(e) Leveraging the private sector

To the extent possible, and in a manner that is consistent with fair and equitable practices, the Plan shall—

(1) leverage emerging technology trends and research and development investment trends within the public and private sectors;

(2) incorporate private sector input, including from the aviation industry stakeholder advisory committee established by the Administrator, through requests for information, industry days, and other innovative means consistent with the Federal Acquisition Regulation; and

(3) in consultation with the Under Secretary for Science and Technology, identify technologies in existence or in development that, with or without adaptation, are expected to be suitable to meeting mission needs.

(f) Disclosure

The Administrator shall include with the Plan a list of nongovernment persons that contributed to the writing of the Plan.

(g) Update and report

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—

(1) an update of the Plan;

(2) a report on the extent to which each security-related technology acquired by the Administration since the last issuance or update of the Plan is consistent with the planned technology programs and projects identified under subsection (d)(2) for that security-related technology; and

(3) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted.

(h) Additional update requirements

Updates and reports under subsection (g) shall—

(1) be prepared in consultation with—

(A) the persons described in subsection (b); and

(B) the Surface Transportation Security Advisory Committee established under section 204 of this title; and

(2) include—

(A) information relating to technology investments by the Transportation Security Administration and the private sector that the Department supports with research, development, testing, and evaluation for aviation, including air cargo, and surface transportation security;

(B) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted;

(C) information relating to equipment of the Transportation Security Administration that is in operation after the end of the lifecycle of the equipment specified by the manufacturer of the equipment; and

(D) to the extent practicable, a classified addendum to report sensitive transportation 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 acquisition official of the Department, to the extent possible and in consultation with the Under Secretary for Science and Technology, shall ensure that achieving those milestones is technologically feasible.

(4) Test and evaluation plan

The Administrator, in consultation with the Under Secretary for Science and Technology, shall develop a test and evaluation plan that describes—

(A) the activities that are expected to be required to assess acquired technologies against the performance milestones established under paragraph (2)(A);

(B) the necessary and cost-effective combination of laboratory testing, field testing, modeling, simulation, and supporting analysis to ensure that such technologies meet the Administration's mission needs;

(C) an efficient planning schedule to ensure that test and evaluation activities are completed without undue delay; and

(D) if commercial aviation passengers are expected to interact with the security-related technology, methods that could be used to measure passenger acceptance of and familiarization with the security-related technology.

(5) Verification and validation

The appropriate acquisition official of the Department—

(A) subject to subparagraph (B), shall utilize independent reviewers to verify and validate the performance milestones and cost estimates developed under paragraph (2) for a security-related technology that pursuant to section 563(d)(2) of this title has been identified as a high priority need in the most recent Plan; and

(B) shall ensure that the use of independent reviewers does not unduly delay the schedule of any acquisition.

(6) Streamlining access for interested vendors

The Administrator shall establish a streamlined process for an interested vendor of a security-related technology to request and receive appropriate access to the baseline requirements and test and evaluation plans that are necessary for the vendor to participate in the acquisitions process for that technology.

(b) Review of baseline requirements and deviation; report to Congress

(1) Review

(A) In general

The appropriate acquisition official of the Department shall review and assess each implemented acquisition to determine if the acquisition is meeting the baseline requirements established under subsection (a).

(B) Test and evaluation assessment

The review shall include an assessment of whether—

(i) the planned testing and evaluation activities have been completed; and

(ii) the results of that testing and evaluation demonstrate that the performance milestones are technologically feasible.