, post-tensioning or some combination of these*
9 *methods.*

10 (14) *ORDER.*—*The term “order” means an order*
11 *issued under section 1304.*

12 (15) *PERSON.*—*The term “person” means any*
13 *individual, group of individuals, partnership, cor-*
14 *poration, association, cooperative, or any other entity.*

15 (16) *PROMOTION.*—*The term “promotion” means*
16 *any action, including paid advertising, to advance*
17 *the image and desirability of concrete masonry prod-*
18 *ucts with the express intent of improving the competi-*
19 *tive position and stimulating sales of concrete ma-*
20 *sonry products in the marketplace.*

21 (17) *RESEARCH.*—*The term “research” means*
22 *studies testing the effectiveness of market development*
23 *and promotion efforts, studies relating to the improve-*
24 *ment of concrete masonry products and new product*

1 *development, and studies documenting the perform-*
2 *ance of concrete masonry.*

3 (18) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Commerce.*

5 (19) *UNITED STATES.*—*The term “United*
6 *States” means the several States and the District of*
7 *Columbia.*

8 **SEC. 1304. ISSUANCE OF ORDERS.**

9 (a) *IN GENERAL.*—

10 (1) *ISSUANCE.*—*The Secretary, subject to the*
11 *procedures provided in subsection (b), shall issue or-*
12 *ders under this division applicable to manufacturers*
13 *of concrete masonry products.*

14 (2) *SCOPE.*—*Any order shall be national in*
15 *scope.*

16 (3) *ONE ORDER.*—*Not more than 1 order shall be*
17 *in effect at any one time.*

18 (b) *PROCEDURES.*—

19 (1) *DEVELOPMENT OR RECEIPT OF PROPOSED*
20 *ORDER.*—*A proposed order with respect to the generic*
21 *research, education, and promotion with regards to*
22 *concrete masonry products may be—*

23 (A) *proposed by the Secretary at any time;*

24 *or*

1 (B) requested by or submitted to the Sec-
2 retary by—

3 (i) an existing national organization
4 of concrete masonry product manufacturers;
5 or

6 (ii) any person that may be affected by
7 the issuance of an order.

8 (2) *PUBLICATION OF PROPOSED ORDER.*—If the
9 Secretary determines that a proposed order received
10 in accordance with paragraph (1)(B) is consistent
11 with and will effectuate the purpose of this division,
12 the Secretary shall publish such proposed order in the
13 *Federal Register* not later than 90 days after receiv-
14 ing the order, and give not less than 30 days notice
15 and opportunity for public comment on the proposed
16 order.

17 (3) *ISSUANCE OF ORDER.*—

18 (A) *IN GENERAL.*—After notice and oppor-
19 tunity for public comment are provided in ac-
20 cordance with paragraph (2), the Secretary shall
21 issue the order, taking into consideration the
22 comments received and including in the order
23 such provisions as are necessary to ensure that
24 the order is in conformity with this division.

1 (B) *EFFECTIVE DATE.*—*If there is an af-*
2 *firmative vote in a referendum as provided in*
3 *section 1307, the Secretary shall issue the order*
4 *and such order shall be effective not later than*
5 *140 days after publication of the proposed order.*

6 (c) *AMENDMENTS.*—*The Secretary may, from time to*
7 *time, amend an order. The provisions of this division appli-*
8 *cable to an order shall be applicable to any amendment to*
9 *an order.*

10 **SEC. 1305. REQUIRED TERMS IN ORDERS.**

11 (a) *IN GENERAL.*—*Any order issued under this divi-*
12 *sion shall contain the terms and provisions specified in this*
13 *section.*

14 (b) *CONCRETE MASONRY PRODUCTS BOARD.*—

15 (1) *ESTABLISHMENT AND MEMBERSHIP.*—

16 (A) *ESTABLISHMENT.*—*The order shall pro-*
17 *vide for the establishment of a Concrete Masonry*
18 *Products Board to carry out a program of ge-*
19 *neric promotion, research, and education regard-*
20 *ing concrete masonry products.*

21 (B) *MEMBERSHIP.*—

22 (i) *NUMBER OF MEMBERS.*—*The Board*
23 *shall consist of not fewer than 15 and not*
24 *more than 25 members.*

1 (ii) *APPOINTMENT.*—*The members of*
2 *the Board shall be appointed by the Sec-*
3 *retary from nominations submitted as pro-*
4 *vided in the order.*

5 (iii) *COMPOSITION.*—*The Board shall*
6 *consist of manufacturers. No employee of an*
7 *industry trade organization exempt from*
8 *tax under paragraph (3) or (6) of section*
9 *501(c) of the Internal Revenue Code of 1986*
10 *representing the concrete masonry industry*
11 *or related industries shall serve as a mem-*
12 *ber of the Board and no member of the*
13 *Board may serve concurrently as an officer*
14 *of the board of directors of a national con-*
15 *crete masonry products industry trade asso-*
16 *ciation. Only 2 individuals from any single*
17 *company or its affiliates may serve on the*
18 *Board at any one time.*

19 (2) *DISTRIBUTION OF APPOINTMENTS.*—

20 (A) *REPRESENTATION.*—*To ensure fair and*
21 *equitable representation of the concrete masonry*
22 *products industry, the composition of the Board*
23 *shall reflect the geographical distribution of the*
24 *manufacture of concrete masonry products in the*
25 *United States, the types of concrete masonry*

1 *products manufactured, and the range in size of*
2 *manufacturers in the United States.*

3 *(B) ADJUSTMENT IN BOARD REPRESENTA-*
4 *TION.—Three years after the assessment of con-*
5 *crete masonry products commences pursuant to*
6 *an order, and at the end of each 3-year period*
7 *thereafter, the Board, subject to the review and*
8 *approval of the Secretary, shall, if warranted,*
9 *recommend to the Secretary the reapportionment*
10 *of the Board membership to reflect changes in the*
11 *geographical distribution of the manufacture of*
12 *concrete masonry products and the types of con-*
13 *crete masonry products manufactured.*

14 *(3) NOMINATIONS PROCESS.—The Secretary may*
15 *make appointments from nominations by manufac-*
16 *turers pursuant to the method set forth in the order.*

17 *(4) FAILURE TO APPOINT.—If the Secretary fails*
18 *to make an appointment to the Board within 60 days*
19 *of receiving nominations for such appointment, the*
20 *first nominee for such appointment shall be deemed*
21 *appointed, unless the Secretary provides reasonable*
22 *justification for the delay to the Board and to Con-*
23 *gress and provides a reasonable date by which ap-*
24 *proval or disapproval will be made.*

1 (5) *ALTERNATES.*—*The order shall provide for*
2 *the selection of alternate members of the Board by the*
3 *Secretary in accordance with procedures specified in*
4 *the order.*

5 (6) *TERMS.*—

6 (A) *IN GENERAL.*—*The members and any*
7 *alternates of the Board shall each serve for a*
8 *term of 3 years, except that members and any al-*
9 *ternates initially appointed to the Board shall*
10 *serve for terms of not more than 2, 3, and 4*
11 *years, as specified by the order.*

12 (B) *LIMITATION ON CONSECUTIVE TERMS.*—
13 *A member or an alternate may serve not more*
14 *than 2 consecutive terms.*

15 (C) *CONTINUATION OF TERM.*—*Notwith-*
16 *standing subparagraph (B), each member or al-*
17 *ternate shall continue to serve until a successor*
18 *is appointed by the Secretary.*

19 (D) *VACANCIES.*—*A vacancy arising before*
20 *the expiration of a term of office of an incum-*
21 *bent member or alternate of the Board shall be*
22 *filled in a manner provided for in the order.*

23 (7) *DISQUALIFICATION FROM BOARD SERVICE.*—
24 *The order shall provide that if a member or alternate*
25 *of the Board who was appointed as a manufacturer*

1 *ceases to qualify as a manufacturer, such member or*
2 *alternate shall be disqualified from serving on the*
3 *Board.*

4 (8) *COMPENSATION.—*

5 (A) *IN GENERAL.—Members and any alter-*
6 *nates of the Board shall serve without compensa-*
7 *tion.*

8 (B) *TRAVEL EXPENSES.—If approved by the*
9 *Board, members or alternates shall be reimbursed*
10 *for reasonable travel expenses, which may in-*
11 *clude per diem allowance or actual subsistence*
12 *incurred while away from their homes or regular*
13 *places of business in the performance of services*
14 *for the Board.*

15 (c) *POWERS AND DUTIES OF THE BOARD.—The order*
16 *shall specify the powers and duties of the Board, including*
17 *the power and duty—*

18 (1) *to administer the order in accordance with*
19 *its terms and conditions and to collect assessments;*

20 (2) *to develop and recommend to the Secretary*
21 *for approval such bylaws as may be necessary for the*
22 *functioning of the Board and such rules as may be*
23 *necessary to administer the order, including activities*
24 *authorized to be carried out under the order;*

1 (3) to meet, organize, and select from among
2 members of the Board a chairperson, other officers,
3 and committees and subcommittees, as the Board de-
4 termines appropriate;

5 (4) to establish regional organizations or com-
6 mittees to administer regional initiatives;

7 (5) to establish working committees of persons
8 other than Board members;

9 (6) to employ such persons, other than the mem-
10 bers, as the Board considers necessary, and to deter-
11 mine the compensation and specify the duties of the
12 persons;

13 (7) to prepare and submit for the approval of the
14 Secretary, before the beginning of each fiscal year,
15 rates of assessment under section 1306 and an annual
16 budget of the anticipated expenses to be incurred in
17 the administration of the order, including the prob-
18 able cost of each promotion, research, and information
19 activity proposed to be developed or carried out by the
20 Board;

21 (8) to borrow funds necessary for the startup ex-
22 penses of the order;

23 (9) to carry out generic research, education, and
24 promotion programs and projects relating to concrete
25 masonry products, and to pay the costs of such pro-

1 *grams and projects with assessments collected under*
2 *section 1306;*

3 *(10) subject to subsection (e), to enter into con-*
4 *tracts or agreements to develop and carry out pro-*
5 *grams or projects of research, education, and pro-*
6 *motion relating to concrete masonry products;*

7 *(11) to keep minutes, books, and records that re-*
8 *fect the actions and transactions of the Board, and*
9 *promptly report minutes of each Board meeting to the*
10 *Secretary;*

11 *(12) to receive, investigate, and report to the Sec-*
12 *retary complaints of violations of the order;*

13 *(13) to furnish the Secretary with such informa-*
14 *tion as the Secretary may request;*

15 *(14) to recommend to the Secretary such amend-*
16 *ments to the order as the Board considers appro-*
17 *priate; and*

18 *(15) to provide the Secretary with advance no-*
19 *tice of meetings to permit the Secretary, or the rep-*
20 *resentative of the Secretary, to attend the meetings.*

21 *(d) PROGRAMS AND PROJECTS; BUDGETS; EX-*
22 *PENSES.—*

23 *(1) PROGRAMS AND PROJECTS.—*

24 *(A) IN GENERAL.—The order shall require*
25 *the Board to submit to the Secretary for ap-*

1 *proval any program or project of research, edu-*
2 *cation, or promotion relating to concrete ma-*
3 *sonry products.*

4 (B) *STATEMENT REQUIRED.*—*Any edu-*
5 *cational or promotional activity undertaken*
6 *with funds provided by the Board shall include*
7 *a statement that such activities were supported*
8 *in whole or in part by the Board.*

9 (2) *BUDGETS.*—

10 (A) *SUBMISSION.*—*The order shall require*
11 *the Board to submit to the Secretary for ap-*
12 *proval a budget of the anticipated expenses and*
13 *disbursements of the Board in the implementa-*
14 *tion of the order, including the projected costs of*
15 *concrete masonry products research, education,*
16 *and promotion programs and projects.*

17 (B) *TIMING.*—*The budget shall be submitted*
18 *before the beginning of a fiscal year and as fre-*
19 *quently as may be necessary after the beginning*
20 *of the fiscal year.*

21 (C) *APPROVAL.*—*If the Secretary fails to*
22 *approve or reject a budget within 60 days of re-*
23 *ceipt, such budget shall be deemed approved, un-*
24 *less the Secretary provides to the Board and to*
25 *Congress, in writing, reasonable justification for*

1 *the delay and provides a reasonable date by*
2 *which approval or disapproval will be made.*

3 (3) *ADMINISTRATIVE EXPENSES.—*

4 (A) *INCURRING EXPENSES.—The Board*
5 *may incur the expenses described in paragraph*
6 *(2) and other expenses for the administration,*
7 *maintenance, and functioning of the Board as*
8 *authorized by the Secretary.*

9 (B) *PAYMENT OF EXPENSES.—Expenses in-*
10 *curring under subparagraph (A) shall be paid by*
11 *the Board using assessments collected under sec-*
12 *tion 1306, earnings obtained from assessments,*
13 *and other income of the Board. Any funds bor-*
14 *rowed by the Board shall be expended only for*
15 *startup costs and capital outlays.*

16 (C) *LIMITATION ON SPENDING.—For fiscal*
17 *years beginning 3 or more years after the date*
18 *of the establishment of the Board, the Board may*
19 *not expend for administration (except for reim-*
20 *bursement to the Secretary required under sub-*
21 *paragraph (D)), maintenance, and functioning*
22 *of the Board in a fiscal year an amount that ex-*
23 *ceeds 10 percent of the assessment and other in-*
24 *come received by the Board for the fiscal year.*

1 (D) *REIMBURSEMENT OF SECRETARY.*—*The*
2 *order shall require that the Secretary be reim-*
3 *bursed by the Board from assessments for all ex-*
4 *penditures incurred by the Secretary in the imple-*
5 *mentation, administration, and supervision of*
6 *the order, including all referenda costs incurred*
7 *in connection with the order.*

8 (e) *CONTRACTS AND AGREEMENTS.*—

9 (1) *IN GENERAL.*—*The order shall provide that,*
10 *with the approval of the Secretary, the Board may—*

11 (A) *enter into contracts and agreements to*
12 *carry out generic research, education, and pro-*
13 *motion programs and projects relating to con-*
14 *crete masonry products, including contracts and*
15 *agreements with manufacturer associations or*
16 *other entities as considered appropriate by the*
17 *Secretary;*

18 (B) *enter into contracts and agreements for*
19 *administrative services; and*

20 (C) *pay the cost of approved generic re-*
21 *search, education, and promotion programs and*
22 *projects using assessments collected under section*
23 *1306, earnings obtained from assessments, and*
24 *other income of the Board.*

1 (2) *REQUIREMENTS.*—*Each contract or agree-*
2 *ment shall provide that any person who enters into*
3 *the contract or agreement with the Board shall—*

4 (A) *develop and submit to the Board a pro-*
5 *posed program or project together with a budget*
6 *that specifies the cost to be incurred to carry out*
7 *the program or project;*

8 (B) *keep accurate records of all transactions*
9 *relating to the contract or agreement;*

10 (C) *account for funds received and expended*
11 *in connection with the contract or agreement;*

12 (D) *make periodic reports to the Board of*
13 *activities conducted under the contract or agree-*
14 *ment; and*

15 (E) *make such other reports as the Board or*
16 *the Secretary considers relevant.*

17 (3) *FAILURE TO APPROVE.*—*If the Secretary fails*
18 *to approve or reject a contract or agreement entered*
19 *into under paragraph (1) within 60 days of receipt,*
20 *the contract or agreement shall be deemed approved,*
21 *unless the Secretary provides to the Board and to*
22 *Congress, in writing, reasonable justification for the*
23 *delay and provides a reasonable date by which ap-*
24 *proval or disapproval will be made.*

25 (f) *BOOKS AND RECORDS OF BOARD.*—

1 (1) *IN GENERAL.*—*The order shall require the*
2 *Board to—*

3 (A) *maintain such books and records (which*
4 *shall be available to the Secretary for inspection*
5 *and audit) as the Secretary may require;*

6 (B) *collect and submit to the Secretary, at*
7 *any time the Secretary may specify, any infor-*
8 *mation the Secretary may request; and*

9 (C) *account for the receipt and disburse-*
10 *ment of all funds in the possession, or under the*
11 *control, of the Board.*

12 (2) *AUDITS.*—*The order shall require the Board*
13 *to have—*

14 (A) *the books and records of the Board au-*
15 *dated by an independent auditor at the end of*
16 *each fiscal year; and*

17 (B) *a report of the audit submitted directly*
18 *to the Secretary.*

19 (g) *PROHIBITED ACTIVITIES.*—

20 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
21 *Board shall not engage in any program or project to,*
22 *nor shall any funds received by the Board under this*
23 *division be used to—*

24 (A) *influence legislation, elections, or gov-*
25 *ernmental action;*

1 (B) engage in an action that would be a
2 conflict of interest;

3 (C) engage in advertising that is false or
4 misleading;

5 (D) engage in any promotion, research, or
6 education that would be disparaging to other
7 construction materials; or

8 (E) engage in any promotion or project that
9 would benefit any individual manufacturer.

10 (2) *EXCEPTIONS.*—Paragraph (1) does not pre-
11 clude—

12 (A) the development and recommendation of
13 amendments to the order;

14 (B) the communication to appropriate gov-
15 ernment officials of information relating to the
16 conduct, implementation, or results of research,
17 education, and promotion activities under the
18 order except communications described in para-
19 graph (1)(A); or

20 (C) any lawful action designed to market
21 concrete masonry products directly to a foreign
22 government or political subdivision of a foreign
23 government.

24 (h) *PERIODIC EVALUATION.*—The order shall require
25 the Board to provide for the independent evaluation of all

1 *research, education, and promotion programs or projects*
2 *undertaken under the order, beginning 5 years after the date*
3 *of enactment of this Act and every 3 years thereafter. The*
4 *Board shall submit to the Secretary and make available to*
5 *the public the results of each such evaluation.*

6 (i) *OBJECTIVES.*—*The Board shall establish annual re-*
7 *search, education, and promotion objectives and perform-*
8 *ance metrics for each fiscal year subject to approval by the*
9 *Secretary.*

10 (j) *BIENNIAL REPORT.*—*Every 2 years the Board shall*
11 *prepare and make publicly available a comprehensive and*
12 *detailed report that includes an identification and descrip-*
13 *tion of all programs and projects undertaken by the Board*
14 *during the previous 2 years as well as those planned for*
15 *the subsequent 2 years and detail the allocation or planned*
16 *allocation of Board resources for each such program or*
17 *project. Such report shall also include—*

18 (1) *the overall financial condition of the Board;*

19 (2) *a summary of the amounts obligated or ex-*
20 *pende d during the 2 preceding fiscal years; and*

21 (3) *a description of the extent to which the objec-*
22 *tives of the Board were met according to the metrics*
23 *required under subsection (i).*

24 (k) *BOOKS AND RECORDS OF PERSONS COVERED BY*
25 *ORDER.*—

1 (1) *IN GENERAL.*—*The order shall require that*
2 *manufacturers shall—*

3 (A) *maintain records sufficient to ensure*
4 *compliance with the order and regulations; and*

5 (B) *make the records described in subpara-*
6 *graph (A) available, during normal business*
7 *hours, for inspection by employees or agents of*
8 *the Board or the Department.*

9 (2) *TIME REQUIREMENT.*—*Any record required*
10 *to be maintained under paragraph (1) shall be main-*
11 *tained for such time period as the Secretary may pre-*
12 *scribe.*

13 (3) *CONFIDENTIALITY OF INFORMATION.*—

14 (A) *IN GENERAL.*—*Except as otherwise pro-*
15 *vided in this paragraph, trade secrets and com-*
16 *mercial or financial information that is privi-*
17 *leged or confidential reported to, or otherwise ob-*
18 *tained by the Board or the Secretary (or any*
19 *representative of the Board or the Secretary)*
20 *under this division shall not be disclosed by any*
21 *officers, employees, and agents of the Department*
22 *or the Board.*

23 (B) *SUITS AND HEARINGS.*—*Information*
24 *referred to in subparagraph (A) may be disclosed*
25 *only if—*

1 (i) *the Secretary considers the informa-*
2 *tion relevant; and*

3 (ii) *the information is revealed in a ju-*
4 *dicial proceeding or administrative hearing*
5 *brought at the direction or on the request of*
6 *the Secretary or to which the Secretary or*
7 *any officer of the Department is a party.*

8 (C) *GENERAL STATEMENTS AND PUBLICA-*
9 *TIONS.—This paragraph does not prohibit—*

10 (i) *the issuance of general statements*
11 *based on reports or on information relating*
12 *to a number of persons subject to an order*
13 *if the statements do not identify the infor-*
14 *mation furnished by any person; or*

15 (ii) *the publication, by direction of the*
16 *Secretary, of the name of any person vio-*
17 *lating any order and a statement of the*
18 *particular provisions of the order violated*
19 *by the person.*

20 (D) *PENALTY.—Any officer, employee, or*
21 *agent of the Department of Commerce or any of-*
22 *ficer, employee, or agent of the Board who will-*
23 *fully violates this paragraph shall be fined not*
24 *more than \$1,000 and imprisoned for not more*
25 *than 1 year, or both.*

1 (4) *WITHHOLDING INFORMATION.*—*This sub-*
2 *section does not authorize the withholding of informa-*
3 *tion from Congress.*

4 **SEC. 1306. ASSESSMENTS.**

5 (a) *ASSESSMENTS.*—*The order shall provide that as-*
6 *sessments shall be paid by a manufacturer if the manufac-*
7 *turer has manufactured concrete masonry products during*
8 *a period of at least 180 days prior to the date the assessment*
9 *is to be remitted.*

10 (b) *COLLECTION.*—

11 (1) *IN GENERAL.*—*Assessments required under*
12 *the order shall be remitted by the manufacturer to the*
13 *Board in the manner prescribed by the order.*

14 (2) *TIMING.*—*The order shall provide that assess-*
15 *ments required under the order shall be remitted to*
16 *the Board not less frequently than quarterly.*

17 (3) *RECORDS.*—*As part of the remittance of as-*
18 *sessments, manufacturers shall identify the total*
19 *amount due in assessments on all sales receipts, in-*
20 *voices or other commercial documents of sale as a re-*
21 *sult of the sale of concrete masonry units in a manner*
22 *as prescribed by the Board to ensure compliance with*
23 *the order.*

24 (c) *ASSESSMENT RATES.*—*With respect to assessment*
25 *rates, the order shall contain the following terms:*

1 (1) *INITIAL RATE.*—*The assessment rate on con-*
2 *crete masonry products shall be \$0.01 per concrete*
3 *masonry unit sold.*

4 (2) *CHANGES IN THE RATE.*—

5 (A) *AUTHORITY TO CHANGE RATE.*—*The*
6 *Board shall have the authority to change the as-*
7 *essment rate. A two-thirds majority of voting*
8 *members of the Board shall be required to ap-*
9 *prove a change in the assessment rate.*

10 (B) *LIMITATION ON INCREASES.*—*An in-*
11 *crease or decrease in the assessment rate with re-*
12 *spect to concrete masonry products may not ex-*
13 *ceed \$0.01 per concrete masonry unit sold.*

14 (C) *MAXIMUM RATE.*—*The assessment rate*
15 *shall not be in excess of \$0.05 per concrete ma-*
16 *sonry unit.*

17 (D) *LIMITATION ON FREQUENCY OF*
18 *CHANGES.*—*The assessment rate may not be in-*
19 *creased or decreased more than once annually.*

20 (d) *LATE-PAYMENT AND INTEREST CHARGES.*—

21 (1) *IN GENERAL.*—*Late-payment and interest*
22 *charges may be levied on each person subject to the*
23 *order who fails to remit an assessment in accordance*
24 *with subsection (b).*

1 (2) *RATE.*—*The rate for late-payment and inter-*
2 *est charges shall be specified by the Secretary.*

3 (e) *INVESTMENT OF ASSESSMENTS.*—*Pending dis-*
4 *bursement of assessments under a budget approved by the*
5 *Secretary, the Board may invest assessments collected under*
6 *this section in—*

7 (1) *obligations of the United States or any agen-*
8 *cy of the United States;*

9 (2) *general obligations of any State or any polit-*
10 *ical subdivision of a State;*

11 (3) *interest-bearing accounts or certificates of de-*
12 *posit of financial institutions that are members of the*
13 *Federal Reserve System; or*

14 (4) *obligations fully guaranteed as to principal*
15 *and interest by the United States.*

16 (f) *ASSESSMENT FUNDS FOR REGIONAL INITIA-*
17 *TIVES.*—

18 (1) *IN GENERAL.*—*The order shall provide that*
19 *not less than 50 percent of the assessments (less ad-*
20 *ministration expenses) paid by a manufacturer shall*
21 *be used to support research, education, and promotion*
22 *programs and projects in support of the geographic*
23 *region of the manufacturer.*

24 (2) *GEOGRAPHIC REGIONS.*—*The order shall pro-*
25 *vide for the following geographic regions:*

1 (A) *Region I shall comprise Connecticut,*
2 *Delaware, the District of Columbia, Maine,*
3 *Maryland, Massachusetts, New Hampshire, New*
4 *Jersey, New York, Pennsylvania, Rhode Island,*
5 *Vermont, and West Virginia.*

6 (B) *Region II shall comprise Alabama,*
7 *Florida, Georgia, Mississippi, North Carolina,*
8 *South Carolina, Tennessee, and Virginia.*

9 (C) *Region III shall comprise Illinois, Indi-*
10 *ana, Iowa, Kentucky, Michigan, Minnesota, Ne-*
11 *braska, North Dakota, Ohio, South Dakota, and*
12 *Wisconsin.*

13 (D) *Region IV shall comprise Arizona, Ar-*
14 *kansas, Kansas, Louisiana, Missouri, New Mex-*
15 *ico, Oklahoma, and Texas.*

16 (E) *Region V shall comprise Alaska, Cali-*
17 *ifornia, Colorado, Hawaii, Idaho, Montana, Ne-*
18 *vada, Oregon, Utah, Washington, and Wyoming.*

19 (3) *ADJUSTMENT OF GEOGRAPHIC REGIONS.—*
20 *The order shall provide that the Secretary may, upon*
21 *recommendation of the Board, modify the composition*
22 *of the geographic regions described in paragraph (2).*

23 **SEC. 1307. REFERENDA.**

24 (a) *INITIAL REFERENDUM.—*

1 (1) *REFERENDUM REQUIRED.*—During the 60-
2 day period immediately preceding the proposed effec-
3 tive date of the order issued under section 1304, the
4 Secretary shall conduct a referendum among manu-
5 facturers eligible under subsection (b)(2) subject to as-
6 sessments under section 1306.

7 (2) *APPROVAL OF ORDER NEEDED.*—The order
8 shall become effective only if the Secretary determines
9 that the order has been approved by a majority of
10 manufacturers voting who also represent a majority
11 of the machine cavities in operation of those manufac-
12 turers voting in the referendum.

13 (b) *VOTES PERMITTED.*—

14 (1) *IN GENERAL.*—Each manufacturer eligible to
15 vote in a referendum conducted under this section
16 shall be entitled to cast 1 vote.

17 (2) *ELIGIBILITY.*—For purposes of paragraph
18 (1), a manufacturer shall be considered to be eligible
19 to vote if the manufacturer has manufactured concrete
20 masonry products during a period of at least 180
21 days prior to the first day of the period during which
22 voting in the referendum will occur.

23 (c) *MANNER OF CONDUCTING REFERENDA.*—

1 (1) *IN GENERAL.*—*Referenda conducted pursuant*
2 *to this section shall be conducted in a manner deter-*
3 *mined by the Secretary.*

4 (2) *ADVANCE REGISTRATION.*—*A manufacturer*
5 *who chooses to vote in any referendum conducted*
6 *under this section shall register with the Secretary*
7 *prior to the voting period, after receiving notice from*
8 *the Secretary concerning the referendum under para-*
9 *graph (4).*

10 (3) *VOTING.*—*The Secretary shall establish pro-*
11 *cedures for voting in any referendum conducted under*
12 *this section. The ballots and other information or re-*
13 *ports that reveal or tend to reveal the identity or vote*
14 *of voters shall be strictly confidential.*

15 (4) *NOTICE.*—*Not later than 30 days before a*
16 *referendum is conducted under this section with re-*
17 *spect to an order, the Secretary shall notify all manu-*
18 *facturers, in such a manner as determined by the Sec-*
19 *retary, of the period during which voting in the ref-*
20 *erendum will occur. The notice shall explain any reg-*
21 *istration and voting procedures established under this*
22 *subsection.*

23 (d) *SUBSEQUENT REFERENDA.*—*If an order is ap-*
24 *proved in a referendum conducted under subsection (a), the*
25 *Secretary shall conduct a subsequent referendum—*

1 (1) *at the request of the Board, subject to the vot-*
2 *ing requirements of subsections (b) and (c), to ascer-*
3 *tain whether eligible manufacturers favor suspension,*
4 *termination, or continuance of the order; or*

5 (2) *effective beginning on the date that is 5 years*
6 *after the date of the approval of the order, and at 5-*
7 *year intervals thereafter, at the request of 25 percent*
8 *or more of the total number of persons eligible to vote*
9 *under subsection (b).*

10 (e) *SUSPENSION OR TERMINATION.—If, as a result of*
11 *a referendum conducted under subsection (d), the Secretary*
12 *determines that suspension or termination of the order is*
13 *avored by a majority of all votes cast in the referendum*
14 *as provided in subsection (a)(2), the Secretary shall—*

15 (1) *not later than 180 days after the referendum,*
16 *suspend or terminate, as appropriate, collection of as-*
17 *essments under the order; and*

18 (2) *suspend or terminate, as appropriate, pro-*
19 *grams and projects under the order as soon as prac-*
20 *ticable and in an orderly manner.*

21 (f) *COSTS OF REFERENDA.—The Board established*
22 *under an order with respect to which a referendum is con-*
23 *ducted under this section shall reimburse the Secretary from*
24 *assessments for any expenses incurred by the Secretary to*
25 *conduct the referendum.*

1 **SEC. 1308. PETITION AND REVIEW.**

2 (a) *PETITION.*—

3 (1) *IN GENERAL.*—A person subject to an order
4 issued under this division may file with the Secretary
5 a petition—

6 (A) stating that the order, any provision of
7 the order, or any obligation imposed in connec-
8 tion with the order, is not established in accord-
9 ance with law; and

10 (B) requesting a modification of the order
11 or an exemption from the order.

12 (2) *HEARING.*—The Secretary shall give the peti-
13 tioner an opportunity for a hearing on the petition,
14 in accordance with regulations issued by the Sec-
15 retary.

16 (3) *RULING.*—After the hearing, the Secretary
17 shall make a ruling on the petition. The ruling shall
18 be final, subject to review as set forth in subsection
19 (b).

20 (4) *LIMITATION ON PETITION.*—Any petition
21 filed under this subsection challenging an order, any
22 provision of the order, or any obligation imposed in
23 connection with the order, shall be filed not less than
24 2 years after the effective date of the order, provision,
25 or obligation subject to challenge in the petition.

26 (b) *REVIEW.*—

1 (1) *COMMENCEMENT OF ACTION.*—*The district*
2 *courts of the United States in any district in which*
3 *a person who is a petitioner under subsection (a) re-*
4 *sides or conducts business shall have jurisdiction to*
5 *review the ruling of the Secretary on the petition of*
6 *the person, if a complaint requesting the review is*
7 *filed no later than 30 days after the date of the entry*
8 *of the ruling by the Secretary.*

9 (2) *PROCESS.*—*Service of process in proceedings*
10 *under this subsection shall be conducted in accordance*
11 *with the Federal Rules of Civil Procedure.*

12 (3) *REMANDS.*—*If the court in a proceeding*
13 *under this subsection determines that the ruling of the*
14 *Secretary on the petition of the person is not in ac-*
15 *cordance with law, the court shall remand the matter*
16 *to the Secretary with directions—*

17 (A) *to make such ruling as the court shall*
18 *determine to be in accordance with law; or*

19 (B) *to take such further action as, in the*
20 *opinion of the court, the law requires.*

21 (c) *ENFORCEMENT.*—*The pendency of proceedings in-*
22 *stituted under this section shall not impede, hinder, or*
23 *delay the Attorney General or the Secretary from obtaining*
24 *relief under section 1309.*

1 **SEC. 1309. ENFORCEMENT.**

2 (a) *JURISDICTION.*—A district court of the United
3 States shall have jurisdiction to enforce, and to prevent and
4 restrain any person from violating, this division or an
5 order or regulation issued by the Secretary under this divi-
6 sion.

7 (b) *REFERRAL TO ATTORNEY GENERAL.*—A civil ac-
8 tion authorized to be brought under this section shall be
9 referred to the Attorney General of the United States for
10 appropriate action.

11 (c) *CIVIL PENALTIES AND ORDERS.*—

12 (1) *CIVIL PENALTIES.*—A person who willfully
13 violates an order or regulation issued by the Secretary
14 under this division may be assessed by the Secretary
15 a civil penalty of not more than \$5,000 for each vio-
16 lation.

17 (2) *SEPARATE OFFENSE.*—Each violation and
18 each day during which there is a failure to comply
19 with an order or regulation issued by the Secretary
20 shall be considered to be a separate offense.

21 (3) *CEASE-AND-DESIST ORDERS.*—In addition
22 to, or in lieu of, a civil penalty, the Secretary may
23 issue an order requiring a person to cease and desist
24 from violating the order or regulation.

25 (4) *NOTICE AND HEARING.*—No order assessing a
26 penalty or cease-and-desist order may be issued by the

1 *Secretary under this subsection unless the Secretary*
2 *provides notice and an opportunity for a hearing on*
3 *the record with respect to the violation.*

4 (5) *FINALITY.*—*An order assessing a penalty or*
5 *a cease-and-desist order issued under this subsection*
6 *by the Secretary shall be final and conclusive unless*
7 *the person against whom the order is issued files an*
8 *appeal from the order with the appropriate district*
9 *court of the United States.*

10 (d) *ADDITIONAL REMEDIES.*—*The remedies provided*
11 *in this division shall be in addition to, and not exclusive*
12 *of, other remedies that may be available.*

13 **SEC. 1310. INVESTIGATION AND POWER TO SUBPOENA.**

14 (a) *INVESTIGATIONS.*—*The Secretary may conduct*
15 *such investigations as the Secretary considers necessary for*
16 *the effective administration of this division, or to determine*
17 *whether any person has engaged or is engaging in any act*
18 *that constitutes a violation of this division or any order*
19 *or regulation issued under this division.*

20 (b) *SUBPOENAS, OATHS, AND AFFIRMATIONS.*—

21 (1) *INVESTIGATIONS.*—*For the purpose of con-*
22 *ducting an investigation under subsection (a), the*
23 *Secretary may administer oaths and affirmations,*
24 *subpoena witnesses, compel the attendance of wit-*
25 *nesses, take evidence, and require the production of*

1 *any records that are relevant to the inquiry. The pro-*
2 *duction of the records may be required from any place*
3 *in the United States.*

4 (2) *ADMINISTRATIVE HEARINGS.—For the pur-*
5 *pose of an administrative hearing held under section*
6 *1308(a)(2) or section 1309(c)(4), the presiding officer*
7 *may administer oaths and affirmations, subpoena*
8 *witnesses, compel the attendance of witnesses, take*
9 *evidence, and require the production of any records*
10 *that are relevant to the inquiry. The attendance of*
11 *witnesses and the production of the records may be re-*
12 *quired from any place in the United States.*

13 (c) *AID OF COURTS.—*

14 (1) *IN GENERAL.—In the case of contumacy by,*
15 *or refusal to obey a subpoena issued under subsection*
16 *(b) to, any person, the Secretary may invoke the aid*
17 *of any court of the United States within the jurisdic-*
18 *tion of which the investigation or proceeding is con-*
19 *ducted, or where the person resides or conducts busi-*
20 *ness, in order to enforce a subpoena issued under sub-*
21 *section (b).*

22 (2) *ORDER.—The court may issue an order re-*
23 *quiring the person referred to in paragraph (1) to*
24 *comply with a subpoena referred to in paragraph (1).*

1 (3) *FAILURE TO OBEY.*—Any failure to obey the
2 order of the court may be punished by the court as
3 a contempt of court.

4 (4) *PROCESS.*—Process in any proceeding under
5 this subsection may be served in the United States ju-
6 dicial district in which the person being proceeded
7 against resides or conducts business, or wherever the
8 person may be found.

9 **SEC. 1311. SUSPENSION OR TERMINATION.**

10 (a) *MANDATORY SUSPENSION OR TERMINATION.*—The
11 Secretary shall suspend or terminate an order or a provi-
12 sion of an order if the Secretary finds that an order or pro-
13 vision of an order obstructs or does not tend to effectuate
14 the purpose of this division, or if the Secretary determines
15 that the order or a provision of an order is not favored
16 by a majority of all votes cast in the referendum as provided
17 in section 1307(a)(2).

18 (b) *IMPLEMENTATION OF SUSPENSION OR TERMI-*
19 *NATION.*—If, as a result of a referendum conducted under
20 section 1307, the Secretary determines that the order is not
21 approved, the Secretary shall—

22 (1) not later than 180 days after making the de-
23 termination, suspend or terminate, as the case may
24 be, collection of assessments under the order; and

1 (2) *as soon as practicable, suspend or terminate,*
2 *as the case may be, activities under the order in an*
3 *orderly manner.*

4 **SEC. 1312. AMENDMENTS TO ORDERS.**

5 *The provisions of this division applicable to the order*
6 *shall be applicable to any amendment to the order, except*
7 *that section 1308 shall not apply to an amendment.*

8 **SEC. 1313. EFFECT ON OTHER LAWS.**

9 *This division shall not affect or preempt any other*
10 *Federal or State law authorizing research, education, and*
11 *promotion relating to concrete masonry products.*

12 **SEC. 1314. REGULATIONS.**

13 *The Secretary may issue such regulations as may be*
14 *necessary to carry out this division and the power vested*
15 *in the Secretary under this division.*

16 **SEC. 1315. LIMITATION ON EXPENDITURES FOR ADMINIS-**
17 **TRATIVE EXPENSES.**

18 *Funds appropriated to carry out this division may not*
19 *be used for the payment of the expenses or expenditures of*
20 *the Board in administering the order.*

21 **SEC. 1316. LIMITATIONS ON OBLIGATION OF FUNDS.**

22 (a) *IN GENERAL.*—*In each fiscal year of the covered*
23 *period, the Board may not obligate an amount greater than*
24 *the sum of—*

1 (1) 73 percent of the amount of assessments esti-
2 mated to be collected under section 1306 in such fiscal
3 year;

4 (2) 73 percent of the amount of assessments actu-
5 ally collected under section 1306 in the most recent
6 fiscal year for which an audit report has been sub-
7 mitted under section 1305(f)(2)(B) as of the begin-
8 ning of the fiscal year for which the amount that may
9 be obligated is being determined, less the estimate
10 made pursuant to paragraph (1) for such most recent
11 fiscal year; and

12 (3) amounts permitted in preceding fiscal years
13 to be obligated pursuant to this subsection that have
14 not been obligated.

15 (b) *EXCESS AMOUNTS DEPOSITED IN ESCROW AC-*
16 *COUNT.*—Assessments collected under section 1306 in excess
17 of the amount permitted to be obligated under subsection
18 (a) in a fiscal year shall be deposited in an escrow account
19 for the duration of the covered period.

20 (c) *TREATMENT OF AMOUNTS IN ESCROW ACCOUNT.*—
21 During the covered period, the Board may not obligate, ex-
22 pend, or borrow against amounts required under subsection
23 (b) to be deposited in the escrow account. Any interest
24 earned on such amounts shall be deposited in the escrow

1 *account and shall be unavailable for obligation for the dura-*
2 *tion of the covered period.*

3 *(d) RELEASE OF AMOUNTS IN ESCROW ACCOUNT.—*

4 *After the covered period, the Board may withdraw and obli-*
5 *gate in any fiscal year an amount in the escrow account*
6 *that does not exceed $\frac{1}{5}$ of the amount in the escrow account*
7 *on the last day of the covered period.*

8 *(e) SPECIAL RULE FOR ESTIMATES FOR PARTICULAR*
9 *FISCAL YEARS.—*

10 *(1) RULE.—For purposes of subsection (a)(1),*
11 *the amount of assessments estimated to be collected*
12 *under section 1306 in a fiscal year specified in para-*
13 *graph (2) shall be equal to 62 percent of the amount*
14 *of assessments actually collected under such section in*
15 *the most recent fiscal year for which an audit report*
16 *has been submitted under section 1305(f)(2)(B) as of*
17 *the beginning of the fiscal year for which the amount*
18 *that may be obligated is being determined.*

19 *(2) FISCAL YEARS SPECIFIED.—The fiscal years*
20 *specified in this paragraph are the 9th and 10th fis-*
21 *cal years that begin on or after the date of enactment*
22 *of this Act.*

23 *(f) COVERED PERIOD DEFINED.—In this section, the*
24 *term “covered period” means the period that begins on the*
25 *date of enactment of this Act and ends on the last day of*

1 *the 11th fiscal year that begins on or after such date of*
2 *enactment.*

3 **SEC. 1317. STUDY AND REPORT BY THE GOVERNMENT AC-**
4 **COUNTABILITY OFFICE.**

5 *Not later than 5 years after the date of enactment of*
6 *this Act, the Comptroller General of the United States shall*
7 *prepare a study, and not later than 8 years after the date*
8 *of enactment of this Act, the Comptroller General shall sub-*
9 *mit to Congress and the Secretary a report, examining—*

10 *(1) how the Board spends assessments collected;*

11 *(2) the extent to which the reported activities of*
12 *the Board help achieve the annual objectives of the*
13 *Board;*

14 *(3) any changes in demand for concrete masonry*
15 *products relative to other building materials;*

16 *(4) any impact of the activities of the Board on*
17 *the market share of competing products;*

18 *(5) any impact of the activities of the Board on*
19 *the overall size of the market for building products;*

20 *(6) any impact of the activities of the Board on*
21 *the total number of concrete-masonry-related jobs, in-*
22 *cluding manufacturing, sales, and installation;*

23 *(7) any significant effects of the activities of the*
24 *Board on downstream purchasers of concrete masonry*

1 *products and real property into which concrete ma-*
 2 *sonry products are incorporated;*

3 *(8) effects on prices of concrete masonry products*
 4 *as a result of the activities of the Board;*

5 *(9) the cost to the Federal Government of an in-*
 6 *crease in concrete masonry product prices, if any, as*
 7 *a result of the program established by this division;*

8 *(10) the extent to which key statutory require-*
 9 *ments are met;*

10 *(11) the extent and strength of Federal oversight*
 11 *of the program established by this division;*

12 *(12) the appropriateness of administering the*
 13 *program from within the Office of the Secretary of*
 14 *Commerce and the appropriateness of administering*
 15 *the program from within any division of the Depart-*
 16 *ment, including whether the Department has the ex-*
 17 *pertise, knowledge, or other capabilities necessary to*
 18 *adequately administer the program; and*

19 *(13) any other topic that the Comptroller Gen-*
 20 *eral considers appropriate.*

21 **SEC. 1318. STUDY AND REPORT BY THE DEPARTMENT OF**
 22 **COMMERCE.**

23 *Not later than 3 years after the date of enactment of*
 24 *this Act, the Secretary shall prepare a study and submit*
 25 *to Congress a report examining the appropriateness and ef-*

1 *fectiveness of applying the commodity check-off program*
2 *model (such as those programs established under the Com-*
3 *modity Promotion, Research, and Information Act of 1996*
4 *(7 U.S.C. 7411 et seq.)) to a nonagricultural industry, tak-*
5 *ing into account the program established by this division*
6 *and any other check-off program involving a non-*
7 *agricultural industry.*

8 ***DIVISION F—BUILD ACT OF 2018***

9 ***SEC. 1401. SHORT TITLE.***

10 *This division may be cited as the “Better Utilization*
11 *of Investments Leading to Development Act of 2018” or the*
12 *“BUILD Act of 2018”.*

13 ***SEC. 1402. DEFINITIONS.***

14 *In this division:*

15 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.—The term “appropriate congressional commit-*
17 *tees” means—*

18 (A) *the Committee on Foreign Relations*
19 *and the Committee on Appropriations of the*
20 *Senate; and*

21 (B) *the Committee on Foreign Affairs and*
22 *the Committee on Appropriations of the House of*
23 *Representatives.*

24 (2) *LESS DEVELOPED COUNTRY.—The term “less*
25 *developed country” means a country with a low-in-*

1 *come economy, lower-middle-income economy, or*
2 *upper-middle-income economy, as defined by the*
3 *International Bank for Reconstruction and Develop-*
4 *ment and the International Development Association*
5 *(collectively referred to as the “World Bank”).*

6 (3) *PREDECESSOR AUTHORITY.*—*The term*
7 *“predecessor authority” means authorities repealed by*
8 *title VI.*

9 (4) *QUALIFYING SOVEREIGN ENTITY.*—*The term*
10 *“qualifying sovereign entity” means—*

11 (A) *any agency or instrumentality of a for-*
12 *ign state (as defined in section 1603 of title 28,*
13 *United States Code) that has a purpose that is*
14 *similar to the purpose of the Corporation as de-*
15 *scribed in section 1412(b); or*

16 (B) *any international financial institution*
17 *(as defined in section 1701(e) of the Inter-*
18 *national Financial Institutions Act (22 U.S.C.*
19 *262r(c))).*

20 **TITLE I—ESTABLISHMENT**

21 **SEC. 1411. STATEMENT OF POLICY.**

22 *It is the policy of the United States to facilitate mar-*
23 *ket-based private sector development and inclusive economic*
24 *growth in less developed countries through the provision of*
25 *credit, capital, and other financial support—*

1 (1) to mobilize private capital in support of sus-
2 tainable, broad-based economic growth, poverty reduc-
3 tion, and development through demand-driven part-
4 nerships with the private sector that further the for-
5 eign policy interests of the United States;

6 (2) to finance development that builds and
7 strengthens civic institutions, promotes competition,
8 and provides for public accountability and trans-
9 parency;

10 (3) to help private sector actors overcome identi-
11 fiable market gaps and inefficiencies without dis-
12 torting markets;

13 (4) to achieve clearly defined economic and so-
14 cial development outcomes;

15 (5) to coordinate with institutions with purposes
16 similar to the purposes of the Corporation to leverage
17 resources of those institutions to produce the greatest
18 impact;

19 (6) to provide countries a robust alternative to
20 state-directed investments by authoritarian govern-
21 ments and United States strategic competitors using
22 best practices with respect to transparency and envi-
23 ronmental and social safeguards, and which take into
24 account the debt sustainability of partner countries;

1 (7) to leverage private sector capabilities and in-
2 novative development tools to help countries transi-
3 tion from recipients of bilateral development assist-
4 ance toward increased self-reliance; and

5 (8) to complement and be guided by overall
6 United States foreign policy, development, and na-
7 tional security objectives, taking into account the pri-
8 orities and needs of countries receiving support.

9 **SEC. 1412. UNITED STATES INTERNATIONAL DEVELOPMENT**

10 **FINANCE CORPORATION.**

11 (a) *ESTABLISHMENT.*—There is established in the exec-
12 utive branch the United States International Development
13 Finance Corporation (in this division referred to as the
14 “Corporation”), which shall be a wholly owned Government
15 corporation for purposes of chapter 91 of title 31, United
16 States Code, under the foreign policy guidance of the Sec-
17 retary of State.

18 (b) *PURPOSE.*—The purpose of the Corporation shall
19 be to mobilize and facilitate the participation of private
20 sector capital and skills in the economic development of less
21 developed countries, as described in subsection (c), and
22 countries in transition from nonmarket to market econo-
23 mies, in order to complement the development assistance ob-
24 jectives, and advance the foreign policy interests, of the
25 United States. In carrying out its purpose, the Corporation,

1 *utilizing broad criteria, shall take into account in its fi-*
2 *nancing operations the economic and financial soundness*
3 *and development objectives of projects for which it provides*
4 *support under title II.*

5 *(c) LESS DEVELOPED COUNTRY FOCUS.—*

6 *(1) IN GENERAL.—The Corporation shall*
7 *prioritize the provision of support under title II in*
8 *less developed countries with a low-income economy*
9 *or a lower-middle-income economy.*

10 *(2) SUPPORT IN UPPER-MIDDLE-INCOME COUN-*
11 *TRIES.—The Corporation shall restrict the provision*
12 *of support under title II in a less developed country*
13 *with an upper-middle-income economy unless—*

14 *(A) the President certifies to the appro-*
15 *priate congressional committees that such sup-*
16 *port furthers the national economic or foreign*
17 *policy interests of the United States; and*

18 *(B) such support is designed to produce sig-*
19 *nificant developmental outcomes or provide de-*
20 *velopmental benefits to the poorest population of*
21 *that country.*

22 **SEC. 1413. MANAGEMENT OF CORPORATION.**

23 *(a) STRUCTURE OF CORPORATION.—There shall be in*
24 *the Corporation a Board of Directors (in this division re-*
25 *ferred to as the “Board”), a Chief Executive Officer, a Dep-*

1 *uty Chief Executive Officer, a Chief Risk Officer, a Chief*
2 *Development Officer, and such other officers as the Board*
3 *may determine.*

4 *(b) BOARD OF DIRECTORS.—*

5 *(1) DUTIES.—All powers of the Corporation*
6 *shall vest in and be exercised by or under the author-*
7 *ity of the Board. The Board—*

8 *(A) shall perform the functions specified to*
9 *be carried out by the Board in this division;*

10 *(B) may prescribe, amend, and repeal by-*
11 *laws, rules, regulations, policies, and procedures*
12 *governing the manner in which the business of*
13 *the Corporation may be conducted and in which*
14 *the powers granted to the Corporation by law*
15 *may be exercised; and*

16 *(C) shall develop, in consultation with*
17 *stakeholders, other interested parties, and the ap-*
18 *propriate congressional committees, a publicly*
19 *available policy with respect to consultations,*
20 *hearings, and other forms of engagement in order*
21 *to provide for meaningful public participation*
22 *in the Board's activities.*

23 *(2) MEMBERSHIP OF BOARD.—*

24 *(A) IN GENERAL.—The Board shall consist*
25 *of—*

1 *(i) the Chief Executive Officer of the*
2 *Corporation;*

3 *(ii) the officers specified in subpara-*
4 *graph (B); and*

5 *(iii) four other individuals who shall*
6 *be appointed by the President, by and with*
7 *the advice and consent of the Senate, of*
8 *which—*

9 *(I) one individual should be ap-*
10 *pointed from among a list of at least*
11 *5 individuals submitted by the major-*
12 *ity leader of the Senate after consulta-*
13 *tion with the chairman of the Com-*
14 *mittee on Foreign Relations of the Sen-*
15 *ate;*

16 *(II) one individual should be ap-*
17 *pointed from among a list of at least*
18 *5 individuals submitted by the minor-*
19 *ity leader of the Senate after consulta-*
20 *tion with the ranking member of the*
21 *Committee on Foreign Relations of the*
22 *Senate;*

23 *(III) one individual should be ap-*
24 *pointed from among a list of at least*
25 *5 individuals submitted by the Speaker*

1 *of the House of Representatives after*
2 *consultation with the chairman of the*
3 *Committee on Foreign Affairs of the*
4 *House of Representatives; and*

5 *(IV) one individual should be ap-*
6 *pointed from among a list of at least*
7 *5 individuals submitted by the minor-*
8 *ity leader of the House of Representa-*
9 *tives after consultation with the rank-*
10 *ing member of the Committee on For-*
11 *eign Affairs of the House of Represent-*
12 *atives.*

13 *(B) OFFICERS SPECIFIED.—*

14 *(i) IN GENERAL.—The officers specified*
15 *in this subparagraph are the following:*

16 *(I) The Secretary of State or a*
17 *designee of the Secretary.*

18 *(II) The Administrator of the*
19 *United States Agency for International*
20 *Development or a designee of the Ad-*
21 *ministrator.*

22 *(III) The Secretary of the Treas-*
23 *ury or a designee of the Secretary.*

24 *(IV) The Secretary of Commerce*
25 *or a designee of the Secretary.*

1 (ii) *REQUIREMENTS FOR DES-*
2 *IGNEES.—A designee under clause (i) shall*
3 *be selected from among officers—*

4 (I) *appointed by the President, by*
5 *and with the advice and consent of the*
6 *Senate;*

7 (II) *whose duties relate to the pro-*
8 *grams of the Corporation; and*

9 (III) *who is designated by and*
10 *serving at the pleasure of the Presi-*
11 *dent.*

12 (C) *REQUIREMENTS FOR NONGOVERNMENT*
13 *MEMBERS.—A member of the Board described in*
14 *subparagraph (A)(iii)—*

15 (i) *may not be an officer or employee*
16 *of the United States Government;*

17 (ii) *shall have relevant experience,*
18 *which may include experience relating to*
19 *the private sector, the environment, labor*
20 *organizations, or international development,*
21 *to carry out the purpose of the Corporation;*

22 (iii) *shall be appointed for a term of 3*
23 *years and may be reappointed for one addi-*
24 *tional term;*

1 (iv) shall serve until the member's suc-
2 cessor is appointed and confirmed;

3 (v) shall be compensated at a rate
4 equivalent to that of level IV of the Execu-
5 tive Schedule under section 5315 of title 5,
6 United States Code, when engaged in the
7 business of the Corporation; and

8 (vi) may be paid per diem in lieu of
9 subsistence at the applicable rate under the
10 Federal Travel Regulation under subtitle F
11 of title 41, Code of Federal Regulations,
12 from time to time, while away from the
13 home or usual place of business of the mem-
14 ber.

15 (3) CHAIRPERSON.—The Secretary of State, or
16 the designee of the Secretary under paragraph
17 (2)(B)(i)(I), shall serve as the Chairperson of the
18 Board.

19 (4) VICE CHAIRPERSON.—The Administrator of
20 the United States Agency for International Develop-
21 ment, or the designee of the Administrator under
22 paragraph (2)(B)(i)(II), shall serve as the Vice Chair-
23 person of the Board.

1 (5) *QUORUM.*—*Five members of the Board shall*
2 *constitute a quorum for the transaction of business by*
3 *the Board.*

4 (c) *PUBLIC HEARINGS.*—*The Board shall hold at least*
5 *2 public hearings each year in order to afford an oppor-*
6 *tunity for any person to present views with respect to*
7 *whether—*

8 (1) *the Corporation is carrying out its activities*
9 *in accordance with this division; and*

10 (2) *any support provided by the Corporation*
11 *under title II in any country should be suspended, ex-*
12 *panded, or extended.*

13 (d) *CHIEF EXECUTIVE OFFICER.*—

14 (1) *APPOINTMENT.*—*There shall be in the Cor-*
15 *poration a Chief Executive Officer, who shall be ap-*
16 *pointed by the President, by and with the advice and*
17 *consent of the Senate, and who shall serve at the*
18 *pleasure of the President.*

19 (2) *AUTHORITIES AND DUTIES.*—*The Chief Exec-*
20 *utive Officer shall be responsible for the management*
21 *of the Corporation and shall exercise the powers and*
22 *discharge the duties of the Corporation subject to the*
23 *bylaws, rules, regulations, and procedures established*
24 *by the Board.*

1 (3) *RELATIONSHIP TO BOARD.*—*The Chief Exec-*
2 *utive Officer shall report to and be under the direct*
3 *authority of the Board.*

4 (4) *COMPENSATION.*—*Section 5313 of title 5,*
5 *United States Code, is amended by adding at the end*
6 *the following:*

7 “*Chief Executive Officer, United States Inter-*
8 *national Development Finance Corporation.*”.

9 (e) *DEPUTY CHIEF EXECUTIVE OFFICER.*—*There shall*
10 *be in the Corporation a Deputy Chief Executive Officer,*
11 *who shall be appointed by the President, by and with the*
12 *advice and consent of the Senate, and who shall serve at*
13 *the pleasure of the President.*

14 (f) *CHIEF RISK OFFICER.*—

15 (1) *APPOINTMENT.*—*Subject to the approval of*
16 *the Board, the Chief Executive Officer of the Corpora-*
17 *tion shall appoint a Chief Risk Officer, from among*
18 *individuals with experience at a senior level in finan-*
19 *cial risk management, who—*

20 (A) *shall report directly to the Board; and*

21 (B) *shall be removable only by a majority*
22 *vote of the Board.*

23 (2) *DUTIES.*—*The Chief Risk Officer shall, in co-*
24 *ordination with the audit committee of the Board es-*
25 *tablished under section 1441, develop, implement, and*

1 *manage a comprehensive process for identifying, as-*
2 *sessing, monitoring, and limiting risks to the Cor-*
3 *poration, including the overall portfolio diversifica-*
4 *tion of the Corporation.*

5 *(g) CHIEF DEVELOPMENT OFFICER.—*

6 *(1) APPOINTMENT.—Subject to the approval of*
7 *the Board, the Chief Executive Officer, with the con-*
8 *currence of the Administrator of the United States*
9 *Agency for International Development, shall appoint*
10 *a Chief Development Officer, from among individuals*
11 *with experience in development, who—*

12 *(A) shall report directly to the Board; and*

13 *(B) shall be removable only by a majority*
14 *vote of the Board.*

15 *(2) DUTIES.—The Chief Development Officer*
16 *shall—*

17 *(A) coordinate the Corporation's develop-*
18 *ment policies and implementation efforts with*
19 *the United States Agency for International De-*
20 *velopment, the Millennium Challenge Corpora-*
21 *tion, and other relevant United States Govern-*
22 *ment departments and agencies, including di-*
23 *rectly liaising with missions of the United States*
24 *Agency for International Development, to ensure*
25 *that departments, agencies, and missions have*

1 *training, awareness, and access to the Corpora-*
2 *tion's tools in relation to development policy and*
3 *projects in countries;*

4 *(B) under the guidance of the Chief Execu-*
5 *tive Officer, manage employees of the Corpora-*
6 *tion that are dedicated to structuring, moni-*
7 *toring, and evaluating transactions and projects*
8 *co-designed with the United States Agency for*
9 *International Development and other relevant*
10 *United States Government departments and*
11 *agencies;*

12 *(C) authorize and coordinate transfers of*
13 *funds or other resources to and from such agen-*
14 *cies, departments, or missions upon the concur-*
15 *rence of those institutions in support of the Cor-*
16 *poration's projects or activities;*

17 *(D) manage the responsibilities of the Cor-*
18 *poration under paragraphs (1) and (4) of section*
19 *1442(b) and paragraphs (1)(A) and (3)(A) of*
20 *section 1443(b);*

21 *(E) coordinate and implement the activities*
22 *of the Corporation under section 1445; and*

23 *(F) be an ex officio member of the Develop-*
24 *ment Advisory Council established under sub-*

1 *section (i) and participate in or send a rep-*
2 *resentative to each meeting of the Council.*

3 *(h) OFFICERS AND EMPLOYEES.—*

4 *(1) IN GENERAL.—Except as otherwise provided*
5 *in this section, officers, employees, and agents shall be*
6 *selected and appointed by the Corporation, and shall*
7 *be vested with such powers and duties as the Corpora-*
8 *tion may determine.*

9 *(2) ADMINISTRATIVELY DETERMINED EMPLOY-*
10 *EES.—*

11 *(A) APPOINTMENT; COMPENSATION; RE-*
12 *MOVAL.—Of officers and employees employed by*
13 *the Corporation under paragraph (1), not more*
14 *than 50 may be appointed, compensated, or re-*
15 *moved without regard to title 5, United States*
16 *Code.*

17 *(B) REINSTATEMENT.—Under such regula-*
18 *tions as the President may prescribe, officers and*
19 *employees appointed to a position under sub-*
20 *paragraph (A) may be entitled, upon removal*
21 *from such position (unless the removal was for*
22 *cause), to reinstatement to the position occupied*
23 *at the time of appointment or to a position of*
24 *comparable grade and salary.*

1 (C) *ADDITIONAL POSITIONS.*—*Positions au-*
2 *thorized by subparagraph (A) shall be in addi-*
3 *tion to those otherwise authorized by law, includ-*
4 *ing positions authorized under section 5108 of*
5 *title 5, United States Code.*

6 (D) *RATES OF PAY FOR OFFICERS AND EM-*
7 *PLOYEES.*—*The Corporation may set and adjust*
8 *rates of basic pay for officers and employees ap-*
9 *pointed under subparagraph (A) without regard*
10 *to the provisions of chapter 51 or subchapter III*
11 *of chapter 53 of title 5, United States Code, re-*
12 *lating to classification of positions and General*
13 *Schedule pay rates, respectively.*

14 (3) *LIABILITY OF EMPLOYEES.*—

15 (A) *IN GENERAL.*—*An individual who is a*
16 *member of the Board or an officer or employee*
17 *of the Corporation has no liability under this di-*
18 *vision with respect to any claim arising out of*
19 *or resulting from any act or omission by the in-*
20 *dividual within the scope of the employment of*
21 *the individual in connection with any trans-*
22 *action by the Corporation.*

23 (B) *RULE OF CONSTRUCTION.*—*Subpara-*
24 *graph (A) shall not be construed to limit per-*
25 *sonal liability of an individual for criminal acts*

1 *or omissions, willful or malicious misconduct,*
2 *acts or omissions for private gain, or any other*
3 *acts or omissions outside the scope of the individ-*
4 *ual's employment.*

5 (C) *CONFLICTS OF INTEREST.*—*The Cor-*
6 *poration shall establish and publish procedures*
7 *for avoiding conflicts of interest on the part of*
8 *officers and employees of the Corporation and*
9 *members of the Development Advisory Council*
10 *established under subsection (i).*

11 (D) *SAVINGS PROVISION.*—*This paragraph*
12 *shall not be construed—*

13 *(i) to affect—*

14 (I) *any other immunities and*
15 *protections that may be available to an*
16 *individual described in subparagraph*
17 *(A) under applicable law with respect*
18 *to a transaction described in that sub-*
19 *paragraph; or*

20 (II) *any other right or remedy*
21 *against the Corporation, against the*
22 *United States under applicable law, or*
23 *against any person other than an indi-*
24 *vidual described in subparagraph (A)*
25 *participating in such a transaction; or*

1 (ii) to limit or alter in any way the
2 immunities that are available under appli-
3 cable law for Federal officers and employees
4 not described in this paragraph.

5 (i) *DEVELOPMENT ADVISORY COUNCIL.*—

6 (1) *IN GENERAL.*—There is established a *Devel-*
7 *opment Advisory Council* (in this subsection referred
8 to as the “*Council*”) to advise the Board on develop-
9 ment objectives of the Corporation.

10 (2) *MEMBERSHIP.*—Members of the Council shall
11 be appointed by the Board, on the recommendation of
12 the Chief Executive Officer and the Chief Development
13 Officer, and shall be composed of not more than 9
14 members broadly representative of nongovernmental
15 organizations, think tanks, advocacy organizations,
16 foundations, and other institutions engaged in inter-
17 national development.

18 (3) *FUNCTIONS.*—The Board shall call upon
19 members of the Council, either collectively or individ-
20 ually, to advise the Board regarding the extent to
21 which the Corporation is meeting its development
22 mandate and any suggestions for improvements in
23 with respect to meeting that mandate, including op-
24 portunities in countries and project development and
25 implementation challenges and opportunities.

1 (4) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
2 *Council shall not be subject to the Federal Advisory*
3 *Committee Act (5 U.S.C. App.).*

4 **SEC. 1414. INSPECTOR GENERAL OF THE CORPORATION.**

5 (a) *IN GENERAL.*—*Section 8G(a)(2) of the Inspector*
6 *General Act of 1978 (5 U.S.C. App.) is amended by insert-*
7 *ing “the United States International Development Finance*
8 *Corporation,” after “the Smithsonian Institution,”.*

9 (b) *OVERSIGHT INDEPENDENCE.*—*Section 8G(a)(4) of*
10 *the Inspector General Act of 1978 (5 U.S.C. App.) is*
11 *amended—*

12 (1) *in subparagraph (H), by striking “; and”*
13 *and inserting a semicolon;*

14 (2) *in subparagraph (I), by striking the semi-*
15 *colon and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 *“(J) with respect to the United States Inter-*
18 *national Development Finance Corporation, such*
19 *term means the Board of Directors of the United*
20 *States International Development Finance Cor-*
21 *poration;”.*

22 **SEC. 1415. INDEPENDENT ACCOUNTABILITY MECHANISM.**

23 (a) *IN GENERAL.*—*The Board shall establish a trans-*
24 *parent and independent accountability mechanism.*

1 (b) *FUNCTIONS.*—*The independent accountability*
2 *mechanism established pursuant to subsection (a) shall—*

3 (1) *annually evaluate and report to the Board*
4 *and Congress regarding compliance with environ-*
5 *mental, social, labor, human rights, and transparency*
6 *standards, consistent with Corporation statutory*
7 *mandates;*

8 (2) *provide a forum for resolving concerns re-*
9 *garding the impacts of specific Corporation-supported*
10 *projects with respect to such standards; and*

11 (3) *provide advice regarding Corporation*
12 *projects, policies, and practices.*

13 **TITLE II—AUTHORITIES**

14 **SEC. 1421. AUTHORITIES RELATING TO PROVISION OF SUP-** 15 **PORT.**

16 (a) *IN GENERAL.*—*The authorities in this title shall*
17 *only be exercised to—*

18 (1) *carry out of the policy of the United States*
19 *in section 1411 and the purpose of the Corporation in*
20 *section 1412;*

21 (2) *mitigate risks to United States taxpayers by*
22 *sharing risks with the private sector and qualifying*
23 *sovereign entities through co-financing and struc-*
24 *turing of tools; and*

1 (3) *ensure that support provided under this title*
2 *is additional to private sector resources by mobilizing*
3 *private capital that would otherwise not be deployed*
4 *without such support.*

5 **(b) LENDING AND GUARANTIES.—**

6 (1) *IN GENERAL.—The Corporation may make*
7 *loans or guaranties upon such terms and conditions*
8 *as the Corporation may determine.*

9 (2) *DENOMINATION.—Loans and guaranties*
10 *issued under paragraph (1) may be denominated and*
11 *repayable in United States dollars or foreign cur-*
12 *rencies. Foreign currency denominated loans and*
13 *guaranties should only be provided if the Board deter-*
14 *mines there is a substantive policy rationale for such*
15 *loans and guaranties.*

16 (3) *APPLICABILITY OF FEDERAL CREDIT REFORM*
17 *ACT OF 1990.—Loans and guaranties issued under*
18 *paragraph (1) shall be subject to the requirements of*
19 *the Federal Credit Reform Act of 1990 (2 U.S.C. 661*
20 *et seq.).*

21 **(c) EQUITY INVESTMENTS.—**

22 (1) *IN GENERAL.—The Corporation may, as a*
23 *minority investor, support projects with funds or use*
24 *other mechanisms for the purpose of purchasing, and*
25 *may make and fund commitments to purchase, invest*

1 *in, make pledges in respect of, or otherwise acquire,*
2 *equity or quasi-equity securities or shares or financial*
3 *interests of any entity, including as a limited partner*
4 *or other investor in investment funds, upon such*
5 *terms and conditions as the Corporation may deter-*
6 *mine.*

7 (2) *DENOMINATION.*—*Support provided under*
8 *paragraph (1) may be denominated and repayable in*
9 *United States dollars or foreign currency. Foreign*
10 *currency denominated support provided by paragraph*
11 *(1) should only be provided if the Board determines*
12 *there is a substantive policy rationale for such sup-*
13 *port.*

14 (3) *GUIDELINES AND CRITERIA.*—*The Corpora-*
15 *tion shall develop guidelines and criteria to require*
16 *that the use of the authority provided by paragraph*
17 *(1) with respect to a project has a clearly defined de-*
18 *velopment and foreign policy purpose, taking into ac-*
19 *count the following objectives:*

20 (A) *The support for the project would be*
21 *more likely than not to substantially reduce or*
22 *overcome the effect of an identified market fail-*
23 *ure in the country in which the project is carried*
24 *out.*

1 (B) *The project would not have proceeded or*
2 *would have been substantially delayed without*
3 *the support.*

4 (C) *The support would meaningfully con-*
5 *tribute to transforming local conditions to pro-*
6 *mote the development of markets.*

7 (D) *The support can be shown to be aligned*
8 *with commercial partner incentives.*

9 (E) *The support can be shown to have sig-*
10 *nificant developmental impact and will con-*
11 *tribute to long-term commercial sustainability.*

12 (F) *The support furthers the policy of the*
13 *United States described in section 1411.*

14 (4) *LIMITATIONS ON EQUITY INVESTMENTS.—*

15 (A) *PER PROJECT LIMIT.—The aggregate*
16 *amount of support provided under this sub-*
17 *section with respect to any project shall not ex-*
18 *ceed 30 percent of the aggregate amount of all eq-*
19 *uity investment made to the project at the time*
20 *that the Corporation approves support of the*
21 *project.*

22 (B) *TOTAL LIMIT.—Support provided pur-*
23 *suant to this subsection shall be limited to not*
24 *more than 35 percent of the Corporation's aggre-*

1 *gate exposure on the date that such support is*
2 *provided.*

3 (5) *SALES AND LIQUIDATION OF POSITION.—The*
4 *Corporation shall seek to sell and liquidate any sup-*
5 *port for a project provided under this subsection as*
6 *soon as commercially feasible, commensurate with*
7 *other similar investors in the project and taking into*
8 *consideration the national security interests of the*
9 *United States.*

10 (6) *TIMETABLE.—The Corporation shall create a*
11 *project-specific timetable for support provided under*
12 *paragraph (1).*

13 (d) *INSURANCE AND REINSURANCE.—The Corporation*
14 *may issue insurance or reinsurance, upon such terms and*
15 *conditions as the Corporation may determine, to private*
16 *sector entities and qualifying sovereign entities assuring*
17 *protection of their investments in whole or in part against*
18 *any or all political risks such as currency inconvertibility*
19 *and transfer restrictions, expropriation, war, terrorism,*
20 *civil disturbance, breach of contract, or nonhonoring of fi-*
21 *nancial obligations.*

22 (e) *PROMOTION OF AND SUPPORT FOR PRIVATE IN-*
23 *VESTMENT OPPORTUNITIES.—*

24 (1) *IN GENERAL.—In order to carry out the pur-*
25 *pose of the Corporation described in section 1412(b),*

1 *the Corporation may initiate and support, through fi-*
2 *nancial participation, incentive grant, or otherwise,*
3 *and on such terms and conditions as the Corporation*
4 *may determine, feasibility studies for the planning,*
5 *development, and management of, and procurement*
6 *for, potential bilateral and multilateral development*
7 *projects eligible for support under this title, including*
8 *training activities undertaken in connection with*
9 *such projects, for the purpose of promoting investment*
10 *in such projects and the identification, assessment,*
11 *surveying, and promotion of private investment op-*
12 *portunities, utilizing wherever feasible and effective,*
13 *the facilities of private investors.*

14 (2) *CONTRIBUTIONS TO COSTS.*—*The Corpora-*
15 *tion shall, to the maximum extent practicable, require*
16 *any person receiving funds under the authorities of*
17 *this subsection to—*

18 (A) *share the costs of feasibility studies and*
19 *other project planning services funded under this*
20 *subsection; and*

21 (B) *reimburse the Corporation those funds*
22 *provided under this section, if the person suc-*
23 *ceeds in project implementation.*

24 (f) *SPECIAL PROJECTS AND PROGRAMS.*—*The Cor-*
25 *poration may administer and manage special projects and*

1 *programs in support of specific transactions undertaken by*
2 *the Corporation, including programs of financial and advi-*
3 *sory support that provide private technical, professional, or*
4 *managerial assistance in the development of human re-*
5 *sources, skills, technology, capital savings, or intermediate*
6 *financial and investment institutions or cooperatives, and*
7 *including the initiation of incentives, grants, or studies for*
8 *energy, women's economic empowerment, microenterprise*
9 *households, or other small business activities.*

10 *(g) ENTERPRISE FUNDS.—*

11 *(1) IN GENERAL.—The Corporation may, fol-*
12 *lowing consultation with the Secretary of State, the*
13 *Administrator of the United States Agency for Inter-*
14 *national Development, and the heads of other relevant*
15 *departments or agencies, establish and operate enter-*
16 *prise funds in accordance with this subsection.*

17 *(2) PRIVATE CHARACTER OF FUNDS.—Nothing*
18 *in this section shall be construed to make an enter-*
19 *prise fund an agency or establishment of the United*
20 *States Government, or to make the officers, employees,*
21 *or members of the Board of Directors of an enterprise*
22 *fund officers or employees of the United States for*
23 *purposes of title 5, United States Code.*

24 *(3) PURPOSES FOR WHICH SUPPORT MAY BE*
25 *PROVIDED.—The Corporation, subject to the approval*

1 *of the Board, may designate private, nonprofit orga-*
2 *nizations as eligible to receive support under this title*
3 *for the following purposes:*

4 *(A) To promote development of economic*
5 *freedom and private sectors, including small-*
6 *and medium-sized enterprises and joint ventures*
7 *with the United States and host country partici-*
8 *pants.*

9 *(B) To facilitate access to credit to small-*
10 *and medium-sized enterprises with sound busi-*
11 *ness plans in countries where there is limited*
12 *means of accessing credit on market terms.*

13 *(C) To promote policies and practices con-*
14 *ducive to economic freedom and private sector*
15 *development.*

16 *(D) To attract foreign direct investment*
17 *capital to further promote private sector develop-*
18 *ment and economic freedom.*

19 *(E) To complement the work of the United*
20 *States Agency for International Development*
21 *and other donors to improve the overall business-*
22 *enabling environment, financing the creation*
23 *and expansion of the private business sector.*

24 *(F) To make financially sustainable invest-*
25 *ments designed to generate measurable social*

1 *benefits and build technical capacity in addition*
2 *to financial returns.*

3 (4) *OPERATION OF FUNDS.—*

4 (A) *EXPENDITURES.—Funds made avail-*
5 *able to an enterprise fund shall be expended at*
6 *the minimum rate necessary to make timely*
7 *payments for projects and activities carried out*
8 *under this subsection.*

9 (B) *ADMINISTRATIVE EXPENSES.—Not more*
10 *than 3 percent per annum of the funds made*
11 *available to an enterprise fund may be obligated*
12 *or expended for the administrative expenses of*
13 *the enterprise fund.*

14 (5) *BOARD OF DIRECTORS.—Each enterprise*
15 *fund established under this subsection should be gov-*
16 *erned by a Board of Directors comprised of private*
17 *citizens of the United States or the host country,*
18 *who—*

19 (A) *shall be appointed by the President*
20 *after consultation with the chairmen and rank-*
21 *ing members of the appropriate congressional*
22 *committees; and*

23 (B) *have pursued careers in international*
24 *business and have demonstrated expertise in*

1 *international and emerging market investment*
2 *activities.*

3 (6) *MAJORITY MEMBER REQUIREMENT.*—*The*
4 *majority of the members of the Board of Directors*
5 *shall be United States citizens who shall have relevant*
6 *experience relating to the purposes described in para-*
7 *graph (3).*

8 (7) *REPORTS.*—*Not later than one year after the*
9 *date of the establishment of an enterprise fund under*
10 *this subsection, and annually thereafter until the en-*
11 *terprise fund terminates in accordance with para-*
12 *graph (10), the Board of Directors of the enterprise*
13 *fund shall—*

14 (A) *submit to the appropriate congressional*
15 *committees a report—*

16 (i) *detailing the administrative ex-*
17 *penses of the enterprise fund during the*
18 *year preceding the submission of the report;*

19 (ii) *describing the operations, activi-*
20 *ties, engagement with civil society and rel-*
21 *evant local private sector entities, develop-*
22 *ment objectives and outcomes, financial con-*
23 *dition, and accomplishments of the enter-*
24 *prise fund during that year;*

1 (iii) describing the results of any audit
2 conducted under paragraph (8); and

3 (iv) describing how audits conducted
4 under paragraph (8) are informing the op-
5 erations and activities of the enterprise
6 fund; and

7 (B) publish, on a publicly available internet
8 website of the enterprise fund, each report re-
9 quired by subparagraph (A).

10 (8) OVERSIGHT.—

11 (A) INSPECTOR GENERAL PERFORMANCE
12 AUDITS.—

13 (i) IN GENERAL.—The Inspector Gen-
14 eral of the Corporation shall conduct peri-
15 odic audits of the activities of each enter-
16 prise fund established under this subsection.

17 (ii) CONSIDERATION.—In conducting
18 an audit under clause (i), the Inspector
19 General shall assess whether the activities of
20 the enterprise fund—

21 (I) support the purposes described
22 in paragraph (3);

23 (II) result in profitable private
24 sector investing; and

1 (III) *generate measurable social*
2 *benefits.*

3 (B) *RECORDKEEPING REQUIREMENTS.—The*
4 *Corporation shall ensure that each enterprise*
5 *fund receiving support under this subsection—*

6 (i) *keeps separate accounts with respect*
7 *to such support; and*

8 (ii) *maintains such records as may be*
9 *reasonably necessary to facilitate effective*
10 *audits under this paragraph.*

11 (9) *RETURN OF FUNDS TO TREASURY.—Any*
12 *funds resulting from any liquidation, dissolution, or*
13 *winding up of an enterprise fund, in whole or in*
14 *part, shall be returned to the Treasury of the United*
15 *States.*

16 (10) *TERMINATION.—The authority of an enter-*
17 *prise fund to provide support under this subsection*
18 *shall terminate on the earlier of—*

19 (A) *the date that is 10 years after the date*
20 *of the first expenditure of amounts from the en-*
21 *terprise fund; or*

22 (B) *the date on which the enterprise fund is*
23 *liquidated.*

1 (h) *SUPERVISION OF SUPPORT.*—Support provided
2 under this title shall be subject to section 622(c) of the For-
3 eign Assistance Act of 1961 (22 U.S.C. 2382(c)).

4 (i) *SMALL BUSINESS DEVELOPMENT.*—

5 (1) *IN GENERAL.*—The Corporation shall under-
6 take, in cooperation with appropriate departments,
7 agencies, and instrumentalities of the United States
8 as well as private entities and others, to broaden the
9 participation of United States small businesses and
10 cooperatives and other small United States investors
11 in the development of small private enterprise in less
12 developed friendly countries or areas.

13 (2) *OUTREACH TO MINORITY-OWNED AND*
14 *WOMEN-OWNED BUSINESSES.*—

15 (A) *IN GENERAL.*—The Corporation shall
16 collect data on the involvement of minority- and
17 women-owned businesses in projects supported by
18 the Corporation, including—

19 (i) the amount of insurance and fi-
20 nancing provided by the Corporation to
21 such businesses in connection with projects
22 supported by the Corporation; and

23 (ii) to the extent such information is
24 available, the involvement of such businesses

1 *in procurement activities conducted or sup-*
2 *ported by the Corporation.*

3 *(B) INCLUSION IN ANNUAL REPORT.—The*
4 *Corporation shall include, in its annual report*
5 *submitted to Congress under section 1443, the*
6 *aggregate data collected under this paragraph, in*
7 *such form as to quantify the effectiveness of the*
8 *Corporation’s outreach activities to minority-*
9 *and women-owned businesses.*

10 **SEC. 1422. TERMS AND CONDITIONS.**

11 *(a) IN GENERAL.—Except as provided in subsection*
12 *(b), support provided by the Corporation under this title*
13 *shall be on such terms and conditions as the Corporation*
14 *may prescribe.*

15 *(b) REQUIREMENTS.—The following requirements*
16 *apply to support provided by the Corporation under this*
17 *title:*

18 *(1) The Corporation shall provide support using*
19 *authorities under this title only if it is necessary—*

20 *(A) to alleviate a credit market imperfec-*
21 *tion; or*

22 *(B) to achieve specified development or for-*
23 *ign policy objectives of the United States Gov-*
24 *ernment by providing support in the most effi-*

1 *cient way to meet those objectives on a case-by-*
2 *case basis.*

3 *(2) The final maturity of a loan made or guar-*
4 *anteed by the Corporation shall not exceed the lesser*
5 *of—*

6 *(A) 25 years; or*

7 *(B) debt servicing capabilities of the project*
8 *to be financed by the loan (as determined by the*
9 *Corporation).*

10 *(3) The Corporation shall, with respect to pro-*
11 *viding any loan guaranty to a project, require the*
12 *parties to the project to bear the risk of loss in an*
13 *amount equal to at least 20 percent of the guaranteed*
14 *support by the Corporation in the project.*

15 *(4) The Corporation may not make or guarantee*
16 *a loan unless the Corporation determines that the bor-*
17 *rower or lender is responsible and that adequate pro-*
18 *vision is made for servicing the loan on reasonable*
19 *terms and protecting the financial interest of the*
20 *United States.*

21 *(5) The interest rate for direct loans and interest*
22 *supplements on guaranteed loans shall be set by ref-*
23 *erence to a benchmark interest rate (yield) on market-*
24 *able Treasury securities or other widely recognized or*
25 *appropriate benchmarks with a similar maturity to*

1 *the loans being made or guaranteed, as determined in*
2 *consultation with the Director of the Office of Man-*
3 *agement and Budget and the Secretary of the Treas-*
4 *ury. The Corporation shall establish appropriate min-*
5 *imum interest rates for loans, guaranties, and other*
6 *instruments as necessary.*

7 *(6) The minimum interest rate for new loans as*
8 *established by the Corporation shall be adjusted peri-*
9 *odically to take account of changes in the interest rate*
10 *of the benchmark financial instrument.*

11 *(7)(A) The Corporation shall set fees or pre-*
12 *miums for support provided under this title at levels*
13 *that minimize the cost to the Government while sup-*
14 *porting achievement of the objectives of support.*

15 *(B) The Corporation shall review fees for loan*
16 *guaranties periodically to ensure that the fees assessed*
17 *on new loan guaranties are at a level sufficient to*
18 *cover the Corporation's most recent estimates of its*
19 *costs.*

20 *(8) Any loan guaranty provided by the Corpora-*
21 *tion shall be conclusive evidence that—*

22 *(A) the guaranty has been properly ob-*
23 *tained;*

24 *(B) the loan qualified for the guaranty; and*

1 (C) but for fraud or material misrepresenta-
2 tion by the holder of the guaranty, the guaranty
3 is presumed to be valid, legal, and enforceable.

4 (9) The Corporation shall prescribe explicit
5 standards for use in periodically assessing the credit
6 risk of new and existing direct loans or guaranteed
7 loans.

8 (10) The Corporation may not make loans or
9 loan guaranties except to the extent that budget au-
10 thority to cover the costs of the loans or guaranties is
11 provided in advance in an appropriations Act, as re-
12 quired by section 504 of the Federal Credit Reform
13 Act of 1990 (2 U.S.C. 661c).

14 (11) The Corporation shall rely upon specific
15 standards to assess the developmental and strategic
16 value of projects for which it provides support and
17 should only provide the minimum level of support
18 necessary in order to support such projects.

19 (12) Any loan or loan guaranty made by the
20 Corporation should be provided on a senior basis or
21 *pari passu* with other senior debt unless there is a
22 substantive policy rationale to provide such support
23 otherwise.

1 **SEC. 1423. PAYMENT OF LOSSES.**

2 (a) *PAYMENTS FOR DEFAULTS ON GUARANTEED*
3 *LOANS.—*

4 (1) *IN GENERAL.—If the Corporation determines*
5 *that the holder of a loan guaranteed by the Corpora-*
6 *tion suffers a loss as a result of a default by a bor-*
7 *rower on the loan, the Corporation shall pay to the*
8 *holder the percent of the loss, as specified in the guar-*
9 *anty contract, after the holder of the loan has made*
10 *such further collection efforts and instituted such en-*
11 *forcement proceedings as the Corporation may re-*
12 *quire.*

13 (2) *SUBROGATION.—Upon making a payment*
14 *described in paragraph (1), the Corporation shall en-*
15 *sure the Corporation will be subrogated to all the*
16 *rights of the recipient of the payment.*

17 (3) *RECOVERY EFFORTS.—The Corporation shall*
18 *pursue recovery from the borrower of the amount of*
19 *any payment made under paragraph (1) with respect*
20 *to the loan.*

21 (b) *LIMITATION ON PAYMENTS.—*

22 (1) *IN GENERAL.—Except as provided by para-*
23 *graph (2), compensation for insurance, reinsurance,*
24 *or a guaranty issued under this title shall not exceed*
25 *the dollar value of the tangible or intangible contribu-*
26 *tions or commitments made in the project, plus inter-*

1 *est, earnings, or profits actually accrued on such con-*
2 *tributions or commitments, to the extent provided by*
3 *such insurance, reinsurance, or guaranty.*

4 (2) *EXCEPTION.—*

5 (A) *IN GENERAL.—The Corporation may*
6 *provide that—*

7 (i) *appropriate adjustments in the in-*
8 *sured dollar value be made to reflect the re-*
9 *placement cost of project assets; and*

10 (ii) *compensation for a claim of loss*
11 *under insurance of an equity investment*
12 *under section 1421 may be computed on the*
13 *basis of the net book value attributable to*
14 *the equity investment on the date of loss.*

15 (3) *ADDITIONAL LIMITATION.—*

16 (A) *IN GENERAL.—Notwithstanding para-*
17 *graph (2)(A)(ii) and except as provided in sub-*
18 *paragraph (B), the Corporation shall limit the*
19 *amount of direct insurance and reinsurance*
20 *issued under section 1421 with respect to a*
21 *project so as to require that the insured and its*
22 *affiliates bear the risk of loss for at least 10 per-*
23 *cent of the amount of the Corporation's exposure*
24 *to that insured and its affiliates in the project.*

1 (B) *EXCEPTION.*—*The limitation under*
2 *subparagraph (A) shall not apply to direct in-*
3 *surance or reinsurance of loans provided by*
4 *banks or other financial institutions to unrelated*
5 *parties.*

6 (c) *ACTIONS BY ATTORNEY GENERAL.*—*The Attorney*
7 *General shall take such action as may be appropriate to*
8 *enforce any right accruing to the United States as a result*
9 *of the issuance of any loan or guaranty under this title.*

10 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
11 *shall be construed to preclude any forbearance for the ben-*
12 *efit of a borrower that may be agreed upon by the parties*
13 *to a loan guaranteed by the Corporation if budget authority*
14 *for any resulting costs to the United States Government (as*
15 *defined in section 502 of the Federal Credit Reform Act of*
16 *1990 (2 U.S.C. 661a)) is available.*

17 **SEC. 1424. TERMINATION.**

18 (a) *IN GENERAL.*—*The authorities provided under this*
19 *title terminate on the date that is 7 years after the date*
20 *of the enactment of this Act.*

21 (b) *TERMINATION OF CORPORATION.*—*The Corpora-*
22 *tion shall terminate on the date on which the portfolio of*
23 *the Corporation is liquidated.*

1 **TITLE III—ADMINISTRATIVE AND**
2 **GENERAL PROVISIONS**

3 **SEC. 1431. OPERATIONS.**

4 (a) *BILATERAL AGREEMENTS.*—*The Corporation may*
5 *provide support under title II in connection with projects*
6 *in any country the government of which has entered into*
7 *an agreement with the United States authorizing the Cor-*
8 *poration to provide such support in that country.*

9 (b) *CLAIMS SETTLEMENT.*—

10 (1) *IN GENERAL.*—*Claims arising as a result of*
11 *support provided under title II or under predecessor*
12 *authority may be settled, and disputes arising as a*
13 *result thereof may be arbitrated with the consent of*
14 *the parties, on such terms and conditions as the Cor-*
15 *poration may determine.*

16 (2) *SETTLEMENTS CONCLUSIVE.*—*Payment made*
17 *pursuant to any settlement pursuant to paragraph*
18 *(1), or as a result of an arbitration award, shall be*
19 *final and conclusive notwithstanding any other provi-*
20 *sion of law.*

21 (c) *PRESUMPTION OF COMPLIANCE.*—*Each contract*
22 *executed by such officer or officers as may be designated*
23 *by the Board shall be conclusively presumed to be issued*
24 *in compliance with the requirements of this division.*

1 (d) *ELECTRONIC PAYMENTS AND DOCUMENTS.*—The
2 Corporation shall implement policies to accept electronic
3 documents and electronic payments in all of its programs.

4 **SEC. 1432. CORPORATE POWERS.**

5 (a) *IN GENERAL.*—The Corporation—

6 (1) may adopt, alter, and use a seal, to include
7 an identifiable symbol of the United States;

8 (2) may make and perform such contracts, in-
9 cluding no-cost contracts (as defined by the Corpora-
10 tion), grants, and other agreements notwithstanding
11 division C of subtitle I of title 41, United States Code,
12 with any person or government however designated
13 and wherever situated, as may be necessary for car-
14 rying out the functions of the Corporation;

15 (3) may lease, purchase, or otherwise acquire,
16 improve, and use such real property wherever situ-
17 ated, as may be necessary for carrying out the func-
18 tions of the Corporation, except that, if the real prop-
19 erty is for the Corporation's own occupancy, the lease,
20 purchase, acquisition, improvement, or use of the real
21 property shall be entered into or conducted in con-
22 sultation with the Administrator of General Services;

23 (4) may accept cash gifts or donations of services
24 or of property (real, personal, or mixed), tangible or

1 *intangible, for the purpose of carrying out the func-*
2 *tions of the Corporation;*

3 *(5) may use the United States mails in the same*
4 *manner and on the same conditions as the Executive*
5 *departments (as defined in section 101 of title 5,*
6 *United States Code);*

7 *(6) may contract with individuals for personal*
8 *services, who shall not be considered Federal employ-*
9 *ees for any provision of law administered by the Di-*
10 *rector of the Office of Personnel Management;*

11 *(7) may hire or obtain passenger motor vehicles;*

12 *(8) may sue and be sued in its corporate name;*

13 *(9) may acquire, hold, or dispose of, upon such*
14 *terms and conditions as the Corporation may deter-*
15 *mine, any property, real, personal, or mixed, tangible*
16 *or intangible, or any interest in such property, except*
17 *that, in the case of real property that is for the Cor-*
18 *poration's own occupancy, the acquisition, holding, or*
19 *disposition of the real property shall be conducted in*
20 *consultation with the Administrator of General Serv-*
21 *ices;*

22 *(10) may lease office space for the Corporation's*
23 *own use, with the obligation of amounts for such lease*
24 *limited to the current fiscal year for which payments*
25 *are due until the expiration of the current lease under*

1 predecessor authority, as of the day before the date of
2 the enactment of this Act;

3 (11) may indemnify directors, officers, employ-
4 ees, and agents of the Corporation for liabilities and
5 expenses incurred in connection with their activities
6 on behalf of the Corporation;

7 (12) notwithstanding any other provision of law,
8 may represent itself or contract for representation in
9 any legal or arbitral proceeding;

10 (13) may exercise any priority of the Govern-
11 ment of the United States in collecting debts from
12 bankrupt, insolvent, or decedents' estates;

13 (14) may collect, notwithstanding section
14 3711(g)(1) of title 31, United States Code, or com-
15 promise any obligations assigned to or held by the
16 Corporation, including any legal or equitable rights
17 accruing to the Corporation;

18 (15) may make arrangements with foreign gov-
19 ernments (including agencies, instrumentalities, or
20 political subdivisions of such governments) or with
21 multilateral organizations or institutions for sharing
22 liabilities;

23 (16) may sell direct investments of the Corpora-
24 tion to private investors upon such terms and condi-
25 tions as the Corporation may determine; and

1 (17) shall have such other powers as may be nec-
2 essary and incident to carrying out the functions of
3 the Corporation.

4 (b) *TREATMENT OF PROPERTY.*—Notwithstanding any
5 other provision of law relating to the acquisition, handling,
6 or disposal of property by the United States, the Corpora-
7 tion shall have the right in its discretion to complete, recon-
8 dition, reconstruct, renovate, repair, maintain, operate, or
9 sell any property acquired by the Corporation pursuant to
10 the provisions of this division, except that, in the case of
11 real property that is for the Corporation’s own occupancy,
12 the completion, reconditioning, reconstruction, renovation,
13 repair, maintenance, operation, or sale of the real property
14 shall be conducted in consultation with the Administrator
15 of General Services.

16 **SEC. 1433. MAXIMUM CONTINGENT LIABILITY.**

17 *The maximum contingent liability of the Corporation*
18 *outstanding at any one time shall not exceed in the aggre-*
19 *gate \$60,000,000,000.*

20 **SEC. 1434. CORPORATE FUNDS.**

21 (a) *CORPORATE CAPITAL ACCOUNT.*—*There is estab-*
22 *lished in the Treasury of the United States a fund to be*
23 *known as the “Corporate Capital Account” to carry out the*
24 *purposes of the Corporation.*

1 (b) *FUNDING.*—*The Corporate Capital Account shall*
2 *consist of—*

3 (1) *fees charged and collected pursuant to sub-*
4 *section (c);*

5 (2) *any amounts received pursuant to subsection*
6 *(e);*

7 (3) *investments and returns on such investments*
8 *pursuant to subsection (g);*

9 (4) *unexpended balances transferred to the Cor-*
10 *poration pursuant to subsection (i);*

11 (5) *payments received in connection with settle-*
12 *ments of all insurance and reinsurance claims of the*
13 *Corporation; and*

14 (6) *all other collections transferred to or earned*
15 *by the Corporation, excluding the cost, as defined in*
16 *section 502 of the Federal Credit Reform Act of 1990*
17 *(2 U.S.C. 661a), of loans and loan guaranties.*

18 (c) *FEE AUTHORITY.*—*Fees may be charged and col-*
19 *lected for providing services in amounts to be determined*
20 *by the Corporation.*

21 (d) *USES.*—

22 (1) *IN GENERAL.*—*Subject to Acts making ap-*
23 *propriations, the Corporation is authorized to pay—*

1 (A) the cost, as defined in section 502 of the
2 Federal Credit Reform Act of 1990, of loans and
3 loan guaranties;

4 (B) administrative expenses of the Corpora-
5 tion;

6 (C) for the cost of providing support author-
7 ized by subsections (c), (e), (f), and (g) of section
8 1421;

9 (D) project-specific transaction costs.

10 (2) *INCOME AND REVENUE.*—In order to carry
11 out the purposes of the Corporation, all collections
12 transferred to or earned by the Corporation, excluding
13 the cost, as defined in section 502 of the Federal Cred-
14 it Reform Act of 1990, of loans and loan guaranties,
15 shall be deposited into the Corporate Capital Account
16 and shall be available to carry out its purpose, in-
17 cluding without limitation—

18 (A) payment of all insurance and reinsur-
19 ance claims of the Corporation;

20 (B) repayments to the Treasury of amounts
21 borrowed under subsection (e); and

22 (C) dividend payments to the Treasury
23 under subsection (f).

24 (e) *FULL FAITH AND CREDIT.*—

1 (1) *IN GENERAL.*—*All support provided pursu-*
2 *ant to predecessor authorities or title II shall continue*
3 *to constitute obligations of the United States, and the*
4 *full faith and credit of the United States is hereby*
5 *pledged for the full payment and performance of such*
6 *obligations.*

7 (2) *AUTHORITY TO BORROW.*—*The Corporation*
8 *is authorized to borrow from the Treasury such sums*
9 *as may be necessary to fulfill such obligations of the*
10 *United States and any such borrowing shall be at a*
11 *rate determined by the Secretary of the Treasury, tak-*
12 *ing into consideration the current average market*
13 *yields on outstanding marketable obligations of the*
14 *United States of comparable maturities, for a period*
15 *jointly determined by the Corporation and the Sec-*
16 *retary, and subject to such terms and conditions as*
17 *the Secretary may require.*

18 (f) *DIVIDENDS.*—*The Board, in consultation with the*
19 *Director of the Office of Management and Budget, shall an-*
20 *nually assess a dividend payment to the Treasury if the*
21 *Corporation's insurance portfolio is more than 100 percent*
22 *reserved.*

23 (g) *INVESTMENT AUTHORITY.*—

24 (1) *IN GENERAL.*—*The Corporation may request*
25 *the Secretary of the Treasury to invest such portion*

1 of the Corporate Capital Account as is not, in the
2 Corporation's judgment, required to meet the current
3 needs of the Corporate Capital Account.

4 (2) *FORM OF INVESTMENTS.*—Such investments
5 shall be made by the Secretary of the Treasury in
6 public debt obligations, with maturities suitable to the
7 needs of the Corporate Capital Account, as deter-
8 mined by the Corporation, and bearing interest at
9 rates determined by the Secretary, taking into consid-
10 eration current market yields on outstanding market-
11 able obligations of the United States of comparable
12 maturities.

13 (h) *COLLECTIONS.*—Interest earnings made pursuant
14 to subsection (g), earnings collected related to equity invest-
15 ments, and amounts, excluding fees related to insurance or
16 reinsurance, collected pursuant to subsection (c), shall not
17 be collected for any fiscal year except to the extent provided
18 in advance in appropriations Acts.

19 (i) *TRANSFER FROM PREDECESSOR AGENCIES AND*
20 *PROGRAMS.*—By the end of the transition period described
21 in title VI, the unexpended balances, assets, and responsibil-
22 ities of any agency specified in the plan required by section
23 1462 shall be transferred to the Corporation.

24 (j) *TRANSFER OF FUNDS.*—In order to carry out this
25 division, funds authorized to be appropriated to carry out

1 *the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)*
2 *may be transferred to the Corporation and funds authorized*
3 *to be appropriated to the Corporation may be transferred*
4 *to the Department of State and the United States Agency*
5 *for International Development.*

6 (k) *DEFINITION.—In this section, the term “project-*
7 *specific transaction costs”—*

8 (1) *means those costs incurred by the Corpora-*
9 *tion for travel, legal expenses, and direct and indirect*
10 *costs incurred in claims settlements associated with*
11 *the provision of support under title II and shall not*
12 *be considered administrative expenses for the purposes*
13 *of this section; and*

14 (2) *does not include information technology (as*
15 *such term is defined in section 11101 of title 40,*
16 *United States Code).*

17 **SEC. 1435. COORDINATION WITH OTHER DEVELOPMENT**
18 **AGENCIES.**

19 *It is the sense of Congress that the Corporation should*
20 *use relevant data of the Department of State, the Millen-*
21 *nium Challenge Corporation, the United States Agency for*
22 *International Development, and other departments and*
23 *agencies that have development functions to better inform*
24 *the decisions of the Corporation with respect to providing*
25 *support under title II.*

1 **TITLE IV—MONITORING,**
2 **EVALUATION, AND REPORTING**

3 **SEC. 1441. ESTABLISHMENT OF RISK AND AUDIT COMMIT-**
4 **TEES.**

5 (a) *IN GENERAL.*—*To assist the Board to fulfill its du-*
6 *ties and responsibilities under section 1421(a), the Corpora-*
7 *tion shall establish a risk committee and an audit com-*
8 *mittee.*

9 (b) *DUTIES AND RESPONSIBILITIES OF RISK COM-*
10 *MITTEE.*—*Subject to the direction of the Board, the risk*
11 *committee established under subsection (a) shall have over-*
12 *sight responsibility of—*

13 (1) *formulating risk management policies of the*
14 *operations of the Corporation;*

15 (2) *reviewing and providing guidance on oper-*
16 *ation of the Corporation’s global risk management*
17 *framework;*

18 (3) *developing policies for enterprise risk man-*
19 *agement, monitoring, and management of strategic,*
20 *reputational, regulatory, operational, developmental,*
21 *environmental, social, and financial risks;*

22 (4) *developing the risk profile of the Corporation,*
23 *including a risk management and compliance frame-*
24 *work and governance structure to support such frame-*
25 *work; and*

1 (5) *developing policies and procedures for assess-*
2 *ing, prior to providing, and for any period during*
3 *which the Corporation provides, support to any for-*
4 *foreign entities, whether such entities have in place suffi-*
5 *cient enhanced due diligence policies and practices to*
6 *prevent money laundering and corruption to ensure*
7 *the Corporation does not provide support to persons*
8 *that are—*

9 (A) *knowingly engaging in acts of corrup-*
10 *tion;*

11 (B) *knowingly providing material or finan-*
12 *cial support for terrorism, drug trafficking, or*
13 *human trafficking; or*

14 (C) *responsible for ordering or otherwise di-*
15 *recting serious or gross violations of human*
16 *rights.*

17 (c) *DUTIES AND RESPONSIBILITIES OF AUDIT COM-*
18 *MITTEE.—Subject to the direction of the Board, the audit*
19 *committee established under subsection (a) shall have the*
20 *oversight responsibility of—*

21 (1) *the integrity of the Corporation’s financial*
22 *reporting and systems of internal controls regarding*
23 *finance and accounting;*

24 (2) *the integrity of the Corporation’s financial*
25 *statements;*

1 (3) *the performance of the Corporation’s internal*
2 *audit function; and*

3 (4) *compliance with legal and regulatory re-*
4 *quirements related to the finances of the Corporation.*

5 **SEC. 1442. PERFORMANCE MEASURES, EVALUATION, AND**
6 **LEARNING.**

7 (a) *IN GENERAL.*—*The Corporation shall develop a*
8 *performance measurement system to evaluate and monitor*
9 *projects supported by the Corporation under title II and*
10 *to guide future projects of the Corporation.*

11 (b) *CONSIDERATIONS.*—*In developing the performance*
12 *measurement system required by subsection (a), the Cor-*
13 *poration shall—*

14 (1) *develop a successor for the development im-*
15 *port measurement system of the Overseas Private In-*
16 *vestment Corporation (as such system was in effect on*
17 *the day before the date of the enactment of this Act);*

18 (2) *develop a mechanism for ensuring that sup-*
19 *port provided by the Corporation under title II is in*
20 *addition to private investment;*

21 (3) *develop standards for, and a method for en-*
22 *sureing, appropriate financial performance of the Cor-*
23 *poration’s portfolio; and*

1 (4) *develop standards for, and a method for en-*
2 *surving, appropriate development performance of the*
3 *Corporation's portfolio, including—*

4 (A) *measurement of the projected and ex*
5 *post development impact of a project; and*

6 (B) *the information necessary to comply*
7 *with section 1443.*

8 (c) *PUBLIC AVAILABILITY OF CERTAIN INFORMA-*
9 *TION.—The Corporation shall make available to the public*
10 *on a regular basis information about support provided by*
11 *the Corporation under title II and performance metrics*
12 *about such support on a country-by-country basis.*

13 (d) *CONSULTATION.—In developing the performance*
14 *measurement system required by subsection (a), the Cor-*
15 *poration shall consult with the Development Advisory*
16 *Council established under section 1413(i) and other stake-*
17 *holders and interested parties engaged in sustainable eco-*
18 *nomie growth and development.*

19 **SEC. 1443. ANNUAL REPORT.**

20 (a) *IN GENERAL.—After the end of each fiscal year,*
21 *the Corporation shall submit to the appropriate congress-*
22 *sional committees a complete and detailed report of its oper-*
23 *ations during that fiscal year, including an assessment of—*

24 (1) *the economic and social development impact,*
25 *including with respect to matters described in sub-*

1 sections (d), (e), and (f) of section 1451, of projects
2 supported by the Corporation under title II;

3 (2) the extent to which the operations of the Cor-
4 poration complement or are compatible with the de-
5 velopment assistance programs of the United States
6 and qualifying sovereign entities;

7 (3) the Corporation's institutional linkages with
8 other relevant United States Government department
9 and agencies, including efforts to strengthen such
10 linkages; and

11 (4) the compliance of projects supported by the
12 Corporation under title II with human rights, envi-
13 ronmental, labor, and social policies, or other such re-
14 lated policies that govern the Corporation's support
15 for projects, promulgated or otherwise administered
16 by the Corporation.

17 (b) *ELEMENTS.*—Each annual report required by sub-
18 section (a) shall include analyses of the effects of projects
19 supported by the Corporation under title II, including—

20 (1) reviews and analyses of—

21 (A) the desired development outcomes for
22 projects and whether or not the Corporation is
23 meeting the associated metrics, goals, and devel-
24 opment objectives, including, to the extent prac-

1 *licable, in the years after conclusion of projects;*
2 *and*

3 *(B) the effect of the Corporation's support*
4 *on access to capital and ways in which the Cor-*
5 *poration is addressing identifiable market gaps*
6 *or inefficiencies and what impact, if any, such*
7 *support has on access to credit for a specific*
8 *project, country, or sector;*

9 *(2) an explanation of any partnership arrange-*
10 *ment or cooperation with a qualifying sovereign enti-*
11 *ty in support of each project;*

12 *(3) projections of—*

13 *(A) development outcomes, and whether or*
14 *not support for projects are meeting the associ-*
15 *ated performance measures, both during the*
16 *start-up phase and over the duration of the sup-*
17 *port, and to the extent practicable, measures of*
18 *such development outcomes should be on a gen-*
19 *der-disaggregated basis, such as changes in em-*
20 *ployment, access to financial services, enterprise*
21 *development and growth, and composition of ex-*
22 *ecutive boards and senior leadership of enter-*
23 *prises receiving support under title II; and*

24 *(B) the value of private sector assets*
25 *brought to bear relative to the amount of support*

1 *provided by the Corporation and the value of*
2 *any other public sector support; and*

3 (4) *an assessment of the extent to which lessons*
4 *learned from the monitoring and evaluation activities*
5 *of the Corporation, and from annual reports from*
6 *previous years compiled by the Corporation, have*
7 *been applied to projects.*

8 **SEC. 1444. PUBLICLY AVAILABLE PROJECT INFORMATION.**

9 *The Corporation shall—*

10 (1) *maintain a user-friendly, publicly available,*
11 *machine-readable database with detailed project-level*
12 *information, as appropriate and to the extent prac-*
13 *ticable, including a description of the support pro-*
14 *vided by the Corporation under title II, including, to*
15 *the extent feasible, the information included in the re-*
16 *port to Congress under section 1443 and project-level*
17 *performance metrics; and*

18 (2) *include a clear link to information about*
19 *each project supported by the Corporation under title*
20 *II on the internet website of the Department of State,*
21 *“ForeignAssistance.gov”, or a successor website or*
22 *other online publication.*

23 **SEC. 1445. ENGAGEMENT WITH INVESTORS.**

24 (a) *IN GENERAL.—The Corporation, acting through*
25 *the Chief Development Officer, shall, in cooperation with*

1 *the Administrator of the United States Agency for Inter-*
2 *national Development—*

3 (1) *develop a strategic relationship with private*
4 *sector entities focused at the nexus of business oppor-*
5 *tunities and development priorities;*

6 (2) *engage such entities and reduce business risks*
7 *primarily through direct transaction support and fa-*
8 *cilitating investment partnerships;*

9 (3) *develop and support tools, approaches, and*
10 *intermediaries that can mobilize private finance at*
11 *scale in the developing world;*

12 (4) *pursue highly developmental projects of all*
13 *sizes, especially those that are small but designed for*
14 *work in the most underdeveloped areas, including*
15 *countries with chronic suffering as a result of extreme*
16 *poverty, fragile institutions, or a history of violence;*
17 *and*

18 (5) *pursue projects consistent with the policy of*
19 *the United States described in section 1411 and the*
20 *Joint Strategic Plan and the Mission Country Devel-*
21 *opment Cooperation Strategies of the United States*
22 *Agency for International Development.*

23 (b) *ASSISTANCE.—To achieve the goals described in*
24 *subsection (a), the Corporation shall—*

25 (1) *develop risk mitigation tools;*

1 (2) *provide transaction structuring support for*
2 *blended finance models;*

3 (3) *support intermediaries linking capital sup-*
4 *ply and demand;*

5 (4) *coordinate with other Federal agencies to*
6 *support or accelerate transactions;*

7 (5) *convene financial, donor, civil society, and*
8 *public sector partners around opportunities for pri-*
9 *vate finance within development priorities;*

10 (6) *offer strategic planning and programming*
11 *assistance to catalyze investment into priority sectors;*

12 (7) *provide transaction structuring support;*

13 (8) *deliver training and knowledge management*
14 *tools for engaging private investors;*

15 (9) *partner with private sector entities that pro-*
16 *vide access to capital and expertise; and*

17 (10) *identify and screen new investment part-*
18 *ners.*

19 (c) *TECHNICAL ASSISTANCE.—The Corporation shall*
20 *coordinate with the United States Agency for International*
21 *Development and other agencies and departments, as nec-*
22 *essary, on projects and programs supported by the Corpora-*
23 *tion that include technical assistance.*

1 **SEC. 1446. NOTIFICATIONS TO BE PROVIDED BY THE COR-**
2 **PORATION.**

3 (a) *IN GENERAL.*—Not later than 15 days prior to the
4 Corporation making a financial commitment associated
5 with the provision of support under title II in an amount
6 in excess of \$10,000,000, the Chief Executive Officer of the
7 Corporation shall submit to the appropriate congressional
8 committees a report in writing that contains the informa-
9 tion required by subsection (b).

10 (b) *INFORMATION REQUIRED.*—The information re-
11 quired by this subsection includes—

12 (1) the amount of each such financial commit-
13 ment;

14 (2) an identification of the recipient or bene-
15 ficiary; and

16 (3) a description of the project, activity, or asset
17 and the development goal or purpose to be achieved
18 by providing support by the Corporation.

19 (c) *BILATERAL AGREEMENTS.*—The Chief Executive
20 Officer of the Corporation shall notify the appropriate con-
21 gressional committees not later than 30 days after entering
22 into a new bilateral agreement described in section 1431(a).

1 **TITLE V—CONDITIONS, RESTRIC-**
2 **TIONS, AND PROHIBITIONS**

3 **SEC. 1451. LIMITATIONS AND PREFERENCES.**

4 (a) *LIMITATION ON SUPPORT FOR SINGLE ENTITY.—*

5 *No entity receiving support from the Corporation under*
6 *title II may receive more than an amount equal to 5 percent*
7 *of the Corporation’s maximum contingent liability author-*
8 *ized under section 1433.*

9 (b) *PREFERENCE FOR SUPPORT FOR PROJECTS SPON-*
10 *SORED BY UNITED STATES PERSONS.—*

11 (1) *IN GENERAL.—The Corporation should give*
12 *preferential consideration to projects sponsored by or*
13 *involving private sector entities that are United*
14 *States persons.*

15 (2) *UNITED STATES PERSON DEFINED.—In this*
16 *subsection, the term “United States person” means—*

17 (A) *a United States citizen; or*

18 (B) *an entity owned or controlled by an in-*
19 *dividual or individuals described in subpara-*
20 *graph (A).*

21 (c) *PREFERENCE FOR SUPPORT IN COUNTRIES IN*
22 *COMPLIANCE WITH INTERNATIONAL TRADE OBLIGA-*
23 *TIONS.—*

24 (1) *CONSULTATIONS WITH UNITED STATES*
25 *TRADE REPRESENTATIVE.—Not less frequently than*

1 *annually, the Corporation shall consult with the*
2 *United States Trade Representative with respect to*
3 *the status of countries eligible to receive support from*
4 *the Corporation under title II and the compliance of*
5 *those countries with their international trade obliga-*
6 *tions.*

7 (2) *PREFERENTIAL CONSIDERATION.—The Cor-*
8 *poration shall give preferential consideration to pro-*
9 *viding support under title II for projects in countries*
10 *in compliance with or making substantial progress*
11 *coming into compliance with their international*
12 *trade obligations.*

13 (d) *WORKER RIGHTS.—*

14 (1) *IN GENERAL.—The Corporation shall only*
15 *support projects under title II in countries that are*
16 *taking steps to adopt and implement laws that extend*
17 *internationally recognized worker rights (as defined*
18 *in section 507 of the Trade Act of 1974 (19 U.S.C.*
19 *2467)) to workers in that country, including any des-*
20 *ignated zone in that country.*

21 (2) *REQUIRED CONTRACT LANGUAGE.—The Cor-*
22 *poration shall also include the following language, in*
23 *substantially the following form, in all contracts*
24 *which the Corporation enters into with persons receiv-*
25 *ing support under title II: “The person receiving sup-*

1 *port agrees not to take actions to prevent employees*
2 *of the foreign enterprise from lawfully exercising their*
3 *right of association and their right to organize and*
4 *bargain collectively. The person further agrees to ob-*
5 *serve applicable laws relating to a minimum age for*
6 *employment of children, acceptable conditions of work*
7 *with respect to minimum wages, hours of work, and*
8 *occupational health and safety, and not to use forced*
9 *labor or the worst forms of child labor (as defined in*
10 *section 507 of the Trade Act of 1974 (19 U.S.C.*
11 *2467)). The person is not responsible under this para-*
12 *graph for the actions of a foreign government.”.*

13 *(e) IMPACT NOTIFICATION.—The Board shall not vote*
14 *in favor of any project proposed to be supported by the Cor-*
15 *poration under title II that is likely to have significant ad-*
16 *verse environmental or social impacts that are sensitive, di-*
17 *verse, or unprecedented, unless—*

18 *(1) at least 60 days before the date of the vote,*
19 *an environmental and social impact assessment or*
20 *initial environmental and social audit, analyzing the*
21 *environmental and social impacts of the proposed*
22 *project and of alternatives to the proposed project, in-*
23 *cluding mitigation measures, is completed;*

24 *(2) such assessment or audit has been made*
25 *available to the public of the United States, locally af-*

1 *affected groups in the country in which the project will*
2 *be carried out, and nongovernmental organizations in*
3 *that country; and*

4 *(3) the Corporation, applying best practices with*
5 *respect to environmental and social safeguards, in-*
6 *cludes in any contract relating to the project provi-*
7 *sions to ensure the mitigation of any such adverse en-*
8 *vironmental or social impacts.*

9 *(f) WOMEN'S ECONOMIC EMPOWERMENT.—In utilizing*
10 *its authorities under title II, the Corporation shall consider*
11 *the impacts of its support on women's economic opportuni-*
12 *ties and outcomes and shall prioritize the reduction of gen-*
13 *der gaps and maximize development impact by working to*
14 *improve women's economic opportunities.*

15 *(g) PREFERENCE FOR PROVISION OF SUPPORT IN*
16 *COUNTRIES EMBRACING PRIVATE ENTERPRISE.—*

17 *(1) IN GENERAL.—The Corporation should give*
18 *preferential consideration to projects for which sup-*
19 *port under title II may be provided in countries the*
20 *governments of which have demonstrated consistent*
21 *support for economic policies that promote the devel-*
22 *opment of private enterprise, both domestic and for-*
23 *foreign, and maintaining the conditions that enable pri-*
24 *vate enterprise to make a full contribution to the de-*
25 *velopment of such countries, including—*

- 1 (A) market-based economic policies;
2 (B) protection of private property rights;
3 (C) respect for the rule of law; and
4 (D) systems to combat corruption and brib-
5 ery.

6 (2) *SOURCES OF INFORMATION.*—*The Corpora-*
7 *tion should rely on both third-party indicators and*
8 *United States Government information, such as the*
9 *Department of State’s Investment Climate State-*
10 *ments, the Department of Commerce’s Country Com-*
11 *mercial Guides, or the Millennium Challenge Cor-*
12 *poration’s Constraints Analysis, to assess whether*
13 *countries meet the conditions described in paragraph*
14 (1).

15 (h) *CONSIDERATION OF FOREIGN BOYCOTT PARTICI-*
16 *PATION.*—*In providing support for projects under title II,*
17 *the Corporation shall consider, using information readily*
18 *available, whether the project is sponsored by or substan-*
19 *tially affiliated with any person taking or knowingly agree-*
20 *ing to take actions, or having taken or knowingly agreed*
21 *to take actions within the past 3 years, which demonstrate*
22 *or otherwise evidence intent to comply with, further, or sup-*
23 *port any boycott described in section 1773(a) of the Export*
24 *Control Reform Act of 2018 (subtitle B of title XVII of Pub-*
25 *lic Law 115–232).*

1 (i) *ENSURING OPPORTUNITIES FOR SMALL BUSI-*
2 *NESSES IN FOREIGN DEVELOPMENT.*—*The Corporation*
3 *shall, using broad criteria, make, to the maximum extent*
4 *possible consistent with this division, efforts—*

5 (1) *to give preferential consideration in pro-*
6 *viding support under title II to projects sponsored by*
7 *or involving small businesses; and*

8 (2) *to ensure that the proportion of projects*
9 *sponsored by or involving United States small busi-*
10 *nesses, including women-, minority-, and veteran-*
11 *owned small businesses, is not less than 50 percent of*
12 *all projects for which the Corporation provides sup-*
13 *port and that involve United States persons.*

14 **SEC. 1452. ADDITIONALITY AND AVOIDANCE OF MARKET**
15 **DISTORTION.**

16 (a) *IN GENERAL.*—*Before the Corporation provides*
17 *support for a project under title II, the Corporation shall*
18 *ensure that private sector entities are afforded an oppor-*
19 *tunity to support the project.*

20 (b) *SAFEGUARDS, POLICIES, AND GUIDELINES.*—*The*
21 *Corporation shall develop appropriate safeguards, policies,*
22 *and guidelines to ensure that support provided by the Cor-*
23 *poration under title II—*

24 (1) *supplements and encourages, but does not*
25 *compete with, private sector support;*

1 (2) *operates according to internationally recog-*
2 *nized best practices and standards with respect to en-*
3 *sureing the avoidance of market distorting government*
4 *subsidies and the crowding out of private sector lend-*
5 *ing; and*

6 (3) *does not have a significant adverse impact*
7 *on United States employment.*

8 **SEC. 1453. PROHIBITION ON SUPPORT IN COUNTRIES THAT**
9 **SUPPORT TERRORISM OR VIOLATE HUMAN**
10 **RIGHTS AND WITH SANCTIONED PERSONS.**

11 (a) *IN GENERAL.*—*The Corporation is prohibited from*
12 *providing support under title II for a government, or an*
13 *entity owned or controlled by a government, if the Secretary*
14 *of State has determined that the government—*

15 (1) *has repeatedly provided support for acts of*
16 *international terrorism for purposes of—*

17 (A) *section 1754(c)(1)(A)(i) of the Export*
18 *Control Reform Act of 2018 (subtitle B of title*
19 *XVII of Public Law 115–232);*

20 (B) *section 620A(a) of the Foreign Assist-*
21 *ance Act of 1961 (22 U.S.C. 2371(a));*

22 (C) *section 40(d) of the Arms Export Con-*
23 *trol Act (22 U.S.C. 2780(d)); or*

24 (D) *any other relevant provision of law; or*

1 (2) *has engaged in a consistent pattern of gross*
2 *violations of internationally recognized human rights*
3 *for purposes of section 116(a) or 502B(a)(2) of the*
4 *Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a)*
5 *and 2304(a)(2)) or any other relevant provision of*
6 *law.*

7 **(b) PROHIBITION ON SUPPORT OF SANCTIONED PER-**
8 **SONS.—***The Corporation is prohibited from all dealings re-*
9 *lated to any project under title II prohibited under United*
10 *States sanctions laws or regulations, including dealings*
11 *with persons on the list of specially designated persons and*
12 *blocked persons maintained by the Office of Foreign Assets*
13 *Control of the Department of the Treasury, except to the*
14 *extent otherwise authorized by the Secretary of the Treasury*
15 *or the Secretary of State.*

16 **(c) PROHIBITION ON SUPPORT OF ACTIVITIES SUB-**
17 **JECT TO SANCTIONS.—***The Corporation shall require any*
18 *person receiving support under title II to certify that the*
19 *person, and any entity owned or controlled by the person,*
20 *is in compliance with all United States sanctions laws and*
21 *regulations.*

22 **SEC. 1454. APPLICABILITY OF CERTAIN PROVISIONS OF**
23 **LAW.**

24 *Subsections (g), (l), (m), and (n) of section 237 of the*
25 *Foreign Assistance Act of 1961 (22 U.S.C. 2197) shall*

1 *apply with respect to the Corporation to the same extent*
2 *and in the same manner as such subsections applied with*
3 *respect to the Overseas Private Investment Corporation on*
4 *the day before the date of the enactment of this Act.*

5 **TITLE VI—TRANSITIONAL**
6 **PROVISIONS**

7 **SEC. 1461. DEFINITIONS.**

8 *In this title:*

9 (1) *AGENCY.*—*The term “agency” includes any*
10 *entity, organizational unit, program, or function.*

11 (2) *TRANSITION PERIOD.*—*The term “transition*
12 *period” means the period—*

13 (A) *beginning on the date of the enactment*
14 *of this Act; and*

15 (B) *ending on the effective date of the reor-*
16 *ganization plan required by section 1462(e).*

17 **SEC. 1462. REORGANIZATION PLAN.**

18 (a) *SUBMISSION OF PLAN.*—

19 (1) *IN GENERAL.*—*Not later than 120 days after*
20 *the date of the enactment of this Act, the President*
21 *shall transmit to the appropriate congressional com-*
22 *mittees a reorganization plan regarding the following:*

23 (A) *The transfer of agencies, personnel, as-*
24 *sets, and obligations to the Corporation pursuant*
25 *to this title.*

1 (B) *Any consolidation, reorganization, or*
2 *streamlining of agencies transferred to the Cor-*
3 *poration pursuant to this title.*

4 (C) *Any efficiencies or cost savings achieved*
5 *or additional costs incurred as a result of the*
6 *transfer of agencies, personnel, assets, and obli-*
7 *gations to the Corporation pursuant to this title,*
8 *including reductions in unnecessary or duplica-*
9 *tive operations, assets, and personnel.*

10 (2) *CONSULTATION.*—*Not later than 15 days be-*
11 *fore the date on which the plan is transmitted pursu-*
12 *ant to this subsection, the President shall consult with*
13 *the appropriate congressional committees on such*
14 *plan.*

15 (b) *PLAN ELEMENTS.*—*The plan transmitted under*
16 *subsection (a) shall contain, consistent with this division,*
17 *such elements as the President deems appropriate, includ-*
18 *ing the following:*

19 (1) *Identification of any functions of agencies*
20 *transferred to the Corporation pursuant to this title*
21 *that will not be transferred to the Corporation under*
22 *the plan.*

23 (2) *Specification of the steps to be taken to orga-*
24 *nize the Corporation, including the delegation or as-*
25 *signment of functions transferred to the Corporation.*

1 (3) *Specification of the funds available to each*
2 *agency that will be transferred to the Corporation as*
3 *a result of transfers under the plan.*

4 (4) *Specification of the proposed allocations*
5 *within the Corporation of unexpended funds trans-*
6 *ferred in connection with transfers under the plan.*

7 (5) *Specification of any proposed disposition of*
8 *property, facilities, contracts, records, and other assets*
9 *and obligations of agencies transferred under the*
10 *plan.*

11 (6) *Specification of the number of authorized po-*
12 *sitions and personnel employed before the end of the*
13 *transition period that will be transferred to the Cor-*
14 *poration, including plans to mitigate the impact of*
15 *such transfers on the United States Agency for Inter-*
16 *national Development.*

17 (c) *REPORT ON COORDINATION.—*

18 (1) *IN GENERAL.—The transfer of functions au-*
19 *thorized by this section may occur only after the*
20 *President and Chief Executive Officer of the Overseas*
21 *Private Investment Corporation and the Adminis-*
22 *trator of the United States Agency for International*
23 *Development jointly submit to the Committee on For-*
24 *ign Affairs and Committee on Appropriations of the*
25 *House of Representatives and Committee on Foreign*

1 *Relations and Committee on Appropriations of the*
2 *Senate a report in writing that contains the informa-*
3 *tion required by paragraph (2).*

4 (2) *INFORMATION REQUIRED.*—*The information*
5 *required by this paragraph includes a description in*
6 *detail of the procedures to be followed after the trans-*
7 *fer of functions authorized by this section have oc-*
8 *curred to coordinate between the Corporation and the*
9 *United States Agency for International Development*
10 *in carrying out the functions so transferred.*

11 (d) *MODIFICATION OF PLAN.*—*The President shall con-*
12 *sult with the appropriate congressional committees before*
13 *making any material modification or revision to the plan*
14 *before the plan becomes effective in accordance with sub-*
15 *section (e).*

16 (e) *EFFECTIVE DATE.*—

17 (1) *IN GENERAL.*—*The reorganization plan de-*
18 *scribed in this section, including any modifications or*
19 *revisions of the plan under subsection (c), shall be-*
20 *come effective for an agency on the date specified in*
21 *the plan (or the plan as modified pursuant to sub-*
22 *section (d)), except that such date may not be earlier*
23 *than 90 days after the date the President has trans-*
24 *mitted the reorganization plan to the appropriate*
25 *congressional committees pursuant to subsection (a).*

1 (2) *STATUTORY CONSTRUCTION.*—*Nothing in this*
2 *subsection may be construed to require the transfer of*
3 *functions, personnel, records, balances of appropria-*
4 *tions, or other assets of an agency on a single date.*

5 **SEC. 1463. TRANSFER OF FUNCTIONS.**

6 (a) *IN GENERAL.*—*Effective at the end of the transi-*
7 *tion period, there shall be transferred to the Corporation*
8 *the functions, personnel, assets, and liabilities of—*

9 (1) *the Overseas Private Investment Corporation,*
10 *as in existence on the day before the date of the enact-*
11 *ment of this Act; and*

12 (2) *the following elements of the United States*
13 *Agency for International Development:*

14 (A) *The Development Credit Authority.*

15 (B) *The existing Legacy Credit portfolio*
16 *under the Urban Environment Program and any*
17 *other direct loan programs and non-Development*
18 *Credit Authority guaranty programs authorized*
19 *by the Foreign Assistance Act of 1961 (22 U.S.C.*
20 *2151 et seq.) or other predecessor Acts, as in ex-*
21 *istence on the date of the enactment of this Act,*
22 *other than any sovereign loan guaranties.*

23 (b) *ADDITIONAL TRANSFER AUTHORITY.*—*Effective at*
24 *the end of the transition period, there is authorized to be*
25 *transferred to the Corporation, with the concurrence of the*

1 *Administrator of the United States Agency for Inter-*
2 *national Development, the functions, personnel, assets, and*
3 *liabilities of the following elements of the United States*
4 *Agency for International Development:*

5 (1) *The Office of Private Capital and Microen-*
6 *terprise.*

7 (2) *The enterprise funds.*

8 (c) *SOVEREIGN LOAN GUARANTY TRANSFER.—*

9 (1) *IN GENERAL.—Effective at the end of the*
10 *transition period, there is authorized to be transferred*
11 *to the Corporation or any other appropriate depart-*
12 *ment or agency of the United States Government the*
13 *loan accounts and the legal rights and responsibilities*
14 *for the sovereign loan guaranty portfolio held by the*
15 *United States Agency for International Development*
16 *as in existence on the day before the date of the enact-*
17 *ment of this Act.*

18 (2) *INCLUSION IN REORGANIZATION PLAN.—The*
19 *President shall include in the reorganization plan*
20 *submitted under section 1462 a description of the*
21 *transfer authorized under paragraph (1).*

22 (d) *BILATERAL AGREEMENTS.—Any bilateral agree-*
23 *ment of the United States in effect on the date of the enact-*
24 *ment of this Act that serves as the basis for programs of*
25 *the Overseas Private Investment Corporation and the Devel-*

1 *opment Credit Authority shall be considered as satisfying*
 2 *the requirements of section 1431(a).*

3 (e) *TRANSITION.*—*During the transition period, the*
 4 *agencies specified in subsection (a) shall—*

5 (1) *continue to administer the assets and obliga-*
 6 *tions of those agencies; and*

7 (2) *carry out such programs and activities au-*
 8 *thorized under this division as may be determined by*
 9 *the President.*

10 **SEC. 1464. TERMINATION OF OVERSEAS PRIVATE INVEST-**
 11 **MENT CORPORATION AND OTHER**
 12 **SUPERCEDED AUTHORITIES.**

13 *Effective at the end of the transition period—*

14 (1) *the Overseas Private Investment Corporation*
 15 *is terminated; and*

16 (2) *title IV of chapter 2 of part I of the Foreign*
 17 *Assistance Act of 1961 (22 U.S.C. 2191 et seq.) (other*
 18 *than subsections (g), (l), (m), and (n) of section 237*
 19 *of that Act) is repealed.*

20 **SEC. 1465. TRANSITIONAL AUTHORITIES.**

21 (a) *PROVISION OF ASSISTANCE BY OFFICIALS.*—*Until*
 22 *the transfer of an agency to the Corporation under section*
 23 *1463, any official having authority over, or functions relat-*
 24 *ing to, the agency on the day before the date of the enact-*
 25 *ment of this Act shall provide to the Corporation such as-*

1 *sistance, including the use of personnel and assets, as the*
2 *Corporation may request in preparing for the transfer and*
3 *integration of the agency into the Corporation.*

4 (b) *SERVICES AND PERSONNEL.*—*During the transi-*
5 *tion period, upon the request of the Corporation, the head*
6 *of any executive agency may, on a reimbursable or non-*
7 *reimbursable basis, provide services or detail personnel to*
8 *assist with the transition.*

9 (c) *ACTING OFFICIALS.*—

10 (1) *IN GENERAL.*—*During the transition period,*
11 *pending the advice and consent of the Senate to the*
12 *appointment of an officer required by this division to*
13 *be appointed by and with such advice and consent,*
14 *the President may designate any officer whose ap-*
15 *pointment was required to be made by and with such*
16 *advice and consent and who was such an officer be-*
17 *fore the end of the transition period (and who con-*
18 *tinues in office) or immediately before such designa-*
19 *tion, to act in such office until the same is filled as*
20 *provided in this division. While so acting, such offi-*
21 *cers shall receive compensation at the higher of—*

22 (A) *the rates provided by this division for*
23 *the respective offices in which they act; or*

24 (B) *the rates provided for the offices held at*
25 *the time of designation.*

1 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *division shall be construed to require the advice and*
3 *consent of the Senate to the appointment by the Presi-*
4 *dent to a position in the Corporation of any officer*
5 *whose agency is transferred to the Corporation pursu-*
6 *ant to this title and whose duties following such*
7 *transfer are germane to those performed before such*
8 *transfer.*

9 (d) *TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS,*
10 *AND FUNCTIONS.*—*Upon the transfer of an agency to the*
11 *Corporation under section 1463—*

12 (1) *the personnel, assets, and obligations held by*
13 *or available in connection with the agency shall be*
14 *transferred to the Corporation for appropriate alloca-*
15 *tion, subject to the approval of the Director of the Of-*
16 *fice of Management and Budget and in accordance*
17 *with section 1531(a)(2) of title 31, United States*
18 *Code; and*

19 (2) *the Corporation shall have all functions—*

20 (A) *relating to the agency that any other of-*
21 *ficial could by law exercise in relation to the*
22 *agency immediately before such transfer; and*

23 (B) *vested in the Corporation by this divi-*
24 *sion or other law.*

1 **SEC. 1466. SAVINGS PROVISIONS.**

2 (a) *COMPLETED ADMINISTRATIVE ACTIONS.*—

3 (1) *IN GENERAL.*—*Completed administrative ac-*
4 *tions of an agency shall not be affected by the enact-*
5 *ment of this Act or the transfer of such agency to the*
6 *Corporation under section 1463, but shall continue in*
7 *effect according to their terms until amended, modi-*
8 *fied, superseded, terminated, set aside, or revoked in*
9 *accordance with law by an officer of the United*
10 *States or a court of competent jurisdiction, or by op-*
11 *eration of law.*

12 (2) *COMPLETED ADMINISTRATIVE ACTION DE-*
13 *FINED.*—*In this subsection, the term “completed ad-*
14 *ministrative action” includes orders, determinations,*
15 *rules, regulations, personnel actions, permits, agree-*
16 *ments, grants, contracts, certificates, policies, licenses,*
17 *registrations, and privileges.*

18 (b) *PENDING PROCEEDINGS.*—

19 (1) *IN GENERAL.*—*Pending proceedings in an*
20 *agency, including notices of proposed rulemaking,*
21 *and applications for licenses, permits, certificates,*
22 *grants, and financial assistance, shall continue not-*
23 *withstanding the enactment of this Act or the transfer*
24 *of the agency to the Corporation, unless discontinued*
25 *or modified under the same terms and conditions and*
26 *to the same extent that such discontinuance could*

1 *have occurred if such enactment or transfer had not*
2 *occurred.*

3 (2) *ORDERS.*—*Orders issued in proceedings de-*
4 *scribed in paragraph (1), and appeals therefrom, and*
5 *payments made pursuant to such orders, shall issue*
6 *in the same manner and on the same terms as if this*
7 *division had not been enacted or the agency had not*
8 *been transferred, and any such orders shall continue*
9 *in effect until amended, modified, superseded, termi-*
10 *nated, set aside, or revoked by an officer of the United*
11 *States or a court of competent jurisdiction, or by op-*
12 *eration of law.*

13 (c) *PENDING CIVIL ACTIONS.*—*Pending civil actions*
14 *shall continue notwithstanding the enactment of this Act*
15 *or the transfer of an agency to the Corporation, and in such*
16 *civil actions, proceedings shall be had, appeals taken, and*
17 *judgments rendered and enforced in the same manner and*
18 *with the same effect as if such enactment or transfer had*
19 *not occurred.*

20 (d) *REFERENCES.*—*References relating to an agency*
21 *that is transferred to the Corporation under section 1463*
22 *in statutes, Executive orders, rules, regulations, directives,*
23 *or delegations of authority that precede such transfer or the*
24 *date of the enactment of this Act shall be deemed to refer,*
25 *as appropriate, to the Corporation, to its officers, employ-*

1 *ees, or agents, or to its corresponding organizational units*
2 *or functions. Statutory reporting requirements that applied*
3 *in relation to such an agency immediately before the effec-*
4 *tive date of this division shall continue to apply following*
5 *such transfer if they refer to the agency by name.*

6 *(e) EMPLOYMENT PROVISIONS.—*

7 *(1) REGULATIONS.—The Corporation may, in*
8 *regulations prescribed jointly with the Director of the*
9 *Office of Personnel Management, adopt the rules, pro-*
10 *cedures, terms, and conditions, established by statute,*
11 *rule, or regulation before the date of the enactment of*
12 *this Act, relating to employment in any agency trans-*
13 *ferred to the Corporation under section 1463.*

14 *(2) EFFECT OF TRANSFER ON CONDITIONS OF*
15 *EMPLOYMENT.—Except as otherwise provided in this*
16 *division, or under authority granted by this division,*
17 *the transfer pursuant to this title of personnel shall*
18 *not alter the terms and conditions of employment, in-*
19 *cluding compensation, of any employee so transferred.*

20 *(f) STATUTORY REPORTING REQUIREMENTS.—Any*
21 *statutory reporting requirement that applied to an agency*
22 *transferred to the Corporation under this title immediately*
23 *before the date of the enactment of this Act shall continue*
24 *to apply following that transfer if the statutory requirement*
25 *refers to the agency by name.*

1 **SEC. 1467. OTHER TERMINATIONS.**

2 *Except as otherwise provided in this division, when-*
3 *ever all the functions vested by law in any agency have*
4 *been transferred pursuant to this title, each position and*
5 *office the incumbent of which was authorized to receive com-*
6 *ensation at the rates prescribed for an office or position*
7 *at level II, III, IV, or V of the Executive Schedule under*
8 *subchapter II of chapter 53 of title 5, United States Code,*
9 *shall terminate.*

10 **SEC. 1468. INCIDENTAL TRANSFERS.**

11 *The Director of the Office of Management and Budget,*
12 *in consultation with the Corporation, is authorized and di-*
13 *rected to make such additional incidental dispositions of*
14 *personnel, assets, and liabilities held, used, arising from,*
15 *available, or to be made available, in connection with the*
16 *functions transferred by this title, as the Director may de-*
17 *termine necessary to accomplish the purposes of this divi-*
18 *sion.*

19 **SEC. 1469. REFERENCE.**

20 *With respect to any function transferred under this*
21 *title (including under a reorganization plan under section*
22 *1462) and exercised on or after the date of the enactment*
23 *of this Act, reference in any other Federal law to any de-*
24 *partment, commission, or agency or any officer or office*
25 *the functions of which are so transferred shall be deemed*

1 *to refer to the Corporation or official or component of the*
2 *Corporation to which that function is so transferred.*

3 **SEC. 1470. CONFORMING AMENDMENTS.**

4 (a) *EXEMPT PROGRAMS.*—Section 255(g) of the Bal-
5 *anced Budget and Emergency Deficit Control Act of 1985*
6 *(2 U.S.C. 905(g)) is amended by striking “Overseas Private*
7 *Investment Corporation, Noncredit Account (71–4184–0–3–*
8 *151).” and inserting “United States International Develop-*
9 *ment Finance Corporation.”.*

10 (b) *EXECUTIVE SCHEDULE.*—Title 5, United States
11 *Code, is amended—*

12 (1) *in section 5314, by striking “President, Over-*
13 *seas Private Investment Corporation.”;*

14 (2) *in section 5315, by striking “Executive Vice*
15 *President, Overseas Private Investment Corporation.”;*
16 *and*

17 (3) *in section 5316, by striking “Vice Presidents,*
18 *Overseas Private Investment Corporation (3).”.*

19 (c) *OFFICE OF INTERNATIONAL TRADE OF THE SMALL*
20 *BUSINESS ADMINISTRATION.*—Section 22 of the Small
21 *Business Act (15 U.S.C. 649) is amended—*

22 (1) *in subsection (b), in the matter preceding*
23 *paragraph (1), by striking “the President of the Over-*
24 *seas Private Investment Corporation, Director” and*
25 *inserting “the Board of Directors of the United States*

1 *International Development Finance Corporation, the*
2 *Director”*; and

3 (2) *by striking “Overseas Private Investment*
4 *Corporation” each place it appears and inserting*
5 *“United States International Development Finance*
6 *Corporation”*.

7 (d) *UNITED STATES AND FOREIGN COMMERCIAL*
8 *SERVICE.—Section 2301 of the Export Enhancement Act*
9 *of 1988 (15 U.S.C. 4721) is amended by striking “Overseas*
10 *Private Investment Corporation” each place it appears and*
11 *inserting “United States International Development Fi-*
12 *nance Corporation”*.

13 (e) *TRADE PROMOTION COORDINATING COMMITTEE.—*
14 *Section 2312(d)(1)(K) of the Export Enhancement Act of*
15 *1988 (15 U.S.C. 4727(d)(1)(K)) is amended by striking*
16 *“Overseas Private Investment Corporation” and inserting*
17 *“United States International Development Finance Cor-*
18 *poration”*.

19 (f) *INTERAGENCY TRADE DATA ADVISORY COM-*
20 *MITTEE.—Section 5402(b) of the Omnibus Trade and Com-*
21 *petitiveness Act of 1988 (15 U.S.C. 4902(b)) is amended*
22 *by striking “the President of the Overseas Private Invest-*
23 *ment Corporation” and inserting “the Chief Executive Offi-*
24 *cer of the United States International Development Finance*
25 *Corporation”*.

1 (g) *MISUSE OF NAMES OF FEDERAL AGENCIES.*—Sec-
2 tion 709 of title 18, United States Code, is amended by
3 striking “‘Overseas Private Investment’, ‘Overseas Private
4 Investment Corporation’, or ‘OPIC’,” and inserting
5 “‘United States International Development Finance Cor-
6 poration’ or ‘DFC’”.

7 (h) *ENGAGEMENT ON CURRENCY EXCHANGE RATE*
8 *AND ECONOMIC POLICIES.*—Section 701(c)(1)(A) of the
9 Trade Facilitation and Trade Enforcement Act of 2015 (19
10 U.S.C. 4421(c)(1)(A)) is amended by striking “Overseas
11 Private Investment Corporation” and inserting “United
12 States International Development Finance Corporation”.

13 (i) *INTERNSHIPS WITH INSTITUTE FOR INTER-*
14 *NATIONAL PUBLIC POLICY.*—Section 625 of the Higher
15 Education Act of 1965 (20 U.S.C. 1131c(a)) is amended
16 by striking “Overseas Private Investment Corporation” and
17 inserting “United States International Development Fi-
18 nance Corporation”.

19 (j) *FOREIGN ASSISTANCE ACT OF 1961.*—The Foreign
20 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amend-
21 ed—

22 (1) in section 116—

23 (A) in subsection (a), by inserting “, and
24 no support may be provided under title II of the

1 *Better Utilization of Investments Leading to De-*
2 *velopment Act of 2018,” after “this part”;*

3 *(B) in the first subsection (b)—*

4 *(i) by inserting “or title II of the Bet-*
5 *ter Utilization of Investments Leading to*
6 *Development Act of 2018” after “this part”;*

7 *(ii) by inserting “or the Chief Execu-*
8 *tive Officer of the United States Inter-*
9 *national Development Finance Corporation,*
10 *as applicable,” after “this Act”;*

11 *(iii) by inserting “or support” after*
12 *“the assistance”; and*

13 *(iv) by inserting “or support” after*
14 *“such assistance” each place it appears;*

15 *(C) in the second subsection (b), by insert-*
16 *ing “under this part, and no support may be*
17 *provided under title II of the Better Utilization*
18 *of Investments Leading to Development Act of*
19 *2018,” after “provided”; and*

20 *(D) in subsection (c), by striking “under*
21 *this part, the Administrator” and inserting*
22 *“under this part, or support provided under title*
23 *II of the Better Utilization of Investments Lead-*
24 *ing to Development Act of 2018, the Adminis-*
25 *trator, or the Chief Executive Officer of the*

1 *United States International Development Fi-*
2 *nance Corporation, as applicable,”;*

3 (2) *in section 449B(b)(2) (22 U.S.C.*
4 *2296b(b)(2)), by striking “Overseas Private Invest-*
5 *ment Corporation” and inserting “United States*
6 *International Development Finance Corporation”;*
7 *and*

8 (3) *in section 481(e)(4)(A) (22 U.S.C.*
9 *2291(e)(4)(A)), in the matter preceding clause (i), by*
10 *striking “(including programs under title IV of chap-*
11 *ter 2, relating to the Overseas Private Investment*
12 *Corporation)” and inserting “(and any support*
13 *under title II of the Better Utilization of Investments*
14 *Leading to Development Act of 2018, relating to the*
15 *United States International Development Finance*
16 *Corporation)”.*

17 (k) *ELECTRIFY AFRICA ACT OF 2015.—Sections 5 and*
18 *7 of the Electrify Africa Act of 2015 (Public Law 114–121;*
19 *22 U.S.C. 2293 note) are amended by striking “Overseas*
20 *Private Investment Corporation” each place it appears and*
21 *inserting “United States International Development Fi-*
22 *nance Corporation”.*

23 (l) *FOREIGN AID TRANSPARENCY AND ACCOUNT-*
24 *ABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid*

1 *Transparency and Accountability Act of 2016 (Public Law*
2 *114–191; 22 U.S.C. 2394c note) is amended—*

3 (1) *in subparagraph (A), by striking “except*
4 *for” and all that follows through “chapter 3” and in-*
5 *sert “except for chapter 3”;*

6 (2) *in subparagraph (C), by striking “and” at*
7 *the end;*

8 (3) *in subparagraph (D), by striking the period*
9 *at the end and inserting “; and”; and*

10 (4) *by adding at the end the following:*

11 *“(E) the Better Utilization of Investments*
12 *Leading to Development Act of 2018.”.*

13 (m) *SUPPORT FOR EAST EUROPEAN DEMOCRACY*
14 *(SEED) PROGRAM.—The Support for East European De-*
15 *mocracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.) is*
16 *amended—*

17 (1) *in section 2(c) (22 U.S.C. 5401(c)), by strik-*
18 *ing paragraph (12) and inserting the following:*

19 *“(12) UNITED STATES INTERNATIONAL DEVELOP-*
20 *MENT FINANCE CORPORATION.—Programs of the*
21 *United States International Development Finance*
22 *Corporation.”; and*

23 (2) *in section 201 (22 U.S.C. 5421), by striking*
24 *subsection (e) and inserting the following:*

1 “(e) *GRANTS TO ENTERPRISE FUNDS.*—*Funds appro-*
2 *priated to the President pursuant to subsection (b) shall*
3 *be granted to the Enterprise Funds to carry out the pur-*
4 *poses specified in subsection (a) and for the administrative*
5 *expenses of each Enterprise Fund—*

6 “(1) *except as provided in paragraph (2), by the*
7 *United States Agency for International Development;*
8 *or*

9 “(2) *if the Enterprise Funds are transferred to*
10 *the United States International Development Finance*
11 *Corporation pursuant to section 1463(b) of the Better*
12 *Utilization of Investments Leading to Development*
13 *Act of 2018, by the Corporation.”.*

14 (n) *CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY*
15 *(LIBERTAD) ACT OF 1996.*—*Section 202(b)(2)(B)(iv) of*
16 *the Cuban Liberty and Democratic Solidarity*
17 *(LIBERTAD) Act of 1996 (22 U.S.C. 6062(b)(2)(B)(iv)) is*
18 *amended by striking “Overseas Private Investment Cor-*
19 *poration” and inserting “United States International De-*
20 *velopment Finance Corporation”.*

21 (o) *INTERNATIONAL RELIGIOUS FREEDOM ACT OF*
22 *1998.*—*Section 405(a)(10) of the International Religious*
23 *Freedom Act of 1998 (22 U.S.C. 6445(a)(10)) is amended*
24 *by striking “Overseas Private Investment Corporation” and*

1 *inserting “United States International Development Fi-*
2 *nance Corporation”.*

3 (p) *TRAFFICKING VICTIMS PROTECTION ACT OF*
4 *2000.—Section 103(8)(A) of the Trafficking Victims Protec-*
5 *tion Act of 2000 (22 U.S.C. 7102(8)(A)) is amended in*
6 *clause (viii) to read as follows:*

7 *“(viii) any support under title II of*
8 *the Better Utilization of Investments Lead-*
9 *ing to Development Act of 2018 relating to*
10 *the United States International Develop-*
11 *ment Finance Corporation; and”.*

12 (q) *TECHNOLOGY DEPLOYMENT IN DEVELOPING COUN-*
13 *TRIES.—Section 732(b) of the Global Environmental Pro-*
14 *tection Assistance Act of 1989 (22 U.S.C. 7902(b)) is*
15 *amended by striking “Overseas Private Investment Cor-*
16 *poration” and inserting “United States International De-*
17 *velopment Finance Corporation”.*

18 (r) *EXPANDED NONMILITARY ASSISTANCE FOR*
19 *UKRAINE.—Section 7(c)(3) of the Ukraine Freedom Sup-*
20 *port Act of 2014 (22 U.S.C. 8926(c)(3)) is amended—*

21 (1) *in the paragraph heading, by striking*
22 *“OVERSEAS PRIVATE INVESTMENT CORPORATION” and*
23 *inserting “UNITED STATES INTERNATIONAL DEVELOP-*
24 *MENT FINANCE CORPORATION”;*

1 (2) *in the matter preceding subparagraph (A),*
2 *by striking “Overseas Private Investment Corpora-*
3 *tion” and inserting “United States International De-*
4 *velopment Finance Corporation”;* and

5 (3) *in subparagraph (B), by striking “by eligible*
6 *investors (as defined in section 238 of the Foreign As-*
7 *istance Act of 1961 (22 U.S.C. 2198))”.*

8 (s) *GLOBAL FOOD SECURITY ACT OF 2016.—Section*
9 *4(7) of the Global Food Security Act of 2016 (22 U.S.C.*
10 *9303(7)) is amended by striking “Overseas Private Invest-*
11 *ment Corporation” and inserting “United States Inter-*
12 *national Development Finance Corporation”.*

13 (t) *SENSE OF CONGRESS ON EUROPEAN AND EUR-*
14 *ASIAN ENERGY SECURITY.—Section 257(c)(2)(B) of the*
15 *Countering Russian Influence in Europe and Eurasia Act*
16 *of 2017 (22 U.S.C. 9546(c)(2)(B)) is amended by striking*
17 *“Overseas Private Investment Corporation” and inserting*
18 *“United States International Development Finance Cor-*
19 *poration”.*

20 (u) *WHOLLY OWNED GOVERNMENT CORPORATION.—*
21 *Section 9101(3) of title 31, United States Code, is amended*
22 *by striking “Overseas Private Investment Corporation” and*
23 *inserting “United States International Development Fi-*
24 *nance Corporation”.*

1 (v) *ENERGY INDEPENDENCE AND SECURITY ACT OF*
2 *2007.—Title IX of the Energy Independence and Security*
3 *Act of 2007 (42 U.S.C. 17321 et seq.) is amended—*

4 (1) *in section 914 (42 U.S.C. 17334)—*

5 (A) *in the section heading, by striking*
6 *“OVERSEAS PRIVATE INVESTMENT COR-*
7 *PORATION” and inserting “UNITED STATES*
8 *INTERNATIONAL DEVELOPMENT FINANCE*
9 *CORPORATION”;*

10 (B) *in subsection (a), in the matter pre-*
11 *ceding paragraph (1), by striking “Overseas Pri-*
12 *ivate Investment Corporation” and inserting*
13 *“United States International Development Fi-*
14 *nance Corporation”;* and

15 (C) *in subsection (b), in the matter pre-*
16 *ceding paragraph (1), by striking “Overseas Pri-*
17 *ivate Investment Corporation shall include in its*
18 *annual report required under section 240A of the*
19 *Foreign Assistance Act of 1961 (22 U.S.C.*
20 *2200a)” and inserting “United States Inter-*
21 *national Development Finance Corporation shall*
22 *include in its annual report required under sec-*
23 *tion 1443 of the Better Utilization of Invest-*
24 *ments Leading to Development Act of 2018”;* and

1 (2) in section 916(a)(2)(I) (42 U.S.C.
2 17336(a)(2)(I)), by striking “Overseas Private Invest-
3 ment Corporation:” and inserting “United States
4 International Development Finance Corporation;”.

5 (w) *EFFECTIVE DATE.*—The amendments made by
6 this section shall take effect at the end of the transition pe-
7 riod.

8 ***DIVISION G—SYRIA STUDY*** 9 ***GROUP***

10 ***SEC. 1501. SYRIA STUDY GROUP.***

11 (a) *ESTABLISHMENT.*—There is established a working
12 group to be known as the “Syria Study Group” (in this
13 section referred to as the “Group”).

14 (b) *PURPOSE.*—The purpose of the Group is to exam-
15 ine and make recommendations on the military and diplo-
16 matic strategy of the United States with respect to the con-
17 flict in Syria.

18 (c) *COMPOSITION.*—

19 (1) *MEMBERSHIP.*—The Group shall be composed
20 of 12 members, none of whom may be members of
21 Congress, who shall be appointed as follows:

22 (A) One member appointed by the chair of
23 the Committee on Armed Services of the Senate.

1 (B) One member appointed by the ranking
2 minority member of the Committee on Armed
3 Services of the Senate.

4 (C) One member appointed by the chair of
5 the Committee on Foreign Relations of the Sen-
6 ate.

7 (D) One member appointed by the ranking
8 minority member of the Committee on Foreign
9 Relations of the Senate.

10 (E) One member appointed by the chair of
11 the Committee on Armed Services of the House
12 of Representatives.

13 (F) One member appointed by the ranking
14 minority member of the Committee on Armed
15 Services of the House of Representatives.

16 (G) One member appointed by the chair of
17 the Committee on Foreign Affairs of the House
18 of Representatives.

19 (H) One member appointed by the ranking
20 minority member of the Committee on Foreign
21 Affairs of the House of Representatives.

22 (I) One member appointed by the majority
23 leader of the Senate.

24 (J) One member appointed by the minority
25 leader of the Senate.

1 (K) *One member appointed by the Speaker*
2 *of the House of Representatives.*

3 (L) *One member appointed by the minority*
4 *leader of the House of Representatives.*

5 (2) *CO-CHAIRS.—*

6 (A) *Of the members of the Group, one co-*
7 *chair shall be jointly designated by—*

8 (i) *the chairs of the Committee on*
9 *Armed Services and the Committee on For-*
10 *foreign Relations of the Senate;*

11 (ii) *the chairs of the Committee on*
12 *Armed Services and the Committee on For-*
13 *oreign Affairs of the House of Representatives;*

14 (iii) *the majority leader of the Senate;*
15 *and*

16 (iv) *the Speaker of the House of Rep-*
17 *resentatives.*

18 (B) *Of the members of the Group, one co-*
19 *chair shall be jointly designated by—*

20 (i) *the ranking minority members of*
21 *the Committee on Armed Services and the*
22 *Committee on Foreign Relations of the Sen-*
23 *ate;*

24 (ii) *the ranking minority members of*
25 *the Committee on Armed Services and the*

1 *Committee on Foreign Affairs of the House*
2 *of Representatives;*

3 *(iii) the minority leader of the Senate;*

4 *and*

5 *(iv) the minority leader of the House of*
6 *Representatives.*

7 *(3) PERIOD OF APPOINTMENT.—A member shall*
8 *be appointed for the life of the Group.*

9 *(4) VACANCIES.—Any vacancy in the Group*
10 *shall be filled in the same manner as the original ap-*
11 *pointment.*

12 *(d) DUTIES.—*

13 *(1) REVIEW.—The Group shall conduct a review*
14 *on the current United States military and diplomatic*
15 *strategy with respect to the conflict in Syria that in-*
16 *cludes a review of current United States objectives in*
17 *Syria and the desired end state in Syria.*

18 *(2) ASSESSMENT AND RECOMMENDATIONS.—The*
19 *Group shall—*

20 *(A) conduct a comprehensive assessment of*
21 *the current situation in Syria, the impact of*
22 *such situation on neighboring countries, the re-*
23 *sulting regional and geopolitical threats to the*
24 *United States, and current military, diplomatic,*

1 *and political efforts to achieve a stable Syria;*
2 *and*

3 *(B) develop recommendations on the mili-*
4 *tary and diplomatic strategy of the United*
5 *States with respect to the conflict in Syria.*

6 *(e) COOPERATION OF UNITED STATES GOVERN-*
7 *MENT.—*

8 *(1) IN GENERAL.—The Group shall receive the*
9 *full and timely cooperation of the Secretary of De-*
10 *fense, the Secretary of State, and the Director of Na-*
11 *tional Intelligence in providing the Group with anal-*
12 *yses, briefings, and other information necessary for*
13 *the discharge of the duties of the Group under sub-*
14 *section (d).*

15 *(2) LIAISON.—The Secretary of Defense, the Sec-*
16 *retary of State, and the Director of National Intel-*
17 *ligence shall each designate at least one officer or em-*
18 *ployee of the Department of Defense, the Department*
19 *of State, and the Office of the Director of National In-*
20 *telligence, respectively, to serve as a liaison to the*
21 *Group.*

22 *(3) FACILITATION.—The United States Institute*
23 *of Peace shall take appropriate actions to facilitate*
24 *the Group in the discharge of the duties of the Group*
25 *under this section.*

1 (f) *REPORTS.*—

2 (1) *FINAL REPORT.*—

3 (A) *IN GENERAL.*—Not later than 180 days
4 after the date of enactment of this section, the
5 Group shall submit to the President, the Sec-
6 retary of Defense, the Committee on Armed Serv-
7 ices and the Committee on Foreign Relations of
8 the Senate, the Committee on Armed Services
9 and the Committee on Foreign Affairs of the
10 House of Representatives, the majority and mi-
11 nority leaders of the Senate, the Speaker of the
12 House of Representatives, and the minority lead-
13 er of the House of Representatives a report that
14 sets forth the findings, conclusions, and rec-
15 ommendations of the Group under this section.

16 (B) *ELEMENTS.*—The report required by
17 subparagraph (A) shall include each of the fol-
18 lowing:

19 (i) An assessment of the current secu-
20 rity, political, humanitarian, and economic
21 situations in Syria.

22 (ii) An assessment of the current par-
23 ticipation and objectives of the various ex-
24 ternal actors in Syria.

1 (iii) *An assessment of the consequences*
2 *of continued conflict in Syria.*

3 (iv) *Recommendations for a resolution*
4 *to the conflict in Syria, including—*

5 (I) *options for a gradual political*
6 *transition to a post-Assad Syria; and*

7 (II) *actions necessary for rec-*
8 *onciliation.*

9 (v) *A roadmap for a United States and*
10 *coalition strategy to reestablish security and*
11 *governance in Syria, including rec-*
12 *ommendations for the synchronization of*
13 *stabilization, development, counterterrorism,*
14 *and reconstruction efforts.*

15 (vi) *Any other matter with respect to*
16 *the conflict in Syria that the Group con-*
17 *siders to be appropriate.*

18 (2) *INTERIM REPORT.—Not later than 90 days*
19 *after the date of enactment of this section, the Group*
20 *shall submit to the Committee on Armed Services and*
21 *the Committee on Foreign Relations of the Senate, the*
22 *Committee on Armed Services and the Committee on*
23 *Foreign Affairs of the House of Representatives, the*
24 *majority and minority leaders of the Senate, the*
25 *Speaker of the House of Representatives, and the mi-*

1 *nority leader of the House of Representatives a report*
2 *that describes the status of the review and assessment*
3 *under subsection (d) and any interim recommenda-*
4 *tions developed by the Group as of the date of the*
5 *briefing.*

6 (3) *FORM OF REPORT.*—*The report submitted to*
7 *Congress under paragraph (1) shall be submitted in*
8 *unclassified form, but may include a classified annex.*

9 (g) *TERMINATION.*—*The Group shall terminate on the*
10 *date that is 180 days after the date on which the Group*
11 *submits the report required by subsection (f)(1).*

12 ***DIVISION H—PREVENTING***
13 ***EMERGING THREATS***

14 ***SEC. 1601. SHORT TITLE.***

15 *This division may be cited as the “Preventing Emerg-*
16 *ing Threats Act of 2018”.*

17 ***SEC. 1602. PROTECTION OF CERTAIN FACILITIES AND AS-***
18 ***SETS FROM UNMANNED AIRCRAFT.***

19 (a) *IN GENERAL.*—*Subtitle A of title II of the Home-*
20 *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*
21 *by adding at the end the following:*

22 ***“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS-***
23 ***SETS FROM UNMANNED AIRCRAFT.***

24 *“(a) AUTHORITY.*—*Notwithstanding section 46502 of*
25 *title 49, United States Code, or sections 32, 1030, 1367 and*

1 *chapters 119 and 206 of title 18, United States Code, the*
2 *Secretary and the Attorney General may, for their respec-*
3 *tive Departments, take, and may authorize personnel with*
4 *assigned duties that include the security or protection of*
5 *people, facilities, or assets, to take such actions as are de-*
6 *scribed in subsection (b)(1) that are necessary to mitigate*
7 *a credible threat (as defined by the Secretary or the Attor-*
8 *ney General, in consultation with the Secretary of Trans-*
9 *portation) that an unmanned aircraft system or unmanned*
10 *aircraft poses to the safety or security of a covered facility*
11 *or asset.*

12 “(b) *ACTIONS DESCRIBED.*—

13 “(1) *IN GENERAL.*—*The actions authorized in*
14 *subsection (a) are the following:*

15 “(A) *During the operation of the unmanned*
16 *aircraft system, detect, identify, monitor, and*
17 *track the unmanned aircraft system or un-*
18 *manned aircraft, without prior consent, includ-*
19 *ing by means of intercept or other access of a*
20 *wire communication, an oral communication, or*
21 *an electronic communication used to control the*
22 *unmanned aircraft system or unmanned air-*
23 *craft.*

24 “(B) *Warn the operator of the unmanned*
25 *aircraft system or unmanned aircraft, including*

1 *by passive or active, and direct or indirect phys-*
2 *ical, electronic, radio, and electromagnetic*
3 *means.*

4 “(C) *Disrupt control of the unmanned air-*
5 *craft system or unmanned aircraft, without*
6 *prior consent, including by disabling the un-*
7 *manned aircraft system or unmanned aircraft*
8 *by intercepting, interfering, or causing inter-*
9 *ference with wire, oral, electronic, or radio com-*
10 *munications used to control the unmanned air-*
11 *craft system or unmanned aircraft.*

12 “(D) *Seize or exercise control of the un-*
13 *manned aircraft system or unmanned aircraft.*

14 “(E) *Seize or otherwise confiscate the un-*
15 *manned aircraft system or unmanned aircraft.*

16 “(F) *Use reasonable force, if necessary, to*
17 *disable, damage, or destroy the unmanned air-*
18 *craft system or unmanned aircraft.*

19 “(2) *REQUIRED COORDINATION.—The Secretary*
20 *and the Attorney General shall develop for their re-*
21 *spective Departments the actions described in para-*
22 *graph (1) in coordination with the Secretary of*
23 *Transportation.*

24 “(3) *RESEARCH, TESTING, TRAINING, AND EVAL-*
25 *UATION.—The Secretary and the Attorney General*

1 *shall conduct research, testing, training on, and eval-*
2 *uation of any equipment, including any electronic*
3 *equipment, to determine its capability and utility*
4 *prior to the use of any such technology for any action*
5 *described in subsection (b)(1).*

6 “(4) *COORDINATION.*—*The Secretary and the At-*
7 *torney General shall coordinate with the Adminis-*
8 *trator of the Federal Aviation Administration when*
9 *any action authorized by this section might affect*
10 *aviation safety, civilian aviation and aerospace oper-*
11 *ations, aircraft airworthiness, or the use of the air-*
12 *space.*

13 “(c) *FORFEITURE.*—*Any unmanned aircraft system or*
14 *unmanned aircraft described in subsection (a) that is seized*
15 *by the Secretary or the Attorney General is subject to for-*
16 *feiture to the United States.*

17 “(d) *REGULATIONS AND GUIDANCE.*—

18 “(1) *IN GENERAL.*—*The Secretary, the Attorney*
19 *General, and the Secretary of Transportation may*
20 *prescribe regulations and shall issue guidance in the*
21 *respective areas of each Secretary or the Attorney*
22 *General to carry out this section.*

23 “(2) *COORDINATION.*—

24 “(A) *COORDINATION WITH DEPARTMENT OF*
25 *TRANSPORTATION.*—*The Secretary and the Attor-*

1 *ney General shall coordinate the development of*
2 *their respective guidance under paragraph (1)*
3 *with the Secretary of Transportation.*

4 “(B) *EFFECT ON AVIATION SAFETY.—The*
5 *Secretary and the Attorney General shall respec-*
6 *tively coordinate with the Secretary of Transpor-*
7 *tation and the Administrator of the Federal*
8 *Aviation Administration before issuing any*
9 *guidance, or otherwise implementing this section,*
10 *if such guidance or implementation might affect*
11 *aviation safety, civilian aviation and aerospace*
12 *operations, aircraft airworthiness, or the use of*
13 *airspace.*

14 “(e) *PRIVACY PROTECTION.—The regulations or guid-*
15 *ance issued to carry out actions authorized under subsection*
16 *(b) by each Secretary or the Attorney General, as the case*
17 *may be, shall ensure that—*

18 “(1) *the interception or acquisition of, or access*
19 *to, or maintenance or use of, communications to or*
20 *from an unmanned aircraft system under this section*
21 *is conducted in a manner consistent with the First*
22 *and Fourth Amendments to the Constitution of the*
23 *United States and applicable provisions of Federal*
24 *law;*

1 “(2) *communications to or from an unmanned*
2 *aircraft system are intercepted or acquired only to the*
3 *extent necessary to support an action described in*
4 *subsection (b)(1);*

5 “(3) *records of such communications are main-*
6 *tained only for as long as necessary, and in no event*
7 *for more than 180 days, unless the Secretary of*
8 *Homeland Security or the Attorney General deter-*
9 *mine that maintenance of such records is necessary to*
10 *investigate or prosecute a violation of law, directly*
11 *support an ongoing security operation, is required*
12 *under Federal law, or for the purpose of any litiga-*
13 *tion;*

14 “(4) *such communications are not disclosed out-*
15 *side the Department of Homeland Security or the De-*
16 *partment of Justice unless the disclosure—*

17 “(A) *is necessary to investigate or prosecute*
18 *a violation of law;*

19 “(B) *would support the Department of De-*
20 *fense, a Federal law enforcement agency, or the*
21 *enforcement activities of a regulatory agency of*
22 *the Federal Government in connection with a*
23 *criminal or civil investigation of, or any regu-*
24 *latory, statutory, or other enforcement action re-*
25 *lating to an action described in subsection (b)(1);*

1 “(C) is between the Department of Home-
2 land Security and the Department of Justice in
3 the course of a security or protection operation
4 of either agency or a joint operation of such
5 agencies; or

6 “(D) is otherwise required by law; and

7 “(5) to the extent necessary, the Department of
8 Homeland Security and the Department of Justice
9 are authorized to share threat information, which
10 shall not include communications referred to in sub-
11 section (b), with State, local, territorial, or tribal law
12 enforcement agencies in the course of a security or
13 protection operation.

14 “(f) BUDGET.—The Secretary and the Attorney Gen-
15 eral shall submit to Congress, as a part of the homeland
16 security or justice budget materials for each fiscal year after
17 fiscal year 2019, a consolidated funding display that identi-
18 fies the funding source for the actions described in sub-
19 section (b)(1) within the Department of Homeland Security
20 or the Department of Justice. The funding display shall be
21 in unclassified form, but may contain a classified annex.

22 “(g) SEMIANNUAL BRIEFINGS AND NOTIFICATIONS.—

23 “(1) IN GENERAL.—On a semiannual basis dur-
24 ing the period beginning 6 months after the date of
25 enactment of this section and ending on the date spec-

1 *ified in subsection (i), the Secretary and the Attorney*
2 *General shall, respectively, provide a briefing to the*
3 *appropriate congressional committees on the activities*
4 *carried out pursuant to this section.*

5 *“(2) REQUIREMENT.—Each briefing required*
6 *under paragraph (1) shall be conducted jointly with*
7 *the Secretary of Transportation.*

8 *“(3) CONTENT.—Each briefing required under*
9 *paragraph (1) shall include—*

10 *“(A) policies, programs, and procedures to*
11 *mitigate or eliminate impacts of such activities*
12 *to the National Airspace System;*

13 *“(B) a description of instances in which ac-*
14 *tions described in subsection (b)(1) have been*
15 *taken, including all such instances that may*
16 *have resulted in harm, damage, or loss to a per-*
17 *son or to private property;*

18 *“(C) a description of the guidance, policies,*
19 *or procedures established to address privacy,*
20 *civil rights, and civil liberties issues implicated*
21 *by the actions allowed under this section, as well*
22 *as any changes or subsequent efforts that would*
23 *significantly affect privacy, civil rights or civil*
24 *liberties;*

1 “(D) a description of options considered
2 and steps taken to mitigate any identified im-
3 pacts to the national airspace system related to
4 the use of any system or technology, including
5 the minimization of the use of any technology
6 that disrupts the transmission of radio or elec-
7 tronic signals, for carrying out the actions de-
8 scribed in subsection (b)(1);

9 “(E) a description of instances in which
10 communications intercepted or acquired during
11 the course of operations of an unmanned aircraft
12 system were held for more than 180 days or
13 shared outside of the Department of Justice or
14 the Department of Homeland Security;

15 “(F) how the Secretary, the Attorney Gen-
16 eral, and the Secretary of Transportation have
17 informed the public as to the possible use of au-
18 thorities under this section;

19 “(G) how the Secretary, the Attorney Gen-
20 eral, and the Secretary of Transportation have
21 engaged with Federal, State, and local law en-
22 forcement agencies to implement and use such
23 authorities.

24 “(4) UNCLASSIFIED FORM.—Each briefing re-
25 quired under paragraph (1) shall be in unclassified

1 *form, but may be accompanied by an additional clas-*
2 *sified briefing.*

3 “(5) *NOTIFICATION.*—*Within 30 days of deploy-*
4 *ing any new technology to carry out the actions de-*
5 *scribed in subsection (b)(1), the Secretary and the At-*
6 *torney General shall, respectively, submit a notifica-*
7 *tion to the appropriate congressional committees.*
8 *Such notification shall include a description of op-*
9 *tions considered to mitigate any identified impacts to*
10 *the national airspace system related to the use of any*
11 *system or technology, including the minimization of*
12 *the use of any technology that disrupts the trans-*
13 *mission of radio or electronic signals, for carrying out*
14 *the actions described in subsection (b)(1).*

15 “(h) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
16 *tion may be construed to—*

17 “(1) *vest in the Secretary or the Attorney Gen-*
18 *eral any authority of the Secretary of Transportation*
19 *or the Administrator of the Federal Aviation Admin-*
20 *istration;*

21 “(2) *vest in the Secretary of Transportation or*
22 *the Administrator of the Federal Aviation Adminis-*
23 *tration any authority of the Secretary or the Attorney*
24 *General;*

1 “(3) vest in the Secretary of Homeland Security
2 any authority of the Attorney General;

3 “(4) vest in the Attorney General any authority
4 of the Secretary of Homeland Security; or

5 “(5) provide a new basis of liability for any
6 State, local, territorial, or tribal law enforcement offi-
7 cers who participate in the protection of a mass gath-
8 ering identified by the Secretary or Attorney General
9 under subsection (k)(3)(C)(iii)(II), act within the
10 scope of their authority, and do not exercise the au-
11 thority granted to the Secretary and Attorney General
12 by this section.

13 “(i) *TERMINATION*.—The authority to carry out this
14 section with respect to a covered facility or asset specified
15 in subsection (k)(3) shall terminate on the date that is 4
16 years after the date of enactment of this section.

17 “(j) *SCOPE OF AUTHORITY*.—Nothing in this section
18 shall be construed to provide the Secretary or the Attorney
19 General with additional authorities beyond those described
20 in subsections (a) and (k)(3)(C)(iii).

21 “(k) *DEFINITIONS*.—In this section:

22 “(1) The term ‘appropriate congressional com-
23 mittees’ means—

24 “(A) the Committee on Homeland Security
25 and Governmental Affairs, the Committee on

1 *Commerce, Science, and Transportation, and the*
2 *Committee on the Judiciary of the Senate; and*

3 *“(B) the Committee on Homeland Security,*
4 *the Committee on Transportation and Infra-*
5 *structure, the Committee on Energy and Com-*
6 *merce, and the Committee on the Judiciary of*
7 *the House of Representatives.*

8 *“(2) The term ‘budget’, with respect to a fiscal*
9 *year, means the budget for that fiscal year that is*
10 *submitted to Congress by the President under section*
11 *1105(a) of title 31.*

12 *“(3) The term ‘covered facility or asset’ means*
13 *any facility or asset that—*

14 *“(A) is identified as high-risk and a poten-*
15 *tial target for unlawful unmanned aircraft ac-*
16 *tivity by the Secretary or the Attorney General,*
17 *in coordination with the Secretary of Transpor-*
18 *tation with respect to potentially impacted air-*
19 *space, through a risk-based assessment for pur-*
20 *poses of this section (except that in the case of*
21 *the missions described in subparagraph*
22 *(C)(i)(II) and (C)(iii)(I), such missions shall be*
23 *presumed to be for the protection of a facility or*
24 *asset that is assessed to be high-risk and a poten-*

1 *tial target for unlawful unmanned aircraft ac-*
2 *tivity);*

3 “(B) *is located in the United States (includ-*
4 *ing the territories and possessions, territorial*
5 *seas or navigable waters of the United States);*
6 *and*

7 “(C) *directly relates to one or more—*

8 “(i) *missions authorized to be per-*
9 *formed by the Department of Homeland Se-*
10 *curity, consistent with governing statutes,*
11 *regulations, and orders issued by the Sec-*
12 *retary, pertaining to—*

13 “(I) *security or protection func-*
14 *tions of the U.S. Customs and Border*
15 *Protection, including securing or pro-*
16 *tecting facilities, aircraft, and vessels,*
17 *whether moored or underway;*

18 “(II) *United States Secret Service*
19 *protection operations pursuant to sec-*
20 *tions 3056(a) and 3056A(a) of title 18,*
21 *United States Code, and the Presi-*
22 *dential Protection Assistance Act of*
23 *1976 (18 U.S.C. 3056 note); or*

1 “(III) protection of facilities pur-
2 suant to section 1315(a) of title 40,
3 United States Code;

4 “(ii) missions authorized to be per-
5 formed by the Department of Justice, con-
6 sistent with governing statutes, regulations,
7 and orders issued by the Attorney General,
8 pertaining to—

9 “(I) personal protection oper-
10 ations by—

11 “(aa) the Federal Bureau of
12 Investigation as specified in sec-
13 tion 533 of title 28, United States
14 Code; and

15 “(bb) the United States Mar-
16 shals Service of Federal jurists,
17 court officers, witnesses, and other
18 threatened persons in the interests
19 of justice, as specified in section
20 566(e)(1)(A) of title 28, United
21 States Code;

22 “(II) protection of penal, deten-
23 tion, and correctional facilities and op-
24 erations conducted by the Federal Bu-
25 reau of Prisons; or

1 “(III) protection of the buildings
2 and grounds leased, owned, or operated
3 by or for the Department of Justice,
4 and the provision of security for Fed-
5 eral courts, as specified in section
6 566(a) of title 28, United States Code;

7 “(iii) missions authorized to be per-
8 formed by the Department of Homeland Se-
9 curity or the Department of Justice, acting
10 together or separately, consistent with gov-
11 erning statutes, regulations, and orders
12 issued by the Secretary or the Attorney
13 General, respectively, pertaining to—

14 “(I) protection of a National Spe-
15 cial Security Event and Special Event
16 Assessment Rating event;

17 “(II) the provision of support to
18 State, local, territorial, or tribal law
19 enforcement, upon request of the chief
20 executive officer of the State or terri-
21 tory, to ensure protection of people and
22 property at mass gatherings, that is
23 limited to a specified timeframe and
24 location, within available resources,
25 and without delegating any authority

1 under this section to State, local, terri-
2 torial, or tribal law enforcement; or

3 “(III) protection of an active Fed-
4 eral law enforcement investigation,
5 emergency response, or security func-
6 tion, that is limited to a specified
7 timeframe and location; and

8 “(iv) missions authorized to be per-
9 formed by the United States Coast Guard,
10 including those described in clause (iii) as
11 directed by the Secretary, and as further set
12 forth in section 104 of title 14, United
13 States Code, and consistent with governing
14 statutes, regulations, and orders issued by
15 the Secretary of the Department in which
16 the Coast Guard is operating.

17 “(4) The terms ‘electronic communication’,
18 ‘intercept’, ‘oral communication’, and ‘wire commu-
19 nication’ have the meaning given those terms in sec-
20 tion 2510 of title 18, United States Code.

21 “(5) The term ‘homeland security or justice
22 budget materials’, with respect to a fiscal year, means
23 the materials submitted to Congress by the Secretary
24 and the Attorney General in support of the budget for
25 that fiscal year.

1 “(6) For purposes of subsection (a), the term
2 ‘personnel’ means officers and employees of the De-
3 partment of Homeland Security or the Department of
4 Justice.

5 “(7) The terms ‘unmanned aircraft’ and ‘un-
6 manned aircraft system’ have the meanings given
7 those terms in section 44801, of title 49, United
8 States Code.

9 “(8) For purposes of this section, the term ‘risk-
10 based assessment’ includes an evaluation of threat in-
11 formation specific to a covered facility or asset and,
12 with respect to potential impacts on the safety and ef-
13 ficiency of the national airspace system and the needs
14 of law enforcement and national security at each cov-
15 ered facility or asset identified by the Secretary or the
16 Attorney General, respectively, of each of the following
17 factors:

18 “(A) Potential impacts to safety, efficiency,
19 and use of the national airspace system, includ-
20 ing potential effects on manned aircraft and un-
21 manned aircraft systems, aviation safety, airport
22 operations, infrastructure, and air navigation
23 services related to the use of any system or tech-
24 nology for carrying out the actions described in
25 subsection (b)(1).

1 “(B) Options for mitigating any identified
2 impacts to the national airspace system related
3 to the use of any system or technology, including
4 minimizing when possible the use of any tech-
5 nology which disrupts the transmission of radio
6 or electronic signals, for carrying out the actions
7 described in subsection (b)(1).

8 “(C) Potential consequences of the impacts
9 of any actions taken under subsection (b)(1) to
10 the national airspace system and infrastructure
11 if not mitigated.

12 “(D) The ability to provide reasonable ad-
13 vance notice to aircraft operators consistent with
14 the safety of the national airspace system and
15 the needs of law enforcement and national secu-
16 rity.

17 “(E) The setting and character of any cov-
18 ered facility or asset, including whether it is lo-
19 cated in a populated area or near other struc-
20 tures, whether the facility is open to the public,
21 whether the facility is also used for nongovern-
22 mental functions, and any potential for inter-
23 ference with wireless communications or for in-
24 jury or damage to persons or property.

1 “(F) *The setting, character, timeframe, and*
2 *national airspace system impacts of National*
3 *Special Security Event and Special Event As-*
4 *essment Rating events.*

5 “(G) *Potential consequences to national se-*
6 *curity, public safety, or law enforcement if*
7 *threats posed by unmanned aircraft systems are*
8 *not mitigated or defeated.*

9 “(l) *DEPARTMENT OF HOMELAND SECURITY ASSESS-*
10 *MENT.—*

11 “(1) *REPORT.—Not later than 1 year after the*
12 *date of the enactment of this section, the Secretary*
13 *shall conduct, in coordination with the Attorney Gen-*
14 *eral and the Secretary of Transportation, an assess-*
15 *ment to the appropriate congressional committees, in-*
16 *cluding—*

17 “(A) *an evaluation of the threat from un-*
18 *manned aircraft systems to United States crit-*
19 *ical infrastructure (as defined in this Act) and*
20 *to domestic large hub airports (as defined in sec-*
21 *tion 40102 of title 49, United States Code);*

22 “(B) *an evaluation of current Federal and*
23 *State, local, territorial, or tribal law enforcement*
24 *authorities to counter the threat identified in*
25 *subparagraph (A), and recommendations, if any,*

1 *for potential changes to existing authorities to*
2 *allow State, local, territorial, and tribal law en-*
3 *forcement to assist Federal law enforcement to*
4 *counter the threat where appropriate;*

5 *“(C) an evaluation of the knowledge of, effi-*
6 *ciency of, and effectiveness of current procedures*
7 *and resources available to owners of critical in-*
8 *frastructure and domestic large hub airports*
9 *when they believe a threat from unmanned air-*
10 *craft systems is present and what additional ac-*
11 *tions, if any, the Department of Homeland Secu-*
12 *rity or the Department of Transportation could*
13 *implement under existing authorities to assist*
14 *these entities to counter the threat identified in*
15 *subparagraph (A);*

16 *“(D) an assessment of what, if any, addi-*
17 *tional authorities are needed by each Depart-*
18 *ment and law enforcement to counter the threat*
19 *identified in subparagraph (A); and*

20 *“(E) an assessment of what, if any, addi-*
21 *tional research and development the Department*
22 *needs to counter the threat identified in subpara-*
23 *graph (A).*

1 “(2) *UNCLASSIFIED FORM.*—*The report required*
 2 *under paragraph (1) shall be submitted in unclassi-*
 3 *fied form, but may contain a classified annex.*”.

4 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 5 *the beginning of such chapter is amended by inserting after*
 6 *the item relating to section 210F the following:*

 “*Sec. 210G. Protection of certain facilities and assets from unmanned aircraft.*”.

7 **SEC. 1603. PROTECTING AGAINST UNMANNED AIRCRAFT.**

8 (a) *IN GENERAL.*—*Chapter 5 of title 14, United States*
 9 *Code, is amended by inserting after section 103 the fol-*
 10 *lowing:*

11 **“§ 104. Protecting against unmanned aircraft**

12 “*For the purposes of section 210G(k)(3)(C)(iv) of the*
 13 *Homeland Security Act of 2002, the missions authorized*
 14 *to be performed by the United States Coast Guard shall be*
 15 *those related to—*

16 “(1) *functions of the U.S. Coast Guard relating*
 17 *to security or protection of facilities and assets as-*
 18 *essed to be high-risk and a potential target for un-*
 19 *lawful unmanned aircraft activity, including the se-*
 20 *curity and protection of—*

21 “(A) *a facility, including a facility that is*
 22 *under the administrative control of the Com-*
 23 *mandant; and*

24 “(B) *a vessel (whether moored or underway)*
 25 *or an aircraft, including a vessel or aircraft—*

1 “(i) that is operated by the Coast
2 Guard, or that the Coast Guard is assisting
3 or escorting; and

4 “(ii) that is directly involved in a mis-
5 sion of the Coast Guard pertaining to—

6 “(I) assisting or escorting a vessel
7 of the Department of Defense;

8 “(II) assisting or escorting a ves-
9 sel of national security significance, a
10 high interest vessel, a high capacity
11 passenger vessel, or a high value unit,
12 as those terms are defined by the Sec-
13 retary;

14 “(III) section 91(a) of this title;

15 “(IV) assistance in protecting the
16 President or the Vice President (or
17 other officer next in order of succession
18 to the Office of the President) pursuant
19 to the Presidential Protection Assist-
20 ance Act of 1976 (18 U.S.C. 3056
21 note);

22 “(V) protection of a National Spe-
23 cial Security Event and Special Event
24 Assessment Rating events;

1 “(VI) air defense of the United
2 States, including air sovereignty,
3 ground-based air defense, and the Na-
4 tional Capital Region integrated air
5 defense system; or

6 “(VII) a search and rescue oper-
7 ation; and

8 “(2) missions directed by the Secretary pursuant
9 to 210G(k)(3)(C)(iii) of the Homeland Security Act of
10 2002.”.

11 **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*
12 *5 of title 14, United States Code, is amended by inserting*
13 *after the item relating to section 103 the following:*

 “104. Protecting against unmanned aircraft.”.

14 ***DIVISION I—SUPPLEMENTAL AP-***
15 ***PROPRIATIONS FOR DIS-***
16 ***ASTER RELIEF, 2018***

17 *The following sums are hereby appropriated, out of*
18 *any money in the Treasury not otherwise appropriated,*
19 *and out of applicable corporate or other revenues, receipts,*
20 *and funds, for the several departments, agencies, corpora-*
21 *tions, and other organizational units of Government for fis-*
22 *cal year 2018, and for other purposes, namely:*

23

1 *DEPARTMENT OF HOUSING AND URBAN*
2 *DEVELOPMENT*

3 *COMMUNITY PLANNING AND DEVELOPMENT*

4 *COMMUNITY DEVELOPMENT FUND*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For an additional amount for “Community Develop-*
7 *ment Fund”, \$1,680,000,000, to remain available until ex-*
8 *pendent, for necessary expenses for activities authorized*
9 *under title I of the Housing and Community Development*
10 *Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster re-*
11 *lief, long-term recovery, restoration of infrastructure and*
12 *housing, and economic revitalization in the most impacted*
13 *and distressed areas resulting from a major disaster de-*
14 *clared in 2018 pursuant to the Robert T. Stafford Disaster*
15 *Relief and Emergency Assistance Act (42 U.S.C. 5121 et*
16 *seq.): Provided, That funds shall be awarded directly to the*
17 *State or unit of general local government at the discretion*
18 *of the Secretary: Provided further, That as a condition of*
19 *making any grant, the Secretary shall certify in advance*
20 *that such grantee has in place proficient financial controls*
21 *and procurement processes and has established adequate*
22 *procedures to prevent any duplication of benefits as defined*
23 *by section 312 of the Robert T. Stafford Disaster Relief and*
24 *Emergency Assistance Act (42 U.S.C. 5155), to ensure time-*
25 *ly expenditure of funds, to maintain comprehensive websites*

1 *regarding all disaster recovery activities assisted with these*
2 *funds, and to detect and prevent waste, fraud, and abuse*
3 *of funds: Provided further, That prior to the obligation of*
4 *funds a grantee shall submit a plan to the Secretary for*
5 *approval detailing the proposed use of all funds, including*
6 *criteria for eligibility and how the use of these funds will*
7 *address long-term recovery and restoration of infrastructure*
8 *and housing and economic revitalization in the most im-*
9 *pacted and distressed areas: Provided further, That such*
10 *funds may not be used for activities reimbursable by, or*
11 *for which funds are made available by, the Federal Emer-*
12 *gency Management Agency or the Army Corps of Engineers:*
13 *Provided further, That funds allocated under this heading*
14 *shall not be considered relevant to the non-disaster formula*
15 *allocations made pursuant to section 106 of the Housing*
16 *and Community Development Act of 1974 (42 U.S.C.*
17 *5306): Provided further, That a State or subdivision thereof*
18 *may use up to 5 percent of its allocation for administrative*
19 *costs: Provided further, That in administering the funds*
20 *under this heading, the Secretary of Housing and Urban*
21 *Development may waive, or specify alternative require-*
22 *ments for, any provision of any statute or regulation that*
23 *the Secretary administers in connection with the obligation*
24 *by the Secretary or the use by the recipient of these funds*
25 *(except for requirements related to fair housing, non-*

1 *discrimination, labor standards, and the environment), if*
2 *the Secretary finds that good cause exists for the waiver*
3 *or alternative requirement and such waiver or alternative*
4 *requirement would not be inconsistent with the overall pur-*
5 *pose of title I of the Housing and Community Development*
6 *Act of 1974: Provided further, That, notwithstanding the*
7 *preceding proviso, recipients of funds provided under this*
8 *heading that use such funds to supplement Federal assist-*
9 *ance provided under section 402, 403, 404, 406, 407,*
10 *408(c)(4), or 502 of the Robert T. Stafford Disaster Relief*
11 *and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may*
12 *adopt, without review or public comment, any environ-*
13 *mental review, approval, or permit performed by a Federal*
14 *agency, and such adoption shall satisfy the responsibilities*
15 *of the recipient with respect to such environmental review,*
16 *approval or permit: Provided further, That, notwith-*
17 *standing section 104(g)(2) of the Housing and Community*
18 *Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Sec-*
19 *retary may, upon receipt of a request for release of funds*
20 *and certification, immediately approve the release of funds*
21 *for an activity or project assisted under this heading if the*
22 *recipient has adopted an environmental review, approval*
23 *or permit under the preceding proviso or the activity or*
24 *project is categorically excluded from review under the Na-*
25 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*

1 *et seq.): Provided further, That the Secretary shall publish*
2 *via notice in the Federal Register any waiver, or alternative*
3 *requirement, to any statute or regulation that the Secretary*
4 *administers pursuant to title I of the Housing and Commu-*
5 *nity Development Act of 1974 no later than 5 days before*
6 *the effective date of such waiver or alternative requirement:*
7 *Provided further, That of the amounts made available*
8 *under this heading, up to \$2,500,000 may be transferred,*
9 *in aggregate, to “Department of Housing and Urban Devel-*
10 *opment—Program Office Salaries and Expenses—Commu-*
11 *nity Planning and Development” for necessary costs, in-*
12 *cluding information technology costs, of administering and*
13 *overseeing the obligation and expenditure of amounts under*
14 *this heading: Provided further, That such amount is des-*
15 *ignated by the Congress as being for an emergency require-*
16 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
17 *Budget and Emergency Deficit Control Act of 1985: Pro-*
18 *vided further, That the amount designated under this head-*
19 *ing as an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985 shall be available only if the*
22 *President subsequently so designates such amount and*
23 *transmits such designation to the Congress.*

1 **SEC. 1701. BUDGETARY EFFECTS.**

2 (a) *STATUTORY PAYGO SCORECARDS.*—*The budg-*
 3 *etary effects of this division shall not be entered on either*
 4 *PAYGO scorecard maintained pursuant to section 4(d) of*
 5 *the Statutory Pay As-You-Go Act of 2010.*

6 (b) *SENATE PAYGO SCORECARDS.*—*The budgetary ef-*
 7 *fects of this division shall not be entered on any PAYGO*
 8 *scorecard maintained for purposes of section 4106 of H.*
 9 *Con. Res. 71 (115th Congress).*

10 (c) *CLASSIFICATION OF BUDGETARY EFFECTS.*—*Not-*
 11 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
 12 *set forth in the joint explanatory statement of the committee*
 13 *of conference accompanying Conference Report 105–217*
 14 *and section 250(c)(7) and (c)(8) of the Balanced Budget*
 15 *and Emergency Deficit Control Act of 1985, the budgetary*
 16 *effects of this division shall be estimated for purposes of sec-*
 17 *tion 251 of such Act.*

18 *This division may be cited as the “Supplemental Ap-*
 19 *propriations for Disaster Relief Act, 2018”.*

20 ***DIVISION J—MARITIME***
 21 ***SECURITY***

22 **SEC. 1801. SHORT TITLE.**

23 *This division may be cited as the “Maritime Security*
 24 *Improvement Act of 2018”.*

25 **SEC. 1802. DEFINITIONS.**

26 *In this division:*

1 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 *The term “appropriate committees of Congress”*
3 *means—*

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate;*

6 (B) *the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate;*

8 (C) *the Committee on Homeland Security of*
9 *the House of Representatives; and*

10 (D) *the Committee on Transportation and*
11 *Infrastructure of the House of Representatives.*

12 (2) *TSA.*—*The term “TSA” means the Trans-*
13 *portation Security Administration.*

14 **SEC. 1803. COORDINATION WITH TSA ON MARITIME FACILI-**
15 **TIES.**

16 *The Secretary of Homeland Security shall—*

17 (1) *provide the Administrator of the TSA with*
18 *updates to vulnerability assessments required under*
19 *section 70102(b)(3) of title 46, United States Code, to*
20 *avoid any duplication of effort between the Coast*
21 *Guard and the TSA; and*

22 (2) *identify any security gaps between authori-*
23 *ties of operating entities within the Department of*
24 *Homeland Security that a threat could exploit to*

1 *cause a transportation security incident (as defined*
2 *in section 70101 of title 46, United States Code).*

3 **SEC. 1804. STRATEGIC PLAN TO ENHANCE THE SECURITY**
4 **OF THE INTERNATIONAL SUPPLY CHAIN.**

5 *Section 201 of the Security and Accountability for*
6 *Every Port Act of 2006 (6 U.S.C. 941) is amended—*

7 (1) *in subsection (a), by striking “as appro-*
8 *priate” and inserting “triennially”; and*

9 (2) *in subsection (g)—*

10 (A) *in the heading, by striking “REPORT”*
11 *and inserting “REPORTS”; and*

12 (B) *by amending paragraph (2) to read as*
13 *follows:*

14 “(2) *UPDATES.—Not later than 270 days after*
15 *the date of enactment of the Maritime Security Im-*
16 *provement Act of 2018 and triennially thereafter, the*
17 *Secretary shall submit to the appropriate congres-*
18 *sional committees a report that contains any updates*
19 *to the strategic plan under subsection (a) since the*
20 *prior report.”.*

21 **SEC. 1805. CYBERSECURITY INFORMATION SHARING AND**
22 **COORDINATION IN PORTS.**

23 (a) *MARITIME CYBERSECURITY RISK ASSESSMENT*
24 *MODEL.—The Secretary of Homeland Security, through the*
25 *Commandant of the Coast Guard and the Under Secretary*

1 *responsible for overseeing the critical infrastructure protec-*
2 *tion, cybersecurity, and other related programs of the De-*
3 *partment of Homeland Security, shall—*

4 (1) *not later than 1 year after the date of enact-*
5 *ment of this Act, coordinate with the National Mari-*
6 *time Security Advisory Committee, the Area Mari-*
7 *time Security Advisory Committees, and other mari-*
8 *time stakeholders, as necessary, to develop and imple-*
9 *ment a maritime cybersecurity risk assessment model,*
10 *consistent with the activities described in section 2(e)*
11 *of the National Institute of Standards and Technology*
12 *Act (15 U.S.C. 272(e)), to evaluate current and future*
13 *cybersecurity risks that have the potential to affect the*
14 *marine transportation system or that would cause a*
15 *transportation security incident (as defined in section*
16 *70101 of title 46, United States Code) in ports; and*

17 (2) *not less than biennially thereafter, evaluate*
18 *the effectiveness of the cybersecurity risk assessment*
19 *model established under paragraph (1).*

20 (b) *PORT SECURITY; DEFINITIONS.—Section 70101 of*
21 *title 46, United States Code, is amended—*

22 (1) *by redesignating paragraphs (2) through (6)*
23 *as paragraphs (3) through (7), respectively; and*

24 (2) *by inserting after paragraph (1) the fol-*
25 *lowing:*

1 “(2) *The term ‘cybersecurity risk’ has the mean-*
2 *ing given the term in section 227 of the Homeland*
3 *Security Act of 2002 (6 U.S.C. 148).’.*”

4 *(c) NATIONAL MARITIME SECURITY ADVISORY COM-*
5 *MITTEE.—*

6 (1) *FUNCTIONS.—Section 70112(a)(1)(A) of title*
7 *46, United States Code, is amended by inserting be-*
8 *fore the semicolon the following: ‘, including on en-*
9 *hancing the sharing of information related to cyberse-*
10 *curity risks that may cause a transportation security*
11 *incident, between relevant Federal agencies and—*

12 “(i) *State, local, and tribal govern-*
13 *ments;*

14 “(ii) *relevant public safety and emer-*
15 *gency response agencies;*

16 “(iii) *relevant law enforcement and se-*
17 *curity organizations;*

18 “(iv) *maritime industry;*

19 “(v) *port owners and operators; and*

20 “(vi) *terminal owners and operators;’.*”

21 (2) *INFORMATION SHARING.—The Commandant*
22 *of the Coast Guard and the Under Secretary respon-*
23 *sible for overseeing the critical infrastructure protec-*
24 *tion, cybersecurity, and other related programs of the*
25 *Department of Homeland Security shall—*

1 (A) ensure there is a process for each Area
2 Maritime Security Advisory Committee estab-
3 lished under section 70112 of title 46, United
4 States Code—

5 (i) to facilitate the sharing of informa-
6 tion related to cybersecurity risks that may
7 cause transportation security incidents;

8 (ii) to timely report transportation se-
9 curity incidents to the national level; and

10 (iii) to disseminate such reports across
11 the entire maritime transportation system
12 via the National Cybersecurity and Com-
13 munications Integration Center; and

14 (B) issue voluntary guidance for the man-
15 agement of such cybersecurity risks in each Area
16 Maritime Transportation Security Plan and fa-
17 cility security plan required under section 70103
18 of title 46, United States Code, approved after
19 the date that the cybersecurity risk assessment
20 model is developed under subsection (a) of this
21 section.

22 (d) *VULNERABILITY ASSESSMENTS AND SECURITY*

23 *PLANS.*—

1 (1) *FACILITY AND VESSEL ASSESSMENTS*.—*Sec-*
2 *tion 70102(b)(1) of title 46, United States Code, is*
3 *amended—*

4 (A) *in the matter preceding subparagraph*
5 (A), *by striking “and by not later than December*
6 31, 2004”; and

7 (B) *in subparagraph (C), by inserting “se-*
8 *curity against cybersecurity risks,” after “phys-*
9 *ical security,”.*

10 (2) *MARITIME TRANSPORTATION SECURITY*
11 *PLANS*.—*Section 70103 of title 46, United States*
12 *Code, is amended—*

13 (A) *in subsection (a)(1), by striking “Not*
14 *later than April 1, 2005, the” and inserting*
15 *“The”;*

16 (B) *in subsection (a)(2), by adding at the*
17 *end the following:*

18 “(K) *A plan to detect, respond to, and re-*
19 *cover from cybersecurity risks that may cause*
20 *transportation security incidents.”;*

21 (C) *in subsection (b)(2)—*

22 (i) *in subparagraph (G)(ii), by strik-*
23 *ing “; and” and inserting a semicolon;*

24 (ii) *by redesignating subparagraph*
25 (H) *as subparagraph (I); and*

1 (iii) by inserting after subparagraph
2 (G) the following:

3 “(H) include a plan for detecting, respond-
4 ing to, and recovering from cybersecurity risks
5 that may cause transportation security inci-
6 dents; and”;

7 (D) in subsection (c)(3)(C)—

8 (i) in clause (iv), by striking “; and”
9 and inserting a semicolon;

10 (ii) by redesignating clause (v) as
11 clause (vi); and

12 (iii) by inserting after clause (iv) the
13 following:

14 “(v) detecting, responding to, and re-
15 covering from cybersecurity risks that may
16 cause transportation security incidents;
17 and”.

18 (3) *APPLICABILITY.*—The amendments made by
19 this subsection shall apply to assessments or security
20 plans, or updates to such assessments or plans, sub-
21 mitted after the date that the cybersecurity risk as-
22 sessment model is developed under subsection (a).

23 (e) *BRIEF TO CONGRESS.*—Not later than 1 year after
24 the date of enactment of this Act, the Commandant of the
25 Coast Guard and the Under Secretary responsible for over-

1 *seeing the critical infrastructure protection, cybersecurity,*
2 *and other related programs of the Department of Homeland*
3 *Security shall provide to the appropriate committees of*
4 *Congress a briefing on how the Coast Guard will assist in*
5 *security and response in the port environment when a*
6 *cyber-caused transportation security incident occurs, to in-*
7 *clude the use of cyber protection teams.*

8 **SEC. 1806. FACILITY INSPECTION INTERVALS.**

9 *Section 70103(c)(4)(D) of title 46, United States Code,*
10 *is amended to read as follows:*

11 *“(D) subject to the availability of appro-*
12 *priations, periodically, but not less than one*
13 *time per year, conduct a risk-based, no notice fa-*
14 *cility inspection to verify the effectiveness of each*
15 *such facility security plan.”.*

16 **SEC. 1807. UPDATES OF MARITIME OPERATIONS COORDINA-**
17 **TION PLAN .**

18 *(a) IN GENERAL.—Subtitle C of title IV of the Home-*
19 *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*
20 *by adding at the end the following:*

21 **“SEC. 435. MARITIME OPERATIONS COORDINATION PLAN.**

22 *“(a) IN GENERAL.—Not later than 180 days after the*
23 *date of enactment of the Maritime Security Improvement*
24 *Act of 2018, and biennially thereafter, the Secretary shall—*

1 “(1) update the *Maritime Operations Coordina-*
2 *tion Plan*, published by the Department on July 7,
3 2011, to strengthen coordination, planning, informa-
4 tion sharing, and intelligence integration for mari-
5 time operations of components and offices of the De-
6 partment with responsibility for maritime security
7 missions; and

8 “(2) submit each update to the Committee on
9 Commerce, Science, and Transportation and the Com-
10 mittee on Homeland Security and Governmental Af-
11 fairs of the Senate and the Committee on Transpor-
12 tation and Infrastructure and the Committee on
13 Homeland Security of the House of Representatives.

14 “(b) *CONTENTS*.—Each update shall address the fol-
15 lowing:

16 “(1) Coordinating the planning, integration of
17 maritime operations, and development of joint mari-
18 time domain awareness efforts of any component or
19 office of the Department with responsibility for mari-
20 time security missions.

21 “(2) Maintaining effective information sharing
22 and, as appropriate, intelligence integration, with
23 Federal, State, and local officials and the private sec-
24 tor, regarding threats to maritime security.

1 “(3) *Cooperating and coordinating with Federal*
2 *departments and agencies, and State and local agen-*
3 *cies, in the maritime environment, in support of mar-*
4 *itime security missions.*”

5 “(4) *Highlighting the work completed within the*
6 *context of other national and Department maritime*
7 *security strategic guidance and how that work fits*
8 *with the Maritime Operations Coordination Plan.*”.

9 (b) *TABLE OF CONTENTS.*—*The table of contents in*
10 *section 1(b) of the Homeland Security Act of 2002 (Public*
11 *Law 107–296; 116 Stat. 2136) is amended by adding after*
12 *the item relating to section 434 the following:*

 “435. *Maritime operations coordination plan.*”.

13 **SEC. 1808. EVALUATION OF COAST GUARD DEPLOYABLE**
14 **SPECIALIZED FORCES.**

15 (a) *IN GENERAL.*—*Not later than 1 year after the date*
16 *of enactment of this Act, the Comptroller General of the*
17 *United States shall submit to the Committee on Commerce,*
18 *Science, and Transportation and the Committee on Home-*
19 *land Security and Governmental Affairs of the Senate and*
20 *the Committee on Transportation and Infrastructure and*
21 *the Committee on Homeland Security of the House of Rep-*
22 *resentatives a report on the state of the Coast Guard’s*
23 *Deployable Specialized Forces (referred to in this section*
24 *as DSF).*

1 (b) *CONTENTS.*—*The report shall include, at a min-*
2 *imum, the following:*

3 (1) *For each of the past 3 fiscal years, and for*
4 *each type of DSF, the following:*

5 (A) *A cost analysis, including training, op-*
6 *erating, and travel costs.*

7 (B) *The number of personnel assigned.*

8 (C) *The total number of units.*

9 (D) *The total number of operations con-*
10 *ducted.*

11 (E) *The number of operations requested by*
12 *each of the following:*

13 (i) *Coast Guard.*

14 (ii) *Other components or offices of the*
15 *Department of Homeland Security.*

16 (iii) *Other Federal departments or*
17 *agencies.*

18 (iv) *State agencies.*

19 (v) *Local agencies.*

20 (F) *The number of operations fulfilled in*
21 *support of each entity described in clauses (i)*
22 *through (v) of subparagraph (E).*

23 (2) *An examination of alternative distributions*
24 *of deployable specialized forces, including the feasi-*
25 *bility, cost (including cost savings), and impact on*

1 *mission capability of such distributions, including at*
2 *a minimum the following:*

3 (A) *Combining deployable specialized forces,*
4 *primarily focused on counterdrug operations,*
5 *under one centralized command.*

6 (B) *Distributing counter-terrorism and*
7 *anti-terrorism capabilities to deployable special-*
8 *ized forces in each major United States port.*

9 (c) *DEFINITION OF DEPLOYABLE SPECIALIZED*
10 *FORCES OR DSF.—In this section, the term “deployable*
11 *specialized forces” or “DSF” means the deployable special-*
12 *ized forces established under section 70106 of title 46,*
13 *United States Code.*

14 **SEC. 1809. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
15 **TERS FOR PORT SECURITY AND SECURE SYS-**
16 **TEMS OF TRANSPORTATION.**

17 (a) *INTERAGENCY OPERATIONAL CENTERS FOR PORT*
18 *SECURITY.—*

19 (1) *REPEAL.—Section 70107A of title 46, United*
20 *States Code, is repealed.*

21 (2) *SAVINGS CLAUSE.—A repeal made by this*
22 *subsection shall not affect an interagency operational*
23 *center established before the date of enactment of this*
24 *Act.*

1 (3) *NOTICE TO CONGRESS.*—*The Secretary of*
2 *Homeland Security shall notify the Committee on*
3 *Commerce, Science, and Transportation of the Senate*
4 *and the Committee on Homeland Security and the*
5 *Committee on Transportation and Infrastructure of*
6 *the House of Representatives at least 1 year before*
7 *ceasing operations of any interagency operational*
8 *center established before the date of enactment of the*
9 *Security and Accountability for Every Port Act of*
10 *2006 (Public Law 109–347; 120 Stat. 1884).*

11 (b) *SECURE SYSTEMS OF TRANSPORTATION.*—*Section*
12 *70116 of title 46, United States Code, is repealed.*

13 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

14 (1) *TABLE OF CONTENTS.*—*The table of contents*
15 *for chapter 701 of title 46, United States Code, is*
16 *amended by striking the items relating to sections*
17 *70107A and 70116.*

18 (2) *REPORT REQUIREMENT.*—*Section 108 of the*
19 *Security and Accountability for Every Port Act of*
20 *2006 (Public Law 109–347; 120 Stat. 1893) is*
21 *amended by striking subsection (b) (46 U.S.C.*
22 *70107A note) and inserting the following:*
23 *“(b) [Reserved].”*

1 **SEC. 1810. DUPLICATION OF EFFORTS IN THE MARITIME**
2 **DOMAIN.**

3 (a) *GAO ANALYSIS.*—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller General of
5 the United States shall—

6 (1) *conduct an analysis of all operations in the*
7 *applicable location of—*

8 (A) *the Air and Marine Operations of the*
9 *U.S. Customs and Border Protection; and*

10 (B) *any other agency of the Department of*
11 *Homeland Security that operates air and ma-*
12 *rine assets;*

13 (2) *in conducting the analysis under paragraph*
14 *(1)—*

15 (A) *examine the extent to which the Air and*
16 *Marine Operations is synchronizing and*
17 *deconflicting any duplicative flight hours or pa-*
18 *trols with the agencies described in paragraph*
19 *(1)(B); and*

20 (B) *include a sector-by-sector analysis of*
21 *any potential costs savings or other benefits that*
22 *would be derived through greater coordination of*
23 *flight hours and patrols; and*

24 (3) *submit to the Secretary of Homeland Secu-*
25 *rity and the appropriate committees of Congress a re-*
26 *port on the analysis, including any recommendations.*

1 **(b) DHS REPORT.**—Not later than 180 days after the
2 date the report is submitted under subsection (a)(3), the
3 Secretary of Homeland Security shall submit to the appro-
4 priate committees of Congress a report on what actions the
5 Secretary plans to take in response to the findings of the
6 analysis and recommendations of the Comptroller General.

7 **(c) DEFINITION OF APPLICABLE LOCATION.**—In this
8 section, the term “applicable location” means any location
9 in which the Air and Marine Operations of the U.S. Cus-
10 toms and Border Protection is based within 45 miles of a
11 location in which any other agency of the Department of
12 Homeland Security also operates air and marine assets.

13 **SEC. 1811. MARITIME SECURITY CAPABILITIES ASSESS-**
14 **MENTS.**

15 **(a) IN GENERAL.**—Subtitle C of title IV of the Home-
16 land Security Act of 2002 (6 U.S.C. 231 et seq.), as amend-
17 ed by section 1807 of this Act, is further amended by adding
18 at the end the following:

19 **“SEC. 436. MARITIME SECURITY CAPABILITIES ASSESS-**
20 **MENTS.**

21 “Not later than 180 days after the date of enactment
22 of the Maritime Security Improvement Act of 2018, and
23 annually thereafter, the Secretary shall submit to the Com-
24 mittee on Commerce, Science, and Transportation and the
25 Committee on Homeland Security and Governmental Af-

1 *fairs of the Senate and the Committee on Transportation*
 2 *and Infrastructure and the Committee on Homeland Secu-*
 3 *3 rity of the House of Representatives, an assessment of the*
 4 *number and type of maritime assets and the number of per-*
 5 *5 sonnel required to increase the Department’s maritime re-*
 6 *6 sponse rate pursuant to section 1092 of the National De-*
 7 *7 fense Authorization Act for Fiscal Year 2017 (6 U.S.C.*
 8 *8 223).”.*

9 (b) *TABLE OF CONTENTS.—The table of contents in*
 10 *section 1(b) of the Homeland Security Act of 2002 (Public*
 11 *11 Law 107–296; 116 Stat. 2136), as amended by section 1807*
 12 *of this Act, is further amended by adding after the item*
 13 *relating to section 435 the following:*

“436. *Maritime security capabilities assessments.*”.

14 **SEC. 1812. CONTAINER SECURITY INITIATIVE.**

15 *Section 205(l) of the Security and Accountability for*
 16 *Every Port Act of 2006 (6 U.S.C. 945) is amended—*

17 (1) *by striking paragraph (2); and*

18 (2) *in paragraph (1)—*

19 (A) *by striking “(1) IN GENERAL.—Not*
 20 *later than September 30, 2007,” and inserting*
 21 *“Not later than 270 days after the date of enact-*
 22 *ment of the Maritime Security Improvement Act*
 23 *of 2018,”; and*

1 (B) by redesignating subparagraphs (A)
2 through (H) as paragraphs (1) through (8), re-
3 spectively.

4 **SEC. 1813. MARITIME BORDER SECURITY REVIEW.**

5 (a) *DEFINITIONS.*—*In this section:*

6 (1) *MARITIME BORDER.*—*The term “maritime*
7 *border” means—*

8 (A) *the transit zone; and*

9 (B) *the borders and territorial waters of*
10 *Puerto Rico and the United States Virgin Is-*
11 *lands.*

12 (2) *TRANSIT ZONE.*—*The term “transit zone”*
13 *has the meaning given the term in section 1092(a) of*
14 *the National Defense Authorization Act for Fiscal*
15 *Year 2017 (6 U.S.C. 223(a)).*

16 (b) *MARITIME BORDER THREAT ANALYSIS.*—

17 (1) *IN GENERAL.*—*Not later than 180 days after*
18 *the date of enactment of this Act, the Secretary of*
19 *Homeland Security shall submit to the appropriate*
20 *committees of Congress a maritime border threat*
21 *analysis that includes an identification and descrip-*
22 *tion of the following:*

23 (A) *Current and potential threats posed by*
24 *the individuals and groups seeking to—*

1 (i) enter the United States through the
2 maritime border; or

3 (ii) exploit border vulnerabilities on
4 the maritime border.

5 (B) Improvements needed at United States
6 sea ports—

7 (i) to prevent terrorists and instru-
8 ments of terror from entering the United
9 States; and

10 (ii) to reduce criminal activity, as
11 measured by the total flow of illegal goods
12 and illicit drugs, related to the maritime
13 border.

14 (C) Improvements needed with respect to the
15 maritime border—

16 (i) to prevent terrorists and instru-
17 ments of terror from entering the United
18 States; and

19 (ii) reduce criminal activity related to
20 the maritime border.

21 (D) Vulnerabilities in law, policy, coopera-
22 tion between State, territorial, and local law en-
23 forcement, or international agreements that
24 hinder effective and efficient border security,
25 counterterrorism, anti-human trafficking efforts,

1 *and the flow of legitimate trade with respect to*
2 *the maritime border.*

3 *(E) Metrics and performance parameters*
4 *used by the Department of Homeland Security to*
5 *evaluate maritime security effectiveness, as ap-*
6 *propriate.*

7 (2) *ANALYSIS REQUIREMENTS.—In preparing*
8 *the threat analysis under subsection (a), the Secretary*
9 *of Homeland Security shall consider the following:*

10 *(A) Technology needs and challenges.*

11 *(B) Personnel needs and challenges.*

12 *(C) The role of State, territorial, and local*
13 *law enforcement in maritime border security ac-*
14 *tivities.*

15 *(D) The need for cooperation among Fed-*
16 *eral, State, territorial, local, and appropriate*
17 *international law enforcement entities relating to*
18 *maritime border security.*

19 *(E) The geographic challenges of the mari-*
20 *time border.*

21 *(F) The impact of Hurricanes Harvey,*
22 *Irma, Maria, and Nate on general border secu-*
23 *rity activities with respect to the maritime bor-*
24 *der.*

25 (3) *CLASSIFIED THREAT ANALYSIS.—*

1 (A) *IN GENERAL.*—*To the extent possible,*
2 *the Secretary of Homeland Security shall submit*
3 *the threat analysis under subsection (a) in un-*
4 *classified form.*

5 (B) *CLASSIFIED.*—*The Secretary may sub-*
6 *mit a portion of the threat analysis in classified*
7 *form if the Secretary determines that such form*
8 *is appropriate for such portion.*

9 **SEC. 1814. MARITIME BORDER SECURITY COOPERATION.**

10 *The Secretary of the department in which the Coast*
11 *Guard is operating shall, in accordance with law—*

12 (1) *partner with other Federal, State, and local*
13 *government agencies to leverage existing technology,*
14 *including existing sensor and camera systems and*
15 *other sensors, in place along the maritime border to*
16 *facilitate monitoring of high-risk maritime borders,*
17 *as determined by the Secretary; and*

18 (2) *subject to the availability of appropriations,*
19 *enter into such agreements as the Secretary considers*
20 *necessary to ensure the monitoring described in para-*
21 *graph (1).*

22 **SEC. 1815. TRANSPORTATION WORKER IDENTIFICATION**
23 **CREDENTIAL APPEALS PROCESS.**

24 *Not later than 90 days after the date of enactment of*
25 *this Act, the Secretary of Homeland Security shall transmit*

1 to the appropriate committees of Congress a report on the
2 following:

3 (1) The average completion time of an appeal
4 under the appeals process established under section
5 70105(c)(4) of title 46, United States Code.

6 (2) The most common reasons for any delays at
7 each step in such process.

8 (3) Recommendations on how to resolve any such
9 delays as expeditiously as possible.

10 **SEC. 1816. TECHNICAL AND CONFORMING AMENDMENTS.**

11 (a) *STUDY TO IDENTIFY REDUNDANT BACKGROUND*
12 *RECORDS CHECKS.*—Section 105 of the Security and Ac-
13 countability for Every Port Act of 2006 (Public Law 109-
14 347; 120 Stat. 1891) and the item relating to that section
15 in the table of contents for that Act are repealed.

16 (b) *DOMESTIC RADIATION DETECTION AND IMAG-*
17 *ING.*—Section 121 of the Security and Accountability for
18 Every Port Act of 2006 (6 U.S.C. 921) is amended—

19 (1) by striking subsections (c), (d), and (e);

20 (2) by redesignating subsections (f), (g), (h), and
21 (i) as subsections (c), (d), (e), and (f), respectively;
22 and

23 (3) in subsection (e)(1)(B), as redesignated, by
24 striking “(and updating, if any, of that strategy
25 under subsection (c))”.

1 (c) *INSPECTION OF CAR FERRIES ENTERING FROM*
2 *ABROAD.*—Section 122 of the Security and Accountability
3 *for Every Port Act of 2006 (6 U.S.C. 922) and the item*
4 *relating to that section in the table of contents for that Act*
5 *are repealed.*

6 (d) *REPORT ON ARRIVAL AND DEPARTURE MANIFEST*
7 *FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED*
8 *STATES VIRGIN ISLANDS.*—Section 127 of the Security and
9 *Accountability for Every Port Act of 2006 (120 Stat. 1900)*
10 *and the item relating to that section in the table of contents*
11 *for that Act are repealed.*

12 (e) *INTERNATIONAL COOPERATION AND COORDINA-*
13 *TION.*—

14 (1) *IN GENERAL.*—Section 233 of the Security
15 *and Accountability for Every Port Act of 2006 (6*
16 *U.S.C. 983) is amended to read as follows:*

17 **“SEC. 233. INSPECTION TECHNOLOGY AND TRAINING.**

18 “(a) *IN GENERAL.*—The Secretary, in coordination
19 *with the Secretary of State, the Secretary of Energy, and*
20 *appropriate representatives of other Federal agencies, may*
21 *provide technical assistance, equipment, and training to fa-*
22 *cilitate the implementation of supply chain security meas-*
23 *ures at ports designated under the Container Security Ini-*
24 *tiative.*

1 “(b) *ACQUISITION AND TRAINING.*—Unless otherwise
2 *prohibited by law, the Secretary may—*

3 “(1) *lease, loan, provide, or otherwise assist in*
4 *the deployment of nonintrusive inspection and radi-*
5 *ation detection equipment at foreign land and sea*
6 *ports under such terms and conditions as the Sec-*
7 *retary prescribes, including nonreimbursable loans or*
8 *the transfer of ownership of equipment; and*

9 “(2) *provide training and technical assistance*
10 *for domestic or foreign personnel responsible for oper-*
11 *ating or maintaining such equipment.”.*

12 “(2) *TABLE OF CONTENTS.*—The table of contents
13 *in section 1(b) of the Security and Accountability for*
14 *Every Port Act of 2006 (Public Law 109–347; 120*
15 *Stat. 1884) is amended by amending the item relat-*
16 *ing to section 233 to read as follows:*

“Sec. 233. *Inspection technology and training.*”.

17 “(f) *PILOT PROGRAM TO IMPROVE THE SECURITY OF*
18 *EMPTY CONTAINERS.*—Section 235 of the Security and Ac-
19 *countability for Every Port Act of 2006 (6 U.S.C. 984) and*
20 *the item relating to that section in the table of contents for*
21 *that Act are repealed.*

22 “(g) *SECURITY PLAN FOR ESSENTIAL AIR SERVICE AND*
23 *SMALL COMMUNITY AIRPORTS.*—Section 701 of the Secu-
24 *rity and Accountability for Every Port Act of 2006 (Public*

1 *Law 109–347; 120 Stat. 1943) and the item relating to that*
 2 *section in the table of contents for that Act are repealed.*

3 *(h) AIRCRAFT CHARTER CUSTOMER AND LESSEE*
 4 *PRESCREENING PROGRAM.—Section 708 of the Security*
 5 *and Accountability for Every Port Act of 2006 (Public Law*
 6 *109–347; 120 Stat. 1947) and the item relating to that sec-*
 7 *tion in the table of contents for that Act are repealed.*

8 ***DIVISION K—TRANSPORTATION***
 9 ***SECURITY***

10 ***TITLE I—TRANSPORTATION***
 11 ***SECURITY***

12 ***SEC. 1901. SHORT TITLE; REFERENCES.***

13 *(a) SHORT TITLE.—This title may be cited as the*
 14 *“TSA Modernization Act”.*

15 *(b) REFERENCES TO TITLE 49, UNITED STATES*
 16 *CODE.—Except as otherwise expressly provided, wherever*
 17 *in this title an amendment or repeal is expressed in terms*
 18 *of an amendment to, or repeal of, a section or other provi-*
 19 *sion, the reference shall be considered to be made to a section*
 20 *or other provision of title 49, United States Code.*

21 ***SEC. 1902. DEFINITIONS.***

22 *In this title:*

23 *(1) ADMINISTRATOR.—The term “Adminis-*
 24 *trator” means the Administrator of the TSA.*

1 (2) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 The term “appropriate committees of Congress”
3 means—

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate;*

6 (B) *the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate; and*

8 (C) *the Committee on Homeland Security of*
9 *the House of Representatives.*

10 (3) *ASAC.*—*The term “ASAC” means the Avia-*
11 *tion Security Advisory Committee established under*
12 *section 44946 of title 49, United States Code.*

13 (4) *DEPARTMENT.*—*The term “Department”*
14 *means the Department of Homeland Security.*

15 (5) *EXPLOSIVE DETECTION CANINE TEAM.*—*The*
16 *term “explosives detection canine team” means a ca-*
17 *nine and a canine handler that are trained to detect*
18 *explosives and other threats as defined by the Sec-*
19 *retary.*

20 (6) *SECRETARY.*—*The term “Secretary” means*
21 *the Secretary of Homeland Security.*

22 (7) *TSA.*—*The term “TSA” means the Trans-*
23 *portation Security Administration.*

1 ***Subtitle A—Organization and***
 2 ***Authorizations***

3 ***SEC. 1903. AUTHORIZATION OF APPROPRIATIONS.***

4 *Section 114(w) is amended to read as follows:*

5 “(w) *AUTHORIZATION OF APPROPRIATIONS.—There*
 6 *are authorized to be appropriated to the Transportation Se-*
 7 *curity Administration for salaries, operations, and mainte-*
 8 *nance of the Administration—*

9 “(1) \$7,849,247,000 for fiscal year 2019;

10 “(2) \$7,888,494,000 for fiscal year 2020; and

11 “(3) \$7,917,936,000 for fiscal year 2021.”.

12 ***SEC. 1904. ADMINISTRATOR OF THE TRANSPORTATION SE-***
 13 ***CURITY ADMINISTRATION; 5-YEAR TERM.***

14 *(a) IN GENERAL.—Section 114, as amended by section*
 15 *1903 of this Act, is further amended—*

16 (1) *in subsection (a), by striking “Department of*
 17 *Transportation” and inserting “Department of*
 18 *Homeland Security”;*

19 (2) *by amending subsection (b) to read as fol-*
 20 *lows:*

21 “(b) *LEADERSHIP.—*

22 “(1) *HEAD OF TRANSPORTATION SECURITY AD-*
 23 *MINISTRATION.—*

24 “(A) *APPOINTMENT.—The head of the Ad-*
 25 *ministration shall be the Administrator of the*

1 *Transportation Security Administration (re-*
2 *ferred to in this section as the ‘Administrator’).*
3 *The Administrator shall be appointed by the*
4 *President, by and with the advice and consent of*
5 *the Senate.*

6 “(B) *QUALIFICATIONS.—The Administrator*
7 *must—*

8 “(i) *be a citizen of the United States;*
9 *and*

10 “(ii) *have experience in a field directly*
11 *related to transportation or security.*

12 “(C) *TERM.—Effective with respect to any*
13 *individual appointment by the President, by and*
14 *with the advice and consent of the Senate, after*
15 *the date of enactment of the TSA Modernization*
16 *Act, the term of office of an individual appointed*
17 *as the Administrator shall be 5 years. The term*
18 *of office of an individual serving as the Adminis-*
19 *trator on the date of enactment of the TSA Mod-*
20 *ernization Act shall be 5 years beginning on the*
21 *date that the Administrator began serving.*

22 “(2) *DEPUTY ADMINISTRATOR.—*

23 “(A) *APPOINTMENT.—There is established*
24 *in the Transportation Security Administration a*
25 *Deputy Administrator, who shall assist the Ad-*

1 *administrator in the management of the Transpor-*
2 *tation Security Administration. The Deputy Ad-*
3 *ministrator shall be appointed by the President.*

4 “(B) *VACANCY.—The Deputy Administrator*
5 *shall be Acting Administrator during the absence*
6 *or incapacity of the Administrator or during a*
7 *vacancy in the office of Administrator.*

8 “(C) *QUALIFICATIONS.—The Deputy Ad-*
9 *ministrator must—*

10 “(i) *be a citizen of the United States;*

11 *and*

12 “(ii) *have experience in a field directly*
13 *related to transportation or security.*

14 “(3) *CHIEF COUNSEL.—*

15 “(A) *APPOINTMENT.—There is established*
16 *in the Transportation Security Administration a*
17 *Chief Counsel, who shall advise the Adminis-*
18 *trator and other senior officials on all legal mat-*
19 *ters relating to the responsibilities, functions,*
20 *and management of the Transportation Security*
21 *Administration.*

22 “(B) *QUALIFICATIONS.—The Chief Counsel*
23 *must be a citizen of the United States.”; and*

1 (3) *in subsections (c) through (n), (p), (q), and*
2 *(r), by striking “Under Secretary” each place it ap-*
3 *pears and inserting “Administrator”.*

4 **(b) TECHNICAL AND CONFORMING AMENDMENTS.—**

5 **(1) IN GENERAL.—***Section 114, as amended by*
6 *subsection (a) of this section, is further amended—*

7 **(A) in subsection (g)—**

8 **(i) in paragraph (1)—**

9 **(I) in the matter preceding sub-**
10 *paragraph (A), by striking “Subject to*
11 *the direction and control of the Sec-*
12 *retary” and inserting “Subject to the*
13 *direction and control of the Secretary*
14 *of Homeland Security”; and*

15 **(II) in subparagraph (D), by in-**
16 *serting “of Homeland Security” after*
17 *“Secretary”; and*

18 **(ii) in paragraph (3), by inserting “of**
19 *Homeland Security” after “Secretary”;*

20 **(B) in subsection (j)(1)(D), by inserting “of**
21 *Homeland Security” after “Secretary”;*

22 **(C) in subsection (k), by striking “functions**
23 *transferred, on or after the date of enactment of*
24 *the Aviation and Transportation Security Act,”*
25 *and inserting “functions assigned”;*

1 (D) in subsection (l)(4)(B), by striking “Ad-
2 ministrator under subparagraph (A)” and in-
3 serting “Administrator of the Federal Aviation
4 Administration under subparagraph (A)”;

5 (E) in subsection (n), by striking “Depart-
6 ment of Transportation” and inserting “Depart-
7 ment of Homeland Security”;

8 (F) in subsection (o), by striking “Depart-
9 ment of Transportation” and inserting “Depart-
10 ment of Homeland Security”;

11 (G) in subsection (p)(4), by striking “Sec-
12 retary of Transportation” and inserting “Sec-
13 retary of Homeland Security”;

14 (H) in subsection (s)—

15 (i) in paragraph (3)(B), by inserting
16 “)” after “Act of 2007”; and

17 (ii) in paragraph (4)—

18 (I) in the heading, by striking
19 “SUBMISSIONS OF PLANS TO CON-
20 GRESS” and inserting “SUBMISSION OF
21 PLANS”;

22 (II) by striking subparagraph
23 (A);

1 (III) by redesignating subpara-
2 graphs (B) through (E) as subpara-
3 graphs (A) through (D), respectively;

4 (IV) in subparagraph (A), as re-
5 designated—

6 (aa) in the heading, by strik-
7 ing “SUBSEQUENT VERSIONS”
8 and inserting “IN GENERAL”; and

9 (bb) by striking “After De-
10 cember 31, 2015, the” and insert-
11 ing “The”; and

12 (V) in subparagraph
13 (B)(ii)(III)(cc), as redesignated, by
14 striking “for the Department” and in-
15 serting “for the Department of Home-
16 land Security”;

17 (I) by redesignating subsections (u), (v),
18 and (w) as subsections (t), (u), and (v), respec-
19 tively;

20 (J) in subsection (t), as redesignated—

21 (i) in paragraph (1)—

22 (I) by striking subparagraph (D);

23 and

24 (II) by redesignating subpara-
25 graph (E) as subparagraph (D);

1 (ii) in paragraph (2), by inserting “of
2 *Homeland Security*” after “*Plan, the Sec-*
3 *retary*”;

4 (iii) in paragraph (4)(B)—

5 (I) by inserting “of *Homeland Se-*
6 *curity*” after “*agency within the De-*
7 *partment*”; and

8 (II) by inserting “of *Homeland*
9 *Security*” after “*Secretary*”;

10 (iv) by amending paragraph (6) to
11 read as follows:

12 “(6) *ANNUAL REPORT ON PLAN.—The Secretary*
13 *of Homeland Security shall annually submit to the*
14 *appropriate congressional committees a report con-*
15 *taining the Plan.*”; and

16 (v) in paragraphs (7) and (8), by in-
17 serting “of *Homeland Security*” after “*Sec-*
18 *retary*”; and

19 (K) in subsection (u), as redesignated—

20 (i) in paragraph (1)—

21 (I) in subparagraph (B), by in-
22 serting “or the *Administrator*” after
23 “*Secretary of Homeland Security*”;
24 and

1 (ii) in subparagraph (C)(ii), by
2 striking “Secretary’s designee” and in-
3 serting “Secretary of Defense’s des-
4 ignee”;

5 (III) in subparagraphs (B), (C),
6 (D), and (E) of paragraph (3), by in-
7 serting “of Homeland Security” after
8 “Secretary” each place it appears;

9 (ii) in paragraph (4)(A), by inserting
10 “of Homeland Security” after “Secretary”;

11 (iii) in paragraph (5), by inserting “of
12 Homeland Security” after “Secretary”; and

13 (iv) in paragraph (7)—

14 (I) in subparagraph (A), by strik-
15 ing “Not later than December 31,
16 2008, and annually thereafter, the Sec-
17 retary” and inserting “The Secretary
18 of Homeland Security”; and

19 (II) by striking subparagraph
20 (D).

21 (2) CONGRESSIONAL OVERSIGHT OF SECURITY
22 ASSURANCE FOR PUBLIC AND PRIVATE STAKE-
23 HOLDERS.—Section 1203(b)(1)(B) of the Imple-
24 menting Recommendations of the 9/11 Commission
25 Act of 2007 (49 U.S.C. 114 note) is amended by strik-

1 *ing “, under section 114(u)(7) of title 49, United*
2 *States Code, as added by this section, or otherwise,”.*

3 *(c) EXECUTIVE SCHEDULE.—*

4 *(1) ADMINISTRATOR OF THE TSA.—*

5 *(A) POSITIONS AT LEVEL II.—Section 5313*
6 *of title 5, United States Code, is amended by in-*
7 *serting after the item relating to the Under Sec-*
8 *retary of Homeland Security for Management*
9 *the following:*

10 *“Administrator of the Transportation Security Ad-*
11 *ministration.”.*

12 *(B) BONUS ELIGIBILITY.—Section 101(c)(2)*
13 *of the Aviation and Transportation Security Act*
14 *(5 U.S.C. 5313 note) is amended—*

15 *(i) by striking “Under Secretary” and*
16 *inserting “Administrator of the Transpor-*
17 *tation Security Administration”;*

18 *(ii) by striking “on the Secretary’s”*
19 *and inserting “on the Secretary of Home-*
20 *land Security’s”; and*

21 *(iii) by striking “Under Secretary’s”*
22 *and inserting “Administrator’s”.*

23 *(2) DEPUTY ADMINISTRATOR OF THE TSA.—Sec-*
24 *tion 5314 of title 5, United States Code, is amended*
25 *by inserting after the item relating to Deputy Admin-*

1 *istrators, Federal Emergency Management Agency the*
2 *following:*

3 *“Deputy Administrator, Transportation Security Ad-*
4 *ministration.”.*

5 *(3) NONAPPLICABILITY.—The amendment made*
6 *by paragraph (2) of this subsection shall not affect the*
7 *salary of an individual who is performing the duties*
8 *of the Deputy Administrator on the date of enactment*
9 *of this Act, even if that individual is subsequently ap-*
10 *pointed as Deputy Administrator.*

11 **SEC. 1905. TRANSPORTATION SECURITY ADMINISTRATION**
12 **ORGANIZATION.**

13 *Section 114, as amended by sections 1903 and 1904*
14 *of this Act, is further amended by adding at the end the*
15 *following:*

16 *“(w) LEADERSHIP AND ORGANIZATION.—*

17 *“(1) IN GENERAL.—For each of the areas de-*
18 *scribed in paragraph (2), the Administrator of the*
19 *Transportation Security Administration shall ap-*
20 *point at least 1 individual who shall—*

21 *“(A) report directly to the Administrator or*
22 *the Administrator’s designated direct report; and*

23 *“(B) be responsible and accountable for that*
24 *area.*

1 “(2) *AREAS DESCRIBED.*—*The areas described in*
2 *this paragraph are as follows:*

3 “(A) *Aviation security operations and*
4 *training, including risk-based, adaptive secu-*
5 *rity—*

6 “(i) *focused on airport checkpoint and*
7 *baggage screening operations;*

8 “(ii) *workforce training and develop-*
9 *ment programs; and*

10 “(iii) *ensuring compliance with avia-*
11 *tion security law, including regulations,*
12 *and other specialized programs designed to*
13 *secure air transportation.*

14 “(B) *Surface transportation security oper-*
15 *ations and training, including risk-based, adapt-*
16 *ive security—*

17 “(i) *focused on accomplishing security*
18 *systems assessments;*

19 “(ii) *reviewing and prioritizing*
20 *projects for appropriated surface transpor-*
21 *tation security grants;*

22 “(iii) *operator compliance with surface*
23 *transportation security law, including regu-*
24 *lations, and voluntary industry standards;*
25 *and*

1 “(iv) workforce training and develop-
2 ment programs, and other specialized pro-
3 grams designed to secure surface transpor-
4 tation.

5 “(C) Transportation industry engagement
6 and planning, including the development, inter-
7 pretation, promotion, and oversight of a unified
8 effort regarding risk-based, risk-reducing security
9 policies and plans (including strategic planning
10 for future contingencies and security challenges)
11 between government and transportation stake-
12 holders, including airports, domestic and inter-
13 national airlines, general aviation, air cargo,
14 mass transit and passenger rail, freight rail,
15 pipeline, highway and motor carriers, and mari-
16 time.

17 “(D) International strategy and operations,
18 including agency efforts to work with inter-
19 national partners to secure the global transpor-
20 tation network.

21 “(E) Trusted and registered traveler pro-
22 grams, including the management and mar-
23 keting of the agency’s trusted traveler initiatives,
24 including the PreCheck Program, and coordina-
25 tion with trusted traveler programs of other De-

1 *partment of Homeland Security agencies and the*
2 *private sector.*

3 *“(F) Technology acquisition and deploy-*
4 *ment, including the oversight, development, test-*
5 *ing, evaluation, acquisition, deployment, and*
6 *maintenance of security technology and other ac-*
7 *quisition programs.*

8 *“(G) Inspection and compliance, including*
9 *the integrity, efficiency and effectiveness of the*
10 *agency’s workforce, operations, and programs*
11 *through objective audits, covert testing, inspec-*
12 *tions, criminal investigations, and regulatory*
13 *compliance.*

14 *“(H) Civil rights, liberties, and traveler en-*
15 *gagement, including ensuring that agency em-*
16 *ployees and the traveling public are treated in a*
17 *fair and lawful manner consistent with Federal*
18 *laws and regulations protecting privacy and*
19 *prohibiting discrimination and reprisal.*

20 *“(I) Legislative and public affairs, includ-*
21 *ing communication and engagement with inter-*
22 *nal and external audiences in a timely, accurate,*
23 *and transparent manner, and development and*
24 *implementation of strategies within the agency*

1 to achieve congressional approval or authoriza-
2 tion of agency programs and policies.

3 “(3) *NOTIFICATION.*—*The Administrator shall*
4 *submit to the appropriate committees of Congress—*

5 “(A) *not later than 180 days after the date*
6 *of enactment of the TSA Modernization Act, a*
7 *list of the names of the individuals appointed*
8 *under paragraph (1); and*

9 “(B) *an update of the list not later than 5*
10 *days after any new individual is appointed*
11 *under paragraph (1).”.*

12 **SEC. 1906. TRANSPORTATION SECURITY ADMINISTRATION**

13 ***EFFICIENCY.***

14 (a) *EFFICIENCY REVIEW.*—

15 (1) *IN GENERAL.*—*Not later than 270 days after*
16 *the date of enactment of this Act, the Administrator*
17 *shall complete a comprehensive, agency-wide effi-*
18 *ciency review of the TSA to identify and effectuate*
19 *pending reductions and administrative savings that*
20 *can be achieved by the streamlining or restructuring*
21 *of TSA divisions.*

22 (2) *REQUIREMENTS.*—*In carrying out the review*
23 *under paragraph (1), the Administrator shall con-*
24 *sider the following:*

1 (A) *Eliminating unnecessarily duplicative*
2 *or overlapping programs and initiatives.*

3 (B) *Eliminating unnecessary or obsolete*
4 *rules, regulations, directives, or procedures.*

5 (C) *Reducing overall operating expenses of*
6 *the TSA, including costs associated with the*
7 *number of personnel, as a direct result of effi-*
8 *ciencies gained through the implementation of*
9 *risk-based screening or through any other means*
10 *as determined appropriate by the Administrator*
11 *in accordance with this section.*

12 (D) *Reducing, by 20 percent, the number of*
13 *positions at the Senior Executive Service level at*
14 *the TSA as calculated on the date of enactment*
15 *of this Act.*

16 (E) *Such other matters the Administrator*
17 *considers appropriate.*

18 (b) *REPORT TO CONGRESS.—Not later than 30 days*
19 *after the date the efficiency review under subsection (a) is*
20 *complete, the Administrator shall submit to the appropriate*
21 *committees of Congress a report on the findings, including*
22 *a description of any cost savings expected to be achieved*
23 *by the streamlining or restructuring of TSA divisions.*

1 **SEC. 1907. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

2 (a) *IN GENERAL.*—Not later than 30 days after the
3 date of enactment of this Act, the Administrator shall con-
4 vene a working group consisting of representatives of the
5 TSA and representatives of the labor organization rep-
6 resenting security screening personnel to recommend re-
7 forms to the TSA’s personnel management system, includ-
8 ing appeals to the Merit Systems Protection Board and
9 grievance procedures.

10 (b) *REPORT.*—Not later than 1 year after the date of
11 enactment of this Act, the working group convened under
12 subsection (a) shall submit to the Administrator and the
13 appropriate committees of Congress a report containing
14 proposed, mutually agreed-upon recommendations to re-
15 form the TSA’s personnel management system.

16 (c) *IMPLEMENTATION.*—To the extent authorized under
17 law, the Administrator may implement 1 or more of the
18 recommendations submitted under subsection (b).

19 (d) *TERMINATION.*—The working group shall termi-
20 nate on the date that the report is submitted under sub-
21 section (b).

22 **SEC. 1908. TSA LEAP PAY REFORM.**

23 (a) *DEFINITION OF BASIC PAY.*—Clause (ii) of section
24 8331(3)(E) of title 5, United States Code, is amended to
25 read as follows:

1 “(ii) received after September 11, 2001,
2 by a Federal air marshal or criminal inves-
3 tigator (as defined in section 5545a(a)(2))
4 of the Transportation Security Administra-
5 tion, subject to all restrictions and earning
6 limitations imposed on criminal investiga-
7 tors receiving such pay under section 5545a,
8 including the premium pay limitations
9 under section 5547;”.

10 (b) *EFFECTIVE DATE; APPLICABILITY.*—

11 (1) *IN GENERAL.*—Subject to paragraph (2), this
12 section, and the amendments made by this section,
13 shall take effect on the first day of the first pay period
14 commencing on or after the date of enactment of this
15 section.

16 (2) *RETROACTIVE APPLICATION.*—

17 (A) *IN GENERAL.*—Any availability pay re-
18 ceived for any pay period commencing before the
19 date of enactment of this Act by a Federal air
20 marshal or criminal investigator employed by
21 the Transportation Security Administration
22 shall be deemed basic pay under section 8331(3)
23 of title 5, United States Code, if the Transpor-
24 tation Security Administration treated such pay
25 as retirement-creditable basic pay, but the Office

1 *of Personnel Management, based on an interpre-*
2 *tation of section 8331(3) of title 5, United States*
3 *Code, did not accept such pay as retirement-*
4 *creditable basic pay.*

5 *(B) IMPLEMENTATION.—Not later than 3*
6 *months after the date of enactment of this Act,*
7 *the Director of the Office of Personnel Manage-*
8 *ment shall commence taking such actions as are*
9 *necessary to implement the amendments made by*
10 *this section with respect to availability pay*
11 *deemed to be basic pay under subparagraph (A).*

12 **SEC. 1909. RANK AWARDS PROGRAM FOR TRANSPORTATION**
13 **SECURITY ADMINISTRATION EXECUTIVES**
14 **AND SENIOR PROFESSIONALS.**

15 *Section 114(n), as amended by section 1904 of this*
16 *Act, is further amended—*

17 *(1) by inserting “(1) IN GENERAL.—” before*
18 *“The personnel management system” and indenting*
19 *appropriately; and*

20 *(2) by adding at the end the following:*

21 **“(2) MERITORIOUS EXECUTIVE OR DISTIN-**
22 **GUISHED EXECUTIVE RANK AWARDS.—Notwith-**
23 *standing section 40122(g)(2) of this title, the applica-*
24 *ble sections of title 5 shall apply to the Transpor-*

1 *tation Security Administration personnel manage-*
2 *ment system, except that—*

3 *“(A) for purposes of applying such provi-*
4 *sions to the personnel management system—*

5 *“(i) the term ‘agency’ means the De-*
6 *partment of Homeland Security;*

7 *“(ii) the term ‘senior executive’ means*
8 *a Transportation Security Administration*
9 *executive serving on a Transportation Secu-*
10 *rity Executive Service appointment;*

11 *“(iii) the term ‘career appointee’*
12 *means a Transportation Security Adminis-*
13 *tration executive serving on a career Trans-*
14 *portation Security Executive Service ap-*
15 *pointment; and*

16 *“(iv) The term ‘senior career employee’*
17 *means a Transportation Security Adminis-*
18 *tration employee covered by the Transpor-*
19 *tation Security Administration Core Com-*
20 *ensation System at the L or M pay band;*

21 *“(B) receipt by a career appointee or a sen-*
22 *ior career employee of the rank of Meritorious*
23 *Executive or Meritorious Senior Professional en-*
24 *titles the individual to a lump-sum payment of*
25 *an amount equal to 20 percent of annual basic*

1 *pay, which shall be in addition to the basic pay*
2 *paid under the applicable Transportation Secu-*
3 *rity Administration pay system; and*

4 “(C) receipt by a career appointee or a sen-
5 ior career employee of the rank of Distinguished
6 Executive or Distinguished Senior Professional
7 entitles the individual to a lump-sum payment
8 of an amount equal to 35 percent of annual
9 basic pay, which shall be in addition to the basic
10 pay paid under the applicable Transportation
11 Security Administration pay system.

12 “(3) *DEFINITION OF APPLICABLE SECTIONS OF*
13 *TITLE 5.—In this subsection, the term ‘applicable sec-*
14 *tions of title 5’ means—*

15 “(A) subsections (b), (c) and (d) of section
16 4507 of title 5; and

17 “(B) subsections (b) and (c) of section
18 4507a of title 5.”.

19 **SEC. 1910. TRANSMITTALS TO CONGRESS.**

20 *With regard to each report, legislative proposal, or*
21 *other communication of the Executive Branch related to the*
22 *TSA and required to be submitted to Congress or the appro-*
23 *priate committees of Congress, the Administrator shall*
24 *transmit such communication directly to the appropriate*
25 *committees of Congress.*

1 **Subtitle B—Security Technology**

2 **SEC. 1911. THIRD PARTY TESTING AND VERIFICATION OF**
3 **SCREENING TECHNOLOGY.**

4 (a) *IN GENERAL.*—*In carrying out the responsibilities*
5 *under section 114(f)(9), the Administrator shall develop*
6 *and implement, not later than 1 year after the date of en-*
7 *actment of this Act, a program to enable a vendor of related*
8 *security screening technology to obtain testing and*
9 *verification, including as an alternative to the TSA’s test*
10 *and evaluation process, by an appropriate third party, of*
11 *such technology before procurement or deployment.*

12 (b) *DETECTION TESTING.*—

13 (1) *IN GENERAL.*—*The third party testing and*
14 *verification program authorized under subsection (a)*
15 *shall include detection testing to evaluate the perform-*
16 *ance of the security screening technology system re-*
17 *garding the probability of detection, the probability of*
18 *false alarm, and such other indicators that the system*
19 *is able to meet the TSA’s mission needs.*

20 (2) *RESULTS.*—*The results of the third party de-*
21 *tection testing under paragraph (1) shall be consid-*
22 *ered final if the results are approved by the Adminis-*
23 *tration in accordance with approval standards devel-*
24 *oped by the Administrator.*

1 (3) *COORDINATION WITH FINAL TESTING.*—To
2 the extent practicable, but without compromising the
3 integrity of the TSA test and evaluation process, the
4 Administrator shall coordinate the third party detec-
5 tion testing under paragraph (1) with any subse-
6 quent, final Federal Government testing.

7 (4) *INTERNATIONAL STANDARDS.*—To the extent
8 practicable and permissible under law and consid-
9 ering the national security interests of the United
10 States, the Administrator shall—

11 (A) share detection testing information and
12 standards with appropriate international part-
13 ners; and

14 (B) coordinate with the appropriate inter-
15 national partners to align TSA testing and eval-
16 uation with relevant international standards to
17 maximize the capability to detect explosives and
18 other threats.

19 (c) *OPERATIONAL TESTING.*—

20 (1) *IN GENERAL.*—Subject to paragraph (2), the
21 third party testing and verification program author-
22 ized under subsection (a) shall include operational
23 testing.

24 (2) *LIMITATION.*—Third party operational test-
25 ing under paragraph (1) may not exceed 1 year.

1 (d) *ALTERNATIVE.*—*Third party testing under sub-*
2 *section (a) shall replace as an alternative, at the discretion*
3 *of the Administrator, the testing at the TSA Systems Inte-*
4 *gration Facility, including testing for—*

5 (1) *health and safety factors;*

6 (2) *operator interface;*

7 (3) *human factors;*

8 (4) *environmental factors;*

9 (5) *throughput;*

10 (6) *reliability, maintainability, and availability*
11 *factors; and*

12 (7) *interoperability.*

13 (e) *TESTING AND VERIFICATION FRAMEWORK.*—

14 (1) *IN GENERAL.*—*The Administrator shall—*

15 (A) *establish a framework for the third*
16 *party testing and for verifying a security tech-*
17 *nology is operationally effective and able to meet*
18 *the TSA’s mission needs before it may enter or*
19 *re-enter, as applicable, the operational context at*
20 *an airport or other transportation facility;*

21 (B) *use phased implementation to allow the*
22 *TSA and the third party to establish best prac-*
23 *tices; and*

24 (C) *oversee the third party testing and eval-*
25 *uation framework.*

1 (2) *RECOMMENDATIONS.*—*The Administrator*
2 *shall request ASAC’s Security Technology Sub-*
3 *committee, in consultation with representatives of the*
4 *security manufacturers industry, to develop and sub-*
5 *mit to the Administrator recommendations for the*
6 *third party testing and verification framework.*

7 (f) *FIELD TESTING.*—*The Administrator shall*
8 *prioritize the field testing and evaluation, including by*
9 *third parties, of security technology and equipment at air-*
10 *ports and on site at security technology manufacturers*
11 *whenever possible as an alternative to the TSA Systems In-*
12 *tegration Facility.*

13 (g) *APPROPRIATE THIRD PARTIES.*—

14 (1) *CITIZENSHIP REQUIREMENT.*—*An appro-*
15 *priate third party under subsection (a) shall be—*

16 (A) *if an individual, a citizen of the United*
17 *States; or*

18 (B) *if an entity, owned and controlled by a*
19 *citizen of the United States.*

20 (2) *WAIVER.*—*The Administrator may waive the*
21 *requirement under paragraph (1)(B) if the entity is*
22 *a United States subsidiary of a parent company that*
23 *has implemented a foreign ownership, control, or in-*
24 *fluence mitigation plan that has been approved by the*
25 *Defense Security Service of the Department of Defense*

1 *before applying to provide third party testing. The*
2 *Administrator may reject any application to provide*
3 *third party testing under subsection (a) submitted by*
4 *an entity that requires a waiver under this para-*
5 *graph.*

6 (3) *CONFLICTS OF INTEREST.—The Adminis-*
7 *trator shall ensure, to the extent possible, that an en-*
8 *tity providing third party testing under this section*
9 *does not have a contractual, business, or other pecu-*
10 *niary interest (exclusive of any such testing) in—*

11 (A) *the security screening technology subject*
12 *to such testing; or*

13 (B) *the vendor of such technology.*

14 (h) *GAO REVIEW.—*

15 (1) *IN GENERAL.—Not later than 2 years after*
16 *the date of enactment of this Act, the Comptroller*
17 *General of the United States shall submit to the ap-*
18 *propriate committees of Congress a study on the third*
19 *party testing program developed under this section*

20 (2) *REVIEW.—The study under paragraph (1)*
21 *shall include a review of the following:*

22 (A) *Any efficiencies or gains in effectiveness*
23 *achieved in TSA operations, including tech-*
24 *nology acquisition or screening operations, as a*
25 *result of such program.*

1 (B) *The degree to which the TSA conducts*
2 *timely and regular oversight of the appropriate*
3 *third parties engaged in such testing.*

4 (C) *The effect of such program on the fol-*
5 *lowing:*

6 (i) *The introduction of innovative de-*
7 *tection technologies into security screening*
8 *operations.*

9 (ii) *The availability of testing for tech-*
10 *nologies developed by small to medium sized*
11 *businesses.*

12 (D) *Any vulnerabilities associated with*
13 *such program, including with respect to the fol-*
14 *lowing:*

15 (i) *National security.*

16 (ii) *Any conflicts of interest between*
17 *the appropriate third parties engaged in*
18 *such testing and the entities providing such*
19 *technologies to be tested.*

20 (iii) *Waste, fraud, and abuse.*

21 **SEC. 1912. TRANSPORTATION SECURITY ADMINISTRATION**
22 **SYSTEMS INTEGRATION FACILITY.**

23 (a) *IN GENERAL.—The Administrator shall continue*
24 *to operate the Transportation Security Administration*
25 *Systems Integration Facility (referred to in this section as*

1 the “TSIF”) for the purposes of testing and evaluating ad-
2 vanced transportation security screening technologies re-
3 lated to the mission of the TSA.

4 (b) *REQUIREMENTS.*—The TSIF shall—

5 (1) evaluate the technologies described in sub-
6 section (a) to enhance the security of transportation
7 systems through screening and threat mitigation and
8 detection;

9 (2) test the technologies described in subsection
10 (a) to support identified mission needs of the TSA
11 and to meet requirements for acquisitions and pro-
12 curement;

13 (3) to the extent practicable, provide original
14 equipment manufacturers with test plans to minimize
15 requirement interpretation disputes and adhere to
16 provided test plans;

17 (4) collaborate with other technical laboratories
18 and facilities for purposes of augmenting the capa-
19 bilities of the TSIF;

20 (5) deliver advanced transportation security
21 screening technologies that enhance the overall secu-
22 rity of domestic transportation systems; and

23 (6) to the extent practicable, provide funding
24 and promote efforts to enable participation by a small
25 business concern (as the term is described under sec-

1 *tion 3 of the Small Business Act (15 U.S.C. 632))*
2 *that—*

3 *(A) has an advanced technology or capa-*
4 *bility; but*

5 *(B) does not have adequate resources to par-*
6 *ticipate in testing and evaluation processes.*

7 *(c) STAFFING AND RESOURCE ALLOCATION.—The Ad-*
8 *ministrator shall ensure adequate staffing and resource al-*
9 *locations for the TSIF in a manner that—*

10 *(1) prevents unnecessary delays in the testing*
11 *and evaluation of advanced transportation security*
12 *screening technologies for acquisitions and procure-*
13 *ment determinations;*

14 *(2) ensures the issuance of final paperwork cer-*
15 *tification no later than 45 days after the date such*
16 *testing and evaluation has concluded; and*

17 *(3) ensures collaboration with technology stake-*
18 *holders to close capabilities gaps in transportation se-*
19 *curity.*

20 *(d) DEADLINE.—*

21 *(1) IN GENERAL.—The Administrator shall no-*
22 *tify the appropriate committees of Congress if testing*
23 *and evaluation by the TSIF of an advanced transpor-*
24 *tation security screening technology under this section*
25 *exceeds 180 days from the delivery date.*

1 (2) *NOTIFICATION.*—*The notification under*
2 *paragraph (1) shall include—*

3 (A) *information relating to the delivery*
4 *date;*

5 (B) *a justification for why the testing and*
6 *evaluation process has exceeded 180 days; and*

7 (C) *the estimated date for completion of*
8 *such testing and evaluation.*

9 (3) *DEFINITION OF DELIVERY DATE.*—*In this*
10 *subsection, the term “delivery date” means the date*
11 *that the owner of an advanced transportation security*
12 *screening technology—*

13 (A) *after installation, delivers the tech-*
14 *nology to the TSA for testing and evaluation;*
15 *and*

16 (B) *submits to the Administrator, in such*
17 *form and manner as the Administrator pre-*
18 *scribes, a signed notification of the delivery de-*
19 *scribed in subparagraph (A).*

20 (e) *RETESTING AND EVALUATION.*—*Advanced trans-*
21 *portation security screening technology that fails testing*
22 *and evaluation by the TSIF may be retested and evaluated*
23 *at the discretion of the Administrator.*

24 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
25 *may be construed to affect the authority or responsibility*

1 *of an officer of the Department, or an officer of any other*
2 *Federal department or agency, with respect to research, de-*
3 *velopment, testing, and evaluation of technologies, including*
4 *such authorities or responsibilities of the Undersecretary for*
5 *Science and Technology of the Department and Assistant*
6 *Secretary of the Countering Weapons of Mass Destruction*
7 *Office of the Department.*

8 **SEC. 1913. OPPORTUNITIES TO PURSUE EXPANDED NET-**
9 **WORKS FOR BUSINESS.**

10 (a) *STRATEGY.*—*Subtitle B of title of title XVI of the*
11 *Homeland Security Act of 2002 (6 U.S.C. 563 et seq.) is*
12 *amended by adding at the end following:*

13 **“SEC. 1617. DIVERSIFIED SECURITY TECHNOLOGY INDUS-**
14 **TRY MARKETPLACE.**

15 “(a) *IN GENERAL.*—*Not later than 120 days after the*
16 *date of enactment of the TSA Modernization Act, the Ad-*
17 *ministrator shall develop and submit to the Committee on*
18 *Commerce, Science, and Transportation of the Senate and*
19 *the Committee on Homeland Security of the House of Rep-*
20 *resentatives a strategy to promote a diverse security tech-*
21 *nology industry marketplace upon which the Administrator*
22 *can rely to acquire advanced transportation security tech-*
23 *nologies or capabilities, including by increased participa-*
24 *tion of small business innovators.*

1 “(b) *CONTENTS.*—*The strategy required under sub-*
2 *section (a) shall include the following:*

3 “(1) *Information on how existing Administra-*
4 *tion solicitation, testing, evaluation, piloting, acquisi-*
5 *tion, and procurement processes impact the Adminis-*
6 *trator’s ability to acquire from the security technology*
7 *industry marketplace, including small business*
8 *innovators that have not previously provided tech-*
9 *nology to the Administration, innovative technologies*
10 *or capabilities with the potential to enhance transpor-*
11 *tation security.*

12 “(2) *Specific actions that the Administrator will*
13 *take, including modifications to the processes de-*
14 *scribed in paragraph (1), to foster diversification*
15 *within the security technology industry marketplace.*

16 “(3) *Projected timelines for implementing the ac-*
17 *tions described in paragraph (2).*

18 “(4) *Plans for how the Administrator could, to*
19 *the extent practicable, assist a small business inno-*
20 *vator periodically during such processes, including*
21 *when such an innovator lacks adequate resources to*
22 *participate in such processes, to facilitate an ad-*
23 *vanced transportation security technology or capa-*
24 *bility being developed and acquired by the Adminis-*
25 *trator.*

1 “(5) *An assessment of the feasibility of*
2 *partnering with an organization described in section*
3 *501(c)(3) of the Internal Revenue Code of 1986 and*
4 *exempt from tax under section 501(a) of such Code to*
5 *provide venture capital to businesses, particularly*
6 *small business innovators, for commercialization of*
7 *innovative transportation security technologies that*
8 *are expected to be ready for commercialization in the*
9 *near term and within 36 months.*

10 “(c) *FEASIBILITY ASSESSMENT.—In conducting the*
11 *feasibility assessment under subsection (b)(5), the Adminis-*
12 *trator shall consider the following:*

13 “(1) *Establishing an organization described in*
14 *section 501(c)(3) of the Internal Revenue Code of*
15 *1986 and exempt from tax under section 501(a) of*
16 *such Code as a venture capital partnership between*
17 *the private sector and the intelligence community to*
18 *help businesses, particularly small business*
19 *innovators, commercialize innovative security-related*
20 *technologies.*

21 “(2) *Enhanced engagement through the Science*
22 *and Technology Directorate of the Department of*
23 *Homeland Security.*

24 “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*
25 *tion may be construed as requiring changes to the Trans-*

1 *portation Security Administration standards for security*
2 *technology.*

3 “(e) *DEFINITIONS.—In this section:*

4 “(1) *INTELLIGENCE COMMUNITY.—The term ‘in-*
5 *telligence community’ has the meaning given the term*
6 *in section 3 of the National Security Act of 1947 (50*
7 *U.S.C. 3003).*

8 “(2) *SMALL BUSINESS CONCERN.—The term*
9 *‘small business concern’ has the meaning described*
10 *under section 3 of the Small Business Act (15 U.S.C.*
11 *632).*

12 “(3) *SMALL BUSINESS INNOVATOR.—The term*
13 *‘small business innovator’ means a small business*
14 *concern that has an advanced transportation security*
15 *technology or capability.”.*

16 (b) *GAO REVIEW.—Not later than 1 year after the*
17 *date the strategy is submitted under section 1617 of the*
18 *Homeland Security Act of 2002, the Comptroller General*
19 *of the United States shall—*

20 (1) *review the extent to which the strategy—*

21 (A) *addresses the requirements of that sec-*
22 *tion;*

23 (B) *has resulted in increased participation*
24 *of small business innovators in the security tech-*
25 *nology industry marketplace; and*

1 (C) has diversified the security technology
2 industry marketplace; and

3 (2) submit to the Committee on Commerce,
4 Science, and Transportation of the Senate and the
5 Committee on Homeland Security of the House of
6 Representatives the findings of the review and any
7 recommendations.

8 (c) *TABLE OF CONTENTS.*—The table of contents in
9 section 1(b) of the Homeland Security Act of 2002 is
10 amended by inserting after the item relating to section 1616
11 the following:

 “1617. Diversified security technology industry marketplace.”.

12 **SEC. 1914. RECIPROCAL RECOGNITION OF SECURITY**
13 **STANDARDS.**

14 (a) *IN GENERAL.*—The Administrator, in coordination
15 with appropriate international aviation security authori-
16 ties, shall develop a validation process for the reciprocal rec-
17 ognition of security equipment technology approvals among
18 international security partners or recognized certification
19 authorities for deployment.

20 (b) *REQUIREMENT.*—The validation process shall en-
21 sure that the certification by each participating inter-
22 national security partner or recognized certification au-
23 thority complies with detection, qualification, and informa-
24 tion security, including cybersecurity, standards of the

1 *TSA, the Department of Homeland Security, and the Na-*
2 *tional Institute of Standards and Technology.*

3 **SEC. 1915. TRANSPORTATION SECURITY LABORATORY.**

4 (a) *IN GENERAL.*—*Not later than 1 year after the date*
5 *of enactment of this Act, the Secretary, in consultation with*
6 *the Administrator and the Undersecretary for Science and*
7 *Technology—*

8 (1) *shall conduct a review to determine whether*
9 *the TSA is the most appropriate component within*
10 *the Department to administer the Transportation Se-*
11 *curity Laboratory; and*

12 (2) *may direct the TSA to administer the Trans-*
13 *portation Security Laboratory if the review under*
14 *paragraph (1) identifies the TSA as the most appro-*
15 *priate component.*

16 (b) *PERIODIC REVIEWS.*—*The Secretary shall periodi-*
17 *cally review the screening technology test and evaluation*
18 *process conducted at the Transportation Security Labora-*
19 *tory to improve the coordination, collaboration, and com-*
20 *munication between the Transportation Security Labora-*
21 *tory and the TSA to identify factors contributing to acqui-*
22 *sition inefficiencies, develop strategies to reduce acquisition*
23 *inefficiencies, facilitate more expeditious initiation and*
24 *completion of testing, and identify how laboratory practices*
25 *can better support acquisition decisions.*

1 (c) *REPORTS.*—*The Secretary shall report the findings*
2 *of each review under this section to the appropriate commit-*
3 *tees of Congress.*

4 **SEC. 1916. INNOVATION TASK FORCE.**

5 (a) *IN GENERAL.*—*The Administrator shall establish*
6 *an innovation task force—*

7 (1) *to cultivate innovations in transportation se-*
8 *curity;*

9 (2) *to develop and recommend how to prioritize*
10 *and streamline requirements for new approaches to*
11 *transportation security;*

12 (3) *to accelerate the development and introduc-*
13 *tion of new innovative transportation security tech-*
14 *nologies and improvements to transportation security*
15 *operations; and*

16 (4) *to provide industry with access to the airport*
17 *environment during the technology development and*
18 *assessment process to demonstrate the technology and*
19 *to collect data to understand and refine technical op-*
20 *erations and human factor issues.*

21 (b) *ACTIVITIES.*—*The task force shall—*

22 (1) *conduct activities to identify and develop an*
23 *innovative technology, emerging security capability,*
24 *or process designed to enhance transportation secu-*
25 *rity, including—*

1 (A) by conducting a field demonstration of
2 such a technology, capability, or process in the
3 airport environment;

4 (B) by gathering performance data from
5 such a demonstration to inform the acquisition
6 process; and

7 (C) by enabling a small business with an
8 innovative technology or emerging security capa-
9 bility, but less than adequate resources, to par-
10 ticipate in such a demonstration;

11 (2) conduct at least quarterly collaboration meet-
12 ings with industry, including air carriers, airport op-
13 erators, and other transportation security stakeholders
14 to highlight and discuss best practices on innovative
15 security operations and technology evaluation and de-
16 ployment; and

17 (3) submit to the appropriate committees of Con-
18 gress an annual report on the effectiveness of key per-
19 formance data from task force-sponsored projects and
20 checkpoint enhancements.

21 (c) COMPOSITION.—

22 (1) APPOINTMENT.—The Administrator, in con-
23 sultation with the Chairperson of ASAC shall appoint
24 the members of the task force.

1 (2) *CHAIRPERSON.*—*The task force shall be*
2 *chaired by the Administrator’s designee.*

3 (3) *REPRESENTATION.*—*The task force shall be*
4 *comprised of representatives of—*

5 (A) *the relevant offices of the TSA;*

6 (B) *if considered appropriate by the Ad-*
7 *ministrator, the Science and Technology Direc-*
8 *torate of the Department of Homeland Security;*

9 (C) *any other component of the Department*
10 *of Homeland Security that the Administrator*
11 *considers appropriate; and*

12 (D) *such industry representatives as the Ad-*
13 *ministrator considers appropriate.*

14 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
15 *shall be construed to require the acquisition or deployment*
16 *of an innovative technology, emerging security capability,*
17 *or process identified, developed, or recommended under this*
18 *section.*

19 (e) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
20 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
21 *task force established under this section.*

22 **SEC. 1917. 5-YEAR TECHNOLOGY INVESTMENT PLAN UP-**
23 **DATE.**

24 *Section 1611 of the Homeland Security Act of 2002*
25 *(6 U.S.C. 563) is amended—*

1 (1) *in subsection (g)—*

2 (A) *by striking the matter preceding para-*
3 *graph (1) and inserting “The Administrator*
4 *shall, in collaboration with relevant industry*
5 *and government stakeholders, annually submit to*
6 *Congress in an appendix to the budget request*
7 *and publish in an unclassified format in the*
8 *public domain—”;*

9 (B) *in paragraph (1), by striking “; and”*
10 *and inserting a semicolon;*

11 (C) *in paragraph (2), by striking the period*
12 *and inserting “; and”;* *and*

13 (D) *by adding at the end the following:*

14 “(3) *information about acquisitions completed*
15 *during the fiscal year preceding the fiscal year during*
16 *which the report is submitted.”;* *and*

17 (2) *by adding at the end the following:*

18 “(h) *ADDITIONAL UPDATE REQUIREMENTS.—Updates*
19 *and reports under subsection (g) shall—*

20 “(1) *be prepared in consultation with—*

21 “(A) *the persons described in subsection (b);*
22 *and*

23 “(B) *the Surface Transportation Security*
24 *Advisory Committee established under section*
25 *404; and*

1 “(2) include—

2 “(A) information relating to technology in-
3 vestments by the Transportation Security Ad-
4 ministration and the private sector that the De-
5 partment supports with research, development,
6 testing, and evaluation for aviation, including
7 air cargo, and surface transportation security;

8 “(B) information about acquisitions com-
9 pleted during the fiscal year preceding the fiscal
10 year during which the report is submitted;

11 “(C) information relating to equipment of
12 the Transportation Security Administration that
13 is in operation after the end of the life-cycle of
14 the equipment specified by the manufacturer of
15 the equipment; and

16 “(D) to the extent practicable, a classified
17 addendum to report sensitive transportation se-
18 curity risks and associated capability gaps that
19 would be best addressed by security-related tech-
20 nology described in subparagraph (A).”.

21 “(i) NOTICE OF COVERED CHANGES TO PLAN.—

22 “(1) NOTICE REQUIRED.—The Administrator
23 shall submit to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Committee
25 on Homeland Security of the House of Representa-

1 *tives notice of any covered change to the Plan not*
 2 *later than 90 days after the date that the covered*
 3 *change is made.*

4 “(2) *DEFINITION OF COVERED CHANGE.—In this*
 5 *subsection, the term ‘covered change’ means—*

6 “(A) *an increase or decrease in the dollar*
 7 *amount allocated to the procurement of a tech-*
 8 *nology; or*

9 “(B) *an increase or decrease in the number*
 10 *of a technology.”.*

11 **SEC. 1918. MAINTENANCE OF SECURITY-RELATED TECH-**
 12 **NOLOGY.**

13 (a) *IN GENERAL.—Title XVI of the Homeland Secu-*
 14 *rity Act of 2002 (6 U.S.C. 561 et seq.), as amended by sec-*
 15 *tion 1913 of this Act, is further amended by adding at the*
 16 *end the following:*

17 **“Subtitle C—Maintenance of**
 18 **Security-related Technology**

19 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

20 “(a) *IN GENERAL.—Not later than 180 days after the*
 21 *date of enactment of the TSA Modernization Act, the Ad-*
 22 *ministrator shall develop and implement a preventive*
 23 *maintenance validation process for security-related tech-*
 24 *nology deployed to airports.*

1 “(b) *MAINTENANCE BY ADMINISTRATION PERSONNEL*
2 *AT AIRPORTS.*—*For maintenance to be carried out by Ad-*
3 *ministration personnel at airports, the process referred to*
4 *in subsection (a) shall include the following:*

5 “(1) *Guidance to Administration personnel at*
6 *airports specifying how to conduct and document pre-*
7 *ventive maintenance actions.*

8 “(2) *Mechanisms for the Administrator to verify*
9 *compliance with the guidance issued pursuant to*
10 *paragraph (1).*

11 “(c) *MAINTENANCE BY CONTRACTORS AT AIRPORTS.*—
12 *For maintenance to be carried by a contractor at airports,*
13 *the process referred to in subsection (a) shall require the*
14 *following:*

15 “(1) *Provision of monthly preventative mainte-*
16 *nance schedules to appropriate Administration per-*
17 *sonnel at each airport that includes information on*
18 *each action to be completed by contractor.*

19 “(2) *Notification to appropriate Administration*
20 *personnel at each airport when maintenance action is*
21 *completed by a contractor.*

22 “(3) *A process for independent validation by a*
23 *third party of contractor maintenance.*

24 “(d) *PENALTIES FOR NONCOMPLIANCE.*—*The Admin-*
25 *istrator shall require maintenance for any contracts entered*

1 *into 60 days after the date of enactment of the TSA Mod-*
2 *ernization Act or later for security-related technology de-*
3 *ployed to airports to include penalties for noncompliance*
4 *when it is determined that either preventive or corrective*
5 *maintenance has not been completed according to contrac-*
6 *tual requirements and manufacturers' specifications.”.*

7 (b) *TABLE OF CONTENTS.—The table of contents of the*
8 *Homeland Security Act of 2002, as amended by section*
9 *1913 of this Act, is further amended by inserting after the*
10 *item relating to section 1617 the following:*

“Subtitle C—Maintenance of Security-related Technology
“1621. Maintenance validation and oversight.”.

11 **SEC. 1919. BIOMETRICS EXPANSION.**

12 (a) *IN GENERAL.—The Administrator and the Com-*
13 *missioner of U.S. Customs and Border Protection shall con-*
14 *sult with each other on the deployment of biometric tech-*
15 *nologies.*

16 (b) *RULE OF CONSTRUCTION.—Nothing in this section*
17 *shall be construed to permit the Commissioner of U.S. Cus-*
18 *toms and Border Protection to facilitate or expand the de-*
19 *ployment of biometric technologies, or otherwise collect, use,*
20 *or retain biometrics, not authorized by any provision of or*
21 *amendment made by the Intelligence Reform and Terrorism*
22 *Prevention Act of 2004 (Public Law 108–458; 118 Stat.*
23 *3638) or the Implementing Recommendations of the 9/11*

1 *Commission Act of 2007 (Public Law 110–53; 121 Stat.*
2 *266).*

3 (c) *REPORT REQUIRED.*—*Not later than 270 days*
4 *after the date of enactment of this Act, the Secretary shall*
5 *submit to the appropriate committees of Congress, and to*
6 *any Member of Congress upon the request of that Member,*
7 *a report that includes specific assessments from the Admin-*
8 *istrator and the Commissioner of U.S. Customs and Border*
9 *Protection with respect to the following:*

10 (1) *The operational and security impact of using*
11 *biometric technology to identify travelers.*

12 (2) *The potential effects on privacy of the expan-*
13 *sion of the use of biometric technology under para-*
14 *graph (1), including methods proposed or imple-*
15 *mented to mitigate any risks to privacy identified by*
16 *the Administrator or the Commissioner related to the*
17 *active or passive collection of biometric data.*

18 (3) *Methods to analyze and address any match-*
19 *ing performance errors related to race, gender, or age*
20 *identified by the Administrator with respect to the*
21 *use of biometric technology, including the deployment*
22 *of facial recognition technology;*

23 (4) *With respect to the biometric entry-exit pro-*
24 *gram, the following:*

25 (A) *Assessments of—*

1 (i) the error rates, including the rates
2 of false positives and false negatives, and
3 accuracy of biometric technologies;

4 (ii) the effects of biometric technologies,
5 to ensure that such technologies do not un-
6 duly burden categories of travelers, such as
7 a certain race, gender, or nationality;

8 (iii) the extent to which and how bio-
9 metric technologies could address instances
10 of travelers to the United States overstaying
11 their visas, including—

12 (I) an estimate of how often bio-
13 metric matches are contained in an ex-
14 isting database;

15 (II) an estimate of the rate at
16 which travelers using fraudulent cre-
17 dentials identifications are accurately
18 rejected; and

19 (III) an assessment of what per-
20 centage of the detection of fraudulent
21 identifications could have been accom-
22 plished using conventional methods;

23 (iv) the effects on privacy of the use of
24 biometric technologies, including methods to
25 mitigate any risks to privacy identified by

1 *the Administrator or the Commissioner of*
2 *U.S. Customs and Border Protection related*
3 *to the active or passive collection of biomet-*
4 *ric data; and*

5 *(v) the number of individuals who stay*
6 *in the United States after the expiration of*
7 *their visas each year.*

8 *(B) A description of—*

9 *(i) all audits performed to assess—*

10 *(I) error rates in the use of bio-*
11 *metric technologies; or*

12 *(II) whether the use of biometric*
13 *technologies and error rates in the use*
14 *of such technologies disproportionately*
15 *affect a certain race, gender, or nation-*
16 *ality; and*

17 *(ii) the results of the audits described*
18 *in clause (i).*

19 *(C) A description of the process by which*
20 *domestic travelers are able to opt-out of scanning*
21 *using biometric technologies.*

22 *(D) A description of—*

23 *(i) what traveler data is collected*
24 *through scanning using biometric tech-*
25 *nologies, what agencies have access to such*

1 (b) *PARTNERSHIP.*—*The Administrator shall carry*
2 *out the pilot program in partnership with the applicable*
3 *airport directors.*

4 (c) *COST SHARE.*—*The Federal share of the cost of the*
5 *pilot program under this section shall not exceed 85 percent*
6 *of the total cost of the program.*

7 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
8 *authorized to be appropriated to carry out the pilot pro-*
9 *gram under this section \$15,000,000 for each of fiscal years*
10 *2019 through 2021.*

11 (e) *GAO REPORT.*—*Not later than 2 years after the*
12 *date the pilot program is implemented, the Comptroller*
13 *General of the United States shall submit to the appropriate*
14 *committees of Congress a report on the pilot program, in-*
15 *cluding—*

16 (1) *the extent of airport participation in the*
17 *pilot program and how the program was imple-*
18 *mented;*

19 (2) *the results of the pilot program and any re-*
20 *ported benefits, including the impact on security and*
21 *any cost-related efficiencies realized by TSA or at the*
22 *participating airports; and*

23 (3) *the feasibility of expanding the pilot program*
24 *to additional airports, including to medium and*
25 *large hub airports.*

1 **SEC. 1921. AUTHORIZATION OF APPROPRIATIONS; EXIT**
2 **LANE SECURITY.**

3 *There is authorized to be appropriated to carry out*
4 *section 44903(n)(1) of title 49, United States Code,*
5 *\$77,000,000 for each of fiscal years 2019 through 2021.*

6 **SEC. 1922. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.**

7 *(a) IN GENERAL.—Not later than 18 months after the*
8 *date of enactment of this Act, the Administrator shall make*
9 *available to the public information on wait times at each*
10 *airport security checkpoint at which security screening op-*
11 *erations are conducted or overseen by the TSA.*

12 *(b) REQUIREMENTS.—The information described in*
13 *subsection (a) shall be provided in real time via technology*
14 *and published—*

15 *(1) online; and*

16 *(2) in physical locations at applicable airport*
17 *terminals.*

18 *(c) CONSIDERATIONS.—The Administrator shall only*
19 *make the information described in subsection (a) available*
20 *to the public if it can do so in a manner that does not*
21 *increase public area security risks.*

22 *(d) DEFINITION OF WAIT TIME.—In this section, the*
23 *term “wait time” means the period beginning when a pas-*
24 *senger enters a queue for a screening checkpoint and ending*
25 *when that passenger exits the checkpoint.*

1 **SEC. 1923. GAO REPORT ON DEPLOYMENT OF SCREENING**
2 **TECHNOLOGIES ACROSS AIRPORTS.**

3 (a) *STUDY.*—The Comptroller General of the United
4 States shall conduct a study whether the TSA allocates re-
5 sources, including advanced imaging and computed tomog-
6 raphy technologies, appropriately based on risk at Category
7 X, I, II, III, and IV airports at which security screening
8 operations are conducted or overseen by the TSA.

9 (b) *COST ANALYSIS.*—As a part of the study conducted
10 under subsection (a), the Comptroller General shall analyze
11 the costs allocated or incurred by the TSA at Category X,
12 I, II, III, and IV airports—

13 (1) to purchase and deploy screening equipment
14 and other assets, including advanced imaging and
15 computed tomography technologies, at Category X, I,
16 II, III, and IV airports;

17 (2) to install such equipment, including any re-
18 lated variant, and assets in the airport; and

19 (3) to maintain such equipment and assets.

20 (c) *REPORT.*—Not later than 1 year after the date of
21 enactment of this Act, the Comptroller General shall submit
22 to the appropriate committees of Congress a report on the
23 findings of the study under subsection (a).

1 **SEC. 1924. SCREENING TECHNOLOGY REVIEW AND PER-**
2 **FORMANCE OBJECTIVES.**

3 (a) *REVIEW OF TECHNOLOGY ACQUISITIONS PROC-*
4 *ESS.—*

5 (1) *IN GENERAL.—Not later than 180 days after*
6 *the date of enactment of this Act, the Administrator,*
7 *in coordination with relevant officials of the Depart-*
8 *ment, shall conduct a review of existing advanced*
9 *transportation security screening technology testing*
10 *and evaluation, acquisitions, and procurement prac-*
11 *tices within TSA.*

12 (2) *CONTENTS.—Such review shall include—*

13 (A) *identifying process delays and obstruc-*
14 *tions within the Department and the Adminis-*
15 *tration regarding how such technology is identi-*
16 *fied, tested and evaluated, acquired, and de-*
17 *ployed;*

18 (B) *assessing whether the TSA can better le-*
19 *verage existing resources or processes of the De-*
20 *partment for the purposes of technology testing*
21 *and evaluation;*

22 (C) *assessing whether the TSA can further*
23 *encourage innovation and competition among*
24 *technology stakeholders, including through in-*
25 *creased participation of and funding for small*
26 *business concerns (as such term is described*

1 *under section 3 of the Small Business Act (15*
2 *U.S.C. 632));*

3 *(D) identifying best practices of other De-*
4 *partment components or United States Govern-*
5 *ment entities; and*

6 *(E) a plan to address any problems or chal-*
7 *lenges identified by such review.*

8 *(b) BRIEFING.—The Administrator shall provide to the*
9 *appropriate committees of Congress a briefing on the find-*
10 *ings of the review required under this section and a plan*
11 *to address any problems or challenges identified by such*
12 *review.*

13 *(c) ACQUISITIONS AND PROCUREMENT ENHANCE-*
14 *MENT.—Incorporating the results of the review in sub-*
15 *section (a), the Administrator shall—*

16 *(1) engage in outreach, coordination, and col-*
17 *laboration with transportation stakeholders to iden-*
18 *tify and foster innovation of new advanced transpor-*
19 *tation security screening technologies;*

20 *(2) streamline the overall technology develop-*
21 *ment, testing, evaluation, acquisitions, procurement,*
22 *and deployment processes of the Administration; and*

23 *(3) ensure the effectiveness and efficiency of such*
24 *processes.*

1 (d) *ASSESSMENT.*—*The Secretary, in consultation*
2 *with the Chief Privacy Officer of the Department, shall sub-*
3 *mit to the appropriate committees of Congress a compliance*
4 *assessment of the TSA acquisition process relating to the*
5 *health and safety risks associated with implementation of*
6 *screening technologies.*

7 (e) *PERFORMANCE OBJECTIVES.*—*The Administrator*
8 *shall establish performance objectives for the testing and*
9 *verification of security technology, including testing and*
10 *verification conducted by appropriate third parties under*
11 *section 1911, to ensure that progress is made, at a min-*
12 *imum, toward—*

13 (1) *reducing time for each phase of testing while*
14 *maintaining security (including testing for detection*
15 *testing, operational testing, testing and verification*
16 *framework, and field testing);*

17 (2) *eliminating testing and verification delays;*
18 *and*

19 (3) *increasing accountability.*

20 (f) *TRACKING.*—

21 (1) *IN GENERAL.*—*In carrying out subsection*
22 *(e), the Administrator shall establish and continually*
23 *track performance metrics for each type of security*
24 *technology submitted for testing and verification, in-*

1 *cluding testing and verification conducted by appro-*
2 *priate third parties under section 1911.*

3 (2) *MEASURING PROGRESS TOWARD GOALS.—*

4 *The Administrator shall use the metrics established*
5 *and tracked under paragraph (1) to generate data on*
6 *an ongoing basis and to measure progress toward the*
7 *achievement of the performance objectives established*
8 *under subsection (e).*

9 (3) *REPORT REQUIRED.—*

10 (A) *IN GENERAL.—Not later than 2 years*
11 *after the date of enactment of this Act, the Ad-*
12 *ministrator shall submit to the appropriate com-*
13 *mittees of Congress a report assessing the extent*
14 *to which the performance objectives established*
15 *under subsection (e), as measured by the per-*
16 *formance metrics established and tracked under*
17 *paragraph (1) of this subsection, have been met.*

18 (B) *ELEMENTS.—The report required by*
19 *subparagraph (A) shall include—*

20 (i) *a list of the performance metrics es-*
21 *tablished under paragraph (1), including*
22 *the length of time for each phase of testing*
23 *and verification for each type of security*
24 *technology; and*

1 (ii) a comparison of the progress
2 achieved for testing and verification of secu-
3 rity technology conducted by the TSA and
4 the testing and verification of security tech-
5 nology conducted by third parties.

6 (C) *PROPRIETARY INFORMATION.*—The re-
7 port required by subparagraph (A) shall—

8 (i) not include identifying information
9 regarding an individual or entity or equip-
10 ment; and

11 (ii) protect proprietary information.

12 (g) *INFORMATION TECHNOLOGY SECURITY.*—Not later
13 than 90 days after the date of enactment of this Act, the
14 Administrator shall submit to the appropriate committees
15 of Congress a plan to conduct recurring reviews of the oper-
16 ational, technical, and management security controls for
17 Administration information technology systems at airports

18 **SEC. 1925. COMPUTED TOMOGRAPHY PILOT PROGRAMS.**

19 (a) *IN GENERAL.*—Not later than 90 days after the
20 date of enactment of this Act, the Administrator shall carry
21 out a pilot program to test the use of screening equipment
22 using computed tomography technology to screen baggage
23 at passenger screening checkpoints at airports.

24 (b) *FEASIBILITY STUDY.*—

1 (1) *IN GENERAL.*—Not later than 120 days after
2 the date of enactment of this Act, the Administrator,
3 in coordination with the Under Secretary for Science
4 and Technology of the Department, shall submit to
5 the appropriate committees of Congress a feasibility
6 study regarding expanding the use of computed to-
7 mography technology for the screening of air cargo
8 transported on passenger aircraft operated by an air
9 carrier or foreign air carrier in air transportation,
10 interstate air transportation, or interstate air com-
11 merce.

12 (2) *CONSIDERATIONS.*—In conducting the feasi-
13 bility study under paragraph (1), the Administrator
14 shall consider the following:

15 (A) *Opportunities to leverage computed to-*
16 *mography systems used for screening passengers*
17 *and baggage.*

18 (B) *Costs and benefits of using computed to-*
19 *mography technology for screening air cargo.*

20 (C) *An analysis of emerging computed to-*
21 *mography systems that may have potential to*
22 *enhance the screening of air cargo, including sys-*
23 *tems that may address aperture challenges asso-*
24 *ciated with screening certain categories of air*
25 *cargo.*

1 (D) *An analysis of emerging screening tech-*
2 *nologies, in addition to computed tomography,*
3 *that may be used to enhance the screening of air*
4 *cargo.*

5 (c) *PILOT PROGRAM.*—*Not later than 120 days after*
6 *the date the feasibility study is submitted under subsection*
7 *(b), the Administrator shall initiate a 2-year pilot program*
8 *to achieve enhanced air cargo security screening outcomes*
9 *through the use of new or emerging screening technologies,*
10 *such as computed tomography technology, as identified*
11 *through such study.*

12 (d) *UPDATES.*—*Not later than 60 days after the date*
13 *the pilot program under subsection (c) is initiated, and bi-*
14 *annually thereafter for 2 years, the Administrator shall*
15 *brief the appropriate committees of Congress on the progress*
16 *of implementation of such pilot program.*

17 (e) *DEFINITIONS.*—*In this section:*

18 (1) *AIR CARRIER.*—*The term “air carrier” has*
19 *the meaning given the term in section 40102 of title*
20 *49, United States Code.*

21 (2) *AIR TRANSPORTATION.*—*The term “air trans-*
22 *portation” has the meaning given the term in section*
23 *40102 of title 49, United States Code.*

1 (3) *FOREIGN AIR CARRIER.*—The term “foreign
2 air carrier” has the meaning given the term in sec-
3 tion 40102 of title 49, United States Code.

4 (4) *INTERSTATE AIR COMMERCE.*—The term
5 “interstate air commerce” has the meaning given the
6 term in section 40102 of title 49, United States Code.

7 (5) *INTERSTATE AIR TRANSPORTATION.*—The
8 term “interstate air transportation” has the meaning
9 given the term in section 40102 of title 49, United
10 States Code.

11 ***Subtitle C—Public Area Security***

12 **SEC. 1926. DEFINITIONS.**

13 *In this subtitle:*

14 (1) *BEHAVIORAL STANDARDS.*—The term “behav-
15 ioral standards” means standards for the evaluation
16 of explosives detection working canines for certain
17 factors, including canine temperament, work drive,
18 suitability for training, environmental factors used in
19 evaluations, and canine familiarity with natural or
20 man-made surfaces or working conditions relevant to
21 the canine’s expected work area.

22 (2) *MEDICAL STANDARDS.*—The term “medical
23 standards” means standards for the evaluation of ex-
24 plosives detection working canines for certain factors,
25 including canine health, management of heredity

1 *health conditions, breeding practices, genetics, pedi-*
2 *gree, and long-term health tracking.*

3 (3) *TECHNICAL STANDARDS.*—*The term “tech-*
4 *nical standards” means standards for the evaluation*
5 *of explosives detection working canines for certain*
6 *factors, including canine search techniques, handler-*
7 *canine communication, detection testing conditions*
8 *and logistics, and learned explosive odor libraries.*

9 **SEC. 1927. EXPLOSIVES DETECTION CANINE CAPACITY**
10 **BUILDING.**

11 (a) *IN GENERAL.*—*Not later than 90 days after the*
12 *date of enactment of this Act, the Administrator shall estab-*
13 *lish a working group to determine ways to support decen-*
14 *tralized, non-Federal domestic canine breeding capacity to*
15 *produce high quality explosives detection canines and mod-*
16 *ernize canine training standards.*

17 (b) *WORKING GROUP COMPOSITION.*—*The working*
18 *group established under subsection (a) shall be comprised*
19 *of representatives from the following:*

20 (1) *The TSA.*

21 (2) *The Science and Technology Directorate of*
22 *the Department.*

23 (3) *National domestic canine associations with*
24 *expertise in breeding and pedigree.*

1 (4) *Universities with expertise related to explo-*
2 *sives detection canines and canine breeding.*

3 (5) *Domestic canine breeders and vendors.*

4 (c) *CHAIRPERSONS.—The Administrator shall approve*
5 *of 2 individuals from among the representatives of the work-*
6 *ing group specified in subsection (b) to serve as the Chair-*
7 *persons of the working group as follows:*

8 (1) *One Chairperson shall be from an entity*
9 *specified in paragraph (1) or (2) of that subsection.*

10 (2) *One Chairperson shall be from an entity*
11 *specified in paragraph (3), (4), or (5) of that sub-*
12 *section.*

13 (d) *PROPOSED STANDARDS AND RECOMMENDA-*
14 *TIONS.—Not later than 180 days after the date the working*
15 *group is established under subsection (a), the working group*
16 *shall submit to the Administrator—*

17 (1) *proposed behavioral standards, medical*
18 *standards, and technical standards for domestic ca-*
19 *nine breeding and canine training described in that*
20 *subsection; and*

21 (2) *recommendations on how the TSA can en-*
22 *gage stakeholders to further the development of such*
23 *domestic non-Federal canine breeding capacity and*
24 *training.*

1 (e) *STRATEGY*.—Not later than 180 days after the date
2 the recommendations are submitted under subsection (d),
3 the Administrator shall develop and submit to the appro-
4 priate committees of Congress a strategy for working with
5 non-Federal stakeholders to facilitate expanded the domestic
6 canine breeding capacity described in subsection (a), based
7 on such recommendations.

8 (f) *CONSULTATION*.—In developing the strategy under
9 subsection (e), the Administrator shall consult with the
10 Under Secretary for Science and Technology of the Depart-
11 ment, the Commissioner for U.S. Customs and Border Pro-
12 tection, the Director of the United States Secret Service, and
13 the heads of such other Federal departments or agencies as
14 the Administrator considers appropriate to incorporate, to
15 the extent practicable, mission needs across the Department
16 for an expanded non-Federal domestic explosives detection
17 canine breeding capacity that can be leveraged to help meet
18 the Department's operational needs.

19 (g) *TERMINATION*.—The working group established
20 under subsection (a) shall terminate on the date that the
21 strategy is submitted under subsection (e), unless the Ad-
22 ministrator extends the termination date for the purposes
23 of section 1928.

24 (h) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
25 *MITTEE ACT*.—The Federal Advisory Committee Act (5

1 *U.S.C. App.) shall not apply to the working group estab-*
2 *lished under this Act.*

3 **SEC. 1928. THIRD PARTY DOMESTIC CANINES.**

4 *(a) IN GENERAL.—Not later than 1 year after the date*
5 *of enactment of this Act, to enhance the efficiency and effi-*
6 *cacy of transportation security by increasing the supply of*
7 *canine teams for use by the TSA and transportation stake-*
8 *holders, the Administrator shall develop and issue behav-*
9 *ioral standards, medical standards, and technical stand-*
10 *ards, based on the recommendations of the working group*
11 *under section 1927, that a third party explosives detection*
12 *canine must satisfy to be certified for the screening of indi-*
13 *viduals and property, including detection of explosive va-*
14 *pors among individuals and articles of property, in public*
15 *areas of an airport under section 44901 of title 49, United*
16 *States Code.*

17 *(b) AUGMENTING PUBLIC AREA SECURITY.—*

18 *(1) IN GENERAL.—The Administrator shall de-*
19 *velop guidance on the coordination of development*
20 *and deployment of explosives detection canine teams*
21 *for use by transportation stakeholders to enhance pub-*
22 *lic area security at transportation hubs, including*
23 *airports.*

1 (2) *CONSULTATION.*—*In developing the guidance*
2 *under paragraph (1), the Administrator shall consult*
3 *with—*

4 (A) *the working group established under*
5 *section 1927;*

6 (B) *the officials responsible for carrying out*
7 *section 1941; and*

8 (C) *such transportation stakeholders, canine*
9 *providers, law enforcement, privacy groups, and*
10 *transportation security providers as the Admin-*
11 *istrator considers relevant.*

12 (c) *AGREEMENT.*—*Subject to subsections (d), (e), and*
13 *(f), not later than 270 days after the issuance of standards*
14 *under subsection (a), the Administrator shall, to the extent*
15 *possible, enter into an agreement with at least 1 third party*
16 *to test and certify the capabilities of canines in accordance*
17 *with the standards under subsection (a).*

18 (d) *EXPEDITED DEPLOYMENT.*—*In entering into an*
19 *agreement under subsection (c), the Administrator shall*
20 *use—*

21 (1) *the other transaction authority under section*
22 *114(m) of title 49, United States Code; or*

23 (2) *such other authority of the Administrator as*
24 *the Administrator considers appropriate to expedite*
25 *the deployment of additional canine teams.*

1 (e) *PROCESS.*—*Before entering into an agreement*
2 *under subsection (c), the Administrator shall—*

3 (1) *evaluate and verify the third party’s ability*
4 *to effectively evaluate the capabilities of canines;*

5 (2) *designate key elements required for appro-*
6 *priate evaluation venues where third parties may*
7 *conduct testing; and*

8 (3) *periodically assess the program at evaluation*
9 *centers to ensure the proficiency of the canines beyond*
10 *the initial testing and certification by the third*
11 *party.*

12 (f) *CONSULTATION.*—*To determine best practices for*
13 *the use of third parties to test and certify the capabilities*
14 *of canines, the Administrator shall consult with the fol-*
15 *lowing persons before entering into an agreement under*
16 *subsection (c):*

17 (1) *The Secretary of State.*

18 (2) *The Secretary of Defense.*

19 (3) *Non-profit organizations that train, certify,*
20 *and provide the services of canines for various pur-*
21 *poses.*

22 (4) *Institutions of higher education with research*
23 *programs related to use of canines for the screening*
24 *of individuals and property, including detection of*

1 *explosive vapors among individuals and articles of*
2 *property.*

3 *(g) THIRD PARTY EXPLOSIVES DETECTION CANINE*
4 *PROVIDER LIST.—*

5 *(1) IN GENERAL.—Not later than 90 days after*
6 *the date the Administrator enters into an agreement*
7 *under subsection (c), the Administrator shall develop*
8 *and maintain a list of the names of each third party*
9 *from which the TSA procures explosive detection ca-*
10 *nines, including for each such third party the rel-*
11 *evant contractual period of performance.*

12 *(2) DISTRIBUTION.—The Administrator shall*
13 *make the list under paragraph (1) available to appro-*
14 *priate transportation stakeholders in such form and*
15 *manner as the Administrator prescribes.*

16 *(h) OVERSIGHT.—The Administrator shall establish a*
17 *process to ensure appropriate oversight of the certification*
18 *program and compliance with the standards under sub-*
19 *section (a), including periodic audits of participating third*
20 *parties.*

21 *(i) AUTHORIZATION.—*

22 *(1) TSA.—The Administrator shall develop and*
23 *implement a process for the TSA to procure third*
24 *party explosives detection canines certified under this*
25 *section.*

1 (2) AVIATION STAKEHOLDERS.—

2 (A) IN GENERAL.—*The Administrator shall*
3 *authorize an aviation stakeholder, under the*
4 *oversight of and in coordination with the Federal*
5 *Security Director at an applicable airport, to*
6 *contract with, procure or purchase, and deploy*
7 *one or more third party explosives detection ca-*
8 *nines certified under this section to augment*
9 *public area security at that airport.*

10 (B) APPLICABLE LARGE HUB AIRPORTS.—

11 (i) IN GENERAL.—*Except as provided*
12 *under subparagraph (ii), notwithstanding*
13 *any law to the contrary, and subject to the*
14 *other provisions of this paragraph, an ap-*
15 *plicable large hub airport may provide a*
16 *certified canine described in subparagraph*
17 *(A) on an in-kind basis to the TSA to be*
18 *deployed as a passenger screening canine at*
19 *that airport unless the applicable large hub*
20 *airport consents to the use of that certified*
21 *canine elsewhere.*

22 (ii) EXCEPTION.—*The Administrator*
23 *may, on a case-by-case basis, deploy a cer-*
24 *tified canine described in subparagraph (A)*
25 *to a transportation facility other than the*

1 applicable large hub airport described in
2 clause (i) for not more than 90 days per
3 year if the Administrator—

4 (I) determines that such deploy-
5 ment is necessary to meet operational
6 or security needs; and

7 (II) notifies the applicable large
8 hub airport described in clause (i).

9 (iii) *NONDEPLOYABLE CANINES.*—Any
10 certified canine provided to the TSA under
11 clause (i) that does not complete training
12 for deployment under that clause shall be
13 the responsibility of the large hub airport
14 unless the TSA agrees to a different out-
15 come.

16 (C) *HANDLERS.*—Not later than 30 days be-
17 fore a canine begins training to become a cer-
18 tified canine under subparagraph (B), the air-
19 port shall notify the TSA of such training and
20 the Administrator shall assign a TSA canine
21 handler to participate in the training with that
22 canine, as appropriate.

23 (D) *LIMITATION.*—The Administrator may
24 not reduce the staffing allocation model for an
25 applicable large hub airport based on that air-

1 port’s provision of a certified canine under this
2 paragraph.

3 (j) *DEFINITIONS.*—*In this section:*

4 (1) *APPLICABLE LARGE HUB AIRPORT.*—*The*
5 *term “applicable large hub airport” means a large*
6 *hub airport (as defined in section 40102 of title 49,*
7 *United States Code) that has less than 100 percent of*
8 *the allocated passenger screening canine teams staffed*
9 *by the TSA.*

10 (2) *AVIATION STAKEHOLDER.*—*The term “avia-*
11 *tion stakeholder” includes an airport, airport oper-*
12 *ator, and air carrier.*

13 **SEC. 1929. TRACKING AND MONITORING OF CANINE TRAIN-**
14 **ING AND TESTING.**

15 *Not later than 180 days after the date of enactment*
16 *of this Act, the Administrator shall use, to the extent prac-*
17 *ticable, a digital monitoring system for all training, testing,*
18 *and validation or certification of public and private canine*
19 *assets utilized or funded by the TSA to facilitate improved*
20 *review, data analysis, and record keeping of canine testing*
21 *performance and program administration.*

22 **SEC. 1930. VIPR TEAM STATISTICS.**

23 (a) *VIPR TEAM STATISTICS.*—

24 (1) *IN GENERAL.*—*Not later than 90 days after*
25 *the date of enactment of this Act, and annually there-*

1 after, the Administrator shall notify the appropriate
2 committees of Congress of the number of VIPR teams
3 available for deployment at transportation facilities,
4 including—

5 (A) the number of VIPR team operations
6 that include explosive detection canine teams;
7 and

8 (B) the distribution of VIPR team oper-
9 ations deployed across different modes of trans-
10 portation.

11 (2) ANNEX.—The notification under paragraph
12 (1) may contain a classified annex.

13 (3) DEFINITION OF VIPR TEAM.—In this sub-
14 section, the term “VIPR” means a Visible Intermodal
15 Prevention and Response team authorized under sec-
16 tion 1303 of the National Transit Systems Security
17 Act of 2007 (6 U.S.C. 1112).

18 (b) AUTHORIZATION OF VIPR TEAMS.—Section
19 1303(b) of the National Transit Systems Security Act of
20 2007 (6 U.S.C. 1112(b)) is amended by striking “to the ex-
21 tent appropriated, including funds to develop not more than
22 60 VIPR teams, for fiscal years 2016 through 2018” and
23 inserting “such sums as necessary, including funds to de-
24 velop at least 30, but not more than 60, VIPR teams, for
25 fiscal years 2019 through 2021”.

1 **SEC. 1931. PUBLIC AREA SECURITY WORKING GROUP.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *PUBLIC AND PRIVATE STAKEHOLDERS.—The*
4 *term “public and private stakeholders” has the mean-*
5 *ing given the term in section 114(t)(1)(C) of title 49,*
6 *United States Code.*

7 (2) *SURFACE TRANSPORTATION ASSET.—The*
8 *term “surface transportation asset” includes—*

9 (A) *facilities, equipment, or systems used to*
10 *provide transportation services by—*

11 (i) *a public transportation agency (as*
12 *the term is defined in section 1402 of the*
13 *Implementing Recommendations of the 9/11*
14 *Commission Act of 2007 (6 U.S.C. 1131));*

15 (ii) *a railroad carrier (as the term is*
16 *defined in section 20102 of title 49, United*
17 *States Code);*

18 (iii) *an owner or operator of—*

19 (I) *an entity offering scheduled,*
20 *fixed-route transportation services by*
21 *over-the road bus (as the term is de-*
22 *defined in section 1501 of the Imple-*
23 *menting Recommendations of the 9/11*
24 *Commission Act of 2007 (6 U.S.C.*
25 *1151)); or*

26 (II) *a bus terminal; or*

1 (B) other transportation facilities, equip-
2 ment, or systems, as determined by the Sec-
3 retary.

4 (b) PUBLIC AREA SECURITY WORKING GROUP.—

5 (1) WORKING GROUP.—The Administrator, in
6 coordination with the National Protection and Pro-
7 grams Directorate, shall establish a working group to
8 promote collaborative engagement between the TSA
9 and public and private stakeholders to develop non-
10 binding recommendations for enhancing security in
11 public areas of transportation facilities (including fa-
12 cilities that are surface transportation assets), includ-
13 ing recommendations regarding the following:

14 (A) Information sharing and interoperable
15 communication capabilities among the TSA and
16 public and private stakeholders with respect to
17 terrorist or other threats.

18 (B) Coordinated incident response proce-
19 dures.

20 (C) The prevention of terrorist attacks and
21 other incidents through strategic planning, secu-
22 rity training, exercises and drills, law enforce-
23 ment patrols, worker vetting, and suspicious ac-
24 tivity reporting.

1 (D) *Infrastructure protection through effective*
2 *construction design barriers and installation*
3 *of advanced surveillance and other security tech-*
4 *nologies.*

5 (2) *ANNUAL REPORT.—*

6 (A) *IN GENERAL.—Not later than 1 year*
7 *after the date the working group is established*
8 *under paragraph (1), the Administrator shall*
9 *submit to the appropriate committee of Congress*
10 *a report, covering the 12-month period preceding*
11 *the date of the report, on—*

12 (i) *the organization of the working*
13 *group;*

14 (ii) *the activities of the working group;*

15 (iii) *the participation of the TSA and*
16 *public and private stakeholders in the ac-*
17 *tivities of the working group;*

18 (iv) *the findings of the working group,*
19 *including any recommendations.*

20 (B) *PUBLICATION.—The Administrator*
21 *may publish a public version of such report that*
22 *describes the activities of the working group and*
23 *such related matters as would be informative to*
24 *the public, consistent with section 552(b) of title*
25 *5, United States Code.*

1 (3) *NONAPPLICABILITY OF FACCA.*—*The Federal*
2 *Advisory Committee Act (5 U.S.C. App.) shall not*
3 *apply to the working group established under sub-*
4 *section (a) or any subcommittee thereof.*

5 (c) *TECHNICAL ASSISTANCE.*—

6 (1) *IN GENERAL.*—*The Secretary shall—*

7 (A) *inform owners and operators of surface*
8 *transportation assets about the availability of*
9 *technical assistance, including vulnerability as-*
10 *essment tools and cybersecurity guidelines, to*
11 *help protect and enhance the resilience of public*
12 *areas of such assets; and*

13 (B) *upon request, and subject to the avail-*
14 *ability of appropriations, provide such technical*
15 *assistance to owners and operators of surface*
16 *transportation assets.*

17 (2) *BEST PRACTICES.*—*Not later than 1 year*
18 *after the date of enactment of this Act, and periodi-*
19 *cally thereafter, the Secretary shall publish on the De-*
20 *partment website and widely disseminate, as appro-*
21 *priate, current best practices for protecting and en-*
22 *hancing the resilience of public areas of transpor-*
23 *tation facilities (including facilities that are surface*
24 *transportation assets), including associated frame-*
25 *works or templates for implementation.*

1 (d) *REVIEW.*—

2 (1) *IN GENERAL.*—*Not later than 1 year after*
3 *the date of enactment of this Act, the Administrator*
4 *shall—*

5 (A) *review of regulations, directives, poli-*
6 *cies, and procedures issued by the Administrator*
7 *regarding the transportation of a firearm and*
8 *ammunition; and*

9 (B) *submit to the appropriate committees of*
10 *Congress a report on the findings of the review*
11 *under subparagraph (A), including, as appro-*
12 *priate, information on any plans to modify any*
13 *regulation, directive, policy, or procedure based*
14 *on the review.*

15 (2) *CONSULTATION.*—*In preparing the report*
16 *under paragraph (1), the Administrator shall consult*
17 *with—*

18 (A) *ASAC;*

19 (B) *the Surface Transportation Security*
20 *Advisory Committee under section 404 of the*
21 *Homeland Security Act of 2002; and*

22 (C) *appropriate public and private stake-*
23 *holders.*

1 **SEC. 1932. PUBLIC AREA BEST PRACTICES.**

2 (a) *IN GENERAL.*—*The Administrator shall, in accord-*
3 *ance with law and as received or developed, periodically*
4 *submit information, on any best practices developed by the*
5 *TSA or appropriate transportation stakeholders related to*
6 *protecting the public spaces of transportation infrastructure*
7 *from emerging threats, to the following:*

8 (1) *Federal Security Directors at airports.*

9 (2) *Appropriate security directors for other*
10 *modes of transportation.*

11 (3) *Other appropriate transportation security*
12 *stakeholders.*

13 (b) *INFORMATION SHARING.*—*The Administrator*
14 *shall, in accordance with law—*

15 (1) *in coordination with the Office of the Direc-*
16 *tor of National Intelligence and industry partners,*
17 *implement improvements to the Air Domain Intel-*
18 *ligence and Analysis Center to encourage increased*
19 *participation from stakeholders and enhance govern-*
20 *ment and industry security information sharing on*
21 *transportation security threats, including on cyberse-*
22 *curity threat awareness;*

23 (2) *expand and improve the City and Airport*
24 *Threat Assessment or similar program to public and*
25 *private stakeholders to capture, quantify, commu-*
26 *nicate, and apply applicable intelligence to inform*

1 *transportation infrastructure mitigation measures,*
2 *such as—*

3 *(A) quantifying levels of risk by airport*
4 *that can be used to determine risk-based security*
5 *mitigation measures at each location; and*

6 *(B) determining random and surge em-*
7 *ployee inspection operations based on changing*
8 *levels of risk;*

9 *(3) continue to disseminate Transportation In-*
10 *telligence Notes, tear-lines, and related intelligence*
11 *products to appropriate transportation security stake-*
12 *holders on a regular basis; and*

13 *(4) continue to conduct both regular routine and*
14 *threat-specific classified briefings between the TSA*
15 *and appropriate transportation sector stakeholders on*
16 *an individual or group basis to provide greater infor-*
17 *mation sharing between public and private sectors.*

18 *(c) MASS NOTIFICATION.—The Administrator shall en-*
19 *courage security stakeholders to utilize mass notification*
20 *systems, including the Integrated Public Alert Warning*
21 *System of the Federal Emergency Management Agency and*
22 *social media platforms, to disseminate information to*
23 *transportation community employees, travelers, and the*
24 *general public, as appropriate.*

1 (d) *PUBLIC AWARENESS PROGRAMS.*—*The Secretary,*
2 *in coordination with the Administrator, shall expand pub-*
3 *lic programs of the Department of Homeland Security and*
4 *the TSA that increase security threat awareness, education,*
5 *and training to include transportation network public area*
6 *employees, including airport and transportation vendors,*
7 *local hotels, cab and limousine companies, ridesharing com-*
8 *panies, cleaning companies, gas station attendants, cargo*
9 *operators, and general aviation members.*

10 **SEC. 1933. AIRPORT WORKER ACCESS CONTROLS COST AND**
11 **FEASIBILITY STUDY.**

12 (a) *IN GENERAL.*—*Not later than 1 year after the date*
13 *of enactment of this Act, the Administrator, in consultation*
14 *with ASAC, shall submit to the Comptroller General of the*
15 *United States and the appropriate committees of Congress*
16 *a study examining the shared cost and feasibility to air-*
17 *ports, airlines, and the TSA of implementing enhanced em-*
18 *ployee inspection measures at all access points between non-*
19 *secured areas and secured areas at a statistically signifi-*
20 *cant number of Category I, II, III, IV, and X airports.*

21 (b) *ASSESSMENT.*—*To the extent practicable, in con-*
22 *ducting the study, the Administrator shall assess the cost,*
23 *operational efficiency, and security effectiveness of requir-*
24 *ing all employees to present for inspection at every access*
25 *point between non-secured areas and secured areas of air-*

1 ports, and of deploying some or all of the following screen-
2 ing measures and technologies:

3 (1) A secure door utilizing card and pin entry
4 or biometric technology.

5 (2) Surveillance video recording capable of stor-
6 ing video data for at least 30 days.

7 (3) Advanced screening technologies, including at
8 least 1 of the following:

9 (A) Magnetometer (walk-through or hand-
10 held).

11 (B) Explosives detection canines.

12 (C) Explosives trace detection swabbing.

13 (D) Advanced imaging technology.

14 (E) X-ray bag screening technology.

15 (4) The TSA's Advanced Threat Local Allocation
16 Strategy (commonly known as "ATLAS").

17 (c) CONTENTS.—To the extent practicable, the study
18 under subsection (a) shall include the following:

19 (1) Costs associated with establishing an oper-
20 ational minimum number of employee entry and exit
21 points.

22 (2) A comparison of estimated costs and security
23 effectiveness associated with implementing the secu-
24 rity features specified in paragraphs (1), (2), (3), and
25 (4) of subsection (b) based on information on the ex-

1 *periences from those category I, II, III, IV, and X*
2 *airports that have already implemented or piloted en-*
3 *hanced employee inspection measures at access points*
4 *between non-secured areas and secured areas of air-*
5 *ports.*

6 *(d) GAO REVIEW.—Not later than 90 days after the*
7 *date of receipt of the study under subsection (a), the Comp-*
8 *troller General of the United States shall—*

9 *(1) review the study to assess the quality and re-*
10 *liability of the study; and*

11 *(2) submit to the appropriate committees of Con-*
12 *gress a report on the results of the review under para-*
13 *graph (1).*

14 **SEC. 1934. SECURING AIRPORT WORKER ACCESS POINTS.**

15 *(a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT*
16 *SECURITY AWARENESS.—Not later than 180 days after the*
17 *date of enactment of this Act, the Administrator shall con-*
18 *sult with air carriers, foreign air carriers, airport opera-*
19 *tors, and labor unions representing credentialed employees*
20 *to enhance security awareness of credentialed airport popu-*
21 *lations regarding insider threats to aviation security and*
22 *best practices related to airport access controls.*

23 *(b) CREDENTIALING STANDARDS.—Not later than 180*
24 *days after the date of enactment of this Act, the Adminis-*
25 *trator, in consultation with air carriers, foreign air car-*

1 riers, airport operators, and labor unions representing
2 credentialed employees, shall assess credentialing standards,
3 policies, and practices, including implementation of rel-
4 evant credentialing updates required under the FAA Exten-
5 sion, Safety, and Security Act of 2016 (Public Law 114–
6 190; 130 Stat. 615), to ensure that insider threats to avia-
7 tion security are adequately addressed.

8 (c) *SIDA APPLICATIONS.*—

9 (1) *SOCIAL SECURITY NUMBERS REQUIRED.*—

10 (A) *IN GENERAL.*—Not later than 60 days
11 after the date of enactment of this Act, the Ad-
12 ministrator shall revise the application sub-
13 mitted by an individual applying for a creden-
14 tial granting access to the Secure Identification
15 Area of an airport to require the social security
16 number of such individual in order to strengthen
17 security vetting effectiveness.

18 (B) *FAILURE TO PROVIDE NUMBER.*—An
19 applicant who does not provide such applicant’s
20 social security number may be denied such a cre-
21 dential.

22 (2) *SCREENING NOTICE.*—The Administrator
23 shall issue requirements for an airport operator to in-
24 clude in each application for access to a Security
25 Identification Display Area notification to the appli-

1 *cant that an employee holding a credential granting*
2 *access to a Security Identification Display Area may*
3 *be screened at any time while gaining access to, work-*
4 *ing in, or leaving a Security Identification Display*
5 *Area.*

6 *(d) SECURED AND STERILE AREAS OF AIRPORTS.—*
7 *The Administrator shall consult with airport operators and*
8 *airline operators to identify advanced technologies, includ-*
9 *ing biometric identification technologies, that could be used*
10 *for securing employee access to the secured areas and sterile*
11 *areas of airports.*

12 *(e) RAP BACK VETTING .—Not later than 180 days*
13 *after the date of enactment of this Act, the Administrator*
14 *shall identify and submit to the appropriate committees of*
15 *Congress the number of credentialed aviation worker popu-*
16 *lations at airports that are continuously vetted through the*
17 *Federal Bureau of Investigation’s Rap Back Service, con-*
18 *sistent with section 3405(b)(2) of the FAA Extension, Safe-*
19 *ty, and Security Act of 2016 (49 U.S.C. 44901 note).*

20 *(f) INSIDER THREAT EDUCATION AND MITIGATION.—*
21 *Not later than 180 days after the date of enactment of this*
22 *Act, the Administrator shall identify means of enhancing*
23 *the TSA’s ability to leverage the resources of the Depart-*
24 *ment and the intelligence community (as defined in section*
25 *3 of the National Security Act of 1947 (50 U.S.C. 3003))*

1 *to educate Administration personnel on insider threats to*
2 *aviation security and how the TSA can better mitigate such*
3 *insider threats.*

4 (g) *EMPLOYEE INSPECTIONS.*—*Consistent with the*
5 *FAA Extension, Safety, and Security Act of 2016 (Public*
6 *Law 114–190; 130 Stat. 615), the Administrator shall en-*
7 *sure that TSA-led, random employee physical inspection ef-*
8 *forts of aviation workers are targeted, strategic, and focused*
9 *on providing the greatest level of security effectiveness.*

10 (h) *COVERT TESTING.*—

11 (1) *IN GENERAL.*—*Consistent with the FAA Ex-*
12 *tension, Safety, and Security Act of 2016 (Public*
13 *Law 114–190; 130 Stat. 615), the Administrator shall*
14 *continue to conduct covert testing of TSA-led em-*
15 *ployee inspection operations at airports and measure*
16 *existing levels of security effectiveness.*

17 (2) *REQUIREMENTS.*—*The Administrator shall*
18 *provide—*

19 (A) *the results of such testing to—*

20 (i) *the airport operator for the airport*
21 *that is the subject of any such testing; and*

22 (ii) *as appropriate, to air carriers and*
23 *foreign air carriers that operate at the air-*
24 *port that is the subject of such testing; and*

1 (B) *recommendations and technical assist-*
2 *ance for air carriers, foreign air carriers, and*
3 *airport operators to conduct their own employee*
4 *inspections, as needed.*

5 (3) *ANNUAL REPORTING.—The Administrator*
6 *shall for each of fiscal years 2019 through 2021, sub-*
7 *mit to the appropriate committees of Congress a re-*
8 *port on the frequency, methodology, strategy, and ef-*
9 *fectiveness of employee inspection operations at air-*
10 *ports.*

11 (i) *CENTRALIZED DATABASE.—*

12 (1) *IN GENERAL.—Not later than 180 days after*
13 *the date of enactment of this Act, the Administrator,*
14 *in consultation with ASAC, shall—*

15 (A) *subject to paragraph (2), establish a na-*
16 *tional, centralized database of the names of each*
17 *individual who—*

18 (i) *has had an airport-issued badge re-*
19 *voked for failure to comply with aviation*
20 *security requirements; or*

21 (ii) *has had an aircraft operator-issued*
22 *badge revoked for failure to comply with*
23 *aviation security requirements;*

1 (B) determine the appropriate reporting
2 mechanisms for air carriers, foreign air carriers,
3 and airport operators—

4 (i) to submit to the Administration
5 data regarding an individual described in
6 subparagraph (A); and

7 (ii) to access the database; and

8 (C) establish a process to allow an indi-
9 vidual whose name is mistakenly entered into the
10 database to correct the record and have the indi-
11 vidual's name expunged from the database.

12 (2) *LIMITATION.*—The database shall not include
13 the name of any individual whose badge has been re-
14 voked as a result of a termination or cessation of em-
15 ployment unrelated to—

16 (A) a violation of a security requirement; or

17 (B) a determination that the individual
18 poses a threat to aviation security.

19 **SEC. 1935. LAW ENFORCEMENT OFFICER REIMBURSEMENT**
20 **PROGRAM.**

21 (a) *IN GENERAL.*—In accordance with section
22 44903(c)(1) of title 49, United States Code, the Adminis-
23 trator shall increase the number of awards, and the total
24 funding amount of each award, under the Law Enforcement
25 Officer Reimbursement Program—

1 (1) *to increase the presence of law enforcement*
2 *officers in the public areas of airports, including bag-*
3 *gage claim, ticket counters, and nearby roads;*

4 (2) *to increase the presence of law enforcement*
5 *officers at screening checkpoints;*

6 (3) *to reduce the response times of law enforce-*
7 *ment officers during security incidents; and*

8 (4) *to provide visible deterrents to potential ter-*
9 *rorists.*

10 (b) *COOPERATION BY ADMINISTRATOR.—In carrying*
11 *out subsection (a), the Administrator shall use the authority*
12 *provided to the Administrator under section 114(m) of title*
13 *49, United States Code, that is the same authority as is*
14 *provided to the Administrator of the Federal Aviation Ad-*
15 *ministration under section 106(m) of that title.*

16 (c) *ADMINISTRATIVE BURDENS.—The Administrator*
17 *shall review the regulations and compliance policies related*
18 *to the Law Enforcement Officer Reimbursement Program*
19 *and, if necessary, revise such regulations and policies to re-*
20 *duce any administrative burdens on applicants or recipi-*
21 *ents of such awards.*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
23 *authorized to be appropriated to carry out section 44901(h)*
24 *of title 49, United States Code, \$55,000,000 for each of fis-*
25 *cal years 2019 through 2021.*

1 **SEC. 1936. AIRPORT PERIMETER AND ACCESS CONTROL SE-**
2 **CURITY.**

3 (a) *RISK ASSESSMENTS OF AIRPORT SECURITY.*—

4 (1) *IN GENERAL.*—*The Administrator shall—*

5 (A) *not later than 180 days after the date*
6 *of enactment of this Act, update the Transpor-*
7 *tation Sector Security Risk Assessment (referred*
8 *to in this section as the “TSSRA”); and*

9 (B) *not later than 90 days after the date the*
10 *TSSRA is updated under subparagraph (A)—*

11 (i) *update with the most currently*
12 *available intelligence information the Com-*
13 *prehensive Risk Assessment of Perimeter*
14 *and Access Control Security (referred to in*
15 *this section as the “Risk Assessment of Air-*
16 *port Security”);*

17 (ii) *establish a regular schedule for*
18 *periodic updates to the Risk Assessment of*
19 *Airport Security; and*

20 (iii) *conduct a system-wide assessment*
21 *of airport access control points and airport*
22 *perimeter security.*

23 (2) *CONTENTS.*—*The security risk assessments*
24 *required under paragraph (1)(B) shall—*

25 (A) *include updates reflected in the TSSRA*
26 *and Joint Vulnerability Assessment findings;*

1 (B) reflect changes to the risk environment
2 relating to airport access control points and air-
3 port perimeters;

4 (C) use security event data for specific anal-
5 ysis of system-wide trends related to airport ac-
6 cess control points and airport perimeter secu-
7 rity to better inform risk management decisions;
8 and

9 (D) consider the unique geography of and
10 current best practices used by airports to miti-
11 gate potential vulnerabilities.

12 (3) *REPORT.*—The Administrator shall report
13 the results of the TSSRA and Risk Assessment of Air-
14 port Security under paragraph (1) to—

15 (A) the appropriate committees of Congress;

16 (B) relevant Federal departments and agen-
17 cies; and

18 (C) airport operators.

19 (b) *AIRPORT SECURITY STRATEGY DEVELOPMENT.*—

20 (1) *IN GENERAL.*—Not later than 90 days after
21 the date of enactment of this Act, the Administrator
22 shall update the 2012 National Strategy for Airport
23 Perimeter and Access Control Security (referred to in
24 this section as the “National Strategy”).

1 (2) *CONTENTS.*—*The update to the National*
2 *Strategy shall include—*

3 (A) *information from the Risk Assessment*
4 *of Airport Security; and*

5 (B) *information on—*

6 (i) *airport security-related activities;*

7 (ii) *the status of TSA efforts to address*
8 *the objectives of the National Strategy;*

9 (iii) *finalized outcome-based perform-*
10 *ance measures and performance levels for—*

11 (I) *each activity described in*
12 *clause (i); and*

13 (II) *each objective described in*
14 *clause (ii); and*

15 (iv) *input from airport operators.*

16 (3) *UPDATES.*—*Not later than 90 days after the*
17 *date the update to the National Strategy is complete,*
18 *the Administrator shall establish a regular schedule*
19 *for determining if and when additional updates to the*
20 *strategy under paragraph (1) are necessary.*

21 ***Subtitle D—Passenger and Cargo***
22 ***Security***

23 ***SEC. 1937. PRECHECK PROGRAM.***

24 (a) *IN GENERAL.*—*Section 44919 is amended to read*
25 *as follows:*

1 **“§ 44919. PreCheck Program**

2 “(a) *IN GENERAL.*—*The Administrator of the Trans-*
3 *portation Security Administration shall continue to ad-*
4 *minister the PreCheck Program in accordance with section*
5 *109(a)(3) of the Aviation and Transportation Security Act*
6 *(49 U.S.C. 114 note).*

7 “(b) *EXPANSION.*—*Not later than 180 days after the*
8 *date of enactment of the TSA Modernization Act, the Ad-*
9 *ministrator shall enter into an agreement, using other*
10 *transaction authority under section 114(m) of this title,*
11 *with at least 2 private sector entities to increase the methods*
12 *and capabilities available for the public to enroll in the*
13 *PreCheck Program.*

14 “(c) *MINIMUM CAPABILITY REQUIREMENTS.*—*At least*
15 *1 agreement under subsection (b) shall include the following*
16 *capabilities:*

17 “(1) *Start-to-finish secure online or mobile en-*
18 *rollment capability.*

19 “(2) *Vetting of an applicant by means other*
20 *than biometrics, such as a risk assessment, if—*

21 “(A) *such means—*

22 “(i) *are evaluated and certified by the*
23 *Secretary of Homeland Security;*

24 “(ii) *meet the definition of a qualified*
25 *anti-terrorism technology under section 865*

1 *of the Homeland Security Act of 2002 (6*
2 *U.S.C. 444); and*

3 *“(iii) are determined by the Adminis-*
4 *trator to provide a risk assessment that is*
5 *as effective as a fingerprint-based criminal*
6 *history records check conducted through the*
7 *Federal Bureau of Investigation with re-*
8 *spect to identifying individuals who are not*
9 *qualified to participate in the PreCheck*
10 *Program due to disqualifying criminal his-*
11 *tory; and*

12 *“(B) with regard to private sector risk as-*
13 *sessments, the Secretary has certified that rea-*
14 *sonable procedures are in place with regard to*
15 *the accuracy, relevancy, and proper utilization*
16 *of information employed in such risk assess-*
17 *ments.*

18 *“(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At*
19 *least 1 agreement under subsection (b) shall include the fol-*
20 *lowing capabilities:*

21 *“(1) Start-to-finish secure online or mobile en-*
22 *rollment capability.*

23 *“(2) Vetting of an applicant by means of bio-*
24 *metrics if the collection—*

1 “(A) is comparable with the appropriate
2 and applicable standards developed by the Na-
3 tional Institute of Standards and Technology;

4 “(B) protects privacy and data security, in-
5 cluding that any personally identifiable informa-
6 tion is collected, retained, used, and shared in a
7 manner consistent with section 552a of title 5,
8 United States Code (commonly known as ‘Pri-
9 vacy Act of 1974’), and with agency regulations;

10 “(C) is evaluated and certified by the Sec-
11 retary of Homeland Security; and

12 “(D) is determined by the Administrator to
13 provide a risk assessment that is as effective as
14 a fingerprint-based criminal history records
15 check conducted through the Federal Bureau of
16 Investigation with respect to identifying individ-
17 uals who are not qualified to participate in the
18 PreCheck Program due to disqualifying criminal
19 history.

20 “(e) *TARGET ENROLLMENT*.—Subject to subsections
21 (b), (c), and (d), the Administrator shall take actions to
22 expand the total number of individuals enrolled in the
23 PreCheck Program as follows:

24 “(1) 7,000,000 passengers before October 1, 2019.

1 “(2) 10,000,000 passengers before October 1,
2 2020.

3 “(3) 15,000,000 passengers before October 1,
4 2021.

5 “(f) *MARKETING OF PRECHECK PROGRAM.*—Not later
6 than 90 days after the date of enactment of the TSA Mod-
7 ernization Act, the Administrator shall—

8 “(1) enter into at least 2 agreements, using other
9 transaction authority under section 114(m) of this
10 title, to market the PreCheck Program; and

11 “(2) implement a long-term strategy for
12 partnering with the private sector to encourage enroll-
13 ment in such program.

14 “(g) *IDENTITY VERIFICATION ENHANCEMENT.*—The
15 Administrator shall—

16 “(1) coordinate with the heads of appropriate
17 components of the Department to leverage Depart-
18 ment-held data and technologies to verify the identity
19 and citizenship of individuals enrolling in the
20 PreCheck Program;

21 “(2) partner with the private sector to use bio-
22 metrics and authentication standards, such as rel-
23 evant standards developed by the National Institute of
24 Standards and Technology, to facilitate enrollment in
25 the program; and

1 “(3) consider leveraging the existing resources
2 and abilities of airports to collect fingerprints for use
3 in background checks to expedite identity verification.

4 “(h) *PRECHECK PROGRAM LANES OPERATION.*—The
5 Administrator shall—

6 “(1) ensure that PreCheck Program screening
7 lanes are open and available during peak and high-
8 volume travel times at appropriate airports to indi-
9 viduals enrolled in the PreCheck Program; and

10 “(2) make every practicable effort to provide ex-
11 pedited screening at standard screening lanes during
12 times when PreCheck Program screening lanes are
13 closed to individuals enrolled in the program in order
14 to maintain operational efficiency.

15 “(i) *ELIGIBILITY OF MEMBERS OF THE ARMED*
16 *FORCES FOR EXPEDITED SECURITY SCREENING.*—

17 “(1) *IN GENERAL.*—Subject to paragraph (3), an
18 individual specified in paragraph (2) is eligible for
19 expedited security screening under the PreCheck Pro-
20 gram.

21 “(2) *INDIVIDUALS SPECIFIED.*—An individual
22 specified in this subsection is any of the following:

23 “(A) A member of the Armed Forces, in-
24 cluding a member of a reserve component or the
25 National Guard.

1 “(B) *A cadet or midshipman of the United*
2 *States Military Academy, the United States*
3 *Naval Academy, the United States Air Force*
4 *Academy, or the United States Coast Guard*
5 *Academy.*

6 “(C) *A family member of an individual*
7 *specified in subparagraph (A) or (B) who is*
8 *younger than 12 years old and accompanying*
9 *the individual.*

10 “(3) *IMPLEMENTATION.—The eligibility of an in-*
11 *dividual specified in paragraph (2) for expedited se-*
12 *curity screening under the PreCheck Program is sub-*
13 *ject to such policies and procedures as the Adminis-*
14 *trator may prescribe to carry out this subsection, in*
15 *consultation with the Secretary of Defense and, with*
16 *respect to the United States Coast Guard, the Com-*
17 *mandant of the United States Coast Guard.*

18 “(j) *VETTING FOR PRECHECK PROGRAM PARTICI-*
19 *PANTS.—The Administrator shall initiate an assessment to*
20 *identify any security vulnerabilities in the vetting process*
21 *for the PreCheck Program, including determining whether*
22 *subjecting PreCheck Program participants to recurrent fin-*
23 *gerprint-based criminal history records checks, in addition*
24 *to recurrent checks against the terrorist watchlist, could be*

1 *done in a cost-effective manner to strengthen the security*
2 *of the PreCheck Program.*

3 “(k) *ASSURANCE OF SEPARATE PROGRAM.*—*In car-*
4 *rying out this section, the Administrator shall ensure that*
5 *the additional private sector application capabilities under*
6 *subsections (b), (c), and (d) are undertaken in addition to*
7 *any other related TSA program, initiative, or procurement,*
8 *including the Universal Enrollment Services program.*

9 “(l) *EXPENDITURE OF FUNDS.*—*Any Federal funds ex-*
10 *pended by the Administrator to expand PreCheck Program*
11 *enrollment shall be expended in a manner that includes the*
12 *requirements of this section.”.*

13 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

14 (1) *REPEAL.*—*Subtitle A of title III of the FAA*
15 *Extension, Safety, and Security Act of 2016 (49*
16 *U.S.C. 44901 note) and the items relating to that sub-*
17 *title in the table of contents of that Act are repealed.*

18 (2) *TABLE OF CONTENTS.*—*The table of contents*
19 *of chapter 449 is amended by amending the item re-*
20 *lating to section 44919 to read as follows:*

“44919. PreCheck Program.”.

21 (3) *SCREENING PASSENGERS AND PROPERTY.*—
22 *Section 44901(a) is amended by striking “44919 or”.*

23 **SEC. 1938. PRECHECK EXPEDITED SCREENING.**

24 (a) *IN GENERAL.*—*Not later than 18 months after the*
25 *date of enactment of this Act, the Administrator shall en-*

1 *sure that only a traveler who is a member of a trusted trav-*
2 *eler program specified in subsection (b) is permitted to use*
3 *a TSA PreCheck security screening lane at a passenger*
4 *screening checkpoint.*

5 *(b) TRUSTED TRAVELER PROGRAMS SPECIFIED.—A*
6 *trusted traveler program specified in this subsection is any*
7 *of the following:*

8 *(1) The PreCheck Program under section 44919*
9 *of title 49, United States Code.*

10 *(2) Any other program implemented by the TSA*
11 *under section 109(a)(3) of the Aviation and Trans-*
12 *portation Security Act (49 U.S.C. 114 note).*

13 *(3) Any other United States Government pro-*
14 *gram that issues a unique identifier, such as a known*
15 *traveler number, that the TSA accepts as validating*
16 *that the individual holding such identifier is a mem-*
17 *ber of a known low-risk population.*

18 *(c) EXEMPTIONS.—Nothing in this section shall af-*
19 *fect—*

20 *(1) the authority of the Administrator, under*
21 *section 44927 of title 49, United States Code, to carry*
22 *out expedited screening for members of the Armed*
23 *Forces with disabilities or severe injuries or veterans*
24 *with disabilities or severe injuries; or*

1 (2) *the Honor Flight program under section*
2 *44928 of that title.*

3 (d) *LOW-RISK TRAVELERS.—Any traveler who is de-*
4 *termined by the Administrator to be low risk based on the*
5 *traveler’s age and who is not a member of a trusted traveler*
6 *program specified in subsection (b) shall be permitted to*
7 *utilize TSA PreCheck security screening lanes at Transpor-*
8 *tation Security Administration checkpoints when traveling*
9 *on the same reservation as a member of such a program.*

10 (e) *RISK MODIFIED SCREENING.—*

11 (1) *PILOT PROGRAM.—Not later than 60 days*
12 *after the date of enactment of this Act and subject to*
13 *paragraph (2), the Administrator shall commence a*
14 *pilot program regarding a risk modified screening*
15 *protocol for lanes other than designated TSA*
16 *PreCheck security screening lanes at passenger screen-*
17 *ing checkpoints, in airports of varying categories, to*
18 *further segment passengers based on risk.*

19 (2) *ELIGIBILITY.—Only a low-risk passenger*
20 *shall be eligible to participate in the risk modified*
21 *screening pilot program under paragraph (1).*

22 (3) *DEFINITION OF LOW-RISK PASSENGER.—In*
23 *this subsection, the term “low-risk passenger” means*
24 *a passenger who—*

1 (A) meets a risk-based, intelligence-driven
2 criteria prescribed by the Administrator; or

3 (B) undergoes a canine enhanced screening
4 upon arrival at the passenger screening check-
5 point.

6 (4) *TERMINATION.*—The pilot program shall ter-
7minate on the date that is 120 days after the date it
8commences under paragraph (1).

9 (5) *BRIEFING.*—Not later than 30 days after the
10 termination date under paragraph (4), the Adminis-
11trator shall brief the appropriate committees of Con-
12gress on the findings of the pilot program, includ-
13ing—

14 (A) information relating to the security ef-
15fectiveness and passenger facilitation effectiveness
16of the risk modified screening protocol;

17 (B) a determination regarding whether the
18risk modified screening protocol was effective;
19and

20 (C) if the Administrator determined that
21the protocol was effective, a plan for the deploy-
22ment of the protocol at as many TSA passenger
23screening checkpoints as practicable.

24 (6) *IMPLEMENTATION.*—In determining whether
25deployment of the protocol at a TSA passenger screen-

1 *ing checkpoint at an airport is practicable, the Ad-*
2 *ministrator shall consider—*

3 *(A) the level of risk at the airport;*

4 *(B) the available space at the airport;*

5 *(C) passenger throughput levels at the air-*
6 *port;*

7 *(D) the checkpoint configuration at the air-*
8 *port; and*

9 *(E) adequate resources to appropriately*
10 *serve passengers in TSA PreCheck security*
11 *screening lanes at the passenger screening check-*
12 *point.*

13 *(f) WORKING GROUP.—*

14 *(1) IN GENERAL.—In carrying out subsection*
15 *(e), the Administrator shall establish a working group*
16 *to advise the Administrator on the development of*
17 *plans for the deployment of the protocol at TSA pas-*
18 *senger screening checkpoints, other than designated*
19 *TSA PreCheck security screening lanes, in the most*
20 *effective and efficient manner practicable.*

21 *(2) MEMBERS.—The working group shall be*
22 *comprised of representatives of Category X, I, II, III,*
23 *and IV airports and air carriers (as the term is de-*
24 *defined in section 40102 of title 49, United States*
25 *Code).*

1 (3) *NONAPPLICABILITY OF FAC A.*—*The Federal*
2 *Advisory Committee Act (5 U.S.C. App.) shall not*
3 *apply to the working group established under this*
4 *subsection.*

5 (g) *BRIEFINGS.*—

6 (1) *IN GENERAL.*—*The Administrator shall brief,*
7 *on a biannual basis, the appropriate committees of*
8 *Congress on the implementation of subsections (a)*
9 *until the Administrator certifies that only travelers*
10 *who are members of trusted traveler programs speci-*
11 *fied in subsection (b) are permitted to use TSA*
12 *PreCheck security screening lanes at passenger screen-*
13 *ing checkpoints.*

14 (2) *CERTIFICATION.*—*Upon a determination by*
15 *the Administrator that only travelers who are mem-*
16 *bers of a trusted traveler program specified in sub-*
17 *section (b) are permitted to use TSA PreCheck secu-*
18 *rity screening lanes at checkpoints in accordance with*
19 *subsection (a), the Administrator shall submit to the*
20 *appropriate committees of Congress a written certifi-*
21 *cation relating to such determination.*

22 (h) *INSPECTOR GENERAL ASSESSMENTS.*—*The Inspec-*
23 *tor General of the Department shall assess and transmit*
24 *to the appropriate committees of Congress the Administra-*
25 *tor's implementation under subsection (a).*

1 (i) *EXPANSION OF TSA PRECHECK PROGRAM EN-*
2 *ROLLMENT.*—

3 (1) *LONG-TERM STRATEGY.*—*Not later than 180*
4 *days after the date of enactment of this Act, the Ad-*
5 *ministrator shall develop and begin the implementa-*
6 *tion a long-term strategy to increase enrollment in*
7 *the TSA PreCheck Program.*

8 (2) *CONSIDERATIONS.*—*In developing the strat-*
9 *egy under paragraph (1), the Administrator shall*
10 *consider the following:*

11 (A) *Partnering with air carriers (as the*
12 *term is defined in section 40102 of title 49,*
13 *United States Code) to incorporate PreCheck*
14 *Program promotion opportunities in the reserva-*
15 *tion process described in section 1560.101 of title*
16 *49, Code of Federal Regulations;*

17 (B) *Including in the PreCheck Program of*
18 *an individual who—*

19 (i) *holds a Secret, Top Secret, or Top*
20 *Secret/Sensitive Compartmented Informa-*
21 *tion clearance, unless the individual has*
22 *had the individual's clearance revoked or*
23 *did not pass a periodic reinvestigation; or*

24 (ii) *is a current, full-time Federal law*
25 *enforcement officer.*

1 (C) *Providing PreCheck Program enroll-*
2 *ment flexibility by offering secure mobile enroll-*
3 *ment platforms that facilitate in-person identity*
4 *verification and application data collection, such*
5 *as through biometrics.*

6 (D) *Reducing travel time to PreCheck Pro-*
7 *gram enrollment centers for applicants, includ-*
8 *ing—*

9 (i) *by adjusting the locations and*
10 *schedules of existing PreCheck Program en-*
11 *rollment centers to accommodate demand;*

12 (ii) *by seeking to colocate such enroll-*
13 *ment centers with existing facilities that*
14 *support the issuance of—*

15 (I) *United States passports; and*

16 (II) *Security Identification Dis-*
17 *play Area credentials (as the term is*
18 *defined in section 1540.5 of title 49,*
19 *Code of Federal Regulations) located in*
20 *public, non-secure areas of airports if*
21 *no systems of an airport operator are*
22 *used in support of enrollment activities*
23 *for such credentials; and*

24 (iii) *by increasing the availability of*
25 *PreCheck Program enrollment platforms,*

1 *such as kiosks, tablets, or staffed laptop sta-*
2 *tions.*

3 *(E) The feasibility of providing financial*
4 *assistance or other incentives for PreCheck Pro-*
5 *gram enrollment for—*

6 *(i) children who are at least 12 years*
7 *or older, but less than 18 years old;*

8 *(ii) families consisting of 5 or more*
9 *immediate family members;*

10 *(iii) private sector entities, including*
11 *small businesses, to establish PreCheck Pro-*
12 *gram enrollment centers in their respective*
13 *facilities; and*

14 *(iv) private sector entities, including*
15 *small business concerns (as the term is de-*
16 *scribed in section 3 of the Small Business*
17 *Act (15 U.S.C. 632)), to reimburse an em-*
18 *ployee for the cost of the PreCheck Program*
19 *application.*

20 **SEC. 1939. TRUSTED TRAVELER PROGRAMS; COLLABORA-**
21 **TION.**

22 *Not later than 180 days after the date of enactment*
23 *of this Act, the Administrator, in consultation with the*
24 *Commissioner of U.S. Customs and Border Protection,*
25 *shall—*

1 (1) review each trusted traveler program admin-
2 istered by U.S. Customs and Border Protection and
3 the PreCheck Program;

4 (2) identify any improvements that can be made
5 to such programs—

6 (A) to streamline and integrate the require-
7 ments and operations of such programs to reduce
8 administrative burdens, including applications
9 for inclusion and determining whether a valid
10 credential can satisfy the requirements for an-
11 other credential;

12 (B) to increase information and data shar-
13 ing across such programs; and

14 (C) to allow the public to access and link to
15 the applications for enrollment in all of such
16 programs from 1 online portal;

17 (3) identify any law, including regulations, pol-
18 icy, or procedure that may unnecessarily inhibit col-
19 laboration among Department of Homeland Security
20 agencies regarding such programs or implementation
21 of the improvements identified under paragraph (2);

22 (4) recommend any legislative, administrative,
23 or other actions that can be taken to eliminate any
24 unnecessary barriers to collaboration or implementa-
25 tion identified in paragraph (3); and

1 (5) *submit to the appropriate committees of Con-*
2 *gress a report on the review, including any unneces-*
3 *sary barriers to collaboration or implementation*
4 *identified under paragraph (3), and any rec-*
5 *ommendations under paragraph (4).*

6 **SEC. 1940. PASSENGER SECURITY FEE.**

7 *Section 44940(c) is amended by adding at the end the*
8 *following:*

9 “(3) *OFFSETTING COLLECTIONS.—Beginning on*
10 *October 1, 2027, fees collected under subsection (a)(1)*
11 *for any fiscal year shall be credited as offsetting col-*
12 *lections to appropriations made for aviation security*
13 *measures carried out by the Transportation Security*
14 *Administration, to remain available until expended.”.*

15 **SEC. 1941. THIRD PARTY CANINE TEAMS FOR AIR CARGO**
16 **SECURITY.**

17 *Section 1307 of the Implementing Recommendations*
18 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is*
19 *amended by adding at the end the following:*

20 “(h) *THIRD PARTY CANINE TEAMS FOR AIR CARGO*
21 *SECURITY.—*

22 “(1) *IN GENERAL.—In order to enhance the*
23 *screening of air cargo and ensure that third party ex-*
24 *plosives detection canine assets are leveraged for such*
25 *purpose, the Administrator shall, not later than 180*

1 *days after the date of enactment of the TSA Mod-*
2 *ernization Act—*

3 “(A) *develop and issue standards for the use*
4 *of such third party explosives detection canine*
5 *assets for the primary screening of air cargo;*

6 “(B) *develop a process to identify qualified*
7 *non-Federal entities that will certify canine as-*
8 *sets that meet the standards established by the*
9 *Administrator under subparagraph (A);*

10 “(C) *ensure that entities qualified to certify*
11 *canine assets shall be independent from entities*
12 *that will train and provide canines to end users*
13 *of such canine assets;*

14 “(D) *establish a system of Transportation*
15 *Security Administration audits of the process de-*
16 *veloped under subparagraph (B); and*

17 “(E) *provide that canines certified for the*
18 *primary screening of air cargo can be used by*
19 *air carriers, foreign air carriers, freight for-*
20 *warders, and shippers.*

21 “(2) *IMPLEMENTATION.—Beginning on the date*
22 *that the development of the process under paragraph*
23 *(1)(B) is complete, the Administrator shall—*

24 “(A) *facilitate the deployment of such assets*
25 *that meet the certification standards of the Ad-*

1 *ministration, as determined by the Adminis-*
2 *trator;*

3 “(B) *make such standards available to ven-*
4 *dors seeking to train and deploy third party ex-*
5 *plosives detection canine assets; and*

6 “(C) *ensure that all costs for the training*
7 *and certification of canines, and for the use of*
8 *supplied canines, are borne by private industry*
9 *and not the Federal Government.*

10 “(3) *DEFINITIONS.—In this subsection:*

11 “(A) *AIR CARRIER.—The term ‘air carrier’*
12 *has the meaning given the term in section 40102*
13 *of title 49, United States Code.*

14 “(B) *FOREIGN AIR CARRIER.—The term*
15 *‘foreign air carrier’ has the meaning given the*
16 *term in section 40102 of title 49, United States*
17 *Code.*

18 “(C) *THIRD PARTY EXPLOSIVES DETECTION*
19 *CANINE ASSET.—The term ‘third party explosives*
20 *detection canine asset’ means any explosives de-*
21 *tection canine or handler not owned or em-*
22 *ployed, respectively, by the Transportation Secu-*
23 *rity Administration.”.*

1 **SEC. 1942. KNOWN SHIPPER PROGRAM REVIEW.**

2 *The Administrator shall direct the Air Cargo Sub-*
3 *committee of ASAC—*

4 *(1) to conduct a comprehensive review and secu-*
5 *rity assessment of the Known Shipper Program;*

6 *(2) to recommend whether the Known Shipper*
7 *Program should be modified or eliminated consid-*
8 *ering the full implementation of 100 percent screening*
9 *under section 44901(g) of title 49, United States*
10 *Code; and*

11 *(3) to report its findings and recommendations*
12 *to the Administrator.*

13 **SEC. 1943. ESTABLISHMENT OF AIR CARGO SECURITY DIVI-**
14 **SION.**

15 *(a) IN GENERAL.—Subchapter II of chapter 449 is*
16 *amended by adding at the end the following:*

17 **“§ 44947. Air cargo security division**

18 *“(a) ESTABLISHMENT.—Not later than 90 days after*
19 *the date of enactment of the TSA Modernization Act, the*
20 *Administrator shall establish an air cargo security division*
21 *to carry out and engage with stakeholders regarding the im-*
22 *plementation of air cargo security programs established by*
23 *the Administration.*

24 *“(b) LEADERSHIP; STAFFING.—The air cargo security*
25 *division established pursuant to subsection (a) shall be*
26 *headed by an individual in the executive service within the*

1 *TSA and be staffed by not fewer than 4 full-time equiva-*
2 *lents, including the head of the division.*

3 “(c) *STAFFING.—The Administrator of the Transpor-*
4 *tation Security Administration shall staff the air cargo se-*
5 *curity division with existing TSA personnel.”*

6 (b) *TABLE OF CONTENTS.—The table of contents of*
7 *chapter 449 is amended by inserting after the item related*
8 *to section 44946 the following:*

“44947. Air cargo security division.”

9 **SEC. 1944. AIR CARGO REGULATION REVIEW.**

10 (a) *REVIEW.—Not later than 150 days after the date*
11 *of enactment of this Act, the Administrator shall—*

12 (1) *review the Certified Cargo Screening Pro-*
13 *gram, including—*

14 (A) *consideration of the degree to which the*
15 *Program is effective at fully addressing evolving*
16 *threats to air cargo, particularly as air cargo*
17 *volumes fluctuate; and*

18 (B) *identification of any vulnerabilities in*
19 *the Program and effectiveness of information*
20 *sharing with air cargo security stakeholders; and*

21 (2) *submit to the appropriate committees of Con-*
22 *gress a report on the findings of the review under*
23 *paragraph (1), including—*

24 (A) *a description of the actions the Admin-*
25 *istrator has taken to improve the Program; and*

1 (B) a description of the actions the Admin-
2 istrator will take to address the findings of the
3 review under paragraph (1), including any
4 plans to issue new rulemaking, if necessary.

5 **SEC. 1945. GAO REVIEW.**

6 Not later than 2 years after the date of enactment of
7 this Act, the Comptroller General of the United States
8 shall—

9 (1) review the Department's analysis and intel-
10 ligence pre-screening processes and procedures for air
11 cargo entering the United States;

12 (2) review the pilot program conducted under
13 section 1925;

14 (3) assess the effectiveness of the Department's
15 risk-based strategy for examining air cargo and en-
16 suring compliance with air cargo security law, in-
17 cluding regulations; and

18 (4) review the Department's information sharing
19 procedures and practices for disseminating informa-
20 tion to relevant stakeholders on preventing, miti-
21 gating, and responding to air cargo related threats.

22 **SEC. 1946. SCREENING PARTNERSHIP PROGRAM UPDATES.**

23 (a) **SECURITY SCREENING OPT-OUT PROGRAM.**—Sec-
24 tion 44920 is amended—

1 (1) *in the heading by striking “**Security***
2 *screening opt-out program” and inserting*
3 *“**Screening partnership program**”;*

4 (2) *by amending subsection (a) to read as fol-*
5 *lows:*

6 “(a) *IN GENERAL.—An airport operator may submit*
7 *to the Administrator of the Transportation Security Ad-*
8 *ministration an application to carry out the screening of*
9 *passengers and property at the airport under section 44901*
10 *by personnel of a qualified private screening company pur-*
11 *suant to a contract entered into with the Transportation*
12 *Security Administration.”;*

13 (3) *in subsection (b)—*

14 (A) *by amending paragraph (1) to read as*
15 *follows:*

16 “(1) *IN GENERAL.—Not later than 60 days after*
17 *the date of receipt of an application submitted by an*
18 *airport operator under subsection (a), the Adminis-*
19 *trator shall approve or deny the application.”; and*

20 (B) *in paragraphs (2) and (3), by striking*

21 *“Under Secretary” each place it appears and in-*
22 *serting “Administrator”;*

23 (4) *in subsection (d)—*

1 (A) in the heading, by striking “STAND-
2 ARDS” inserting “SELECTION OF CONTRACTS
3 AND STANDARDS”;

4 (B) by redesignating paragraph (2) as
5 paragraph (3);

6 (C) in paragraph (1)—

7 (i) by striking “The Under Secretary
8 may enter” and all that follows through
9 “certifies to Congress that—” and inserting
10 “The Administrator shall, upon approval of
11 the application, provide the airport oper-
12 ator with a list of qualified private screen-
13 ing companies.”; and

14 (ii) by inserting before subparagraphs
15 (A) and (B) the following:

16 “(2) CONTRACTS.—The Administrator shall, to
17 the extent practicable, enter into a contract with a
18 private screening company from the list provided
19 under paragraph (1) for the provision of screening at
20 the airport not later than 120 days after the date of
21 approval of an application submitted by the airport
22 operator under subsection (a) if—”; and

23 (D) in paragraph (2), as redesignated—

24 (i) in subparagraph (A), by striking “;
25 and” and inserting a semicolon;

- 1 (ii) in subparagraph (B)—
- 2 (I) by striking “Under Secretary”
- 3 and inserting “Administrator”; and
- 4 (II) by striking the period at the
- 5 end and inserting “; and”; and
- 6 (iii) by adding at the end the fol-
- 7 lowing:
- 8 “(C) the selected qualified private screening
- 9 company offered contract price is equal to or less
- 10 than the cost to the Federal Government to pro-
- 11 vide screening services at the airport.”; and
- 12 (E) in paragraph (3), as redesignated—
- 13 (i) by striking “paragraph (1)(B)”
- 14 and inserting “paragraph (2)(B)”; and
- 15 (ii) by striking “Under Secretary”
- 16 each place it appears and inserting “Ad-
- 17 ministrator”;
- 18 (5) in subsection (e)—
- 19 (A) in the heading, by striking
- 20 “SCREENED” and inserting “SCREENING”;
- 21 (B) by striking the period at the end and
- 22 inserting “; and”;
- 23 (C) by striking “The Under Secretary shall”
- 24 and inserting “The Administrator shall—”;

1 (D) by inserting “(1)” before “provide Fed-
2 eral Government” and indenting appropriately;
3 and

4 (E) by adding at the end the following:

5 “(2) undertake covert testing and remedial train-
6 ing support for employees of private screening compa-
7 nies providing screening at airports.”;

8 (6) in subsection (f)—

9 (A) in the heading, by inserting “OR SUS-
10 PENSION” after “TERMINATION”;

11 (B) by striking “terminate” and inserting
12 “suspend or terminate, as appropriate,”; and

13 (C) by striking “Under Secretary” each
14 place it appears and inserting “Administrator”;
15 and

16 (7) by striking subsection (h) and inserting the
17 following:

18 “(h) EVALUATION OF SCREENING COMPANY PRO-
19 POSALS FOR AWARD.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), notwithstanding any other provision of
22 law, including title 48 of the Code of Federal Regula-
23 tions and the Federal Advisory Committee Act (5
24 U.S.C. App.), an airport operator that has applied
25 and been approved to have security screening services

1 *carried out by a qualified private screening company*
2 *under contract with the Administrator may nominate*
3 *to the head of the contracting activity an individual*
4 *to participate in the evaluation of proposals for the*
5 *award of such contract.*

6 “(2) *PARTICIPATION ON A PROPOSAL EVALUA-*
7 *TION COMMITTEE.—Any participation on a proposal*
8 *evaluation committee under paragraph (1) shall be*
9 *conducted in accordance with chapter 21 of title 41.*

10 “(i) *INNOVATIVE SCREENING APPROACHES AND TECH-*
11 *NOLOGIES.—The Administrator shall encourage an airport*
12 *operator to whom screening services are provided under this*
13 *section to recommend to the Administrator innovative*
14 *screening approaches and technologies. Upon receipt of any*
15 *such recommendations, the Administrator shall review and,*
16 *if appropriate, test, conduct a pilot project, and, if appro-*
17 *priate, deploy such approaches and technologies.”.*

18 “(b) *FEASIBILITY ASSESSMENT.—*

19 “(1) *IN GENERAL.—The Administrator, in con-*
20 *sultation with airport operators and airlines, shall*
21 *submit to the appropriate committees of Congress an*
22 *assessment of the feasibility of modifying the Screen-*
23 *ing Partnership Program to allow an individual air-*
24 *port terminal to participate in the Screening Part-*
25 *nership Program.*

1 (2) *CONSIDERATIONS.*—*In conducting the assess-*
2 *ment under paragraph (1), the Administrator shall*
3 *consider—*

4 (A) *potential benefits and costs, including*
5 *with respect to the efficacy of security operations,*
6 *of such an approach;*

7 (B) *potential impacts on security oper-*
8 *ations; and*

9 (C) *potential impacts on recruitment, hir-*
10 *ing, and retention.*

11 (c) *APPLICATIONS SUBMITTED BEFORE THE DATE OF*
12 *ENACTMENT.*—*Not later than 30 days after the date of en-*
13 *actment of this Act, the Administrator shall approve or*
14 *deny, in accordance with section 44920(b) of title 49,*
15 *United States Code, as amended by this Act, each applica-*
16 *tion submitted before the date of enactment of this Act, by*
17 *an airport operator under subsection (a) of that section,*
18 *that is awaiting such a determination.*

19 **SEC. 1947. SCREENING PERFORMANCE ASSESSMENTS.**

20 *Subject to part 1520 of title 49, Code of Federal Regu-*
21 *lations, the Administrator shall quarterly make available*
22 *to the airport director of an airport—*

23 (1) *an assessment of the screening performance of*
24 *that airport compared to the mean average perform-*

1 *ance of all airports in the equivalent airport category*
2 *for screening performance data; and*

3 *(2) a briefing on the results of performance data*
4 *reports, including—*

5 *(A) a scorecard of objective metrics devel-*
6 *oped by the Office of Security Operations to*
7 *measure screening performance, such as results of*
8 *annual proficiency reviews and covert testing, at*
9 *the appropriate level of classification; and*

10 *(B) other performance data, including—*

11 *(i) passenger throughput;*

12 *(ii) wait times; and*

13 *(iii) employee attrition, absenteeism,*
14 *injury rates, and any other human capital*
15 *measures collected by the TSA.*

16 **SEC. 1948. TRANSPORTATION SECURITY TRAINING PRO-**
17 **GRAMS.**

18 *(a) IN GENERAL.—Section 44935 is amended—*

19 *(1) by striking “(i) ACCESSIBILITY OF COM-*
20 *PUTER-BASED TRAINING FACILITIES.—” and insert-*
21 *ing “(k) ACCESSIBILITY OF COMPUTER-BASED TRAIN-*
22 *ING FACILITIES.—”; and*

23 *(2) by adding at the end the following:*

24 *“(l) INITIAL AND RECURRING TRAINING.—*

1 “(1) *IN GENERAL.*—*The Administrator shall es-*
2 *tablish a training program for new security screening*
3 *personnel located at the Transportation Security Ad-*
4 *ministration Academy.*

5 “(2) *RECURRING TRAINING.*—

6 “(A) *IN GENERAL.*—*Not later than 180*
7 *days after the date of enactment of the TSA*
8 *Modernization Act, the Administrator shall es-*
9 *tablish recurring training for security screening*
10 *personnel regarding updates to screening proce-*
11 *dures and technologies, including, in response to*
12 *weaknesses identified in covert tests at air-*
13 *ports—*

14 “(i) *methods to identify the*
15 *verification of false or fraudulent travel doc-*
16 *uments; and*

17 “(ii) *training on emerging threats.*

18 “(B) *CONTENTS.*—*The training under sub-*
19 *paragraph (A) shall include—*

20 “(i) *internal controls for monitoring*
21 *and documenting compliance of transpor-*
22 *tation security officers with such training*
23 *requirements; and*

1 “(ii) such other matters as identified
2 by the Administrator with regard to such
3 training.”.

4 (b) *GAO STUDY*.—Not later than 1 year after the date
5 of enactment of this Act, the Comptroller General of the
6 United States shall—

7 (1) examine the effectiveness of the new security
8 screening personnel training under section 44935(l) of
9 title 49, United States Code; and

10 (2) submit to the appropriate committees of Con-
11 gress a report on the findings under paragraph (1),
12 including any recommendations.

13 **SEC. 1949. TRAVELER REDRESS IMPROVEMENT.**

14 (a) *REDRESS PROCESS*.—

15 (1) *IN GENERAL*.—Not later than 30 days after
16 the date of enactment of this Act, the Administrator,
17 using existing resources, systems, and processes, shall
18 ensure the availability of the Department of Home-
19 land Security Traveler Redress Inquiry Program (re-
20 ferred to in this section as “DHS TRIP”) redress
21 process to adjudicate an inquiry for an individual
22 who—

23 (A) is a citizen of the United States or alien
24 lawfully admitted for permanent residence;

1 (B) has filed the inquiry with DHS TRIP
2 after receiving enhanced screening at an airport
3 passenger security checkpoint more than 3 times
4 in any 60-day period; and

5 (C) believes the individual has been wrongly
6 identified as being a threat to aviation security.

7 (2) *BRIEFING*.—Not later than 180 days after
8 the date of enactment of this Act, the Administrator
9 shall brief the appropriate committees of Congress on
10 the implementation of the redress process required
11 under paragraph (1).

12 (b) *PRIVACY IMPACT REVIEW AND UPDATE*.—

13 (1) *IN GENERAL*.—Not later than 180 days after
14 the date of enactment of this Act, the Administrator
15 shall review and update the Privacy Impact Assess-
16 ment for the Secure Flight programs to ensure the as-
17 sessment accurately reflects the operation of such pro-
18 grams.

19 (2) *PUBLIC DISSEMINATION; FORM*.—The Admin-
20 istrator shall—

21 (A) publish the Secure Flight Privacy Im-
22 pact Assessment review and update required
23 under paragraph (1) on a publicly-accessible
24 internet webpage of the TSA; and

1 (B) *submit the Secure Flight Privacy Im-*
2 *pact Assessment review and update to the appro-*
3 *priate committees of Congress.*

4 (c) *RULE REVIEW AND NOTIFICATION PROCESS.—*

5 (1) *RULE REVIEW.—Not later than 60 days after*
6 *the date of enactment of this Act, and every 120 days*
7 *thereafter, the Assistant Administrator of the Office of*
8 *Intelligence and Analysis of the TSA, in coordination*
9 *with the entities specified in paragraph (3), shall*
10 *identify and review the screening rules established by*
11 *the Office of Intelligence and Analysis of TSA.*

12 (2) *NOTIFICATION PROCESS.—Not later than 2*
13 *days after the date that any change to a rule identi-*
14 *fied under paragraph (1) is made, the Assistant Ad-*
15 *ministrator of the Office of Intelligence and Analysis*
16 *of the TSA shall notify the entities specified in para-*
17 *graph (3) of the change.*

18 (3) *ENTITIES SPECIFIED.—The entities specified*
19 *in this paragraph are as follows:*

20 (A) *The Office of Civil Rights and Liberties,*
21 *Ombudsman, and Traveler Engagement of the*
22 *TSA.*

23 (B) *The Office of Civil Rights and Liberties*
24 *of the Department.*

25 (C) *The Office of Chief Counsel of the TSA.*

1 (D) *The Office of General Counsel of the De-*
2 *partment.*

3 (E) *The Privacy Office of the Administra-*
4 *tion.*

5 (F) *The Privacy Office of the Department.*

6 (G) *The Federal Air Marshal Service.*

7 (H) *The Traveler Redress Inquiry Program*
8 *of the Department.*

9 (d) *FEDERAL AIR MARSHAL SERVICE COORDINA-*
10 *TION.—*

11 (1) *IN GENERAL.—The Administrator shall en-*
12 *sure that the rules identified in subsection (c) are*
13 *taken into account for Federal Air Marshal mission*
14 *scheduling.*

15 (2) *REPORT.—Not later than 180 days after the*
16 *date of enactment of this Act, the Administrator shall*
17 *submit to the appropriate committees of Congress a*
18 *report on whether, and if so how, the rules identified*
19 *in subsection (c) are incorporated in the risk analysis*
20 *conducted during the Federal Air Marshal mission*
21 *scheduling process.*

22 (e) *GAO REPORT.—Not later than 1 year after the*
23 *date of enactment of this Act, the Comptroller General of*
24 *the United States shall—*

1 (1) *study the rules identified under subsection*
2 *(c)(1), including—*

3 (A) *whether the rules are effective in miti-*
4 *gating potential threats to aviation security; and*

5 (B) *whether, and if so how, the TSA coordi-*
6 *nates with the Department regarding any pro-*
7 *posed change to a rule; and*

8 (2) *submit to the appropriate committees of Con-*
9 *gress a report on the findings under paragraph (1),*
10 *including any recommendations.*

11 **SEC. 1950. IMPROVEMENTS FOR SCREENING OF PAS-**
12 **SENGERS WITH DISABILITIES.**

13 (a) *REVISED TRAINING.—*

14 (1) *IN GENERAL.—Not later than 180 days after*
15 *the date of enactment of this Act, the Administrator,*
16 *in consultation with nationally-recognized veterans*
17 *and disability organizations, shall revise the training*
18 *requirements for Transportation Security Officers re-*
19 *lated to the screening of passengers with disabilities,*
20 *including passengers with disabilities who participate*
21 *in the PreCheck program.*

22 (2) *TRAINING SPECIFICATIONS.—In revising the*
23 *training requirements under paragraph (1), the Ad-*
24 *ministrator shall address the proper screening, and*

1 *any particular sensitivities related to the screening, of*
2 *a passenger with a disability—*

3 *(A) traveling with a medical device, includ-*
4 *ing an indwelling medical device;*

5 *(B) traveling with a prosthetic;*

6 *(C) traveling with a wheelchair, walker,*
7 *scooter, or other mobility device;*

8 *(D) traveling with a service animal; or*

9 *(E) with sensitivities to touch, pressure,*
10 *sound, or hypersensitivity to stimuli in the envi-*
11 *ronment.*

12 *(3) TRAINING FREQUENCY.—The Administrator*
13 *shall implement the revised training under paragraph*
14 *(1) during initial and recurrent training of all*
15 *Transportation Security Officers.*

16 *(b) BEST PRACTICES.—The individual at the TSA re-*
17 *sponsible for civil rights, liberties, and traveler engagement*
18 *shall—*

19 *(1) record each complaint from a passenger with*
20 *a disability regarding the screening practice of the*
21 *TSA;*

22 *(2) identify the most frequent concerns raised, or*
23 *accommodations requested, in the complaints;*

1 (3) *determine the best practices for addressing*
2 *the concerns and requests identified in paragraph (2);*
3 *and*

4 (4) *recommend appropriate training based on*
5 *such best practices.*

6 (c) *SIGNAGE.*—*At each category X airport, the TSA*
7 *shall place signage at each security checkpoint that—*

8 (1) *specifies how to contact the appropriate TSA*
9 *employee at the airport designated to address com-*
10 *plaints of screening mistreatment based on disability;*
11 *and*

12 (2) *describes how to receive assistance from that*
13 *individual or other qualified personnel at the security*
14 *screening checkpoint.*

15 (d) *REPORTS TO CONGRESS.*—*Not later than Sep-*
16 *tember 30 of the first full fiscal year after the date of enact-*
17 *ment of this Act, and each fiscal year thereafter, the Admin-*
18 *istrator shall submit to the appropriate committees of Con-*
19 *gress a report on the checkpoint experiences of passengers*
20 *with disabilities, including the following:*

21 (1) *The number and most frequent types of dis-*
22 *ability-related complaints received.*

23 (2) *The best practices recommended under sub-*
24 *section (b) to address the top areas of concern.*

1 (3) *The estimated wait times for assist requests*
2 *for passengers with disabilities, including disabled*
3 *passengers who participate in the PreCheck program.*

4 **SEC. 1951. AIR CARGO ADVANCE SCREENING PROGRAM.**

5 (a) *IN GENERAL.—The Commissioner of U.S. Customs*
6 *and Border Protection and the Administrator, consistent*
7 *with the requirements of the Trade Act of 2002 (Public Law*
8 *107–210) shall—*

9 (1) *establish an air cargo advance screening pro-*
10 *gram (referred to in this section as the “ACAS Pro-*
11 *gram”) for the collection of advance electronic infor-*
12 *mation from air carriers and other persons within the*
13 *supply chain regarding cargo being transported to the*
14 *United States by air;*

15 (2) *under such program, require that such infor-*
16 *mation be transmitted by such air carriers and other*
17 *persons at the earliest point practicable prior to load-*
18 *ing of such cargo onto an aircraft destined to or*
19 *transiting through the United States;*

20 (3) *establish appropriate communications sys-*
21 *tems with freight forwarders, shippers, and air car-*
22 *riers;*

23 (4) *establish a system that will allow freight for-*
24 *warders, shippers, and air carriers to provide ship-*

1 *ment level data for air cargo, departing from any lo-*
2 *cation that is inbound to the United States; and*

3 *(5) identify opportunities in which the informa-*
4 *tion furnished in compliance with the ACAS Program*
5 *could be used by the Administrator.*

6 *(b) INSPECTION OF HIGH-RISK CARGO.—Under the*
7 *ACAS Program, the Commissioner of U.S. Customs and*
8 *Border Protection and the Administrator shall ensure that*
9 *all cargo that has been identified as high-risk is inspected—*

10 *(1) prior to the loading of such cargo onto air-*
11 *craft at the last point of departure; or*

12 *(2) at an earlier point in the supply chain, be-*
13 *fore departing for the United States.*

14 *(c) CONSULTATION.—In carrying out the ACAS Pro-*
15 *gram, the Commissioner of U.S. Customs and Border Pro-*
16 *tection and the Administrator shall consult with relevant*
17 *stakeholders, as appropriate, to ensure that an operation-*
18 *ally feasible and practical approach to—*

19 *(1) the collection of advance information with re-*
20 *spect to cargo on aircraft departing for the United*
21 *States is applied; and*

22 *(2) the inspection of high-risk cargo recognizes*
23 *the significant differences among air cargo business*
24 *models and modes of transportation.*

1 (d) *ANALYSIS.*—*The Commissioner of U.S. Customs*
2 *and Border Protection and the Administrator may analyze*
3 *the information described in subsection (a) in the Depart-*
4 *ment of Homeland Security’s automated targeting system*
5 *and integrate such information with other intelligence to*
6 *enhance the accuracy of the risk assessment process under*
7 *the ACAS Program.*

8 (e) *NO DUPLICATION.*—*The Commissioner of U.S.*
9 *Customs and Border Protection and the Administrator shall*
10 *carry out this section in a manner that, after the ACAS*
11 *Program is fully in effect, ensures, to the greatest extent*
12 *practicable, that the ACAS Program does not duplicate*
13 *other Department programs or requirements relating to the*
14 *submission of air cargo data or the inspection of high-risk*
15 *cargo.*

16 (f) *CONSIDERATION OF INDUSTRY.*—*In carrying out*
17 *the ACAS Program, the Commissioner of U.S. Customs and*
18 *Border Protection and the Administrator shall—*

19 (1) *consider the content and timeliness of the*
20 *available data may vary among entities in the air*
21 *cargo industry and among countries;*

22 (2) *explore procedures to accommodate the vari-*
23 *ations described in paragraph (1) while maximizing*
24 *the contribution of such data to the risk assessment*
25 *process under the ACAS Program;*

1 (3) *test the business processes, technologies, and*
2 *operational procedures required to provide advance*
3 *information with respect to cargo on aircraft depart-*
4 *ing for the United States and carry out related in-*
5 *spection of high-risk cargo, while ensuring delays and*
6 *other negative impacts on vital supply chains are*
7 *minimized; and*

8 (4) *consider the cost, benefit, and feasibility be-*
9 *fore establishing any set time period for submission of*
10 *certain elements of the data for air cargo under this*
11 *section in line with the regulatory guidelines specified*
12 *in Executive Order 13563 or any successor Executive*
13 *order or regulation.*

14 (g) *GUIDANCE.—The Commissioner of U.S. Customs*
15 *and Border Protection and the Administrator shall provide*
16 *guidance for participants in the ACAS Program regarding*
17 *the requirements for participation, including requirements*
18 *for transmitting shipment level data.*

19 (h) *USE OF DATA.—The Commissioner of U.S. Cus-*
20 *toms and Border Protection and the Administrator shall*
21 *use the data provided under the ACAS Program for tar-*
22 *geting shipments for screening and aviation security pur-*
23 *poses only.*

24 (i) *FINAL RULE.—Not later than 180 days after the*
25 *date of enactment of this Act, the Commissioner of U.S.*

1 *Customs and Border Protection, in coordination with the*
2 *Administrator, shall issue a final regulation to implement*
3 *the ACAS Program to include the electronic transmission*
4 *to U.S. Customs and Border Protection of data elements*
5 *for targeting cargo, including appropriate security elements*
6 *of shipment level data.*

7 (j) *REPORT.—Not later than 180 days after the date*
8 *of the commencement of the ACAS Program, the Commis-*
9 *sioner of U.S. Customs and Border Protection and the Ad-*
10 *ministrator shall submit to the appropriate committees of*
11 *Congress a report detailing the operational implementation*
12 *of providing advance information under the ACAS Pro-*
13 *gram and the value of such information in targeting cargo.*

14 **SEC. 1952. GENERAL AVIATION AIRPORTS.**

15 (a) *SHORT TITLE.—This section may be cited as the*
16 *“Securing General Aviation and Charter Air Carrier Serv-*
17 *ice Act”.*

18 (b) *ADVANCED PASSENGER PRESCREENING SYSTEM.—*
19 *Not later than 120 days after the date of enactment of this*
20 *Act, the Administrator shall submit to the appropriate com-*
21 *mittees of Congress a report on the status of the deployment*
22 *of the advanced passenger prescreening system, and access*
23 *thereto for certain aircraft charter operators, as required*
24 *by section 44903(j)(2)(E) of title 49, United States Code,*
25 *including—*

1 (1) *the reasons for the delay in deploying the*
2 *system; and*

3 (2) *a detailed schedule of actions necessary for*
4 *the deployment of the system.*

5 (c) *SCREENING SERVICES OTHER THAN IN PRIMARY*
6 *PASSENGER TERMINALS.—*

7 (1) *IN GENERAL.—Subject to the provisions of*
8 *this subsection, the Administrator may provide*
9 *screening services to a charter air carrier in an area*
10 *other than the primary passenger terminal of an ap-*
11 *plicable airport.*

12 (2) *REQUESTS.—A request for screening services*
13 *under paragraph (1) shall be made at such time, in*
14 *such form, and in such manner as the Administrator*
15 *may require, except that the request shall be made to*
16 *the Federal Security Director for the applicable air-*
17 *port at which the screening services are requested.*

18 (3) *AVAILABILITY.—A Federal Security Director*
19 *may provide requested screening services under this*
20 *section if the Federal Security Director determines*
21 *such screening services are available.*

22 (4) *AGREEMENTS.—*

23 (A) *LIMITATION.—No screening services*
24 *may be provided under this section unless a*
25 *charter air carrier agrees in writing to com-*

1 *pensate the TSA for all reasonable costs, includ-*
2 *ing overtime, of providing the screening services.*

3 *(B) PAYMENTS.—Notwithstanding section*
4 *3302 of title 31, United States Code, payment re-*
5 *ceived under subparagraph (A) shall be credited*
6 *to the account that was used to cover the cost of*
7 *providing the screening services. Amounts so*
8 *credited shall be merged with amounts in that*
9 *account, and shall be available for the same pur-*
10 *poses, and subject to the same conditions and*
11 *limitations, as other amounts in that account.*

12 *(5) DEFINITIONS.—In this subsection:*

13 *(A) APPLICABLE AIRPORT.—The term “ap-*
14 *licable airport” means an airport that—*

15 *(i) is not a commercial service airport;*

16 *and*

17 *(ii) is receiving screening services for*
18 *scheduled passenger aircraft.*

19 *(B) CHARTER AIR CARRIER.—The term*
20 *“charter air carrier” has the meaning given the*
21 *term in section 40102 of title 49, United States*
22 *Code.*

23 *(C) SCREENING SERVICES.—The term*
24 *“screening services” means the screening of pas-*
25 *sengers and property similar to the screening of*

1 *passengers and property described in section*
2 *44901 of title 49, United States Code.*

3 *(d) REPORT.—Not later than 120 days after the date*
4 *of enactment of this Act, the Administrator, in consultation*
5 *with the ASAC, shall, consistent with the requirements of*
6 *paragraphs (6) and (7) of section 44946(b) of title 49,*
7 *United States Code, submit to the appropriate Committees*
8 *of Congress an implementation plan, including an imple-*
9 *mentation schedule, for any of the following recommenda-*
10 *tions that were adopted by the ASAC and with which the*
11 *Administrator has concurred before the date of the enact-*
12 *ment of this Act:*

13 *(1) The recommendation regarding general avia-*
14 *tion access to Ronald Reagan Washington National*
15 *Airport, as adopted on February 17, 2015.*

16 *(2) The recommendation regarding the vetting of*
17 *persons seeking flight training in the United States,*
18 *as adopted on July 28, 2016.*

19 *(3) Any other such recommendations relevant to*
20 *the security of general aviation adopted before the*
21 *date of the enactment of this Act.*

22 *(e) DESIGNATED STAFFING.—The Administrator may*
23 *designate 1 or more full-time employees of the TSA to liaise*
24 *with, and respond to issues raised by, general aviation*
25 *stakeholders.*

1 (f) *SECURITY ENHANCEMENTS.*—Not later than 1 year
2 after the date of enactment of this Act, the Administrator,
3 in consultation with the ASAC, shall submit to the appro-
4 priate committees of Congress a report on the feasibility of
5 requiring a security threat assessment before an individual
6 could obtain training from a private flight school to operate
7 an aircraft having a maximum certificated takeoff weight
8 of more than 12,500 pounds.

9 ***Subtitle E—Foreign Airport***
10 ***Security***

11 ***SEC. 1953. LAST POINT OF DEPARTURE AIRPORTS; SECU-***
12 ***RITY DIRECTIVES.***

13 (a) *NOTICE AND CONSULTATION.*—

14 (1) *IN GENERAL.*—The Administrator shall, to
15 the maximum extent practicable, consult and notify
16 the following stakeholders prior to making changes to
17 security standards via security directives and emer-
18 gency amendments for last points of departure:

19 (A) *Trade association representatives, for*
20 *affected air carriers and airports, who hold the*
21 *appropriate security clearances.*

22 (B) *The head of each relevant Federal de-*
23 *partment or agency, including the Administrator*
24 *of the Federal Aviation Administration.*

1 (2) *TRANSMITTAL TO CONGRESS.*—Not later than
2 3 days after the date that the Administrator issues a
3 security directive or emergency amendment for a last
4 point of departure, the Administrator shall transmit
5 to the appropriate committees of Congress a descrip-
6 tion of the extent to which the Administrator con-
7 sulted and notified the stakeholders under paragraph
8 (1).

9 (b) *GAO REPORT.*—

10 (1) *IN GENERAL.*—Not later than 1 year after
11 the date of enactment of this Act, the Comptroller
12 General of the United States shall review the effective-
13 ness of the TSA process to update, consolidate, or re-
14 voke security directives, emergency amendments, and
15 other policies related to international aviation secu-
16 rity at last point of departure airports and submit to
17 the appropriate committees of Congress and the Ad-
18 ministrator a report on the findings and rec-
19 ommendations.

20 (2) *CONTENTS.*—In conducting the review under
21 paragraph (1), the Comptroller General shall—

22 (A) review current security directives, emer-
23 gency amendments, and any other policies re-
24 lated to international aviation security at last
25 point of departure airports;

1 (B) review the extent of intra-agency and
2 interagency coordination, stakeholder outreach,
3 coordination, and feedback; and

4 (C) review TSA's process and criteria for,
5 and implementation of, updating or revoking the
6 policies described in subparagraph (A).

7 (c) *RESCREENING*.—Subject to section 44901(d)(4)(c)
8 of title 49, United States Code, upon discovery of specific
9 threat intelligence, the Administrator shall immediately di-
10 rect TSA personnel to rescreen passengers and baggage ar-
11 riving from an airport outside the United States and iden-
12 tify enhanced measures that should be implemented at that
13 airport.

14 (d) *NOTIFICATION TO CONGRESS*.—Not later than 1
15 day after the date that the Administrator determines that
16 a foreign air carrier is in violation of part 1546 of title
17 49, Code of Federal Regulations, or any other applicable
18 security requirement, the Administrator shall notify the ap-
19 propriate committees of Congress.

20 (e) *DECISIONS NOT SUBJECT TO JUDICIAL REVIEW*.—
21 Notwithstanding any other provision of law, any decision
22 of the Administrator under subsection (a)(1) relating to
23 consultation or notification shall not be subject to judicial
24 review.

1 **SEC. 1954. LAST POINT OF DEPARTURE AIRPORT ASSESS-**
2 **MENT.**

3 *Section 44907(a)(2)(B) is amended by inserting “, in-*
4 *cluding the screening and vetting of airport workers” before*
5 *the semicolon.*

6 **SEC. 1955. TRACKING SECURITY SCREENING EQUIPMENT**
7 **FROM LAST POINT OF DEPARTURE AIRPORTS.**

8 *(a) DONATION OF SCREENING EQUIPMENT TO PRO-*
9 *TECT THE UNITED STATES.—Chapter 449 is amended—*
10 *(1) in subchapter I, by adding at the end the fol-*
11 *lowing:*

12 **“§44929. Donation of screening equipment to protect**
13 ***the United States***

14 *“(a) IN GENERAL.—Subject to subsection (b), the Ad-*
15 *ministrator is authorized to donate security screening*
16 *equipment to a foreign last point of departure airport oper-*
17 *ator if such equipment can be reasonably expected to miti-*
18 *gate a specific vulnerability to the security of the United*
19 *States or United States citizens.*

20 *“(b) CONDITIONS.—Before donating any security*
21 *screening equipment to a foreign last point of departure*
22 *airport operator the Administrator shall—*

23 *“(1) ensure that the screening equipment has*
24 *been restored to commercially available settings;*

1 “(2) ensure that no TSA-specific security stand-
2 ards or algorithms exist on the screening equipment;
3 and

4 “(3) verify that the appropriate officials have an
5 adequate system—

6 “(A) to properly maintain and operate the
7 screening equipment; and

8 “(B) to document and track any removal or
9 disposal of the screening equipment to ensure the
10 screening equipment does not come into the pos-
11 session of terrorists or otherwise pose a risk to se-
12 curity.

13 “(c) *REPORTS.*—Not later than 30 days before any do-
14 nation of security screening equipment under subsection
15 (a), the Administrator shall provide to the Committee on
16 Commerce, Science, and Transportation and the Committee
17 on Homeland Security and Governmental Affairs of the
18 Senate and the Committee on Homeland Security of the
19 House of Representatives a detailed written explanation of
20 the following:

21 “(1) The specific vulnerability to the United
22 States or United States citizens that will be mitigated
23 by such donation.

24 “(2) An explanation as to why the recipient of
25 such donation is unable or unwilling to purchase se-

1 *curity screening equipment to mitigate such vulner-*
2 *ability.*

3 *“(3) An evacuation plan for sensitive tech-*
4 *nologies in case of emergency or instability in the*
5 *country to which such donation is being made.*

6 *“(4) How the Administrator will ensure the secu-*
7 *rity screening equipment that is being donated is*
8 *used and maintained over the course of its life by the*
9 *recipient.*

10 *“(5) The total dollar value of such donation.*

11 *“(6) How the appropriate officials will document*
12 *and track any removal or disposal of the screening*
13 *equipment by the recipient to ensure the screening*
14 *equipment does not come into the possession of terror-*
15 *ists or otherwise pose a risk to security.”; and*

16 *(2) in the table of contents, by inserting after the*
17 *item relating to section 44928 the following:*

“44929. Donation of screening equipment to protect the United States.”.

18 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*
19 *Section 3204 of the Aviation Security Act of 2016 (49*
20 *U.S.C. 44901 note) and the item relating to that section*
21 *in the table of contents of that Act are repealed.*

22 *(c) RAISING INTERNATIONAL STANDARDS.—Not later*
23 *than 90 days after the date of enactment of this Act, the*
24 *Administrator shall collaborate with other aviation authori-*
25 *ties and the United States Ambassador or the Charge d’Af-*

1 *fares to the United States Mission to the International*
2 *Civil Aviation Organization, as applicable, to advance a*
3 *global standard for each international airport to document*
4 *and track the removal and disposal of any security screen-*
5 *ing equipment to ensure the screening equipment does not*
6 *come into the possession of terrorists or otherwise pose a*
7 *risk to security.*

8 **SEC. 1956. INTERNATIONAL SECURITY STANDARDS.**

9 *(a) GLOBAL AVIATION SECURITY REVIEW.—*

10 *(1) IN GENERAL.—Not later than 180 days after*
11 *the date of enactment of this Act, the Administrator,*
12 *in coordination with the Commissioner of the U.S.*
13 *Customs and Border Protection, the Director of the*
14 *Office of International Engagement of the Depart-*
15 *ment of Homeland Security, and the Secretary of*
16 *State, shall conduct a global aviation security review*
17 *to improve aviation security standards, including*
18 *standards intended to mitigate cybersecurity threats,*
19 *across the global aviation system.*

20 *(2) BEST PRACTICES.—The global aviation secu-*
21 *urity review shall establish best practices regarding the*
22 *following:*

23 *(A) Collaborating with foreign partners to*
24 *improve global aviation security capabilities and*
25 *standards.*

1 (B) *Identifying foreign partners that—*

2 (i) *have not successfully implemented*
3 *security protocols from the International*
4 *Civil Aviation Organization or the Depart-*
5 *ment of Homeland Security; and*

6 (ii) *have not taken steps to implement*
7 *such security protocols;*

8 (C) *Improving the development, outreach,*
9 *and implementation process for security direc-*
10 *tives or emergency amendments issued to domes-*
11 *tic and foreign air carriers.*

12 (D) *Assessing the cybersecurity risk of secu-*
13 *rity screening equipment.*

14 (b) *NOTIFICATION.—Not later than 90 days after the*
15 *date of enactment of this Act, the Administrator, in con-*
16 *sultation with the United States Ambassador to the Inter-*
17 *national Civil Aviation Organization, shall notify the Com-*
18 *mittee on Commerce, Science, and Transportation and the*
19 *Committee on Foreign Relations of the Senate, and the*
20 *Committee on Homeland Security and the Committee on*
21 *Foreign Affairs of the House of Representatives of the*
22 *progress of the review under subsection (a) and any pro-*
23 *posed international improvements to aviation security.*

24 (c) *ICAO.—Subject to subsection (a), the Adminis-*
25 *trator and Ambassador shall take such action at the Inter-*

1 *national Civil Aviation Organization as the Administrator*
2 *and Ambassador consider necessary to advance aviation se-*
3 *curity improvement proposals, including if practicable, in-*
4 *troducing a resolution to raise minimum standards for*
5 *aviation security.*

6 (d) *BRIEFINGS TO CONGRESS.—Beginning not later*
7 *than 180 days after the date of enactment of this Act, and*
8 *periodically thereafter, the Administrator, in consultation*
9 *with the Ambassador with respect to subsection (c), shall*
10 *brief the Committee on Commerce, Science, and Transpor-*
11 *tation and the Committee on Foreign Relations of the Sen-*
12 *ate, and the Committee on Homeland Security and the*
13 *Committee on Foreign Affairs of the House of Representa-*
14 *tives on the implementation of subsections (a) and (b).*

15 **SEC. 1957. AVIATION SECURITY IN CUBA.**

16 (a) *SECURITY OF PUBLIC CHARTER OPERATIONS.—*
17 *The Administrator of the Transportation Security Admin-*
18 *istration, in coordination with the Secretary of Transpor-*
19 *tation and the Administrator of the Federal Aviation Ad-*
20 *ministration, shall—*

21 (1) *direct all public charters operating flights be-*
22 *tween the United States and Cuba to provide updated*
23 *flight schedules to, and maintain such schedules with,*
24 *the Transportation Security Administration; and*

1 (2) *develop and implement a mechanism that*
2 *corroborates and validates flight schedule data to*
3 *more reliably track the public charter operations of*
4 *air carriers between the United States and Cuba.*

5 ***(b) BRIEFING ON SECURITY AT AIRPORTS IN CUBA.—***
6 *The Administrator shall provide to Congress (including the*
7 *Committee on Homeland Security of the House of Rep-*
8 *resentatives and the Committee on Commerce, Science, and*
9 *Transportation of the Senate) a confidential briefing on the*
10 *following aspects of security measures at airports in Cuba*
11 *that have air service to the United States:*

12 (1) *Details about the type of equipment used at*
13 *screening checkpoints and an analysis of the capabili-*
14 *ties and weaknesses of that equipment.*

15 (2) *Information about each such airport's canine*
16 *screening program, if used.*

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

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

22 (5) *An assessment of the ability of known or sus-*
23 *pected terrorists to use Cuba as a gateway to entering*
24 *the United States.*

25 (6) *Security of such airports' perimeters.*

1 (7) *The vetting practices and procedures for air-*
2 *port employees.*

3 (8) *Any other information the Administrator*
4 *considers relevant to the security practices, proce-*
5 *dures, and equipment in place at such airports.*

6 **SEC. 1958. REPORT ON AIRPORTS USED BY MAHAN AIR.**

7 (a) *IN GENERAL.*—*Not later than 120 days after the*
8 *date of enactment of this Act, and annually thereafter*
9 *through 2021, the Secretary of Homeland Security, in con-*
10 *sultation with the Secretary of Transportation, the Sec-*
11 *retary of State, the Secretary of the Treasury, and the Di-*
12 *rector of National Intelligence, shall submit to Congress a*
13 *report that includes—*

14 (1) *a list of all airports at which aircraft owned*
15 *or controlled by Mahan Air have landed during the*
16 *2 years preceding the submission of the report; and*

17 (2) *for each such airport—*

18 (A) *an assessment of whether aircraft owned*
19 *or controlled by Mahan Air continue to conduct*
20 *operations at that airport;*

21 (B) *an assessment of whether any of the*
22 *landings of aircraft owned or controlled by*
23 *Mahan Air were necessitated by an emergency*
24 *situation;*

1 (C) a determination regarding whether ad-
2 ditional security measures should be imposed on
3 flights to the United States that originate from
4 that airport; and

5 (D) an explanation of the rationale for that
6 determination.

7 (b) *FORM OF REPORT.*—Each report required by sub-
8 section (a) shall be submitted in unclassified form, but may
9 include a classified annex.

10 (c) *PUBLICATION OF LIST.*—The list required by sub-
11 section (a)(1) shall be publicly and prominently posted on
12 the website of the Department of Homeland Security on the
13 date on which the report required by subsection (a) is sub-
14 mitted to Congress.

15 ***Subtitle F—Cockpit and Cabin***
16 ***Security***

17 ***SEC. 1959. FEDERAL AIR MARSHAL SERVICE UPDATES.***

18 (a) *STANDARDIZATION.*—

19 (1) *IN GENERAL.*—Not later than 60 days after
20 the date of enactment of this Act, the Administrator
21 shall develop a standard written agreement that shall
22 be the basis of all negotiations and agreements that
23 begin after the date of enactment of this Act between
24 the United States and foreign governments or part-
25 ners regarding the presence of Federal air marshals

1 *on flights to and from the United States, including*
2 *deployment, technical assistance, and information*
3 *sharing.*

4 (2) *WRITTEN AGREEMENTS.*—*Except as provided*
5 *in paragraph (3), not later than 180 days after the*
6 *date of enactment of this Act, all agreements between*
7 *the United States and foreign governments or part-*
8 *ners regarding the presence of Federal air marshals*
9 *on flights to and from the United States shall be in*
10 *writing and signed by the Administrator or other au-*
11 *thorized United States Government representative.*

12 (3) *EXCEPTION.*—*The Administrator may sched-*
13 *ule Federal air marshal service on flights operating to*
14 *a foreign country with which no written agreement is*
15 *in effect if the Administrator determines that—*

16 (A) *such mission is necessary for aviation*
17 *security; and*

18 (B) *the requirements of paragraph (4)(B)*
19 *are met.*

20 (4) *NOTIFICATION TO CONGRESS.*—

21 (A) *WRITTEN AGREEMENTS.*—*Not later*
22 *than 30 days after the date that the Adminis-*
23 *trator enters into a written agreement under this*
24 *section, the Administrator shall transmit to the*

1 *appropriate committees of Congress a copy of the*
2 *agreement.*

3 *(B) NO WRITTEN AGREEMENTS.—The Ad-*
4 *ministrators shall submit to the appropriate com-*
5 *mittees of Congress—*

6 *(i) not later than 30 days after the*
7 *date of enactment of this Act, a list of each*
8 *foreign government or partner that does not*
9 *have a written agreement under this section,*
10 *including an explanation for why no writ-*
11 *ten agreement exists and a justification for*
12 *the determination that such a mission is*
13 *necessary for aviation security; and*

14 *(ii) not later than 30 days after the*
15 *date that the Administrator makes a deter-*
16 *mination to schedule Federal air marshal*
17 *service on flights operating to a foreign*
18 *country with which no written agreement is*
19 *in effect under paragraph (3), the name of*
20 *the applicable foreign government or part-*
21 *ner, an explanation for why no written*
22 *agreement exists, and a justification for the*
23 *determination that such mission is nec-*
24 *essary for aviation security.*

1 **(b) MISSION SCHEDULING AUTOMATION.**—*The Admin-*
2 *istrator shall endeavor to acquire automated capabilities or*
3 *technologies for scheduling Federal air marshal service mis-*
4 *sions based on current risk modeling.*

5 **(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DE-**
6 **PLOYMENTS.**—

7 **(1) AFTER-ACTION REPORTS.**—*The Adminis-*
8 *trator shall strengthen internal controls to ensure that*
9 *all after-action reports on Federal air marshal service*
10 *special mission coverage provided to stakeholders in-*
11 *clude documentation of supervisory review and ap-*
12 *proval, and mandatory narratives.*

13 **(2) STUDY.**—*The Administrator shall contract*
14 *with an independent entity to conduct a validation*
15 *and verification study of the risk analysis and risk-*
16 *based determinations guiding Federal air marshal*
17 *service deployment, including the use of risk-based*
18 *strategies under subsection (d).*

19 **(3) COST-BENEFIT ANALYSIS.**—*The Adminis-*
20 *trator shall conduct a cost-benefit analysis regarding*
21 *mitigation of aviation security threats through Fed-*
22 *eral air marshal service deployment.*

23 **(4) PERFORMANCE MEASURES.**—*The Adminis-*
24 *trator shall improve existing performance measures to*
25 *better determine the effectiveness of in-flight oper-*

1 *ations in addressing the highest risks to aviation*
2 *transportation based on current intelligence.*

3 (5) *LONG DISTANCE FLIGHTS.*—Section 44917 is
4 *amended—*

5 (A) *by striking subsection (b); and*

6 (B) *by redesignating subsections (c) through*

7 *(d) as subsections (b) through (c), respectively.*

8 (d) *USE OF RISK-BASED STRATEGIES.*—

9 (1) *IN GENERAL.*—Section 44917(a) is amend-
10 *ed—*

11 (A) *in paragraph (7), by striking “and”*
12 *after the semicolon at the end;*

13 (B) *in paragraph (8), by striking the period*
14 *at the end and inserting a semicolon; and*

15 (C) *by adding at the end the following:*

16 *“(9) shall require the Federal Air Marshal Serv-*
17 *ice to utilize a risk-based strategy when allocating re-*
18 *sources between international and domestic flight cov-*
19 *erage, including when initially setting its annual tar-*
20 *get numbers of average daily international and do-*
21 *mestic flights to cover;*

22 *“(10) shall require the Federal Air Marshal*
23 *Service to utilize a risk-based strategy to support do-*
24 *mestic allocation decisions;*

1 “(11) shall require the Federal Air Marshal
2 Service to utilize a risk-based strategy to support
3 international allocation decisions; and

4 “(12) shall ensure that the seating arrangements
5 of Federal air marshals on aircraft are determined in
6 a manner that is risk-based and most capable of re-
7 sponding to current threats to aviation security.”.

8 (2) *BRIEFING.*—Not later than 270 days after
9 the date of enactment of this Act, the Administrator
10 shall brief the appropriate committees of Congress on
11 the Federal Air Marshal Service’s compliance with
12 the requirements under paragraphs (9) through (12)
13 of section 44917(a) of title 49, United States Code, as
14 added by this Act, and the documented methodology
15 used by the Federal Air Marshal Service to conduct
16 risk assessments in accordance with such paragraphs.

17 (3) *IMPLEMENTATION DEADLINE.*—Not later
18 than 180 days after the date of enactment of this Act,
19 the Administrator shall begin implementing the re-
20 quirements under paragraphs (9) through (12) of sec-
21 tion 44917(a), United States Code, as added by this
22 Act.

23 **SEC. 1960. CREW MEMBER SELF-DEFENSE TRAINING.**

24 The Administrator, in consultation with the Adminis-
25 trator of the Federal Aviation Administration, shall con-

1 *tinue to carry out and encourage increased participation*
2 *by air carrier employees in the voluntary self-defense train-*
3 *ing program under section 44918(b) of title 49, United*
4 *States Code.*

5 **SEC. 1961. FLIGHT DECK SAFETY AND SECURITY.**

6 (a) *THREAT ASSESSMENT.*—*Not later than 90 days*
7 *after the date of enactment of this Act, the Administrator,*
8 *in consultation with the Administrator of the Federal Avia-*
9 *tion Administration, shall complete a detailed threat assess-*
10 *ment to identify any safety or security risks associated with*
11 *unauthorized access to the flight decks on commercial air-*
12 *craft and any appropriate measures that should be taken*
13 *based on the risks.*

14 (b) *RTCA REPORT.*—*The Administrator, in coordina-*
15 *tion with the Administrator of the Federal Aviation Admin-*
16 *istration, shall disseminate RTCA Document (DO–329)*
17 *Aircraft Secondary Barriers and Alternative Flight Deck*
18 *Security Procedure to aviation stakeholders, including air*
19 *carriers and flight crew, to convey effective methods and*
20 *best practices to protect the flight deck.*

21 **SEC. 1962. CARRIAGE OF WEAPONS, EXPLOSIVES, AND IN-**
22 **CENDIARIES BY INDIVIDUALS.**

23 (a) *INTERPRETIVE RULE.*—*Subject to subsections (b)*
24 *and (c), the Administrator shall periodically review and*
25 *amend, as necessary, the interpretive rule (68 Fed. Reg.*

1 7444) that provides guidance to the public on the types of
2 property considered to be weapons, explosives, and incendi-
3 aries prohibited under section 1540.111 of title 49, Code
4 of Federal Regulations.

5 (b) *CONSIDERATIONS.*—Before determining whether to
6 amend the interpretive rule to include or remove an item
7 from the prohibited list, the Administrator shall—

8 (1) *research and evaluate—*

9 (A) *the impact, if any, the amendment*
10 *would have on security risks;*

11 (B) *the impact, if any, the amendment*
12 *would have on screening operations, including*
13 *effectiveness and efficiency; and*

14 (C) *whether the amendment is consistent*
15 *with international standards and guidance, in-*
16 *cluding of the International Civil Aviation Or-*
17 *ganization; and*

18 (2) *consult with appropriate aviation security*
19 *stakeholders, including ASAC.*

20 (c) *EXCEPTIONS.*—Except for plastic or round bladed
21 butter knives, the Administrator may not amend the inter-
22 pretive rule described in subsection (a) to authorize any
23 knife to be permitted in an airport sterile area or in the
24 cabin of an aircraft.

25 (d) *NOTIFICATION.*—The Administrator shall—

1 (1) *publish in the Federal Register any amend-*
 2 *ment to the interpretive rule described in subsection*
 3 *(a); and*

4 (2) *notify the appropriate committees of Con-*
 5 *gress of the amendment not later than 3 days before*
 6 *publication under paragraph (1).*

7 **SEC. 1963. FEDERAL FLIGHT DECK OFFICER PROGRAM IM-**
 8 **PROVEMENTS.**

9 (a) *IMPROVED ACCESS TO TRAINING FACILITIES.—*
 10 *Section 44921(c)(2)(C)(ii) is amended—*

11 (1) *by striking “The training of” and inserting*
 12 *the following:*

13 *“(I) IN GENERAL.—The training*
 14 *of”;*

15 (2) *in subclause (I), as designated, by striking*
 16 *“approved by the Under Secretary”; and*

17 (3) *by adding at the end the following:*

18 *“(II) ACCESS TO TRAINING FA-*
 19 *CILITIES.—The Administrator shall*
 20 *designate additional firearms training*
 21 *facilities located in various regions of*
 22 *the United States for Federal flight*
 23 *deck officers for recurrent and requali-*
 24 *fying training relative to the number*

1 of such facilities available on the day
2 before such date of enactment.”.

3 (b) **FIREARMS REQUALIFICATION.**—Section
4 44921(c)(2)(C) is amended—

5 (1) in clause (iii)—

6 (A) by striking “The Under Secretary
7 shall” and inserting the following:

8 “(I) **IN GENERAL.**—The Adminis-
9 trator shall”;

10 (B) in subclause (I), as designated by sub-
11 paragraph (A), by striking “the Under Sec-
12 retary” and inserting “the Administrator”; and

13 (C) by adding at the end the following:

14 “(II) **USE OF FACILITIES FOR RE-**
15 **QUALIFICATION.**—The Administrator
16 shall allow a Federal flight deck officer
17 to requalify to carry a firearm under
18 the program through training at a
19 Transportation Security Administra-
20 tion-approved firearms training facil-
21 ity utilizing a Transportation Security
22 Administration-approved contractor
23 and a curriculum developed and ap-
24 proved by the Transportation Security
25 Administration.”; and

1 (2) *by adding at the end the following:*

2 “(iv) *PERIODIC REVIEW.—The Admin-*
3 *istrator shall periodically review requali-*
4 *fication training intervals and assess*
5 *whether it is appropriate and sufficient to*
6 *adjust the time between each requalification*
7 *training to facilitate continued participa-*
8 *tion in the program under this section while*
9 *still maintaining effectiveness of the train-*
10 *ing, and update the training requirements*
11 *as appropriate.”.*

12 (c) *TRAINING REVIEW.—Section 44921(c)(2) is*
13 *amended by adding at the end the following:*

14 “(D) *TRAINING REVIEW.—Not later than 2*
15 *years after the date of enactment of the TSA*
16 *Modernization Act, and biennially thereafter, the*
17 *Administrator shall review training facilities*
18 *and training requirements for initial and recur-*
19 *rent training for Federal flight deck officers and*
20 *evaluate how training requirements, including*
21 *the length of training, could be streamlined while*
22 *maintaining the effectiveness of the training, and*
23 *update the training requirements as appro-*
24 *priate.”.*

1 (d) *OTHER MEASURES TO FACILITATE TRAINING.*—

2 Section 44921(e) is amended—

3 (1) by striking “Pilots participating” and in-
4 serting the following:

5 “(1) *IN GENERAL.*—Pilots participating”; and

6 (2) by adding at the end the following:

7 “(2) *FACILITATION OF TRAINING.*—An air car-
8 rier shall permit a pilot seeking to be deputized as a
9 Federal flight deck officer or a Federal flight deck offi-
10 cer to take a reasonable amount of leave to partici-
11 pate in initial, recurrent, or requalification training,
12 as applicable, for the program. Leave required under
13 this paragraph may be provided without compensa-
14 tion.”.

15 (e) *INTERNATIONAL HARMONIZATION.*—Section
16 44921(f) is amended—

17 (1) in paragraphs (1) and (3), by striking
18 “Under Secretary” and inserting “Administrator”;
19 and

20 (2) by adding at the end the following:

21 “(4) *CONSISTENCY WITH FEDERAL AIR MARSHAL*
22 *PROGRAM.*—The Administrator shall harmonize, to
23 the extent practicable and in a manner that does not
24 jeopardize existing Federal air marshal agreements,
25 the policies relating to the carriage of firearms on

1 *international flights by Federal flight deck officers*
2 *with the policies of the Federal air marshal program*
3 *for carrying firearms on such flights and carrying*
4 *out the duties of a Federal flight deck officer, notwith-*
5 *standing Annex 17 of the International Civil Avia-*
6 *tion Organization.”.*

7 (f) *PHYSICAL STANDARDS.—Section 44921(d)(2) is*
8 *amended—*

9 (1) *by redesignating subparagraphs (A), (B),*
10 *and (C) as clauses (i), (ii), and (iii), respectively;*

11 (2) *in clause (ii), as redesignated, by striking*
12 *“Under Secretary’s” and inserting “Administrator’s”;*

13 (3) *by striking “A pilot is” and inserting the fol-*
14 *lowing:*

15 *“(A) IN GENERAL.—A pilot is”; and*

16 (4) *by adding at the end the following:*

17 *“(B) CONSISTENCY WITH REQUIREMENTS*
18 *FOR CERTAIN MEDICAL CERTIFICATES.—In es-*
19 *tablishing standards under subparagraph*
20 *(A)(ii), the Administrator may not establish*
21 *medical or physical standards for a pilot to be-*
22 *come a Federal flight deck officer that are incon-*
23 *sistent with or more stringent than the require-*
24 *ments of the Federal Aviation Administration*
25 *for the issuance of the required airman medical*

1 *certificate under part 67 of title 14, Code of Fed-*
2 *eral Regulations (or any corresponding similar*
3 *regulation or ruling).”.*

4 (g) *TRANSFER OF STATUS.*—Section 44921(d) is
5 amended by adding at the end the following:

6 “(5) *TRANSFER FROM INACTIVE TO ACTIVE STA-*
7 *TUS.*—In accordance with any applicable *Transportation Security Administration appeals processes, a*
8 *pilot deputized as a Federal flight deck officer who*
9 *moves to inactive status may return to active status*
10 *upon successful completion of a recurrent training*
11 *program administered within program guidelines.”.*

13 (h) *TECHNICAL CORRECTIONS.*—Section 44921, as
14 amended by this section, is further amended—

15 (1) in subsection (a), by striking “*Under Sec-*
16 *retary of Transportation for Security*” and inserting
17 “*Administrator*”;

18 (2) in subsection (b)—

19 (A) in paragraph (1), by striking “*Not later*
20 *than 3 months after the date of enactment of this*
21 *section, the Under Secretary*” and inserting “*The*
22 *Administrator*”;

23 (B) in paragraph (2), by striking “*Begin-*
24 *ning 3 months after the date of enactment of this*
25 *section, the Under Secretary shall begin the proc-*

1 *ess of training and deputizing” and inserting*
2 *“The Administrator shall train and deputize”;*
3 *and*

4 *(C) in paragraph (3)(N), by striking*
5 *“Under Secretary’s” and inserting “Administra-*
6 *tor’s”;*

7 *(3) in subsection (d)(4)—*

8 *(A) by striking “may,” and inserting*
9 *“may”; and*

10 *(B) by striking “Under Secretary’s” and in-*
11 *serting “Administrator’s”;*

12 *(4) in subsection (i)(2), by striking “the Under*
13 *Secretary may” and inserting “may”;*

14 *(5) in subsection (k)—*

15 *(A) by striking paragraphs (2) and (3); and*

16 *(B) by striking “APPLICABILITY.—” and all*
17 *that follows through “This section” and inserting*
18 *“APPLICABILITY.—This section”;*

19 *(6) by adding at the end the following:*

20 *“(l) DEFINITIONS.—In this section:*

21 *“(1) ADMINISTRATOR.—The term ‘Adminis-*
22 *trator’ means the Administrator of the Transpor-*
23 *tation Security Administration.*

24 *“(2) AIR TRANSPORTATION.—The term ‘air*
25 *transportation’ includes all-cargo air transportation.*

1 “(3) *FIREARMS TRAINING FACILITY*.—The term
2 ‘firearms training facility’ means a private or gov-
3 ernment-owned gun range approved by the Adminis-
4 trator to provide recurrent or requalification train-
5 ing, as applicable, for the program, utilizing a Trans-
6 portation Security Administration-approved con-
7 tractor and a curriculum developed and approved by
8 the Transportation Security Administration.

9 “(4) *PILOT*.—The term ‘pilot’ means an indi-
10 vidual who has final authority and responsibility for
11 the operation and safety of the flight or any other
12 flight deck crew member.”; and

13 (7) by striking “Under Secretary” each place it
14 appears and inserting “Administrator”.

15 (i) *SENSITIVE SECURITY INFORMATION*.—Not later
16 than 180 days after the date of enactment of this Act—

17 (1) the Secretary of Transportation shall revise
18 section 15.5(b)(11) of title 49, Code of Federal Regu-
19 lations, to classify information about pilots deputized
20 as Federal flight deck officers under section 44921 of
21 title 49, United States Code, as sensitive security in-
22 formation in a manner consistent with the classifica-
23 tion of information about Federal air marshals; and

24 (2) the Administrator shall revise section
25 1520.5(b)(11) of title 49, Code of Federal Regulations,

1 to classify information about pilots deputized as Fed-
2 eral flight deck officers under section 44921 of title
3 49, United States Code, as sensitive security informa-
4 tion in a manner consistent with the classification of
5 information about Federal air marshals.

6 (j) *REGULATIONS.*—Not later than 180 days after the
7 date of enactment of this Act, the Administrator shall pre-
8 scribe such regulations as may be necessary to carry out
9 this section and the amendments made by this section.

10 ***Subtitle G—Surface Transportation***
11 ***Security***

12 ***SEC. 1964. SURFACE TRANSPORTATION SECURITY ASSESS-***
13 ***MENT AND IMPLEMENTATION OF RISK-BASED***
14 ***STRATEGY.***

15 (a) *SECURITY ASSESSMENT.*—

16 (1) *IN GENERAL.*—Not later than 1 year after
17 the date of enactment of this Act, the Administrator
18 shall complete an assessment of the vulnerabilities of
19 and risks to surface transportation systems.

20 (2) *CONSIDERATIONS.*—In conducting the secu-
21 rity assessment under paragraph (1), the Adminis-
22 trator shall, at a minimum—

23 (A) consider appropriate intelligence;

1 (B) consider security breaches and attacks
2 at domestic and international surface transpor-
3 tation facilities;

4 (C) consider the vulnerabilities and risks
5 associated with specific modes of surface trans-
6 portation;

7 (D) evaluate the vetting and security train-
8 ing of—

9 (i) employees in surface transpor-
10 tation; and

11 (ii) other individuals with access to
12 sensitive or secure areas of surface transpor-
13 tation networks; and

14 (E) consider input from—

15 (i) representatives of different modes of
16 surface transportation;

17 (ii) representatives of critical infra-
18 structure entities;

19 (iii) the Transportation Systems Sec-
20 tor Coordinating Council; and

21 (iv) the heads of other relevant Federal
22 departments or agencies.

23 (b) *RISK-BASED SURFACE TRANSPORTATION SECUR-*
24 *ITY STRATEGY.*—

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date the security assessment under subsection (a)
3 is complete, the Administrator shall use the results of
4 the assessment—

5 (A) to develop and implement a cross-cut-
6 ting, risk-based surface transportation security
7 strategy that includes—

8 (i) all surface transportation modes;

9 (ii) a mitigating strategy that aligns
10 with each vulnerability and risk identified
11 in subsection (a);

12 (iii) a planning process to inform re-
13 source allocation;

14 (iv) priorities, milestones, and per-
15 formance metrics to measure the effective-
16 ness of the risk-based surface transportation
17 security strategy; and

18 (v) processes for sharing relevant and
19 timely intelligence threat information with
20 appropriate stakeholders;

21 (B) to develop a management oversight
22 strategy that—

23 (i) identifies the parties responsible for
24 the implementation, management, and over-

1 *sight of the risk-based surface transpor-*
2 *tation security strategy; and*

3 *(ii) includes a plan for implementing*
4 *the risk-based surface transportation secu-*
5 *rity strategy; and*

6 *(C) to modify the risk-based budget and re-*
7 *source allocations, in accordance with section*
8 *1965(c), for the Transportation Security Admin-*
9 *istration.*

10 (2) *COORDINATED APPROACH.—In developing*
11 *and implementing the risk-based surface transpor-*
12 *tation security strategy under paragraph (1), the Ad-*
13 *ministrator shall coordinate with the heads of other*
14 *relevant Federal departments or agencies, and stake-*
15 *holders, as appropriate—*

16 *(A) to evaluate existing surface transpor-*
17 *tation security programs, policies, and initia-*
18 *tives, including the explosives detection canine*
19 *teams, for consistency with the risk-based secu-*
20 *rity strategy and, to the extent practicable, avoid*
21 *any unnecessary duplication of effort;*

22 *(B) to determine the extent to which stake-*
23 *holder security programs, policies, and initia-*
24 *tives address the vulnerabilities and risks to sur-*

1 *face transportation systems identified in sub-*
2 *section (a); and*

3 *(C) subject to subparagraph (B), to mitigate*
4 *each vulnerability and risk to surface transpor-*
5 *tation systems identified in subsection (a).*

6 *(c) REPORT.—*

7 *(1) IN GENERAL.—Not later than 180 days after*
8 *the date the security assessment under subsection (a)*
9 *is complete, the Administrator shall submit to the ap-*
10 *propriate committees of Congress and the Inspector*
11 *General of the Department a report that—*

12 *(A) describes the process used to complete*
13 *the security assessment;*

14 *(B) describes the process used to develop the*
15 *risk-based security strategy;*

16 *(C) describes the risk-based security strat-*
17 *egy;*

18 *(D) includes the management oversight*
19 *strategy;*

20 *(E) includes—*

21 *(i) the findings of the security assess-*
22 *ment;*

23 *(ii) a description of the actions rec-*
24 *ommended or taken by the Administrator to*
25 *mitigate the vulnerabilities and risks identi-*

1 *fied in subsection (a), including interagency*
2 *coordination;*

3 *(iii) any recommendations for improv-*
4 *ing the coordinated approach to mitigating*
5 *vulnerabilities and risks to surface trans-*
6 *portation systems; and*

7 *(iv) any recommended changes to the*
8 *National Infrastructure Protection Plan, the*
9 *modal annexes to such plan, or relevant*
10 *surface transportation security programs,*
11 *policies, or initiatives; and*

12 *(F) may contain a classified annex.*

13 (2) *PROTECTIONS.*—*In preparing the report, the*
14 *Administrator shall take appropriate actions to safe-*
15 *guard information described by section 552(b) of title*
16 *5, United States Code, or protected from disclosure by*
17 *any other law of the United States.*

18 (d) *UPDATES.*—*Not less frequently than semiannually,*
19 *the Administrator shall report to or brief the appropriate*
20 *committees of Congress on the vulnerabilities of and risks*
21 *to surface transportation systems and how those*
22 *vulnerabilities and risks affect the risk-based security strat-*
23 *egy.*

1 **SEC. 1965. RISK-BASED BUDGETING AND RESOURCE ALLO-**
2 **CATION.**

3 (a) *REPORT.*—*In conjunction with the submission of*
4 *the Department’s annual budget request to the Office of*
5 *Management and Budget, the Administrator shall submit*
6 *to the appropriate committees of Congress a report that de-*
7 *scribes a risk-based budget and resource allocation plan for*
8 *surface transportation sectors, within and across modes,*
9 *that—*

10 (1) *reflects the risk-based surface transportation*
11 *security strategy under section 1964(b); and*

12 (2) *is organized by appropriations account, pro-*
13 *gram, project, and initiative.*

14 (b) *BUDGET TRANSPARENCY.*—*In submitting the an-*
15 *nual budget of the United States Government under section*
16 *1105 of title 31, United States Code, the President shall*
17 *clearly distinguish the resources requested for surface trans-*
18 *portation security from the resources requested for aviation*
19 *security.*

20 (c) *RESOURCE REALLOCATION.*—

21 (1) *IN GENERAL.*—*Not later than 15 days after*
22 *the date on which the Transportation Security Ad-*
23 *ministration allocates any resources or personnel, in-*
24 *cluding personnel sharing, detailing, or assignment,*
25 *or the use of facilities, technology systems, or vetting*
26 *resources, for a nontransportation security purpose or*

1 *National Special Security Event (as defined in sec-*
2 *tion 2001 of Homeland Security Act of 2002 (6*
3 *U.S.C. 601)), the Secretary shall provide the notifica-*
4 *tion described in paragraph (2) to the appropriate*
5 *committees of Congress.*

6 (2) *NOTIFICATION.—A notification described in*
7 *this paragraph shall include—*

8 (A) *the reason for and a justification of the*
9 *resource or personnel allocation;*

10 (B) *the expected end date of the resource or*
11 *personnel allocation; and*

12 (C) *the projected cost to the Transportation*
13 *Security Administration of the personnel or re-*
14 *source allocation.*

15 (d) *5-YEAR CAPITAL INVESTMENT PLAN.—Not later*
16 *than 180 days after the date of enactment of this Act, the*
17 *Administrator shall submit to the Committee on Commerce,*
18 *Science, and Transportation of the Senate and the Com-*
19 *mittee on Homeland Security of the House of Representa-*
20 *tives a 5-year capital investment plan, consistent with the*
21 *5-year technology investment plan under section 1611 of*
22 *title XVI of the Homeland Security Act of 2002, as amended*
23 *by section 3 of the Transportation Security Acquisition Re-*
24 *form Act (Public Law 113–245; 128 Stat. 2871).*

1 **SEC. 1966. SURFACE TRANSPORTATION SECURITY MANAGE-**
2 **MENT AND INTERAGENCY COORDINATION RE-**
3 **VIEW.**

4 *Not later than 1 year after the date of enactment of*
5 *this Act, the Comptroller General of the United States*
6 *shall—*

7 *(1) review the staffing, budget, resource, and per-*
8 *sonnel allocation, and management oversight strategy*
9 *of the Transportation Security Administration’s sur-*
10 *face transportation security programs;*

11 *(2) review the coordination between relevant en-*
12 *tities of leadership, planning, policy, inspections, and*
13 *implementation of security programs relating to sur-*
14 *face transportation to reduce redundancy and regu-*
15 *latory burden; and*

16 *(3) submit to the appropriate committees of Con-*
17 *gress a report on the findings of the reviews under*
18 *paragraphs (1) and (2), including any recommenda-*
19 *tions for improving coordination between relevant en-*
20 *tities and reducing redundancy and regulatory bur-*
21 *den.*

22 **SEC. 1967. TRANSPARENCY.**

23 *(a) REGULATIONS.—*

24 *(1) IN GENERAL.—Not later than 180 days after*
25 *the date of enactment of this Act, and every 180 days*
26 *thereafter, the Administrator shall publish on a public*

1 *website information regarding the status of each regu-*
2 *lation relating to surface transportation security that*
3 *is directed by law to be issued and that has not been*
4 *issued if not less than 2 years have passed since the*
5 *date of enactment of the law.*

6 (2) *CONTENTS.—The information published*
7 *under paragraph (1) shall include—*

8 (A) *an updated rulemaking schedule for the*
9 *outstanding regulation;*

10 (B) *current staff allocations;*

11 (C) *data collection or research relating to*
12 *the development of the rulemaking;*

13 (D) *current efforts, if any, with security ex-*
14 *perts, advisory committees, and other stake-*
15 *holders; and*

16 (E) *other relevant details associated with*
17 *the development of the rulemaking that impact*
18 *the progress of the rulemaking.*

19 (b) *INSPECTOR GENERAL REVIEW.—Not later than*
20 *180 days after the date of enactment of this Act, and every*
21 *2 years thereafter until all of the requirements under titles*
22 *XIII, XIV, and XV of the Implementing Recommendations*
23 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.)*
24 *and under this title have been fully implemented, the In-*

1 *spector General of the Department shall submit to the ap-*
2 *propriate committees of Congress a report that—*

3 *(1) identifies the requirements under such titles*
4 *of that Act and under this title that have not been*
5 *fully implemented;*

6 *(2) describes what, if any, additional action is*
7 *necessary; and*

8 *(3) includes recommendations regarding whether*
9 *any of the requirements under such titles of that Act*
10 *or this title should be amended or repealed.*

11 **SEC. 1968. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

12 *(a) COUNTERTERRORISM ASSET DEPLOYMENT.—*

13 *(1) IN GENERAL.—If the Administrator deploys*
14 *any counterterrorism personnel or resource, such as*
15 *explosive detection sweeps, random bag inspections, or*
16 *patrols by Visible Intermodal Prevention and Re-*
17 *sponse teams, to enhance security at a transportation*
18 *system or transportation facility for a period of not*
19 *less than 180 consecutive days, the Administrator*
20 *shall provide sufficient notification to the system or*
21 *facility operator, as applicable, not less than 14 days*
22 *prior to terminating the deployment.*

23 *(2) EXCEPTION.—This subsection shall not apply*
24 *if the Administrator—*

1 (A) determines there is an urgent security
2 need for the personnel or resource described in
3 paragraph (1); and

4 (B) notifies the appropriate committees of
5 Congress of the determination under subpara-
6 graph (A).

7 (b) *VIPR TEAMS*.—Section 1303 of the Implementing
8 Recommendations of the 9/11 Commission Act of 2007 (6
9 U.S.C. 1112) is amended—

10 (1) in subsection (a)(4), by striking “team,” and
11 inserting “team as to specific locations and times
12 within the facilities of such entities at which VIPR
13 teams are to be deployed to maximize the effectiveness
14 of such deployment,”; and

15 (2) by striking subsection (b) and inserting the
16 following:

17 “(b) *PERFORMANCE MEASURES*.—Not later than 1
18 year after the date of enactment of the TSA Modernization
19 Act, the Administrator shall develop and implement a sys-
20 tem of qualitative performance measures and objectives by
21 which to assess the roles, activities, and effectiveness of
22 VIPR team operations on an ongoing basis, including a
23 mechanism through which the transportation entities re-
24 ferred to in subsection (a)(4) may submit feedback on VIPR
25 team operations involving their systems or facilities.

1 “(c) *PLAN.*—Not later than 1 year after the date of
2 the enactment of the TSA Modernization Act, the Adminis-
3 trator shall develop and implement a plan for ensuring the
4 interoperability of communications among VIPR team par-
5 ticipants and between VIPR teams and any transportation
6 entities with systems or facilities that are involved in VIPR
7 team operations. Such plan shall include an analysis of the
8 costs and resources required to carry out such plan.”.

9 **SEC. 1969. SURFACE TRANSPORTATION SECURITY ADVI-**
10 **SORY COMMITTEE.**

11 (a) *IN GENERAL.*—Subtitle A of title IV of the Home-
12 land Security Act of 2002 (6 U.S.C. 201 et seq.) is amended
13 by adding at the end the following:

14 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**
15 **SORY COMMITTEE.**

16 “(a) *ESTABLISHMENT.*—The Administrator of the
17 Transportation Security Administration (referred to in this
18 section as ‘Administrator’) shall establish within the Trans-
19 portation Security Administration the Surface Transpor-
20 tation Security Advisory Committee (referred to in this sec-
21 tion as the ‘Advisory Committee’).

22 “(b) *DUTIES.*—

23 “(1) *IN GENERAL.*—The Advisory Committee
24 may advise, consult with, report to, and make rec-
25 ommendations to the Administrator on surface trans-

1 *portation security matters, including the development,*
2 *refinement, and implementation of policies, programs,*
3 *initiatives, rulemakings, and security directives per-*
4 *taining to surface transportation security.*

5 “(2) *RISK-BASED SECURITY.*—*The Advisory*
6 *Committee shall consider risk-based security ap-*
7 *proaches in the performance of its duties.*

8 “(c) *MEMBERSHIP.*—

9 “(1) *COMPOSITION.*—*The Advisory Committee*
10 *shall be composed of—*

11 “(A) *voting members appointed by the Ad-*
12 *ministrator under paragraph (2); and*

13 “(B) *nonvoting members, serving in an ad-*
14 *visory capacity, who shall be designated by—*

15 “(i) *the Transportation Security Ad-*
16 *ministration;*

17 “(ii) *the Department of Transpor-*
18 *tation;*

19 “(iii) *the Coast Guard; and*

20 “(iv) *such other Federal department or*
21 *agency as the Administrator considers ap-*
22 *propriate.*

23 “(2) *APPOINTMENT.*—*The Administrator shall*
24 *appoint voting members from among stakeholders rep-*
25 *resenting each mode of surface transportation, such as*

1 *passenger rail, freight rail, mass transit, pipelines,*
2 *highways, over-the-road bus, school bus industry, and*
3 *trucking, including representatives from—*

4 *“(A) associations representing such modes of*
5 *surface transportation;*

6 *“(B) labor organizations representing such*
7 *modes of surface transportation;*

8 *“(C) groups representing the users of such*
9 *modes of surface transportation, including asset*
10 *manufacturers, as appropriate;*

11 *“(D) relevant law enforcement, first re-*
12 *sponders, and security experts; and*

13 *“(E) such other groups as the Adminis-*
14 *trator considers appropriate.*

15 *“(3) CHAIRPERSON.—The Advisory Committee*
16 *shall select a chairperson from among its voting mem-*
17 *bers.*

18 *“(4) TERM OF OFFICE.—*

19 *“(A) TERMS.—*

20 *“(i) IN GENERAL.—The term of each*
21 *voting member of the Advisory Committee*
22 *shall be 2 years, but a voting member may*
23 *continue to serve until the Administrator*
24 *appoints a successor.*

1 “(i) *REAPPOINTMENT.*—A voting
2 member of the Advisory Committee may be
3 reappointed.

4 “(B) *REMOVAL.*—

5 “(i) *IN GENERAL.*—The Administrator
6 may review the participation of a member
7 of the Advisory Committee and remove such
8 member for cause at any time.

9 “(ii) *ACCESS TO INFORMATION.*—The
10 Administrator may remove any member of
11 the Advisory Committee that the Adminis-
12 trator determines should be restricted from
13 reviewing, discussing, or possessing classi-
14 fied information or sensitive security infor-
15 mation.

16 “(5) *PROHIBITION ON COMPENSATION.*—The
17 members of the Advisory Committee shall not receive
18 any compensation from the Government by reason of
19 their service on the Advisory Committee.

20 “(6) *MEETINGS.*—

21 “(A) *IN GENERAL.*—The Administrator
22 shall require the Advisory Committee to meet at
23 least semiannually in person or through web
24 conferencing and may convene additional meet-
25 ings as necessary.

1 “(B) *PUBLIC MEETINGS.*—*At least 1 of the*
2 *meetings of the Advisory Committee each year*
3 *shall be—*

4 “(i) *announced in the Federal Register;*

5 “(ii) *announced on a public website;*

6 *and*

7 “(iii) *open to the public.*

8 “(C) *ATTENDANCE.*—*The Advisory Com-*
9 *mittee shall maintain a record of the persons*
10 *present at each meeting.*

11 “(D) *MINUTES.*—

12 “(i) *IN GENERAL.*—*Unless otherwise*
13 *prohibited by other Federal law, minutes of*
14 *the meetings shall be published on the public*
15 *website under subsection (e)(5).*

16 “(ii) *PROTECTION OF CLASSIFIED AND*
17 *SENSITIVE INFORMATION.*—*The Advisory*
18 *Committee may redact or summarize, as*
19 *necessary, minutes of the meetings to protect*
20 *classified or other sensitive information in*
21 *accordance with law.*

22 “(7) *VOTING MEMBER ACCESS TO CLASSIFIED*
23 *AND SENSITIVE SECURITY INFORMATION.*—

24 “(A) *DETERMINATIONS.*—*Not later than 60*
25 *days after the date on which a voting member is*

1 *appointed to the Advisory Committee and before*
2 *that voting member may be granted any access*
3 *to classified information or sensitive security in-*
4 *formation, the Administrator shall determine if*
5 *the voting member should be restricted from re-*
6 *viewing, discussing, or possessing classified in-*
7 *formation or sensitive security information.*

8 “(B) ACCESS.—

9 “(i) SENSITIVE SECURITY INFORMA-
10 TION.—*If a voting member is not restricted*
11 *from reviewing, discussing, or possessing*
12 *sensitive security information under sub-*
13 *paragraph (A) and voluntarily signs a non-*
14 *disclosure agreement, the voting member*
15 *may be granted access to sensitive security*
16 *information that is relevant to the voting*
17 *member’s service on the Advisory Com-*
18 *mittee.*

19 “(ii) CLASSIFIED INFORMATION.—*Ac-*
20 *cess to classified materials shall be managed*
21 *in accordance with Executive Order 13526*
22 *of December 29, 2009 (75 Fed. Reg. 707), or*
23 *any subsequent corresponding Executive*
24 *order.*

25 “(C) PROTECTIONS.—

1 “(i) *SENSITIVE SECURITY INFORMA-*
2 *TION.—Voting members shall protect sen-*
3 *sitive security information in accordance*
4 *with part 1520 of title 49, Code of Federal*
5 *Regulations.*

6 “(ii) *CLASSIFIED INFORMATION.—Vot-*
7 *ing members shall protect classified infor-*
8 *mation in accordance with the applicable*
9 *requirements for the particular level of clas-*
10 *sification.*

11 “(8) *JOINT COMMITTEE MEETINGS.—The Advi-*
12 *sory Committee may meet with 1 or more of the fol-*
13 *lowing advisory committees to discuss multimodal se-*
14 *curity issues and other security-related issues of com-*
15 *mon concern:*

16 “(A) *Aviation Security Advisory Committee*
17 *established under section 44946 of title 49,*
18 *United States Code.*

19 “(B) *Maritime Security Advisory Com-*
20 *mittee established under section 70112 of title 46,*
21 *United States Code.*

22 “(C) *Railroad Safety Advisory Committee*
23 *established by the Federal Railroad Administra-*
24 *tion.*

1 “(9) *SUBJECT MATTER EXPERTS.*—*The Advisory*
2 *Committee may request the assistance of subject mat-*
3 *ter experts with expertise related to the jurisdiction of*
4 *the Advisory Committee.*

5 “(d) *REPORTS.*—

6 “(1) *PERIODIC REPORTS.*—*The Advisory Com-*
7 *mittee shall periodically submit reports to the Admin-*
8 *istrator on matters requested by the Administrator or*
9 *by a majority of the members of the Advisory Com-*
10 *mittee.*

11 “(2) *ANNUAL REPORT.*—

12 “(A) *SUBMISSION.*—*The Advisory Com-*
13 *mittee shall submit to the Administrator and the*
14 *appropriate congressional committees an annual*
15 *report that provides information on the activi-*
16 *ties, findings, and recommendations of the Advi-*
17 *sory Committee during the preceding year.*

18 “(B) *PUBLICATION.*—*Not later than 6*
19 *months after the date that the Administrator re-*
20 *ceives an annual report under subparagraph (A),*
21 *the Administrator shall publish a public version*
22 *of the report, in accordance with section 552a(b)*
23 *of title 5, United States Code.*

24 “(e) *ADMINISTRATION RESPONSE.*—

1 “(1) *CONSIDERATION.*—*The Administrator shall*
2 *consider the information, advice, and recommenda-*
3 *tions of the Advisory Committee in formulating poli-*
4 *cies, programs, initiatives, rulemakings, and security*
5 *directives pertaining to surface transportation secu-*
6 *rity.*

7 “(2) *FEEDBACK.*—*Not later than 90 days after*
8 *the date that the Administrator receives a rec-*
9 *ommendation from the Advisory Committee under*
10 *subsection (d)(2), the Administrator shall submit to*
11 *the Advisory Committee written feedback on the rec-*
12 *ommendation, including—*

13 “(A) *if the Administrator agrees with the*
14 *recommendation, a plan describing the actions*
15 *that the Administrator has taken, will take, or*
16 *recommends that the head of another Federal de-*
17 *partment or agency take to implement the rec-*
18 *ommendation; or*

19 “(B) *if the Administrator disagrees with the*
20 *recommendation, a justification for that deter-*
21 *mination.*

22 “(3) *NOTICES.*—*Not later than 30 days after the*
23 *date the Administrator submits feedback under para-*
24 *graph (2), the Administrator shall—*

1 “(A) notify the appropriate congressional
2 committees of the feedback, including the deter-
3 mination under subparagraph (A) or subpara-
4 graph (B) of that paragraph, as applicable; and

5 “(B) provide the appropriate congressional
6 committees with a briefing upon request.

7 “(4) *UPDATES.*—Not later than 90 days after the
8 date the Administrator receives a recommendation
9 from the Advisory Committee under subsection (d)(2)
10 that the Administrator agrees with, and quarterly
11 thereafter until the recommendation is fully imple-
12 mented, the Administrator shall submit a report to
13 the appropriate congressional committees or post on
14 the public website under paragraph (5) an update on
15 the status of the recommendation.

16 “(5) *WEBSITE.*—The Administrator shall main-
17 tain a public website that—

18 “(A) lists the members of the Advisory Com-
19 mittee; and

20 “(B) provides the contact information for
21 the Advisory Committee.

22 “(f) *NONAPPLICABILITY OF FACA.*—The Federal Advi-
23 sory Committee Act (5 U.S.C. App.) shall not apply to the
24 Advisory Committee or any subcommittee established under
25 this section.”.

1 (b) *ADVISORY COMMITTEE MEMBERS.*—

2 (1) *VOTING MEMBERS.*—Not later than 180 days
3 after the date of enactment of this Act, the Adminis-
4 trator shall appoint the voting members of the Sur-
5 face Transportation Security Advisory Committee es-
6 tablished under section 404 of the Homeland Security
7 Act of 2002, as added by subsection (a) of this section.

8 (2) *NONVOTING MEMBERS.*—Not later than 90
9 days after the date of enactment of this Act, each Fed-
10 eral Government department and agency with regu-
11 latory authority over a mode of surface or maritime
12 transportation, as the Administrator considers appro-
13 priate, shall designate an appropriate representative
14 to serve as a nonvoting member of the Surface Trans-
15 portation Security Advisory Committee.

16 (c) *TABLE OF CONTENTS.*—The table of contents in
17 section 1(b) of the Homeland Security Act of 2002 (Public
18 Law 107–296; 116 Stat. 2135) is amended by inserting
19 after the item relating to section 403 the following:

“Sec. 404. Surface Transportation Security Advisory Committee.”.

20 **SEC. 1970. REVIEW OF THE EXPLOSIVES DETECTION CA-**
21 **NINE TEAM PROGRAM.**

22 (a) *IN GENERAL.*—Not later than 90 days after the
23 date that the Inspector General of the Department receives
24 the report under section 1964(c), the Inspector General of
25 the Department shall—

1 (1) *review the explosives detection canine team*
2 *program, including—*

3 (A) *the development by the Transportation*
4 *Security Administration of a deployment strat-*
5 *egy for explosives detection canine teams;*

6 (B) *the national explosives detection canine*
7 *team training program, including canine train-*
8 *ing, handler training, refresher training, and*
9 *updates to such training;*

10 (C) *the use of the canine assets during an*
11 *urgent security need, including the reallocation*
12 *of such program resources outside the transpor-*
13 *tation systems sector during an urgent security*
14 *need; and*

15 (D) *the monitoring and tracking of canine*
16 *assets; and*

17 (2) *submit to the appropriate committees of Con-*
18 *gress a report on the review, including any rec-*
19 *ommendations.*

20 (b) *CONSIDERATIONS.—In conducting the review of the*
21 *deployment strategy under subsection (a)(1)(A), the Inspec-*
22 *tor General shall consider whether the Transportation Secu-*
23 *rity Administration’s method to analyze the risk to trans-*
24 *portation facilities and transportation systems is appro-*
25 *priate.*

1 **SEC. 1971. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
2 **TION CANINE TEAM PROGRAM.**

3 (a) *IN GENERAL.*—*The Secretary, where appropriate,*
4 *shall encourage State, local, and tribal governments and*
5 *private owners of high-risk transportation facilities to*
6 *strengthen security through the use of explosives detection*
7 *canine teams.*

8 (b) *INCREASED CAPACITY.*—

9 (1) *IN GENERAL.*—*Before the date the Inspector*
10 *General of the Department submits the report under*
11 *section 1970, the Administrator may increase the*
12 *number of State and local surface and maritime*
13 *transportation canines by not more than 70 explo-*
14 *sives detection canine teams.*

15 (2) *ADDITIONAL TEAMS.*—*Beginning on the date*
16 *the Inspector General of the Department submits the*
17 *report under section 1970, the Secretary may increase*
18 *the State and local surface and maritime transpor-*
19 *tation canines up to 200 explosives detection canine*
20 *teams unless more are identified in the risk-based sur-*
21 *face transportation security strategy under section*
22 *1964, consistent with section 1965 or with the Presi-*
23 *dent's most recent budget submitted under section*
24 *1105 of title 31, United States Code.*

25 (3) *RECOMMENDATIONS.*—*Before initiating any*
26 *increase in the number of explosives detection teams*

1 *under paragraph (2), the Secretary shall consider any*
2 *recommendations in the report under section 1970 on*
3 *the efficacy and management of the explosives detec-*
4 *tion canine program.*

5 *(c) DEPLOYMENT.—The Secretary shall—*

6 *(1) use the additional explosives detection canine*
7 *teams, as described in subsection (b)(1), as part of the*
8 *Department’s efforts to strengthen security across the*
9 *Nation’s surface and maritime transportation net-*
10 *works;*

11 *(2) make available explosives detection canine*
12 *teams to all modes of transportation, subject to the re-*
13 *quirements under section 1968, to address specific*
14 *vulnerabilities or risks, on an as-needed basis and as*
15 *otherwise determined appropriate by the Secretary;*
16 *and*

17 *(3) consider specific needs and training require-*
18 *ments for explosives detection canine teams to be de-*
19 *ployed across the Nation’s surface and maritime*
20 *transportation networks, including in venues of mul-*
21 *tiple modes of transportation, as the Secretary con-*
22 *siders appropriate.*

23 *(d) AUTHORIZATION.—There are authorized to be ap-*
24 *propriated to the Secretary to the extent of appropriations*

1 *to carry out this section for each of fiscal years 2019*
2 *through 2021.*

3 **SEC. 1972. STUDY ON SECURITY STANDARDS AND BEST**
4 **PRACTICES FOR PASSENGER TRANSPOR-**
5 **TATION SYSTEMS.**

6 *(a) SECURITY STANDARDS AND BEST PRACTICES FOR*
7 *UNITED STATES AND FOREIGN PASSENGER TRANSPOR-*
8 *TATION SYSTEMS.—The Comptroller General of the United*
9 *States shall conduct a study of how the Transportation Se-*
10 *curity Administration—*

11 *(1) identifies and compares—*

12 *(A) United States and foreign passenger*
13 *transportation security standards; and*

14 *(B) best practices for protecting passenger*
15 *transportation systems, including shared ter-*
16 *minal facilities, and cyber systems; and*

17 *(2) disseminates the findings under paragraph*
18 *(1) to stakeholders.*

19 *(b) REPORT.—Not later than 18 months after the date*
20 *of enactment of this Act, the Comptroller General shall issue*
21 *a report that contains—*

22 *(1) the findings of the study conducted under*
23 *subsection (a); and*

24 *(2) any recommendations for improving the rel-*
25 *evant processes or procedures.*

1 **SEC. 1973. AMTRAK SECURITY UPGRADES.**

2 (a) *RAILROAD SECURITY ASSISTANCE.*—Section
3 1513(b) of the *Implementing Recommendations of the 9/11*
4 *Commission Act of 2007* (6 U.S.C. 1163(b)) is amended—

5 (1) in paragraph (1), by striking the period at
6 the end and inserting “, including communications
7 interoperability where appropriate with relevant out-
8 side agencies and entities.”;

9 (2) in paragraph (5), by striking “security of”
10 and inserting “security and preparedness of”;

11 (3) in paragraph (7), by striking “security
12 threats” and inserting “security threats and pre-
13 paredness, including connectivity to the National Ter-
14 rorist Screening Center”; and

15 (4) in paragraph (9), by striking “and security
16 officers” and inserting “, security, and preparedness
17 officers”.

18 (b) *SPECIFIC PROJECTS.*—Section 1514(a)(3) of the
19 *Implementing Recommendations of the 9/11 Commission*
20 *Act of 2007* (6 U.S.C. 1164(a)(3)) is amended—

21 (1) in subparagraph (D) by inserting “, or to
22 connect to the National Terrorism Screening Center
23 watchlist” after “Secretary”;

24 (2) in subparagraph (G), by striking “; and” at
25 the end and inserting a semicolon;

1 (3) *in subparagraph (H) by striking the period*
2 *at the end and inserting a semicolon; and*

3 (4) *by adding at the end the following:*

4 “(I) *for improvements to passenger*
5 *verification systems;*

6 “(J) *for improvements to employee and con-*
7 *tractor verification systems, including identity*
8 *verification technology; or*

9 “(K) *for improvements to the security of*
10 *Amtrak computer systems, including cybersecu-*
11 *rity assessments and programs.”.*

12 **SEC. 1974. PASSENGER RAIL VETTING.**

13 (a) *IN GENERAL.*—*Not later than 180 days after the*
14 *date on which the Amtrak Board of Directors submits a*
15 *request to the Administrator, the Administrator shall issue*
16 *a decision on the use by Amtrak of the Transportation Se-*
17 *curity Administration’s Secure Flight Program or a simi-*
18 *lar passenger vetting system to enhance passenger rail secu-*
19 *rity.*

20 (b) *CONSIDERATIONS.*—*In making a decision under*
21 *subsection (a), the Administrator shall—*

22 (1) *consider the technological, privacy, oper-*
23 *ational, and security impacts of such a decision; and*

24 (2) *describe such impacts in any strategic plan*
25 *developed under subsection (c).*

1 (c) *STRATEGIC PLAN.*—*If the Administrator decides to*
2 *grant the request by Amtrak under subsection (a), the deci-*
3 *sion shall include a strategic plan for working with rail*
4 *stakeholders to enhance passenger rail security by—*

5 (1) *vetting passengers using terrorist watch lists*
6 *maintained by the Federal Government or a similar*
7 *passenger vetting system maintained by the Trans-*
8 *portation Security Administration; and*

9 (2) *where applicable and in consultation with*
10 *the Commissioner of U.S. Customs and Border Pro-*
11 *tection, assessing whether the vetting process should be*
12 *integrated into preclearance operations established*
13 *under section 813 of the Trade Facilitation and*
14 *Trade Enforcement Act of 2015 (19 U.S.C. 4432).*

15 (d) *NOTICES.*—*The Administrator shall notify the ap-*
16 *propriate committees of Congress of any decision made*
17 *under subsection (a) and the details of the strategic plan*
18 *under subsection (c).*

19 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
20 *shall be construed to limit the Administrator’s authority to*
21 *set the access to, or terms and conditions of using, the Se-*
22 *cure Flight Program or a similar passenger vetting system.*

1 **SEC. 1975. STUDY ON SURFACE TRANSPORTATION INSPEC-**
2 **TORS.**

3 (a) *STRATEGY.*—Not later than 180 days after the date
4 of enactment of this Act, the Administrator shall submit
5 to the appropriate congressional committees and the Comp-
6 troller General of the United States a strategy to guide oper-
7 ations of surface transportation security inspectors that ad-
8 dresses the following:

9 (1) *Any limitations in data systems for such in-*
10 *spectors, as identified by the Comptroller General.*

11 (2) *Alignment of operations with risk assessment*
12 *findings, including an approach to identifying and*
13 *prioritizing entities and locations for inspections.*

14 (3) *Measurable objectives for the surface trans-*
15 *portation security inspectors program.*

16 (b) *GAO REVIEW.*—Not later than 180 days after the
17 date the strategy under subsection (a) is submitted, the
18 Comptroller General of the United States shall review such
19 strategy and, as appropriate, issue recommendations.

20 **SEC. 1976. SECURITY AWARENESS PROGRAM.**

21 (a) *ESTABLISHMENT.*—The Administrator shall estab-
22 lish a program to promote surface transportation security
23 through the training of surface transportation operators
24 and frontline employees on each of the skills identified in
25 subsection (c).

1 (b) *APPLICATION.*—*The program established under*
2 *subsection (a) shall apply to all modes of surface transpor-*
3 *tation, including public transportation, rail, highway,*
4 *motor carrier, and pipeline.*

5 (c) *TRAINING.*—*The program established under sub-*
6 *section (a) shall cover, at a minimum, the skills necessary*
7 *to recognize, assess, and respond to suspicious items or ac-*
8 *tions that could indicate a threat to transportation.*

9 (d) *ASSESSMENT.*—

10 (1) *IN GENERAL.*—*The Administrator shall con-*
11 *duct an assessment of current training programs for*
12 *surface transportation operators and frontline em-*
13 *ployees.*

14 (2) *CONTENTS.*—*The assessment shall identify—*

15 (A) *whether other training is being pro-*
16 *vided, either voluntarily or in response to other*
17 *Federal requirements; and*

18 (B) *whether there are any gaps in existing*
19 *training.*

20 (e) *UPDATES.*—*The Administrator shall ensure the*
21 *program established under subsection (a) is updated as nec-*
22 *essary to address changes in risk and terrorist methods and*
23 *to close any gaps identified in the assessment under sub-*
24 *section (d).*

25 (f) *SUSPICIOUS ACTIVITY REPORTING.*—

1 (1) *IN GENERAL.*—*The Secretary shall maintain*
2 *a national telephone number for an individual to use*
3 *to report suspicious activity under this section to the*
4 *Administration.*

5 (2) *PROCEDURES.*—*The Administrator shall es-*
6 *tablish procedures for the Administration—*

7 (A) *to review and follow-up, as necessary,*
8 *on each report received under paragraph (1);*
9 *and*

10 (B) *to share, as necessary and in accord-*
11 *ance with law, the report with appropriate Fed-*
12 *eral, State, local, and tribal entities.*

13 (3) *RULE OF CONSTRUCTION.*—*Nothing in this*
14 *section may be construed to—*

15 (A) *replace or affect in any way the use of*
16 *9–1–1 services in an emergency; or*

17 (B) *replace or affect in any way the secu-*
18 *rity training program requirements specified in*
19 *sections 1408, 1517, and 1534 of the Imple-*
20 *menting Recommendations of the 9/11 Commis-*
21 *sion Act of 2007 (6 U.S.C. 1137, 1167, 1184).*

22 (g) *DEFINITION OF FRONTLINE EMPLOYEE.*—*In this*
23 *section, the term “frontline employee” includes—*

24 (1) *an employee of a public transportation agen-*
25 *cy who is a transit vehicle driver or operator, dis-*

1 *patcher, maintenance and maintenance support em-*
2 *ployee, station attendant, customer service employee,*
3 *security employee, or transit police, or any other em-*
4 *ployee who has direct contact with riders on a regular*
5 *basis, and any other employee of a public transpor-*
6 *tation agency that the Administrator determines*
7 *should receive security training under this section or*
8 *that is receiving security training under other law;*

9 *(2) over-the-road bus drivers, security personnel,*
10 *dispatchers, maintenance and maintenance support*
11 *personnel, ticket agents, other terminal employees,*
12 *and other employees of an over-the-road bus operator*
13 *or terminal owner or operator that the Administrator*
14 *determines should receive security training under this*
15 *section or that is receiving security training under*
16 *other law; or*

17 *(3) security personnel, dispatchers, locomotive*
18 *engineers, conductors, trainmen, other onboard em-*
19 *ployees, maintenance and maintenance support per-*
20 *sonnel, bridge tenders, and any other employees of*
21 *railroad carriers that the Administrator determines*
22 *should receive security training under this section or*
23 *that is receiving security training under other law.*

1 **SEC. 1977. VOLUNTARY USE OF CREDENTIALING.**

2 (a) *IN GENERAL.*—*An applicable individual who is*
3 *subject to credentialing or a background investigation may*
4 *satisfy that requirement by obtaining a valid transpor-*
5 *tation security card.*

6 (b) *ISSUANCE OF CARDS.*—*The Secretary of Homeland*
7 *Security—*

8 (1) *shall expand the transportation security card*
9 *program, consistent with section 70105 of title 46,*
10 *United States Code, to allow an applicable individual*
11 *who is subject to credentialing or a background inves-*
12 *tigation to apply for a transportation security card;*
13 *and*

14 (2) *may charge reasonable fees, in accordance*
15 *with section 520(a) of the Department of Homeland*
16 *Security Appropriations Act, 2004 (6 U.S.C. 469(a)),*
17 *for providing the necessary credentialing and back-*
18 *ground investigation.*

19 (c) *VETTING.*—*The Administrator shall develop and*
20 *implement a plan to utilize, in addition to any background*
21 *check required for initial issue, the Federal Bureau of Inves-*
22 *tigation's Rap Back Service and other vetting tools as ap-*
23 *propriate, including the No-Fly and Selectee lists, to get*
24 *immediate notification of any criminal activity relating to*
25 *any person with a valid transportation security card.*

26 (d) *DEFINITIONS.*—*In this section:*

1 (1) *APPLICABLE INDIVIDUAL WHO IS SUBJECT*
2 *TO CREDENTIALING OR A BACKGROUND INVESTIGA-*
3 *TION.—The term “applicable individual who is sub-*
4 *ject to credentialing or a background investigation”*
5 *means only an individual who—*

6 (A) *because of employment is regulated by*
7 *the Transportation Security Administration, De-*
8 *partment of Transportation, or Coast Guard and*
9 *is required to have a background records check to*
10 *obtain a hazardous materials endorsement on a*
11 *commercial driver’s license issued by a State*
12 *under section 5103a of title 49, United States*
13 *Code; or*

14 (B) *is required to have a credential and*
15 *background records check under section*
16 *2102(d)(2) of the Homeland Security Act of 2002*
17 *(6 U.S.C. 622(d)(2)) at a facility with activities*
18 *that are regulated by the Transportation Secu-*
19 *rity Administration, Department of Transpor-*
20 *tation, or Coast Guard.*

21 (2) *VALID TRANSPORTATION SECURITY CARD.—*
22 *The term “valid transportation security card” means*
23 *a transportation security card that is—*

24 (A) *issued under section 70105 of title 46,*
25 *United States Code;*

- 1 (B) not expired;
- 2 (C) shows no signs of tampering; and
- 3 (D) bears a photograph of the individual
- 4 representing such card.

5 **SEC. 1978. BACKGROUND RECORDS CHECKS FOR ISSUANCE**

6 **OF HAZMAT LICENSES.**

7 (a) *ISSUANCE OF LICENSES.*—Section 5103a(a)(1) is

8 *amended—*

9 (1) by striking “unless” and inserting “unless—

10 ”;

11 (2) by striking “the Secretary of Homeland Se-

12 curity” and inserting the following:

13 “(A) “the Secretary of Homeland Secu-

14 rity”;;”;

15 (3) in subparagraph (A), as designated by para-

16 graph (2) of this subsection, by striking the period at

17 the end and inserting “; or”; and

18 (4) by adding at the end the following:

19 “(B) the individual holds a valid transpor-

20 tation security card issued under section 70105

21 of title 46.”.

22 (b) *TRANSPORTATION SECURITY CARD.*—Section

23 5103a(d)(1) is amended, in the matter preceding subpara-

24 graph (A), by striking “described in subsection (a)(1)” and

25 inserting “under subsection (a)(1)(A)”.

1 **SEC. 1979. CARGO CONTAINER SCANNING TECHNOLOGY RE-**
2 **VIEW.**

3 (a) *DESIGNATIONS.*—

4 (1) *IN GENERAL.*—Not later than 1 year after
5 the date of enactment of this Act, and not less fre-
6 quently than once every 5 years thereafter until the
7 date of full-scale implementation of 100 percent
8 screening of cargo containers and 100 percent scan-
9 ning of high-risk containers required under section
10 232 of the *SAFE Port Act* (6 U.S.C. 982), the Sec-
11 retary shall solicit proposals for scanning tech-
12 nologies, consistent with the standards under sub-
13 section (b)(8) of that section, to improve scanning of
14 cargo at domestic ports.

15 (2) *EVALUATION.*—In soliciting proposals under
16 paragraph (1), the Secretary shall establish measures
17 to assess the performance of the proposed scanning
18 technologies, including—

19 (A) the rate of false positives;

20 (B) the delays in processing times; and

21 (C) the impact on the supply chain.

22 (b) *PILOT PROGRAM.*—

23 (1) *ESTABLISHMENT.*—The Secretary may estab-
24 lish a pilot program to determine the efficacy of a
25 scanning technology referred to in subsection (a).

1 (2) *APPLICATION PROCESS.*—*In carrying out the*
2 *pilot program under this subsection, the Secretary*
3 *shall—*

4 (A) *solicit applications from domestic ports;*

5 (B) *select up to 4 domestic ports to partici-*
6 *pate in the pilot program; and*

7 (C) *select ports with unique features and*
8 *differing levels of trade volume.*

9 (3) *REPORT.*—*Not later than 1 year after initi-*
10 *ating a pilot program under paragraph (1), the Sec-*
11 *retary shall submit to the appropriate committees of*
12 *Congress a report on the pilot program, including—*

13 (A) *an evaluation of the scanning tech-*
14 *nologies proposed to improve security at domes-*
15 *tic ports and to meet the full-scale implementa-*
16 *tion requirement;*

17 (B) *the costs to implement a pilot program;*

18 (C) *the benefits of the proposed scanning*
19 *technologies;*

20 (D) *the impact of the pilot program on the*
21 *supply chain; and*

22 (E) *recommendations for implementation of*
23 *advanced cargo scanning technologies at domes-*
24 *tic ports.*

1 (4) *SHARING PILOT PROGRAM TESTING RE-*
2 *SULTS.—The results of the pilot testing of advanced*
3 *cargo scanning technologies shall be shared, as appro-*
4 *priate, with government agencies and private stake-*
5 *holders whose responsibilities encompass the secure*
6 *transport of cargo.*

7 **SEC. 1980. PIPELINE SECURITY STUDY.**

8 (a) *STUDY.—The Comptroller General of the United*
9 *States shall conduct a study regarding the roles and respon-*
10 *sibilities of the Department of Homeland Security and the*
11 *Department of Transportation with respect to pipeline se-*
12 *curity.*

13 (b) *CONTENTS.—The study under subsection (a) shall*
14 *examine—*

15 (1) *whether the Annex to the Memorandum of*
16 *Understanding executed on August 9, 2006, between*
17 *the Department of Homeland Security and the De-*
18 *partment of Transportation adequately delineates*
19 *strategic and operational responsibilities for pipeline*
20 *security, including whether it is clear which depart-*
21 *ment is responsible for—*

22 (A) *protecting against intentional pipeline*
23 *breaches and cyber attacks;*

24 (B) *responding to intentional pipeline*
25 *breaches and cyber attacks; and*

1 (C) *planning to recover from the impact of*
2 *intentional pipeline breaches and cyber attacks;*

3 (2) *whether the respective roles and responsibil-*
4 *ities of each department are adequately conveyed to*
5 *relevant stakeholders and to the public;*

6 (3) *whether the processes and procedures for de-*
7 *termining whether a particular pipeline breach is a*
8 *terrorist incident are clear and effective;*

9 (4) *whether, and if so how, pipeline sector stake-*
10 *holders share security-related information;*

11 (5) *the guidance pipeline operators report use to*
12 *address security risks and the extent to which the*
13 *TSA ensures its guidelines reflect the current threat*
14 *environment;*

15 (6) *the extent to which the TSA has assessed se-*
16 *curity risks to pipeline systems; and*

17 (7) *the extent to which the TSA has assessed its*
18 *effectiveness in reducing pipeline security risks.*

19 (c) *REPORT ON STUDY.*—*Not later than 180 days after*
20 *the date of enactment of the TSA Modernization Act, the*
21 *Comptroller General of the United States shall submit to*
22 *the Secretary of Homeland Security and the Committee on*
23 *Commerce, Science, and Transportation of the Senate and*
24 *the Committee on Homeland Security and the Committee*
25 *on Transportation and Infrastructure of the House of Rep-*

1 *representatives a report containing the findings of the study*
2 *under subsection (a).*

3 *(d) REPORT TO CONGRESS.—Not later than 90 days*
4 *after the date the report under subsection (c) is submitted,*
5 *the Secretary of Homeland Security shall review and ana-*
6 *lyze the study and submit to the Committee on Commerce,*
7 *Science, and Transportation of the Senate and the Com-*
8 *mittee on Homeland Security and the Committee on Trans-*
9 *portation and Infrastructure of the House of Representa-*
10 *tives a report on such review and analysis, including any*
11 *recommendations for—*

12 *(1) changes to the Annex to the Memorandum of*
13 *Understanding referred to in subsection (b)(1); and*

14 *(2) other improvements to pipeline security ac-*
15 *tivities at the Department.*

16 **SEC. 1981. FEASIBILITY ASSESSMENT.**

17 *(a) EMERGING ISSUES.—Not later than 180 days after*
18 *the date of enactment of this Act, the Secretary, acting*
19 *through the Administrator and in coordination with the*
20 *Under Secretary for Science and Technology of the Depart-*
21 *ment of Homeland Security, shall submit to the appropriate*
22 *committees of Congress a feasibility assessment of modi-*
23 *fying the security of surface transportation assets by—*

24 *(1) introducing next generation technologies to be*
25 *integrated into systems of surface transportation as-*

1 *sets to detect explosives, including through the deploy-*
2 *ment of mobile explosives detection technologies to*
3 *conduct risk-based passenger and property screening*
4 *at such systems;*

5 *(2) providing surface transportation asset opera-*
6 *tors with access to the Transportation Security Ad-*
7 *ministration's Secure Flight Program or a similar*
8 *passenger vetting system maintained by the Trans-*
9 *portation Security Administration;*

10 *(3) deploying a credential authentication tech-*
11 *nology or other means of identification document in-*
12 *spection to high-risk surface transportation assets to*
13 *assist operators conducting passenger vetting; and*

14 *(4) deploying scalable, cost-effective technology*
15 *solutions to detect chemical, biological, radiological,*
16 *nuclear, or explosive threats within high-risk surface*
17 *transportation assets that are capable of passive, con-*
18 *tinuous, and real-time sensing and detection of, and*
19 *alerting passengers and operating personnel to, the*
20 *presence of such a threat.*

21 *(b) CONSIDERATIONS.—In carrying out the assessment*
22 *under subsection (a), the Secretary, acting through the Ad-*
23 *ministrator and in coordination with the Under Secretary*
24 *for Science and Technology of the Department of Homeland*
25 *Security, shall address the technological, privacy, oper-*

1 ational, passenger facilitation, and public acceptance con-
2 siderations involved with each security measure con-
3 templated in such assessment.

4 **SEC. 1982. BEST PRACTICES TO SECURE AGAINST VEHICLE-**
5 **BASED ATTACKS.**

6 *Not later than 180 days after the date of enactment*
7 *of this Act, the Administrator shall disseminate best prac-*
8 *tices to public and private stakeholders regarding how to*
9 *enhance transportation security against the threat of a ve-*
10 *hicle-based terrorist attack.*

11 **SEC. 1983. SURFACE TRANSPORTATION STAKEHOLDER SUR-**
12 **VEY.**

13 *(a) IN GENERAL.—Not later than 120 days after the*
14 *date of enactment of this Act, the Secretary shall begin con-*
15 *ducting a survey of public and private stakeholders respon-*
16 *sible for securing surface transportation assets regarding re-*
17 *source challenges, including the availability of Federal*
18 *funding, associated with securing such assets that provides*
19 *an opportunity for respondents to set forth information on*
20 *specific unmet needs.*

21 *(b) REPORT.—Not later than 120 days after beginning*
22 *the survey required under subsection (a), the Secretary shall*
23 *report to the appropriate committees of Congress regarding*
24 *the results of such survey and the Department of Homeland*

1 *Security's efforts to address any identified security*
2 *vulnerabilities.*

3 **SEC. 1984. NUCLEAR MATERIAL AND EXPLOSIVE DETEC-**
4 **TION TECHNOLOGY.**

5 *The Secretary, in coordination with the Director of the*
6 *National Institute of Standards and Technology and the*
7 *head of each relevant Federal department or agency re-*
8 *searching nuclear material detection systems or explosive*
9 *detection systems, shall research, facilitate, and, to the ex-*
10 *tent practicable, deploy next generation technologies, in-*
11 *cluding active neutron interrogation, to detect nuclear ma-*
12 *terial and explosives in transportation systems and trans-*
13 *portation facilities.*

14 ***Subtitle H—Transportation***
15 ***Security***

16 **SEC. 1985. NATIONAL STRATEGY FOR TRANSPORTATION SE-**
17 **CURITY REVIEW.**

18 *(a) GAO REVIEW.—*

19 *(1) IN GENERAL.—Not later than 1 year after*
20 *the date of enactment of this Act, the Comptroller*
21 *General of the United States shall evaluate the degree*
22 *to which the most recent National Strategy for Trans-*
23 *portation Security, as updated, under section 114(s)*
24 *of title 49, United States Code, is reflected in relevant*

1 *Federal transportation security programs, budgets, re-*
2 *search, staffing levels, and related activities.*

3 (2) *CONSIDERATIONS.—In conducting the eval-*
4 *uation under paragraph (1), the Comptroller General*
5 *shall consider the degree to which—*

6 (A) *the strategy is sufficiently forward-look-*
7 *ing to guide future Federal efforts relating to*
8 *transportation security;*

9 (B) *Federal transportation security pro-*
10 *grams, budgets, research, staffing levels, and re-*
11 *lated activities for fiscal year 2019 and subse-*
12 *quent fiscal years would be guided by the strat-*
13 *egy; and*

14 (C) *any annual progress reports submitted*
15 *to Congress under that section after the strategy*
16 *is submitted would provide information on the*
17 *degree to which that strategy guides Federal ef-*
18 *forts relating to transportation security.*

19 **SEC. 1986. RISK SCENARIOS.**

20 (a) *IN GENERAL.—The Administrator shall annually*
21 *develop, consistent with the transportation modal security*
22 *plans required under section 114(s) of title 49, United*
23 *States Code, risk-based priorities based on risk assessments*
24 *conducted or received by the Secretary across all transpor-*

1 *tation modes that consider threats, vulnerabilities, and con-*
2 *sequences.*

3 **(b) SCENARIOS.**—*The Administrator shall ensure that*
4 *the risk-based priorities identified under subsection (a) are*
5 *informed by an analysis of terrorist attack scenarios for*
6 *each transportation mode, including cyber-attack scenarios*
7 *and intelligence and open source information about current*
8 *and evolving threats.*

9 **(c) REPORT.**—*Not later than 120 days after the date*
10 *that annual risk-based priorities are developed under sub-*
11 *section (a), the Administrator shall submit to the appro-*
12 *priate committees of Congress a report that includes the fol-*
13 *lowing:*

14 **(1)** *Copies of the risk assessments for each trans-*
15 *portation mode.*

16 **(2)** *A summary that ranks the risks within and*
17 *across modes.*

18 **(3)** *A description of the risk-based priorities for*
19 *securing the transportation sector that identifies and*
20 *prioritizes the greatest security needs of such trans-*
21 *portation sector, both across and within modes, in the*
22 *order that such priorities should be addressed.*

23 **(4)** *Information on the underlying methodologies*
24 *used to assess risks across and within each transpor-*
25 *tation mode and the basis for any assumptions re-*

1 **SEC. 1988. NATIONAL DEPLOYMENT FORCE.**

2 (a) *IN GENERAL.*—Subchapter II of chapter 449, as
3 amended by section 1943 of this Act, is further amended
4 by adding at the end the following:

5 **“SEC. 44948. NATIONAL DEPLOYMENT OFFICE.**

6 “(a) *ESTABLISHMENT.*—There is established within
7 the Transportation Security Administration a National
8 Deployment Office, to be headed by an individual with su-
9 pervisory experience. Such individual shall be designated
10 by the Administrator of the Transportation Security Ad-
11 ministration.

12 “(b) *DUTIES.*—The individual designated as the head
13 of the National Deployment Office shall be responsible for
14 the following:

15 “(1) *Maintaining a National Deployment Force*
16 *within the Transportation Security Administration,*
17 *including transportation security officers, supervisory*
18 *transportation security officers and lead transpor-*
19 *tation security officers, to provide the Administration*
20 *with rapid and efficient response capabilities and*
21 *augment the Department of Homeland Security’s*
22 *homeland security operations to mitigate and reduce*
23 *risk, including for the following:*

24 “(A) *Airports temporarily requiring addi-*
25 *tional security personnel due to an emergency,*
26 *seasonal demands, hiring shortfalls, severe*

1 *weather conditions, passenger volume mitigation,*
2 *equipment support, or other reasons.*

3 “(B) *Special events requiring enhanced se-*
4 *curity including National Special Security*
5 *Events, as determined by the Secretary of Home-*
6 *land Security.*

7 “(C) *Response in the aftermath of any man-*
8 *made disaster, including any terrorist attack.*

9 “(D) *Other such situations, as determined*
10 *by the Administrator.*

11 “(2) *Educating transportation security officers*
12 *regarding how to participate in the Administration’s*
13 *National Deployment Force.*

14 “(3) *Recruiting officers to serve on the National*
15 *Deployment Force, in accordance with a staffing*
16 *model to be developed by the Administrator.*

17 “(4) *Approving 1-year appointments for officers*
18 *to serve on the National Deployment Force, with an*
19 *option to extend upon officer request and with the ap-*
20 *proval of the appropriate Federal Security Director.*

21 “(5) *Training officers to serve on the National*
22 *Deployment Force.”.*

23 (b) *TABLE OF CONTENTS.—The table of contents of*
24 *subchapter II of chapter 449, as amended by section 1943*

1 *of this Act, is further amended by adding after the item*
2 *relating to section 44947 the following:*

“44948. National Deployment Office.”.

3 (c) *CONFORMING AMENDMENT.—Section 114(f), as*
4 *amended by section 1904 of this Act, is further amended—*

5 (1) *in paragraph (14), by striking “and” after*
6 *the semicolon at the end;*

7 (2) *by redesignating paragraph (15) as para-*
8 *graph (16); and*

9 (3) *by inserting after paragraph (14) the fol-*
10 *lowing:*

11 *“(15) establish and maintain a National Deploy-*
12 *ment Office as required under section 44948 of this*
13 *title; and”.*

14 (d) *CAREER DEVELOPMENT.—The Administrator may*
15 *consider service in the National Deployment Force as a*
16 *positive factor when evaluating applicants for promotion*
17 *opportunities within the TSA.*

18 (e) *REPORT.—Not later than 1 year after the date of*
19 *enactment of this Act and annually thereafter for 5 years,*
20 *the Administrator shall submit to the appropriate commit-*
21 *tees of Congress a report regarding activities of the National*
22 *Deployment Office, including the National Deployment*
23 *Force, established under section 44948 of title 49, United*
24 *States Code. Each such report shall include information re-*
25 *lating to the following:*

1 (1) *When, where, why, how many, and for how*
2 *long the National Deployment Force was deployed*
3 *throughout the 12-month period covered by such re-*
4 *port and the costs associated with such deployment.*

5 (2) *A description of collaboration between the*
6 *National Deployment Office and other components of*
7 *the Department, other Federal agencies, and State*
8 *and local transportation security stakeholders.*

9 (3) *The size of the National Deployment Force,*
10 *including information on the staffing model of the*
11 *National Deployment Force and adherence to such*
12 *model as established by the Administrator.*

13 (4) *Information on recruitment, appointment,*
14 *and training activities, including processes utilized to*
15 *attract, recruit, appoint, and train officers to serve on*
16 *the National Deployment Force.*

17 **SEC. 1989. INFORMATION SHARING AND CYBERSECURITY.**

18 (a) *FEDERAL SECURITY DIRECTORS.—Section 44933*
19 *is amended by adding at the end the following:*

20 “(c) *INFORMATION SHARING.—Not later than 1 year*
21 *after the date of the enactment of the TSA Modernization*
22 *Act, the Administrator shall—*

23 “(1) *require each Federal Security Director of an*
24 *airport to meet at least quarterly with the airport di-*
25 *rector, airport security coordinator, and law enforce-*

1 *ment agencies serving each such airport to discuss in-*
2 *cident management protocols, including the resolution*
3 *of screening anomalies at passenger screening check-*
4 *points; and*

5 *“(2) require each Federal Security Director at*
6 *an airport to inform, consult, and coordinate, as ap-*
7 *propriate, with the respective airport security coordi-*
8 *nator in a timely manner on security matters im-*
9 *pacting airport operations and to establish and*
10 *maintain operational protocols with such airport op-*
11 *erators to ensure coordinated responses to security*
12 *matters.”.*

13 *(b) PLAN TO IMPROVE INFORMATION SHARING.—*

14 *(1) IN GENERAL.—Not later than 180 days after*
15 *the date of enactment of this Act, the Administrator*
16 *shall develop a plan to improve intelligence informa-*
17 *tion sharing with State and local transportation enti-*
18 *ties that includes best practices to ensure that the in-*
19 *formation shared is actionable, useful, and not redun-*
20 *dant.*

21 *(2) CONTENTS.—The plan required under para-*
22 *graph (1) shall include the following:*

23 *(A) The incorporation of best practices for*
24 *information sharing.*

1 (B) *The identification of areas of overlap*
2 *and redundancy.*

3 (C) *An evaluation and incorporation of*
4 *stakeholder input in the development of such*
5 *plan.*

6 (D) *The integration of any recommenda-*
7 *tions of the Comptroller General of the United*
8 *States on information sharing.*

9 (3) *SOLICITATION.—The Administrator shall so-*
10 *licit on an annual basis input from appropriate*
11 *stakeholders, including State and local transportation*
12 *entities, on the quality and quantity of intelligence*
13 *received by such stakeholders relating to information*
14 *sharing.*

15 (c) *BEST PRACTICES SHARING.—*

16 (1) *IN GENERAL.—Not later than 180 days after*
17 *the date of enactment of this Act, the Administrator*
18 *shall establish a mechanism to share with State and*
19 *local transportation entities best practices from across*
20 *the law enforcement spectrum, including Federal,*
21 *State, local, and tribal entities, that relate to em-*
22 *ployee training, employee professional development,*
23 *technology development and deployment, hardening*
24 *tactics, and passenger and employee awareness pro-*
25 *grams.*

1 (2) *CONSULTATION.*—*The Administrator shall*
2 *solicit and incorporate stakeholder input—*

3 *(A) in developing the mechanism for shar-*
4 *ing best practices as required under paragraph*
5 *(1); and*

6 *(B) not less frequently than annually on the*
7 *quality and quantity of information such stake-*
8 *holders receive through the mechanism estab-*
9 *lished under such paragraph.*

10 *(d) CYBERSECURITY.*—

11 (1) *IN GENERAL.*—*The Administrator, in con-*
12 *sultation with the Secretary, shall—*

13 *(A) not later than 120 days after the date*
14 *of enactment of this Act, implement the Frame-*
15 *work for Improving Critical Infrastructure Cy-*
16 *bersecurity (referred to in this section as the*
17 *“Framework” developed by the National Insti-*
18 *tute of Standards and Technology, and any up-*
19 *date to such Framework under section 2 of the*
20 *National Institute of Standards and Technology*
21 *Act (15 U.S.C. 272), to manage the agency’s cy-*
22 *bersecurity risks; and*

23 *(B) evaluate, on a periodic basis, but not*
24 *less often than biennially, the use of the Frame-*
25 *work under subparagraph (A).*

1 (2) *CYBERSECURITY ENHANCEMENTS TO AVIA-*
2 *TION SECURITY ACTIVITIES.*—*The Secretary, in con-*
3 *sultation with the Secretary of Transportation, shall,*
4 *upon request, conduct cybersecurity vulnerability as-*
5 *sessments for airports and air carriers.*

6 (3) *TSA TRUSTED TRAVELER AND*
7 *CREDENTIALING PROGRAM CYBER EVALUATION.*—

8 (A) *EVALUATION REQUIRED.*—*Not later*
9 *than 120 days after the date of enactment of this*
10 *Act, the Secretary shall—*

11 (i) *evaluate the cybersecurity of TSA*
12 *trusted traveler and credentialing programs*
13 *that contain personal information of spe-*
14 *cific individuals or information that identi-*
15 *fies specific individuals, including the*
16 *Transportation Worker Identification Cre-*
17 *dential and PreCheck programs;*

18 (ii) *identify any cybersecurity risks*
19 *under the programs described in clause (i);*
20 *and*

21 (iii) *develop remediation plans to ad-*
22 *dress the cybersecurity risks identified*
23 *under clause (ii).*

24 (B) *SUBMISSION TO CONGRESS.*—*Not later*
25 *than 30 days after the date the evaluation under*

1 *subparagraph (A) is complete, the Secretary*
2 *shall submit to the appropriate committees of*
3 *Congress information relating to such evalua-*
4 *tion, including any cybersecurity vulnerabilities*
5 *identified and remediation plans to address such*
6 *vulnerabilities. Such submission shall be pro-*
7 *vided in a classified form.*

8 (4) *DEFINITIONS.—In this subsection, the terms*
9 *“cybersecurity risk” and “incident” have the mean-*
10 *ings given the terms in section 227 of the Homeland*
11 *Security Act of 2002 (6 U.S.C. 148).*

12 **SEC. 1990. SECURITY TECHNOLOGIES TIED TO FOREIGN**
13 **THREAT COUNTRIES.**

14 *Not later than 180 days after the date of enactment*
15 *of this Act, the Secretary shall submit to the appropriate*
16 *committees of Congress an assessment of terrorist and other*
17 *threats to the transportation sector, including surface trans-*
18 *portation assets, posed by the use of security technologies,*
19 *including software and networked technologies, developed or*
20 *manufactured by firms that are owned or closely linked to*
21 *the governments of countries that are known to pose a cyber*
22 *or homeland security threat.*

1 ***Subtitle I—Conforming and***
2 ***Miscellaneous Amendments***

3 **SEC. 1991. TITLE 49 AMENDMENTS.**

4 (a) *DELETION OF DUTIES RELATED TO AVIATION SE-*
5 *CURITY.—Section 106(g) is amended to read as follows:*

6 “(g) *DUTIES AND POWERS OF ADMINISTRATOR.—The*
7 *Administrator shall carry out the following:*

8 “(1) *Duties and powers of the Secretary of*
9 *Transportation under subsection (f) of this section re-*
10 *lated to aviation safety (except those related to trans-*
11 *portation, packaging, marking, or description of haz-*
12 *ardous material) and stated in the following:*

13 “(A) *Section 308(b).*

14 “(B) *Subsections (c) and (d) of section*
15 *1132.*

16 “(C) *Sections 40101(c), 40103(b), 40106(a),*
17 *40108, 40109(b), 40113(a), 40113(c), 40113(d),*
18 *40113(e), and 40114(a).*

19 “(D) *Chapter 445, except sections 44501(b),*
20 *44502(a)(2), 44502(a)(3), 44502(a)(4), 44503,*
21 *44506, 44509, 44510, 44514, and 44515.*

22 “(E) *Chapter 447, except sections 44717,*
23 *44718(a), 44718(b), 44719, 44720, 44721(b),*
24 *44722, and 44723.*

25 “(F) *Chapter 451.*

1 “(G) Chapter 453.

2 “(H) Section 46104.

3 “(I) Subsections (d) and (h)(2) of section
4 46301 and sections 46303(c), 46304 through
5 46308, 46310, 46311, and 46313 through 46316.

6 “(J) Chapter 465.

7 “(K) Sections 47504(b) (related to flight
8 procedures), 47508(a), and 48107.

9 “(2) Additional duties and powers prescribed by
10 the Secretary of Transportation.”.

11 (b) TRANSPORTATION SECURITY OVERSIGHT
12 BOARD.—Section 115 is amended—

13 (1) in subsection (c)(1), by striking “Under Sec-
14 retary of Transportation for security” and inserting
15 “Administrator of the Transportation Security Ad-
16 ministration”; and

17 (2) in subsection (c)(6), by striking “Under Sec-
18 retary” and inserting “Administrator”.

19 (c) CHAPTER 401 AMENDMENTS.—Chapter 401 is
20 amended—

21 (1) in section 40109—

22 (A) in subsection (b), by striking “, 40119,
23 44901, 44903, 44906, and 44935–44937”; and

1 (B) in subsection (c), by striking “sections
2 44909 and” and inserting “sections 44909(a),
3 44909(b), and”;

4 (2) in section 40113—

5 (A) in subsection (a)—

6 (i) by striking “the Under Secretary of
7 Transportation for Security with respect to
8 security duties and powers designated to be
9 carried out by the Under Secretary or” and
10 inserting “the Administrator of the Trans-
11 portation Security Administration with re-
12 spect to security duties and powers des-
13 ignated to be carried out by that Adminis-
14 trator or”;

15 (ii) by striking “carried out by the Ad-
16 ministrators” and inserting “carried out by
17 that Administrator”; and

18 (iii) by striking “, Under Secretary, or
19 Administrator,” and inserting “, Adminis-
20 trator of the Transportation Security Ad-
21 ministration, or Administrator of the Fed-
22 eral Aviation Administration,”; and

23 (B) in subsection (d)—

24 (i) by striking “Under Secretary of
25 Transportation for Security or the”;

1 (ii) by striking “Transportation Secu-
2 rity Administration or Federal Aviation
3 Administration, as the case may be,” and
4 inserting “Federal Aviation Administra-
5 tion”; and

6 (iii) by striking “Under Secretary or
7 Administrator, as the case may be,” and in-
8 serting “Administrator”;

9 (3) by striking section 40119; and

10 (4) in the table of contents, by striking the item
11 relating to section 40119 and inserting the following:
 “40119. [Reserved].”.

12 (d) CHAPTER 449 AMENDMENTS.—Chapter 449 is
13 amended—

14 (1) in section 44901—

15 (A) in subsection (a)—

16 (i) by striking “Under Secretary of
17 Transportation for Security” and inserting
18 “Administrator of the Transportation Secu-
19 rity Administration”; and

20 (ii) by striking “, United States Code”;

21 (B) in subsection (c), by striking “but not
22 later than the 60th day following the date of en-
23 actment of the Aviation and Transportation Se-
24 curity Act”;

25 (C) in subsection (d)—

1 (i) in paragraph (1)—

2 (I) in the matter preceding sub-
3 paragraph (A), by striking “Under
4 Secretary of Transportation for Secu-
5 rity” and inserting “Administrator of
6 the Transportation Security Adminis-
7 tration”; and

8 (II) in subparagraph (A), by
9 striking “no later than December 31,
10 2002”;

11 (ii) by striking paragraphs (2) and
12 (3);

13 (iii) by redesignating paragraph (4) as
14 paragraph (2); and

15 (iv) in paragraph (2), as redesi-
16 gnated—

17 (I) in subparagraph (A), by strik-
18 ing “Assistant Secretary (Transpor-
19 tation Security Administration)” and
20 inserting “Administrator of the Trans-
21 portation Security Administration”;

22 (II) in subparagraph (B), by
23 striking “Assistant Secretary” and in-
24 serting “Administrator of the Trans-

1 *portation Security Administration*”;

2 *and*

3 *(III) in subparagraph (D)—*

4 *(aa) by striking “Assistant*
5 *Secretary” the first place it ap-*
6 *pears and inserting “Adminis-*
7 *trator of the Transportation Secu-*
8 *rity Administration”; and*

9 *(bb) by striking “Assistant*
10 *Secretary” the second place it ap-*
11 *pears and inserting “Adminis-*
12 *trator”;*

13 *(D) in subsection (e)—*

14 *(i) in that matter preceding paragraph*

15 *(1)—*

16 *(I) by striking “but not later than*
17 *the 60th day following the date of en-*
18 *actment of the Aviation and Transpor-*
19 *tation Security Act”; and*

20 *(II) by striking “Under Sec-*
21 *retary” and inserting “Administrator*
22 *of the Transportation Security Admin-*
23 *istration”; and*

1 (ii) in paragraph (4), by striking
2 “Under Secretary” and inserting “Adminis-
3 trator”;

4 (E) in subsection (f), by striking “after the
5 date of enactment of the Aviation and Transpor-
6 tation Security Act”;

7 (F) in subsection (g)—

8 (i) in paragraph (1), by striking “Not
9 later than 3 years after the date of enact-
10 ment of the Implementing Recommenda-
11 tions of the 9/11 Commission Act of 2007,
12 the” and inserting “The”;

13 (ii) in paragraph (2), by striking “as
14 follows:” and all that follows and inserting
15 a period;

16 (iii) by amending paragraph (3) to
17 read as follows:

18 “(3) REGULATIONS.—The Secretary of Home-
19 land Security shall issue a final rule as a permanent
20 regulation to implement this subsection in accordance
21 with the provisions of chapter 5 of title 5.”;

22 (iv) by striking paragraph (4); and

23 (v) by redesignating paragraph (5) as
24 paragraph (4);

25 (G) in subsection (h)—

1 (i) in paragraph (1), by striking
2 “Under Secretary” and inserting “Adminis-
3 trator of the Transportation Security Ad-
4 ministration”; and

5 (ii) in paragraph (2)—

6 (I) by striking “Under Secretary”
7 the first place it appears and inserting
8 “Administrator of the Transportation
9 Security Administration”; and

10 (II) by striking “Under Sec-
11 retary” each place it appears and in-
12 serting “Administrator”;

13 (H) in subsection (i)—

14 (i) in the matter preceding paragraph
15 (1), by striking “Under Secretary” and in-
16 serting “Administrator of the Transpor-
17 tation Security Administration”; and

18 (ii) in paragraph (2), by striking
19 “Under Secretary” and inserting “Adminis-
20 trator”;

21 (I) in subsection (j)(1)—

22 (i) in the matter preceding subpara-
23 graph (A), by striking “Before January 1,
24 2008, the” and inserting “The”; and

1 (ii) in subparagraph (A), by striking
2 “the date of enactment of this subsection”
3 and inserting “August 3, 2007”;

4 (J) in subsection (k)—

5 (i) in paragraph (1), by striking “Not
6 later than one year after the date of enact-
7 ment of this subsection, the” and inserting
8 “*The*”;

9 (ii) in paragraph (2), by striking “Not
10 later than 6 months after the date of enact-
11 ment of this subsection, the” and inserting
12 “*The*”; and

13 (iii) in paragraph (3), by striking
14 “Not later than 180 days after the date of
15 enactment of this subsection, the” in para-
16 graph (3) and inserting “*The*”; and

17 (K) in subsection (l)—

18 (i) in paragraph (2)—

19 (I) in the matter preceding sub-
20 paragraph (A), by striking “Beginning
21 June 1, 2012, the Assistant Secretary
22 of Homeland Security (Transportation
23 Security Administration)” and insert-
24 ing “*The Administrator of the Trans-*

1 *portation Security Administration*”;
2 *and*

3 (II) *in subparagraph (B), by*
4 *striking “Assistant Secretary” and in-*
5 *serting “Administrator”;*

6 (ii) *in paragraph (3)—*

7 (I) *in subparagraph (A)—*

8 (aa) *by striking “Assistant*
9 *Secretary” the first place it ap-*
10 *pears and inserting “Adminis-*
11 *trator of the Transportation Secu-*
12 *rity Administration”;* *and*

13 (bb) *by striking “Assistant*
14 *Secretary” the second place it ap-*
15 *pears and inserting “Adminis-*
16 *trator”;* *and*

17 (II) *in subparagraph (B), by*
18 *striking “Assistant Secretary” and in-*
19 *serting “Administrator of the Trans-*
20 *portation Security Administration”;*
21 *and*

22 (iii) *in paragraph (4)—*

23 (I) *in subparagraph (A)—*

24 (aa) *by striking “60 days*
25 *after the deadline specified in*

1 paragraph (2), and not later
2 than”;

3 (bb) by striking “Assistant
4 Secretary” the first place it ap-
5 pears and inserting “Adminis-
6 trator of the Transportation Secu-
7 rity Administration”; and

8 (cc) by striking “Assistant
9 Secretary” the second place it ap-
10 pears and inserting “Adminis-
11 trator”; and

12 (II) in subparagraph (B), by
13 striking “Assistant Secretary” each
14 place it appears and inserting “Ad-
15 ministrator of the Transportation Se-
16 curity Administration”;

17 (2) section 44902 is amended—

18 (A) in subsection (a), by striking “Under
19 Secretary of Transportation for Security” and
20 inserting “Administrator of the Transportation
21 Security Administration”; and

22 (B) in subsection (b), by striking “Under
23 Secretary” and inserting “Administrator of the
24 Transportation Security Administration”;

25 (3) section 44903 is amended—

1 (A) in subsection (a)—

2 (i) in the heading, by striking “DEFI-
3 NITION” and inserting “DEFINITIONS”;

4 (ii) by redesignating paragraphs (1)
5 through (3) as subparagraphs (A) through
6 (C), respectively;

7 (iii) in subparagraph (B), as redesign-
8 ated, by striking “Under Secretary of
9 Transportation for Security” and inserting
10 “Administrator”;

11 (iv) in the matter preceding subpara-
12 graph (A), as redesignated, by striking “In
13 this section, ‘law enforcement personnel’
14 means individuals—” and inserting “In
15 this section:”;

16 (v) by inserting before subparagraph
17 (A), the following:

18 “(2) *LAW ENFORCEMENT PERSONNEL.*—The term
19 ‘law enforcement personnel’ means individuals—”;
20 and

21 (vi) by inserting before paragraph (2),
22 as redesignated, the following:

23 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
24 trator’ means the Administrator of the Transpor-
25 tation Security Administration.”;

1 (B) in subsection (d), by striking “Sec-
2 retary of Transportation” and inserting “Ad-
3 ministrators”;

4 (C) in subsection (g), by striking “Under
5 Secretary’s” each place it appears and inserting
6 “Administrators”;

7 (D) in subsection (h)—

8 (i) in paragraph (3), by striking “Sec-
9 retary” and inserting “Secretary of Home-
10 land Security”;

11 (ii) in paragraph (4)—

12 (I) in subparagraph (A), by strik-
13 ing “, as soon as practicable after the
14 date of enactment of this subsection,”;

15 (II) in subparagraph (C), by
16 striking “section 44903(c)” and insert-
17 ing “subsection (c)”; and

18 (III) in subparagraph (E), by
19 striking “, not later than March 31,
20 2005,”;

21 (iii) in paragraph (5), by striking
22 “Assistant Secretary of Homeland Security
23 (Transportation Security Administration)”
24 and inserting “Administrator”;

25 (iv) in paragraph (6)(A)—

1 (I) in the matter preceding clause
2 (i), by striking “Not later than 18
3 months after the date of enactment of
4 the Implementing Recommendations of
5 the 9/11 Commission Act of 2007, the”
6 and inserting “The”; and

7 (II) in clause (i), by striking “sec-
8 tion” and inserting “paragraph”; and
9 (v) in paragraph (6)(C), by striking
10 “Secretary” and inserting “Secretary of
11 Homeland Security”;

12 (E) in subsection (i)(3), by striking “, after
13 the date of enactment of this paragraph,”;

14 (F) in subsection (j)—

15 (i) by amending paragraph (1) to read
16 as follows:

17 “(1) IN GENERAL.—The Administrator shall pe-
18 riodically recommend to airport operators commer-
19 cially available measures or procedures to prevent ac-
20 cess to secure airport areas by unauthorized persons.”;

21 (ii) in paragraph (2)—

22 (I) in the heading, by striking
23 “COMPUTER-ASSISTED PASSENGER
24 PRESCREENING SYSTEM” and inserting
25 “SECURE FLIGHT PROGRAM”;

1 (II) in subparagraph (A)—

2 (aa) by striking “Computer-
3 Assisted Passenger Prescreening
4 System” and inserting “Secure
5 Flight program”;

6 (bb) by striking “Secretary of
7 Transportation” and inserting
8 “Administrator”; and

9 (cc) by striking “system”
10 each place it appears and insert-
11 ing “program”;

12 (III) in subparagraph (B)—

13 (aa) by striking “Computer-
14 Assisted Passenger Prescreening
15 System” and inserting “Secure
16 Flight program”;

17 (bb) by striking “Secretary of
18 Transportation” and inserting
19 “Administrator”; and

20 (cc) by striking “Secretary”
21 and inserting “Administrator”;

22 (IV) in subparagraph (C)—

23 (aa) in clause (i), by striking
24 “Not later than January 1, 2005,
25 the Assistant Secretary of Home-

1 *land Security (Transportation Se-*
2 *curity Administration), or the*
3 *designee of the Assistant Sec-*
4 *retary,” and inserting “The Ad-*
5 *ministrator”;*

6 *(bb) in clause (ii), by strik-*
7 *ing “Not later than 180 days after*
8 *completion of testing under clause*
9 *(i), the” and inserting “The”;* and

10 *(cc) in clause (iv), by strik-*
11 *ing “Not later than 180 days*
12 *after” and inserting “After”;*

13 *(V) in subparagraph (D), by*
14 *striking “Assistant Secretary of Home-*
15 *land Security (Transportation Secu-*
16 *rity Administration)” and inserting*
17 *“Administrator”;*

18 *(VI) in subparagraph (E)(i), by*
19 *striking “Not later than 90 days after*
20 *the date on which the Assistant Sec-*
21 *retary assumes the performance of the*
22 *advanced passenger prescreening func-*
23 *tion under subparagraph (C)(ii), the”*
24 *and inserting “The Administrator”;*
25 *and*

1 (VII) by striking “Assistant Sec-
2 retary” each place it appears and in-
3 serting “Administrator”;

4 (G) in subsection (l), by striking “Under
5 Secretary for Border and Transportation Secu-
6 rity of the Department of Homeland Security”
7 and inserting “Administrator”;

8 (H) in subsection (m)—

9 (i) in paragraph (1), by striking “As-
10 sistant Secretary of Homeland Security
11 (Transportation Security Administration)”
12 and inserting “Administrator”; and

13 (ii) by striking “Assistant Secretary”
14 each place it appears and inserting “Ad-
15 ministrator”; and

16 (I) by striking “Under Secretary” each
17 place it appears and inserting “Administrator”;

18 (4) section 44904 is amended—

19 (A) in subsection (a), by striking “Under
20 Secretary of Transportation for Security” and
21 inserting “Administrator of the Transportation
22 Security Administration”;

23 (B) in subsection (c)—

24 (i) by striking “section 114(t)(3)” and
25 inserting “section 114(s)(3)”; and

1 (ii) by striking “section 114(t)” and
2 inserting “section 114(s)”;

3 (C) in subsection (d)—

4 (i) by striking “Not later than 90 days
5 after the date of the submission of the Na-
6 tional Strategy for Transportation Security
7 under section 114(t)(4)(A), the Assistant
8 Secretary of Homeland Security (Transpor-
9 tation Security Administration)” and in-
10 serting “The Administrator of the Trans-
11 portation Security Administration”; and

12 (ii) by striking “section 114(t)(1)” and
13 inserting “section 114(s)(1)”; and

14 (D) by striking “Under Secretary” each
15 place it appears and inserting “Administrator of
16 the Transportation Security Administration”;

17 (5) section 44905 is amended—

18 (A) in subsection (a)—

19 (i) by striking “Secretary of Transpor-
20 tation” and inserting “Administrator of the
21 Transportation Security Administration”;
22 and

23 (ii) by striking “Secretary.” and in-
24 serting “Administrator.”;

1 (B) in subsection (b), by striking “Under
2 Secretary of Transportation for Security” and
3 inserting “Administrator of the Transportation
4 Security Administration”; and

5 (C) in subsections (c), (d), and (f), by strik-
6 ing “Under Secretary” each place it appears and
7 inserting “Administrator of the Transportation
8 Security Administration”;

9 (6) section 44906 is amended—

10 (A) by striking “Under Secretary of Trans-
11 portation for Security” and inserting “Adminis-
12 trator of the Transportation Security Adminis-
13 tration”; and

14 (B) by striking “Under Secretary” each
15 place it appears and inserting “Administrator”;
16 (7) section 44908 is amended—

17 (A) by striking “Secretary of Transpor-
18 tation” each place it appears and inserting “Ad-
19 ministrators of the Transportation Security Ad-
20 ministration”;

21 (B) in subsection (a), by striking “safety
22 or”; and

23 (C) in subsection (c), by striking “The Sec-
24 retary” and inserting “The Administrator”;

25 (8) section 44909 is amended—

1 (A) in subsection (a)(1), by striking “Not
2 later than March 16, 1991, the” and inserting
3 “The”; and

4 (B) in subsection (c)—

5 (i) in paragraph (1), by striking “Not
6 later than 60 days after the date of enact-
7 ment of the Aviation and Transportation
8 Security Act, each” and inserting “Each”;

9 (ii) in paragraphs (2)(F) and (5), by
10 striking “Under Secretary” and inserting
11 “Administrator of the Transportation Secu-
12 rity Administration”; and

13 (iii) in paragraph (6)—

14 (I) in subparagraph (A), by strik-
15 ing “Not later than 60 days after date
16 of enactment of this paragraph, the”
17 and inserting “The”; and

18 (II) in subparagraph (B)(i)—

19 (aa) by striking “the Sec-
20 retary will” and inserting “the
21 Secretary of Homeland Security
22 will”; and

23 (bb) by striking “the Sec-
24 retary to” and inserting “the Sec-
25 retary of Homeland Security to”;

1 (9) *section 44911 is amended—*

2 (A) *in subsection (b), by striking “Under*
3 *Secretary of Transportation for Security” and*
4 *inserting “Administrator of the Transportation*
5 *Security Administration”;*

6 (B) *in subsection (d), by striking “request*
7 *of the Secretary” and inserting “request of the*
8 *Secretary of Homeland Security”;* and

9 (C) *in subsection (e)—*

10 (i) *by striking “Secretary, and the*
11 *Under Secretary” and inserting “Secretary*
12 *of Homeland Security, and the Adminis-*
13 *trator of the Transportation Security Ad-*
14 *ministration”;* and

15 (ii) *by striking “intelligence commu-*
16 *nity and the Under Secretary” and insert-*
17 *ing “intelligence community and the Ad-*
18 *ministrator of the Transportation Security*
19 *Administration”;*

20 (10) *section 44912 is amended—*

21 (A) *in subsection (a)—*

22 (i) *in paragraph (1)—*

23 (I) *by striking “Under Secretary*
24 *of Transportation for Security” and*
25 *inserting “Administrator”;* and

1 (II) by striking “, not later than
2 November 16, 1993,”; and

3 (ii) in paragraph (4)(C), by striking
4 “Research, Engineering and Development
5 Advisory Committee” and inserting “Ad-
6 ministrator”;

7 (B) in subsection (c)—

8 (i) in paragraph (1), by striking “, as
9 a subcommittee of the Research, Engineer-
10 ing, and Development Advisory Com-
11 mittee,”; and

12 (ii) in paragraph (4), by striking “Not
13 later than 90 days after the date of the en-
14 actment of the Aviation and Transportation
15 Security Act, and every two years there-
16 after,” and inserting “Biennially,”;

17 (C) by striking “Under Secretary” each
18 place it appears and inserting “Administrator”;
19 and

20 (D) by adding at the end the following:

21 “(d) SECURITY AND RESEARCH AND DEVELOPMENT
22 ACTIVITIES.—

23 “(1) IN GENERAL.—The Administrator shall con-
24 duct research (including behavioral research) and de-
25 velopment activities appropriate to develop, modify,

1 *test, and evaluate a system, procedure, facility, or de-*
2 *vice to protect passengers and property against acts*
3 *of criminal violence, aircraft piracy, and terrorism*
4 *and to ensure security.*

5 “(2) *DISCLOSURE.*—

6 “(A) *IN GENERAL.*—*Notwithstanding sec-*
7 *tion 552 of title 5, the Administrator shall pre-*
8 *scribe regulations prohibiting disclosure of infor-*
9 *mation obtained or developed in ensuring secu-*
10 *rity under this title if the Secretary of Home-*
11 *land Security decides disclosing the information*
12 *would—*

13 “(i) *be an unwarranted invasion of*
14 *personal privacy;*

15 “(ii) *reveal a trade secret or privileged*
16 *or confidential commercial or financial in-*
17 *formation; or*

18 “(iii) *be detrimental to transportation*
19 *safety.*

20 “(B) *INFORMATION TO CONGRESS.*—*Sub-*
21 *paragraph (A) does not authorize information to*
22 *be withheld from a committee of Congress au-*
23 *thorized to have the information.*

24 “(C) *RULE OF CONSTRUCTION.*—*Nothing in*
25 *subparagraph (A) shall be construed to authorize*

1 *the designation of information as sensitive secu-*
2 *rity information (as defined in section 15.5 of*
3 *title 49, Code of Federal Regulations)—*

4 “(i) *to conceal a violation of law, inef-*
5 *iciency, or administrative error;*

6 “(ii) *to prevent embarrassment to a*
7 *person, organization, or agency;*

8 “(iii) *to restrain competition; or*

9 “(iv) *to prevent or delay the release of*
10 *information that does not require protection*
11 *in the interest of transportation security,*
12 *including basic scientific research informa-*
13 *tion not clearly related to transportation se-*
14 *curity.*

15 “(D) *PRIVACY ACT.—Section 552a of title 5*
16 *shall not apply to disclosures that the Adminis-*
17 *trator of the Transportation Security Adminis-*
18 *tration may make from the systems of records of*
19 *the Transportation Security Administration to*
20 *any Federal law enforcement, intelligence, pro-*
21 *ductive service, immigration, or national security*
22 *official in order to assist the official receiving the*
23 *information in the performance of official duties.*

24 “(3) *TRANSFERS OF DUTIES AND POWERS PRO-*
25 *HIBITED.—Except as otherwise provided by law, the*

1 *Administrator may not transfer a duty or power*
2 *under this section to another department, agency, or*
3 *instrumentality of the United States Government.*

4 “(e) *DEFINITION OF ADMINISTRATOR.—In this section,*
5 *the term ‘Administrator’ means the Administrator of the*
6 *Transportation Security Administration.’”;*

7 (11) *section 44913 is amended—*

8 (A) *in subsection (a)—*

9 (i) *in paragraph (1), by striking*
10 *“Under Secretary of Transportation for Se-*
11 *curity” and inserting “Administrator of the*
12 *Transportation Security Administration*
13 *(referred to in this section as ‘the Adminis-*
14 *trator’);*

15 (ii) *by striking paragraph (2);*

16 (iii) *by redesignating paragraphs (3)*
17 *and (4) as paragraphs (2) and (3), respec-*
18 *tively; and*

19 (iv) *by striking “Under Secretary”*
20 *each place it appears and inserting “Ad-*
21 *ministrator”; and*

22 (B) *in subsection (b), by striking “Secretary*
23 *of Transportation” and inserting “Adminis-*
24 *trator”;*

25 (12) *section 44914 is amended—*

1 (A) by striking “Under Secretary of Trans-
2 portation for Security” and inserting “Adminis-
3 trator of the Transportation Security Adminis-
4 tration”;

5 (B) by striking “Under Secretary” each
6 place it appears and inserting “Administrator”;
7 and

8 (C) by inserting “the Department of Trans-
9 portation,” before “air carriers, airport authori-
10 ties, and others”;

11 (13) section 44915 is amended by striking
12 “Under Secretary of Transportation for Security”
13 and inserting “Administrator of the Transportation
14 Security Administration”;

15 (14) section 44916 is amended—

16 (A) in subsection (a), by striking “Under
17 Secretary of Transportation for Security” and
18 inserting “Administrator of the Transportation
19 Security Administration”; and

20 (B) in subsection (b)—

21 (i) by striking “Under Secretary” the
22 first place it appears and inserting “Ad-
23 ministrator of the Transportation Security
24 Administration”; and

1 (ii) by striking “Under Secretary” the
2 second place it appears and inserting “Ad-
3 ministrators”;

4 (15) section 44917 is amended—

5 (A) in subsection (a)—

6 (i) in the matter preceding paragraph
7 (1), by striking “Under Secretary of Trans-
8 portation for Security” and inserting “Ad-
9 ministrators of the Transportation Security
10 Administration”; and

11 (ii) in paragraph (2), by striking “by
12 the Secretary” and inserting “by the Ad-
13 ministrators”;

14 (B) in subsection (d)—

15 (i) in paragraph (1), by striking “As-
16 sistant Secretary for Immigration and Cus-
17 toms Enforcement of the Department of
18 Homeland Security” and inserting “Ad-
19 ministrators of the Transportation Security
20 Administration”; and

21 (ii) in paragraph (3), by striking “As-
22 sistant Secretary” each place it appears
23 and inserting “Administrators of the Trans-
24 portation Security Administration”;

25 (16) section 44918 is amended—

1 (A) in subsection (a)—

2 (i) in paragraph (2)(E), by striking
3 “Under Secretary for Border and Transpor-
4 tation Security of the Department of Home-
5 land Security” and inserting “Adminis-
6 trator of the Transportation Security Ad-
7 ministration”;

8 (ii) in paragraph (4), by striking “Not
9 later than one year after the date of enact-
10 ment of the Vision 100—Century of Avia-
11 tion Reauthorization Act, the” and insert-
12 ing “The”; and

13 (iii) in paragraph (5), by striking “the
14 date of enactment of the Vision 100—Cen-
15 tury of Aviation Reauthorization Act” and
16 inserting “December 12, 2003,”;

17 (B) in subsection (b)—

18 (i) in paragraph (1), by striking “Not
19 later than one year after the date of enact-
20 ment of the Vision 100—Century of Avia-
21 tion Reauthorization Act, the” and insert-
22 ing “The”; and

23 (ii) in paragraph (6), by striking
24 “Federal Air Marshals Service” and insert-
25 ing “Federal Air Marshal Service”; and

1 (C) by striking “Under Secretary” each
2 place it appears and inserting “Administrator of
3 the Transportation Security Administration”;

4 (17) section 44920 is amended—

5 (A) in subsection (g)(1), by striking “sub-
6 section (a) or section 44919” and inserting “sub-
7 section (a)”;

8 (B) by adding at the end the following:

9 “(i) *DEFINITION OF ADMINISTRATOR.*—In this section,
10 the term ‘Administrator’ means the Administrator of the
11 Transportation Security Administration.”;

12 (18) section 44922 is amended—

13 (A) in the heading, by striking “**Deputa-**
14 **tion**” and inserting “**Deputization**”;

15 (B) in subsection (a)—

16 (i) in the heading, by striking “*DEPU-*
17 *TATION*” and inserting “*DEPUTIZATION*”;
18 and

19 (ii) by striking “Under Secretary of
20 Transportation for Security” and inserting
21 “Administrator of the Transportation Secu-
22 rity Administration”;

23 (C) in subsection (e), by striking “deputa-
24 tion” and inserting “deputization”; and

1 (D) by striking “Under Secretary” each
2 place it appears and inserting “Administrator of
3 the Transportation Security Administration”;

4 (19) section 44923 is amended—

5 (A) in subsection (a), by striking “Under
6 Secretary for Border and Transportation Secu-
7 rity of the Department of Homeland Security”
8 and inserting “Administrator of the Transpor-
9 tation Security Administration”;

10 (B) by striking “Under Secretary” each
11 place it appears and inserting “Administrator of
12 the Transportation Security Administration”;

13 (C) in subsection (e)—

14 (i) by striking paragraph (2); and

15 (ii) by striking “(1) IN GENERAL.—”;

16 and

17 (D) by striking subsection (j);

18 (20) section 44924 is amended—

19 (A) in subsection (a)—

20 (i) by striking “Under Secretary for
21 Border and Transportation Security of the
22 Department of Homeland Security” and in-
23 serting “Administrator of the Transpor-
24 tation Security Administration”; and

1 (ii) by striking “Administrator under”
2 and inserting “Administrator of the Federal
3 Aviation Administration under”;

4 (B) in subsections (b), (c), (d), (e), and (f),
5 by striking “Administrator” and inserting “Ad-
6 ministrator of the Federal Aviation Administra-
7 tion”;

8 (C) in subsection (f), by striking “Not later
9 than 240 days after the date of enactment of this
10 section, the” and inserting “The”; and

11 (D) by striking “Under Secretary” each
12 place it appears and inserting “Administrator of
13 the Transportation Security Administration”;

14 (21) section 44925 is amended—

15 (A) in subsection (b)(1), by striking “Not
16 later than 90 days after the date of enactment of
17 this section, the Assistant Secretary of Homeland
18 Security (Transportation Security Administra-
19 tion)” and inserting “The Administrator of the
20 Transportation Security Administration”;

21 (B) in subsection (b), by striking paragraph
22 (3); and

23 (C) in subsection (d), by striking “Assistant
24 Secretary” each place it appears and inserting

1 *“Administrator of the Transportation Security*
2 *Administration”*;

3 (22) *section 44926(b)(3) is amended by striking*
4 *“an misidentified passenger” and inserting “a*
5 *misidentified passenger”*;

6 (23) *section 44927 is amended—*

7 (A) *by striking “Assistant Secretary” each*
8 *place it appears and inserting “Administrator of*
9 *the Transportation Security Administration”*;

10 (B) *in subsection (a), by striking “Veteran*
11 *Affairs” and inserting “Veterans Affairs”*; and

12 (C) *in subsection (f)—*

13 (i) *in the heading, by striking “RE-*
14 *PORT” and inserting “REPORTS”*; and

15 (ii) *by striking “Not later than 1 year*
16 *after the date of enactment of this section,*
17 *and annually thereafter,” and inserting*
18 *“Each year,”*;

19 (24) *section 44933 is amended—*

20 (A) *in subsection (a)—*

21 (i) *by striking “Under Secretary of*
22 *Transportation for Security” and inserting*
23 *“Administrator of the Transportation Secu-*
24 *urity Administration”*;

1 (ii) by striking “Federal Security
2 Manager” and inserting “Federal Security
3 Director”; and

4 (iii) by striking “Managers” each place
5 it appears and inserting “Federal Security
6 Directors”;

7 (B) in subsection (b), by striking “Man-
8 ager” and inserting “Federal Security Director”;
9 and

10 (C) by striking “Under Secretary” each
11 place it appears and inserting “Administrator of
12 the Transportation Security Administration”;

13 (25) section 44934 is amended—

14 (A) in subsection (a)—

15 (i) by striking “Under Secretary of
16 Transportation for Security” and inserting
17 “Administrator of the Transportation Secu-
18 rity Administration”;

19 (ii) by striking “airports. In coordina-
20 tion with the Secretary” and inserting “air-
21 ports. In coordination with the Secretary of
22 State”;

23 (iii) by striking “The Secretary shall
24 give high priority” and inserting “The Sec-

1 *retary of State shall give high priority”;*
2 *and*

3 *(iv) by striking “Under Secretary”*
4 *each place it appears and inserting “Ad-*
5 *ministrator”;* *and*

6 *(B) in subsection (b)—*

7 *(i) in the matter preceding paragraph*
8 *(1), by striking “Under Secretary” and in-*
9 *serting “Administrator of the Transpor-*
10 *tation Security Administration”;* *and*

11 *(ii) in paragraph (1), by striking*
12 *“Under Secretary” and inserting “Adminis-*
13 *trator”;* *and*

14 *(C) in subsection (c), by striking “the Sec-*
15 *retary and the chief” and inserting “the Sec-*
16 *retary of State and the chief”;*

17 *(26) section 44935 is amended—*

18 *(A) in subsection (a), by striking “Under*
19 *Secretary of Transportation for Security” and*
20 *inserting “Administrator”;*

21 *(B) in subsection (e)—*

22 *(i) in paragraph (1), by striking*
23 *“Under Secretary of Transportation for Se-*
24 *curity” and inserting “Administrator”;* *and*

25 *(ii) in paragraph (2)(A)—*

1 (I) in the matter preceding clause

2 (i)—

3 (aa) by striking “Within 30
4 days after the date of enactment
5 of the Aviation and Transpor-
6 tation Security Act, the” and in-
7 serting “The”; and

8 (bb) by inserting “other” be-
9 fore “provision of law”; and

10 (II) in clause (ii), by striking
11 “section 1102(a)(22)” and inserting
12 “section 101(a)(22)”;

13 (C) in subsection (f)(1), by inserting
14 “other” before “provision of law”;

15 (D) in subsection (g)(2), by striking “With-
16 in 60 days after the date of enactment of the
17 Aviation and Transportation Security Act, the”
18 and inserting “The”;

19 (E) by striking “Under Secretary” each
20 place it appears and inserting “Administrator”;
21 and

22 (F) by adding at the end the following:

23 “(l) DEFINITION OF ADMINISTRATOR.—In this section,
24 the term ‘Administrator’ means the Administrator of the
25 Transportation Security Administration.”;

1 (27) section 44936 is amended—

2 (A) in subsection (a)—

3 (i) by striking “Under Secretary of
4 Transportation for Security” each place it
5 appears and inserting “Administrator”;

6 (ii) in paragraph (1)—

7 (I) in subparagraph (A), by strik-
8 ing “,” and inserting a comma; and

9 (II) by striking subparagraph (C);

10 and

11 (iii) by redesignating subparagraph
12 (D) as subparagraph (C);

13 (B) in subsection (c)(1), by striking “Under
14 Secretary’s” and inserting “Administrator’s”;

15 (C) by striking “Under Secretary” each
16 place it appears and inserting “Administrator”;

17 and

18 (D) by adding at the end the following:

19 “(f) *DEFINITION OF ADMINISTRATOR.*—*In this section,*
20 *the term ‘Administrator’ means the Administrator of the*
21 *Transportation Security Administration.’;*”

22 (28) section 44937 is amended by striking
23 “Under Secretary of Transportation for Security”
24 and inserting “Administrator of the Transportation
25 Security Administration”;

1 (29) section 44938 is amended—

2 (A) in subsection (a)—

3 (i) by striking “Under Secretary of
4 Transportation for Security” and inserting
5 “Administrator of the Transportation Secu-
6 rity Administration”; and

7 (ii) by striking “Secretary of Trans-
8 portation” and inserting “Secretary of
9 Homeland Security”; and

10 (B) by striking “Under Secretary” each
11 place it appears and inserting “Administrator of
12 the Transportation Security Administration”;

13 (30) section 44939(d) is amended by striking
14 “Not later than 60 days after the date of enactment
15 of this section, the Secretary” and inserting “The Sec-
16 retary of Homeland Security”;

17 (31) section 44940 is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (1)—

20 (I) by striking “Under Secretary
21 of Transportation for Security” and
22 inserting “Administrator of the Trans-
23 portation Security Administration”;
24 and

1 (II) by striking the last two sen-
2 tences; and

3 (ii) by adding at the end the following:

4 “(2) DETERMINATION OF COSTS.—

5 “(A) IN GENERAL.—The amount of the costs
6 under paragraph (1) shall be determined by the
7 Administrator of the Transportation Security
8 Administration and shall not be subject to judi-
9 cial review.

10 “(B) DEFINITION OF FEDERAL LAW EN-
11 FORCEMENT PERSONNEL.—For purposes of para-
12 graph (1)(A), the term ‘Federal law enforcement
13 personnel’ includes State and local law enforce-
14 ment officers who are deputized under section
15 44922.”;

16 (B) in subsections (b), (d), (e), (g), and (h),
17 by striking “Under Secretary” each place it ap-
18 pears and inserting “Administrator of the
19 Transportation Security Administration”;

20 (C) in subsection (d)—

21 (i) in paragraph (1)—

22 (I) by striking “within 60 days of
23 the date of enactment of this Act, or”;

24 and

25 (II) by striking “thereafter”; and

1 (ii) in paragraph (2), by striking
2 “subsection (d)” each place it appears and
3 inserting “paragraph (1) of this sub-
4 section”;

5 (D) in subsection (e)(1), by striking “FEES
6 PAYABLE TO UNDER SECRETARY” in the heading
7 and inserting “FEES PAYABLE TO ADMINIS-
8 TRATOR”; and

9 (E) in subsection (i)(4)—

10 (i) by striking subparagraphs (A)
11 through (D); and

12 (ii) by redesignating subparagraphs
13 (E) through (L) as subparagraphs (A)
14 through (H), respectively;

15 (32) section 44941(a) is amended by inserting
16 “the Department of Homeland Security,” after “De-
17 partment of Transportation,”;

18 (33) section 44942 is amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1)—

21 (I) in the matter preceding sub-
22 paragraph (A), by striking “Within
23 180 days after the date of enactment of
24 the Aviation and Transportation Secu-
25 rity Act, the Under Secretary for

1 *Transportation Security may, in con-*
2 *sultation with” and inserting “The Ad-*
3 *ministrator of the Transportation Se-*
4 *curity Administration may, in con-*
5 *sultation with other relevant Federal*
6 *agencies and”;* and

7 *(II) in subparagraph (A), by*
8 *striking “, and” and inserting “; and”;*
9 *and*

10 *(ii) in paragraph (2), by inserting a*
11 *comma after “Federal Aviation Administra-*
12 *tion”;*

13 *(B) in subsection (b)—*

14 *(i) by striking “(1) PERFORMANCE*
15 *PLAN AND REPORT.—”;*

16 *(ii) by redesignating subparagraphs*
17 *(A) and (B) as paragraphs (1) and (2), re-*
18 *spectively;*

19 *(iii) in paragraph (1), as redesign-*
20 *ated—*

21 *(I) by redesignating clauses (i)*
22 *and (ii) as subparagraphs (A) and*
23 *(B), respectively;*

24 *(II) in subparagraph (A), as re-*
25 *designated, by striking “the Secretary*

1 *and the Under Secretary for Transpor-*
2 *tation Security shall agree” and in-*
3 *serting “the Secretary of Homeland Se-*
4 *curity and the Administrator of the*
5 *Transportation Security Administra-*
6 *tion shall agree”;* and

7 *(III) in subparagraph (B), as re-*
8 *designated, by striking “the Secretary,*
9 *the Under Secretary for Transpor-*
10 *tation Security” and inserting “the*
11 *Secretary of Homeland Security, the*
12 *Administrator of the Transportation*
13 *Security Administration,”;* and

14 *(iv) in paragraph (2), as redesignated,*
15 *by striking “Under Secretary for Transpor-*
16 *tation Security” and inserting “Adminis-*
17 *trator of the Transportation Security Ad-*
18 *ministration”;*

19 *(34) section 44943 is amended—*

20 *(A) in subsection (a), by striking “Under*
21 *Secretary for Transportation Security” and in-*
22 *serting “Administrator of the Transportation Se-*
23 *curity Administration”;*

24 *(B) in subsection (b)—*

25 *(i) in paragraph (1)—*

1 (I) by striking “Secretary and
2 Under Secretary of Transportation for
3 Security” and inserting “Secretary of
4 Homeland Security and Administrator
5 of the Transportation Security Admin-
6 istration”; and

7 (II) by striking “Under Sec-
8 retary” and inserting “Administrator
9 of the Transportation Security Admin-
10 istration”; and

11 (ii) in paragraph (2)—

12 (I) by striking “Under Secretary”
13 the first place it appears and inserting
14 “Administrator of the Transportation
15 Security Administration”; and

16 (II) by striking “Under Secretary
17 shall” each place it appears and in-
18 serting “Administrator shall”; and

19 (C) in subsection (c), by striking “Aviation
20 Security Act, the Under Secretary for Transpor-
21 tation Security” and inserting “Aviation and
22 Transportation Security Act (Public Law 107-
23 71; 115 Stat. 597), the Administrator of the
24 Transportation Security Administration”;

25 (35) section 44944 is amended—

- 1 (A) in subsection (a)—
- 2 (i) in paragraph (1), by striking
- 3 “Under Secretary of Transportation for
- 4 Transportation Security” and inserting
- 5 “Administrator of the Transportation Secu-
- 6 rity Administration”; and
- 7 (ii) in paragraph (4), by inserting
- 8 “the Administrator of the Federal Aviation
- 9 Administration,” after “consult with”; and
- 10 (B) by striking “Under Secretary” each
- 11 place it appears and inserting “Administrator of
- 12 the Transportation Security Administration”;
- 13 (36) section 44945(b) is amended by striking
- 14 “Assistant Secretary” each place it appears and in-
- 15 serting “Administrator of the Transportation Secu-
- 16 rity Administration”; and
- 17 (37) section 44946 is amended—
- 18 (A) in subsection (g)—
- 19 (i) by striking paragraph (2);
- 20 (ii) by redesignating paragraph (1) as
- 21 paragraph (2); and
- 22 (iii) by inserting before paragraph (2),
- 23 as redesignated, the following:

1 “(1) *ADMINISTRATOR*.—The term ‘Adminis-
2 trator’ means the Administrator of the Transpor-
3 tation Security Administration.”;

4 (B) by striking “Assistant Secretary” each
5 place it appears and inserting “Administrator”;

6 (C) in subsection (b)(4)—

7 (i) by striking “the Secretary receives”
8 and inserting “the Administrator receives”;
9 and

10 (ii) by striking “the Secretary shall”
11 and inserting “the Administrator shall”;
12 and

13 (D) in subsection (c)(1)(A), by striking
14 “Not later than 180 days after the date of enact-
15 ment of the Aviation Security Stakeholder Par-
16 ticipation Act of 2014, the” and inserting “The”.

17 (e) *CHAPTER 451 AMENDMENTS*.—Section 45107 is
18 amended—

19 (1) in subsection (a), by striking “Under Sec-
20 retary of Transportation for Security” and inserting
21 “Administrator of the Transportation Security Ad-
22 ministration”; and

23 (2) in subsection (b), by striking the second sen-
24 tence.

1 (f) *CHAPTER 461 AMENDMENTS.—Chapter 461 is*
2 *amended—*

3 (1) *in each of sections 46101(a)(1), 46102(a),*
4 *46103(a), 46104(a), 46105(a), 46106, 46107(b), and*
5 *46110(a) by striking “Under Secretary of Transpor-*
6 *tation for Security with respect to security duties and*
7 *powers designated to be carried out by the Under Sec-*
8 *retary” and inserting “Administrator of the Trans-*
9 *portation Security Administration with respect to se-*
10 *curity duties and powers designated to be carried out*
11 *by the Administrator of the Transportation Security*
12 *Administration”;*

13 (2) *in each of sections 46101, 46102(c), 46103,*
14 *46104, 46105, 46107, and 46110 by striking “or Ad-*
15 *ministrator” each place it appears and inserting “or*
16 *Administrator of the Federal Aviation Administra-*
17 *tion”;*

18 (3) *in each of sections 46101(a)(1), 46102(a)*
19 *46103(a), 46104(a), 46105(a), 46106, 46107(b), and*
20 *46110(a) by striking “by the Administrator)” and in-*
21 *serting “by the Administrator of the Federal Aviation*
22 *Administration)”;*

23 (4) *in each of sections 46101, 46102, 46103,*
24 *46104, 46105, 46107, and 46110 by striking “Under*
25 *Secretary,” each place it appears and inserting “Ad-*

1 *ministrator of the Transportation Security Adminis-*
2 *tration,”;*

3 *(5) in section 46102—*

4 *(A) in subsection (b), by striking “the Ad-*
5 *ministrator” each place it appears and inserting*
6 *“the Administrator of the Federal Aviation Ad-*
7 *ministration”;*

8 *(B) in subsection (c), by striking “and Ad-*
9 *ministrator” each place it appears and inserting*
10 *“and Administrator of the Federal Aviation Ad-*
11 *ministration”;* and

12 *(C) in subsection (d), by striking “the Ad-*
13 *ministrator, or an officer or employee of the Ad-*
14 *ministration” in subsection (d) and inserting*
15 *“the Administrator of the Federal Aviation Ad-*
16 *ministration, or an officer or employee of the*
17 *Federal Aviation Administration”;*

18 *(6) in section 46104—*

19 *(A) by striking “subpena” each place it ap-*
20 *pears and inserting “subpoena”;* and

21 *(B) in subsection (b)—*

22 *(i) in the heading, by striking “SUB-*
23 *PENAS” and inserting “SUBPOENAS”;* and

1 (ii) by striking “the Administrator,
2 or” and inserting “the Administrator of the
3 Federal Aviation Administration, or”;

4 (7) in section 46105(c), by striking “When the
5 Administrator” and inserting “When the Adminis-
6 trator of the Federal Aviation Administration”;

7 (8) in section 46109, by inserting “(or the Ad-
8 ministrator of the Transportation Security Adminis-
9 tration with respect to security duties and powers
10 designated to be carried out by the Administrator of
11 the Transportation Security Administration or the
12 Administrator of the Federal Aviation Administra-
13 tion with respect to aviation safety duties and powers
14 designated to be carried out by the Administrator)”
15 after “Secretary of Transportation”; and

16 (9) in section 46111—

17 (A) in subsection (a)—

18 (i) by inserting “the” before “Federal
19 Aviation Administration”;

20 (ii) by striking “Administrator is”
21 and inserting “Administrator of the Federal
22 Aviation Administration is”; and

23 (iii) by striking “Under Secretary for
24 Border and Transportation Security of the
25 Department of Homeland Security” and in-

1 serting “Administrator of the Transpor-
2 tation Security Administration”;

3 (B) in subsections (b), (c), (e), and (g), by
4 striking “Administrator” each place it appears
5 and inserting “Administrator of the Federal
6 Aviation Administration”;

7 (C) in subsection (g)(2)(A), by striking “(18
8 U.S.C. App.)” and inserting “(18 U.S.C.
9 App.)”; and

10 (D) by striking “Under Secretary” each
11 place it appears and inserting “Administrator of
12 the Transportation Security Administration”.

13 (g) CHAPTER 463 AMENDMENTS.—Chapter 463 is
14 amended—

15 (1) in section 46301—

16 (A) in subsection (a)(5)—

17 (i) in subparagraph (A)(i), by striking
18 “or chapter 451” and inserting “chapter
19 451”; and

20 (ii) in subparagraph (D), by inserting
21 “of Transportation” after “Secretary”;

22 (B) in subsection (d)—

23 (i) in paragraph (2)—

1 (I) by striking “defined by the
2 Secretary” and inserting “defined by
3 the Secretary of Transportation”; and

4 (II) by striking “Administrator
5 shall” and inserting “Administrator of
6 the Federal Aviation Administration
7 shall”;

8 (ii) in paragraphs (3), (4), (5), (6),
9 (7), and (8), by striking “Administrator”
10 each place it appears and inserting “Ad-
11 ministrators of the Federal Aviation Admin-
12 istration”; and

13 (iii) in paragraph (8), by striking
14 “Under Secretary” and inserting “Adminis-
15 trator of the Transportation Security Ad-
16 ministration”;

17 (C) in subsection (e), by inserting “of
18 Transportation” after “Secretary”;

19 (D) in subsection (g), by striking “Adminis-
20 trator” and inserting “Administrator of the Fed-
21 eral Aviation Administration”; and

22 (E) in subsection (h)(2)—

23 (i) by striking “Under Secretary of
24 Transportation for Security with respect to
25 security duties and powers designated to be

1 *carried out by the Under Secretary” and*
2 *inserting “Administrator of the Transpor-*
3 *tation Security Administration with respect*
4 *to security duties and powers designated to*
5 *be carried out by the Administrator of the*
6 *Transportation Security Administration”;*
7 *and*

8 *(ii) by striking “or the Administrator*
9 *with respect to aviation safety duties and*
10 *powers designated to be carried out by the*
11 *Administrator” and inserting “or the Ad-*
12 *ministrator of the Federal Aviation Admin-*
13 *istration with respect to aviation safety du-*
14 *ties and powers designated to be carried out*
15 *by the Administrator of the Federal Avia-*
16 *tion Administration”;*

17 *(2) in section 46304(b), by striking “or the Ad-*
18 *ministrator of the Federal Aviation Administration*
19 *with respect to aviation safety duties and powers des-*
20 *ignated to be carried out by the Administrator” and*
21 *inserting “or the Administrator of the Federal Avia-*
22 *tion Administration with respect to aviation safety*
23 *duties and powers designated to be carried out by the*
24 *Administrator of the Federal Aviation Administra-*
25 *tion”;*

1 (3) *in section 46311—*

2 (A) *in subsection (a)—*

3 (i) *in the matter preceding paragraph*

4 (1)—

5 (I) *by striking “Under Secretary*
6 *of Transportation for Security with re-*
7 *spect to security duties and powers des-*
8 *ignated to be carried out by the Under*
9 *Secretary” and inserting “Adminis-*
10 *trator of the Transportation Security*
11 *Administration with respect to security*
12 *duties and powers designated to be car-*
13 *ried out by the Administrator of the*
14 *Transportation Security Administra-*
15 *tion”;*

16 (II) *by striking “the Adminis-*
17 *trator of the Federal Aviation Admin-*
18 *istration with respect to aviation safe-*
19 *ty duties and powers designated to be*
20 *carried out by the Administrator” and*
21 *inserting “or the Administrator of the*
22 *Federal Aviation Administration with*
23 *respect to aviation safety duties and*
24 *powers designated to be carried out by*

1 *the Administrator of the Federal Avia-*
2 *tion Administration”;*

3 (III) *by striking “Administrator*
4 *shall” and inserting “Administrator of*
5 *the Federal Aviation Administration*
6 *shall”;* and

7 (IV) *by striking “Administrator,”*
8 *and inserting “Administrator of the*
9 *Federal Aviation Administration,”;*
10 and

11 (ii) *in paragraph (1), by striking “Ad-*
12 *ministrator” and inserting “Administrator*
13 *of the Federal Aviation Administration”;*

14 (B) *in subsections (b) and (c), by striking*
15 *“Administrator” each place it appears and in-*
16 *serting “Administrator of the Federal Aviation*
17 *Administration”;* and

18 (C) *by striking “Under Secretary” each*
19 *place it appears and inserting “Administrator of*
20 *the Transportation Security Administration”;*

21 (4) *in section 46313—*

22 (A) *by striking “Under Secretary of Trans-*
23 *portation for Security with respect to security*
24 *duties and powers designated to be carried out*
25 *by the Under Secretary” and inserting “Admin-*

1 *istrator of the Transportation Security Adminis-*
2 *tration with respect to security duties and pow-*
3 *ers designated to be carried out by the Adminis-*
4 *trator of the Transportation Security Adminis-*
5 *tration”;*

6 (B) *by striking “or the Administrator of the*
7 *Federal Aviation Administration with respect to*
8 *aviation safety duties and powers designated to*
9 *be carried out by the Administrator” and insert-*
10 *ing “or the Administrator of the Federal Avia-*
11 *tion Administration with respect to aviation*
12 *safety duties and powers designated to be carried*
13 *out by the Administrator of the Federal Aviation*
14 *Administration”;* *and*

15 (C) *by striking “subpena” and inserting*
16 *“subpoena”;* *and*

17 (5) *in section 46316(a)—*

18 (A) *by striking “Under Secretary of Trans-*
19 *portation for Security with respect to security*
20 *duties and powers designated to be carried out*
21 *by the Under Secretary” and inserting “Admin-*
22 *istrator of the Transportation Security Adminis-*
23 *tration with respect to security duties and pow-*
24 *ers designated to be carried out by the Adminis-*

1 *trator of the Transportation Security Adminis-*
 2 *tration*”; and

3 (B) by striking “or the Administrator of the
 4 *Federal Aviation Administration with respect to*
 5 *aviation safety duties and powers designated to*
 6 *be carried out by the Administrator*” and insert-
 7 *ing “or the Administrator of the Federal Avia-*
 8 *tion Administration with respect to aviation*
 9 *safety duties and powers designated to be carried*
 10 *out by the Administrator of the Federal Aviation*
 11 *Administration*”.

12 (h) *CHAPTER 465 AMENDMENTS.*—Chapter 465 is
 13 *amended—*

14 (1) *in section 46505(d)(2), by striking “Under*
 15 *Secretary of Transportation for Security” and insert-*
 16 *ing “Administrator of the Transportation Security*
 17 *Administration*”; and

18 (2) *in the table of contents for chapter 465 of*
 19 *subtitle VII, by striking the following:*

“46503. Repealed.”.

20 (i) *CHAPTER 483 REPEAL.*—

21 (1) *IN GENERAL.*—Chapter 483 is repealed.

22 (2) *CONFORMING AMENDMENT.*—The table of
 23 *contents for subtitle VII is amended by striking the*
 24 *following:*

“483. Aviation security funding 48301”.

1 (j) *AUTHORITY TO EXEMPT.*—

2 (1) *IN GENERAL.*—*Subchapter II of chapter 449*
3 *is amended by inserting before section 44933 the fol-*
4 *lowing:*

5 **“§ 44931. Authority to exempt**

6 *“The Secretary of Homeland Security may grant an*
7 *exemption from a regulation prescribed in carrying out sec-*
8 *tions 44901, 44903, 44906, 44909(c), and 44935–44937 of*
9 *this title when the Secretary decides the exemption is in*
10 *the public interest.*

11 **“§ 44932. Administrative**

12 *“(a) GENERAL AUTHORITY.*—*The Secretary of Home-*
13 *land Security or the Administrator of the Transportation*
14 *Security Administration may take action the Secretary or*
15 *the Administrator considers necessary to carry out this*
16 *chapter and chapters 461, 463, and 465 of this title, includ-*
17 *ing conducting investigations, prescribing regulations,*
18 *standards, and procedures, and issuing orders.*

19 *“(b) INDEMNIFICATION.*—*The Administrator of the*
20 *Transportation Security Administration may indemnify*
21 *an officer or employee of the Transportation Security Ad-*
22 *ministration against a claim or judgment arising out of*
23 *an act that the Administrator decides was committed with-*
24 *in the scope of the official duties of the officer or employee.”.*

1 (2) *TABLE OF CONTENTS.*—*The table of contents*
 2 *of chapter 449 is amended by inserting before the*
 3 *item relating to section 44933 the following:*

“44931. *Authority to exempt.*

“44932. *Administrative.*”.

4 **SEC. 1992. TABLE OF CONTENTS OF CHAPTER 449.**

5 *The table of contents of chapter 449 is amended—*

6 (1) *in the item relating to section 44922, by*
 7 *striking “Deputation” and inserting “Deputization”;*
 8 *and*

9 (2) *by inserting after section 44941 the fol-*
 10 *lowing:*

“44942. *Performance goals and objectives.*

“44943. *Performance management system.*”.

11 **SEC. 1993. OTHER LAWS; INTELLIGENCE REFORM AND TER-**
 12 **RORISM PREVENTION ACT OF 2004.**

13 *Section 4016(c) of the Intelligence Reform and Ter-*
 14 *rorism Prevention Act of 2004 (49 U.S.C. 44917 note) is*
 15 *amended—*

16 (1) *in paragraph (1), by striking “Assistant Sec-*
 17 *retary for Immigration and Customs Enforcement”*
 18 *and inserting “Administrator of the Transportation*
 19 *Security Administration”;* *and*

20 (2) *in paragraph (2), by striking “Assistant Sec-*
 21 *retary for Immigration and Customs Enforcement*
 22 *and the Director of Federal Air Marshal Service of*
 23 *the Department of Homeland Security, in coordina-*

1 *tion with the Assistant Secretary of Homeland Secu-*
2 *urity (Transportation Security Administration),” and*
3 *inserting “Administrator of the Transportation Secu-*
4 *urity Administration and the Director of Federal Air*
5 *Marshal Service of the Department of Homeland Se-*
6 *curity”.*

7 **SEC. 1994. SAVINGS PROVISIONS.**

8 *References relating to the Under Secretary of Trans-*
9 *portation for Security in statutes, Executive orders, rules,*
10 *regulations, directives, or delegations of authority that pre-*
11 *cede the effective date of this Act shall be deemed to refer,*
12 *as appropriate, to the Administrator of the Transportation*
13 *Security Administration.*

Attest:

Clerk.

115TH CONGRESS
2^D SESSION

H.R. 302

**HOUSE AMENDMENT TO
SENATE AMENDMENT**