

security risks and associated capability gaps that would be best addressed by security-related technology described in subparagraph (A).

**(i) Notice of covered changes to plan**

**(1) Notice required**

The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives notice of any covered change to the Plan not later than 90 days after the date that the covered change is made.

**(2) Definition of covered change**

In this subsection, the term “covered change” means—

(A) an increase or decrease in the dollar amount allocated to the procurement of a technology; or

(B) an increase or decrease in the number of a technology.

(Pub. L. 107-296, title XVI, §1611, as added Pub. L. 113-245, §3(a), Dec. 18, 2014, 128 Stat. 2872; amended Pub. L. 115-254, div. K, title I, §1917, Oct. 5, 2018, 132 Stat. 3557.)

**Editorial Notes**

**AMENDMENTS**

2018—Subsec. (g). Pub. L. 115-254, §1917(1)(A), substituted “The Administrator shall, in collaboration with relevant industry and government stakeholders, annually submit to Congress in an appendix to the budget request and publish in an unclassified format in the public domain—” for “Beginning 2 years after the date the Plan is submitted to Congress under subsection (a), and biennially thereafter, the Administrator shall submit to Congress—” in introductory provisions.

Subsec. (g)(3). Pub. L. 115-254, §1917(1)(B)–(D), added par. (3).

Subsecs. (h), (i). Pub. L. 115-254, §1917(2), added subsecs. (h) and (i).

**§ 563a. Acquisition justification and reports**

**(a) Acquisition justification**

Before the Administration implements any security-related technology acquisition, the Administrator, in accordance with the Department’s policies and directives, shall determine whether the acquisition is justified by conducting an analysis that includes—

(1) an identification of the scenarios and level of risk to transportation security from those scenarios that would be addressed by the security-related technology acquisition;

(2) an assessment of how the proposed acquisition aligns to the Plan;

(3) a comparison of the total expected lifecycle cost against the total expected quantitative and qualitative benefits to transportation security;

(4) an analysis of alternative security solutions, including policy or procedure solutions, to determine if the proposed security-related technology acquisition is the most effective and cost-efficient solution based on cost-benefit considerations;

(5) an assessment of the potential privacy and civil liberties implications of the proposed

acquisition that includes, to the extent practicable, consultation with organizations that advocate for the protection of privacy and civil liberties;

(6) a determination that the proposed acquisition is consistent with fair information practice principles issued by the Privacy Officer of the Department;

(7) confirmation that there are no significant risks to human health or safety posed by the proposed acquisition; and

(8) an estimate of the benefits to commercial aviation passengers.

**(b) Reports and certification to Congress**

**(1) In general**

Not later than the end of the 30-day period preceding the award by the Administration of a contract for any security-related technology acquisition exceeding \$30,000,000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives—

(A) the results of the comprehensive acquisition justification under subsection (a); and

(B) a certification by the Administrator that the benefits to transportation security justify the contract cost.

**(2) Extension due to imminent terrorist threat**

If there is a known or suspected imminent threat to transportation security, the Administrator—

(A) may reduce the 30-day period under paragraph (1) to 5 days to rapidly respond to the threat; and

(B) shall immediately notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives of the known or suspected imminent threat.

(Pub. L. 107-296, title XVI, §1612, as added Pub. L. 113-245, §3(a), Dec. 18, 2014, 128 Stat. 2873.)

**§ 563b. Acquisition baseline establishment and reports**

**(a) Baseline requirements**

**(1) In general**

Before the Administration implements any security-related technology acquisition, the appropriate acquisition official of the Department shall establish and document a set of formal baseline requirements.

**(2) Contents**

The baseline requirements under paragraph

(1) shall—

(A) include the estimated costs (including lifecycle costs), schedule, and performance milestones for the planned duration of the acquisition;

(B) identify the acquisition risks and a plan for mitigating those risks; and

(C) assess the personnel necessary to manage the acquisition process, manage the ongoing program, and support training and other operations as necessary.

**(3) Feasibility**

In establishing the performance milestones under paragraph (2)(A), the appropriate acqui-