

Suspend the Rules and Pass the Bill, H.R. 302, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

115TH CONGRESS
1ST SESSION

H. R. 302

To provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2017

Mr. GUTHRIE (for himself, Mr. RICHMOND, Mr. ABRAHAM, Mrs. BLACKBURN, Mr. BUTTERFIELD, Mr. CARTER of Georgia, Ms. DELBENE, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. GRIFFITH, Mr. HENSARLING, Mr. JODY B. HICE of Georgia, Mr. JOYCE of Ohio, Mr. KILMER, Mr. KINZINGER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. MEEHAN, Mr. MULLIN, Mr. PITTENGER, Mr. THOMAS J. ROONEY of Florida, Mr. ROYCE of California, Mr. RUIZ, Mr. COLLINS of New York, Mr. LOEBSACK, Mr. ROE of Tennessee, Mrs. NOEM, Ms. JENKINS of Kansas, Mr. WALBERG, Mr. BILIRAKIS, Mr. PERLMUTTER, Mr. ISSA, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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.

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Sec. 11. Short title.

Sec. 12. Protections for covered sports medicine professionals.

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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.

Subtitle C—Airport Improvement Program Modifications

Sec. 131. Grant assurances.

Sec. 132. Mothers’ rooms.

Sec. 133. Contract Tower Program.

Sec. 134. Government share of project costs.

Sec. 135. Updated veterans’ preference.

Sec. 136. Use of State highway specifications.

Sec. 137. Former military airports.

Sec. 138. Eligibility of CCTV projects for airport improvement program.

Sec. 139. State block grant program expansion.

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 aero-
nautical services to an airport sponsor.

- Sec. 145. Sense of Congress.
- 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.

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- 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.
- Sec. 187. Aircraft noise exposure.
- Sec. 188. Study regarding day-night average sound levels.
- Sec. 189. Study on potential health and economic impacts of overflight noise.
- Sec. 190. Environmental mitigation pilot program.
- Sec. 191. Extending aviation development streamlining.
- Sec. 192. Zero-emission vehicles and technology.

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Sec. 202. Safety Oversight and Certification Advisory Committee.

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- Sec. 213. ODA review.
- Sec. 214. Type certification resolution process.
- Sec. 215. Review of certification process for small general aviation airplanes.
- Sec. 216. ODA staffing and oversight.

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- Sec. 221. Flight standards performance objectives and metrics.
- Sec. 222. FAA task force on flight standards reform.
- Sec. 223. Centralized safety guidance database.
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- Sec. 241. Promotion of United States aerospace standards, products, and services abroad.
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- Sec. 243. FAA leadership abroad.
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- Sec. 304. International efforts regarding tracking of civil aircraft.
- Sec. 305. Aircraft data access and retrieval systems.
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- Sec. 309. Call to action airline engine safety review.
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- Sec. 313. Report on conspicuity needs for surface vehicles operating on the airside of air carrier served airports.
- Sec. 314. Helicopter air ambulance operations data and reports.
- Sec. 315. Aviation rulemaking committee for part 135 pilot rest and duty rules.
- Sec. 316. Report on obsolete test equipment.
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- Sec. 321. Evaluation regarding additional ground based transmitters.
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- Sec. 335. Flight attendant duty period limitations and rest requirements.
- Sec. 336. Secondary cockpit barriers.
- Sec. 337. Aircraft cabin evacuation procedures.
- Sec. 338. Sense of Congress.
- Sec. 339. Civil penalties for interference.
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- Sec. 341. Definitions; Integration of civil unmanned aircraft systems into national airspace system.
- Sec. 342. Update of FAA comprehensive plan.
- Sec. 343. Unmanned aircraft test ranges.
- Sec. 344. Small unmanned aircraft in the Arctic.
- Sec. 345. Small unmanned aircraft safety standards.
- Sec. 346. Public unmanned aircraft systems.
- Sec. 347. Special authority for certain unmanned aircraft systems.
- Sec. 348. Carriage of property by small unmanned aircraft systems for compensation or hire.
- Sec. 349. Exception for limited recreational operations of unmanned aircraft.
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- Sec. 351. Unmanned aircraft systems integration pilot program.
- Sec. 352. Part 107 transparency and technology improvements.
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- Sec. 367. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the administration.
- Sec. 368. Public UAS access to special use airspace.
- Sec. 369. Applications for designation.
- Sec. 370. Sense of Congress on additional rulemaking authority.
- Sec. 371. Assessment of aircraft registration for small unmanned aircraft.
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- Sec. 411. Enforcement of aviation consumer protection rules.
- Sec. 412. Strollers.
- Sec. 413. Causes of airline delays or cancellations.
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- Sec. 415. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 416. Online access to aviation consumer protection information.
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- Sec. 418. Advisory committee on air ambulance and patient billing.
- Sec. 419. Air ambulance complaints to the Department of Transportation.

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- Sec. 510. Consolidation and realignment of FAA services and facilities.
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- Sec. 514. Aircraft leasing.
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- Sec. 528. Briefing on aircraft diversions from Los Angeles International Airport to Hawthorne Municipal Airport.
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- Sec. 551. Employee Assault Prevention and Response Plans.
- Sec. 552. Study on training of customer-facing air carrier employees.
- Sec. 553. Automated weather observing systems policy.
- Sec. 554. Prioritizing and supporting the Human Intervention Motivation Study (HIMS) program and the Flight Attendant Drug and Alcohol Program (FADAP).
- Sec. 555. Cost-effectiveness analysis of equipment rental.
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- Sec. 557. Requirement to consult with stakeholders in defining scope and requirements for future flight service program.
- Sec. 558. Federal Aviation Administration performance measures and targets.
- Sec. 559. Report on plans for air traffic control facilities in the New York City and Newark region.

- Sec. 560. Work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.
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- Sec. 563. Access of air carriers to information about applicants to be pilots from national driver register.
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TITLE I—TRANSPORTATION SECURITY

- Sec. 1901. Short title; references.
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- Sec. 1903. Authorization of appropriations.
- Sec. 1904. Administrator of the Transportation Security Administration; 5-year term.
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- Sec. 1911. Third party testing and verification of screening technology.
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Subtitle E—Foreign Airport Security

- Sec. 1953. Last point of departure airports; security directives.
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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
 9 medicine professional who has in effect medical profes-
 10 sional liability insurance coverage and provides in a sec-
 11 ondary State covered medical services that are within the
 12 scope of practice of such professional in the primary State

1 to an athlete or an athletic team (or a staff member of
2 such an athlete or athletic team) pursuant to an agree-
3 ment described in subsection (c)(4) with respect to such
4 athlete or athletic team—

5 (1) such medical professional liability insurance
6 coverage shall cover (subject to any related premium
7 adjustments) such professional with respect to such
8 covered medical services provided by the professional
9 in the secondary State to such an individual or team
10 as if such services were provided by such profes-
11 sional in the primary State to such an individual or
12 team; and

13 (2) to the extent such professional is licensed
14 under the requirements of the primary State to pro-
15 vide such services to such an individual or team, the
16 professional shall be treated as satisfying any licen-
17 sure requirements of the secondary State to provide
18 such services to such an individual or team to the
19 extent the licensure requirements of the secondary
20 State are substantially similar to the licensure re-
21 quirements of the primary State.

22 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
23 tion shall be construed—

24 (1) to allow a covered sports medicine profes-
25 sional to provide medical services in the secondary

1 State that exceed the scope of that professional's li-
2 cense in the primary State;

3 (2) to allow a covered sports medicine profes-
4 sional to provide medical services in the secondary
5 State that exceed the scope of a substantially similar
6 sports medicine professional license in the secondary
7 State;

8 (3) to supersede any reciprocity agreement in
9 effect between the two States regarding such serv-
10 ices or such professionals;

11 (4) to supersede any interstate compact agree-
12 ment entered into by the two States regarding such
13 services or such professionals; or

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

17 (c) DEFINITIONS.—In this division, the following
18 definitions apply:

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

20 (A) an individual participating in a sport-
21 ing event or activity for which the individual
22 may be paid;

23 (B) an individual participating in a sport-
24 ing event or activity sponsored or sanctioned by
25 a national governing body; or

1 (C) an individual for whom a high school
2 or institution of higher education provides a
3 covered sports medicine professional.

4 (2) ATHLETIC TEAM.—The term “athletic
5 team” means a sports team—

6 (A) composed of individuals who are paid
7 to participate on the team;

8 (B) composed of individuals who are par-
9 ticipating in a sporting event or activity spon-
10 sored or sanctioned by a national governing
11 body; or

12 (C) for which a high school or an institu-
13 tion of higher education provides a covered
14 sports medicine professional.

15 (3) COVERED MEDICAL SERVICES.—The term
16 “covered medical services” means general medical
17 care, emergency medical care, athletic training, or
18 physical therapy services. Such term does not in-
19 clude care provided by a covered sports medicine
20 professional—

21 (A) at a health care facility; or

22 (B) while a health care provider licensed to
23 practice in the secondary State is transporting
24 the injured individual to a health care facility.

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

5 (A) is licensed to practice in the primary
6 State;

7 (B) provides covered medical services, pur-
8 suant to a written agreement with an athlete,
9 an athletic team, a national governing body, a
10 high school, or an institution of higher edu-
11 cation; and

12 (C) prior to providing the covered medical
13 services described in subparagraph (B), has dis-
14 closed the nature and extent of such services to
15 the entity that provides the professional with li-
16 ability insurance in the primary State.

17 (5) HEALTH CARE FACILITY.—The term
18 “health care facility” means a facility in which med-
19 ical care, diagnosis, or treatment is provided on an
20 inpatient or outpatient basis. Such term does not in-
21 clude facilities at an arena, stadium, or practice fa-
22 cility, or temporary facilities existing for events
23 where athletes or athletic teams may compete.

24 (6) INSTITUTION OF HIGHER EDUCATION.—The
25 term “institution of higher education” has the

1 meaning given such term in section 101 of the High-
2 er Education Act of 1965 (20 U.S.C. 1001).

3 (7) LICENSE.—The term “license” or “licen-
4 sure”, as applied with respect to a covered sports
5 medicine professional, means a professional that has
6 met the requirements and is approved to provide
7 covered medical services in accordance with State
8 laws and regulations in the primary State. Such
9 term may include the registration or certification, or
10 any other form of special recognition, of an indi-
11 vidual as such a professional, as applicable.

12 (8) NATIONAL GOVERNING BODY.—The term
13 “national governing body” has the meaning given
14 such term in section 220501 of title 36, United
15 States Code.

16 (9) PRIMARY STATE.—The term “primary
17 State” means, with respect to a covered sports medi-
18 cine professional, the State in which—

19 (A) the covered sports medicine profes-
20 sional is licensed to practice; and

21 (B) the majority of the covered sports
22 medicine professional’s practice is underwritten
23 for medical professional liability insurance cov-
24 erage.

1 **TITLE I—AUTHORIZATIONS**
2 **Subtitle A—Funding of FAA**
3 **Programs**

4 **SEC. 111. AIRPORT PLANNING AND DEVELOPMENT AND**
5 **NOISE COMPATIBILITY PLANNING AND PRO-**
6 **GRAMS.**

7 (a) AUTHORIZATION.—Section 48103(a) of title 49,
8 United States Code, is amended by striking “section
9 47504(c)” and all that follows through the period at the
10 end and inserting the following: “section 47504(c)—

11 “(1) \$3,350,000,000 for fiscal year 2018;

12 “(2) \$3,350,000,000 for fiscal year 2019;

13 “(3) \$3,350,000,000 for fiscal year 2020;

14 “(4) \$3,350,000,000 for fiscal year 2021;

15 “(5) \$3,350,000,000 for fiscal year 2022; and

16 “(6) \$3,350,000,000 for fiscal year 2023.”.

17 (b) OBLIGATION AUTHORITY.—Section 47104(c) of
18 title 49, United States Code, is amended in the matter
19 preceding paragraph (1) by striking “2018,” and inserting
20 “2023,”.

21 **SEC. 112. FACILITIES AND EQUIPMENT.**

22 (a) AUTHORIZATION OF APPROPRIATIONS FROM AIR-
23 PORT AND AIRWAY TRUST FUND.—Section 48101(a) of
24 title 49, United States Code, is amended by striking para-
25 graphs (1) through (5) and inserting the following:

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

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

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

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

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

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

7 (b) AUTHORIZED EXPENDITURES.—Section
8 48101(c) of title 49, United States Code, is amended—
9 (1) in the subsection heading by striking “Auto-
10 mated Surface Observation System/Automated
11 Weather Observing System Upgrade” and inserting
12 “Authorized Expenditures”; and

13 (2) by striking “may be used for the implemen-
14 tation” and all that follows through the period at
15 the end and inserting the following: “may be used
16 for the following:

17 “(1) The implementation and use of upgrades
18 to the current automated surface observation sys-
19 tem/automated weather observing system, if the up-
20 grade is successfully demonstrated.

21 “(2) The acquisition and construction of remote
22 towers (as defined in section 161 of the FAA Reau-
23 thorization Act of 2018).

1 “(3) The remediation and elimination of identi-
2 fied cybersecurity vulnerabilities in the air traffic
3 control system.

4 “(4) The construction of facilities dedicated to
5 improving the cybersecurity of the National Airspace
6 System.

7 “(5) Systems associated with the Data Commu-
8 nications program.

9 “(6) The infrastructure, sustainment, and the
10 elimination of the deferred maintenance backlog of
11 air navigation facilities and other facilities for which
12 the Federal Aviation Administration is responsible.

13 “(7) The modernization and digitization of the
14 Civil Aviation Registry.

15 “(8) The construction of necessary Priority 1
16 National Airspace System facilities.

17 “(9) Cost-beneficial construction, rehabilitation,
18 or retrofitting programs designed to reduce Federal
19 Aviation Administration facility operating costs.”.

20 **SEC. 113. FAA OPERATIONS.**

21 (a) IN GENERAL.—Section 106(k)(1) of title 49,
22 United States Code, is amended by striking subpara-
23 graphs (A) through (F) and inserting the following:

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

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

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

2 “(D) \$11,000,000,000 for fiscal year
3 2021;

4 “(E) \$11,269,000,000 for fiscal year 2022;
5 and

6 “(F) \$11,537,000,000 for fiscal year
7 2023.”.

8 (b) AUTHORIZED EXPENDITURES.—Section
9 106(k)(2) of title 49, United States Code, is amended by
10 adding at the end the following:

11 “(D) Not more than the following amounts
12 for commercial space transportation activities:

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

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

15 “(iii) \$43,500,000 for fiscal year
16 2020.

17 “(iv) \$54,970,000 for fiscal year
18 2021.

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

20 “(vi) \$75,938,000 for fiscal year
21 2023.”.

22 (c) AUTHORITY TO TRANSFER FUNDS.—Section
23 106(k)(3) of title 49, United States Code, is amended by
24 striking “fiscal years 2012 through 2018,” and inserting
25 “fiscal years 2018 through 2023,”.

1 **SEC. 114. WEATHER REPORTING PROGRAMS.**

2 Section 48105 of title 49, United States Code, is
3 amended—

4 (1) by striking “To reimburse the” and all
5 that follows through “the Secretary of Transpor-
6 tation” and inserting “To sustain the aviation
7 weather reporting programs of the Federal Aviation
8 Administration, the Secretary of Transportation”;
9 and

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

11 “(4) \$39,000,000 for each of fiscal years 2019
12 through 2023.”.

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

14 Section 48112 of title 49, United States Code, and
15 the item relating to such section in the analysis for chap-
16 ter 481 of such title, are repealed.

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

18 Section 48114(a)(1)(A)(ii) of title 49, United States
19 Code, is amended by striking “in fiscal year 2014 and
20 each fiscal year thereafter” and inserting “in fiscal years
21 2014 through 2018”.

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

23 (a) MARSHALL ISLANDS, MICRONESIA, AND
24 PALAU.—Section 47115 of title 49, United States Code,
25 is amended—

26 (1) by striking subsection (i);

1 (2) by redesignating subsection (j) as sub-
2 section (i); and

3 (3) in subsection (i) (as so redesignated), by
4 striking “fiscal years 2012 through 2018” and in-
5 serting “fiscal years 2018 through 2023”.

6 (b) EXTENSION OF COMPATIBLE LAND USE PLAN-
7 NING AND PROJECTS BY STATE AND LOCAL GOVERN-
8 MENTS.—Section 47141(f) of title 49, United States Code,
9 is amended by striking “September 30, 2018” and insert-
10 ing “September 30, 2023”.

11 (c) MIDWAY ISLAND AIRPORT.—Section 186(d) of
12 the Vision 100—Century of Aviation Reauthorization Act
13 (Public Law 108–176; 117 Stat. 2518) is amended by
14 striking “for fiscal years 2012 through 2018” and insert-
15 ing “for fiscal years 2018 through 2023”.

16 (d) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
17 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
18 the FAA Modernization and Reform Act of 2012 (49
19 U.S.C. 47141 note) is amended by striking “September
20 30, 2018” and inserting “September 30, 2023”.

1 **Subtitle B—Passenger Facility**
2 **Charges**

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

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

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

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

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

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

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

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

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

24 (a) FUTURE AVIATION INFRASTRUCTURE AND FI-
25 NANCING STUDY.—Not later than 60 days after the date

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

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

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

24 (c) CONSIDERATIONS.—In carrying out the study, the
25 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
4 for 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
8 impact 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 eligi-
2 ble for the airport improvement program and the an-
3 nual 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
14 evaluate the infrastructure requirements of the large hub
15 airports identified in the FAA’s National Plan of Inte-
16 grated Airport Systems (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 infra-
23 structure requirements of the large hub airports rel-
24 ative to other commercial service airports;

1 (4) analyze how much funding from the airport
2 improvement program (AIP) has gone to meet the
3 requirements 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
10 date of enactment of this Act, the qualified organization
11 shall submit to the Secretary and the appropriate commit-
12 tees of Congress a report on the results of the study de-
13 scribed in subsection (a), including its findings and rec-
14 ommendations related to each item in subsections (c) and
15 (d).

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

20 **SEC. 123. INTERMODAL ACCESS PROJECTS.**

21 Not later than 6 months after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall, after consideration of all public com-
24 ments, publish in the Federal Register a final policy

1 amendment consistent with the notice published in the
2 Federal Register on May 3, 2016 (81 Fed. Reg. 26611).

3 **Subtitle C—Airport Improvement**
4 **Program Modifications**

5 **SEC. 131. GRANT ASSURANCES.**

6 Section 47107 of title 49, United States Code, is
7 amended—

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

12 (2) in subsection (r)(3), by striking “2018” and
13 inserting “2023”; and

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

15 “(u) CONSTRUCTION OF RECREATIONAL AIR-
16 CRAFT.—

17 “(1) IN GENERAL.—The construction of a cov-
18 ered aircraft shall be treated as an aeronautical ac-
19 tivity for purposes of—

20 “(A) determining an airport’s compliance
21 with a grant assurance made under this section
22 or any other provision of law; and

23 “(B) the receipt of Federal financial assist-
24 ance for airport development.

1 “(2) COVERED AIRCRAFT DEFINED.—In this
2 subsection, the term ‘covered aircraft’ means an air-
3 craft—

4 “(A) used or intended to be used exclu-
5 sively for recreational purposes; and

6 “(B) constructed or under construction by
7 a private individual at a general aviation air-
8 port.

9 “(v) COMMUNITY USE OF AIRPORT LAND.—

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

22 “(2) RESTRICTIONS.—This subsection shall
23 apply only—

24 “(A) to an agreement regarding airport
25 property that was initially entered into before

1 the publication of the Federal Aviation Admin-
2 istration’s Policy and Procedures Concerning
3 the Use of Airport Revenue, dated February
4 16, 1999;

5 “(B) if the agreement between the sponsor
6 and the local government is subordinate to any
7 existing or future agreements between the spon-
8 sor and the Secretary, including agreements re-
9 lated to a grant assurance under this section;

10 “(C) to airport property that was acquired
11 under a Federal airport development grant pro-
12 gram;

13 “(D) if the airport sponsor has provided a
14 written statement to the Administrator that the
15 property made available for a recreational pur-
16 pose will not be needed for any aeronautical
17 purpose during the next 10 years;

18 “(E) if the agreement includes a term of
19 not more than 2 years to prepare the airport
20 property for the interim compatible recreational
21 purpose and not more than 10 years of use for
22 that purpose;

23 “(F) if the recreational purpose will not
24 impact the aeronautical use of the airport;

1 “(G) if the airport sponsor provides a cer-
2 tification that the sponsor is not responsible for
3 preparation, start-up, operations, maintenance,
4 or any other costs associated with the rec-
5 reational purpose; and

6 “(H) if the recreational purpose is con-
7 sistent with Federal land use compatibility cri-
8 teria under section 47502.

9 “(3) STATUTORY CONSTRUCTION.—Nothing in
10 this subsection may be construed as permitting a di-
11 version of airport revenue for the capital or oper-
12 ating costs associated with the community use of
13 airport land.”.

14 **SEC. 132. MOTHERS’ ROOMS.**

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

18 “(w) MOTHERS’ ROOMS.—

19 “(1) IN GENERAL.—In fiscal year 2021 and
20 each fiscal year thereafter, the Secretary of Trans-
21 portation may approve an application under this
22 subchapter for an airport development project grant
23 only if the Secretary receives written assurances that
24 the airport owner or operator will maintain—

1 “(A) a lactation area in the sterile area of
2 each passenger terminal building of the airport;
3 and

4 “(B) a baby changing table in one men’s
5 and one women’s restroom in each passenger
6 terminal building of the airport.

7 “(2) APPLICABILITY.—

8 “(A) AIRPORT SIZE.—The requirement in
9 paragraph (1) shall only apply to applications
10 submitted by the airport sponsor of a medium
11 or large hub airport.

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

20 “(C) SPECIAL RULE.—The requirement in
21 paragraph (1) shall not apply with respect to a
22 project grant application for a period of time,
23 determined by the Secretary of Transportation,
24 if the Secretary determines that construction or
25 maintenance activities make it impracticable or

1 unsafe for the lactation area to be located in
2 the sterile area of the building.

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

4 “(A) ‘lactation area’ means a room or
5 similar accommodation that—

6 “(i) provides a location for members
7 of the public to express breast milk that is
8 shielded from view and free from intrusion
9 from the public;

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

11 “(iii) includes a place to sit, a table or
12 other flat surface, a sink or sanitizing
13 equipment, and an electrical outlet;

14 “(iv) is readily accessible to and usa-
15 ble by individuals with disabilities, includ-
16 ing individuals who use wheelchairs; and

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

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

21 (b) TERMINAL DEVELOPMENT COSTS.—Section
22 47119(a) of title 49, United States Code, is amended by
23 adding at the end the following:

24 “(3) LACTATION AREAS.—In addition to the
25 projects described in paragraph (1), the Secretary

1 may approve a project for terminal development for
2 the construction or installation of a lactation area
3 (as defined in section 47107(w)) at a commercial
4 service airport.”.

5 **SEC. 133. CONTRACT TOWER PROGRAM.**

6 (a) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

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

9 (A) by striking “under the program contin-
10 ued under this paragraph” and inserting
11 “under the Contract Tower Program”; and

12 (B) by striking “exceeds the benefit for a
13 period of 18 months after such determination is
14 made” and inserting the following: “exceeds the
15 benefit—

16 “(i) for the 1-year period after such
17 determination is made; or

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

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

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

1 (B) by adding at the end the following:
2 “Airports with air service provided under part
3 121 of title 14, Code of Federal Regulations,
4 and more than 25,000 passenger enplanements
5 in calendar year 2014 shall be exempt from any
6 cost-share requirement under this subpara-
7 graph.”.

8 (3) CONSTRUCTION OF AIR TRAFFIC CONTROL
9 TOWERS.—

10 (A) GRANTS.—Section 47124(b)(4)(A) of
11 title 49, United States Code, is amended in
12 each of clauses (i)(III) and (ii)(III) by inserting
13 “, including remote air traffic control tower
14 equipment certified by the Federal Aviation Ad-
15 ministration” after “1996”.

16 (B) ELIGIBILITY.—Section
17 47124(b)(4)(B)(i)(I) of title 49, United States
18 Code, is amended by striking “contract tower
19 program established under subsection (a) and
20 continued under paragraph (1) or the pilot pro-
21 gram established under paragraph (3)” and in-
22 serting “Contract Tower Program or the Cost-
23 share Program”.

1 (C) LIMITATION ON FEDERAL SHARE.—
2 Section 47124(b)(4) of title 49, United States
3 Code, is amended by striking subparagraph (C).

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

8 “(G) BENEFIT-TO-COST CALCULATION.—
9 Not later than 90 days after receiving an appli-
10 cation to the Contract Tower Program, the Sec-
11 retary shall calculate a benefit-to-cost ratio (as
12 described in subsection (d)) for the applicable
13 air traffic control tower for purposes of select-
14 ing towers for participation in the Contract
15 Tower Program.”.

16 (b) CRITERIA TO EVALUATE PARTICIPANTS.—Sec-
17 tion 47124 of title 49, United States Code, is amended
18 by adding at the end the following:

19 “(d) CRITERIA TO EVALUATE PARTICIPANTS.—

20 “(1) TIMING OF EVALUATIONS.—

21 “(A) TOWERS PARTICIPATING IN COST-
22 SHARE PROGRAM.—In the case of an air traffic
23 control tower that is operated under the Cost-
24 share Program, the Secretary shall annually

1 calculate a benefit-to-cost ratio with respect to
2 the tower.

3 “(B) TOWERS PARTICIPATING IN CON-
4 TRACT TOWER PROGRAM.—In the case of an air
5 traffic control tower that is operated under the
6 Contract Tower Program, the Secretary shall
7 not calculate a benefit-to-cost ratio after the
8 date of enactment of this subsection with re-
9 spect to the tower unless the Secretary deter-
10 mines that the annual aircraft traffic at the air-
11 port where the tower is located has decreased—

12 “(i) by more than 25 percent from the
13 previous year; or

14 “(ii) by more than 55 percent cumula-
15 tively in the preceding 3-year period.

16 “(2) COSTS TO BE CONSIDERED.—In estab-
17 lishing a benefit-to-cost ratio under this section with
18 respect to an air traffic control tower, the Secretary
19 shall consider only the following costs:

20 “(A) The Federal Aviation Administra-
21 tion’s actual cost of wages and benefits of per-
22 sonnel working at the tower.

23 “(B) The Federal Aviation Administra-
24 tion’s actual telecommunications costs directly
25 associated with the tower.

1 “(C) The Federal Aviation Administra-
2 tion’s costs of purchasing and installing any air
3 traffic control equipment that would not have
4 been purchased or installed except as a result of
5 the operation of the tower.

6 “(D) The Federal Aviation Administra-
7 tion’s actual travel costs associated with main-
8 taining air traffic control equipment that is
9 owned by the Administration and would not be
10 maintained except as a result of the operation
11 of the tower.

12 “(E) Other actual costs of the Federal
13 Aviation Administration directly associated with
14 the tower that would not be incurred except as
15 a result of the operation of the tower (excluding
16 costs for noncontract tower-related personnel
17 and equipment, even if the personnel or equip-
18 ment is located in the contract tower building).

19 “(3) OTHER CRITERIA TO BE CONSIDERED.—In
20 establishing a benefit-to-cost ratio under this section
21 with respect to an air traffic control tower, the Sec-
22 retary shall add a 10 percentage point margin of
23 error to the benefit-to-cost ratio determination to ac-
24 knowledge and account for the direct and indirect
25 economic and other benefits that are not included in

1 the criteria the Secretary used in calculating that
2 ratio.

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

8 “(A) The Secretary shall provide the air-
9 port (or the State or local government having
10 jurisdiction over the airport) at least 90 days
11 following the date of receipt of the determina-
12 tion to submit to the Secretary a request for an
13 appeal of the determination, together with up-
14 dated or additional data in support of the ap-
15 peal.

16 “(B) Upon receipt of a request for an ap-
17 peal submitted pursuant to subparagraph (A),
18 the Secretary shall—

19 “(i) transmit to the Administrator of
20 the Federal Aviation Administration any
21 updated or additional data submitted in
22 support of the appeal; and

23 “(ii) provide the Administrator not
24 more than 90 days to review the data and

1 provide a response to the Secretary based
2 on the review.

3 “(C) After receiving a response from the
4 Administrator pursuant to subparagraph (B),
5 the Secretary shall—

6 “(i) provide the airport, State, or local
7 government that requested the appeal at
8 least 30 days to review the response; and

9 “(ii) withhold from taking further ac-
10 tion in connection with the appeal during
11 that 30-day period.

12 “(D) If, after completion of the appeal pro-
13 cedures with respect to the determination, the
14 Secretary requires the tower to transition into
15 the Cost-share Program, the Secretary shall not
16 require a cost-share payment from the airport,
17 State, or local government for 1 year following
18 the last day of the 30-day period described in
19 subparagraph (C).

20 “(e) DEFINITIONS.—In this section:

21 “(1) CONTRACT TOWER PROGRAM.—The term
22 ‘Contract Tower Program’ means the level I air traf-
23 fic control tower contract program established under
24 subsection (a) and continued under subsection
25 (b)(1).

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

4 (c) CONFORMING AMENDMENTS.—Section 47124(b)
5 of title 49, United States Code, is amended—

6 (1) in paragraph (1)(C), by striking “the pro-
7 gram established under paragraph (3)” and insert-
8 ing “the Cost-share Program”;

9 (2) in paragraph (3)—

10 (A) in the heading, by striking “CONTRACT
11 AIR TRAFFIC CONTROL TOWER PROGRAM” and
12 inserting “COST-SHARE PROGRAM”;

13 (B) in subparagraph (A), by striking “con-
14 tract tower program established under sub-
15 section (a) and continued under paragraph (1)
16 (in this paragraph referred to as the ‘Contract
17 Tower Program’)” and inserting “Contract
18 Tower Program”;

19 (C) in subparagraph (B), by striking “In
20 carrying out the program” and inserting “In
21 carrying out the Cost-share Program”;

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

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

4 (d) APPROVAL OF CERTAIN APPLICATIONS FOR THE
5 CONTRACT TOWER PROGRAM.—

6 (1) IN GENERAL.—If the Administrator of the
7 Federal Aviation Administration has not imple-
8 mented a revised cost-benefit methodology for pur-
9 poses of determining eligibility for the Contract
10 Tower Program before the date that is 30 days after
11 the date of enactment of this Act, any airport with
12 an application for participation in the Contract
13 Tower Program pending as of January 1, 2017,
14 shall be approved for participation in the Contract
15 Tower Program if the Administrator determines the
16 tower is eligible under the criteria set forth in the
17 Federal Aviation Administration report entitled “Es-
18 tablishment and Discontinuance Criteria for Airport
19 Traffic Control Towers”, and dated August 1990
20 (FAA–APO–90–7).

21 (2) REQUESTS FOR ADDITIONAL AUTHORITY.—
22 The Administrator shall respond not later than 60
23 days after the date the Administrator receives a for-
24 mal request from an airport and air traffic control
25 contractor for additional authority to expand con-

1 tract tower operational hours and staff to accommo-
2 date flight traffic outside of current tower oper-
3 ational hours.

4 (3) DEFINITION OF CONTRACT TOWER PRO-
5 GRAM.—In this section, the term “Contract Tower
6 Program” has the meaning given the term in section
7 47124(e) of title 49, United States Code, as added
8 by this Act.

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

10 Section 47109(a) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (1), by striking “primary air-
13 port having at least .25 percent of the total number
14 of passenger boardings each year at all commercial
15 service airports;” and inserting “medium or large
16 hub airport;”; and

17 (2) by striking paragraph (5) and inserting the
18 following:

19 “(5) 95 percent for a project that—

20 “(A) the Administrator determines is a
21 successive phase of a multiphase construction
22 project for which the sponsor received a grant
23 in fiscal year 2011; and

24 “(B) for which the United States Govern-
25 ment’s share of allowable project costs would

1 otherwise be capped at 90 percent under para-
2 graph (2) or (3).”.

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

4 Section 47112(c)(1)(C) of title 49, United States
5 Code, is amended—

6 (1) by striking “or Operation New Dawn for
7 more” and inserting “Operation New Dawn, Oper-
8 ation Inherent Resolve, Operation Freedom’s Sen-
9 tinel, or any successor contingency operation to such
10 operations for more”; and

11 (2) by striking “or Operation New Dawn
12 (whichever is later)” and inserting “Operation New
13 Dawn, Operation Inherent Resolve, Operation Free-
14 dom’s Sentinel, or any successor contingency oper-
15 ation to such operations (whichever is later)”.

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

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

19 “(5) USE OF STATE HIGHWAY SPECIFICA-
20 TIONS.—The Secretary shall use the highway speci-
21 fications of a State for airfield pavement construc-
22 tion and improvement using funds made available
23 under this subsection at nonprimary airports serving
24 aircraft that do not exceed 60,000 pounds gross
25 weight if—

1 “(A) such State requests the use of such
2 specifications; and

3 “(B) the Secretary determines that—

4 “(i) safety will not be negatively af-
5 fected; and

6 “(ii) the life of the pavement, with
7 necessary maintenance and upkeep, will
8 not be shorter than it would be if con-
9 structed using Administration standards.”.

10 **SEC. 137. FORMER MILITARY AIRPORTS.**

11 Section 47118(a) of title 49, United States Code, is
12 amended—

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

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

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

18 “(3) the airport is—

19 “(A) a former military installation that, at
20 any time after December 31, 1965, was owned
21 and operated by the Department of Defense;
22 and

23 “(B) a nonhub primary airport.”.

1 **SEC. 138. ELIGIBILITY OF CCTV PROJECTS FOR AIRPORT**
2 **IMPROVEMENT PROGRAM.**

3 Section 47119(a)(1)(B) is amended—

4 (1) by striking “; and” at the end and inserting
5 “; or”;

6 (2) by striking “directly related to moving pas-
7 sengers” and inserting the following: “directly re-
8 lated to—

9 “(i) moving passengers”; and

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

11 “(ii) installing security cameras in the
12 public area of the interior and exterior of
13 the terminal; and”.

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

15 Section 47128(a) of title 49, United States Code, is
16 amended by striking “not more than 9 qualified States
17 for fiscal years 2000 and 2001 and 10 qualified States
18 for each fiscal year thereafter” and inserting “not more
19 than 20 qualified States for each fiscal year”.

20 **SEC. 140. NON-MOVEMENT AREA SURVEILLANCE PILOT**
21 **PROGRAM.**

22 (a) IN GENERAL.—Subchapter I of chapter 471 of
23 title 49, United States Code, is amended by inserting after
24 section 47142 the following:

1 **“§ 47143. Non-movement area surveillance surface**
2 **display systems pilot program**

3 “(a) IN GENERAL.—The Administrator of the Fed-
4 eral Aviation Administration may carry out a pilot pro-
5 gram to support non-Federal acquisition and installation
6 of qualifying non-movement area surveillance surface dis-
7 play systems and sensors if—

8 “(1) the Administrator determines that such
9 systems and sensors would improve safety or capac-
10 ity in the National Airspace System; and

11 “(2) the non-movement area surveillance sur-
12 face display systems and sensors supplement existing
13 movement area systems and sensors at the selected
14 airports established under other programs adminis-
15 tered by the Administrator.

16 “(b) PROJECT GRANTS.—

17 “(1) IN GENERAL.—For purposes of carrying
18 out the pilot program, the Administrator may make
19 a project grant out of funds apportioned under para-
20 graph (1) or paragraph (2) of section 47114(c) to
21 not more than 5 eligible sponsors to acquire and in-
22 stall qualifying non-movement area surveillance sur-
23 face display systems and sensors. The airports se-
24 lected to participate in the pilot program shall have
25 existing Administration movement area systems and
26 airlines that are participants in Federal Aviation

1 Administration’s airport collaborative decision-mak-
2 ing process.

3 “(2) DATA EXCHANGE PROCESSES.—As part of
4 the pilot program carried out under this section, the
5 Administrator may establish data exchange proc-
6 esses to allow airport participation in the Adminis-
7 tration’s airport collaborative decision-making proc-
8 ess and fusion of the non-movement surveillance
9 data with the Administration’s movement area sys-
10 tems.

11 “(c) SUNSET.—This section shall cease to be effective
12 on October 1, 2023.

13 “(d) DEFINITIONS.—In this section:

14 “(1) NON-MOVEMENT AREA.—The term ‘non-
15 movement area’ means the portion of the airfield
16 surface that is not under the control of air traffic
17 control.

18 “(2) NON-MOVEMENT AREA SURVEILLANCE
19 SURFACE DISPLAY SYSTEMS AND SENSORS.—The
20 term ‘non-movement area surveillance surface dis-
21 play systems and sensors’ means a non-Federal sur-
22 veillance system that uses on-airport sensors that
23 track vehicles or aircraft that are equipped with
24 transponders in the non-movement area.

1 “(3) QUALIFYING NON-MOVEMENT AREA SUR-
2 VEILLANCE SURFACE DISPLAY SYSTEM AND SEN-
3 SORS.—The term ‘qualifying non-movement area
4 surveillance surface display system and sensors’
5 means a non-movement area surveillance surface dis-
6 play system that—

7 “(A) provides the required transmit and
8 receive data formats consistent with the Na-
9 tional Airspace System architecture at the ap-
10 propriate service delivery point;

11 “(B) is on-airport; and

12 “(C) is airport operated.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
14 The table of contents of chapter 471 of title 49, United
15 States Code, is amended by inserting after the item relat-
16 ing to section 47142 the following:

 “47143. Non-movement area surveillance surface display systems pilot pro-
 gram.”.

17 **SEC. 141. PROPERTY CONVEYANCE RELEASES.**

18 Section 817(a) of the FAA Modernization and Re-
19 form Act of 2012 (49 U.S.C. 47125 note) is amended—

20 (1) by striking “or section 23” and inserting “,
21 section 23”; and

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

1 **SEC. 142. STUDY REGARDING TECHNOLOGY USAGE AT AIR-**
2 **PORTS.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall initiate a study
6 on—

7 (1) technology developed by international enti-
8 ties (including foreign nations and companies) that
9 have been installed in American airports and avia-
10 tion systems over the past decade, including the na-
11 tion where the technology was developed and any
12 airports utilizing the technology; and

13 (2) aviation safety-related technology developed
14 and implemented by international entities with prov-
15 en track records of success that may assist in estab-
16 lishing best practices to improve American aviation
17 operations and safety.

18 (b) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Administrator shall sub-
20 mit to the appropriate committees of Congress a report
21 on the results of the study.

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

23 (a) STUDY.—Not later than 180 days after the date
24 of enactment of this Act, the Comptroller General of the
25 United States shall initiate a study of—

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

6 (2) measures that may be taken to mitigate the
7 impact of repealing the exception.

8 (b) CONTENTS.—The study required under sub-
9 section (a) shall address—

10 (1) the level of revenue diversion at the airports
11 covered by the exception described in subsection
12 (a)(1) and the uses of the diverted revenue;

13 (2) the terms of any bonds or financial cov-
14 enants an airport owner has issued relying on di-
15 verted airport revenue;

16 (3) applicable local laws or ordinances requiring
17 use of airport revenue for nonairport purposes;

18 (4) whether repealing the exception would im-
19 prove the long-term financial performance of im-
20 pacted airports; and

21 (5) any other practical implications of repealing
22 the exception for airports or the national aviation
23 system.

24 (c) REPORT.—Not later than 18 months after the
25 date of enactment of this Act, the Comptroller General

1 ments of aircraft turnaround for on-time boarding and
2 flights. The purpose of the initiative is to invest in tech-
3 nologies and infrastructure toward better-connected air-
4 ports while providing appropriate national security and cy-
5 bersecurity for travelers.

6 **SEC. 146. CRITICAL AIRFIELD MARKINGS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Administrator of the Federal Aviation Ad-
9 ministration shall issue a request for proposal for a study
10 that includes—

11 (1) an independent, third-party study to assess
12 the durability of Type III and Type I glass beads
13 applied to critical markings over a 2-year period at
14 not fewer than 2 primary airports in varying weath-
15 er conditions to measure the retroreflectivity levels
16 of such markings on a quarterly basis; and

17 (2) a study at 2 other airports carried out by
18 applying Type III glass beads on half of the center-
19 line and Type I glass beads to the other half and
20 providing for assessments from pilots through sur-
21 veys administered by a third party as to the visibility
22 and performance of the Type III glass beads as com-
23 pared to the Type I glass beads over a 1-year period.

1 **SEC. 147. GENERAL FACILITIES AUTHORITY.**

2 Section 44502 of title 49, United States Code, is
3 amended—

4 (1) by striking subsection (e) and inserting the
5 following:

6 “(e) TRANSFERS OF AIR TRAFFIC SYSTEMS.—

7 “(1) IN GENERAL.—An airport may transfer,
8 without consideration, to the Administrator of the
9 Federal Aviation Administration, an eligible air traf-
10 fic system or equipment that conforms to perform-
11 ance specifications of the Administrator if a Govern-
12 ment airport aid program, airport development aid
13 program, or airport improvement project grant was
14 used to assist in purchasing the system or equip-
15 ment.

16 “(2) ACCEPTANCE.—The Administrator shall
17 accept the eligible air traffic system or equipment
18 and operate and maintain it under criteria of the
19 Administrator.

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

22 “(A) an instrument landing system con-
23 sisting of a glide slope and localizer (if the Ad-
24 ministrator has determined that a satellite navi-
25 gation system cannot provide a suitable ap-
26 proach to an airport);

1 “(B) an Automated Weather Observing
2 System weather observation system; or

3 “(C) a Remote Communication Air/Ground
4 and Remote Communication Outlet communica-
5 tions facility.”; and

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

7 “(f) AIRPORT SPACE.—

8 “(1) RESTRICTION.—The Administrator may
9 not require an airport owner or sponsor (as defined
10 in section 47102) to provide to the Federal Aviation
11 Administration without cost any of the following:

12 “(A) Building construction, maintenance,
13 utilities, or expenses for services relating to air
14 traffic control, air navigation, or weather re-
15 porting.

16 “(B) Space in a facility owned by the air-
17 port owner or sponsor for services relating to
18 air traffic control, air navigation, or weather re-
19 porting.

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

22 “(A) any agreement the Secretary may
23 have or make with an airport owner or sponsor
24 for the airport owner or sponsor to provide any

1 of the items described in paragraph (1)(A) or
2 (1)(B) at below-market rates; or

3 “(B) any grant assurance that requires an
4 airport owner or sponsor to provide land to the
5 Administration without cost for an air traffic
6 control facility.”.

7 **SEC. 148. RECYCLING PLANS; UNCATEGORIZED SMALL AIR-**
8 **PORTS.**

9 (a) PROJECT GRANT APPLICATION APPROVAL.—Sec-
10 tion 47106(a) of title 49, United States Code, is amend-
11 ed—

12 (1) in paragraph (5), by striking “and” at the
13 end;

14 (2) in paragraph (6), by inserting “that in-
15 cludes the project” before “, the master plan”;

16 (3) in paragraph (6)(E), by striking the period
17 at the end and inserting “; and”; and

18 (4) by adding at the end the following:

19 “(7) if the project is at an airport that is listed
20 as having an unclassified status under the most re-
21 cent national plan of integrated airport systems (as
22 described in section 47103), the project will be fund-
23 ed with an amount appropriated under section
24 47114(d)(3)(B) and is—

1 “(A) for maintenance of the pavement of
2 the primary runway;

3 “(B) for obstruction removal for the pri-
4 mary runway;

5 “(C) for the rehabilitation of the primary
6 runway; or

7 “(D) for a project that the Secretary con-
8 sidered necessary for the safe operation of the
9 airport.”.

10 (b) NONPRIMARY APPORTIONMENT.—Section
11 47114(d)(3) of title 49, United States Code, is amended
12 by adding at the end the following:

13 “(C) During fiscal years 2019 and 2020—

14 “(i) an airport that accrued appor-
15 tionment funds under subparagraph (A) in
16 fiscal year 2013 that is listed as having an
17 unclassified status under the most recent
18 national plan of integrated airport systems
19 shall continue to accrue apportionment
20 funds under subparagraph (A) at the same
21 amount the airport accrued apportionment
22 funds in fiscal year 2013, subject to the
23 conditions of this paragraph;

24 “(ii) notwithstanding the period of
25 availability as described in section

1 47117(b), an amount apportioned to an
2 airport under clause (i) shall be available
3 to the airport only during the fiscal year in
4 which the amount is apportioned; and

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

12 “(D) An airport that re-establishes its
13 classified status shall be eligible to accrue ap-
14 portionment funds pursuant to subparagraph
15 (A) so long as such airport retains its classified
16 status.”.

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

18 Section 47106 of title 49, United States Code, is fur-
19 ther amended by adding at the end the following:

20 “(h) EVALUATION OF AIRPORT MASTER PLANS.—
21 When evaluating the master plan of an airport for pur-
22 poses of this subchapter, the Secretary shall take into ac-
23 count—

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

1 “(2) the role the airport plays in emergency or
2 disaster preparedness in the community served by
3 the airport.”.

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

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

7 “(1) ‘small business concern’—

8 “(A) has the meaning given the term in
9 section 3 of the Small Business Act (15 U.S.C.
10 632); but

11 “(B) in the case of a concern in the con-
12 struction industry, a concern shall be consid-
13 ered a small business concern if the concern
14 meets the size standard for the North American
15 Industry Classification System Code 237310, as
16 adjusted by the Small Business Administra-
17 tion;”.

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

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

22 “(F) SPECIAL RULE FOR FISCAL YEARS
23 2018 THROUGH 2020.—Notwithstanding sub-
24 paragraph (A) and subject to subparagraph
25 (G), the Secretary shall apportion to a sponsor

1 of an airport under that subparagraph for each
2 of fiscal years 2018 through 2020 an amount
3 based on the number of passenger boardings at
4 the airport during calendar year 2012 if the
5 airport—

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

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

13 “(iii) had scheduled air service at any
14 point in the calendar year used to calculate
15 the apportionment.

16 “(G) LIMITATIONS AND WAIVERS.—The
17 authority to make apportionments in the man-
18 ner prescribed in subparagraph (F) may be uti-
19 lized no more than 3 years in a row. The Sec-
20 retary may waive this limitation if the Secretary
21 determines that an airport’s enplanements are
22 substantially close to 10,000 enplanements and
23 the airport sponsor or affected communities are
24 taking reasonable steps to restore enplanements
25 above 10,000.

1 “(H) MINIMUM APPORTIONMENT FOR
2 COMMERCIAL SERVICE AIRPORTS WITH MORE
3 THAN 8,000 PASSENGER BOARDINGS IN A CAL-
4 ENDAR YEAR.—Not less than \$600,000 may be
5 apportioned under subparagraph (A) for each
6 fiscal year to each sponsor of a commercial
7 service airport that had fewer than 10,000 pas-
8 senger boardings, but at least 8,000 passenger
9 boardings, during the prior calendar year.”.

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

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

13 “(3) CONTROL TOWER CONSTRUCTION.—Not-
14 withstanding section 47124(b)(4)(A), the Secretary
15 may provide grants under this section to an airport
16 sponsor participating in the contract tower program
17 under section 47124 for the construction or improve-
18 ment of a nonapproach control tower, as defined by
19 the Secretary, and for the acquisition and installa-
20 tion of air traffic control, communications, and re-
21 lated equipment to be used in that tower. Such
22 grants shall be subject to the distribution require-
23 ments of subsection (b) and the eligibility require-
24 ments of section 47124(b)(4)(B).”.

1 **SEC. 153. NONDISCRIMINATION.**

2 Section 47123 of title 49, United States Code, is
3 amended—

4 (1) by striking “The Secretary of Transpor-
5 tation” and inserting the following:

6 “(a) IN GENERAL.—The Secretary of Transpor-
7 tation”; and

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

9 “(b) INDIAN EMPLOYMENT.—

10 “(1) TRIBAL SPONSOR PREFERENCE.—Con-
11 sistent with section 703(i) of the Civil Rights Act of
12 1964 (42 U.S.C. 2000e–2(i)), nothing in this section
13 shall preclude the preferential employment of Indi-
14 ans living on or near a reservation on a project or
15 contract at—

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

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

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

24 “(3) IMPLEMENTATION.—The Secretary shall
25 consult with Indian tribal governments and cooper-
26 ate with the States to implement this subsection.

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

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

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

9 “(2) AIRPORT DEVELOPMENT FOR ELIGIBLE
10 MOUNTAIN TOP AIRPORTS.—In making grants to
11 sponsors described in subsection (b), the Secretary
12 shall give priority consideration to mass grading and
13 associated structural support (including access road,
14 duct banks, and other related infrastructure) at
15 mountaintop airports, provided that the airport
16 would not otherwise have sufficient surface area
17 for—

18 “(A) eligible and justified airport develop-
19 ment projects; or

20 “(B) additional hangar space.”.

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

22 Section 47117(b) of title 49, United States Code, is
23 amended—

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

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

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

5 “(2) EXPIRED AMOUNTS APPORTIONED FOR
6 GENERAL AVIATION AIRPORTS.—

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

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

21 “(ii) amounts made available under
22 paragraph (2)(A) that are not obligated by
23 July 1 of the fiscal year in which the funds
24 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
18 projects so that projects to be carried out in the States
19 in which the weather during a typical calendar year pre-
20 vents major construction projects from being carried out
21 before May 1 are reviewed as early as possible.

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

1 (c) TECHNICAL AMENDMENT.—Section 154 of the
2 FAA Modernization and Reform Act of 2012 (49 U.S.C.
3 47112 note) and the item relating to that section in the
4 table of contents under section 1(b) of that Act (126 Stat.
5 13) are 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), discrimina-
13 tion and related barriers continue to pose significant
14 obstacles for minority- and women-owned businesses
15 seeking to do business in airport-related markets
16 across the Nation. These continuing barriers merit
17 the continuation of the airport disadvantaged busi-
18 ness enterprise program.

19 (2) Congress has received and reviewed testi-
20 mony and documentation of race and gender dis-
21 crimination from numerous sources, including con-
22 gressional hearings and roundtables, scientific re-
23 ports, reports issued by public and private agencies,
24 news stories, reports of discrimination by organiza-
25 tions and individuals, and discrimination lawsuits.

1 This testimony and documentation shows that race-
2 and gender-neutral efforts alone are insufficient to
3 address the problem.

4 (3) This testimony and documentation dem-
5 onstrates that discrimination across the Nation
6 poses a barrier to full and fair participation in air-
7 port-related businesses of women business owners
8 and minority business owners in the racial groups
9 detailed in parts 23 and 26 of title 49, Code of Fed-
10 eral Regulations, and has impacted firm develop-
11 ment and many aspects of airport-related business
12 in the public and private markets.

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

20 (b) PROMPT PAYMENTS.—

21 (1) REPORTING OF COMPLAINTS.—Not later
22 than 120 days after the date of enactment of this
23 Act, the Administrator of the Federal Aviation Ad-
24 ministration shall ensure that each airport that par-
25 ticipates in the Program tracks, and reports to the

1 Administrator, the number of covered complaints
2 made in relation to activities at that airport.

3 (2) IMPROVING COMPLIANCE.—

4 (A) IN GENERAL.—The Administrator
5 shall take actions to assess and improve compli-
6 ance with prompt payment requirements under
7 part 26 of title 49, Code of Federal Regula-
8 tions.

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

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

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

17 (iii) the processes by which covered
18 complaints are received and resolved by
19 airports;

20 (iv) whether improvements need to be
21 made to—

22 (I) better track covered com-
23 plaints received by airports; and

24 (II) assist the resolution of cov-
25 ered complaints in a timely manner;

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

5 (vi) whether changes to prime con-
6 tractor specifications need to be made to
7 ensure prompt payment of retainage to
8 subcontractors.

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 com-
13 pleted under this paragraph, including a plan to
14 respond to such results.

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

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

22 (B) PROGRAM.—The term “Program”
23 means the airport disadvantaged business en-
24 terprise program referenced in section 140(a) of

1 the FAA Modernization and Reform Act of
2 2012 (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 estab-
8 lish a program to provide grants, subject to the con-
9 ditions of this subsection, for any purpose for which
10 amounts are made available under section 48103
11 that the Secretary considers most appropriate to
12 carry out this 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 Sec-
18 retary’s discretionary fund under subsection (a)
19 of this section.

20 “(B) EXCEPTION.—Except as otherwise
21 provided in this subsection, grants made under
22 this subsection shall not be subject to sub-
23 section (c), section 47117(e), or any other ap-
24 portionment formula, special apportionment

1 category, or minimum percentage set forth in
2 this chapter.

3 “(3) ELIGIBILITY.—The Secretary may provide
4 grants under this subsection only for projects—

5 “(A) at a nonprimary airport that—

6 “(i) is classified as a regional, local,
7 or basic airport, as determined using the
8 Department of Transportation’s most re-
9 cently published classification; and

10 “(ii) is not located within a Metropoli-
11 tan Statistical Area (as defined by the Of-
12 fice of Management and Budget);

13 “(B) at a nonhub, small hub, or medium
14 hub airport; or

15 “(C) at an airport receiving an exemption
16 under section 47134.

17 “(4) FEDERAL SHARE.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Government’s share of
20 allowable project costs under this subsection is
21 80 percent.

22 “(B) SUBMISSION.—In applying for a
23 grant under this subsection, an airport sponsor
24 that proposes a lower Government share of al-
25 lowable project costs than the share specified in

1 subparagraph (A) shall receive priority com-
2 mensurate with the reduction in such share.
3 Projects shall receive equal priority consider-
4 ation if such project—

5 “(i) has a proposed Government cost
6 share of 50 percent or less; or

7 “(ii) is at an airport receiving an ex-
8 emption under section 47134.

9 “(5) AUTHORIZATION.—

10 “(A) IN GENERAL.—There is authorized to
11 be appropriated to the Secretary to carry out
12 this subsection the following amounts:

13 “(i) \$1,020,000,000 for fiscal year
14 2019.

15 “(ii) \$1,041,000,000 for fiscal year
16 2020.

17 “(iii) \$1,064,000,000 for fiscal year
18 2021.

19 “(iv) \$1,087,000,000 for fiscal year
20 2022.

21 “(v) \$1,110,000,000 for fiscal year
22 2023.

23 “(B) AVAILABILITY.—Sums authorized to
24 be appropriated under subparagraph (A) shall
25 remain available for 2 fiscal years.”.

1 **SEC. 159. STATE TAXATION.**

2 (a) IN GENERAL.—Section 40116(d)(2)(A) of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 “(v) except as otherwise provided under section
6 47133, levy or collect a tax, fee, or charge, first tak-
7 ing effect after the date of enactment of this clause,
8 upon any business located at a commercial service
9 airport or operating as a permittee of such an air-
10 port that is not generally imposed on sales or serv-
11 ices by that State, political subdivision, or authority
12 unless wholly utilized for airport or aeronautical pur-
13 poses.”.

14 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion or an amendment made by this section shall affect
16 a change to a rate or other provision of a tax, fee, or
17 charge under section 40116 of title 49, United States
18 Code, that was enacted prior to the date of enactment of
19 this Act. Such provision of a tax, fee, or charge shall con-
20 tinue to be subject to the requirements to which such pro-
21 vision was subject under that section as in effect on the
22 day before the date of enactment of this Act.

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

24 (a) IN GENERAL.—Section 47134 of title 49, United
25 States Code, is amended—

1 (1) by striking the section heading and insert-
2 ing “**Airport investment partnership pro-**
3 **gram**”;

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

6 (3) in subsection (b)(2), by striking “The Sec-
7 retary may grant an exemption to a sponsor” and
8 inserting “If the Secretary grants an exemption to
9 a sponsor pursuant to paragraph (1), the Secretary
10 shall grant an exemption to the sponsor”;

11 (4) in subsection (b)(3), by striking “The Sec-
12 retary may grant an exemption to a purchaser or
13 lessee” and inserting “If the Secretary grants an ex-
14 emption to a sponsor pursuant to paragraph (1), the
15 Secretary shall grant an exemption to the cor-
16 responding purchaser or lessee”;

17 (5) by amending subsection (d) to read as fol-
18 lows:

19 “(d) PROGRAM PARTICIPATION.—

20 “(1) MULTIPLE AIRPORTS.—The Secretary may
21 consider applications under this section submitted by
22 a public airport sponsor for multiple airports under
23 the control of the sponsor if all airports under the
24 control of the sponsor are located in the same State.

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

4 (6) by striking subsections (l) and (m) and in-
5 serting the following:

6 “(l) PREDEVELOPMENT LIMITATION.—A grant to an
7 airport sponsor under this subchapter for predevelopment
8 planning costs relating to the preparation of an applica-
9 tion or proposed application under this section may not
10 exceed \$750,000 per application or proposed application.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 471 of title 49, United States Code, is amended by
13 striking the item relating to section 47134 and inserting
14 the following:

 “47134. Airport investment partnership program.”.

15 **SEC. 161. REMOTE TOWER PILOT PROGRAM FOR RURAL**
16 **AND SMALL COMMUNITIES.**

17 (a) PILOT PROGRAM.—

18 (1) ESTABLISHMENT.—The Administrator of
19 the Federal Aviation Administration shall estab-
20 lish—

21 (A) in consultation with airport operators
22 and other aviation stakeholders, a pilot program
23 at public-use airports to construct and operate
24 remote towers in order to assess their oper-
25 ational benefits;

1 (B) a selection process for participation in
2 the pilot program; and

3 (C) a clear process for the safety and oper-
4 ational certification of the remote towers.

5 (2) SAFETY CONSIDERATIONS.—

6 (A) SAFETY RISK MANAGEMENT PANEL.—

7 Prior to the operational use of a remote tower
8 under the pilot program established in sub-
9 section (a), the Administrator shall convene a
10 safety risk management panel for the tower to
11 address any safety issues with respect to the
12 tower. The panels shall be created and utilized
13 in a manner similar to that of the safety risk
14 management panels previously convened for re-
15 mote towers and shall take into account exist-
16 ing best practices and operational data from ex-
17 isting remote towers in the United States.

18 (B) CONSULTATION.—In establishing the
19 pilot program, the Administrator shall consult
20 with operators of remote towers in the United
21 States and foreign countries to design the pilot
22 program in a manner that leverages as many
23 safety and airspace efficiency benefits as pos-
24 sible.

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

6 (4) PROGRAM DESIGN.—In designing the pilot
7 program, the Administrator shall—

8 (A) to the maximum extent practicable, en-
9 sure that at least 2 different vendors of remote
10 tower systems participate;

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

15 (C) implement processes necessary to col-
16 lect the information and data identified in sub-
17 paragraph (B);

18 (D) develop criteria, in addition to consid-
19 ering possible selection criteria in paragraph
20 (5), for the selection of airports that will best
21 assist the Administrator in evaluating the feasi-
22 bility, safety, costs, and benefits of remote tow-
23 ers, including the amount and variety of air
24 traffic at an airport; and

1 (E) prioritize the selection of airports that
2 can best demonstrate the capabilities and bene-
3 fits of remote towers, including applicants pro-
4 posing to operate multiple remote towers from
5 a single facility.

6 (5) SELECTION CRITERIA FOR CONSIDER-
7 ATION.—In selecting airports for participation in the
8 pilot program, the Administrator, after consultation
9 with representatives of labor organizations rep-
10 resenting operators and employees of the air traffic
11 control system, shall consider for participation in the
12 pilot program—

13 (A) 1 nonhub airport;

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

17 (C) 1 airport that participates in the Con-
18 tract Tower Program; and

19 (D) 1 airport selected at the discretion of
20 the Administrator.

21 (6) DATA.—The Administrator shall clearly
22 identify and collect air traffic control information
23 and data from participating airports that will assist
24 the Administrator in evaluating the feasibility, safe-
25 ty, costs, and benefits of remote towers.

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

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

8 (B) evaluating the feasibility of using re-
9 mote towers, particularly in the Contract Tower
10 Program, for airports without an air traffic
11 control tower, to improve safety at airports with
12 towers, or to reduce costs without impacting
13 safety at airports with or without existing tow-
14 ers.

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

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
23 49, 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
9 “public-use airport” have the meanings given
10 such terms in section 47102 of title 49, United
11 States Code.

12 (10) SUNSET.—This subsection, including the
13 report required under paragraph (8), shall not be in
14 effect after September 30, 2023.

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

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
13 of a storage facility to shelter snow removal equip-
14 ment or aircraft rescue and firefighting equipment
15 that is owned by an airport sponsor and used exclu-
16 sively to maintain safe airfield operations, up to the
17 facility size necessary to accommodate the types and
18 quantities of equipment prescribed by the FAA, re-
19 gardless of whether Federal funding was used to ac-
20 quire the 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
3 exclusively used for clearing airfield pavement
4 of 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 Na-
11 tional Oceanic and Atmospheric Administration
12 Summary of Monthly Normals 1981–2010 ex-
13 ceeds 26 inches.

14 (D) The airport serves as a base for a
15 medical air ambulance transport aircraft.

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

21 (F) No funding under this section will be
22 used for any portion of the storage facility de-
23 signed to shelter maintenance and operations
24 equipment that are not required for clearing
25 airfield 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 Sep-
5 tember 30, 2020.

6 (H) The area of the storage facility, or
7 portion thereof, to be funded under this sub-
8 section 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
11 of 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 road-
15 ways of not more than the 2 closest census des-
16 igned 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
7 to—

8 (1) any regulation ensuring—

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

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

18 (C) that the airport pays not more than
19 fair market value in the context of a commer-
20 cial transaction for the acquisition of land or
21 facilities on such land;

22 (2) any regulation imposed with respect to land
23 or a facility acquired or modified using Federal
24 funding; or

25 (3) any authority contained in—

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

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

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

11 (d) AMENDMENTS TO AIRPORT LAYOUT PLANS.—
12 Section 47107(a)(16) of title 49, United States Code, is
13 amended—

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
18 (or any subsequent revision to the plan) that
19 materially impact the safe and efficient oper-
20 ation of aircraft at, to, or from the airport or
21 that would adversely affect the safety of people
22 or property on the ground adjacent to the air-
23 port as a result of aircraft operations, or that
24 adversely affect the value of prior Federal in-
25 vestments to a significant 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”; 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
12 inserting “when an alteration in the airport or its
13 facility is made that is within the scope of the Sec-
14 retary’s review and approval authority as set forth
15 in subparagraph (B), and does not conform with the
16 portions of the plan approved by the Secretary, and
17 the Secretary decides that the alteration adversely
18 affects the safety, utility, or efficiency of aircraft op-
19 erations, or of any property on or off the airport
20 that is owned, leased, or financed by the Govern-
21 ment, then the owner or operator will, if requested
22 by the Secretary”.

1 **SEC. 164. SEASONAL AIRPORTS.**

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

5 “(I) SEASONAL AIRPORTS.—If the Sec-
6 retary determines that a commercial service air-
7 port with at least 8,000 passenger boardings re-
8 ceives scheduled air carrier service for fewer
9 than 6 months in the calendar year used to cal-
10 culate apportionments to airport sponsors in a
11 fiscal year, then the Secretary shall consider the
12 airport to be a nonhub primary airport for pur-
13 poses of this chapter.”.

14 **SEC. 165. AMENDMENTS TO DEFINITIONS.**

15 Section 47102 of title 49, United States Code, is
16 amended—

17 (1) in paragraph (3)—

18 (A) in subparagraph (K), by striking
19 “7505a) and if such project will result in an
20 airport receiving appropriate” and inserting
21 “7505a)) and if the airport would be able to re-
22 ceive”;

23 (B) by striking subparagraph (L) and in-
24 serting the following:

25 “(L) a project by a commercial service air-
26 port for the acquisition of airport-owned vehi-

1 cles or ground support equipment equipped with
2 low-emission technology if the airport is located
3 in an air quality nonattainment or maintenance
4 area (as defined in sections 171(2) and 175A of
5 the Clean Air Act (42 U.S.C. 7501(2); 7505a)),
6 if the airport would be able to receive appro-
7 priate emission credits (as described in section
8 47139), and the vehicles are;

9 “(i) used exclusively on airport prop-
10 erty; or

11 “(ii) used exclusively to transport pas-
12 sengers and employees between the airport
13 and the airport’s consolidated rental car
14 facility or an intermodal surface transpor-
15 tation facility adjacent to the airport”; and

16 (C) by adding at the end the following:

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

1 microgrid (as defined in section 641 of the
2 United States Energy Storage Competitiveness
3 Act of 2007 (42 U.S.C. 17231)).

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

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

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

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

18 **SEC. 166. PILOT PROGRAM SUNSETS.**

19 (a) IN GENERAL.—Sections 47136 and 47140 of title
20 49, United States Code, are repealed.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Sections 47136a and 47140a of title 49,
23 United States Code, are redesignated as sections
24 47136 and 47140, respectively.

1 (2) Section 47139 of title 49, United States
2 Code, is amended—

3 (A) by striking subsection (e); and

4 (B) by redesignating subsection (d) as sub-
5 section (e).

6 (c) CLERICAL AMENDMENTS.—The analysis for
7 chapter 471 of title 49, United States Code, is amended—

8 (1) by striking the items relating to sections
9 47136, 47136a, 47140, and 47140a;

10 (2) by inserting after the item relating to sec-
11 tion 47135 the following:

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

12 (3) by inserting after the item relating to sec-
13 tion 47139 the following:

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

14 **SEC. 167. BUY AMERICA REQUIREMENTS.**

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

21 (1) make publicly available, in an easily identifi-
22 able location on the website of the Department of
23 Transportation, a detailed written justification of
24 the waiver determination; and

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

3 (b) ANNUAL REPORT.—For each fiscal year, the Sec-
4 retary shall submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives and
6 the Committee on Commerce, Science, and Transportation
7 of the Senate a report on waivers issued under section
8 50101 of title 49, United States Code, during the fiscal
9 year.

10 **Subtitle D—Airport Noise and**
11 **Environmental Streamlining**

12 **SEC. 171. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EF-**
13 **FICIENCY ASSESSMENTS.**

14 (a) COST REIMBURSEMENTS.—Section 47140(a) of
15 title 49, United States Code, as so redesignated, is amend-
16 ed by striking “airport.” and inserting “airport, and to
17 reimburse the airport sponsor for the costs incurred in
18 conducting the assessment.”.

19 (b) SAFETY PRIORITY.—Section 47140(b)(2) of title
20 49, United States Code, as so redesignated, is amended
21 by inserting “, including a certification that no safety
22 projects are being be deferred by requesting a grant under
23 this section,” after “an application”.

1 **SEC. 172. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE**

2 **2 AIRCRAFT.**

3 (a) IN GENERAL.—Notwithstanding chapter 475 of
4 title 49, United States Code, not later than 180 days after
5 the date of enactment of this Act, the Administrator of
6 the Federal Aviation Administration shall initiate a pilot
7 program to permit 1 or more operators of a stage 2 air-
8 craft to operate that aircraft in nonrevenue service into
9 not more than 4 medium hub airports or nonhub airports
10 if—

11 (1) the airport—

12 (A) is certified under part 139 of title 14,
13 Code of Federal Regulations;

14 (B) has a runway that—

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

17 (ii) is load bearing with a pavement
18 classification number of not less than 38;
19 and

20 (C) has a maintenance facility with a
21 maintenance certificate issued under part 145
22 of such title; and

23 (2) the operator of the stage 2 aircraft operates
24 not more than 10 flights per month using that air-
25 craft.

1 (b) TERMINATION.—The pilot program shall termi-
2 nate on the earlier of—

3 (1) the date that is 10 years after the date of
4 the enactment of this Act; or

5 (2) the date on which the Administrator deter-
6 mines that no stage 2 aircraft remain in service.

7 (c) DEFINITIONS.—In this section:

8 (1) MEDIUM HUB AIRPORT; NONHUB AIR-
9 PORT.—The terms “medium hub airport” and
10 “nonhub airport” have the meanings given those
11 terms in section 40102 of title 49, United States
12 Code.

13 (2) STAGE 2 AIRCRAFT.—The term “stage 2
14 aircraft” has the meaning given the term “stage 2
15 airplane” in section 91.851 of title 14, Code of Fed-
16 eral Regulations (as in effect on the day before the
17 date of the enactment of this Act).

18 **SEC. 173. ALTERNATIVE AIRPLANE NOISE METRIC EVALUA-**
19 **TION DEADLINE.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Administrator of the Federal Aviation Ad-
22 ministration shall complete the ongoing evaluation of al-
23 ternative metrics to the current Day Night Level (DNL)
24 65 standard.

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

2 Section 47503(b) of title 49, United States Code, is
3 amended to read as follows:

4 “(b) REVISED MAPS.—

5 “(1) IN GENERAL.—An airport operator that
6 submitted a noise exposure map under subsection
7 (a) shall submit a revised map to the Secretary if,
8 in an area surrounding an airport, a change in the
9 operation of the airport would establish a substantial
10 new noncompatible use, or would significantly reduce
11 noise over existing noncompatible uses, that is not
12 reflected in either the existing conditions map or
13 forecast map currently on file with the Federal Avia-
14 tion Administration.

15 “(2) TIMING.—A submission under paragraph
16 (1) shall be required only if the relevant change in
17 the operation of the airport occurs during—

18 “(A) the forecast period of the applicable
19 noise exposure map submitted by an airport op-
20 erator under subsection (a); or

21 “(B) the implementation period of the air-
22 port operator’s noise compatibility program.”.

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

24 When proposing a new area navigation departure pro-
25 cedure, or amending an existing procedure that would di-
26 rect aircraft between the surface and 6,000 feet above

1 ground level over noise sensitive areas, the Administrator
2 of the Federal Aviation Administration shall consider the
3 feasibility of dispersal headings or other lateral track vari-
4 ations to address community noise concerns, if—

5 (1) the affected airport operator, in consulta-
6 tion with the affected community, submits a request
7 to the Administrator for such a consideration;

8 (2) the airport operator's request would not, in
9 the judgment of the Administrator, conflict with the
10 safe and efficient operation of the national airspace
11 system; and

12 (3) the effect of a modified departure procedure
13 would not significantly increase noise over noise sen-
14 sitive areas, as determined by the Administrator.

15 **SEC. 176. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**
16 **PROJECTS LOCATED IN METROPLEXES.**

17 (a) **COMMUNITY INVOLVEMENT POLICY.**—Not later
18 than 180 days after the date of enactment of this Act,
19 the Administrator of the Federal Aviation Administration
20 shall complete a review of the Federal Aviation Adminis-
21 tration's community involvement practices for Next Gen-
22 eration Air Transportation System (NextGen) projects lo-
23 cated in metroplexes identified by the Administration. The
24 review shall include, at a minimum, a determination of

1 how and when to engage airports and communities in per-
2 formance-based navigation proposals.

3 (b) REPORT.—Not later than 60 days after comple-
4 tion of the review, the Administrator shall submit to the
5 appropriate committees of Congress a report on—

6 (1) how the Administration will improve com-
7 munity involvement practices for NextGen projects
8 located in metroplexes;

9 (2) how and when the Administration will en-
10 gage airports and communities in performance-based
11 navigation proposals; and

12 (3) lessons learned from NextGen projects and
13 pilot programs and how those lessons learned are
14 being integrated into community involvement prac-
15 tices for future NextGen projects located in
16 metroplexes.

17 **SEC. 177. LEAD EMISSIONS.**

18 (a) STUDY.—The Secretary of Transportation shall
19 enter into appropriate arrangements with the National
20 Academies of Sciences, Engineering, and Medicine under
21 which the National Research Council will study aviation
22 gasoline.

23 (b) CONTENTS.—The study shall include an assess-
24 ment of—

1 (1) existing non-leaded fuel alternatives to the
2 aviation gasoline used by piston-powered general
3 aviation aircraft;

4 (2) ambient lead concentrations at and around
5 airports where piston-powered general aviation air-
6 craft are used; and

7 (3) mitigation measures to reduce ambient lead
8 concentrations, including increasing the size of run-
9 up areas, relocating run-up areas, imposing restric-
10 tions on aircraft using aviation gasoline, and in-
11 creasing the use of motor gasoline in piston-powered
12 general aviation aircraft.

13 (c) REPORT TO CONGRESS.—Not later than 1 year
14 after the date of enactment of this Act, the Secretary shall
15 submit to the appropriate committees of Congress the
16 study developed by the National Research Council pursu-
17 ant to this section.

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

19 Not later than 60 days after the date of enactment
20 of this Act, the Administrator of the Federal Aviation Ad-
21 ministration shall provide a briefing to the appropriate
22 committees of Congress on the status of Terminal Se-
23 quencing and Spacing (TSAS) implementation across all
24 completed NextGen metroplexes with specific information

1 provided by airline regarding the adoption and equipping
2 of aircraft and the training of pilots in its use.

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

4 (a) STUDY.—Not later than 1 year after the date of
5 enactment of this Act, the Administrator of the Federal
6 Aviation Administration shall initiate a study to review
7 and evaluate existing studies and analyses of the relation-
8 ship between jet aircraft approach and takeoff speeds and
9 corresponding noise impacts on communities surrounding
10 airports.

11 (b) CONSIDERATIONS.—In conducting the study initi-
12 ated under subsection (a), the Administrator shall deter-
13 mine—

14 (1) whether a decrease in jet aircraft approach
15 or takeoff speeds results in significant aircraft noise
16 reductions;

17 (2) whether the jet aircraft approach or takeoff
18 speed reduction necessary to achieve significant
19 noise reductions—

20 (A) jeopardizes aviation safety; or

21 (B) decreases the efficiency of the National
22 Airspace System, including lowering airport ca-
23 pacity, increasing travel times, or increasing
24 fuel burn;

1 (3) the advisability of using jet aircraft ap-
2 proach or takeoff speeds as a noise mitigation tech-
3 nique; and

4 (4) if the Administrator determines that using
5 jet aircraft approach or takeoff speeds as a noise
6 mitigation technique is advisable, whether any of the
7 metropolitan areas specifically identified in section
8 189(b)(2) would benefit from such a noise mitiga-
9 tion technique without a significant impact to avia-
10 tion safety or the efficiency of the National Airspace
11 System.

12 (c) REPORT.—Not later than 2 years after the date
13 of enactment of this Act, the Administrator shall submit
14 to the appropriate committees of Congress a report on the
15 results of the study initiated under subsection (a).

16 **SEC. 180. REGIONAL OMBUDSMEN.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, with respect to each region
19 of the Federal Aviation Administration, the Regional Ad-
20 ministrator for that region shall designate an individual
21 to be the Regional Ombudsman for the region.

22 (b) REQUIREMENTS.—Each Regional Ombudsman
23 shall—

1 (1) serve as a regional liaison with the public,
2 including community groups, on issues regarding
3 aircraft noise, pollution, and safety;

4 (2) make recommendations to the Adminis-
5 trator for the region to address concerns raised by
6 the public and improve the consideration of public
7 comments in decision-making processes; and

8 (3) be consulted on proposed changes in air-
9 craft operations affecting the region, including ar-
10 rival and departure routes, in order to minimize en-
11 vironmental impacts, including noise.

12 **SEC. 181. FAA LEADERSHIP ON CIVIL SUPERSONIC AIR-**
13 **CRAFT.**

14 (a) **IN GENERAL.**—The Administrator of the Federal
15 Aviation Administration shall exercise leadership in the
16 creation of Federal and international policies, regulations,
17 and standards relating to the certification and safe and
18 efficient operation of civil supersonic aircraft.

19 (b) **EXERCISE OF LEADERSHIP.**—In carrying out
20 subsection (a), the Administrator shall—

21 (1) consider the needs of the aerospace industry
22 and other stakeholders when creating policies, regu-
23 lations, and standards that enable the safe commer-
24 cial deployment of civil supersonic aircraft tech-

1 nology and the safe and efficient operation of civil
2 supersonic aircraft; and

3 (2) obtain the input of aerospace industry
4 stakeholders regarding—

5 (A) the appropriate regulatory framework
6 and timeline for permitting the safe and effi-
7 cient operation of civil supersonic aircraft with-
8 in United States airspace, including updating or
9 modifying existing regulations on such oper-
10 ation;

11 (B) issues related to standards and regula-
12 tions for the type certification and safe oper-
13 ation of civil supersonic aircraft, including noise
14 certification, including—

15 (i) the operational differences between
16 subsonic aircraft and supersonic aircraft;

17 (ii) costs and benefits associated with
18 landing and takeoff noise requirements for
19 civil supersonic aircraft, including impacts
20 on aircraft emissions;

21 (iii) public and economic benefits of
22 the operation of civil supersonic aircraft
23 and associated aerospace industry activity;
24 and

1 (iv) challenges relating to ensuring
2 that standards and regulations aimed at
3 relieving and protecting the public health
4 and welfare from aircraft noise and sonic
5 booms are economically reasonable, techno-
6 logically practicable, and appropriate for
7 civil supersonic aircraft; and

8 (C) other issues identified by the Adminis-
9 trator or the aerospace industry that must be
10 addressed to enable the safe commercial deploy-
11 ment and safe and efficient operation of civil
12 supersonic aircraft.

13 (c) INTERNATIONAL LEADERSHIP.—The Adminis-
14 trator, in the appropriate international forums, shall take
15 actions that—

16 (1) demonstrate global leadership under sub-
17 section (a);

18 (2) address the needs of the aerospace industry
19 identified under subsection (b); and

20 (3) protect the public health and welfare.

21 (d) REPORT TO CONGRESS.—Not later than 1 year
22 after the date of enactment of this Act, the Administrator
23 shall submit to the appropriate committees of Congress
24 a report detailing—

1 (1) the Administrator's actions to exercise lead-
2 ership in the creation of Federal and international
3 policies, regulations, and standards relating to the
4 certification and safe and efficient operation of civil
5 supersonic aircraft;

6 (2) planned, proposed, and anticipated actions
7 to update or modify existing policies and regulations
8 related to civil supersonic aircraft, including those
9 identified as a result of industry consultation and
10 feedback; and

11 (3) a timeline for any actions to be taken to up-
12 date or modify existing policies and regulations re-
13 lated to civil supersonic aircraft.

14 (e) LONG-TERM REGULATORY REFORM.—

15 (1) NOISE STANDARDS.—Not later than March
16 31, 2020, the Administrator shall issue a notice of
17 proposed rulemaking to revise part 36 of title 14,
18 Code of Federal Regulations, to include supersonic
19 aircraft in the applicability of such part. The pro-
20 posed rule shall include necessary definitions, noise
21 standards for landing and takeoff, and noise test re-
22 quirements that would apply to a civil supersonic
23 aircraft.

24 (2) SPECIAL FLIGHT AUTHORIZATIONS.—Not
25 later than December 31, 2019, the Administrator

1 shall issue a notice of proposed rulemaking to revise
2 appendix B of part 91 of title 14, Code of Federal
3 Regulations, to modernize the application process for
4 a person applying to operate a civil aircraft at super-
5 sonic speeds for the purposes stated in that rule.

6 (f) NEAR-TERM CERTIFICATION OF SUPERSONIC
7 CIVIL AIRCRAFT.—

8 (1) IN GENERAL.—If a person submits an ap-
9 plication requesting type certification of a civil su-
10 personic aircraft pursuant to part 21 of title 14,
11 Code of Federal Regulations, before the Adminis-
12 trator promulgates a final rule amending part 36 of
13 title 14, Code of Federal Regulations, in accordance
14 with subsection (e)(1), the Administrator shall, not
15 later than 18 months after having received such ap-
16 plication, issue a notice of proposed rulemaking ap-
17 plicable solely for the type certification, inclusive of
18 the aircraft engines, of the supersonic aircraft de-
19 sign for which such application was made.

20 (2) CONTENTS.—A notice of proposed rule-
21 making described in paragraph (1) shall—

22 (A) address safe operation of the aircraft
23 type, including development and flight testing
24 prior to type certification;

25 (B) address manufacturing of the aircraft;

1 (C) address continuing airworthiness of the
2 aircraft;

3 (D) specify landing and takeoff noise
4 standards for that aircraft type that the Admin-
5 istrator considers appropriate, practicable, and
6 consistent with section 44715 of title 49,
7 United States Code; and

8 (E) consider differences between subsonic
9 and supersonic aircraft including differences in
10 thrust requirements at equivalent gross weight,
11 engine requirements, aerodynamic characteris-
12 tics, operational characteristics, and other phys-
13 ical properties.

14 (3) NOISE AND PERFORMANCE DATA.—The re-
15 quirement of the Administrator to issue a notice of
16 proposed rulemaking under paragraph (1) shall
17 apply only if an application contains sufficient air-
18 craft noise and performance data as the Adminis-
19 trator finds necessary to determine appropriate noise
20 standards and operating limitations for the aircraft
21 type consistent with section 44715 of title 49,
22 United States Code.

23 (4) FINAL RULE.—Not later than 18 months
24 after the end of the public comment period provided
25 in the notice of proposed rulemaking required under

1 paragraph (1), the Administrator shall publish in
2 the Federal Register a final rule applying solely to
3 the aircraft model submitted for type certification.

4 (5) REVIEW OF RULES OF CIVIL SUPERSONIC
5 FLIGHTS.—Beginning December 31, 2020, and
6 every 2 years thereafter, the Administrator shall re-
7 view available aircraft noise and performance data,
8 and consult with heads of appropriate Federal agen-
9 cies, to determine whether section 91.817 of title 14,
10 Code of Federal Regulations, and Appendix B of
11 part 91 of title 14, Code of Federal Regulations,
12 may be amended, consistent with section 44715 of
13 title 49, United States Code, to permit supersonic
14 flight of civil aircraft over land in the United States.

15 (6) IMPLEMENTATION OF NOISE STANDARDS.—
16 The portion of the regulation issued by the Adminis-
17 trator of the Federal Aviation Administration titled
18 “Revision of General Operating and Flight Rules”
19 and published in the Federal Register on August 18,
20 1989 (54 Fed. Reg. 34284) that restricts operation
21 of civil aircraft at a true flight Mach number greater
22 than 1 shall have no force or effect beginning on the
23 date on which the Administrator publishes in the
24 Federal Register a final rule specifying sonic boom
25 noise standards for civil supersonic aircraft.

1 **SEC. 182. MANDATORY USE OF THE NEW YORK NORTH**
2 **SHORE HELICOPTER ROUTE.**

3 (a) PUBLIC COMMENT PERIOD.—

4 (1) IN GENERAL.—The Administrator shall pro-
5 vide notice of, and an opportunity for, at least 60
6 days of public comment with respect to the regula-
7 tions in subpart H of part 93 of title 14, Code of
8 Federal Regulations.

9 (2) TIMING.—The public comment period re-
10 quired under paragraph (1) shall begin not later
11 than 30 days after the date of enactment of this
12 Act.

13 (b) PUBLIC HEARING.—Not later than 30 days after
14 the date of enactment of this Act, the Administrator shall
15 hold a public hearing in the communities impacted by the
16 regulations described in subsection (a)(1) to solicit feed-
17 back with respect to the regulations.

18 (c) REVIEW.—Not later than 30 days after the date
19 of enactment of this Act, the Administrator shall initiate
20 a review of the regulations described in subsection (a)(1)
21 that assesses the—

22 (1) noise impacts of the regulations for commu-
23 nities, including communities in locations where air-
24 craft are transitioning to or from a destination or
25 point of landing;

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

5 (3) availability of alternative or supplemental
6 routes to reduce the noise impacts of the regula-
7 tions, including the institution of an all water route
8 over the Atlantic Ocean.

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

10 Section 47105(c) of title 49, United States Code, is
11 amended—

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

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

15 “(2) PAVEMENT STANDARDS.—

16 “(A) TECHNICAL ASSISTANCE.—At the re-
17 quest of a State, the Secretary shall, not later
18 than 30 days after the date of the request, pro-
19 vide technical assistance to the State in devel-
20 oping standards, acceptable to the Secretary
21 under subparagraph (B), for pavement on non-
22 primary public-use airports in the State.

23 “(B) REQUIREMENTS.—The Secretary
24 shall—

1 “(i) continue to provide technical as-
2 sistance under subparagraph (A) until the
3 standards are approved under paragraph
4 (1); and

5 “(ii) clearly indicate to the State the
6 standards that are acceptable to the Sec-
7 retary, considering, at a minimum, local
8 conditions and locally available materials.”.

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

10 (a) DISCRETIONARY FUND.—Section 47115 of title
11 49, United States Code, is further amended by adding at
12 the end the following:

13 “(k) PARTNERSHIP PROGRAM AIRPORTS.—

14 “(1) AUTHORITY.—The Secretary may make
15 grants with funds made available under this section
16 for an airport participating in the program under
17 section 47134 if—

18 “(A) the Secretary has approved the appli-
19 cation of an airport sponsor under section
20 47134(b) in fiscal year 2019; and

21 “(B) the grant will—

22 “(i) satisfy an obligation incurred by
23 an airport sponsor under section 47110(e)
24 or funded by a nonpublic sponsor for an

1 airport development project on the airport;

2 or

3 “(ii) provide partial Federal reim-
4 bursement for airport development (as de-
5 fined in section 47102) on the airport lay-
6 out plan initiated in the fiscal year in
7 which the application was approved, or
8 later, for over a period of not more than
9 10 years.

10 “(2) NONAPPLICABILITY OF CERTAIN SEC-
11 TIONS.—Grants made under this subsection shall
12 not be subject to—

13 “(A) subsection (c) of this section;

14 “(B) section 47117(e); or

15 “(C) any other apportionment formula,
16 special apportionment category, or minimum
17 percentage set forth in this chapter.”.

18 (b) ALLOWABLE PROJECT COSTS; LETTERS OF IN-
19 TENT.—Section 47110(e) of such title is amended by add-
20 ing at the end the following:

21 “(7) PARTNERSHIP PROGRAM AIRPORTS.—The Sec-
22 retary may issue a letter of intent under this section to
23 an airport sponsor with an approved application under
24 section 47134(b) if—

1 “(A) the application was approved in fiscal year
2 2019; and

3 “(B) the project meets all other requirements
4 set forth in this chapter.”.

5 **SEC. 185. GRANDFATHERING OF CERTAIN DEED AGREE-**
6 **MENTS GRANTING THROUGH-THE-FENCE AC-**
7 **CESS TO GENERAL AVIATION AIRPORTS.**

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

10 “(3) EXEMPTION.—The terms and conditions
11 of paragraph (2) shall not apply to an agreement de-
12 scribed in paragraph (1) made before the enactment
13 of the FAA Modernization and Reform Act of 2012
14 (49 U.S.C. 40101 note) that the Secretary deter-
15 mines does not comply with such terms and condi-
16 tions but involves property that is subject to deed or
17 lease restrictions that are considered perpetual and
18 that cannot readily be brought into compliance.
19 However, if the Secretary determines that the air-
20 port sponsor and residential property owners are
21 able to make any modification to such an agreement
22 on or after the date of enactment of this paragraph,
23 the exemption provided by this paragraph shall no
24 longer apply.”.

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

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

7 (b) CONTENTS.—The review shall include—

8 (1) a determination of the number, types, fre-
9 quency of operations, and owners and operators of
10 covered stage 3 aircraft;

11 (2) an analysis of the potential benefits, costs,
12 and other impacts to air carriers, general aviation
13 operators, airports, communities surrounding air-
14 ports, and the general public associated with phasing
15 out or reducing the operations of covered stage 3
16 aircraft, assuming such a phaseout or reduction is
17 put into effect over a reasonable period of time;

18 (3) a determination of lessons learned from the
19 phaseout of stage 2 aircraft that might be applicable
20 to a phaseout or reduction in the operations of cov-
21 ered stage 3 aircraft, including comparisons between
22 the benefits, costs, and other impacts associated
23 with the phaseout of stage 2 aircraft and the poten-
24 tial benefits, costs, and other impacts determined
25 under paragraph (2);

1 (4) a determination of the costs and logistical
2 challenges associated with recertifying stage 3 air-
3 craft capable of meeting stage 4 noise levels; and

4 (5) a determination of stakeholder views on the
5 feasibility and desirability of phasing out covered
6 stage 3 aircraft, including the views of—

7 (A) air carriers;

8 (B) airports;

9 (C) communities surrounding airports;

10 (D) aircraft and avionics manufacturers;

11 (E) operators of covered stage 3 aircraft

12 other than air carriers; and

13 (F) such other stakeholders and aviation

14 experts as the Comptroller General considers

15 appropriate.

16 (c) REPORT.—Not later than 18 months after the
17 date of enactment of this Act, the Comptroller General
18 shall submit to the appropriate committees of Congress
19 a report on the results of the review.

20 (d) COVERED STAGE 3 AIRCRAFT DEFINED.—In this
21 section, the term “covered stage 3 aircraft” means a civil
22 subsonic jet aircraft that is not capable of meeting the
23 stage 4 noise levels in part 36 of title 14, Code of Federal
24 Regulations.

1 **SEC. 187. AIRCRAFT NOISE EXPOSURE.**

2 (a) REVIEW.—The Administrator shall conclude the
3 Administrator’s ongoing review of the relationship between
4 aircraft noise exposure and its effects on communities
5 around airports.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of enactment of this Act, the Administrator
9 shall submit to Congress a report containing the re-
10 sults of the review.

11 (2) PRELIMINARY RECOMMENDATIONS.—The
12 report shall contain such preliminary recommenda-
13 tions as the Administrator determines appropriate
14 for revising the land use compatibility guidelines in
15 part 150 of title 14, Code of Federal Regulations,
16 based on the results of the review and in coordina-
17 tion with other agencies.

18 **SEC. 188. STUDY REGARDING DAY-NIGHT AVERAGE SOUND**
19 **LEVELS.**

20 (a) STUDY.—The Administrator of the Federal Avia-
21 tion Administration shall evaluate alternative metrics to
22 the current average day-night level standard, such as the
23 use of actual noise sampling and other methods, to ad-
24 dress community airplane noise concerns.

25 (b) REPORT.—Not later than 1 year after the date
26 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 under subsection (a).

3 **SEC. 189. STUDY ON POTENTIAL HEALTH AND ECONOMIC**
4 **IMPACTS OF OVERFLIGHT NOISE.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Administrator of the
7 Federal Aviation Administration shall enter into an agree-
8 ment with an eligible institution of higher education to
9 conduct a study on the health impacts of noise from air-
10 craft flights on residents exposed to a range of noise levels
11 from such flights.

12 (b) SCOPE OF STUDY.—The study conducted under
13 subsection (a) shall—

14 (1) include an examination of the incremental
15 health impacts attributable to noise exposure that
16 result from aircraft flights, including sleep disturb-
17 ance and elevated blood pressure;

18 (2) be focused on residents in the metropolitan
19 area of—

20 (A) Boston;

21 (B) Chicago;

22 (C) the District of Columbia;

23 (D) New York;

24 (E) the Northern California Metroplex;

25 (F) Phoenix;

1 (G) the Southern California Metroplex;

2 (H) Seattle; or

3 (I) such other area as may be identified by
4 the Administrator;

5 (3) consider, in particular, the incremental
6 health impacts on residents living partly or wholly
7 underneath flight paths most frequently used by air-
8 craft flying at an altitude lower than 10,000 feet, in-
9 cluding during takeoff or landing;

10 (4) include an assessment of the relationship
11 between a perceived increase in aircraft noise, in-
12 cluding as a result of a change in flight paths that
13 increases the visibility of aircraft from a certain lo-
14 cation, and an actual increase in aircraft noise, par-
15 ticularly in areas with high or variable levels of non-
16 aircraft-related ambient noise; and

17 (5) consider the economic harm or benefits to
18 businesses located party or wholly underneath flight
19 paths most frequently used by aircraft flying at an
20 altitude lower than 10,000 feet, including during
21 takeoff or landing.

22 (c) ELIGIBILITY.—An institution of higher education
23 is eligible to conduct the study if the institution—

24 (1) has—

1 (A) a school of public health that has par-
2 ticipated in the Center of Excellence for Air-
3 craft Noise and Aviation Emissions Mitigation
4 of the Federal Aviation Administration; or

5 (B) a center for environmental health that
6 receives funding from the National Institute of
7 Environmental Health Sciences;

8 (2) is located in one of the areas identified in
9 subsection (b);

10 (3) applies to the Administrator in a timely
11 fashion;

12 (4) demonstrates to the satisfaction of the Ad-
13 ministrator that the institution is qualified to con-
14 duct the study;

15 (5) agrees to submit to the Administrator, not
16 later than 3 years after entering into an agreement
17 under subsection (a), the results of the study, in-
18 cluding any source materials used; and

19 (6) meets such other requirements as the Ad-
20 ministrator determines necessary.

21 (d) SUBMISSION OF STUDY.—Not later than 90 days
22 after the Administrator receives the results of the study,
23 the Administrator shall submit to the appropriate commit-
24 tees of Congress the study and a summary of the results.

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

2 (a) IN GENERAL.—The Secretary of Transportation
3 may carry out a pilot program involving not more than
4 6 projects at public-use airports in accordance with this
5 section.

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

10 (c) USE OF FUNDS.—Amounts from a grant received
11 by the sponsor of a public-use airport under the program
12 shall be used for environmental mitigation projects that
13 will measurably reduce or mitigate aviation impacts on
14 noise, air quality, or water quality at the airport or within
15 5 miles of the airport.

16 (d) ELIGIBILITY.—Notwithstanding any other provi-
17 sion of chapter 471 of title 49, United States Code, an
18 environmental mitigation project approved under this sec-
19 tion shall be treated as eligible for assistance under that
20 chapter.

21 (e) SELECTION CRITERIA.—In selecting from among
22 applicants for participation in the program, the Secretary
23 may give priority consideration to projects that—

24 (1) will achieve the greatest reductions in air-
25 craft noise, airport emissions, or airport water qual-

1 ity impacts either on an absolute basis or on a per
2 dollar of funds expended basis; and

3 (2) will be implemented by an eligible consor-
4 tium.

5 (f) FEDERAL SHARE.—The Federal share of the cost
6 of a project carried out under the program shall be 50
7 percent.

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

11 (h) IDENTIFYING BEST PRACTICES.—The Secretary
12 may establish and publish information identifying best
13 practices for reducing or mitigating aviation impacts on
14 noise, air quality, and water quality at airports or in the
15 vicinity of airports based on the projects carried out under
16 the program.

17 (i) SUNSET.—The program shall terminate 5 years
18 after the Secretary makes the first grant under the pro-
19 gram.

20 (j) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

22 (1) ELIGIBLE CONSORTIUM.—The term “eligi-
23 ble consortium” means a consortium that is com-
24 posed of 2 or more of the following entities:

1 (A) Businesses incorporated in the United
2 States.

3 (B) Public or private educational or re-
4 search organizations located in the United
5 States.

6 (C) Entities of State or local governments
7 in the United States.

8 (D) Federal laboratories.

9 (2) ENVIRONMENTAL MITIGATION PROJECT.—
10 The term “environmental mitigation project” means
11 a project that—

12 (A) introduces new environmental mitiga-
13 tion techniques or technologies that have been
14 proven in laboratory demonstrations;

15 (B) proposes methods for efficient adapta-
16 tion or integration of new concepts into airport
17 operations; and

18 (C) will demonstrate whether new tech-
19 niques or technologies for environmental mitiga-
20 tion are—

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

23 (ii) capable of reducing noise, airport
24 emissions, or water quality impacts in
25 measurably significant amounts.

1 (k) AUTHORIZATION FOR THE TRANSFER OF FUNDS
2 FROM DEPARTMENT OF DEFENSE.—

3 (1) IN GENERAL.—The Administrator of the
4 Federal Aviation Administration may accept funds
5 from the Secretary of Defense to increase the au-
6 thorized funding for this section by the amount of
7 such transfer only to carry out projects designed for
8 environmental mitigation at a site previously, but
9 not currently, managed by the Department of De-
10 fense.

11 (2) ADDITIONAL GRANTEES.—If additional
12 funds are made available by the Secretary of De-
13 fense under paragraph (1), the Administrator may
14 increase the number of grantees under subsection
15 (a).

16 **SEC. 191. EXTENDING AVIATION DEVELOPMENT STREAM-**
17 **LINING.**

18 (a) IN GENERAL.—Section 47171 of title 49, United
19 States Code, is amended—

20 (1) in subsection (a), in the matter preceding
21 paragraph (1), by inserting “general aviation airport
22 construction or improvement projects,” after “con-
23 gested airports,”;

24 (2) in subsection (b)—

1 (A) by redesignating paragraph (2) as
2 paragraph (3); and

3 (B) by inserting after paragraph (1) the
4 following:

5 “(2) GENERAL AVIATION AIRPORT CONSTRUC-
6 TION OR IMPROVEMENT PROJECT.—A general avia-
7 tion airport construction or improvement project
8 shall be subject to the coordinated and expedited en-
9 vironmental review process requirements set forth in
10 this section.”;

11 (3) in subsection (e)(1), by striking “subsection
12 (b)(2)” and inserting “subsection (b)(3)”;

13 (4) in subsection (d), by striking “subsection
14 (b)(2)” and inserting “subsection (b)(3)”;

15 (5) in subsection (h), by striking “subsection
16 (b)(2)” and inserting “subsection (b)(3)”;

17 (6) in subsection (k), by striking “subsection
18 (b)(2)” and inserting “subsection (b)(3)”.

19 (b) DEFINITIONS.—Section 47175 of title 49, United
20 States Code, is amended—

21 (1) by redesignating paragraphs (1), (2), (3),
22 (4), and (5) as paragraphs (2), (5), (1), (3), and
23 (4), respectively, and by rearranging such para-
24 graphs so that they appear in numerical order;

1 (2) by redesignating paragraph (7) as para-
2 graph (8); and

3 (3) by inserting after paragraph (6) the fol-
4 lowing:

5 “(7) GENERAL AVIATION AIRPORT CONSTRUCC-
6 TION OR IMPROVEMENT PROJECT.—The term ‘gen-
7 eral aviation airport construction or improvement
8 project’ means—

9 “(A) a project for the construction or ex-
10 tension of a runway, including any land acquisi-
11 tion, helipad, taxiway, safety area, apron, or
12 navigational aids associated with the runway or
13 runway extension, at a general aviation airport,
14 a reliever airport, or a commercial service air-
15 port that is not a primary airport (as such
16 terms are defined in section 47102); and

17 “(B) any other airport development project
18 that the Secretary designates as facilitating
19 aviation capacity building projects at a general
20 aviation airport.”.

21 **SEC. 192. ZERO-EMISSION VEHICLES AND TECHNOLOGY.**

22 (a) IN GENERAL.—Section 47136 of title 49, United
23 States Code, as so redesignated, is amended—

24 (1) by striking subsections (a) and (b) and in-
25 serting the following:

1 “(a) IN GENERAL.—The Secretary of Transportation
2 may establish a pilot program under which the sponsors
3 of public-use airports may use funds made available under
4 this chapter or section 48103 for use at such airports to
5 carry out—

6 “(1) activities associated with the acquisition,
7 by purchase or lease, and operation of eligible zero-
8 emission vehicles and equipment, including remov-
9 able power sources for such vehicles; and

10 “(2) the construction or modification of infra-
11 structure to facilitate the delivery of fuel, power or
12 services necessary for the use of such vehicles.

13 “(b) ELIGIBILITY.—A public-use airport is eligible
14 for participation in the program if the eligible vehicles or
15 equipment are—

16 “(1) used exclusively on airport property; or

17 “(2) used exclusively to transport passengers
18 and employees between the airport and—

19 “(A) nearby facilities which are owned or
20 controlled by the airport or which otherwise di-
21 rectly support the functions or services provided
22 by the airport; or

23 “(B) an intermodal surface transportation
24 facility adjacent to the airport.”;

1 (2) by striking subsections (d) through (f) and
2 inserting the following:

3 “(d) FEDERAL SHARE.—The Federal share of the
4 cost of a project carried out under the program shall be
5 the Federal share specified in section 47109.

6 “(e) TECHNICAL ASSISTANCE.—

7 “(1) IN GENERAL.—The sponsor of a public-use
8 airport may use not more than 10 percent of the
9 amounts made available to the sponsor under the
10 program in any fiscal year for—

11 “(A) technical assistance; and

12 “(B) project management support to assist
13 the airport with the solicitation, acquisition,
14 and deployment of zero-emission vehicles, re-
15 lated equipment, and supporting infrastructure.

16 “(2) PROVIDERS OF TECHNICAL ASSISTANCE.—

17 To receive the technical assistance or project man-
18 agement support described in paragraph (1), partici-
19 pants in the program may use—

20 “(A) a nonprofit organization selected by
21 the Secretary; or

22 “(B) a university transportation center re-
23 ceiving grants under section 5505 in the region
24 of the airport.

1 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—
2 The Secretary may create and make available materials
3 identifying best practices for carrying out activities funded
4 under the program based on previous related projects and
5 other sources.

6 “(g) ALLOWABLE PROJECT COST.—The allowable
7 project cost for the acquisition of a zero-emission vehicle
8 shall be the total cost of purchasing or leasing the vehicle,
9 including the cost of technical assistance or project man-
10 agement support described in subsection (e).

11 “(h) FLEXIBLE PROCUREMENT.—A sponsor of a
12 public-use airport may use funds made available under the
13 program to acquire, by purchase or lease, a zero-emission
14 vehicle and a removable power source in separate trans-
15 actions, including transactions by which the airport pur-
16 chases the vehicle and leases the removable power source.

17 “(i) TESTING REQUIRED.—

18 “(1) IN GENERAL.—A sponsor of a public-use
19 airport may not use funds made available under the
20 program to acquire a zero-emission vehicle unless
21 that make, model, or type of vehicle has been tested
22 by a Federal vehicle testing facility acceptable to the
23 Secretary.

24 “(2) PENALTIES FOR FALSE STATEMENTS.—A
25 certification of compliance under paragraph (1) shall

1 be considered a certification required under this sub-
2 chapter for purposes of section 47126.

3 “(j) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) ELIGIBLE ZERO-EMISSION VEHICLE AND
6 EQUIPMENT.—The term ‘eligible zero-emission vehi-
7 cle and equipment’ means a zero-emission vehicle,
8 equipment related to such a vehicle, or ground sup-
9 port equipment that includes zero-emission tech-
10 nology that is—

11 “(A) used exclusively on airport property;
12 or

13 “(B) used exclusively to transport pas-
14 sengers and employees between the airport
15 and—

16 “(i) nearby facilities which are owned
17 or controlled by the airport or which other-
18 wise directly support the functions or serv-
19 ices provided by the airport; or

20 “(ii) an intermodal surface transpor-
21 tation facility adjacent to the airport.

22 “(2) REMOVABLE POWER SOURCE.—The term
23 ‘removable power source’ means a power source that
24 is separately installed in, and removable from, a
25 zero-emission vehicle and may include a battery, a

1 fuel cell, an ultra-capacitor, or other power source
2 used in a zero-emission vehicle.

3 “(3) ZERO-EMISSION VEHICLE.—The term
4 ‘zero-emission vehicle’ means—

5 “(A) a zero-emission vehicle as defined in
6 section 88.102–94 of title 40, Code of Federal
7 Regulations; or

8 “(B) a vehicle that produces zero exhaust
9 emissions of any criteria pollutant (or precursor
10 pollutant) under any possible operational modes
11 and conditions.”.

12 (b) SPECIAL APPORTIONMENT CATEGORIES.—Sec-
13 tion 47117(e)(1)(A) of title 49, United States Code, is
14 amended by inserting “for airport development described
15 in section 47102(3)(Q),” after “under section 47141,”.

16 (c) DEPLOYMENT OF ZERO EMISSION VEHICLE
17 TECHNOLOGY.—

18 (1) ESTABLISHMENT.—The Secretary of Trans-
19 portation may establish a zero-emission airport tech-
20 nology program—

21 (A) to facilitate the deployment of commer-
22 cially viable zero-emission airport vehicles, tech-
23 nology, and related infrastructure; and

24 (B) to minimize the risk of deploying such
25 vehicles, technology, and infrastructure.

1 (2) GENERAL AUTHORITY.—

2 (A) ASSISTANCE TO NONPROFIT ORGANI-
3 ZATIONS.—The Secretary may provide assist-
4 ance under the program to not more than 3
5 geographically diverse, eligible organizations to
6 conduct zero-emission airport technology and
7 infrastructure projects.

8 (B) FORMS OF ASSISTANCE.—The Sec-
9 retary may provide assistance under the pro-
10 gram in the form of grants, contracts, and co-
11 operative agreements.

12 (3) SELECTION OF PARTICIPANTS.—

13 (A) NATIONAL SOLICITATION.—In select-
14 ing participants, the Secretary shall—

15 (i) conduct a national solicitation for
16 applications for assistance under the pro-
17 gram; and

18 (ii) select the recipients of assistance
19 under the program on a competitive basis.

20 (B) CONSIDERATIONS.—In selecting from
21 among applicants for assistance under the pro-
22 gram, the Secretary shall consider—

23 (i) the ability of an applicant to con-
24 tribute significantly to deploying zero-emis-

1 sion technology as the technology relates to
2 airport operations;

3 (ii) the financing plan and cost-share
4 potential of the applicant; and

5 (iii) other factors, as the Secretary de-
6 termines appropriate.

7 (C) PRIORITY.—In selecting from among
8 applicants for assistance under the program,
9 the Secretary shall give priority consideration to
10 an applicant that has successfully managed ad-
11 vanced transportation technology projects, in-
12 cluding projects related to zero-emission trans-
13 portation operations.

14 (4) ELIGIBLE PROJECTS.—A recipient of assist-
15 ance under the program shall use the assistance—

16 (A) to review and conduct demonstrations
17 of zero-emission technologies and related infra-
18 structure at airports;

19 (B) to evaluate the credibility of new,
20 unproven vehicle and energy-efficient tech-
21 nologies in various aspects of airport operations
22 prior to widespread investment in the tech-
23 nologies by airports and the aviation industry;

24 (C) to collect data and make the recipient's
25 findings available to airports, so that airports

1 can evaluate the applicability of new tech-
2 nologies to their facilities; and

3 (D) to report the recipient's findings to the
4 Secretary.

5 (5) ADMINISTRATIVE PROVISIONS.—

6 (A) FEDERAL SHARE.—The Federal share
7 of the cost of a project carried out under the
8 program may not exceed 80 percent.

9 (B) TERMS AND CONDITIONS.—A grant,
10 contract, or cooperative agreement under this
11 section shall be subject to such terms and con-
12 ditions as the Secretary determines appropriate.

13 (6) DEFINITIONS.—In this subsection, the fol-
14 lowing definitions apply:

15 (A) ELIGIBLE ORGANIZATION.—The term
16 “eligible organization” means an organization
17 that has expertise in zero-emission technology.

18 (B) ORGANIZATION.—The term “organiza-
19 tion” means—

20 (i) described in section 501(c)(3) of
21 the Internal Revenue Code of 1986 and ex-
22 empt from tax under section 501(a) of the
23 Internal Revenue Code of 1986;

1 (ii) a university transportation center
2 receiving grants under section 5505 of title
3 49, United States Code; or

4 (iii) any other Federal or non-Federal
5 entity as the Secretary considers appro-
6 priate.

7 **TITLE II—FAA SAFETY**
8 **CERTIFICATION REFORM**
9 **Subtitle A—General Provisions**

10 **SEC. 201. DEFINITIONS.**

11 In this title, the following definitions apply:

12 (1) **ADMINISTRATOR.**—The term “Adminis-
13 trator” means the Administrator of the FAA.

14 (2) **ADVISORY COMMITTEE.**—The term “Advi-
15 sory Committee” means the Safety Oversight and
16 Certification Advisory Committee established under
17 section 202.

18 (3) **FAA.**—The term “FAA” means the Fed-
19 eral Aviation Administration.

20 (4) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Transportation.

22 (5) **SYSTEMS SAFETY APPROACH.**—The term
23 “systems safety approach” means the application of
24 specialized technical and managerial skills to the
25 systematic, forward-looking identification and con-

1 trol of hazards throughout the lifecycle of a project,
2 program, or activity.

3 **SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
4 **SORY COMMITTEE.**

5 (a) ESTABLISHMENT.—Not later than 60 days after
6 the date of enactment of this Act, the Secretary shall es-
7 tablish a Safety Oversight and Certification Advisory
8 Committee.

9 (b) DUTIES.—The Advisory Committee shall provide
10 advice to the Secretary on policy-level issues facing the
11 aviation community that are related to FAA safety over-
12 sight and certification programs and activities, including,
13 at a minimum, the following:

14 (1) Aircraft and flight standards certification
15 processes, including efforts to streamline those proc-
16 esses.

17 (2) Implementation and oversight of safety
18 management systems.

19 (3) Risk-based oversight efforts.

20 (4) Utilization of delegation and designation au-
21 thorities, including organization designation author-
22 ization.

23 (5) Regulatory interpretation standardization
24 efforts.

25 (6) Training programs.

1 (7) Expediting the rulemaking process and giving
2 ing priority to rules related to safety.

3 (8) Enhancing global competitiveness of United
4 States manufactured and United States type certified
5 aerospace and aviation products and services
6 throughout the world.

7 (c) FUNCTIONS.—In carrying out its duties under
8 subsection (b), the Advisory Committee shall:

9 (1) Foster industry collaboration in an open
10 and transparent manner.

11 (2) Consult with, and ensure participation by—

12 (A) the private sector, including representatives of—
13

14 (i) general aviation;

15 (ii) commercial aviation;

16 (iii) aviation labor;

17 (iv) aviation maintenance, repair, and
18 overhaul;

19 (v) aviation, aerospace, and avionics
20 manufacturing;

21 (vi) unmanned aircraft systems operators and manufacturers; and

22 (vii) the commercial space transportation industry;

23 (B) members of the public; and
24
25

1 (C) other interested parties.

2 (3) Recommend consensus national goals, stra-
3 tegic objectives, and priorities for the most efficient,
4 streamlined, and cost-effective certification and safe-
5 ty oversight processes in order to maintain the safe-
6 ty of the aviation system and, at the same time,
7 allow the FAA to meet future needs and ensure that
8 aviation stakeholders remain competitive in the glob-
9 al marketplace.

10 (4) Provide policy guidance recommendations
11 for the FAA's certification and safety oversight ef-
12 forts.

13 (5) On a regular basis, review and provide rec-
14 ommendations on the FAA's certification and safety
15 oversight efforts.

16 (6) Periodically review and evaluate registra-
17 tion, certification, and related fees.

18 (7) Provide appropriate legislative, regulatory,
19 and guidance recommendations for the air transpor-
20 tation system and the aviation safety regulatory en-
21 vironment.

22 (8) Recommend performance objectives for the
23 FAA and industry.

24 (9) Recommend performance metrics and goals
25 to track and review the FAA and the regulated avia-

1 tion industry on their progress towards streamlining
2 certification reform, conducting flight standards re-
3 form, and carrying out regulation consistency ef-
4 forts.

5 (10) Provide a venue for tracking progress to-
6 ward national goals and sustaining joint commit-
7 ments.

8 (11) Recommend recruiting, hiring, training,
9 and continuing education objectives for FAA avia-
10 tion safety engineers and aviation safety inspectors.

11 (12) Provide advice and recommendations to
12 the FAA on how to prioritize safety rulemaking
13 projects.

14 (13) Improve the development of FAA regula-
15 tions by providing information, advice, and rec-
16 ommendations related to aviation issues.

17 (14) Facilitate the validation and acceptance of
18 United States manufactured and United States type
19 certificated products and services throughout the
20 world.

21 (d) MEMBERSHIP.—

22 (1) IN GENERAL.—The Advisory Committee
23 shall be composed of the following members:

24 (A) The Administrator (or the Administra-
25 tor's designee).

1 (B) At least 11 individuals, appointed by
2 the Secretary, each of whom represent at least
3 1 of the following interests:

4 (i) Transport aircraft and engine
5 manufacturers.

6 (ii) General aviation aircraft and en-
7 gine manufacturers.

8 (iii) Avionics and equipment manufac-
9 turers.

10 (iv) Aviation labor organizations, in-
11 cluding collective bargaining representa-
12 tives of FAA aviation safety inspectors and
13 aviation safety engineers.

14 (v) General aviation operators.

15 (vi) Air carriers.

16 (vii) Business aviation operators.

17 (viii) Unmanned aircraft systems
18 manufacturers and operators.

19 (ix) Aviation safety management ex-
20 perts.

21 (x) Aviation maintenance, repair, and
22 overhaul.

23 (xi) Airport owners and operators.

24 (2) NONVOTING MEMBERS.—

1 (A) IN GENERAL.—In addition to the
2 members appointed under paragraph (1), the
3 Advisory Committee shall be composed of non-
4 voting members appointed by the Secretary
5 from among individuals representing FAA safe-
6 ty oversight program offices.

7 (B) DUTIES.—The nonvoting members
8 may—

9 (i) take part in deliberations of the
10 Advisory Committee; and

11 (ii) provide input with respect to any
12 final reports or recommendations of the
13 Advisory Committee.

14 (C) LIMITATION.—The nonvoting members
15 may not represent any stakeholder interest
16 other than that of an FAA safety oversight pro-
17 gram office.

18 (3) TERMS.—Each voting member and non-
19 voting member of the Advisory Committee appointed
20 by the Secretary shall be appointed for a term of 2
21 years.

22 (4) COMMITTEE CHARACTERISTICS.—The Advi-
23 sory Committee shall have the following characteris-
24 tics:

1 (A) Each voting member under paragraph
2 (1)(B) shall be an executive officer of the orga-
3 nization who has decisionmaking authority
4 within the member's organization and can rep-
5 resent and enter into commitments on behalf of
6 such organization.

7 (B) The ability to obtain necessary infor-
8 mation from experts in the aviation and aero-
9 space communities.

10 (C) A membership size that enables the
11 Advisory Committee to have substantive discus-
12 sions and reach consensus on issues in a timely
13 manner.

14 (D) Appropriate expertise, including exper-
15 tise in certification and risked-based safety
16 oversight processes, operations, policy, tech-
17 nology, labor relations, training, and finance.

18 (5) LIMITATION ON STATUTORY CONSTRUC-
19 TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)
20 may not be construed to prohibit or otherwise limit
21 the appointment of any individual as a member of
22 the Advisory Committee.

23 (e) CHAIRPERSON.—

24 (1) IN GENERAL.—The Chairperson of the Ad-
25 visory Committee shall be appointed by the Sec-

1 retary from among those members of the Advisory
2 Committee that are voting members under sub-
3 section (d)(1)(B).

4 (2) TERM.—Each member appointed under
5 paragraph (1) shall serve a term of 2 years as
6 Chairperson.

7 (f) MEETINGS.—

8 (1) FREQUENCY.—The Advisory Committee
9 shall meet at least twice each year at the call of the
10 Chairperson.

11 (2) PUBLIC ATTENDANCE.—The meetings of
12 the Advisory Committee shall be open and accessible
13 to the public.

14 (g) SPECIAL COMMITTEES.—

15 (1) ESTABLISHMENT.—The Advisory Com-
16 mittee may establish special committees composed of
17 private sector representatives, members of the pub-
18 lic, labor representatives, and other relevant parties
19 in complying with consultation and participation re-
20 quirements under this section.

21 (2) RULEMAKING ADVICE.—A special com-
22 mittee established by the Advisory Committee may—

23 (A) provide rulemaking advice and rec-
24 ommendations to the Advisory Committee with
25 respect to aviation-related issues;

1 (B) provide the FAA additional opportuni-
2 ties to obtain firsthand information and insight
3 from those parties that are most affected by ex-
4 isting and proposed regulations; and

5 (C) assist in expediting the development,
6 revision, or elimination of rules without circum-
7 venting public rulemaking processes and proce-
8 dures.

9 (3) APPLICABLE LAW.—Public Law 92–463
10 shall not apply to a special committee established by
11 the Advisory Committee.

12 (h) SUNSET.—The Advisory Committee shall termi-
13 nate on the last day of the 6-year period beginning on
14 the date of the initial appointment of the members of the
15 Advisory Committee.

16 (i) TERMINATION OF AIR TRAFFIC PROCEDURES AD-
17 VISORY COMMITTEE.—The Air Traffic Procedures Advi-
18 sory Committee established by the FAA shall terminate
19 on the date of the initial appointment of the members of
20 the Advisory Committee.

1 **Subtitle B—Aircraft Certification**
2 **Reform**

3 **SEC. 211. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
4 **JECTIVES AND METRICS.**

5 (a) IN GENERAL.—Not later than 120 days after the
6 date on which the Advisory Committee is established
7 under section 202, the Administrator shall establish per-
8 formance objectives and apply and track performance
9 metrics for the FAA and the aviation industry relating to
10 aircraft certification in accordance with this section.

11 (b) COLLABORATION.—The Administrator shall carry
12 out this section in collaboration with the Advisory Com-
13 mittee and update agency performance objectives and
14 metrics after considering the recommendations of the Ad-
15 visory Committee under paragraphs (8) and (9) of section
16 202(c).

17 (c) PERFORMANCE OBJECTIVES.—In carrying out
18 subsection (a), the Administrator shall establish perform-
19 ance objectives for the FAA and the aviation industry to
20 ensure that, with respect to aircraft certification, progress
21 is made toward, at a minimum—

22 (1) eliminating certification delays and improv-
23 ing cycle times;

24 (2) increasing accountability for both the FAA
25 and the aviation industry;

- 1 (3) achieving full utilization of FAA delegation
2 and designation authorities, including organizational
3 designation authorization;
- 4 (4) fully implementing risk management prin-
5 ciples and a systems safety approach;
- 6 (5) reducing duplication of effort;
- 7 (6) increasing transparency;
- 8 (7) developing and providing training, including
9 recurrent training, in auditing and a systems safety
10 approach to certification oversight;
- 11 (8) improving the process for approving or ac-
12 cepting certification actions between the FAA and
13 bilateral partners;
- 14 (9) maintaining and improving safety;
- 15 (10) streamlining the hiring process for—
- 16 (A) qualified systems safety engineers to
17 support the FAA’s efforts to implement a sys-
18 tems safety approach; and
- 19 (B) qualified systems engineers to guide
20 the engineering of complex systems within the
21 FAA; and
- 22 (11) maintaining the leadership of the United
23 States in international aviation and aerospace.
- 24 (d) PERFORMANCE METRICS.—In carrying out sub-
25 section (a), the Administrator shall apply and track per-

1 performance 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
5 the date on which the Advisory Committee rec-
6 ommends initial performance metrics for the FAA
7 and the regulated aviation industry under section
8 202, the Administrator shall generate initial data
9 with respect to each of the performance metrics ap-
10 plied and tracked 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
14 generate data on an ongoing basis and to measure
15 progress toward the achievement of national goals
16 recommended by the Advisory Committee.

17 (f) PUBLICATION.—The Administrator shall make
18 data 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
23 manner 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. 212. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

4 (a) IN GENERAL.—Chapter 447 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 44736. Organization designation authorizations**

8 “(a) DELEGATIONS OF FUNCTIONS.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (3), when overseeing an ODA holder, the Ad-
11 ministrator of the FAA shall—

12 “(A) require, based on an application sub-
13 mitted by the ODA holder and approved by the
14 Administrator (or the Administrator’s des-
15 ignee), a procedures manual that addresses all
16 procedures and limitations regarding the func-
17 tions to be performed by the ODA holder;

18 “(B) delegate fully to the ODA holder each
19 of the functions to be performed as specified in
20 the procedures manual, unless the Adminis-
21 trator determines, after the date of the delega-
22 tion and as a result of an inspection or other
23 investigation, that the public interest and safety
24 of air commerce requires a limitation with re-
25 spect to 1 or more of the functions;

1 “(C) conduct regular oversight activities by
2 inspecting the ODA holder’s delegated functions
3 and taking action based on validated inspection
4 findings; and

5 “(D) for each function that is limited
6 under subparagraph (B), work with the ODA
7 holder to develop the ODA holder’s capability to
8 execute that function safely and effectively and
9 return to full authority status.

10 “(2) DUTIES OF ODA HOLDERS.—An ODA
11 holder shall—

12 “(A) perform each specified function dele-
13 gated to the ODA holder in accordance with the
14 approved procedures manual for the delegation;

15 “(B) make the procedures manual avail-
16 able to each member of the appropriate ODA
17 unit; and

18 “(C) cooperate fully with oversight activi-
19 ties conducted by the Administrator in connec-
20 tion with the delegation.

21 “(3) EXISTING ODA HOLDERS.—With regard to
22 an ODA holder operating under a procedures man-
23 ual approved by the Administrator before the date of
24 enactment of the FAA Reauthorization Act of 2018,
25 the Administrator shall—

1 “(A) at the request of the ODA holder and
2 in an expeditious manner, approve revisions to
3 the ODA holder’s procedures manual;

4 “(B) delegate fully to the ODA holder each
5 of the functions to be performed as specified in
6 the procedures manual, unless the Adminis-
7 trator determines, after the date of the delega-
8 tion and as a result of an inspection or other
9 investigation, that the public interest and safety
10 of air commerce requires a limitation with re-
11 spect to one or more of the functions;

12 “(C) conduct regular oversight activities by
13 inspecting the ODA holder’s delegated functions
14 and taking action based on validated inspection
15 findings; and

16 “(D) for each function that is limited
17 under subparagraph (B), work with the ODA
18 holder to develop the ODA holder’s capability to
19 execute that function safely and effectively and
20 return to full authority status.

21 “(b) ODA OFFICE.—

22 “(1) ESTABLISHMENT.—Not later than 120
23 days after the date of enactment of this section, the
24 Administrator of the FAA shall identify, within the
25 FAA Office of Aviation Safety, a centralized policy

1 office to be known as the Organization Designation
2 Authorization Office or the ODA Office.

3 “(2) PURPOSE.—The purpose of the ODA Of-
4 fice shall be to provide oversight and ensure the con-
5 sistency of the FAA’s audit functions under the
6 ODA program across the FAA.

7 “(3) FUNCTIONS.—The ODA Office shall—

8 “(A)(i) at the request of an ODA holder,
9 eliminate all limitations specified in a proce-
10 dures manual in place on the day before the
11 date of enactment of the FAA Reauthorization
12 Act of 2018 that are low and medium risk as
13 determined by a risk analysis using criteria es-
14 tablished by the ODA Office and disclosed to
15 the ODA holder, except where an ODA holder’s
16 performance warrants the retention of a specific
17 limitation due to documented concerns about
18 inadequate current performance in carrying out
19 that authorized function;

20 “(ii) require an ODA holder to establish a
21 corrective action plan to regain authority for
22 any retained limitations;

23 “(iii) require an ODA holder to notify the
24 ODA Office when all corrective actions have
25 been accomplished; and

1 “(iv) make a reassessment to determine if
2 subsequent performance in carrying out any re-
3 tained limitation warrants continued retention
4 and, if such reassessment determines perform-
5 ance meets objectives, lift such limitation imme-
6 diately;

7 “(B) improve FAA and ODA holder per-
8 formance and ensure full utilization of the au-
9 thorities delegated under the ODA program;

10 “(C) develop a more consistent approach to
11 audit priorities, procedures, and training under
12 the ODA program;

13 “(D) review, in a timely fashion, a random
14 sample of limitations on delegated authorities
15 under the ODA program to determine if the
16 limitations are appropriate;

17 “(E) ensure national consistency in the in-
18 terpretation and application of the requirements
19 of the ODA program, including any limitations,
20 and in the performance of the ODA program;
21 and

22 “(F) at the request of an ODA holder, re-
23 view and approve new limitations to ODA func-
24 tions.

1 “(c) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) FAA.—The term ‘FAA’ means the Fed-
4 eral Aviation Administration.

5 “(2) ODA HOLDER.—The term ‘ODA holder’
6 means an entity authorized to perform functions
7 pursuant to a delegation made by the Administrator
8 of the FAA under section 44702(d).

9 “(3) ODA UNIT.—The term “ODA unit”
10 means a group of 2 or more individuals who per-
11 form, under the supervision of an ODA holder, au-
12 thorized functions under an ODA.

13 “(4) ORGANIZATION.—The term “organization”
14 means a firm, partnership, corporation, company,
15 association, joint-stock association, or governmental
16 entity.

17 “(5) ORGANIZATION DESIGNATION AUTHORIZA-
18 TION; ODA.—The term ‘Organization Designation
19 Authorization’ or ‘ODA’ means an authorization by
20 the FAA under section 44702(d) for an organization
21 composed of 1 or more ODA units to perform ap-
22 proved functions on behalf of the FAA.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 447 of title 49, United States Code, is amended by
25 adding at the end the following:

“44736. Organization designation authorizations.”.

1 **SEC. 213. ODA REVIEW.**

2 (a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

3 (1) EXPERT PANEL.—Not later than 120 days
4 after the date of enactment of this Act, the Adminis-
5 trator shall convene a multidisciplinary expert review
6 panel (in this section referred to as the “Panel”).

7 (2) COMPOSITION OF PANEL.—

8 (A) APPOINTMENT OF MEMBERS.—The
9 Panel shall be composed of not more than 20
10 members appointed by the Administrator.

11 (B) QUALIFICATIONS.—The members ap-
12 pointed to the Panel shall—

13 (i) each have a minimum of 5 years of
14 experience in processes and procedures
15 under the ODA program; and

16 (ii) represent, at a minimum, ODA
17 holders, aviation manufacturers, safety ex-
18 perts, and FAA labor organizations, in-
19 cluding labor representatives of FAA avia-
20 tion safety inspectors and aviation safety
21 engineers.

22 (b) SURVEY.—The Panel shall conduct a survey of
23 ODA holders and ODA program applicants to document
24 and assess FAA certification and oversight activities, in-
25 cluding use of the ODA program and the timeliness and
26 efficiency of the certification process. In carrying out this

1 subsection, the Panel shall consult with appropriate survey
2 experts to best design and conduct the survey.

3 (c) ASSESSMENT AND RECOMMENDATIONS.—The
4 Panel shall assess and make recommendations con-
5 cerning—

6 (1) the FAA’s processes and procedures under
7 the ODA program and whether the processes and
8 procedures function as intended;

9 (2) the best practices of and lessons learned by
10 ODA holders and FAA personnel who provide over-
11 sight of ODA holders;

12 (3) performance incentive policies that—

13 (A) are related to the ODA program for
14 FAA personnel; and

15 (B) do not conflict with the public interest;

16 (4) training activities related to the ODA pro-
17 gram for FAA personnel and ODA holders;

18 (5) the impact, if any, that oversight of the
19 ODA program has on FAA resources and the FAA’s
20 ability to process applications for certifications out-
21 side of the ODA program; and

22 (6) the results of the survey conducted under
23 subsection (b).

24 (d) REPORT.—Not later than 180 days after the date
25 the Panel is convened under subsection (a), the Panel shall

1 submit to the Administrator, the Advisory Committee, and
2 the appropriate committees of Congress a report on the
3 findings and recommendations of the Panel.

4 (e) DEFINITIONS.—The definitions contained in sec-
5 tion 44736 of title 49, United States Code, as added by
6 this Act, apply to this section.

7 (f) APPLICABLE LAW.—Public Law 92–463 shall not
8 apply to the Panel.

9 (g) SUNSET.—The Panel shall terminate on the date
10 of submission of the report under subsection (d), or on
11 the date that is 1 year after the Panel is convened under
12 subsection (a), whichever occurs first.

13 **SEC. 214. TYPE CERTIFICATION RESOLUTION PROCESS.**

14 (a) IN GENERAL.—Section 44704(a) of title 49,
15 United States Code, is amended by adding at the end the
16 following:

17 “(6) TYPE CERTIFICATION RESOLUTION PROC-
18 ESS.—

19 “(A) IN GENERAL.—Not later than 15
20 months after the date of enactment of the FAA
21 Reauthorization Act of 2018, the Administrator
22 shall establish an effective, timely, and mile-
23 stone-based issue resolution process for type
24 certification activities under this subsection.

1 “(B) PROCESS REQUIREMENTS.—The res-
2 olution process shall provide for—

3 “(i) resolution of technical issues at
4 pre-established stages of the certification
5 process, as agreed to by the Administrator
6 and the type certificate applicant;

7 “(ii) automatic elevation to appro-
8 priate management personnel of the Fed-
9 eral Aviation Administration and the type
10 certificate applicant of any major certifi-
11 cation process milestone that is not com-
12 pleted or resolved within a specific period
13 of time agreed to by the Administrator and
14 the type certificate applicant; and

15 “(iii) resolution of a major certifi-
16 cation process milestone elevated pursuant
17 to clause (ii) within a specific period of
18 time agreed to by the Administrator and
19 the type certificate applicant.

20 “(C) MAJOR CERTIFICATION PROCESS
21 MILESTONE DEFINED.—In this paragraph, the
22 term ‘major certification process milestone’
23 means a milestone related to a type certification
24 basis, type certification plan, type inspection
25 authorization, issue paper, or other major type

1 certification activity agreed to by the Adminis-
2 trator and the type certificate applicant.”.

3 (b) TECHNICAL AMENDMENT.—Section 44704 of
4 title 49, United States Code, is amended in the section
5 heading by striking “**airworthiness certificates,**”
6 and inserting “**airworthiness certificates,**”.

7 **SEC. 215. REVIEW OF CERTIFICATION PROCESS FOR SMALL**
8 **GENERAL AVIATION AIRPLANES.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall initiate a review of the Federal
12 Aviation Administration’s implementation of the final rule
13 titled “Revision of Airworthiness Standards for Normal,
14 Utility, Acrobatic, and Commuter Category Airplanes”
15 (81 Fed. Reg. 96572).

16 (b) CONSIDERATIONS.—In carrying out the review,
17 the Comptroller General shall assess—

18 (1) how the rule puts into practice the Adminis-
19 tration’s efforts to implement performance and risk-
20 based safety standards;

21 (2) the extent to which the rule has resulted in
22 the implementation of a streamlined regulatory re-
23 gime to improve safety, reduce regulatory burden,
24 and decrease costs;

1 (3) whether the rule and its implementation
2 have spurred innovation and technological adoption;

3 (4) how consensus standards accepted by the
4 FAA facilitate the development of new safety equip-
5 ment and aircraft capabilities; and

6 (5) whether lessons learned from the rule and
7 its implementation have resulted in best practices
8 that could be applied to airworthiness standards for
9 other categories of aircraft.

10 (c) REPORT.—Not later than 180 days after the date
11 of initiation of the review, the Comptroller General shall
12 submit to the appropriate committees of Congress a report
13 on the results of the review, including findings and rec-
14 ommendations.

15 **SEC. 216. ODA STAFFING AND OVERSIGHT.**

16 (a) REPORT TO CONGRESS.—Not later than 270 days
17 after the date of enactment of this Act, the Administrator
18 shall submit to the appropriate committees of Congress
19 a report on the Administration’s progress with respect
20 to—

21 (1) determining what additional model inputs
22 and labor distribution codes are needed to identify
23 ODA oversight staffing needs;

1 (2) developing and implementing system-based
2 evaluation criteria and risk-based tools to aid ODA
3 team members in targeting their oversight activities;

4 (3) developing agreements and processes for
5 sharing resources to ensure adequate oversight of
6 ODA personnel performing certification and inspec-
7 tion work at supplier and company facilities; and

8 (4) ensuring full utilization of ODA authority.

9 (b) ODA DEFINED.—In this section, the term
10 “ODA” has the meaning given that term in section 44736
11 of title 49, United States Code, as added by this Act.

12 **Subtitle C—Flight Standards** 13 **Reform**

14 **SEC. 221. FLIGHT STANDARDS PERFORMANCE OBJECTIVES** 15 **AND METRICS.**

16 (a) IN GENERAL.—Not later than 120 days after the
17 date on which the Advisory Committee is established
18 under section 202, the Administrator shall establish per-
19 formance objectives and apply and track performance
20 metrics for the FAA and the aviation industry relating to
21 flight standards activities in accordance with this section.

22 (b) COLLABORATION.—The Administrator shall carry
23 out this section in collaboration with the Advisory Com-
24 mittee, and update agency performance objectives and
25 metrics after considering the recommendations of the Ad-

1 visory Committee under paragraphs (8) and (9) of section
2 202(c).

3 (c) PERFORMANCE OBJECTIVES.—In carrying out
4 subsection (a), the Administrator shall establish perform-
5 ance objectives for the FAA and the aviation industry to
6 ensure that, with respect to flight standards activities,
7 progress is made toward, at a minimum—

8 (1) eliminating delays with respect to such ac-
9 tivities;

10 (2) increasing accountability for both the FAA
11 and the aviation industry;

12 (3) achieving full utilization of FAA delegation
13 and designation authorities, including organizational
14 designation authority;

15 (4) fully implementing risk management prin-
16 ciples and a systems safety approach;

17 (5) reducing duplication of effort;

18 (6) eliminating inconsistent regulatory interpre-
19 tations and inconsistent enforcement activities;

20 (7) improving and providing greater opportuni-
21 ties for training, including recurrent training, in au-
22 diting and a systems safety approach to oversight;

23 (8) developing and allowing utilization of a sin-
24 gle master source for guidance;

1 (9) providing and utilizing a streamlined appeal
2 process for the resolution of regulatory interpreta-
3 tion questions;

4 (10) maintaining and improving safety; and

5 (11) increasing transparency.

6 (d) PERFORMANCE METRICS.—In carrying out sub-
7 section (a), the Administrator shall apply and track per-
8 formance metrics for the FAA and the regulated aviation
9 industry established by the Advisory Committee.

10 (e) DATA GENERATION.—

11 (1) BASELINES.—Not later than 1 year after
12 the date on which the Advisory Committee rec-
13 ommends initial performance metrics for the FAA
14 and the regulated aviation industry under section
15 202, the Administrator shall generate initial data
16 with respect to each of the performance metrics ap-
17 plied and tracked under this section.

18 (2) BENCHMARKS TO MEASURE PROGRESS TO-
19 WARD GOALS.—The Administrator shall use the
20 metrics applied and tracked under this section to
21 generate data on an ongoing basis and to measure
22 progress toward the achievement of national goals
23 recommended by the Advisory Committee.

24 (f) PUBLICATION.—The Administrator shall make
25 data generated using the performance metrics applied and

1 tracked under this section available to the public in a
2 searchable, sortable, and downloadable format through the
3 internet website of the FAA or other appropriate methods
4 and shall ensure that the data are made available in a
5 manner that—

6 (1) does not provide identifying information re-
7 garding an individual or entity; and

8 (2) prevents inappropriate disclosure of propri-
9 etary information.

10 **SEC. 222. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
11 **FORM.**

12 (a) **ESTABLISHMENT.**—Not later than 90 days after
13 the date of enactment of this Act, the Administrator shall
14 establish the FAA Task Force on Flight Standards Re-
15 form (in this section referred to as the “Task Force”).

16 (b) **MEMBERSHIP.**—

17 (1) **APPOINTMENT.**—The membership of the
18 Task Force shall be appointed by the Administrator.

19 (2) **NUMBER.**—The Task Force shall be com-
20 posed of not more than 20 members.

21 (3) **REPRESENTATION REQUIREMENTS.**—The
22 membership of the Task Force shall include rep-
23 resentatives, with knowledge of flight standards reg-
24 ulatory processes and requirements, of—

25 (A) air carriers;

- 1 (B) general aviation;
- 2 (C) business aviation;
- 3 (D) repair stations;
- 4 (E) unmanned aircraft systems operators;
- 5 (F) flight schools;
- 6 (G) labor unions, including those rep-
- 7 resenting FAA aviation safety inspectors and
- 8 those representing FAA aviation safety engi-
- 9 neers;
- 10 (H) aviation and aerospace manufacturers;
- 11 and
- 12 (I) aviation safety experts.

13 (c) DUTIES.—The duties of the Task Force shall in-

14 clude, at a minimum, identifying best practices and pro-

15 viding recommendations, for current and anticipated

16 budgetary environments, with respect to—

- 17 (1) simplifying and streamlining flight stand-
- 18 ards regulatory processes, including issuance and
- 19 oversight of certificates;
- 20 (2) reorganizing Flight Standards Services to
- 21 establish an entity organized by function rather than
- 22 geographic region, if appropriate;
- 23 (3) FAA aviation safety inspector training op-
- 24 portunities;

1 (4) ensuring adequate and timely provision of
2 Flight Standards activities and responses necessary
3 for type certification, operational evaluation, and
4 entry into service of newly manufactured aircraft;

5 (5) FAA aviation safety inspector standards
6 and performance; and

7 (6) achieving, across the FAA, consistent—

8 (A) regulatory interpretations; and

9 (B) application of oversight activities.

10 (d) REPORT.—Not later than 1 year after the date
11 of the establishment of the Task Force, the Task Force
12 shall submit to the appropriate committees of Congress
13 a report detailing—

14 (1) the best practices identified and rec-
15 ommendations provided by the Task Force under
16 subsection (c); and

17 (2) any recommendations of the Task Force for
18 additional regulatory, policy, or cost-effective legisla-
19 tive action to improve the efficiency of agency activi-
20 ties.

21 (e) APPLICABLE LAW.—Public Law 92–463 shall not
22 apply to the Task Force.

23 (f) SUNSET.—The Task Force shall terminate on the
24 earlier of—

1 (1) the date on which the Task Force submits
2 the report required under subsection (d); or

3 (2) the date that is 18 months after the date
4 on which the Task Force is established under sub-
5 section (a).

6 **SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.**

7 (a) ESTABLISHMENT.—Not later than 1 year after
8 the date of enactment of this Act, the Administrator shall
9 establish a centralized safety guidance database that
10 will—

11 (1) encompass all of the regulatory guidance
12 documents of the FAA Office of Aviation Safety;

13 (2) contain, for each such guidance document,
14 a link to the Code of Federal Regulations provision
15 to which the document relates; and

16 (3) be publicly available in a manner that—

17 (A) protects from disclosure identifying in-
18 formation regarding an individual or entity; and

19 (B) prevents inappropriate disclosure pro-
20 prietary information.

21 (b) DATA ENTRY TIMING.—

22 (1) EXISTING DOCUMENTS.—Not later than 14
23 months after the date of enactment of this Act, the
24 Administrator shall begin entering into the database
25 established under subsection (a) all of the regulatory

1 guidance documents of the Office of Aviation Safety
2 that are in effect and were issued before the date on
3 which the Administrator begins such entry process.

4 (2) NEW DOCUMENTS AND CHANGES.—On and
5 after the date on which the Administrator begins the
6 document entry process under paragraph (1), the
7 Administrator shall ensure that all new regulatory
8 guidance documents of the Office of Aviation Safety
9 and any changes to existing documents are included
10 in the database established under subsection (a) as
11 such documents or changes to existing documents
12 are issued.

13 (c) CONSULTATION REQUIREMENT.—In establishing
14 the database under subsection (a), the Administrator shall
15 consult and collaborate with appropriate stakeholders, in-
16 cluding labor organizations (including those representing
17 aviation workers, FAA aviation safety engineers and FAA
18 aviation safety inspectors) and aviation industry stake-
19 holders.

20 (d) REGULATORY GUIDANCE DOCUMENTS DE-
21 FINED.—In this section, the term “regulatory guidance
22 documents” means all forms of written information issued
23 by the FAA that an individual or entity may use to inter-
24 pret or apply FAA regulations and requirements, includ-
25 ing information an individual or entity may use to deter-

1 mine acceptable means of compliance with such regula-
2 tions and requirements, such as an order, manual, cir-
3 cular, policy statement, legal interpretation memorandum,
4 or rulemaking document.

5 **SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS**
6 **BOARD.**

7 (a) ESTABLISHMENT.—Not later than 180 days after
8 the date of enactment of this Act, the Administrator shall
9 establish a Regulatory Consistency Communications
10 Board (in this section referred to as the “Board”).

11 (b) CONSULTATION REQUIREMENT.—In establishing
12 the Board, the Administrator shall consult and collaborate
13 with appropriate stakeholders, including FAA labor orga-
14 nizations (including labor organizations representing FAA
15 aviation safety inspectors) and industry stakeholders.

16 (c) MEMBERSHIP.—The Board shall be composed of
17 FAA representatives, appointed by the Administrator,
18 from—

- 19 (1) the Flight Standards Service;
20 (2) the Aircraft Certification Service; and
21 (3) the Office of the Chief Counsel.

22 (d) FUNCTIONS.—The Board shall carry out the fol-
23 lowing functions:

- 24 (1) Establish, at a minimum, processes by
25 which—

1 (A) FAA personnel and persons regulated
2 by the FAA may submit anonymous regulatory
3 interpretation questions without fear of retalia-
4 tion;

5 (B) FAA personnel may submit written
6 questions, and receive written responses, as to
7 whether a previous approval or regulatory inter-
8 pretation issued by FAA personnel in another
9 office or region is correct or incorrect; and

10 (C) any other person may submit written
11 anonymous regulatory interpretation questions.

12 (2) Meet on a regular basis to discuss and re-
13 solve questions submitted pursuant to paragraph (1)
14 and the appropriate application of regulations and
15 policy with respect to each question.

16 (3) Provide to a person that submitted a ques-
17 tion pursuant to subparagraph (A) or (B) of para-
18 graph (1) a timely written response to the question.

19 (4) Establish a process to make resolutions of
20 common regulatory interpretation questions publicly
21 available to FAA personnel, persons regulated by the
22 FAA, and the public without revealing any identi-
23 fying data of the person that submitted the question
24 and in a manner that protects any proprietary infor-
25 mation.

1 (5) Ensure the incorporation of resolutions of
2 questions submitted pursuant to paragraph (1) into
3 regulatory guidance documents, as such term is de-
4 fined in section 223(d).

5 (e) PERFORMANCE METRICS, TIMELINES, AND
6 GOALS.—Not later than 180 days after the date on which
7 the Advisory Committee recommends performance objec-
8 tives and performance metrics for the FAA and the regu-
9 lated aviation industry under section 202, the Adminis-
10 trator, in collaboration with the Advisory Committee,
11 shall—

12 (1) establish performance metrics, timelines,
13 and goals to measure the progress of the Board in
14 resolving regulatory interpretation questions sub-
15 mitted pursuant to subsection (d)(1); and

16 (2) implement a process for tracking the
17 progress of the Board in meeting the performance
18 metrics, timelines, and goals established under para-
19 graph (1).

20 **Subtitle D—Safety Workforce**

21 **SEC. 231. SAFETY WORKFORCE TRAINING STRATEGY.**

22 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
23 Not later than 60 days after the date of enactment of this
24 Act, the Administrator shall review and revise its safety
25 workforce training strategy to ensure that such strategy—

1 (1) aligns with an effective risk-based approach
2 to safety oversight;

3 (2) best uses available resources;

4 (3) allows FAA employees participating in orga-
5 nization management teams or conducting ODA pro-
6 gram audits to complete, in a timely fashion, appro-
7 priate training, including recurrent training, in au-
8 diting and a systems safety approach to oversight;

9 (4) seeks knowledge-sharing opportunities be-
10 tween the FAA and the aviation industry in new
11 technologies, equipment and systems, best practices,
12 and other areas of interest related to safety over-
13 sight;

14 (5) functions within the current and anticipated
15 budgetary environments;

16 (6) fosters an inspector and engineer workforce
17 that has the skills and training necessary to improve
18 risk-based approaches that focus on requirements
19 management and auditing skills; and

20 (7) includes, as appropriate, milestones and
21 metrics for meeting the requirements of paragraphs
22 (1) through (5).

23 (b) REPORT.—Not later than 270 days after the date
24 of the revision of the strategy required under subsection
25 (a), the Administrator shall submit to the appropriate

1 committees of Congress a report on the implementation
2 of the strategy and progress in meeting any milestones
3 and metrics included in the strategy.

4 (c) DEFINITIONS.—In this section, the following defi-
5 nitions apply:

6 (1) ODA; ODA HOLDER.—The terms “ODA”
7 and “ODA holder” have the meanings given those
8 terms in section 44736 of title 49, United States
9 Code, as added by this Act.

10 (2) ODA PROGRAM.—The term “ODA pro-
11 gram” means the program to standardize FAA man-
12 agement and oversight of the organizations that are
13 approved to perform certain functions on behalf of
14 the Administration under section 44702(d) of title
15 49, United States Code.

16 (3) ORGANIZATION MANAGEMENT TEAM.—The
17 term “organization management team” means a
18 team consisting of FAA aviation safety engineers,
19 flight test pilots, and aviation safety inspectors over-
20 seeing an ODA holder and its certification activity.

21 **SEC. 232. WORKFORCE REVIEW.**

22 (a) WORKFORCE REVIEW.—Not later than 90 days
23 after the date of enactment of this Act, the Comptroller
24 General of the United States shall conduct a review to as-
25 sess the workforce and training needs of the FAA Office

1 of Aviation Safety in the anticipated budgetary environ-
2 ment.

3 (b) CONTENTS.—The review required under sub-
4 section (a) shall include—

5 (1) a review of current aviation safety inspector
6 and aviation safety engineer hiring, training, and re-
7 current training requirements;

8 (2) an analysis of the skills and qualifications
9 required of aviation safety inspectors and aviation
10 safety engineers for successful performance in the
11 current and future projected aviation safety regu-
12 latory environment, including the need for a systems
13 engineering discipline within the FAA to guide the
14 engineering of complex systems, with an emphasis
15 on auditing designated authorities;

16 (3) a review of current performance incentive
17 policies of the FAA, as applied to the Office of Avia-
18 tion Safety, including awards for performance;

19 (4) an analysis of ways the FAA can work with
20 industry and labor, including labor groups rep-
21 resenting FAA aviation safety inspectors and avia-
22 tion safety engineers, to establish knowledge-sharing
23 opportunities between the FAA and the aviation in-
24 dustry regarding new equipment and systems, best
25 practices, and other areas of interest; and

1 (5) recommendations on the most effective
2 qualifications, training programs (including e-learn-
3 ing training), and performance incentive approaches
4 to address the needs of the future projected aviation
5 safety regulatory system in the anticipated budg-
6 etary environment.

7 (c) REPORT.—Not later than 270 days after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the appropriate committees of Congress a report
10 on the results of the review required under subsection (a).

11 **Subtitle E—International Aviation**

12 **SEC. 241. PROMOTION OF UNITED STATES AEROSPACE** 13 **STANDARDS, PRODUCTS, AND SERVICES** 14 **ABROAD.**

15 Section 40104 of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(d) PROMOTION OF UNITED STATES AEROSPACE
18 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
19 Secretary shall take appropriate actions to—

20 “(1) promote United States aerospace-related
21 safety standards abroad;

22 “(2) facilitate and vigorously defend approvals
23 of United States aerospace products and services
24 abroad;

1 “(3) with respect to bilateral partners, utilize
2 bilateral safety agreements and other mechanisms to
3 improve validation of United States type certificated
4 aeronautical products, services, and appliances and
5 enhance mutual acceptance in order to eliminate
6 redundancies and unnecessary costs; and

7 “(4) with respect to the aeronautical safety au-
8 thorities of a foreign country, streamline validation
9 and coordination processes.”.

10 **SEC. 242. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
11 **RESPONSIBILITIES.**

12 Section 44701(e) of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

15 “(A) ACCEPTANCE.—Subject to subpara-
16 graph (D), the Administrator may accept an
17 airworthiness directive, as defined in section
18 39.3 of title 14, Code of Federal Regulations,
19 issued by an aeronautical safety authority of a
20 foreign country, and leverage that authority’s
21 regulatory process, if—

22 “(i) the country is the state of design
23 for the product that is the subject of the
24 airworthiness directive;

1 “(ii) the United States has a bilateral
2 safety agreement relating to aircraft cer-
3 tification with the country;

4 “(iii) as part of the bilateral safety
5 agreement with the country, the Adminis-
6 trator has determined that such aero-
7 nautical safety authority has an aircraft
8 certification system relating to safety that
9 produces a level of safety equivalent to the
10 level produced by the system of the Fed-
11 eral Aviation Administration;

12 “(iv) the aeronautical safety authority
13 of the country utilizes an open and trans-
14 parent notice and comment process in the
15 issuance of airworthiness directives; and

16 “(v) the airworthiness directive is nec-
17 essary to provide for the safe operation of
18 the aircraft subject to the directive.

19 “(B) ALTERNATIVE APPROVAL PROCESS.—
20 Notwithstanding subparagraph (A), the Admin-
21 istrator may issue a Federal Aviation Adminis-
22 tration airworthiness directive instead of accept-
23 ing an airworthiness directive otherwise eligible
24 for acceptance under such subparagraph, if the
25 Administrator determines that such issuance is

1 necessary for safety or operational reasons due
2 to the complexity or unique features of the Fed-
3 eral Aviation Administration airworthiness di-
4 rective or the United States aviation system.

5 “(C) ALTERNATIVE MEANS OF COMPLI-
6 ANCE.—The Administrator may—

7 “(i) accept an alternative means of
8 compliance, with respect to an airworthi-
9 ness directive accepted under subpara-
10 graph (A), that was approved by the aero-
11 nautical safety authority of the foreign
12 country that issued the airworthiness di-
13 rective; or

14 “(ii) notwithstanding subparagraph
15 (A), and at the request of any person af-
16 fected by an airworthiness directive accept-
17 ed under such subparagraph, approve an
18 alternative means of compliance with re-
19 spect to the airworthiness directive.

20 “(D) LIMITATION.—The Administrator
21 may not accept an airworthiness directive
22 issued by an aeronautical safety authority of a
23 foreign country if the airworthiness directive
24 addresses matters other than those involving
25 the safe operation of an aircraft.”.

1 **SEC. 243. FAA LEADERSHIP ABROAD.**

2 (a) IN GENERAL.—To promote United States aero-
3 space safety standards, reduce redundant regulatory activ-
4 ity, and facilitate acceptance of FAA design and produc-
5 tion approvals abroad, the Administrator shall—

6 (1) attain greater expertise in issues related to
7 dispute resolution, intellectual property, and export
8 control laws to better support FAA certification and
9 other aerospace regulatory activities abroad;

10 (2) work with United States companies to more
11 accurately track the amount of time it takes foreign
12 authorities, including bilateral partners, to validate
13 United States type certificated aeronautical prod-
14 ucts;

15 (3) provide assistance to United States compa-
16 nies that have experienced significantly long foreign
17 validation wait times;

18 (4) work with foreign authorities, including bi-
19 lateral partners, to collect and analyze data to deter-
20 mine the timeliness of the acceptance and validation
21 of FAA design and production approvals by foreign
22 authorities and the acceptance and validation of for-
23 eign-certified products by the FAA;

24 (5) establish appropriate benchmarks and
25 metrics to measure the success of bilateral aviation
26 safety agreements and to reduce the validation time

1 for United States type certificated aeronautical
2 products abroad; and

3 (6) work with foreign authorities, including bi-
4 lateral partners, to improve the timeliness of the ac-
5 ceptance and validation of FAA design and produc-
6 tion approvals by foreign authorities and the accept-
7 ance and validation of foreign-certified products by
8 the FAA.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Administrator shall submit
11 to the appropriate committees of Congress a report that—

12 (1) describes the FAA’s strategic plan for inter-
13 national engagement;

14 (2) describes the structure and responsibilities
15 of all FAA offices that have international respon-
16 sibilities, including the Aircraft Certification Office,
17 and all the activities conducted by those offices re-
18 lated to certification and production;

19 (3) describes current and forecasted staffing
20 and travel needs for the FAA’s international engage-
21 ment activities, including the needs of the Aircraft
22 Certification Office in the current and forecasted
23 budgetary environment;

24 (4) provides recommendations, if appropriate,
25 to improve the existing structure and personnel and

1 travel policies supporting the FAA’s international
2 engagement activities, including the activities of the
3 Aviation Certification Office, to better support the
4 growth of United States aerospace exports; and

5 (5) identifies cost-effective policy initiatives,
6 regulatory initiatives, or legislative initiatives needed
7 to improve and enhance the timely acceptance of
8 United States aerospace products abroad.

9 (c) INTERNATIONAL TRAVEL.—The Administrator,
10 or the Administrator’s designee, may authorize inter-
11 national travel for any FAA employee, without the ap-
12 proval of any other person or entity, if the Administrator
13 determines that the travel is necessary—

14 (1) to promote United States aerospace safety
15 standards; or

16 (2) to support expedited acceptance of FAA de-
17 sign and production approvals.

18 **SEC. 244. REGISTRATION, CERTIFICATION, AND RELATED**

19 **FEEES.**

20 Section 45305 of title 49, United States Code, is
21 amended—

22 (1) in subsection (a) by striking “Subject to
23 subsection (b)” and inserting “Subject to subsection
24 (c)”;

1 (2) by redesignating subsections (b) and (c) as
2 subsections (c) and (d), respectively; and

3 (3) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) CERTIFICATION SERVICES.—Subject to sub-
6 section (c), and notwithstanding section 45301(a), the Ad-
7 ministrator may establish and collect a fee from a foreign
8 government or entity for services related to certification,
9 regardless of where the services are provided, if the fee—

10 “(1) is established and collected in a manner
11 consistent with aviation safety agreements; and

12 “(2) does not exceed the estimated costs of the
13 services.”.

14 **TITLE III—SAFETY**

15 **Subtitle A—General Provisions**

16 **SEC. 301. DEFINITIONS.**

17 In this title, the following definitions apply:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the FAA.

20 (2) FAA.—The term “FAA” means the Fed-
21 eral Aviation Administration.

22 **SEC. 302. FAA TECHNICAL TRAINING.**

23 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
24 later than 90 days after the date of enactment of this Act,
25 the Administrator, in collaboration with the exclusive bar-

1 gaining representatives of covered FAA personnel, shall
2 establish an e-learning training pilot program in accord-
3 ance with the requirements of this section.

4 (b) CURRICULUM.—The pilot program shall—

5 (1) include a recurrent training curriculum for
6 covered FAA personnel to ensure that the covered
7 FAA personnel receive instruction on the latest avia-
8 tion technologies, processes, and procedures;

9 (2) focus on providing specialized technical
10 training for covered FAA personnel, as determined
11 necessary by the Administrator;

12 (3) include training courses on applicable regu-
13 lations of the Federal Aviation Administration; and

14 (4) consider the efficacy of instructor-led online
15 training.

16 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
17 gram shall terminate 1 year after the date of establish-
18 ment of the pilot program.

19 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
20 nation of the pilot program, the Administrator shall assess
21 and establish or update an e-learning training program
22 that incorporates lessons learned for covered FAA per-
23 sonnel as a result of the pilot program.

24 (e) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) COVERED FAA PERSONNEL.—The term
2 “covered FAA personnel” means airway transpor-
3 tation systems specialists and aviation safety inspec-
4 tors of the Federal Aviation Administration.

5 (2) E-LEARNING TRAINING.—The term “e-
6 learning training” means learning utilizing electronic
7 technologies to access educational curriculum outside
8 of a traditional classroom.

9 **SEC. 303. SAFETY CRITICAL STAFFING.**

10 (a) UPDATE OF FAA’S SAFETY CRITICAL STAFFING
11 MODEL.—Not later than 270 days after the date of enact-
12 ment of this Act, the Administrator shall update the safety
13 critical staffing model of the Administration to determine
14 the number of aviation safety inspectors that will be need-
15 ed to fulfill the safety oversight mission of the Administra-
16 tion.

17 (b) AUDIT BY DOT INSPECTOR GENERAL.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date on which the Administrator has updated
20 the safety critical staffing model under subsection
21 (a), the Inspector General of the Department of
22 Transportation shall conduct an audit of the staffing
23 model.

24 (2) CONTENTS.—The audit shall include, at a
25 minimum—

1 (A) a review of the assumptions and meth-
2 odologies used in devising and implementing the
3 staffing model to assess the adequacy of the
4 staffing model in predicting the number of avia-
5 tion safety inspectors needed—

6 (i) to properly fulfill the mission of
7 the Administration; and

8 (ii) to meet the future growth of the
9 aviation industry; and

10 (B) a determination on whether the staff-
11 ing model takes into account the Administra-
12 tion's authority to fully utilize designees.

13 (3) REPORT ON AUDIT.—

14 (A) REPORT TO SECRETARY.—Not later
15 than 30 days after the date of completion of the
16 audit, the Inspector General shall submit to the
17 Secretary a report on the results of the audit.

18 (B) REPORT TO CONGRESS.—Not later
19 than 60 days after the date of receipt of the re-
20 port, the Secretary shall submit to the appro-
21 priate committees of Congress a copy of the re-
22 port, together with, if appropriate, a description
23 of any actions taken or to be taken to address
24 the results of the audit.

1 **SEC. 304. INTERNATIONAL EFFORTS REGARDING TRACK-**
2 **ING OF CIVIL AIRCRAFT.**

3 The Administrator shall exercise leadership on cre-
4 ating a global approach to improving aircraft tracking by
5 working with—

6 (1) foreign counterparts of the Administrator in
7 the International Civil Aviation Organization and its
8 subsidiary organizations;

9 (2) other international organizations and fora;
10 and

11 (3) the private sector.

12 **SEC. 305. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**
13 **TEMS.**

14 (a) ASSESSMENT.—Not later than 90 days after the
15 date of enactment of this Act, the Administrator shall ini-
16 tiate an assessment of aircraft data access and retrieval
17 systems for part 121 air carrier aircraft that are used in
18 extended overwater operations to—

19 (1) determine if the systems provide improved
20 access and retrieval of aircraft data and cockpit
21 voice recordings in the event of an aircraft accident;
22 and

23 (2) assess the cost effectiveness of each system
24 assessed.

25 (b) SYSTEMS TO BE EXAMINED.—The systems to be
26 examined under this section shall include, at a minimum—

1 (1) various methods for improving detection
2 and retrieval of flight data, including—

3 (A) low-frequency underwater locating de-
4 vices; and

5 (B) extended battery life for underwater
6 locating devices;

7 (2) automatic deployable flight recorders;

8 (3) emergency locator transmitters;

9 (4) triggered transmission of flight data and
10 other satellite-based solutions;

11 (5) distress-mode tracking; and

12 (6) protections against disabling flight recorder
13 systems.

14 (c) REPORT.—Not later than 1 year after the date
15 of initiation of the assessment, the Administrator shall
16 submit to the appropriate committees of Congress a report
17 on the results of the assessment.

18 (d) PART 121 AIR CARRIER DEFINED.—In this sec-
19 tion, the term “part 121 air carrier” means an air carrier
20 that holds a certificate issued under part 121 of title 14,
21 Code of Federal Regulations.

22 **SEC. 306. ADVANCED COCKPIT DISPLAYS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Administrator shall ini-
25 tiate a review of heads-up display systems, heads-down

1 display systems employing synthetic vision systems, and
2 enhanced vision systems (in this section referred to as
3 “HUD systems”, “SVS”, and “EVS”, respectively).

4 (b) CONTENTS.—The review shall—

5 (1) evaluate the impacts of single- and dual-in-
6 stalled HUD systems, SVS, and EVS on the safety
7 and efficiency of aircraft operations within the na-
8 tional airspace system; and

9 (2) review a sufficient quantity of commercial
10 aviation accidents or incidents in order to evaluate
11 if HUD systems, SVS, or EVS would have produced
12 a better outcome in each accident or incident.

13 (c) CONSULTATION.—In conducting the review, the
14 Administrator shall consult with aviation manufacturers,
15 representatives of pilot groups, aviation safety organiza-
16 tions, and any government agencies the Administrator
17 considers appropriate.

18 (d) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Administrator shall submit
20 to the appropriate committees of Congress a report con-
21 taining the results of the review, the actions the Adminis-
22 trator plans to take with respect to the systems reviewed,
23 and the associated timeline for such actions.

1 **SEC. 307. EMERGENCY MEDICAL EQUIPMENT ON PAS-**
2 **SENGER AIRCRAFT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator shall
5 evaluate and revise, as appropriate, regulations in part
6 121 of title 14, Code of Federal Regulations, regarding
7 emergency medical equipment, including the contents of
8 first-aid kits, applicable to all certificate holders operating
9 passenger aircraft under that part.

10 (b) CONSIDERATION.—In carrying out subsection (a),
11 the Administrator shall consider whether the minimum
12 contents of approved emergency medical kits, including
13 approved first-aid kits, include appropriate medications
14 and equipment to meet the emergency medical needs of
15 children and pregnant women.

16 **SEC. 308. FAA AND NTSB REVIEW OF GENERAL AVIATION**
17 **SAFETY.**

18 (a) STUDY REQUIRED.—Not later than 30 days after
19 the date of enactment of this Act, the Administrator, in
20 coordination with the Chairman of the National Transpor-
21 tation Safety Board, shall initiate a study of general avia-
22 tion safety.

23 (b) STUDY CONTENTS.—The study required under
24 subsection (a) shall include—

25 (1) a review of all general aviation accidents
26 since 2000, including a review of—

1 (A) the number of such accidents;

2 (B) the number of injuries and fatalities,
3 including with respect to both occupants of air-
4 craft and individuals on the ground, as a result
5 of such accidents;

6 (C) the number of such accidents inves-
7 tigated by the National Transportation Safety
8 Board;

9 (D) the number of such accidents inves-
10 tigated by the FAA; and

11 (E) a summary of the factual findings and
12 probable cause determinations with respect to
13 such accidents;

14 (2) an assessment of the most common prob-
15 able cause determinations issued for general aviation
16 accidents since 2000;

17 (3) an assessment of the most common facts
18 analyzed by the FAA and the National Transpor-
19 tation Safety Board in the course of investigations
20 of general aviation accidents since 2000, including
21 operational details;

22 (4) a review of the safety recommendations of
23 the National Transportation Safety Board related to
24 general aviation accidents since 2000;

1 (5) an assessment of the responses of the FAA
2 and the general aviation community to the safety
3 recommendations of the National Transportation
4 Safety Board related to general aviation accidents
5 since 2000;

6 (6) an assessment of the most common general
7 aviation safety issues;

8 (7) a review of the total costs to the Federal
9 Government to conduct investigations of general
10 aviation accidents over the last 10 years; and

11 (8) other matters the Administrator or the
12 Chairman considers appropriate.

13 (c) RECOMMENDATIONS AND ACTIONS TO ADDRESS
14 GENERAL AVIATION SAFETY.—Based on the results of the
15 study required under subsection (a), the Administrator, in
16 consultation with the Chairman, shall make such rec-
17 ommendations, including with respect to regulations and
18 enforcement activities, as the Administrator considers nec-
19 essary to—

20 (1) address general aviation safety issues identi-
21 fied under the study;

22 (2) protect persons and property on the ground;
23 and

24 (3) improve the safety of general aviation oper-
25 ators in the United States.

1 (d) **AUTHORITY.**—Notwithstanding any other provi-
2 sion of law, the Administrator shall have the authority to
3 undertake actions to address the recommendations made
4 under subsection (c).

5 (e) **REPORT.**—Not later than 1 year after the date
6 of enactment of this Act, the Administrator shall submit
7 to the appropriate committees of Congress a report on the
8 results of the study required under subsection (a), includ-
9 ing the recommendations described in subsection (c).

10 (f) **GENERAL AVIATION DEFINED.**—In this section,
11 the term “general aviation” means aircraft operation for
12 personal, recreational, or other noncommercial purposes.

13 **SEC. 309. CALL TO ACTION AIRLINE ENGINE SAFETY RE-**
14 **VIEW.**

15 (a) **CALL TO ACTION AIRLINE ENGINE SAFETY RE-**
16 **VIEW.**—Not later than 90 days after the date of enact-
17 ment of this Act, the Administrator shall initiate a Call
18 to Action safety review on airline engine safety in order
19 to bring stakeholders together to share best practices and
20 implement actions to address airline engine safety.

21 (b) **CONTENTS.**—The Call to Action safety review re-
22 quired pursuant to subsection (a) shall include—

23 (1) a review of Administration regulations,
24 guidance, and directives related to airline engines

1 during design and production, including the over-
2 sight of those processes;

3 (2) a review of Administration regulations,
4 guidance, and directives related to airline engine op-
5 eration and maintenance and the oversight of those
6 processes;

7 (3) a review of reportable accidents and inci-
8 dents involving airline engines during calendar years
9 2014 through 2018, including any identified contrib-
10 uting factors to the reportable accident or incident;
11 and

12 (4) a process for stakeholders, including inspec-
13 tors, manufacturers, maintenance providers, airlines,
14 labor, and aviation safety experts, to provide feed-
15 back and share best practices.

16 (c) REPORT AND RECOMMENDATIONS.—Not later
17 than 90 days after the conclusion of the Call to Action
18 safety review pursuant to subsection (a), the Adminis-
19 trator shall submit to the appropriate committees of Con-
20 gress a report on the results of the review and any rec-
21 ommendations for actions or best practices to improve air-
22 line engine safety.

1 **SEC. 310. SENSE OF CONGRESS ON ACCESS TO AIR CAR-**
2 **RIER FLIGHT DECKS.**

3 It is the sense of Congress that the Administrator
4 should collaborate with other aviation authorities to ad-
5 vance a global standard for access to air carrier flight
6 decks and redundancy requirements consistent with the
7 flight deck access and redundancy requirements in the
8 United States.

9 **SEC. 311. PART 135 ACCIDENT AND INCIDENT DATA.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Administrator shall—

12 (1) determine, in collaboration with the Na-
13 tional Transportation Safety Board and part 135 in-
14 dustry stakeholders, what, if any, additional data
15 should be reported as part of an accident or incident
16 notice—

17 (A) to more accurately measure the safety
18 of on-demand part 135 aircraft activity;

19 (B) to pinpoint safety problems; and

20 (C) to form the basis for critical research
21 and analysis of general aviation issues; and

22 (2) provide a briefing to the appropriate com-
23 mittees of Congress on the findings under paragraph
24 (1), including a description of any additional data to
25 be collected, a timeframe for implementing the addi-

1 tional data collection, and any potential obstacles to
2 implementation.

3 (b) DEFINITION OF PART 135.—In this section, the
4 term “part 135” means part 135 of title 14, Code of Fed-
5 eral Regulations.

6 **SEC. 312. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
7 **THORITY.**

8 It is the sense of Congress that the pilot in command
9 of an aircraft is directly responsible for, and is the final
10 authority as to, the operation of that aircraft, as set forth
11 in section 91.3(a) of title 14, Code of Federal Regulations
12 (or any successor regulation thereto).

13 **SEC. 313. REPORT ON CONSPICUITY NEEDS FOR SURFACE**
14 **VEHICLES OPERATING ON THE AIRSIDE OF**
15 **AIR CARRIER SERVED AIRPORTS.**

16 (a) STUDY REQUIRED.—The Administrator shall
17 carry out a study on the need for the FAA to prescribe
18 conspicuity standards for surface vehicles operating on the
19 airside of the categories of airports that air carriers serve
20 as specified in subsection (b).

21 (b) COVERED AIRPORTS.—The study required by
22 subsection (a) shall cover, at a minimum, 1 large hub air-
23 port, 1 medium hub airport, and 1 small hub airport, as
24 those terms are defined in section 40102 of title 49,
25 United States Code.

1 (c) REPORT TO CONGRESS.—Not later than July 1,
2 2019, the Administrator shall submit to the appropriate
3 committees of Congress a report setting forth the results
4 of the study required by subsection (a), including such rec-
5 ommendations as the Administrator considers appropriate
6 regarding the need for the Administration to prescribe
7 conspicuity standards as described in subsection (a).

8 **SEC. 314. HELICOPTER AIR AMBULANCE OPERATIONS**
9 **DATA AND REPORTS.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Administrator, in col-
12 laboration with helicopter air ambulance industry stake-
13 holders, shall assess the availability of information to the
14 general public related to the location of heliports and
15 helipads used by helicopters providing air ambulance serv-
16 ices, including helipads and helipads outside of those listed
17 as part of any existing databases of Airport Master Record
18 (5010) forms.

19 (b) REQUIREMENTS.—Based on the assessment
20 under subsection (a), the Administrator shall—

21 (1) update, as necessary, any existing guidance
22 on what information is included in the current data-
23 bases of Airport Master Record (5010) forms to in-
24 clude information related to heliports and helipads

1 used by helicopters providing air ambulance services;
2 or

3 (2) develop, as appropriate and in collaboration
4 with helicopter air ambulance industry stakeholders,
5 a new database of heliports and helipads used by
6 helicopters providing air ambulance services.

7 (c) REPORTS.—

8 (1) ASSESSMENT REPORT.—Not later than 30
9 days after the date the assessment under subsection
10 (a) is complete, the Administrator shall submit to
11 the appropriate committees of Congress a report on
12 the assessment, including any recommendations on
13 how to make information related to the location of
14 heliports and helipads used by helicopters providing
15 air ambulance services available to the general pub-
16 lic.

17 (2) IMPLEMENTATION REPORT.—Not later than
18 30 days after completing action under paragraph (1)
19 or paragraph (2) of subsection (b), the Adminis-
20 trator shall submit to the appropriate committees of
21 Congress a report on such action.

22 (d) INCIDENT AND ACCIDENT DATA.—Section 44731
23 of title 49, United States Code, is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “not later than 1 year after the date
3 of enactment of this section, and annually
4 thereafter” and inserting “annually”;

5 (B) in paragraph (2), by striking “flights
6 and hours flown, by registration number, dur-
7 ing which helicopters operated by the certificate
8 holder were providing helicopter air ambulance
9 services” and inserting “hours flown by the hel-
10 icopters operated by the certificate holder”;

11 (C) in paragraph (3)—

12 (i) by striking “of flight” and insert-
13 ing “of patients transported and the num-
14 ber of patient transport”;

15 (ii) by inserting “or” after “inter-
16 facility transport,”; and

17 (iii) by striking “, or ferry or repo-
18 sitioning flight”;

19 (D) in paragraph (5)—

20 (i) by striking “flights and”; and

21 (ii) by striking “while providing air
22 ambulance services”; and

23 (E) by amending paragraph (6) to read as
24 follows:

1 “(6) The number of hours flown at night by
2 helicopters operated by the certificate holder.”;

3 (2) in subsection (d)—

4 (A) by striking “Not later than 2 years
5 after the date of enactment of this section, and
6 annually thereafter, the Administrator shall
7 submit” and inserting “The Administrator shall
8 submit annually”; and

9 (B) by adding at the end the following:
10 “The report shall include the number of acci-
11 dents experienced by helicopter air ambulance
12 operations, the number of fatal accidents expe-
13 rienced by helicopter air ambulance operations,
14 and the rate, per 100,000 flight hours, of acci-
15 dents and fatal accidents experienced by opera-
16 tors providing helicopter air ambulance serv-
17 ices.”;

18 (3) by redesignating subsection (e) as sub-
19 section (f); and

20 (4) by inserting after subsection (d) the fol-
21 lowing:

22 “(e) IMPLEMENTATION.—In carrying out this sec-
23 tion, the Administrator, in collaboration with part 135 cer-
24 tificate holders providing helicopter air ambulance serv-
25 ices, shall—

1 “(1) propose and develop a method to collect
2 and store the data submitted under subsection (a),
3 including a method to protect the confidentiality of
4 any trade secret or proprietary information sub-
5 mitted; and

6 “(2) ensure that the database under subsection
7 (c) and the report under subsection (d) include data
8 and analysis that will best inform efforts to improve
9 the safety of helicopter air ambulance operations.”.

10 **SEC. 315. AVIATION RULEMAKING COMMITTEE FOR PART**
11 **135 PILOT REST AND DUTY RULES.**

12 (a) **IN GENERAL.**—Not later than 180 days after the
13 date of enactment of this Act, the Administrator shall con-
14 vene an aviation rulemaking committee to review, and de-
15 velop findings and recommendations regarding, pilot rest
16 and duty rules under part 135 of title 14, Code of Federal
17 Regulations.

18 (b) **DUTIES.**—The Administrator shall—

19 (1) not later than 2 years after the date of en-
20 actment of this Act, submit to the appropriate com-
21 mittees of Congress a report based on the findings
22 of the aviation rulemaking committee; and

23 (2) not later than 1 year after the date of sub-
24 mission of the report under paragraph (1), issue a
25 notice of proposed rulemaking based on any con-

1 sensus recommendations reached by the aviation
2 rulemaking committee.

3 (c) COMPOSITION.—The aviation rulemaking com-
4 mittee shall consist of members appointed by the Adminis-
5 trator, including—

6 (1) representatives of industry;

7 (2) representatives of aviation labor organiza-
8 tions, including collective bargaining units rep-
9 resenting pilots who are covered by part 135 of title
10 14, Code of Federal Regulations, and subpart K of
11 part 91 of such title; and

12 (3) aviation safety experts with specific knowl-
13 edge of flight crewmember education and training
14 requirements under part 135 of such title.

15 (d) CONSIDERATIONS.—The Administrator shall di-
16 rect the aviation rulemaking committee to consider—

17 (1) recommendations of prior part 135 rule-
18 making committees;

19 (2) accommodations necessary for small busi-
20 nesses;

21 (3) scientific data derived from aviation-related
22 fatigue and sleep research;

23 (4) data gathered from aviation safety reporting
24 programs;

1 (5) the need to accommodate the diversity of
2 operations conducted under part 135, including the
3 unique duty and rest time requirements of air ambu-
4 lance pilots; and

5 (6) other items, as appropriate.

6 **SEC. 316. REPORT ON OBSOLETE TEST EQUIPMENT.**

7 (a) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Administrator shall submit
9 to the appropriate committees of Congress a report on the
10 National Test Equipment Program of the FAA (in this
11 section referred to as the “Program”).

12 (b) CONTENTS.—The report shall include—

13 (1) a list of all known outstanding requests for
14 test equipment, cataloged by type and location,
15 under the Program;

16 (2) a description of the current method under
17 the Program of ensuring calibrated equipment is in
18 place for utilization;

19 (3) a plan by the Administrator for appropriate
20 inventory of such equipment;

21 (4) the Administrator’s recommendations for
22 increasing multifunctionality in future test equip-
23 ment and all known and foreseeable manufacturer
24 technological advances; and

1 (5) a plan to replace, as appropriate, obsolete
2 test equipment throughout the service areas.

3 **SEC. 317. HELICOPTER FUEL SYSTEM SAFETY.**

4 (a) IN GENERAL.—Chapter 447 of title 49, United
5 States Code, is further amended by adding at the end the
6 following:

7 **“§ 44737. Helicopter fuel system safety**

8 “(a) PROHIBITION.—

9 “(1) IN GENERAL.—A person may not operate
10 a covered rotorcraft in United States airspace unless
11 the design of the rotorcraft is certified by the Ad-
12 ministrator of the Federal Aviation Administration
13 to—

14 “(A) comply with the requirements applica-
15 ble to the category of the rotorcraft under para-
16 graphs (1), (2), (3), (5), and (6) of section
17 27.952(a), section 27.952(e), section 27.952(f),
18 section 27.952(g), section 27.963(g) (but allow-
19 ing for a minimum puncture force of 250
20 pounds if successfully drop tested in-structure),
21 and section 27.975(b) or paragraphs (1), (2),
22 (3), (5), and (6) of section 29.952(a), section
23 29.952(c), section 29.952(f), section 29.952(g),
24 section 29.963(b) (but allowing for a minimum
25 puncture force of 250 pounds if successfully

1 drop tested in-structure), and 29.975(a)(7) of
2 title 14, Code of Federal Regulations, as in ef-
3 fect on the date of enactment of this section; or

4 “(B) employ other means acceptable to the
5 Administrator to provide an equivalent level of
6 fuel system crash resistance.

7 “(2) COVERED ROTORCRAFT DEFINED.—In this
8 subsection, the term ‘covered rotorcraft’ means a
9 rotorcraft not otherwise required to comply with sec-
10 tion 27.952, section 27.963, and section 27.975, or
11 section 29.952, section 29.963, and section 29.975
12 of title 14, Code of Federal Regulations as in effect
13 on the date of enactment of this section for which
14 manufacture was completed, as determined by the
15 Administrator, on or after the date that is 18
16 months after the date of enactment of this section.

17 “(b) ADMINISTRATIVE PROVISIONS.—The Adminis-
18 trator shall—

19 “(1) expedite the certification and validation of
20 United States and foreign type designs and retrofit
21 kits that improve fuel system crashworthiness; and

22 “(2) not later than 180 days after the date of
23 enactment of this section, and periodically there-
24 after, issue a bulletin to—

1 “(A) inform rotorcraft owners and opera-
2 tors of available modifications to improve fuel
3 system crashworthiness; and

4 “(B) urge that such modifications be in-
5 stalled as soon as practicable.

6 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion may be construed to affect the operation of a rotor-
8 craft by the Department of Defense.”.

9 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
10 ter 447 of title 49, United States Code, is amended by
11 adding at the end the following:

 “44737. Helicopter fuel system safety.”.

12 **SEC. 318. APPLICABILITY OF MEDICAL CERTIFICATION**
13 **STANDARDS TO OPERATORS OF AIR BAL-**
14 **LOONS.**

15 (a) **SHORT TITLE.**—This section may be cited as the
16 “Commercial Balloon Pilot Safety Act of 2018”.

17 (b) **IN GENERAL.**—Not later than 180 days after the
18 date of enactment of this Act, the Administrator shall re-
19 vise section 61.3(c) of title 14, Code of Federal Regula-
20 tions (relating to second-class medical certificates), to
21 apply to an operator of an air balloon to the same extent
22 such regulations apply to a pilot flight crewmember of
23 other aircraft.

24 (c) **AIR BALLOON DEFINED.**—In this section, the
25 term “air balloon” has the meaning given the term “bal-

1 loon” in section 1.1 of title 14, Code of Federal Regula-
2 tions (or any corresponding similar regulation or ruling).

3 **SEC. 319. DESIGNATED PILOT EXAMINER REFORMS.**

4 (a) IN GENERAL.—The Administrator shall assign to
5 the Aviation Rulemaking Advisory Committee (in this sec-
6 tion referred to as the “Committee”) the task of reviewing
7 all regulations and policies related to designated pilot ex-
8 aminers appointed under section 183.23 of title 14, Code
9 of Federal Regulations. The Committee shall focus on the
10 processes and requirements by which the FAA selects,
11 trains, and deploys individuals as designated pilot exam-
12 iners, and provide recommendations with respect to the
13 regulatory and policy changes necessary to ensure an ade-
14 quate number of designated pilot examiners are deployed
15 and available to perform their duties. The Committee also
16 shall make recommendations with respect to the regu-
17 latory and policy changes if necessary to allow a des-
18 igned pilot examiner perform a daily limit of 3 new
19 check rides with no limit for partial check rides and to
20 serve as a designed pilot examiner without regard to any
21 individual managing office.

22 (b) ACTION BASED ON RECOMMENDATIONS.—Not
23 later than 1 year after receiving recommendations under
24 subsection (a), the Administrator shall take such action

1 as the Administrator considers appropriate with respect
2 to those recommendations.

3 **SEC. 320. VOLUNTARY REPORTS OF OPERATIONAL OR**
4 **MAINTENANCE ISSUES RELATED TO AVIA-**
5 **TION SAFETY.**

6 (a) IN GENERAL.—There shall be a presumption that
7 an individual's voluntary report of an operational or main-
8 tenance issue related to aviation safety under an aviation
9 safety action program meets the criteria for acceptance
10 as a valid report under such program.

11 (b) DISCLAIMER REQUIRED.—Any dissemination,
12 within the participating organization, of a report that was
13 submitted and accepted under an aviation safety action
14 program pursuant to the presumption under subsection
15 (a), but that has not undergone review by an event review
16 committee, shall be accompanied by a disclaimer stating
17 that the report—

18 (1) has not been reviewed by an event review
19 committee tasked with reviewing such reports; and

20 (2) may subsequently be determined to be ineli-
21 gible for inclusion in the aviation safety action pro-
22 gram.

23 (c) REJECTION OF REPORT.—

24 (1) IN GENERAL.—A report described under
25 subsection (a) shall be rejected from an aviation

1 safety action program if, after a review of the re-
2 port, an event review committee tasked with review-
3 ing such report, or the Federal Aviation Administra-
4 tion member of the event review committee in the
5 case that the review committee does not reach con-
6 sensus, determines that the report fails to meet the
7 criteria for acceptance under such program.

8 (2) PROTECTIONS.—In any case in which a re-
9 port of an individual described under subsection (a)
10 is rejected under paragraph (1)—

11 (A) the enforcement-related incentive of-
12 fered to the individual for making such a report
13 shall not apply; and

14 (B) the protection from disclosure of the
15 report itself under section 40123 of title 49,
16 United States Code, shall not apply.

17 (3) AVIATION SAFETY ACTION PROGRAM DE-
18 FINED.—In this section, the term “aviation safety
19 action program” means a program established in ac-
20 cordance with Federal Aviation Administration Advi-
21 sory Circular 120–66B, issued November 15, 2002
22 (including any similar successor advisory circular),
23 to allow an individual to voluntarily disclose oper-
24 ational or maintenance issues related to aviation
25 safety.

1 **SEC. 321. EVALUATION REGARDING ADDITIONAL GROUND**
2 **BASED TRANSMITTERS.**

3 The Administrator shall conduct an evaluation of pro-
4 viding additional ground based transmitters for Automatic
5 Dependent Surveillance–Broadcasts (ADS–B) to provide
6 a minimum operational network in Alaska along major
7 flight routes.

8 **SEC. 322. IMPROVED SAFETY IN RURAL AREAS.**

9 The Administrator shall permit an air carrier oper-
10 ating pursuant to part 135 of title 14, Code of Federal
11 Regulations, to operate to a destination with a published
12 approach, in a noncontiguous State under instrument
13 flight rules and conduct an instrument approach without
14 a destination Meteorological Aerodrome Report (METAR)
15 if a current Area Forecast, supplemented by noncertified
16 local weather observations (such as weather cameras and
17 human observations) is available, and an alternate airport
18 that has a weather report is specified. The operator shall
19 have approved procedures for departure and en route
20 weather evaluation.

21 **SEC. 323. EXIT ROWS.**

22 (a) REVIEW.—The Administrator shall conduct a re-
23 view of current safety procedures regarding unoccupied
24 exit rows on a covered aircraft in passenger air transpor-
25 tation during all stages of flight.

1 (b) CONSULTATION.—In carrying out the review, the
2 Administrator shall consult with air carriers, aviation
3 manufacturers, and labor stakeholders.

4 (c) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall submit
6 to the appropriate committees of Congress a report on the
7 results of the review.

8 (d) COVERED AIRCRAFT DEFINED.—In this section,
9 the term “covered aircraft” means an aircraft operating
10 under part 121 of title 14, Code of Federal Regulations.

11 **SEC. 324. COMPTROLLER GENERAL REPORT ON FAA EN-**
12 **FORCEMENT POLICY.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Comptroller General of the United States
15 shall complete a study, and report to the appropriate com-
16 mittees of Congress on the results thereof, on the effective-
17 ness of Order 8000.373, Federal Aviation Administration
18 Compliance Philosophy, announced on June 26, 2015.

19 Such study shall include information about—

20 (1) whether reports of safety incidents in-
21 creased following the order;

22 (2) whether reduced enforcement penalties in-
23 creased the overall number of safety incidents that
24 occurred; and

1 (3) whether FAA enforcement staff registered
2 complaints about reduced enforcement reducing
3 compliance with safety regulations.

4 **SEC. 325. ANNUAL SAFETY INCIDENT REPORT.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, and annually thereafter for
7 5 years, the Administrator, shall submit to the appropriate
8 committees of Congress a report regarding part 121 air-
9 line safety oversight.

10 (b) CONTENTS.—The annual report shall include—

11 (1) a description of the Federal Aviation Ad-
12 ministration’s safety oversight process to ensure the
13 safety of the traveling public;

14 (2) a description of risk-based oversight meth-
15 ods applied to ensure aviation safety, including to
16 specific issues addressed in the year preceding the
17 report that in the determination of the Adminis-
18 trator address safety risk; and

19 (3) in the instance of specific reviews of air car-
20 rier performance to safety regulations, a description
21 of cases where the timelines for recurrent reviews
22 are advanced.

23 **SEC. 326. AIRCRAFT AIR QUALITY.**

24 (a) EDUCATIONAL MATERIALS.—Not later than 1
25 year after the date of enactment of this Act, the Adminis-

1 trator shall, in consultation with relevant stakeholders, es-
2 tablish and make available on a publicly available Internet
3 website of the Administration, educational materials for
4 flight attendants, pilots, and aircraft maintenance techni-
5 cians on how to respond to incidents on board aircraft in-
6 volving smoke or fumes.

7 (b) REPORTING OF INCIDENTS OF SMOKE OR FUMES
8 ON BOARD AIRCRAFT.—Not later than 180 days after the
9 date of enactment of this Act, the Administrator shall, in
10 consultation with relevant stakeholders, issue guidance for
11 flight attendants, pilots, and aircraft maintenance techni-
12 cians to report incidents of smoke or fumes on board an
13 aircraft operated by a commercial air carrier and with re-
14 spect to the basis on which commercial air carriers shall
15 report such incidents through the Service Difficulty Re-
16 porting System.

17 (c) RESEARCH TO DEVELOP TECHNIQUES TO MON-
18 ITOR BLEED AIR QUALITY.—Not later than 180 days
19 after the date of enactment of this Act, the Administrator
20 shall commission a study by the Airliner Cabin Environ-
21 ment Research Center of Excellence—

22 (1) to identify and measure the constituents
23 and levels of constituents resulting from bleed air in
24 the cabins of a representative set of commercial air-
25 craft in operation of the United States;

1 (2) to assess the potential health effects of such
2 constituents on passengers and cabin and flight deck
3 crew;

4 (3) to identify technologies suitable to provide
5 reliable and accurate warning of bleed air contami-
6 nation, including technologies to effectively monitor
7 the aircraft air supply system when the aircraft is
8 in flight; and

9 (4) to identify potential techniques to prevent
10 fume events.

11 (d) **REPORT REQUIRED.**—Not later than 18 months
12 after the date of enactment of this Act, the Administrator
13 shall submit to the appropriate committees of Congress
14 a report on the feasibility, efficacy, and cost-effectiveness
15 of certification and installation of systems to evaluate
16 bleed air quality.

17 (e) **PILOT PROGRAM.**—The FAA may conduct a pilot
18 program to evaluate the effectiveness of technologies iden-
19 tified in subsection (c).

20 **SEC. 327. APPROACH CONTROL RADAR.**

21 The Administrator shall—

22 (1) identify airports that are currently served
23 by FAA towers with nonradar approach and depart-
24 ure control (type 4 classification in the Federal
25 Aviation Administration OPSNET); and

1 (2) develop an implementation plan, which
2 takes into account budgetary and flight volume con-
3 siderations, to provide an airport identified under
4 paragraph (1), if appropriate, with approach control
5 radar.

6 **SEC. 328. REPORT ON AIRLINE AND PASSENGER SAFETY.**

7 (a) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Administrator shall submit
9 to the appropriate committees of Congress a report on air-
10 line and passenger safety.

11 (b) CONTENTS.—The report required under sub-
12 section (a) shall include—

13 (1) the average age of commercial aircraft
14 owned and operated by United States air carriers;

15 (2) the over-all use of planes, including average
16 lifetime of commercial aircraft;

17 (3) the number of hours aircraft are in flight
18 over the life of the aircraft and the average number
19 of hours on domestic and international flights , re-
20 spectively;

21 (4) the impact of metal fatigue on aircraft
22 usage and safety;

23 (5) a review on contractor assisted maintenance
24 of commercial aircraft; and

1 (6) a re-evaluation of the rules on inspection of
2 aging airplanes.

3 **SEC. 329. PERFORMANCE-BASED STANDARDS.**

4 The Administrator shall, to the maximum extent pos-
5 sible and consistent with Federal law, and based on input
6 by the public, ensure that regulations, guidance, and poli-
7 cies issued by the FAA on and after the date of enactment
8 of this Act are issued in the form of performance-based
9 standards, providing an equal or higher level of safety.

10 **SEC. 330. REPORT AND RECOMMENDATIONS ON CERTAIN**
11 **AVIATION SAFETY RISKS.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Administrator shall submit to the appro-
14 priate committees of Congress a report that—

15 (1) identifies safety risks associated with power
16 outages at airports caused by weather or other fac-
17 tors, and recommends actions to improve resilience
18 of aviation communication, navigation, and surveil-
19 lance systems in the event of such outages; and

20 (2) reviews alerting mechanisms, devices, and
21 procedures for enhancing the situational awareness
22 of pilots and air traffic controllers in the event of a
23 failure or an irregularity of runway lights, and pro-
24 vides recommendations on the further implementa-
25 tion of such mechanisms, devices, or procedures.

1 **SEC. 331. REVIEW OF FAA'S AVIATION SAFETY INFORMA-**
2 **TION ANALYSIS AND SHARING SYSTEM.**

3 (a) AUDIT BY DEPARTMENT OF TRANSPORTATION
4 INSPECTOR GENERAL.—Not later than 90 days after the
5 date of enactment of this Act, the inspector general of the
6 Department of Transportation shall initiate a follow-up re-
7 view of the FAA's Aviation Safety Information Analysis
8 and Sharing (ASIAS) system to assess FAA's efforts and
9 plans to improve the system.

10 (b) REVIEW.—The review shall include, at a min-
11 imum, an evaluation of FAA's efforts to improve the
12 ASIAS system's predictive capabilities and solutions devel-
13 oped to more widely disseminate results of ASIAS data
14 analyses, as well as an update on previous inspector gen-
15 eral recommendations to improve this safety analysis and
16 sharing system.

17 (c) REPORT.—The inspector general shall submit to
18 the appropriate committees of Congress a report on the
19 results of the review carried out under this section and
20 any recommendations to improve FAA's ASIAS system.

21 **SEC. 332. PERFORMANCE STANDARDS FOR FIREFIGHTING**
22 **FOAMS.**

23 Not later than 3 years after the date of enactment
24 of this Act, the Administrator, using the latest version of
25 National Fire Protection Association 403, "Standard for
26 Aircraft Rescue and Fire-Fighting Services at Airports",

1 and in coordination with the Administrator of the Envi-
2 ronmental Protection Agency, aircraft manufacturers and
3 airports, shall not require the use of fluorinated chemicals
4 to meet the performance standards referenced in chapter
5 6 of AC No: 150/5210-6D and acceptable under
6 139.319(l) of title 14, Code of Federal Regulations.

7 **SEC. 333. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
8 **AND BATTERIES.**

9 (a) HARMONIZATION WITH ICAO TECHNICAL IN-
10 STRUCTIONS.—

11 (1) ADOPTION OF ICAO INSTRUCTIONS.—

12 (A) IN GENERAL.—Pursuant to section
13 828 of the FAA Modernization and Reform Act
14 of 2012 (49 U.S.C. 44701 note), not later than
15 90 days after the date of enactment of this Act,
16 the Secretary of Transportation shall conform
17 United States regulations on the air transport
18 of lithium cells and batteries with the lithium
19 cells and battery requirements in the 2015-
20 2016 edition of the International Civil Aviation
21 Organization's (referred to in this subsection as
22 "ICAO") Technical Instructions (to include all
23 addenda), including the revised standards
24 adopted by ICAO which became effective on
25 April 1, 2016 and any further revisions adopted

1 by ICAO prior to the effective date of the FAA
2 Reauthorization Act of 2018.

3 (B) FURTHER PROCEEDINGS.—Beginning
4 on the date the revised regulations under sub-
5 paragraph (A) are published in the Federal
6 Register, any lithium cell and battery rule-
7 making action or update commenced on or after
8 that date shall continue to comply with the re-
9 quirements under section 828 of the FAA Mod-
10 ernization and Reform Act of 2012 (49 U.S.C.
11 44701 note).

12 (2) REVIEW OF OTHER REGULATIONS.—Pursu-
13 ant to section 828 of the FAA Modernization and
14 Reform Act of 2012 (49 U.S.C. 44701 note), the
15 Secretary of Transportation may initiate a review of
16 other existing regulations regarding the air transpor-
17 tation, including passenger-carrying and cargo air-
18 craft, of lithium batteries and cells.

19 (b) MEDICAL DEVICE BATTERIES.—

20 (1) IN GENERAL.—For United States appli-
21 cants, the Secretary of Transportation shall consider
22 and either grant or deny, not later than 45 days
23 after receipt of an application, an application sub-
24 mitted in compliance with part 107 of title 49, Code
25 of Federal Regulations, for special permits or ap-

1 provals for air transportation of lithium ion cells or
2 batteries specifically used by medical devices. Not
3 later than 30 days after the date of application, the
4 Pipeline and Hazardous Materials Safety Adminis-
5 tration shall provide a draft special permit to the
6 Federal Aviation Administration based on the appli-
7 cation. The Federal Aviation Administration shall
8 conduct an on-site inspection for issuance of the spe-
9 cial permit not later than 20 days after the date of
10 receipt of the draft special permit from the Pipeline
11 and Hazardous Materials Safety Administration.

12 (2) LIMITED EXCEPTIONS TO RESTRICTIONS ON
13 AIR TRANSPORTATION OF MEDICAL DEVICE BAT-
14 TERIES.—The Secretary shall issue limited excep-
15 tions to the restrictions on transportation of lithium
16 ion and lithium metal batteries to allow the ship-
17 ment on a passenger aircraft of not more than 2 re-
18 placement batteries specifically used for a medical
19 device if—

20 (A) the intended destination of the bat-
21 teries is not serviced daily by cargo aircraft if
22 a battery is required for medically necessary
23 care; and

24 (B) with regard to a shipper of lithium ion
25 or lithium metal batteries for medical devices

1 that cannot comply with a charge limitation in
2 place at the time, each battery is—

3 (i) individually packed in an inner
4 packaging that completely encloses the bat-
5 tery;

6 (ii) placed in a rigid outer packaging;

7 and

8 (iii) protected to prevent a short cir-
9 cuit.

10 (3) MEDICAL DEVICE DEFINED.—In this sub-
11 section, the term “medical device” means an instru-
12 ment, apparatus, implement, machine, contrivance,
13 implant, or in vitro reagent, including any compo-
14 nent, part, or accessory thereof, which is intended
15 for use in the diagnosis of disease or other condi-
16 tions, or in the cure, mitigation, treatment, or pre-
17 vention of disease, of a person.

18 (4) SAVINGS CLAUSE.—Nothing in this sub-
19 section shall be construed as expanding or con-
20 stricting any other authority the Secretary of Trans-
21 portation has under section 828 of the FAA Mod-
22 ernization and Reform Act of 2012 (49 U.S.C.
23 44701 note).

24 (c) LITHIUM BATTERY SAFETY WORKING GROUP.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary of
3 Transportation shall establish a lithium battery safe-
4 ty working group (referred to as the “working
5 group” in this section) to promote and coordinate ef-
6 forts related to the promotion of the safe manufac-
7 ture, use, and transportation of lithium batteries
8 and cells.

9 (2) DUTIES.—The working group shall coordi-
10 nate and facilitate the transfer of knowledge and ex-
11 pertise among the following Federal agencies:

12 (A) The Department of Transportation.

13 (B) The Consumer Product Safety Com-
14 mission.

15 (C) The National Institute on Standards
16 and Technology.

17 (D) The Food and Drug Administration.

18 (3) MEMBERS.—The Secretary shall appoint
19 not more than 8 members to the working group with
20 expertise in the safe manufacture, use, or transpor-
21 tation of lithium batteries and cells.

22 (4) SUBCOMMITTEES.—The Secretary, or mem-
23 bers of the working group, may—

24 (A) establish working group subcommittees
25 to focus on specific issues related to the safe

1 manufacture, use, or transportation of lithium
2 batteries and cells; and

3 (B) include in a subcommittee the partici-
4 pation of nonmember stakeholders with exper-
5 tise in areas that the Secretary or members
6 consider necessary.

7 (5) REPORT.—Not later than 1 year after the
8 date it is established, the working group shall—

9 (A) identify and assess—

10 (i) additional ways to decrease the
11 risk of fires and explosions from lithium
12 batteries and cells;

13 (ii) additional ways to ensure uniform
14 transportation requirements for both bulk
15 and individual batteries; and

16 (iii) new or existing technologies that
17 may reduce the fire and explosion risk of
18 lithium batteries and cells; and

19 (B) transmit to the appropriate commit-
20 tees of Congress a report on the assessments
21 conducted under subparagraph (A), including
22 any legislative recommendations to effectuate
23 the safety improvements described in clauses (i)
24 through (iii) of that subparagraph.

1 (6) TERMINATION.—The working group, and
2 any working group subcommittees, shall terminate
3 90 days after the date the report is transmitted
4 under paragraph (5).

5 (d) LITHIUM BATTERY AIR SAFETY ADVISORY COM-
6 MITTEE.—

7 (1) ESTABLISHMENT.—Not later than 60 days
8 after the date of enactment of this Act, the Sec-
9 retary shall establish, in accordance with the re-
10 quirements of the Federal Advisory Committee Act
11 (5 U.S.C. App.), a lithium ion and lithium metal
12 battery air safety advisory committee (in this sub-
13 section referred to as the “Committee”).

14 (2) DUTIES.—The Committee shall—

15 (A) facilitate communication between man-
16 ufacturers of lithium ion and lithium metal cells
17 and batteries, manufacturers of products incor-
18 porating both large and small lithium ion and
19 lithium metal batteries, air carriers, and the
20 Federal Government regarding the safe air
21 transportation of lithium ion and lithium metal
22 cells and batteries and the effectiveness and
23 economic and social impacts of the regulation of
24 such transportation;

1 (B) provide the Secretary, the Federal
2 Aviation Administration, and the Pipeline and
3 Hazardous Materials Safety Administration
4 with timely information about new lithium ion
5 and lithium metal battery technology and trans-
6 portation safety practices and methodologies;

7 (C) provide a forum for the Secretary to
8 provide information on and to discuss the ac-
9 tivities of the Department of Transportation re-
10 lating to lithium ion and lithium metal battery
11 transportation safety, the policies underlying
12 the activities, and positions to be advocated in
13 international forums;

14 (D) provide a forum for the Secretary to
15 provide information and receive advice on—

16 (i) activities carried out throughout
17 the world to communicate and enforce rel-
18 evant United States regulations and the
19 ICAO Technical Instructions; and

20 (ii) the effectiveness of the activities;

21 (E) provide advice and recommendations to
22 the Secretary with respect to lithium ion and
23 lithium metal battery air transportation safety,
24 including how best to implement activities to in-

1 crease awareness of relevant requirements and
2 their importance to travelers and shippers; and

3 (F) review methods to decrease the risk
4 posed by air shipment of undeclared hazardous
5 materials and efforts to educate those who pre-
6 pare and offer hazardous materials for ship-
7 ment via air transport.

8 (3) MEMBERSHIP.—The Committee shall be
9 composed of the following members:

10 (A) Individuals appointed by the Secretary
11 to represent—

12 (i) large volume manufacturers of lith-
13 ium ion and lithium metal cells and bat-
14 teries;

15 (ii) domestic manufacturers of lithium
16 ion and lithium metal batteries or battery
17 packs;

18 (iii) manufacturers of consumer prod-
19 ucts powered by lithium ion and lithium
20 metal batteries;

21 (iv) manufacturers of vehicles powered
22 by lithium ion and lithium metal batteries;

23 (v) marketers of products powered by
24 lithium ion and lithium metal batteries;

1 (vi) cargo air service providers based
2 in the United States;

3 (vii) passenger air service providers
4 based in the United States;

5 (viii) pilots and employees of air serv-
6 ice providers described in clauses (vi) and
7 (vii);

8 (ix) shippers of lithium ion and lith-
9 ium metal batteries for air transportation;

10 (x) manufacturers of battery-powered
11 medical devices or batteries used in med-
12 ical devices; and

13 (xi) employees of the Department of
14 Transportation, including employees of the
15 Federal Aviation Administration and the
16 Pipeline and Hazardous Materials Safety
17 Administration.

18 (B) Representatives of such other Govern-
19 ment departments and agencies as the Sec-
20 retary determines appropriate.

21 (C) Any other individuals the Secretary de-
22 termines are appropriate to comply with Fed-
23 eral law.

24 (4) REPORT.—

1 (A) IN GENERAL.—Not later than 180
2 days after the establishment of the Committee,
3 the Committee shall submit to the Secretary
4 and the appropriate committees of Congress a
5 report that—

6 (i) describes and evaluates the steps
7 being taken in the private sector and by
8 international regulatory authorities to im-
9 plement and enforce requirements relating
10 to the safe transportation by air of bulk
11 shipments of lithium ion cells and bat-
12 teries; and

13 (ii) identifies any areas of enforce-
14 ment or regulatory requirements for which
15 there is consensus that greater attention is
16 needed.

17 (B) INDEPENDENT STATEMENTS.—Each
18 member of the Committee shall be provided an
19 opportunity to submit an independent state-
20 ment of views with the report submitted pursu-
21 ant to subparagraph (A).

22 (5) MEETINGS.—

23 (A) IN GENERAL.—The Committee shall
24 meet at the direction of the Secretary and at
25 least twice a year.

1 (B) PREPARATION FOR ICAO MEETINGS.—

2 Notwithstanding subparagraph (A), the Sec-
3 retary shall convene a meeting of the Com-
4 mittee in connection with and in advance of
5 each meeting of the International Civil Aviation
6 Organization, or any of its panels or working
7 groups, addressing the safety of air transpor-
8 tation of lithium ion and lithium metal batteries
9 to brief Committee members on positions to be
10 taken by the United States at such meeting and
11 provide Committee members a meaningful op-
12 portunity to comment.

13 (6) TERMINATION.—The Committee shall ter-
14 minate on the date that is 6 years after the date on
15 which the Committee is established.

16 (7) TERMINATION OF FUTURE OF AVIATION AD-
17 VISORY COMMITTEE.—The Future of Aviation Advi-
18 sory Committee shall terminate on the date on which
19 the lithium ion battery air safety advisory committee
20 is established.

21 (e) COOPERATIVE EFFORTS TO ENSURE COMPLI-
22 ANCE WITH SAFETY REGULATIONS.—

23 (1) IN GENERAL.—The Secretary of Transpor-
24 tation, in coordination with appropriate Federal
25 agencies, shall carry out cooperative efforts to en-

1 sure that shippers who offer lithium ion and lithium
2 metal batteries for air transport to or from the
3 United States comply with U.S. Hazardous Mate-
4 rials Regulations and ICAO Technical Instructions.

5 (2) COOPERATIVE EFFORTS.—The cooperative
6 efforts the Secretary shall carry out pursuant to
7 paragraph (1) include the following:

8 (A) Encouraging training programs at lo-
9 cations outside the United States from which
10 substantial cargo shipments of lithium ion or
11 lithium metal batteries originate for manufac-
12 turers, freight forwarders, and other shippers
13 and potential shippers of lithium ion and lith-
14 ium metal batteries.

15 (B) Working with Federal, regional, and
16 international transportation agencies to ensure
17 enforcement of U.S. Hazardous Materials Reg-
18 ulations and ICAO Technical Instructions with
19 respect to shippers who offer noncompliant
20 shipments of lithium ion and lithium metal bat-
21 teries.

22 (C) Sharing information, as appropriate,
23 with Federal, regional, and international trans-
24 portation agencies regarding noncompliant ship-
25 ments.

1 (D) Pursuing a joint effort with the inter-
2 national aviation community to develop a proc-
3 ess to obtain assurances that appropriate en-
4 forcement actions are taken to reduce the likeli-
5 hood of noncompliant shipments, especially with
6 respect to jurisdictions in which enforcement
7 activities historically have been limited.

8 (E) Providing information in brochures
9 and on the internet in appropriate foreign lan-
10 guages and dialects that describes the actions
11 required to comply with U.S. Hazardous Mate-
12 rials Regulations and ICAO Technical Instruc-
13 tions.

14 (F) Developing joint efforts with the inter-
15 national aviation community to promote a bet-
16 ter understanding of the requirements of and
17 methods of compliance with U.S. Hazardous
18 Materials Regulations and ICAO Technical In-
19 structions.

20 (3) REPORTING.—Not later than 120 days after
21 the date of enactment of this Act, and annually
22 thereafter for 2 years, the Secretary shall submit to
23 the appropriate committees of Congress a report on
24 compliance with the policy set forth in subsection (e)

1 and the cooperative efforts carried out, or planned to
2 be carried out, under this subsection.

3 (f) PACKAGING IMPROVEMENTS.—Not later than 180
4 days after the date of enactment of this Act, the Sec-
5 retary, in consultation with interested stakeholders, shall
6 submit to the appropriate committees of Congress an eval-
7 uation of current practices for the packaging of lithium
8 ion batteries and cells for air transportation, including rec-
9 ommendations, if any, to improve the packaging of such
10 batteries and cells for air transportation in a safe, effi-
11 cient, and cost-effective manner.

12 (g) DEPARTMENT OF TRANSPORTATION POLICY ON
13 INTERNATIONAL REPRESENTATION.—

14 (1) IN GENERAL.—It shall be the policy of the
15 Department of Transportation to support the par-
16 ticipation of industry and labor stakeholders in all
17 panels and working groups of the dangerous goods
18 panel of the ICAO and any other international test
19 or standard setting organization that considers pro-
20 posals on the safety or transportation of lithium ion
21 and lithium metal batteries in which the United
22 States participates.

23 (2) PARTICIPATION.—The Secretary of Trans-
24 portation shall request that as part of the ICAO de-
25 liberations in the dangerous goods panel on these

1 issues, that appropriate experts on issues under con-
2 sideration be allowed to participate.

3 (h) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) ICAO TECHNICAL INSTRUCTIONS.—The
6 term “ICAO Technical Instructions” has the mean-
7 ing given that term in section 828(c) of the FAA
8 Modernization and Reform Act of 2012 (49 U.S.C.
9 44701 note).

10 (2) U.S. HAZARDOUS MATERIALS REGULA-
11 TIONS.—The term “U.S. Hazardous Materials Regu-
12 lations” means the regulations in parts 100 through
13 177 of title 49, Code of Federal Regulations (includ-
14 ing amendments adopted after the date of enactment
15 of this Act).

16 **SEC. 334. RUNWAY SAFETY.**

17 (a) IN GENERAL.—Not later than 6 months after the
18 date of enactment of this Act, the Administrator shall sub-
19 mit to the appropriate committees of Congress a report
20 on improving runway safety.

21 (b) CONTENTS.—In the report required under this
22 section, the Administrator shall—

23 (1) review the relative benefits and risks of re-
24 quiring the use of runway awareness and advisory

1 systems in turbine-powered airplanes with a maximum
2 takeoff weight greater than 19,000 pounds;

3 (2) review systems capable of detecting wrong-
4 surface alignment to determine whether the capability
5 exists to detect imminent wrong-surface landings
6 at each airport where such a system is in use;

7 (3) describe information gathered from the use
8 of the Airport Surface Surveillance Capability system
9 at San Francisco International Airport since
10 July 2017;

11 (4) assess available technologies to determine
12 whether it is feasible, cost-effective, and appropriate
13 to install and deploy, at any airport, systems to provide
14 a direct warning capability to flight crews or air
15 traffic controllers, or both, of potential runway incursions;
16 and

17 (5) describe FAA efforts to develop metrics that
18 would allow the FAA to determine whether runway
19 incursions are increasing and to assess the effectiveness
20 of implemented runway safety initiatives.

21 (c) CONSULTATION.—The Administrator shall
22 consult with the National Transportation Safety Board in
23 developing the report required under this section.

1 **SEC. 335. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
2 **AND REST REQUIREMENTS.**

3 (a) **MODIFICATION OF FINAL RULE.—**

4 (1) **IN GENERAL.—**Not later than 30 days after
5 the date of enactment of this Act, the Secretary of
6 Transportation shall modify the final rule of the
7 Federal Aviation Administration published in the
8 Federal Register on August 19, 1994 (59 Fed. Reg.
9 42974; relating to flight attendant duty period limi-
10 tations and rest requirements) in accordance with
11 the requirements of this subsection.

12 (2) **CONTENTS.—**The final rule, as modified
13 under paragraph (1), shall ensure that—

14 (A) a flight attendant scheduled to a duty
15 period of 14 hours or less is given a scheduled
16 rest period of at least 10 consecutive hours; and

17 (B) the rest period is not reduced under
18 any circumstances.

19 (b) **FATIGUE RISK MANAGEMENT PLAN.—**

20 (1) **SUBMISSION OF PLAN BY PART 121 AIR CAR-**
21 **RIERS.—**Not later than 90 days after the date of en-
22 actment of this Act, each air carrier operating under
23 part 121 of title 14, Code of Federal Regulations (in
24 this section referred to as a “part 121 air carrier”),
25 shall submit to the Administrator of the Federal
26 Aviation Administration for review and acceptance a

1 fatigue risk management plan for the carrier's flight
2 attendants.

3 (2) CONTENTS OF PLAN.—A fatigue risk man-
4 agement plan submitted by a part 121 air carrier
5 under paragraph (1) shall include the following:

6 (A) Current flight time and duty period
7 limitations.

8 (B) A rest scheme consistent with such
9 limitations that enables the management of
10 flight attendant fatigue, including annual train-
11 ing to increase awareness of—

12 (i) fatigue;

13 (ii) the effects of fatigue on flight at-
14 tendants; and

15 (iii) fatigue countermeasures.

16 (C) Development and use of a methodology
17 that continually assesses the effectiveness of im-
18 plementation of the plan, including the ability
19 of the plan—

20 (i) to improve alertness; and

21 (ii) to mitigate performance errors.

22 (3) REVIEW.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator
24 shall review and accept or reject each fatigue risk
25 management plan submitted under this subsection.

1 If the Administrator rejects a plan, the Adminis-
2 trator shall provide suggested modifications for re-
3 submission of the plan.

4 (4) PLAN UPDATES.—

5 (A) IN GENERAL.—A part 121 air carrier
6 shall update its fatigue risk management plan
7 under paragraph (1) every 2 years and submit
8 the update to the Administrator for review and
9 acceptance.

10 (B) REVIEW.—Not later than 1 year after
11 the date of submission of a plan update under
12 subparagraph (A), the Administrator shall re-
13 view and accept or reject the update. If the Ad-
14 ministrator rejects an update, the Adminis-
15 trator shall provide suggested modifications for
16 resubmission of the update.

17 (5) COMPLIANCE.—A part 121 air carrier shall
18 comply with the fatigue risk management plan of the
19 air carrier that is accepted by the Administrator
20 under this subsection.

21 (6) CIVIL PENALTIES.—A violation of this sub-
22 section by a part 121 air carrier shall be treated as
23 a violation of chapter 447 of title 49, United States
24 Code, for purposes of the application of civil pen-
25 alties under chapter 463 of that title.

1 **SEC. 336. SECONDARY COCKPIT BARRIERS.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Saracini Aviation Safety Act of 2018”.

4 (b) REQUIREMENT.—Not later than 1 year after the
5 date of the enactment of this Act, the Administrator of
6 the Federal Aviation Administration shall issue an order
7 requiring installation of a secondary cockpit barrier on
8 each new aircraft that is manufactured for delivery to a
9 passenger air carrier in the United States operating under
10 the provisions of part 121 of title 14, Code of Federal
11 Regulations.

12 **SEC. 337. AIRCRAFT CABIN EVACUATION PROCEDURES.**

13 (a) REVIEW.—The Administrator of the Federal
14 Aviation Administration shall review—

15 (1) evacuation certification of transport-cat-
16 egory aircraft used in air transportation, with regard
17 to—

18 (A) emergency conditions, including im-
19 pacts into water;

20 (B) crew procedures used for evacuations
21 under actual emergency conditions;

22 (C) any relevant changes to passenger de-
23 mographics and legal requirements, including
24 the Americans with Disabilities Act of 1990 (42
25 U.S.C. 12101 et seq.), that affect emergency
26 evacuations; and

1 (D) any relevant changes to passenger
2 seating configurations, including changes to
3 seat width, padding, reclining, size, pitch, leg
4 room, and aisle width; and

5 (2) recent accidents and incidents in which pas-
6 sengers evacuated such aircraft.

7 (b) CONSULTATION; REVIEW OF DATA.—In con-
8 ducting the review under subsection (a), the Administrator
9 shall—

10 (1) consult with the National Transportation
11 Safety Board, transport-category aircraft manufac-
12 turers, air carriers, and other relevant experts and
13 Federal agencies, including groups representing pas-
14 sengers, airline crew members, maintenance employ-
15 ees, and emergency responders; and

16 (2) review relevant data with respect to evacu-
17 ation certification of transport-category aircraft.

18 (c) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this Act, the Administrator
20 shall submit to the appropriate committees of Congress
21 a report on the results of the review under subsection (a)
22 and related recommendations, if any, including rec-
23 ommendations for revisions to the assumptions and meth-
24 ods used for assessing evacuation certification of trans-
25 port-category aircraft.

1 **SEC. 338. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) each air carrier should have in place policies
4 and procedures to address sexual misconduct, in-
5 cluding policies and procedures to—

6 (B) facilitate the reporting of sexual mis-
7 conduct to appropriate law enforcement agen-
8 cies;

9 (C) communicate to personnel and pas-
10 sengers of the air carrier the rights of such in-
11 dividuals with respect to sexual misconduct;

12 (D) train personnel of the air carrier to
13 recognize and respond appropriately to, and to
14 notify the appropriate law enforcement agency
15 of, sexual misconduct; and

16 (E) ensure other appropriate actions are
17 undertaken to respond effectively to sexual mis-
18 conduct; and

19 (2) individuals who perpetrate sexual mis-
20 conduct should be held accountable under all appli-
21 cable Federal and State laws.

22 **SEC. 339. CIVIL PENALTIES FOR INTERFERENCE.**

23 (a) INTERFERENCE WITH CABIN OR FLIGHT
24 CREW.—Section 46318(a) of title 49, United States Code,
25 is amended—

1 (1) by inserting “or sexually” after “physically”
2 each place it appears; and

3 (2) by striking “\$25,000” and inserting
4 “\$35,000”.

5 **SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT**
6 **TASK FORCE.**

7 (a) ESTABLISHMENT OF TASK FORCE.—The Sec-
8 retary of Transportation shall establish a task force, to
9 be known as the “National In-Flight Sexual Misconduct
10 Task Force” (referred to in this section as “Task Force”)
11 to—

12 (1) review current practices, protocols and re-
13 quirements of air carriers in responding to allega-
14 tions of sexual misconduct by passengers onboard
15 aircraft, including training, reporting and data col-
16 lection; and

17 (2) provide recommendations on training, re-
18 porting and data collection regarding allegations of
19 sexual misconduct occurring on passenger airline
20 flights that are informed by the review of informa-
21 tion described in paragraph (1) and subsection
22 (c)(5) on passengers who have experienced sexual
23 misconduct onboard aircraft.

24 (b) MEMBERSHIP.—The Task Force shall be com-
25 posed of, at a minimum, representatives from—

1 (1) Department of Transportation;

2 (2) Department of Justice, including the Fed-
3 eral Bureau of Investigations, Office of Victims for
4 Crimes, and the Office on Violence Against Women;

5 (3) National organizations that specialize in
6 providing services to sexual assault victims;

7 (4) labor organizations that represent flight at-
8 tendants;

9 (5) labor organizations that represent pilots;

10 (6) airports;

11 (7) air carriers;

12 (8) State and local law enforcement agencies;

13 and

14 (9) such other Federal agencies and stakeholder
15 organizations as the Secretary of Transportation
16 considers appropriate.

17 (c) PURPOSE OF TASK FORCE.—The purpose of the
18 Task Force shall be to—

19 (1) issue recommendations for addressing alle-
20 gations of sexual misconduct by passengers onboard
21 aircraft, including airline employee and contractor
22 training;

23 (2) issue recommendations on effective ways for
24 passengers involved in incidents of alleged sexual

1 misconduct to report such allegation of sexual mis-
2 conduct;

3 (3) issue recommendations on how to most ef-
4 fectively provide data on instances of alleged sexual
5 misconduct onboard aircraft and to whom the data
6 collected should be reported in a manner that pro-
7 tects the privacy and confidentiality of individuals
8 involved in incidents of alleged sexual misconduct
9 and precludes the release of data that publically
10 identifies an individual air carrier to enable better
11 understanding of the frequency and severity of such
12 misconduct;

13 (4) issue recommendations for flight attend-
14 ants, pilots, and other appropriate airline personnel
15 on law enforcement notification in incidents of al-
16 leged sexual misconduct;

17 (5) review and utilize first-hand accounts from
18 passengers who have experienced sexual misconduct
19 onboard aircraft; and

20 (6) other matters deemed necessary by the
21 Task Force.

22 (d) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Task Force shall submit a
24 report with its recommendations and findings developed

1 pursuant to subsection (c) to the Secretary of Transpor-
2 tation.

3 (e) PLAN.—Not later than 180 days after receiving
4 the report required under subsection (d) the Secretary of
5 Transportation, in coordination with relevant federal
6 agencies, shall submit to appropriate committees of Con-
7 gress a plan to address the recommendations in the report
8 required under subsection (d). The Secretary of Transpor-
9 tation shall make changes to guidance, policies and regula-
10 tions, as necessary, within 1 year of submitting the plan
11 required in this subsection.

12 (f) REGULATIONS.—Not later than 1 year after sub-
13 mitting the plan required in this subsection, the Secretary
14 of Transportation may issue regulations as deemed nec-
15 essary to require each air carrier and other covered entity
16 to develop a policy concerning sexual misconduct in ac-
17 cordance with the recommendations and findings of the
18 Task Force under subsection (c).

19 (g) SUNSET.—The Task Force established pursuant
20 to subsection (a) shall terminate upon the submission of
21 the report pursuant to subsection (d).

22 **SEC. 339B. REPORTING PROCESS FOR SEXUAL MIS-**
23 **CONDUCT ONBOARD AIRCRAFT.**

24 (a) IN GENERAL.—Not later than two years after the
25 date of the enactment of this Act, the Attorney General,

1 in coordination with relevant Federal agencies, shall estab-
2 lish a streamlined process, based on the plan required
3 under section 339A(e) of this Act, for individuals involved
4 in incidents of alleged sexual misconduct onboard aircraft
5 to report such allegations of sexual misconduct to law en-
6 forcement in a manner that protects the privacy and con-
7 fidentiality of individuals involved in such allegations.

8 (b) AVAILABILITY OF REPORTING PROCESS.—The
9 process for reporting established under subsection (a)
10 shall be made available to the public on the primary Inter-
11 net websites of—

12 (1) the Office for Victims of Crime and the Of-
13 fice on Violence Against Women of the Department
14 of Justice;

15 (2) the Federal Bureau of Investigations; and

16 (3) the Department of Transportation.

17 **Subtitle B—Unmanned Aircraft**
18 **Systems**

19 **SEC. 341. DEFINITIONS; INTEGRATION OF CIVIL UN-**
20 **MANNED AIRCRAFT SYSTEMS INTO NA-**
21 **TIONAL AIRSPACE SYSTEM.**

22 (a) IN GENERAL.—Part A of subtitle VII of title 49,
23 United States Code, is amended by inserting after chapter
24 447 the following:

1 mittee on Transportation and Infrastructure of the
2 House of Representatives.

3 “(3) ARCTIC.—The term ‘Arctic’ means the
4 United States zone of the Chukchi Sea, Beaufort
5 Sea, and Bering Sea north of the Aleutian chain.

6 “(4) CERTIFICATE OF WAIVER; CERTIFICATE
7 OF AUTHORIZATION.—The terms ‘certificate of waiv-
8 er’ and ‘certificate of authorization’ mean a Federal
9 Aviation Administration grant of approval for a spe-
10 cific flight operation.

11 “(5) COUNTER-UAS SYSTEM.—The term
12 ‘counter-UAS system’ means a system or device ca-
13 pable of lawfully and safely disabling, disrupting, or
14 seizing control of an unmanned aircraft or un-
15 manned aircraft system.

16 “(6) PERMANENT AREAS.—The term ‘perma-
17 nent areas’ means areas on land or water that pro-
18 vide for launch, recovery, and operation of small un-
19 manned aircraft.

20 “(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
21 The term ‘public unmanned aircraft system’ means
22 an unmanned aircraft system that meets the quali-
23 fications and conditions required for operation of a
24 public aircraft.

1 “(8) SENSE AND AVOID CAPABILITY.—The
2 term ‘sense and avoid capability’ means the capa-
3 bility of an unmanned aircraft to remain a safe dis-
4 tance from and to avoid collisions with other air-
5 borne aircraft, structures on the ground, and other
6 objects.

7 “(9) SMALL UNMANNED AIRCRAFT.—The term
8 ‘small unmanned aircraft’ means an unmanned air-
9 craft weighing less than 55 pounds, including the
10 weight of anything attached to or carried by the air-
11 craft.

12 “(10) TEST RANGE.—The term ‘test range’
13 means a defined geographic area where research and
14 development are conducted as authorized by the Ad-
15 ministrator of the Federal Aviation Administration,
16 and includes any of the 6 test ranges established by
17 the Administrator under section 332(c) of the FAA
18 Modernization and Reform Act of 2012 (49 U.S.C.
19 40101 note), as in effect on the day before the date
20 of enactment of the FAA Reauthorization Act of
21 2018, and any public entity authorized by the Fed-
22 eral Aviation Administration as an unmanned air-
23 craft system flight test center before January 1,
24 2009.

1 “(11) UNMANNED AIRCRAFT.—The term ‘un-
2 manned aircraft’ means an aircraft that is operated
3 without the possibility of direct human intervention
4 from within or on the aircraft.

5 “(12) UNMANNED AIRCRAFT SYSTEM.—The
6 term ‘unmanned aircraft system’ means an un-
7 manned aircraft and associated elements (including
8 communication links and the components that con-
9 trol the unmanned aircraft) that are required for the
10 operator to operate safely and efficiently in the na-
11 tional airspace system.

12 “(13) UTM.—The term ‘UTM’ means an un-
13 manned aircraft system traffic management system
14 or service.

15 **“§ 44802. Integration of civil unmanned aircraft sys-**
16 **tems into national airspace system**

17 “(a) REQUIRED PLANNING FOR INTEGRATION.—

18 “(1) COMPREHENSIVE PLAN.—Not later than
19 November 10, 2012, the Secretary of Transpor-
20 tation, in consultation with representatives of the
21 aviation industry, Federal agencies that employ un-
22 manned aircraft systems technology in the national
23 airspace system, and the unmanned aircraft systems
24 industry, shall develop a comprehensive plan to safe-

1 ly accelerate the integration of civil unmanned air-
2 craft systems into the national airspace system.

3 “(2) CONTENTS OF PLAN.—The plan required
4 under paragraph (1) shall contain, at a minimum,
5 recommendations or projections on—

6 “(A) the rulemaking to be conducted under
7 subsection (b), with specific recommendations
8 on how the rulemaking will—

9 “(i) define the acceptable standards
10 for operation and certification of civil un-
11 manned aircraft systems;

12 “(ii) ensure that any civil unmanned
13 aircraft system includes a sense-and-avoid
14 capability; and

15 “(iii) establish standards and require-
16 ments for the operator and pilot of a civil
17 unmanned aircraft system, including
18 standards and requirements for registra-
19 tion and licensing;

20 “(B) the best methods to enhance the tech-
21 nologies and subsystems necessary to achieve
22 the safe and routine operation of civil un-
23 manned aircraft systems in the national air-
24 space system;

1 “(C) a phased-in approach to the integra-
2 tion of civil unmanned aircraft systems into the
3 national airspace system;

4 “(D) a timeline for the phased-in approach
5 described under subparagraph (C);

6 “(E) creation of a safe airspace designa-
7 tion for cooperative manned and unmanned
8 flight operations in the national airspace sys-
9 tem;

10 “(F) establishment of a process to develop
11 certification, flight standards, and air traffic re-
12 quirements for civil unmanned aircraft systems
13 at test ranges where such systems are subject
14 to testing;

15 “(G) the best methods to ensure the safe
16 operation of civil unmanned aircraft systems
17 and public unmanned aircraft systems simulta-
18 neously in the national airspace system; and

19 “(H) incorporation of the plan into the an-
20 nual NextGen Implementation Plan document
21 (or any successor document) of the Federal
22 Aviation Administration.

23 “(3) DEADLINE.—The plan required under
24 paragraph (1) shall provide for the safe integration
25 of civil unmanned aircraft systems into the national

1 airspace system as soon as practicable, but not later
2 than September 30, 2015.

3 “(4) REPORT TO CONGRESS.—Not later than
4 February 14, 2013, the Secretary shall submit to
5 Congress a copy of the plan required under para-
6 graph (1).

7 “(5) ROADMAP.—Not later than February 14,
8 2013, the Secretary shall approve and make avail-
9 able in print and on the Administration’s internet
10 website a 5-year roadmap for the introduction of
11 civil unmanned aircraft systems into the national
12 airspace system, as coordinated by the Unmanned
13 Aircraft Program Office of the Administration. The
14 Secretary shall update, in coordination with the Ad-
15 ministrator of the National Aeronautics and Space
16 Administration (NASA) and relevant stakeholders,
17 including those in industry and academia, the road-
18 map annually. The roadmap shall include, at a min-
19 imum—

20 “(A) cost estimates, planned schedules,
21 and 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
4 Systems Center of Excellence;

5 “(ii) performance objectives for un-
6 manned aircraft systems that operate in
7 the 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 accommo-
18 date, integrate, and provide for the evolution of
19 unmanned 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
25 demonstrated; and

1 “(D) an update on the advancement of
2 technologies needed to integrate unmanned air-
3 craft systems into the national airspace system,
4 including 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
9 (a)(1) is submitted to Congress under subsection (a)(4),
10 the Secretary 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
13 systems in the national airspace system, to the ex-
14 tent the systems do not meet the requirements for
15 expedited operational authorization under section
16 44807;

17 “(2) a notice of proposed rulemaking to imple-
18 ment the recommendations of the plan required
19 under subsection (a)(1), with the final rule to be
20 published not later than 16 months after the date of
21 publication of the notice; and

22 “(3) an update to the Administration’s most re-
23 cent policy statement on unmanned aircraft systems,
24 contained in Docket No. FAA–2006–25714.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TABLE OF CHAPTERS.—The table of chap-
2 ters for subtitle VII of title 49, United States Code,
3 is amended by inserting after the item relating to
4 chapter 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.
7 40101 note) and the item relating to that section in
8 the table of contents under section 1(b) of that Act
9 are repealed.

10 **SEC. 342. UPDATE OF FAA COMPREHENSIVE PLAN.**

11 (a) IN GENERAL.—Not later than 270 days after the
12 date of enactment of this Act, the Secretary of Transpor-
13 tation shall update the comprehensive plan described in
14 section 44802 of title 49, United States Code, to develop
15 a concept of operations for the integration of unmanned
16 aircraft into the national airspace system.

17 (b) CONSIDERATIONS.—In carrying out the update
18 under subsection (a), the Secretary shall consider, at a
19 minimum—

20 (1) the potential use of UTM and other tech-
21 nologies to ensure the safe and lawful operation of
22 unmanned aircraft in the national airspace system;

23 (2) the appropriate roles, responsibilities, and
24 authorities of government agencies and the private
25 sector in identifying and reporting unlawful or

1 harmful operations and operators of unmanned air-
2 craft;

3 (3) the use of models, threat assessments, prob-
4 abilities, and other methods to distinguish between
5 lawful and unlawful operations of unmanned air-
6 craft; and

7 (4) appropriate systems, training, intergovern-
8 mental processes, protocols, and procedures to miti-
9 gate risks and hazards posed by unlawful or harmful
10 operations of unmanned aircraft systems.

11 (c) CONSULTATION.—The Secretary shall carry out
12 the update under subsection (a) in consultation with rep-
13 resentatives of the aviation industry, Federal agencies that
14 employ unmanned aircraft systems technology in the na-
15 tional airspace system, and the unmanned aircraft systems
16 industry.

17 (d) PROGRAM ALIGNMENT REPORT.—Not later than
18 90 days after the date of enactment of this Act, the Sec-
19 retary shall submit to the appropriate committees of Con-
20 gress, a report that describes a strategy to—

21 (1) avoid duplication;

22 (2) leverage capabilities learned across pro-
23 grams;

24 (3) support the safe integration of UAS into
25 the national airspace; and

1 (4) systematically and timely implement or exe-
2 cute—

3 (A) commercially-operated Low Altitude
4 Authorization and Notification Capability;

5 (B) the Unmanned Aircraft System Inte-
6 gration Pilot Program; and

7 (C) the Unmanned Traffic Management
8 Pilot Program.

9 **SEC. 343. UNMANNED AIRCRAFT TEST RANGES.**

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 **“§ 44803. Unmanned aircraft test ranges**

14 “(a) IN GENERAL.—The Administrator of the Fed-
15 eral Aviation Administration shall carry out and update,
16 as appropriate, a program for the use of the test ranges
17 to facilitate the safe integration of unmanned aircraft sys-
18 tems into the national airspace system.

19 “(b) PROGRAM REQUIREMENTS.—In carrying out the
20 program under subsection (a), the Administrator shall—

21 “(1) designate airspace for safely testing the in-
22 tegration of unmanned flight operations in the na-
23 tional airspace system;

1 “(2) develop operational standards and air traf-
2 fic requirements for unmanned flight operations at
3 test ranges;

4 “(3) coordinate with, and leverage the resources
5 of, the National Aeronautics and Space Administra-
6 tion and the Department of Defense;

7 “(4) address both civil and public unmanned
8 aircraft systems;

9 “(5) ensure that the program is coordinated
10 with relevant aspects of the Next Generation Air
11 Transportation System;

12 “(6) provide for verification of the safety of un-
13 manned aircraft systems and related navigation pro-
14 cedures as it relates to continued development of
15 standards for integration into the national airspace
16 system;

17 “(7) engage test range operators, as necessary
18 and within available resources, in projects for re-
19 search, development, testing, and evaluation of un-
20 manned aircraft systems to facilitate the Federal
21 Aviation Administration’s development of standards
22 for the safe integration of unmanned aircraft into
23 the national airspace system, which may include so-
24 lutions for—

1 “(A) developing and enforcing geographic
2 and altitude limitations;

3 “(B) providing for alerts by the manufac-
4 turer of an unmanned aircraft system regarding
5 any hazards or limitations on flight, including
6 prohibition on flight as necessary;

7 “(C) sense and avoid capabilities;

8 “(D) beyond-visual-line-of-sight operations,
9 nighttime operations, operations over people,
10 operation of multiple small unmanned aircraft
11 systems, and unmanned aircraft systems traffic
12 management, or other critical research prior-
13 ities; and

14 “(E) improving privacy protections
15 through the use of advances in unmanned air-
16 craft systems technology;

17 “(8) coordinate periodically with all test range
18 operators to ensure test range operators know which
19 data should be collected, what procedures should be
20 followed, and what research would advance efforts to
21 safely integrate unmanned aircraft systems into the
22 national airspace system;

23 “(9) streamline to the extent practicable the ap-
24 proval process for test ranges when processing un-

1 manned aircraft certificates of waiver or authoriza-
2 tion for operations at the test sites;

3 “(10) require each test range operator to pro-
4 tect proprietary technology, sensitive data, or sen-
5 sitive research of any civil or private entity when
6 using that test range without the need to obtain an
7 experimental or special airworthiness certificate;

8 “(11) allow test range operators to receive Fed-
9 eral funding, other than from the Federal Aviation
10 Administration, including in-kind contributions,
11 from test range participants in the furtherance of
12 research, development, and testing objectives.

13 “(c) WAIVERS.—In carrying out this section the Ad-
14 ministrators may waive the requirements of section 44711
15 of title 49, United States Code, including related regula-
16 tions, to the extent consistent with aviation safety.

17 “(d) REVIEW OF OPERATIONS BY TEST RANGE OP-
18 ERATORS.—The operator of each test range under sub-
19 section (a) shall—

20 “(1) review the operations of unmanned aircraft
21 systems conducted at the test range, including—

22 “(A) ongoing or completed research; and

23 “(B) data regarding operations by private
24 and public operators; and

1 “(2) submit to the Administrator, in such form
2 and manner as specified by the Administrator, the
3 results of the review, including recommendations to
4 further enable private research and development op-
5 erations at the test ranges that contribute to the
6 Federal Aviation Administration’s safe integration of
7 unmanned aircraft systems into the national air-
8 space system, on a quarterly basis until the program
9 terminates.

10 “(e) TESTING.—The Secretary of Transportation
11 may authorize an operator of a test range described in
12 subsection (a) to administer testing requirements estab-
13 lished by the Administrator for unmanned aircraft sys-
14 tems operations.

15 “(f) COLLABORATIVE RESEARCH AND DEVELOP-
16 MENT AGREEMENTS.—The Administrator may use the
17 other transaction authority under section 106(l)(6) and
18 enter into collaborative research and development agree-
19 ments, to direct research related to unmanned aircraft
20 systems, including at any test range under subsection (a),
21 and in coordination with the Center of Excellence for Un-
22 manned Aircraft Systems.

23 “(g) USE OF CENTER OF EXCELLENCE FOR UN-
24 MANNED AIRCRAFT SYSTEMS.—The Administrator, in
25 carrying out research necessary to implement the con-

1 sensus safety standards requirements in section 44805
2 shall, to the maximum extent practicable, leverage the re-
3 search and testing capacity and capabilities of the Center
4 of Excellence for Unmanned Aircraft Systems and the test
5 ranges.”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 chapter 448, as added by this Act, is further amended by
8 adding at the end the following:

“44803. Unmanned aircraft system test ranges.”.

9 **SEC. 344. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.**

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 **“§ 44804. Small unmanned aircraft in the Arctic**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 shall develop a plan and initiate a process to work with
16 relevant Federal agencies and national and international
17 communities to designate permanent areas in the Arctic
18 where small unmanned aircraft may operate 24 hours per
19 day for research and commercial purposes.

20 “(b) PLAN CONTENTS.—The plan under subsection
21 (a) shall include the development of processes to facilitate
22 the safe operation of small unmanned aircraft beyond the
23 visual line of sight.

24 “(c) REQUIREMENTS.—Each permanent area des-
25 ignated under subsection (a) shall enable over-water

1 flights from the surface to at least 2,000 feet in altitude,
2 with ingress and egress routes from selected coastal
3 launch sites.

4 “(d) AGREEMENTS.—To implement the plan under
5 subsection (a), the Secretary may enter into an agreement
6 with relevant national and international communities.

7 “(e) AIRCRAFT APPROVAL.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 not later than 1 year after the entry into force of
10 an agreement necessary to effectuate the purposes of
11 this section, the Secretary shall work with relevant
12 national and international communities to establish
13 and implement a process for approving the use of a
14 small unmanned aircraft in the designated perma-
15 nent areas in the Arctic without regard to whether
16 the small unmanned aircraft is used as a public air-
17 craft, a civil aircraft, or a model aircraft.

18 “(2) EXISTING PROCESS.—The Secretary may
19 implement an existing process to meet the require-
20 ments under paragraph (1).”.

21 (b) TABLE OF CONTENTS.—The table of contents for
22 chapter 448 of title 49, United States Code, as added by
23 this Act, is further amended by adding at the end the fol-
24 lowing:

“44804. Small unmanned aircraft in the Arctic.”.

1 **SEC. 345. SMALL UNMANNED AIRCRAFT SAFETY STAND-**
2 **ARDS.**

3 (a) IN GENERAL.—Chapter 448 of title 49, United
4 States Code, as added by this Act, is further amended by
5 adding at the end the following:

6 **“§ 44805. Small Unmanned aircraft safety standards**

7 “(a) FAA PROCESS FOR ACCEPTANCE AND AUTHOR-
8 IZATION.—The Administrator of the Federal Aviation Ad-
9 ministration shall establish a process for—

10 “(1) accepting risk-based consensus safety
11 standards related to the design, production, and
12 modification of small unmanned aircraft systems;

13 “(2) authorizing the operation of small un-
14 manned aircraft system make and model designed,
15 produced, or modified in accordance with the con-
16 sensus safety standards accepted under paragraph
17 (1);

18 “(3) authorizing a manufacturer to self-certify
19 a small unmanned aircraft system make or model
20 that complies with consensus safety standards ac-
21 cepted under paragraph (1); and

22 “(4) certifying a manufacturer of small un-
23 manned aircraft systems, or an employee of such
24 manufacturer, that has demonstrated compliance
25 with the consensus safety standards accepted under
26 paragraph (1) and met any other qualifying criteria,

1 as determined by the Administrator, to alternatively
2 satisfy the requirements of paragraph (1).

3 “(b) CONSIDERATIONS.—Before accepting consensus
4 safety standards under subsection (a), the Administrator
5 of the Federal Aviation Administration shall consider the
6 following:

7 “(1) Technologies or standards related to geo-
8 graphic limitations, altitude limitations, and sense
9 and avoid capabilities.

10 “(2) Using performance-based requirements.

11 “(3) Assessing varying levels of risk posed by
12 different small unmanned aircraft systems and their
13 operation and tailoring performance-based require-
14 ments to appropriately mitigate risk.

15 “(4) Predetermined action to maintain safety in
16 the event that a communications link between a
17 small unmanned aircraft and its operator is lost or
18 compromised.

19 “(5) Detectability and identifiability to pilots,
20 the Federal Aviation Administration, and air traffic
21 controllers, as appropriate.

22 “(6) Means to prevent tampering with or modi-
23 fication of any system, limitation, or other safety
24 mechanism or standard under this section or any

1 other provision of law, including a means to identify
2 any tampering or modification that has been made.

3 “(7) Consensus identification standards under
4 section 2202 of the FAA Extension, Safety, and Se-
5 curity Act of 2016 (Public Law 114–190; 130 Stat.
6 615).

7 “(8) To the extent not considered previously by
8 the consensus body that crafted consensus safety
9 standards, cost-benefit and risk analyses of con-
10 sensus safety standards that may be accepted pursu-
11 ant to subsection (a) for newly designed small un-
12 manned aircraft systems.

13 “(9) Applicability of consensus safety standards
14 to small unmanned aircraft systems that are not
15 manufactured commercially.

16 “(10) Any technology or standard related to
17 small unmanned aircraft systems that promotes
18 aviation safety.

19 “(11) Any category of unmanned aircraft sys-
20 tems that should be exempt from the consensus safe-
21 ty standards based on risk factors.

22 “(e) NONAPPLICABILITY OF OTHER LAWS.—The
23 process for authorizing the operation of small unmanned
24 aircraft systems under subsection (a) may allow for oper-

1 ation of any applicable small unmanned aircraft systems
2 within the national airspace system without requiring—

3 “(1) airworthiness certification requirements
4 under section 44704 of this title; or

5 “(2) type certification under part 21 of title 14,
6 Code of Federal Regulations.

7 “(f) REVOCATION.—The Administrator may suspend
8 or revoke the authorizations in subsection (a) if the Ad-
9 ministrator determines that the manufacturer or the small
10 unmanned aircraft system is no longer in compliance with
11 the standards accepted by the Administrator under sub-
12 section (a)(1) or with the manufacturer’s statement of
13 compliance under subsection (h).

14 “(g) REQUIREMENTS.—With regard to an authoriza-
15 tion under the processes in subsection (a), the Adminis-
16 trator may require a manufacturer of small unmanned air-
17 craft systems to provide the Federal Aviation Administra-
18 tion with the following:

19 “(1) The aircraft system’s operating instruc-
20 tions.

21 “(2) The aircraft system’s recommended main-
22 tenance and inspection procedures.

23 “(3) The manufacturer’s statement of compli-
24 ance described in subsection (h).

1 “(4) Upon request, a sample aircraft to be in-
2 spected by the Federal Aviation Administration to
3 ensure compliance with the consensus safety stand-
4 ards accepted by the Administrator under subsection
5 (a).

6 “(h) MANUFACTURER’S STATEMENT OF COMPLI-
7 ANCE FOR SMALL UAS.—A manufacturer’s statement of
8 compliance shall—

9 “(1) identify the aircraft make, model, range of
10 serial numbers, and any applicable consensus safety
11 standards used and accepted by the Administrator;

12 “(2) state that the aircraft make and model
13 meets the provisions of the consensus safety stand-
14 ards identified in paragraph (1);

15 “(3) state that the aircraft make and model
16 conforms to the manufacturer’s design data and is
17 manufactured in a way that ensures consistency
18 across units in the production process in order to
19 meet the applicable consensus safety standards ac-
20 cepted by the Administrator;

21 “(4) state that the manufacturer will make
22 available to the Administrator, operators, or cus-
23 tomers—

1 “(A) the aircraft’s operating instructions,
2 which conform to the consensus safety stand-
3 ards identified in paragraph (1); and

4 “(B) the aircraft’s recommended mainte-
5 nance and inspection procedures, which conform
6 to the consensus safety standards identified in
7 paragraph (1);

8 “(5) state that the manufacturer will monitor
9 safety-of-flight issues and take action to ensure it
10 meets the consensus safety standards identified in
11 paragraph (1) and report these issues and subse-
12 quent actions to the Administrator;

13 “(6) state that at the request of the Adminis-
14 trator, the manufacturer will provide reasonable ac-
15 cess for the Administrator to its facilities for the
16 purposes of overseeing compliance with this section;
17 and

18 “(7) state that the manufacturer, in accordance
19 with the consensus safety standards accepted by the
20 Federal Aviation Administration, has—

21 “(A) ground and flight tested random sam-
22 ples of the aircraft;

23 “(B) found the sample aircraft perform-
24 ance acceptable; and

1 “(C) determined that the make and model
2 of aircraft is suitable for safe operation.

3 “(i) PROHIBITIONS.—

4 “(1) FALSE STATEMENTS OF COMPLIANCE.—It
5 shall be unlawful for any person to knowingly submit
6 a statement of compliance described in subsection
7 (h) that is fraudulent or intentionally false.

8 “(2) INTRODUCTION INTO INTERSTATE COM-
9 MERCE.—Unless the Administrator determines oper-
10 ation of an unmanned aircraft system may be con-
11 ducted without an airworthiness certificate or per-
12 mission, authorization, or approval under subsection
13 (a), it shall be unlawful for any person to knowingly
14 introduce or deliver for introduction into interstate
15 commerce any small unmanned aircraft system that
16 is manufactured after the date that the Adminis-
17 trator accepts consensus safety standards under this
18 section unless—

19 “(A) the make and model has been author-
20 ized for operation under subsection (a); or

21 “(B) the aircraft has alternatively received
22 design and production approval issued by the
23 Federal Aviation Administration.

24 “(j) EXCLUSIONS.—The Administrator may exempt
25 from the requirements of this section small unmanned air-

1 craft systems that are not capable of navigating beyond
2 the visual line of sight of the operator through advanced
3 flight systems and technology, if the Administrator deter-
4 mines that such an exemption does not pose a risk to the
5 safety of the national airspace system.”.

6 (b) UNMANNED AIRCRAFT SYSTEMS RESEARCH FA-
7 CILITY.—The Center of Excellence for Unmanned Aircraft
8 Systems shall establish an unmanned aircraft systems re-
9 search facility to study appropriate safety standards for
10 unmanned aircraft systems and to validate such stand-
11 ards, as directed by the Administrator of the Federal Avia-
12 tion Administration, consistent with section 44805 of title
13 49, United States Code, as added by this section.

14 (c) TABLE OF CONTENTS.—The table of contents for
15 chapter 448 of title 49, United States Code, as added by
16 this Act, is further amended by adding at the end the fol-
17 lowing:

“44805. Small unmanned aircraft safety standards.”.

18 **SEC. 346. PUBLIC UNMANNED 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 **“§ 44806. Public unmanned aircraft systems**

23 “(a) GUIDANCE.—The Secretary of Transportation
24 shall issue guidance regarding the operation of a public
25 unmanned aircraft system—

1 “(1) to streamline and expedite the process for
2 the issuance of a certificate of authorization or a
3 certificate of waiver;

4 “(2) to facilitate the capability of public agen-
5 cies to develop and use test ranges, subject to oper-
6 ating restrictions required by the Federal Aviation
7 Administration, to test and operate public unmanned
8 aircraft systems; and

9 “(3) to provide guidance on a public agency’s
10 responsibilities when operating an unmanned air-
11 craft without a civil airworthiness certificate issued
12 by the Administration.

13 “(b) AGREEMENTS WITH GOVERNMENT AGEN-
14 CIES.—

15 “(1) IN GENERAL.—The Secretary shall enter
16 into an agreement with each appropriate public
17 agency to simplify the process for issuing a certifi-
18 cate of waiver or a certificate of authorization with
19 respect to an application for authorization to operate
20 a public unmanned aircraft system in the national
21 airspace system.

22 “(2) CONTENTS.—An agreement under para-
23 graph (1) shall—

24 “(A) with respect to an application de-
25 scribed in paragraph (1)—

1 “(i) provide for an expedited review of
2 the application;

3 “(ii) require a decision by the Admin-
4 istrator on approval or disapproval not
5 later than 60 business days after the date
6 of submission of the application; and

7 “(iii) allow for an expedited appeal if
8 the application is disapproved;

9 “(B) allow for a one-time approval of simi-
10 lar operations carried out during a fixed period
11 of time; and

12 “(C) allow a government public safety
13 agency to operate an unmanned aircraft weigh-
14 ing 4.4 pounds or less if that unmanned air-
15 craft is operated—

16 “(i) within or beyond the visual line of
17 sight of the operator;

18 “(ii) less than 400 feet above the
19 ground;

20 “(iii) during daylight conditions;

21 “(iv) within Class G airspace; and

22 “(v) outside of 5 statute miles from
23 any airport, heliport, seaplane base, space-
24 port, or other location with aviation activi-
25 ties.

1 “(c) PUBLIC ACTIVELY TETHERED UNMANNED AIR-
2 CRAFT SYSTEMS.—

3 “(1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Adminis-
5 trator of the Federal Aviation Administration shall
6 permit the use of, and may issue guidance regard-
7 ing, the use of public actively tethered unmanned
8 aircraft systems that are—

9 “(A) operated at an altitude of less than
10 150 feet above ground level;

11 “(B) operated—

12 “(i) within class G airspace; or

13 “(ii) at or below the ceiling depicted
14 on the Federal Aviation Administration’s
15 published UAS facility maps for class B,
16 C, D, or E surface area airspace;

17 “(C) not flown directly over non-partici-
18 pating persons;

19 “(D) operated within visual line of sight of
20 the operator; and

21 “(E) operated in a manner that does not
22 interfere with and gives way to any other air-
23 craft.

24 “(2) REQUIREMENTS.—Public actively tethered
25 unmanned aircraft systems may be operated —

1 “(A) without any requirement to obtain a
2 certificate of authorization, certificate of waiver,
3 or other approval by the Federal Aviation Ad-
4 ministration;

5 “(B) without requiring airman certification
6 under section 44703 of this title or any rule or
7 regulation relating to airman certification; and

8 “(C) without requiring airworthiness cer-
9 tification under section 44704 of this title or
10 any rule or regulation relating to aircraft cer-
11 tification.

12 “(3) SAFETY STANDARDS.—Public actively
13 tethered unmanned aircraft systems operated within
14 the scope of the guidance issued pursuant to para-
15 graph (1) shall be exempt from the requirements of
16 section 44805 of this title.

17 “(4) SAVINGS PROVISION.—Nothing in this sub-
18 section shall be construed to preclude the Adminis-
19 trator of the Federal Aviation Administration from
20 issuing new regulations for public actively tethered
21 unmanned aircraft systems in order to ensure the
22 safety of the national airspace system.

23 “(d) FEDERAL AGENCY COORDINATION TO EN-
24 HANCE THE PUBLIC HEALTH AND SAFETY CAPABILITIES
25 OF PUBLIC UNMANNED AIRCRAFT SYSTEMS.—The Ad-

1 administrator shall assist Federal civilian Government agen-
2 cies that operate unmanned aircraft systems within civil-
3 controlled airspace, in operationally deploying and inte-
4 grating sense and avoid capabilities, as necessary to oper-
5 ate unmanned aircraft systems safely within the national
6 airspace system.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) TABLE OF CONTENTS.—The table of con-
9 tents for chapter 448 of title 49, United States
10 Code, as added by this Act, is further amended by
11 adding at the end the following:

“44806. Public unmanned aircraft systems.”.

12 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—

13 Section 334 of the FAA Modernization and Reform
14 Act of 2012 (49 U.S.C. 40101 note) and the item
15 relating to that section in the table of contents
16 under section 1(b) of that Act (126 Stat. 13) are re-
17 pealed.

18 (3) FACILITATING INTERAGENCY COOPERA-

19 TION.—Section 2204(a) of the FAA Extension,
20 Safety, and Security Act of 2016 (Public Law 114-
21 190; 130 Stat. 615) is amended by striking “section
22 334(c) of the FAA Modernization and Reform Act
23 of 2012 (49 U.S.C. 40101 note)” and inserting
24 “section 44806 of title 49, United States Code”.

1 **SEC. 347. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
2 **AIRCRAFT SYSTEMS.**

3 (a) IN GENERAL.—Chapter 448 of title 49, United
4 States Code, as added by this Act, is further amended by
5 adding at the end the following:

6 **“§ 44807. Special authority for certain unmanned air-**
7 **craft systems**

8 “(a) IN GENERAL.—Notwithstanding any other re-
9 quirement of this chapter, the Secretary of Transportation
10 shall use a risk-based approach to determine if certain un-
11 manned aircraft systems may operate safely in the na-
12 tional airspace system notwithstanding completion of the
13 comprehensive plan and rulemaking required by section
14 44802 or the guidance required by section 44806.

15 “(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
16 TEMS.—In making the determination under subsection
17 (a), the Secretary shall determine, at a minimum—

18 “(1) which types of unmanned aircraft systems,
19 if any, as a result of their size, weight, speed, oper-
20 ational capability, proximity to airports and popu-
21 lated areas, operation over people, and operation
22 within or beyond the visual line of sight, or oper-
23 ation during the day or night, do not create a haz-
24 ard to users of the national airspace system or the
25 public; and

1 “(2) whether a certificate under section 44703
2 or section 44704 of this title, or a certificate of
3 waiver or certificate of authorization, is required for
4 the operation of unmanned aircraft systems identi-
5 fied under paragraph (1) of this subsection.

6 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
7 Secretary determines under this section that certain un-
8 manned aircraft systems may operate safely in the na-
9 tional airspace system, the Secretary shall establish re-
10 quirements for the safe operation of such aircraft systems
11 in the national airspace system, including operation re-
12 lated to research, development, and testing of proprietary
13 systems.

14 “(d) SUNSET.—The authority under this section for
15 the Secretary to determine if certain unmanned aircraft
16 systems may operate safely in the national airspace system
17 terminates effective September 30, 2021.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

19 (1) TABLE OF CONTENTS.—The table of con-
20 tents for chapter 448, as added by this Act, is fur-
21 ther amended by adding at the end the following:

 “44807. Special authority for certain unmanned aircraft systems.”.

22 (2) SPECIAL RULES FOR CERTAIN UNMANNED
23 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-
24 ernization and Reform Act of 2012 (49 U.S.C.
25 40101 note) and the item relating to that section in

1 the table of contents under section 1(b) of that Act
2 (126 Stat. 13) are repealed.

3 **SEC. 348. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
4 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
5 **HIRE.**

6 (a) IN GENERAL.—Chapter 448 of title 49, United
7 States Code, as added by this Act, is further amended by
8 adding at the end the following:

9 **“§ 44808. Carriage of property by small unmanned**
10 **aircraft systems for compensation or hire**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of the FAA Reauthorization Act of
13 2018, the Administrator of the Federal Aviation Adminis-
14 tration shall update existing regulations to authorize the
15 carriage of property by operators of small unmanned air-
16 craft systems for compensation or hire within the United
17 States.

18 “(b) CONTENTS.—Any rulemaking conducted under
19 subsection (a) shall provide for the following:

20 “(1) Use performance-based requirements.

21 “(2) Consider varying levels of risk to other air-
22 craft and to persons and property on the ground
23 posed by different unmanned aircraft systems and
24 their operation and tailor performance-based re-
25 quirements to appropriately mitigate risk.

1 “(3) Consider the unique characteristics of
2 highly automated, small unmanned aircraft systems.

3 “(4) Include requirements for the safe oper-
4 ation of small unmanned aircraft systems that, at a
5 minimum, address—

6 “(A) airworthiness of small unmanned air-
7 craft systems;

8 “(B) qualifications for operators and the
9 type and nature of the operations;

10 “(C) operating specifications governing the
11 type and nature of the unmanned aircraft sys-
12 tem air carrier operations; and

13 “(D) the views of State, local, and tribal
14 officials related to potential impacts of the car-
15 riage of property by operators of small un-
16 manned aircraft systems for compensation or
17 hire within the communities to be served.

18 “(5) SMALL UAS.—The Secretary may amend
19 part 298 of title 14, Code of Federal Regulations, to
20 update existing regulations to establish economic au-
21 thority for the carriage of property by small un-
22 manned aircraft systems for compensation or hire.
23 Such authority shall only require—

24 “(A) registration with the Department of
25 Transportation;

1 States Code, a person may operate a small unmanned air-
2 craft without specific certification or operating authority
3 from the Federal Aviation Administration if the operation
4 adheres to all of the following limitations:

5 “(1) The aircraft is flown strictly for rec-
6 reational purposes.

7 “(2) The aircraft is operated in accordance with
8 or within the programming of a community-based
9 organization’s set of safety guidelines that are devel-
10 oped in coordination with the Federal Aviation Ad-
11 ministration.

12 “(3) The aircraft is flown within the visual line
13 of sight of the person operating the aircraft or a vis-
14 ual observer co-located and in direct communication
15 with the operator.

16 “(4) The aircraft is operated in a manner that
17 does not interfere with and gives way to any manned
18 aircraft.

19 “(5) In Class B, Class C, or Class D airspace
20 or within the lateral boundaries of the surface area
21 of Class E airspace designated for an airport, the
22 operator obtains prior authorization from the Ad-
23 ministrator or designee before operating and com-
24 plies with all airspace restrictions and prohibitions.

1 “(6) In Class G airspace, the aircraft is flown
2 from the surface to not more than 400 feet above
3 ground level and complies with all airspace restric-
4 tions and prohibitions.

5 “(7) The operator has passed an aeronautical
6 knowledge and safety test described in subsection (g)
7 and maintains proof of test passage to be made
8 available to the Administrator or law enforcement
9 upon request.

10 “(8) The aircraft is registered and marked in
11 accordance with chapter 441 of this title and proof
12 of registration is made available to the Adminis-
13 trator or a designee of the Administrator or law en-
14 forcement upon request.

15 “(b) OTHER OPERATIONS.—Unmanned aircraft op-
16 erations that do not conform to the limitations in sub-
17 section (a) must comply with all statutes and regulations
18 generally applicable to unmanned aircraft and unmanned
19 aircraft systems.

20 “(c) OPERATIONS AT FIXED SITES.—

21 “(1) OPERATING PROCEDURE REQUIRED.—Per-
22 sons operating unmanned aircraft under subsection
23 (a) from a fixed site within Class B, Class C, or
24 Class D airspace or within the lateral boundaries of
25 the surface area of Class E airspace designated for

1 an airport, or a community-based organization con-
2 ducting a sanctioned event within such airspace,
3 shall make the location of the fixed site known to
4 the Administrator and shall establish a mutually
5 agreed upon operating procedure with the air traffic
6 control facility.

7 “(2) UNMANNED AIRCRAFT WEIGHING MORE
8 THAN 55 POUNDS.—A person may operate an un-
9 manned aircraft weighing more than 55 pounds, in-
10 cluding the weight of anything attached to or carried
11 by the aircraft, under subsection (a) if—

12 “(A) the unmanned aircraft complies with
13 standards and limitations developed by a com-
14 munity-based organization and approved by the
15 Administrator; and

16 “(B) the aircraft is operated from a fixed
17 site as described in paragraph (1).

18 “(d) UPDATES.—

19 “(1) IN GENERAL.—The Administrator, in con-
20 sultation with government, stakeholders, and com-
21 munity-based organizations, shall initiate a process
22 to periodically update the operational parameters
23 under subsection (a), as appropriate.

1 “(2) CONSIDERATIONS.—In updating an oper-
2 ational parameter under paragraph (1), the Admin-
3 istrator shall consider—

4 “(A) appropriate operational limitations to
5 mitigate risks to aviation safety and national
6 security, including risk to the uninvolved public
7 and critical infrastructure;

8 “(B) operations outside the membership,
9 guidelines, and programming of a community-
10 based organization;

11 “(C) physical characteristics, technical
12 standards, and classes of aircraft operating
13 under this section;

14 “(D) trends in use, enforcement, or inci-
15 dents involving unmanned aircraft systems;

16 “(E) ensuring, to the greatest extent prac-
17 ticable, that updates to the operational param-
18 eters correspond to, and leverage, advances in
19 technology; and

20 “(F) equipage requirements that facilitate
21 safe, efficient, and secure operations and fur-
22 ther integrate all unmanned aircraft into the
23 National Airspace System.

24 “(3) SAVINGS CLAUSE.—Nothing in this sub-
25 section shall be construed as expanding the author-

1 ity of the Administrator to require a person oper-
2 ating an unmanned aircraft under this section to
3 seek permissive authority of the Administrator, be-
4 yond that required in subsection (a) of this section,
5 prior to operation in the National Airspace System.

6 “(e) STATUTORY CONSTRUCTION.—Nothing in this
7 section shall be construed to limit the authority of the Ad-
8 ministrator to pursue an enforcement action against a per-
9 son operating any unmanned aircraft who endangers the
10 safety of the National Airspace System.

11 “(f) EXCEPTIONS.—Nothing in this section prohibits
12 the Administrator from promulgating rules generally ap-
13 plicable to unmanned aircraft, including those unmanned
14 aircraft eligible for the exception set forth in this section,
15 relating to—

16 “(1) updates to the operational parameters for
17 unmanned aircraft in subsection (a);

18 “(2) the registration and marking of unmanned
19 aircraft;

20 “(3) the standards for remotely identifying
21 owners and operators of unmanned aircraft systems
22 and associated unmanned aircraft; and

23 “(4) other standards consistent with maintain-
24 ing the safety and security of the National Airspace
25 System.

1 “(g) AERONAUTICAL KNOWLEDGE AND SAFETY
2 TEST.—

3 “(1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this section, the Ad-
5 ministrator, in consultation with manufacturers of
6 unmanned aircraft systems, other industry stake-
7 holders, and community-based aviation organiza-
8 tions, shall develop an aeronautical knowledge and
9 safety test, which can then be administered elec-
10 tronically by the Administrator, a community-based
11 organization, or a person designated by the Adminis-
12 trator.

13 “(2) REQUIREMENTS.—The Administrator shall
14 ensure the aeronautical knowledge and safety test is
15 designed to adequately demonstrate an operator’s—

16 “(A) understanding of aeronautical safety
17 knowledge; and

18 “(B) knowledge of Federal Aviation Ad-
19 ministration regulations and requirements per-
20 taining to the operation of an unmanned air-
21 craft system in the National Airspace System.

22 “(h) COMMUNITY-BASED ORGANIZATION DE-
23 FINED.—In this section, the term ‘community-based orga-
24 nization’ means a membership-based association entity
25 that—

1 “(1) is described in section 501(c)(3) of the In-
2 ternal Revenue Code of 1986;

3 “(2) is exempt from tax under section 501(a) of
4 the Internal Revenue Code of 1986;

5 “(3) the mission of which is demonstrably the
6 furtherance of model aviation;

7 “(4) provides a comprehensive set of safety
8 guidelines for all aspects of model aviation address-
9 ing the assembly and operation of model aircraft and
10 that emphasize safe aeromodeling operations within
11 the national airspace system and the protection and
12 safety of individuals and property on the ground,
13 and may provide a comprehensive set of safety rules
14 and programming for the operation of unmanned
15 aircraft that have the advanced flight capabilities en-
16 abling active, sustained, and controlled navigation of
17 the aircraft beyond visual line of sight of the oper-
18 ator;

19 “(5) provides programming and support for any
20 local charter organizations, affiliates, or clubs; and

21 “(6) provides assistance and support in the de-
22 velopment and operation of locally designated model
23 aircraft flying sites.

24 “(i) RECOGNITION OF COMMUNITY-BASED ORGANI-
25 ZATIONS.—In collaboration with aeromodelling stake-

1 holders, the Administrator shall publish an advisory cir-
2 cular within 180 days of the date of enactment of this
3 section that identifies the criteria and process required for
4 recognition of community-based organizations.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

6 (1) TABLE OF CONTENTS.—The table of con-
7 tents for chapter 448 of title 49, United States
8 Code, as added by this Act, is further amended by
9 adding at the end the following:

“44809. Exception for limited recreational operations of unmanned aircraft.”.

10 (2) REPEAL.—Section 336 of the FAA Mod-
11 ernization and Reform Act of 2012 (49 U.S.C.
12 40101 note) and the item relating to that section in
13 the table of contents under section 1(b) of that Act
14 are repealed.

15 **SEC. 350. USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTI-**
16 **TUTIONS OF HIGHER EDUCATION.**

17 (a) EDUCATIONAL AND RESEARCH PURPOSES.—For
18 the purposes of section 44809 of title 49, United States
19 Code, as added by this Act, a “recreational purpose” as
20 distinguished in subsection (a)(1) of such section shall in-
21 clude an unmanned aircraft system operated by an institu-
22 tion of higher education for educational or research pur-
23 poses.

24 (b) UPDATES.—In updating an operational param-
25 eter under subsection (d)(1) of such section for unmanned

1 aircraft systems operated by an institution of higher edu-
2 cation for educational or research purposes, the Adminis-
3 trator shall consider—

4 (1) use of small unmanned aircraft systems and
5 operations at an accredited institution of higher edu-
6 cation, for educational or research purposes, as a
7 component of the institution’s curricula or research;

8 (2) the development of streamlined, risk-based
9 operational approval for unmanned aircraft systems
10 operated by institutions of higher education; and

11 (3) the airspace and aircraft operators that may
12 be affected by such operations at the institution of
13 higher education.

14 (c) DEADLINE FOR ESTABLISHMENT OF PROCE-
15 DURES AND STANDARDS.—Not later than 270 days after
16 the date of enactment of this Act, the Administrator of
17 the Federal Aviation Administration may establish regula-
18 tions, procedures, and standards, as necessary, to facili-
19 tate the safe operation of unmanned aircraft systems oper-
20 ated by institutions of higher education for educational or
21 research purposes.

22 (d) DEFINITIONS.—In this section:

23 (1) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given to that term by section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (2) EDUCATIONAL OR RESEARCH PURPOSES.—

4 The term “education or research purposes”, with re-
5 spect to the operation of an unmanned aircraft sys-
6 tem by an institution of higher education, includes—

7 (A) instruction of students at the institu-
8 tion;

9 (B) academic or research related uses of
10 unmanned aircraft systems that have been ap-
11 proved by the institution, including Federal re-
12 search;

13 (C) activities undertaken by the institution
14 as part of research projects, including research
15 projects sponsored by the Federal Government;
16 and

17 (D) other academic activities approved by
18 the institution.

19 (e) STATUTORY CONSTRUCTION.—

20 (1) ENFORCEMENT.—Nothing in this section
21 shall be construed to limit the authority of the Ad-
22 ministrator to pursue an enforcement action against
23 a person operating any unmanned aircraft who en-
24 dangers the safety of the National Airspace System.

1 Federal Government and applicable State, local, or Tribal
2 jurisdictions, in order to—

3 (1) accelerate the safe integration of UAS into
4 the NAS by testing and validating new concepts of
5 beyond visual line of sight operations in a controlled
6 environment, focusing on detect and avoid tech-
7 nologies, command and control links, navigation,
8 weather, and human factors;

9 (2) address ongoing concerns regarding the po-
10 tential security and safety risks associated with UAS
11 operating in close proximity to human beings and
12 critical infrastructure by ensuring that operators
13 communicate more effectively with Federal, State,
14 local, and Tribal law enforcement to enable law en-
15 forcement to determine if a UAS operation poses
16 such a risk;

17 (3) promote innovation in and development of
18 the United States unmanned aviation industry, espe-
19 cially in sectors such as agriculture, emergency man-
20 agement, inspection, and transportation safety, in
21 which there are significant public benefits to be
22 gained from the deployment of UAS; and

23 (4) identify the most effective models of bal-
24 ancing local and national interests in UAS integra-
25 tion.

1 (d) APPLICATION SUBMISSION.—The Secretary shall
2 establish application requirements and require applicants
3 to include the following information:

4 (1) Identification of the airspace to be used, in-
5 cluding shape files and altitudes.

6 (2) Description of the types of planned oper-
7 ations.

8 (3) Identification of stakeholder partners to test
9 and evaluate planned operations.

10 (4) Identification of available infrastructure to
11 support planned operations.

12 (5) Description of experience with UAS oper-
13 ations and regulations.

14 (6) Description of existing UAS operator and
15 any other stakeholder partnerships and experience.

16 (7) Description of plans to address safety, secu-
17 rity, competition, privacy concerns, and community
18 outreach.

19 (e) MONITORING AND ENFORCEMENT OF LIMITA-
20 TIONS.—

21 (1) IN GENERAL.—Monitoring and enforcement
22 of any limitations enacted pursuant to this pilot
23 project shall be the responsibility of the jurisdiction.

1 (2) SAVINGS PROVISION.—Nothing in para-
2 graph (1) may be construed to prevent the Secretary
3 from enforcing Federal law.

4 (3) EXAMPLES OF LIMITATIONS.—Limitations
5 under this section may include—

6 (A) prohibiting flight during specified
7 morning and evening rush hours or only permit-
8 ting flight during specified hours such as day-
9 light hours, sufficient to ensure reasonable air-
10 space access;

11 (B) establishing designated take-off and
12 landing zones, limiting operations over moving
13 locations or fixed site public road and parks,
14 sidewalks or private property based on zoning
15 density, or other land use considerations;

16 (C) requiring notice to public safety or
17 zoning or land use authorities before operating;
18 and

19 (D) prohibiting operations in connection
20 with community or sporting events that do not
21 remain in one place (for example, parades and
22 running events).

23 (f) SELECTION CRITERIA.—In making determina-
24 tions, the Secretary shall evaluate whether applications
25 meet or exceed the following criteria:

1 (1) Overall economic, geographic, and climatic
2 diversity of the selected jurisdictions.

3 (2) Overall diversity of the proposed models of
4 government involvement.

5 (3) Overall diversity of the UAS operations to
6 be conducted.

7 (4) The location of critical infrastructure.

8 (5) The involvement of commercial entities in
9 the proposal and their ability to advance objectives
10 that may serve the public interest as a result of fur-
11 ther integration of UAS into the NAS.

12 (6) The involvement of affected communities in,
13 and their support for, participating in the pilot pro-
14 gram.

15 (7) The commitment of the governments and
16 UAS operators involved in the proposal to comply
17 with requirements related to national defense, home-
18 land security, and public safety and to address com-
19 petition, privacy, and civil liberties concerns.

20 (8) The commitment of the governments and
21 UAS operators involved in the proposal to achieve
22 the following policy objectives:

23 (A) Promoting innovation and economic
24 development.

25 (B) Enhancing transportation safety.

1 (C) Enhancing workplace safety.

2 (D) Improving emergency response and
3 search and rescue functions.

4 (E) Using radio spectrum efficiently and
5 competitively.

6 (g) IMPLEMENTATION.—The Secretary shall use the
7 data collected and experience gained over the course of
8 this pilot program to—

9 (1) identify and resolve technical challenges to
10 UAS integration;

11 (2) address airspace use to safely and efficiently
12 integrate all aircraft;

13 (3) inform operational standards and proce-
14 dures to improve safety (for example, detect and
15 avoid capabilities, navigation and altitude perform-
16 ance, and command and control link);

17 (4) inform FAA standards that reduce the need
18 for waivers (for example, for operations over human
19 beings, night operations, and beyond visual line of
20 sight); and

21 (5) address competing interests regarding UAS
22 operational expansion, safety, security, roles and re-
23 sponsibilities of non-Federal Government entities,
24 and privacy issues.

1 (h) NOTIFICATION.—Prior to initiating any addi-
2 tional rounds of agreements with State, local, or Tribal
3 governments as part of the pilot program established
4 under subsection (a), the Secretary shall notify the Com-
5 mittee on Transportation and Infrastructure and the
6 Committee on Appropriations of the House of Representa-
7 tives and the Committee on Commerce, Science, and
8 Transportation and the Committee on Appropriations in
9 the Senate.

10 (i) SUNSET.—The pilot program established under
11 subsection (a) shall terminate 3 years after the date on
12 which the memorandum referenced in subsection (a) is
13 signed by the President.

14 (j) SAVINGS CLAUSE.— Nothing in this section shall
15 affect any proposals, selections, imposition of conditions,
16 operations, or other decisions made—

17 (1) under the pilot program developed by the
18 Secretary of Transportation pursuant to the Presi-
19 dential memorandum titled “Unmanned Aircraft
20 Systems Integration Pilot Program”, as published in
21 the Federal Register on October 30, 2017 (82 Fed.
22 Reg. 50301); and

23 (2) prior to the date of enactment of this Act.

24 (k) DEFINITIONS.—In this section:

1 (1) The term “Lead Applicant” means an eligi-
2 ble State, local or Tribal government that has sub-
3 mitted a timely application.

4 (2) The term “NAS” means the low-altitude
5 national airspace system.

6 (3) The term “UAS” means unmanned aircraft
7 system.

8 **SEC. 352. PART 107 TRANSPARENCY AND TECHNOLOGY IM-**
9 **PROVEMENTS.**

10 (a) **TRANSPARENCY.**—Not later than 30 days after
11 the date of enactment of this Act, the Administrator shall
12 publish on the FAA website a representative sample of the
13 safety justifications, offered by applicants for small un-
14 manned aircraft system waivers and airspace authoriza-
15 tions, that have been approved by the Administration for
16 each regulation waived or class of airspace authorized, ex-
17 cept that any published justification shall not reveal pro-
18 prietary or commercially sensitive information.

19 (b) **TECHNOLOGY IMPROVEMENTS.**—Not later than
20 90 days after the date of enactment of this Act, the Ad-
21 ministrator shall revise the online waiver and certificates
22 of authorization processes—

23 (1) to provide real time confirmation that an
24 application filed online has been received by the Ad-
25 ministration; and

1 (2) to provide an applicant with an opportunity
2 to review the status of the applicant's application.

3 **SEC. 353. EMERGENCY EXEMPTION PROCESS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the use of unmanned aircraft systems by civil
6 and public operators—

7 (1) is an increasingly important tool in response
8 to a catastrophe, disaster, or other emergency;

9 (2) helps facilitate emergency response oper-
10 ations, such as firefighting and search and rescue;
11 and

12 (3) helps facilitate post-catastrophic response
13 operations, such as utility and infrastructure res-
14 toration efforts and the safe and prompt processing,
15 adjustment, and payment of insurance claims.

16 (b) UPDATES.—The Administrator shall, as nec-
17 essary, update and improve the Special Government Inter-
18 est process described in chapter 7 of Federal Aviation Ad-
19 ministration Order JO 7200.23A to ensure that civil and
20 public operators, including local law enforcement agencies
21 and first responders, continue to use unmanned aircraft
22 system operations quickly and efficiently in response to
23 a catastrophe, disaster, or other emergency.

24 (c) BEST PRACTICES.—The Administrator shall de-
25 velop best practices for the use of unmanned aircraft sys-

1 tems by States and localities to respond to a catastrophe,
2 disaster, or other emergency response and recovery oper-
3 ation.

4 **SEC. 354. TREATMENT OF UNMANNED AIRCRAFT OPER-**
5 **ATING UNDERGROUND.**

6 An unmanned aircraft system that is operated under-
7 ground for mining purposes shall not be subject to regula-
8 tion or enforcement by the FAA under chapter 448 of title
9 49, United States Code.

10 **SEC. 355. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
11 **MENTS.**

12 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
13 MENTS.—Section 40102(a)(41) of title 49, United States
14 Code, is amended by adding at the end the following:

15 “(F) An unmanned aircraft that is owned
16 and operated by, or exclusively leased for at
17 least 90 continuous days by, an Indian Tribal
18 government, as defined in section 102 of the
19 Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5122), except
21 as provided in section 40125(b).”.

22 (b) CONFORMING AMENDMENT.—Section 40125(b)
23 of title 49, United States Code, is amended by striking
24 “or (D)” and inserting “(D), or (F)”.

1 **SEC. 356. AUTHORIZATION OF APPROPRIATIONS FOR KNOW**
2 **BEFORE YOU FLY CAMPAIGN.**

3 There are authorized to be appropriated to the Ad-
4 ministrator of the Federal Aviation Administration
5 \$1,000,000 for each of fiscal years 2019 through 2023,
6 out of funds made available under section 106(k), for the
7 Know Before You Fly educational campaign or similar
8 public informational efforts intended to broaden un-
9 manned aircraft systems safety awareness.

10 **SEC. 357. UNMANNED AIRCRAFT SYSTEMS PRIVACY POL-**
11 **ICY.**

12 It is the policy of the United States that the operation
13 of any unmanned aircraft or unmanned aircraft system
14 shall be carried out in a manner that respects and protects
15 personal privacy consistent with the United States Con-
16 stitution and Federal, State, and local law.

17 **SEC. 358. UAS PRIVACY REVIEW.**

18 (a) REVIEW.—The Comptroller General of the United
19 States, in consideration of relevant efforts led by the Na-
20 tional Telecommunications and Information Administra-
21 tion, shall carry out a review of the privacy issues and
22 concerns associated with the operation of unmanned air-
23 craft systems in the national airspace system.

24 (b) CONSULTATION.—In carrying out the review, the
25 Comptroller General shall—

1 (1) consult with the Department of Transpor-
2 tation and the National Telecommunications and In-
3 formation Administration of the Department of
4 Commerce on its ongoing efforts responsive to the
5 Presidential memorandum titled “Promoting Eco-
6 nomic Competitiveness While Safeguarding Privacy,
7 Civil Rights, and Civil Liberties in Domestic Use of
8 Unmanned Aircraft Systems” and dated February
9 15, 2015;

10 (2) examine and identify the existing Federal,
11 State, or relevant local laws that address an individ-
12 ual’s personal privacy;

13 (3) identify specific issues and concerns that
14 may limit the availability of civil or criminal legal
15 remedies regarding inappropriate operation of un-
16 manned aircraft systems in the national airspace
17 system;

18 (4) identify any deficiencies in Federal, State,
19 or local privacy protections; and

20 (5) provide recommendations to address any
21 limitations and deficiencies identified in paragraphs
22 (3) and (4).

23 (c) REPORT.—Not later than 180 days after the date
24 of enactment of this Act, the Secretary shall submit to

1 the appropriate committees of Congress a report on the
2 results of the review required under subsection (a).

3 **SEC. 359. STUDY ON FIRE DEPARTMENT AND EMERGENCY**
4 **SERVICE AGENCY USE OF UNMANNED AIR-**
5 **CRAFT SYSTEMS.**

6 (a) STUDY.—

7 (1) IN GENERAL.—The Administrator shall con-
8 duct a study on the use of unmanned aircraft sys-
9 tems by fire departments and emergency service
10 agencies. Such study shall include an analysis of—

11 (A) how fire departments and emergency
12 service agencies currently use unmanned air-
13 craft systems;

14 (B) obstacles to greater use of unmanned
15 aircraft systems by fire departments and emer-
16 gency service agencies;

17 (C) the best way to provide outreach to
18 support greater use of unmanned aircraft sys-
19 tems by fire departments and emergency service
20 agencies;

21 (D) laws or regulations that present bar-
22 riers to career, combination, and volunteer fire
23 departments' ability to use unmanned aircraft
24 systems;

1 (E) training and certifications required for
2 the use of unmanned aircraft systems by fire
3 departments and emergency service agencies;

4 (F) airspace limitations and concerns in
5 the use of unmanned aircraft systems by fire
6 departments and emergency service agencies;

7 (G) roles of unmanned aircraft systems in
8 the provision of fire and emergency services;

9 (H) technological challenges to greater
10 adoption of unmanned aircraft systems by fire
11 departments and emergency service agencies;
12 and

13 (I) other issues determined appropriate by
14 the Administrator.

15 (2) CONSULTATION.—In conducting the study
16 under paragraph (1), the Administrator shall consult
17 with national fire and emergency service organiza-
18 tions.

19 (b) REPORT.—Not later than 180 days after the date
20 of enactment of this Act, the Administrator shall submit
21 to the appropriate committees of Congress a report on the
22 study conducted under subsection (a), including the Ad-
23 ministrator's findings, conclusions, and recommendations.

1 **SEC. 360. STUDY ON FINANCING OF UNMANNED AIRCRAFT**
2 **SERVICES.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall initiate a study on appropriate
6 fee mechanisms to recover the costs of—

7 (1) the regulation and safety oversight of un-
8 manned aircraft and unmanned aircraft systems;
9 and

10 (2) the provision of air navigation services to
11 unmanned aircraft and unmanned aircraft systems.

12 (b) CONSIDERATIONS.—In carrying out the study,
13 the Comptroller General shall consider, at a minimum—

14 (1) any recommendations of Task Group 3 of
15 the Drone Advisory Committee chartered by the
16 Federal Aviation Administration on August 31,
17 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
21 aircraft;

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
5 Administration employees dedicated to unmanned
6 aircraft programs;

7 (6) the use of privately operated UTM and
8 other 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 indus-
14 try 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 APPLI-**
4 **CATION.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Administrator shall submit to the appro-
7 priate committees of Congress a report evaluating which
8 aviation safety requirements under part 137 of title 14,
9 Code of Federal Regulations, should apply to unmanned
10 aircraft system operations engaged in aerial spraying of
11 chemicals for 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
16 aircraft near airports presents a serious hazard to
17 aviation 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
24 Federal Regulations, prohibit unauthorized operation
25 of 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 prop-
5 erty of another;

6 (5) the Administrator should pursue all avail-
7 able civil and administrative remedies available to
8 the Administrator, including referrals to other gov-
9 ernment agencies for criminal investigations, with
10 respect to persons who operate unmanned aircraft in
11 an unauthorized 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 restric-
19 tions in place, for purposes such as wildfires,
20 without appropriate authorization; and

21 (B) partner with State and local agencies
22 to effectively enforce relevant laws so that un-
23 manned aircrafts do not interfere with the ef-
24 forts of emergency responders;

1 (7) the Administrator should place particular
2 priority on continuing measures, including partner-
3 ships with nongovernmental organizations, to edu-
4 cate the public about the dangers to the public safe-
5 ty of operating unmanned aircraft near airports
6 without the appropriate approvals or authorizations;
7 and

8 (8) manufacturers and retail sellers of small
9 unmanned aircraft systems should take steps to edu-
10 cate consumers about the safe and lawful operation
11 of such systems.

12 **SEC. 363. PROHIBITION REGARDING WEAPONS.**

13 (a) **IN GENERAL.**—Unless authorized by the Admin-
14 istrator, a person may not operate an unmanned aircraft
15 or unmanned aircraft system that is equipped or armed
16 with a dangerous weapon.

17 (b) **DANGEROUS WEAPON DEFINED.**—In this sec-
18 tion, the term “dangerous weapon” has the meaning given
19 that term in section 930(g)(2) of title 18, United States
20 Code.

21 (c) **PENALTY.**—A person who violates this section is
22 liable to the United States Government for a civil penalty
23 of not more than \$25,000 for each violation.

1 **SEC. 364. U.S. COUNTER-UAS SYSTEM REVIEW OF INTER-**
2 **AGENCY COORDINATION PROCESSES.**

3 (a) IN GENERAL.—Not later than 60 days after that
4 date of enactment of this Act, the Administrator, in con-
5 sultation with government agencies currently authorized
6 to operate Counter-Unmanned Aircraft System (C-UAS)
7 systems within the United States (including the territories
8 and possessions of the United States), shall initiate a re-
9 view of the following:

10 (1) The process the Administration is using for
11 interagency coordination of C-UAS activity pursuant
12 to a relevant Federal statute authorizing such activ-
13 ity within the United States (including the terri-
14 tories and possessions of the United States).

15 (2) The standards the Administration is uti-
16 lizing for operation of a C-UAS systems pursuant to
17 a relevant Federal statute authorizing such activity
18 within the United States (including the territories
19 and possessions of the United States), including
20 whether the following criteria are being taken into
21 consideration in the development of the standards:

22 (A) Safety of the national airspace.

23 (B) Protecting individuals and property on
24 the ground.

1 (C) Non-interference with avionics of
2 manned aircraft, and unmanned aircraft, oper-
3 ating legally in the national airspace.

4 (D) Non-interference with air traffic con-
5 trol systems.

6 (E) Adequate coordination procedures and
7 protocols with the Federal Aviation Administra-
8 tion during the operation of C-UAS systems.

9 (F) Adequate training for personnel oper-
10 ating C-UAS systems.

11 (G) Assessment of the efficiency and effec-
12 tiveness of the coordination and review proc-
13 esses to ensure national airspace safety while
14 minimizing bureaucracy.

15 (H) Best practices for the consistent oper-
16 ation of C-UAS systems to the maximum extent
17 practicable.

18 (I) Current airspace authorization informa-
19 tion shared by automated approval processes
20 for airspace authorizations, such as the Low Al-
21 titude Authorization and Notification Capa-
22 bility.

23 (J) Such other matters the Administrator
24 considers necessary for the safe and lawful op-
25 eration of C-UAS systems.

1 (3) Similar interagency coordination processes
2 already used for other matters that may be used as
3 a model for improving the interagency coordination
4 for the usage of C-UAS systems.

5 (b) REPORT.—Not later than 180 days after the date
6 upon which the review in subsection (a) is initiated, the
7 Administrator shall submit to the Committee on Trans-
8 portation and Infrastructure of the House of Representa-
9 tives, the Committee on Armed Services of the House of
10 Representatives, and the Committee on Commerce,
11 Science, and Transportation in the Senate, and the Com-
12 mittee on Armed Services of the Senate, a report on the
13 Administration’s activities related to C-UAS systems, in-
14 cluding—

15 (1) any coordination with Federal agencies and
16 States, subdivisions and States, political authorities
17 of at least 2 States that operate C-UAS systems;

18 (2) an assessment of the standards being uti-
19 lized for the operation of a counter-UAS systems
20 within the United States (including the territories
21 and possessions of the United States);

22 (3) an assessment of the efficiency and effec-
23 tiveness of the interagency coordination and review
24 processes to ensure national airspace safety while
25 minimizing bureaucracy; and

1 (4) a review of any additional authorities need-
2 ed by the Federal Aviation Administration to effec-
3 tively oversee the management of C-UAS systems
4 within the United States (including the territories
5 and possessions of the United States).

6 **SEC. 365. COOPERATION RELATED TO CERTAIN COUNTER-**
7 **UAS TECHNOLOGY.**

8 In matters relating to the use of systems in the na-
9 tional airspace system intended to mitigate threats posed
10 by errant or hostile unmanned aircraft system operations,
11 the Secretary of Transportation shall consult with the Sec-
12 retary of Defense to streamline deployment of such sys-
13 tems by drawing upon the expertise and experience of the
14 Department of Defense in acquiring and operating such
15 systems consistent with the safe and efficient operation
16 of the national airspace system.

17 **SEC. 366. STRATEGY FOR RESPONDING TO PUBLIC SAFETY**
18 **THREATS AND ENFORCEMENT UTILITY OF**
19 **UNMANNED AIRCRAFT SYSTEMS.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Administrator of the
22 Federal Aviation Administration shall develop a com-
23 prehensive strategy to provide outreach to State and local
24 governments and provide guidance for local law enforce-
25 ment agencies and first responders with respect to—

1 (1) how to identify and respond to public safety
2 threats posed by unmanned aircraft systems; and

3 (2) how to identify and take advantage of op-
4 portunities to use unmanned aircraft systems to en-
5 hance the effectiveness of local law enforcement
6 agencies and first responders.

7 (b) RESOURCES.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator shall es-
9 tablish a publicly available Internet website that contains
10 resources for State and local law enforcement agencies and
11 first responders seeking—

12 (1) to respond to public safety threats posed by
13 unmanned aircraft systems; and

14 (2) to identify and take advantage of opportuni-
15 ties to use unmanned aircraft systems to enhance
16 the effectiveness of local law enforcement agencies
17 and public safety response efforts.

18 (c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
19 this section, the term “unmanned aircraft system” has the
20 meaning given that term in section 44801 of title 49,
21 United States Code, as added by this Act.

1 **SEC. 367. INCORPORATION OF FEDERAL AVIATION ADMIN-**
2 **ISTRATION OCCUPATIONS RELATING TO UN-**
3 **MANNED AIRCRAFT INTO VETERANS EM-**
4 **PLOYMENT PROGRAMS OF THE ADMINISTRA-**
5 **TION.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Administrator of the Federal Avia-
8 tion Administration, in consultation with the Secretary of
9 Veterans Affairs, the Secretary of Defense, and the Sec-
10 retary of Labor, shall determine whether occupations of
11 the Administration relating to unmanned aircraft systems
12 technology and regulations can be incorporated into the
13 Veterans' Employment Program of the Administration,
14 particularly in the interaction between such program and
15 the New Sights Work Experience Program and the Vet-
16 Link Cooperative Education Program.

17 **SEC. 368. PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Secretary of Transportation shall issue
20 guidance for the expedited and timely access to special use
21 airspace for public unmanned aircraft systems in order to
22 assist Federal, State, local, or tribal law enforcement orga-
23 nizations in conducting law enforcement, emergency re-
24 sponse, or for other activities.

1 **SEC. 369. APPLICATIONS FOR DESIGNATION.**

2 Section 2209 of the FAA Extension, Safety, and Se-
3 curity Act of 2016 (Public Law 114–190; 130 Stat. 615)
4 is amended—

5 (1) in subsection (b)(1)(C)(i), by striking “and
6 distribution facilities and equipment” and inserting
7 “distribution facilities and equipment, and railroad
8 facilities”; and

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

10 “(e) DEADLINES.—

11 “(1) Not later than March 31, 2019, the Ad-
12 ministrator shall publish a notice of proposed rule-
13 making to carry out the requirements of this section.

14 “(2) Not later than 12 months after publishing
15 the notice of proposed rulemaking under paragraph
16 (1), the Administrator shall issue a final rule.”.

17 **SEC. 370. SENSE OF CONGRESS ON ADDITIONAL RULE-**
18 **MAKING AUTHORITY.**

19 It is the sense of Congress that—

20 (1) beyond visual line of sight operations, night-
21 time operations, and operations over people of un-
22 manned aircraft systems have tremendous poten-
23 tial—

24 (A) to enhance both commercial and aca-
25 demic use;

1 (B) to spur economic growth and develop-
2 ment through innovative applications of this
3 emerging technology; and

4 (C) to improve emergency response efforts
5 as it relates to assessing damage to critical in-
6 frastructure such as roads, bridges, and utili-
7 ties, including water and power, ultimately
8 speeding response time;

9 (2) advancements in miniaturization of safety
10 technologies, including for aircraft weighing under
11 4.4 pounds, have increased economic opportunities
12 for using unmanned aircraft systems while reducing
13 kinetic energy and risk compared to unmanned air-
14 craft that may weigh 4.4 pounds or more, but less
15 than 55 pounds;

16 (3) advancements in unmanned technology will
17 have the capacity to ultimately improve manned air-
18 craft safety; and

19 (4) integrating unmanned aircraft systems safe-
20 ly into the national airspace, including beyond visual
21 line of sight operations, nighttime operations on a
22 routine basis, and operations over people should re-
23 main a top priority for the Federal Aviation Admin-
24 istration as it pursues additional rulemakings under
25 the amendments made by this section.

1 **SEC. 371. ASSESSMENT OF AIRCRAFT REGISTRATION FOR**
2 **SMALL UNMANNED AIRCRAFT.**

3 (a) EVALUATION.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall enter into an agreement with the National
6 Academy of Public Administration, to estimate and assess
7 compliance with and the effectiveness of the registration
8 of small unmanned aircraft systems by the Federal Avia-
9 tion Administration pursuant to the interim final rule
10 issued on December 16, 2015, titled “Registration and
11 Marking Requirements for Small Unmanned Aircraft” (80
12 Fed. Reg. 78593).

13 (b) METRICS.—Upon receiving the assessment, the
14 Secretary shall, to the extent practicable, develop metrics
15 to measure compliance with the interim final rule de-
16 scribed in subsection (a), and any subsequent final rule,
17 including metrics with respect to—

18 (1) the levels of compliance with the interim
19 final rule and any subsequent final rule;

20 (2) the number of enforcement actions taken by
21 the Administration for violations of or noncompli-
22 ance with the interim final rule and any subsequent
23 final rule, together with a description of the actions;
24 and

25 (3) the effect of the interim final rule and any
26 subsequent final rule on compliance with any fees

1 associated with the use of small unmanned aircraft
2 systems.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Secretary shall submit to
5 the to the appropriate committees of Congress a report
6 containing—

7 (1) the results of the assessment required under
8 subsection (a);

9 (2) the metrics required under subsection (b)
10 and how the Secretary will track these metrics; and

11 (3) recommendations to Congress for improve-
12 ments to the registration process for small un-
13 manned aircraft, if necessary.

14 **SEC. 372. ENFORCEMENT.**

15 (a) UAS SAFETY ENFORCEMENT.—The Adminis-
16 trator of the Federal Aviation Administration shall estab-
17 lish a pilot program to utilize available remote detection
18 or identification technologies for safety oversight, includ-
19 ing enforcement actions against operators of unmanned
20 aircraft systems that are not in compliance with applicable
21 Federal aviation laws, including regulations.

22 (b) REPORTING.—As part of the pilot program, the
23 Administrator shall establish and publicize a mechanism
24 for the public and Federal, State, and local law enforce-

1 ment to report suspected operation of unmanned aircraft
2 in violation of applicable Federal laws and regulations.

3 (c) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of enactment of the FAA Reauthorization
5 Act of 2018, and annually thereafter through the duration
6 of the pilot program established in subsection (a), the Ad-
7 ministrator shall submit to the appropriate committees of
8 Congress a report on the following:

9 (1) The number of unauthorized unmanned air-
10 craft operations detected in restricted airspace, in-
11 cluding in and around airports, together with a de-
12 scription of such operations.

13 (2) The number of enforcement cases brought
14 by the Federal Aviation Administration or other
15 Federal agencies for unauthorized operation of un-
16 manned aircraft detected through the program, to-
17 gether with a description of such cases.

18 (3) Recommendations for safety and operational
19 standards for unmanned aircraft detection and miti-
20 gation systems.

21 (4) Recommendations for any legislative or reg-
22 ulatory changes related to mitigation or detection or
23 identification of unmanned aircraft systems.

24 (d) SUNSET.—The pilot program established in sub-
25 section (a) shall terminate on September 30, 2021.

1 (e) CIVIL PENALTIES.—Section 46301 of title 49,
2 United States Code, is amended—

3 (1) in subsection (a)(1)(A), by inserting “chap-
4 ter 448,” after “chapter 447 (except sections 44717
5 and 44719–44723),”;

6 (2) in subsection (a)(5)(A)(i), by inserting
7 “chapter 448,” after “chapter 447 (except sections
8 44717–44723),”;

9 (3) in subsection (d)(2), by inserting “chapter
10 448,” after “chapter 447 (except sections 44717 and
11 44719–44723),”;

12 (4) in subsection (f)(1)(A)(i), by inserting
13 “chapter 448,” after “chapter 447 (except sections
14 44717 and 44719–44723),”.

15 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to limit the authority of the Admin-
17 istrator to pursue an enforcement action for a violation
18 of this subtitle or any other applicable provision of avia-
19 tion safety law or regulation using remote detection or
20 identification or other technology following the sunset of
21 the pilot program.

22 **SEC. 373. FEDERAL AND LOCAL AUTHORITIES.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Comptroller General
25 of the United States shall—

1 (1) conduct a study on the relative roles of the
2 Federal Government, State, local and Tribal govern-
3 ments in the regulation and oversight of low-altitude
4 operations of unmanned aircraft systems in the na-
5 tional airspace system; and

6 (2) submit to the appropriate committees of
7 Congress a report on the study, including the Comp-
8 troller General's findings and conclusions.

9 (b) CONTENTS.—The study under subsection (a)
10 shall review the following:

11 (1) The current state of the law with respect to
12 Federal authority over low-altitude operations of un-
13 manned aircraft systems in the national airspace
14 system.

15 (2) The current state of the law with respect to
16 State, local, and Tribal authority over low-altitude
17 operations of unmanned aircraft systems in the na-
18 tional airspace system.

19 (3) Potential gaps between authorities under
20 paragraphs (1) and (2).

21 (4) The degree of regulatory consistency re-
22 quired among the Federal Government, State gov-
23 ernments, local governments, and Tribal govern-
24 ments for the safe and financially viable growth and
25 development of the unmanned aircraft industry.

1 (5) The interests of Federal, State, local, and
2 Tribal governments affected by low-altitude oper-
3 ations of unmanned aircraft systems and the au-
4 thorities of those governments to protect such inter-
5 ests.

6 (6) The infrastructure requirements necessary
7 for monitoring the low-altitude operations of small
8 unmanned aircraft and enforcing applicable laws.

9 **SEC. 374. SPECTRUM.**

10 (a) REPORT.—Not later than 270 days after the date
11 of enactment of this Act, and after consultation with rel-
12 evant stakeholders, the Administrator of the Federal Avia-
13 tion Administration, the National Telecommunications
14 and Information Administration, and the Federal Commu-
15 nications Commission, shall submit to the Committee on
16 Commerce, Science, and Transportation of the Senate, the
17 Committee on Transportation and Infrastructure of the
18 House of Representatives, and the Committee on Energy
19 and Commerce of the House of Representatives a report—

20 (1) on whether unmanned aircraft systems oper-
21 ations should be permitted, but not required, to
22 operate on spectrum that was recommended for allo-
23 cation for AM(R)S and control links for UAS by the
24 World Radio Conferences in 2007 (L-band, 960-
25 1164 MHz) and 2012 (C-band, 5030-5091 MHz),

1 on an unlicensed, shared, or exclusive basis, for op-
2 erations within the UTM system or outside of such
3 a system;

4 (2) that addresses any technological, statutory,
5 regulatory, and operational barriers to the use of
6 such spectrum; and

7 (3) that, if it is determined that some spectrum
8 frequencies are not suitable for beyond-visual-line-of-
9 sight operations by unmanned aircraft systems, in-
10 cludes recommendations of other spectrum fre-
11 quencies that may be appropriate for such oper-
12 ations.

13 (b) **NO EFFECT ON OTHER SPECTRUM.**—The report
14 required under subsection (a) does not prohibit or delay
15 use of any licensed spectrum to satisfy control links, track-
16 ing, diagnostics, payload communications, collision avoid-
17 ance, and other functions for unmanned aircraft systems
18 operations.

19 **SEC. 375. FEDERAL TRADE COMMISSION AUTHORITY.**

20 (a) **IN GENERAL.**—A violation of a privacy policy by
21 a person that uses an unmanned aircraft system for com-
22 pensation or hire, or in the furtherance of a business en-
23 terprise, in the national airspace system shall be an unfair
24 and deceptive practice in violation of section 5(a) of the
25 Federal Trade Commission Act (15 U.S.C. 45(a)).

1 (b) DEFINITIONS.—In this section, the terms “un-
2 manned aircraft” and “unmanned aircraft system” have
3 the meanings given those terms in section 44801 of title
4 49, United States Code.

5 **SEC. 376. PLAN FOR FULL OPERATIONAL CAPABILITY OF**
6 **UNMANNED AIRCRAFT SYSTEMS TRAFFIC**
7 **MANAGEMENT.**

8 (a) IN GENERAL.—In conjunction with completing
9 the requirements of section 2208 of the FAA Extension,
10 Safety, and Security Act of 2016 (49 U.S.C. 40101 note),
11 subject to subsection (b) of this section, the Adminis-
12 trator, in coordination with the Administrator of the Na-
13 tional Aeronautics and Space Administration, and in con-
14 sultation with unmanned aircraft systems industry stake-
15 holders, shall develop a plan to allow for the implementa-
16 tion of unmanned aircraft systems traffic management
17 (UTM) services that expand operations beyond visual line
18 of sight, have full operational capability, and ensure the
19 safety and security of all aircraft.

20 (b) COMPLETION OF UTM SYSTEM PILOT PRO-
21 GRAM.—The Administrator shall ensure that the UTM
22 system pilot program, as established in section 2208 of
23 the FAA Extension, Safety, and Security Act of 2016 (49
24 U.S.C. 40101 note), is conducted to meet the following

1 objectives of a comprehensive UTM system by the conclu-
2 sion of the pilot program:

3 (1) In cooperation with the National Aero-
4 nautics and Space Administration and manned and
5 unmanned aircraft industry stakeholders, allow test-
6 ing of unmanned aircraft operations, of increasing
7 volumes and density, in airspace above test ranges,
8 as such term is defined in section 44801 of title 49,
9 United States Code, as well as other sites deter-
10 mined by the Administrator to be suitable for UTM
11 testing, including those locations selected under the
12 pilot program required in the October 25, 2017,
13 Presidential Memorandum entitled, “Unmanned Air-
14 craft Systems Integration Pilot Program” and de-
15 scribed in 82 Federal Register 50301.

16 (2) Permit the testing of various remote identi-
17 fication and tracking technologies evaluated by the
18 Unmanned Aircraft Systems Identification and
19 Tracking Aviation Rulemaking Committee.

20 (3) Where the particular operational environ-
21 ment permits, permit blanket waiver authority to
22 allow any unmanned aircraft approved by a UTM
23 system pilot program selectee to be operated under
24 conditions currently requiring a case-by-case waiver
25 under part 107, title 14, Code of Federal Regula-

1 tions, provided that any blanket waiver addresses
2 risks to airborne objects as well as persons and
3 property on the ground.

4 (c) IMPLEMENTATION PLAN CONTENTS.—The plan
5 required by subsection (a) shall—

6 (1) include the development of safety standards
7 to permit, authorize, or allow the use of UTM serv-
8 ices, which may include the demonstration and vali-
9 dation of such services at the test ranges, as defined
10 in section 44801 of title 49, United States Code, or
11 other sites as authorized by the Administrator;

12 (2) outline the roles and responsibilities of in-
13 dustry and government in establishing UTM services
14 that allow applicants to conduct commercial and
15 noncommercial operations, recognizing the primary
16 private sector role in the development and implemen-
17 tation of the Low Altitude Authorization and Notifi-
18 cation Capability and future expanded UTM serv-
19 ices;

20 (3) include an assessment of various compo-
21 nents required for necessary risk reduction and miti-
22 gation in relation to the use of UTM services, in-
23 cluding—

1 (A) remote identification of both coopera-
2 tive and non-cooperative unmanned aircraft sys-
3 tems in the national airspace system;

4 (B) deconfliction of cooperative unmanned
5 aircraft systems in the national airspace system
6 by such services;

7 (C) the manner in which the Federal Avia-
8 tion Administration will conduct oversight of
9 UTM systems, including interfaces between
10 UTM service providers and air traffic control;

11 (D) the need for additional technologies to
12 detect cooperative and non-cooperative aircraft;

13 (E) collaboration and coordination with air
14 traffic control, or management services and
15 technologies to ensure the safety oversight of
16 manned and unmanned aircraft, including—

17 (i) the Federal Aviation Administra-
18 tion responsibilities to collect and dissemi-
19 nate relevant data to UTM service pro-
20 viders; and

21 (ii) data exchange protocols to share
22 UAS operator intent, operational approv-
23 als, operational restraints, and other data
24 necessary to ensure safety or security of
25 the National Airspace System;

1 (F) the potential for UTM services to man-
2 age unmanned aircraft systems carrying either
3 cargo, payload, or passengers, weighing more
4 than 55 pounds, and operating at altitudes
5 higher than 400 feet above ground level; and

6 (G) cybersecurity protections, data integ-
7 rity, and national and homeland security bene-
8 fits; and

9 (4) establish a process for—

10 (A) accepting applications for operation of
11 UTM services in the national airspace system;

12 (B) setting the standards for independent
13 private sector validation and verification that
14 the standards for UTM services established
15 pursuant to paragraph (1) enabling operations
16 beyond visual line of sight, have been met by
17 applicants; and

18 (C) notifying the applicant, not later than
19 120 days after the Administrator receives a
20 complete application, with a written approval,
21 disapproval, or request to modify the applica-
22 tion.

23 (d) SAFETY STANDARDS.—In developing the safety
24 standards in subsection (c)(1), the Administrator—

1 (1) shall require that UTM services help ensure
2 the safety of unmanned aircraft and other aircraft
3 operations that occur primarily or exclusively in air-
4 space 400 feet above ground level and below, includ-
5 ing operations conducted under a waiver issued pur-
6 suant to subpart D of part 107 of title 14, Code of
7 Federal Regulations;

8 (2) shall consider, as appropriate—

9 (A) protection of persons and property on
10 the ground;

11 (B) remote identification and tracking of
12 aircraft;

13 (C) collision avoidance with respect to ob-
14 stacles and non-cooperative aircraft;

15 (D) deconfliction of cooperative aircraft
16 and integration of other relevant airspace con-
17 siderations;

18 (E) right of way rules, inclusive of UAS
19 operations;

20 (F) safe and reliable coordination between
21 air traffic control and other systems operated in
22 the national airspace system;

23 (G) detection of non-cooperative aircraft;

1 (H) geographic and local factors including
2 but not limited to terrain, buildings and struc-
3 tures;

4 (I) aircraft equipage; and

5 (J) qualifications, if any, necessary to op-
6 erate UTM services; and

7 (3) may establish temporary flight restrictions
8 or other means available such as a certificate of
9 waiver or authorization (COA) for demonstration
10 and validation of UTM services.

11 (e) REVOCATION.—The Administrator may revoke
12 the permission, authorization, or approval for the oper-
13 ation of UTM services if the Administrator determines
14 that the services or its operator are no longer in compli-
15 ance with applicable safety standards.

16 (f) LOW-RISK AREAS.—The Administrator shall es-
17 tablish expedited procedures for approval of UTM services
18 operated in—

19 (1) airspace away from congested areas; or

20 (2) other airspace above areas in which oper-
21 ations of unmanned aircraft pose low risk, as deter-
22 mined by the Administrator.

23 (g) CONSULTATION.—In carrying out this section,
24 the Administrator shall consult with other Federal agen-
25 cies, as appropriate.

1 (h) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that, in developing the safety standards for UTM
3 services, the Federal Aviation Administration shall con-
4 sider ongoing research and development efforts on UTM
5 services conducted by—

6 (1) the National Aeronautics and Space Admin-
7 istration in partnership with industry stakeholders;

8 (2) the UTM System pilot program required by
9 section 2208 of the FAA Extension, Safety, and Se-
10 curity Act of 2016 (49 U.S.C. 40101 note); and

11 (3) the participants in the pilot program re-
12 quired in the October 25, 2017, Presidential Memo-
13 randum entitled, “Unmanned Aircraft Systems Inte-
14 gration Pilot Program” and described in 82 Federal
15 Register 50301.

16 (i) DEADLINE.—Not later than 1 year after the date
17 of conclusion of the UTM pilot program established in sec-
18 tion 2208 of the FAA Extension, Safety, and Security Act
19 of 2016 (49 U.S.C. 40101 note), the Administrator
20 shall—

21 (1) complete the plan required by subsection
22 (a);

23 (2) submit the plan to—

24 (A) the Committee on Commerce, Science,
25 and Transportation of the Senate; and

1 (B) the Committee on Science, Space, and
2 Technology and the Committee on Transpor-
3 tation and Infrastructure of the House of Rep-
4 resentatives; and

5 (3) publish the plan on a publicly accessible
6 Internet website of the Federal Aviation Administra-
7 tion.

8 **SEC. 377. EARLY IMPLEMENTATION OF CERTAIN UTM**
9 **SERVICES.**

10 (a) IN GENERAL.—Not later than 120 days after the
11 date of the enactment of this Act, the Administrator shall,
12 upon request of a UTM service provider, determine if cer-
13 tain UTM services may operate safely in the national air-
14 space system before completion of the implementation plan
15 required by section 376.

16 (b) ASSESSMENT OF UTM SERVICES.—In making
17 the determination under subsection (a), the Administrator
18 shall assess, at a minimum, whether the proposed UTM
19 services, as a result of their operational capabilities, reli-
20 ability, intended use, areas of operation, and the charac-
21 teristics of the aircraft involved, will maintain the safety
22 and efficiency of the national airspace system and address
23 any identified risks to manned or unmanned aircraft and
24 persons and property on the ground.

1 (c) REQUIREMENTS FOR SAFE OPERATION.—If the
2 Administrator determines that certain UTM services may
3 operate safely in the national airspace system, the Admin-
4 istrator shall establish requirements for their safe oper-
5 ation in the national airspace system.

6 (d) EXPEDITED PROCEDURES.—The Administrator
7 shall provide expedited procedures for making the assess-
8 ment and determinations under this section where the
9 UTM services will be provided primarily or exclusively in
10 airspace above areas in which the operation of unmanned
11 aircraft poses low risk, including but not limited to crop-
12 lands and areas other than congested areas.

13 (e) CONSULTATION.—In carrying out this section, the
14 Administrator shall consult with other Federal agencies,
15 as appropriate.

16 (f) PREEXISTING UTM SERVICES APPROVALS.—
17 Nothing in this Act shall affect or delay approvals, waiv-
18 ers, or exemptions granted by the Administrator for UTM
19 services already in existence or approved by the Adminis-
20 trator prior to the date of enactment of this Act, including
21 approvals under the Low Altitude Authorization and Noti-
22 fication Capability.

23 **SEC. 378. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) each person that uses an unmanned aircraft
2 system for compensation or hire, or in the further-
3 ance of a business enterprise, except those operated
4 for purposes protected by the First Amendment of
5 the Constitution, should have a written privacy pol-
6 icy consistent with section 357 that is appropriate to
7 the nature and scope of the activities regarding the
8 collection, use, retention, dissemination, and deletion
9 of any data collected during the operation of an un-
10 manned aircraft system;

11 (2) each privacy policy described in paragraph
12 (1) should be periodically reviewed and updated as
13 necessary; and

14 (3) each privacy policy described in paragraph
15 (1) should be publicly available.

16 **SEC. 379. COMMERCIAL AND GOVERNMENTAL OPERATORS.**

17 (a) **IN GENERAL.**—Not later than 270 days after the
18 date of enactment of this Act, the Administrator shall, to
19 the extent practicable and consistent with applicable law,
20 make available in a single location on the website of the
21 Department of Transportation:

22 (1) Any certificate of waiver or authorization
23 issued by the Administration to Federal, State, trib-
24 al or local governments for the operation of un-

1 manned aircraft systems within 30 days of issuance
2 of such certificate of waiver or authorization.

3 (2) A spreadsheet of UAS registrations, includ-
4 ing the city, state, and zip code of each registered
5 drone owner, on its website that is updated once per
6 quarter each calendar year.

7 (3) Summary descriptions and general purposes
8 of public unmanned aircraft operations, including
9 the locations where such unmanned aircraft may
10 generally operate.

11 (4) Summary descriptions of common civil un-
12 manned aircraft operations.

13 (5) The expiration date of any authorization of
14 public or civil unmanned aircraft operations.

15 (6) Links to websites of State agencies that en-
16 force any applicable privacy laws.

17 (7) For any unmanned aircraft system, except
18 with respect to any operation protected by the First
19 Amendment to the Constitution of the United
20 States, that will collect personally identifiable infor-
21 mation about individuals, including the use of facial
22 recognition—

23 (A) the circumstance under which the sys-
24 tem will be used;

1 (B) the specific kinds of personally identi-
2 fiable information that the system will collect
3 about individuals; and

4 (C) how the information referred to in sub-
5 paragraph (B), and the conclusions drawn from
6 such information, will be used, disclosed, and
7 otherwise handled, including—

8 (i) how the collection or retention of
9 such information that is unrelated to the
10 specific use will be minimized;

11 (ii) under what circumstances such in-
12 formation might be sold, leased, or other-
13 wise provided to third parties;

14 (iii) the period during which such in-
15 formation will be retained;

16 (iv) when and how such information,
17 including information no longer relevant to
18 the specified use, will be destroyed; and

19 (v) steps that will be used to protect
20 against the unauthorized disclosure of any
21 information or data, such as the use of
22 encryption methods and other security fea-
23 tures.

24 (8) With respect to public unmanned aircraft
25 systems—

1 (A) the locations where the unmanned air-
2 craft system will operate;

3 (B) the time during which the unmanned
4 aircraft system will operate;

5 (C) the general purpose of the flight; and

6 (D) the technical capabilities that the un-
7 manned aircraft system possesses.

8 (b) EXCEPTIONS.—The Administrator shall not dis-
9 close information pursuant to subsection (a) if the Admin-
10 istrator determines that the release of such information—

11 (1) is not applicable;

12 (2) is not practicable, including when the infor-
13 mation is not available to the Administrator;

14 (3) is not in compliance with applicable law;

15 (4) would compromise national defense, home-
16 land security or law enforcement activity;

17 (5) would be withheld pursuant to an exception
18 of the section 552 of title 5, United States Code
19 (commonly known as the “Freedom of Information
20 Act”); or

21 (6) is otherwise contrary to the public interest.

22 (c) SUNSET.—This section will cease to be effective
23 on the date that is the earlier of—

24 (1) the date of publication of a Notice of Pro-
25 posed Rulemaking or guidance regarding remote

1 identification standards under section 2202 of the
2 FAA Extension, Safety, and Security Act of 2016
3 (Public Law 114–190; 130 Stat. 615); or

4 (2) September 30, 2021.

5 **SEC. 380. TRANSITION LANGUAGE.**

6 (a) REGULATIONS.—Notwithstanding the repeals
7 under sections 341, 348, 347, 349, and 383 of this Act,
8 all orders, determinations, rules, regulations, permits,
9 grants, and contracts, which have been issued under any
10 law described under subsection (b) of this section before
11 the effective date of this Act shall continue in effect until
12 modified or revoked by the Secretary of Transportation,
13 acting through the Administrator of the Federal Aviation
14 Administration, as applicable, by a court of competent ju-
15 risdiction, or by operation of law other than this Act.

16 (b) LAWS DESCRIBED.—The laws described under
17 this subsection are as follows:

18 (1) Section 332 of the FAA Modernization and
19 Reform Act of 2012 (49 U.S.C. 40101 note).

20 (2) Section 333 of the FAA Modernization and
21 Reform Act of 2012 (49 U.S.C. 40101 note).

22 (3) Section 334 of the FAA Modernization and
23 Reform Act of 2012 (49 U.S.C. 40101 note).

24 (4) Section 336 of the FAA Modernization and
25 Reform Act of 2012 (49 U.S.C. 40101 note).

1 lated to a wildfire suppression, shall be fined under this
2 title, imprisoned for not more than 2 years, or both.

3 “(b) EXCEPTIONS.—This section does not apply to
4 the operation of an unmanned aircraft conducted by a unit
5 or agency of the United States Government or of a State,
6 tribal, or local government (including any individual con-
7 ducting such operation pursuant to a contract or other
8 agreement entered into with the unit or agency) for the
9 purpose of protecting the public safety and welfare, includ-
10 ing firefighting, law enforcement, or emergency response.

11 “(c) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) UNMANNED AIRCRAFT.—The term ‘un-
14 manned aircraft’ has the meaning given the term in
15 section 44801 of title 49, United States Code.

16 “(2) WILDFIRE.—The term ‘wildfire’ has the
17 meaning given that term in section 2 of the Emer-
18 gency Wildfire Suppression Act (42 U.S.C. 1856m).

19 “(3) WILDFIRE SUPPRESSION.—The term ‘wild-
20 fire suppression’ means an effort to contain, extin-
21 guish, or suppress a wildfire.”.

22 (b) CONFORMING AMENDMENT.—The table of sec-
23 tions for chapter 2 of title 18, United States Code, is
24 amended by inserting after the item relating to section 40
25 the following:

“40A. Operation of unauthorized unmanned aircraft over wildfires.”.

1 **SEC. 383. AIRPORT SAFETY AND AIRSPACE HAZARD MITI-**
2 **GATION AND ENFORCEMENT.**

3 (a) IN GENERAL.—Chapter 448 of title 49, United
4 States Code, as amended by this Act, is further amended
5 by inserting at the end the following:

6 **“§ 44810. Airport safety and airspace hazard mitiga-**
7 **tion and enforcement**

8 “(a) COORDINATION.—The Administrator of the
9 Federal Aviation Administration shall work with the Sec-
10 retary of Defense, the Secretary of Homeland Security,
11 and the heads of other relevant Federal departments and
12 agencies for the purpose of ensuring that technologies or
13 systems that are developed, tested, or deployed by Federal
14 departments and agencies to detect and mitigate potential
15 risks posed by errant or hostile unmanned aircraft system
16 operations do not adversely impact or interfere with safe
17 airport operations, navigation, air traffic services, or the
18 safe and efficient operation of the national airspace sys-
19 tem.

20 “(b) PLAN.—

21 “(1) IN GENERAL.—The Administrator shall
22 develop a plan for the certification, permitting, au-
23 thORIZING, or allowing of the deployment of tech-
24 nologies or systems for the detection and mitigation
25 of unmanned aircraft systems.

1 “(2) CONTENTS.—The plan shall provide for
2 the development of policies, procedures, or protocols
3 that will allow appropriate officials of the Federal
4 Aviation Administration to utilize such technologies
5 or systems to take steps to detect and mitigate po-
6 tential airspace safety risks posed by unmanned air-
7 craft system operations.

8 “(3) AVIATION RULEMAKING COMMITTEE.—The
9 Administrator shall charter an aviation rulemaking
10 committee to make recommendations for such a plan
11 and any standards that the Administrator deter-
12 mines may need to be developed with respect to such
13 technologies or systems. The Federal Advisory Com-
14 mittee Act (5 U.S.C. App.) shall not apply to an
15 aviation rulemaking committee chartered under this
16 paragraph.

17 “(4) NON-DELEGATION.—The plan shall not
18 delegate any authority granted to the Administrator
19 under this section to other Federal, State, local, ter-
20 ritorial, or tribal agencies, or an airport sponsor, as
21 defined in section 47102 of title 49, United States
22 Code.

23 “(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In
24 order to test and evaluate technologies or systems that de-
25 tect and mitigate potential aviation safety risks posed by

1 unmanned aircraft, the Administrator shall deploy such
2 technologies or systems at 5 airports, including 1 airport
3 that ranks in the top 10 of the FAA's most recent Pas-
4 senger Boarding Data.

5 “(d) **AUTHORITY.**—Under the testing and evaluation
6 in subsection (c), the Administrator shall use unmanned
7 aircraft detection and mitigation systems to detect and
8 mitigate the unauthorized operation of an unmanned air-
9 craft that poses a risk to aviation safety.

10 “(e) **AIP FUNDING ELIGIBILITY.**—Upon the certifi-
11 cation, permitting, authorizing, or allowing of such tech-
12 nologies and systems that have been successfully tested
13 under this section, an airport sponsor may apply for a
14 grant under subchapter I of chapter 471 to purchase an
15 unmanned aircraft detection and mitigation system. For
16 purposes of this subsection, purchasing an unmanned air-
17 craft detection and mitigation system shall be considered
18 airport development (as defined in section 47102).

19 “(f) **BRIEFING.**—The Administrator shall annually
20 brief the appropriate committees of Congress, including
21 the Committee on Judiciary of the House of Representa-
22 tives and the Committee on the Judiciary of the Senate,
23 on the implementation of this section.

24 “(g) **APPLICABILITY OF OTHER LAWS.**—Section
25 46502 of this title, section 32 of title 18, United States

1 Code (commonly known as the Aircraft Sabotage Act),
2 section 1031 of title 18, United States Code (commonly
3 known as the Computer Fraud and Abuse Act of 1986),
4 sections 2510–2522 of title 18, United States Code (com-
5 monly known as the Wiretap Act), and sections 3121–
6 3127 of title 18, United States Code (commonly known
7 as the Pen/Trap Statute), shall not apply to activities au-
8 thorized by the Administrator pursuant to subsection (c)
9 and (d).

10 “(h) SUNSET.—This section ceases to be effective
11 September 30, 2023.

12 “(i) NON-DELEGATION.—The Administrator shall not
13 delegate any authority granted to the Administrator under
14 this section to other Federal, State, local, territorial, or
15 tribal agencies, or an airport sponsor, as defined in section
16 47102 of title 49, United States Code. The Administrator
17 may partner with other Federal agencies under this sec-
18 tion, subject to any restrictions contained in such agen-
19 cies’ authority to operate counter unmanned aircraft sys-
20 tems.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) TABLE OF CONTENTS.—The table of con-
23 tents for chapter 448, as amended by this Act, is
24 further amended by inserting at the end the fol-
25 lowing:

“44810. Airport safety and airspace hazard mitigation and enforcement.”.

1 (2) PILOT PROJECT FOR AIRPORT SAFETY AND
2 AIRSPACE HAZARD MITIGATION.—Section 2206 of
3 the FAA Extension, Safety, and Security Act of
4 2016 (Public Law 114–190; 130 Stat. 615) and the
5 item relating to that section in the table of contents
6 under section 1(b) of that Act are repealed.

7 **Subtitle C—General Aviation**
8 **Safety**

9 **SEC. 391. SHORT TITLE.**

10 This subtitle may be cited as the “Fairness for Pilots
11 Act”.

12 **SEC. 392. EXPANSION OF PILOT’S BILL OF RIGHTS.**

13 (a) NOTIFICATION OF INVESTIGATION.—Subsection
14 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
15 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
16 amended—

17 (1) in paragraph (2)(A), by inserting “and the
18 specific activity on which the investigation is based”
19 after “nature of the investigation”;

20 (2) in paragraph (3), by striking “timely”; and

21 (3) in paragraph (5), by striking “section
22 44709(c)(2)” and inserting “section 44709(e)(2)”.

23 (b) RELEASE OF INVESTIGATIVE REPORTS.—Section
24 2 of the Pilot’s Bill of Rights (Public Law 112–153; 126

1 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
2 adding at the end the following:

3 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

4 “(1) IN GENERAL.—

5 “(A) EMERGENCY ORDERS.—In any pro-
6 ceeding conducted under part 821 of title 49,
7 Code of Federal Regulations, relating to the
8 amendment, modification, suspension, or rev-
9 ocation of an airman certificate, in which the
10 Administrator issues an emergency order under
11 subsections (d) and (e) of section 44709, sec-
12 tion 44710, or section 46105(c) of title 49,
13 United States Code, or another order that takes
14 effect immediately, the Administrator shall pro-
15 vide, upon request, to the individual holding the
16 airman certificate the releasable portion of the
17 investigative report at the time the Adminis-
18 trator issues the order. If the complete Report
19 of Investigation is not available at the time of
20 the request, the Administrator shall issue all
21 portions of the report that are available at the
22 time and shall provide the full report not later
23 than 5 days after its completion.

24 “(B) OTHER ORDERS.—In any non-
25 emergency proceeding conducted under part

1 821 of title 49, Code of Federal Regulations,
2 relating to the amendment, modification, sus-
3 pension, or revocation of an airman certificate,
4 in which the Administrator notifies the certifi-
5 cate holder of a proposed certificate action
6 under subsections (b) and (c) of section 44709
7 or section 44710 of title 49, United States
8 Code, the Administrator shall, upon the written
9 request of the covered certificate holder and at
10 any time after that notification, provide to the
11 covered certificate holder the releasable portion
12 of the investigative report.

13 “(2) MOTION FOR DISMISSAL.—If the Adminis-
14 trator does not provide the releasable portions of the
15 investigative report to the individual holding the air-
16 man certificate subject to the proceeding referred to
17 in paragraph (1) by the time required by that para-
18 graph, the individual may move to dismiss the com-
19 plaint of the Administrator or for other relief and,
20 unless the Administrator establishes good cause for
21 the failure to provide the investigative report or for
22 a lack of timeliness, the administrative law judge
23 shall order such relief as the judge considers appro-
24 priate.

1 “(3) RELEASABLE PORTION OF INVESTIGATIVE
2 REPORT.—For purposes of paragraph (1), the re-
3 leasable portion of an investigative report is all in-
4 formation in the report, except for the following:

5 “(A) Information that is privileged.

6 “(B) Information that constitutes work
7 product or reflects internal deliberative process.

8 “(C) Information that would disclose the
9 identity of a confidential source.

10 “(D) Information the disclosure of which is
11 prohibited by any other provision of law.

12 “(E) Information that is not relevant to
13 the subject matter of the proceeding.

14 “(F) Information the Administrator can
15 demonstrate is withheld for good cause.

16 “(G) Sensitive security information, as de-
17 fined in section 15.5 of title 49, Code of Fed-
18 eral Regulations (or any corresponding similar
19 ruling or regulation).

20 “(4) RULE OF CONSTRUCTION.—Nothing in
21 this subsection shall be construed to prevent the Ad-
22 ministrator from releasing to an individual subject
23 to an investigation described in subsection (b)(1)—

1 “(A) information in addition to the infor-
2 mation included in the releasable portion of the
3 investigative report; or

4 “(B) a copy of the investigative report be-
5 fore the Administrator issues a complaint.”.

6 **SEC. 393. NOTIFICATION OF REEXAMINATION OF CERTIFI-**
7 **CATE HOLDERS.**

8 (a) IN GENERAL.—Section 44709(a) of title 49,
9 United States Code, is amended—

10 (1) by striking “The Administrator” and insert-
11 ing the following:

12 “(1) IN GENERAL.—The Administrator”;

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

14 “(2) NOTIFICATION OF REEXAMINATION OF
15 AIRMAN.—Before taking any action to reexamine an
16 airman under paragraph (1) the Administrator shall
17 provide to the airman—

18 “(A) a reasonable basis, described in de-
19 tail, for requesting the reexamination; and

20 “(B) any information gathered by the Fed-
21 eral Aviation Administration, that the Adminis-
22 trator determines is appropriate to provide,
23 such as the scope and nature of the requested
24 reexamination, that formed the basis for that
25 justification.”.

1 **SEC. 394. EXPEDITING UPDATES TO NOTAM PROGRAM.**

2 (a) IN GENERAL.—Beginning on the date that is 180
3 days after the date of enactment of this Act, the Adminis-
4 trator may not take any enforcement action against any
5 individual for a violation of a NOTAM (as defined in sec-
6 tion 3 of the Pilot’s Bill of Rights (49 U.S.C. 44701 note))
7 until the Administrator certifies to the appropriate com-
8 mittees of Congress that the Administrator has complied
9 with the requirements of section 3 of the Pilot’s Bill of
10 Rights, as amended by this section.

11 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
12 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
13 44701 note) is amended—

14 (1) in subsection (a)(2)—

15 (A) in the matter preceding subparagraph

16 (A)—

17 (i) by striking “this Act” and insert-
18 ing “the Fairness for Pilots Act”; and

19 (ii) by striking “begin” and inserting
20 “complete the implementation of”;

21 (B) by amending subparagraph (B) to read
22 as follows:

23 “(B) to continue developing and modern-
24 izing the NOTAM repository, in a public cen-
25 tral location, to maintain and archive all
26 NOTAMs, including the original content and

1 form of the notices, the original date of publica-
2 tion, and any amendments to such notices with
3 the date of each amendment, in a manner that
4 is Internet-accessible, machine-readable, and
5 searchable;”;

6 (C) in subparagraph (C), by striking the
7 period at the end and inserting “; and”; and

8 (D) by adding at the end the following:

9 “(D) to specify the times during which
10 temporary flight restrictions are in effect and
11 the duration of a designation of special use air-
12 space in a specific area.”; and

13 (2) by amending subsection (d) to read as fol-
14 lows:

15 “(d) DESIGNATION OF REPOSITORY AS SOLE
16 SOURCE FOR NOTAMS.—

17 “(1) IN GENERAL.—The Administrator—

18 “(A) shall consider the repository for
19 NOTAMs under subsection (a)(2)(B) to be the
20 sole location for airmen to check for NOTAMs;
21 and

22 “(B) may not consider a NOTAM to be
23 announced or published until the NOTAM is in-
24 cluded in the repository for NOTAMs under
25 subsection (a)(2)(B).

1 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
2 LATIONS OF NOTAMS NOT IN REPOSITORY.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), beginning on the date that
5 the repository under subsection (a)(2)(B) is
6 final and published, the Administrator may not
7 take any enforcement action against an airman
8 for a violation of a NOTAM during a flight if—

9 “(i) that NOTAM is not available
10 through the repository before the com-
11 mencement of the flight; and

12 “(ii) that NOTAM is not reasonably
13 accessible and identifiable to the airman.

14 “(B) EXCEPTION FOR NATIONAL SECUR-
15 RITY.—Subparagraph (A) shall not apply in the
16 case of an enforcement action for a violation of
17 a NOTAM that directly relates to national se-
18 curity.”.

19 **SEC. 395. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

20 (a) IN GENERAL.—Subchapter I of chapter 471 of
21 title 49, United States Code, is amended by inserting after
22 section 47124 the following:

23 **“§ 47124a. Accessibility of certain flight data**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ADMINISTRATION.—The term ‘Administra-
2 tion’ means the Federal Aviation Administration.

3 “(2) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Federal Avia-
5 tion Administration.

6 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
7 plicable individual’ means an individual who is the
8 subject of an investigation initiated by the Adminis-
9 trator related to a covered flight record.

10 “(4) CONTRACT TOWER.—The term ‘contract
11 tower’ means an air traffic control tower providing
12 air traffic control services pursuant to a contract
13 with the Administration under section 47124.

14 “(5) COVERED FLIGHT RECORD.—The term
15 ‘covered flight record’ means any air traffic data (as
16 defined in section 2(b)(4)(B) of the Pilot’s Bill of
17 Rights (49 U.S.C. 44703 note)), created, main-
18 tained, or controlled by any program of the Adminis-
19 tration, including any program of the Administration
20 carried out by employees or contractors of the Ad-
21 ministration, such as contract towers, flight service
22 stations, and controller training programs.

23 “(b) PROVISION OF COVERED FLIGHT RECORD TO
24 ADMINISTRATION.—

1 “(1) REQUESTS.—Whenever the Administration
2 receives a written request for a covered flight record
3 from an applicable individual and the covered flight
4 record is not in the possession of the Administration,
5 the Administrator shall request the covered flight
6 record from the contract tower or other contractor
7 of the Administration in possession of the covered
8 flight record.

9 “(2) PROVISION OF RECORDS.—Any covered
10 flight record created, maintained, or controlled by a
11 contract tower or another contractor of the Adminis-
12 tration that maintains covered flight records shall be
13 provided to the Administration if the Administration
14 requests the record pursuant to paragraph (1).

15 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
16 TION.—If the Administrator has issued, or subse-
17 quently issues, a Notice of Proposed Certificate Ac-
18 tion relying on evidence contained in the covered
19 flight record and the individual who is the subject of
20 an investigation has requested the record, the Ad-
21 ministrator shall promptly produce the record and
22 extend the time the individual has to respond to the
23 Notice of Proposed Certificate Action until the cov-
24 ered flight record is provided.

25 “(c) IMPLEMENTATION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of the Fairness for Pi-
3 lots Act, the Administrator shall promulgate regula-
4 tions or guidance to ensure compliance with this sec-
5 tion.

6 “(2) COMPLIANCE BY CONTRACTORS.—

7 “(A) IN GENERAL.—Compliance with this
8 section by a contract tower or other contractor
9 of the Administration that maintains covered
10 flight records shall be included as a material
11 term in any contract between the Administra-
12 tion and the contract tower or contractor en-
13 tered into or renewed on or after the date of en-
14 actment of the Fairness for Pilots Act.

15 “(B) NONAPPLICABILITY.—Subparagraph
16 (A) shall not apply to any contract or agree-
17 ment in effect on the date of enactment of the
18 Fairness for Pilots Act unless the contract or
19 agreement is renegotiated, renewed, or modified
20 after that date.

21 “(d) PROTECTION OF CERTAIN DATA.—The Admin-
22 istrator of the Federal Aviation Administration may with-
23 hold information that would otherwise be required to be
24 made available under section only if—

1 (1) COVERED AIR CARRIER.—The term “cov-
2 ered air carrier” means an air carrier or a foreign
3 air carrier as those terms are defined in section
4 40102 of title 49, United States Code.

5 (2) ONLINE SERVICE.—The term “online serv-
6 ice” means any service available over the internet, or
7 that connects to the internet or a wide-area network.

8 (3) TICKET AGENT.—The term “ticket agent”
9 has the meaning given the term in section 40102 of
10 title 49, United States Code.

11 **SEC. 402. RELIABLE AIR SERVICE IN AMERICAN SAMOA.**

12 Section 40109(g) of title 49, United States Code, is
13 amended—

14 (1) in paragraph (2) by striking subparagraph
15 (C) and inserting the following:

16 “(C) review the exemption at least every 30
17 days (or, in the case of an exemption that is nec-
18 essary to provide and sustain air transportation in
19 American Samoa between the islands of Tutuila and
20 Manu’a, at least every 180 days) to ensure that the
21 unusual circumstances that established the need for
22 the exemption still exist.”; and

23 (2) by striking paragraph (3) and inserting the
24 following:

25 “(3) RENEWAL OF EXEMPTIONS.—

1 bile communications device during a flight of that
2 aircraft in scheduled passenger interstate or intra-
3 state air transportation; and

4 “(2) that exempt from the prohibition described
5 in paragraph (1) any—

6 “(A) member of the flight crew on duty on
7 an aircraft;

8 “(B) flight attendant on duty on an air-
9 craft; and

10 “(C) Federal law enforcement officer act-
11 ing in an official capacity.

12 “(b) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) FLIGHT.—The term ‘flight’ means, with
15 respect to an aircraft, the period beginning when the
16 aircraft takes off and ending when the aircraft
17 lands.

18 “(2) MOBILE COMMUNICATIONS DEVICE.—

19 “(A) IN GENERAL.—The term ‘mobile
20 communications device’ means any portable
21 wireless telecommunications equipment utilized
22 for the transmission or reception of voice data.

23 “(B) LIMITATION.—The term ‘mobile com-
24 munications device’ does not include a phone in-
25 stalled on an aircraft.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 417 of title 49, United States Code, is amended by
3 inserting after the item relating to section 41724 the fol-
4 lowing:

“41725. Prohibition on certain cell phone voice communications.”.

5 **SEC. 404. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

6 Section 42303(b) of title 49, United States Code, is
7 amended to read as follows:

8 “(b) REQUIRED DISCLOSURES.—An air carrier, for-
9 eign air carrier, or ticket agent selling, in the United
10 States, a ticket for a flight in foreign air transportation
11 to a country listed on the internet website established
12 under subsection (a) shall—

13 “(1) disclose, on its own internet website or
14 through other means, that the destination country
15 may require the air carrier or foreign air carrier to
16 treat an aircraft passenger cabin with insecticides
17 prior to the flight or to apply an aerosol insecticide
18 in an aircraft cabin used for such a flight when the
19 cabin is occupied with passengers; and

20 “(2) refer the purchaser of the ticket to the
21 internet website established under subsection (a) for
22 additional information.”.

23 **SEC. 405. CONSUMER COMPLAINTS HOTLINE.**

24 Section 42302 of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(d) USE OF NEW TECHNOLOGIES.—The Secretary
2 shall periodically evaluate the benefits of using mobile
3 phone applications or other widely used technologies to
4 provide new means for air passengers to communicate
5 complaints in addition to the telephone number estab-
6 lished under subsection (a) and shall provide such new
7 means as the Secretary determines appropriate.”.

8 **SEC. 406. CONSUMER INFORMATION ON ACTUAL FLIGHT**
9 **TIMES.**

10 (a) STUDY.—The Secretary of Transportation shall
11 conduct a study on the feasibility and advisability of modi-
12 fying regulations contained in section 234.11 of title 14,
13 Code of Federal Regulations, to ensure that—

14 (1) a reporting carrier (including its contrac-
15 tors), during the course of a reservation or ticketing
16 discussion or other inquiry, discloses to a consumer
17 upon reasonable request the projected period be-
18 tween the actual wheels-off and wheels-on times for
19 a reportable flight; and

20 (2) a reporting carrier displays, on the public
21 internet website of the carrier, information on the
22 actual wheels-off and wheels-on times during the
23 most recent calendar month for a reportable flight.

24 (b) DEFINITIONS.—In this section, the terms “re-
25 porting carrier” and “reportable flight” have the mean-

1 ings given those terms in section 234.2 of title 14, Code
2 of Federal Regulations (as in effect on the date of enact-
3 ment of this Act).

4 (c) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Secretary shall submit to
6 the Committee on Transportation and Infrastructure of
7 the House of Representatives and the Committee on Com-
8 merce, Science, and Transportation of the Senate a report
9 on the results of the study.

10 **SEC. 407. TRAINING POLICIES REGARDING RACIAL, ETH-**
11 **NIC, AND RELIGIOUS NONDISCRIMINATION.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Comptroller General
14 of the United States shall submit to the appropriate com-
15 mittees of Congress and the Secretary of Transportation
16 a report describing—

17 (1) each air carrier's training policy for its em-
18 ployees and contractors regarding racial, ethnic, and
19 religious nondiscrimination; and

20 (2) how frequently an air carrier is required to
21 train new employees and contractors because of
22 turnover in positions that require such training.

23 (b) BEST PRACTICES.—After the date the report is
24 submitted under subsection (a), the Secretary shall de-
25 velop and disseminate to air carriers best practices nec-

1 essary to improve the training policies described in sub-
2 section (a), based on the findings of the report and in con-
3 sultation with—

4 (1) passengers of diverse racial, ethnic, and reli-
5 gious backgrounds;

6 (2) national organizations that represent im-
7 pacted communities;

8 (3) air carriers;

9 (4) airport operators; and

10 (5) contract service providers.

11 **SEC. 408. TRAINING ON HUMAN TRAFFICKING FOR CER-**
12 **TAIN STAFF.**

13 (a) IN GENERAL.—Chapter 447 of title 49, United
14 States Code, as amended by this Act, is further amended
15 by adding at the end the following:

16 **“§ 44738. Training on human trafficking for certain**
17 **staff**

18 “In addition to other training requirements, each air
19 carrier shall provide training to ticket counter agents, gate
20 agents, and other air carrier workers whose jobs require
21 regular interaction with passengers on recognizing and re-
22 sponding to potential human trafficking victims.”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 447 of title 49, United States Code, as amended by

1 this Act, is further amended by adding at the end the fol-
2 lowing:

“44738. Training on human trafficking for certain staff.”.

3 **SEC. 409. PROHIBITIONS AGAINST SMOKING ON PAS-**
4 **SENGER FLIGHTS.**

5 Section 41706 of title 49, United States Code, is
6 amended—

7 (1) by redesignating subsection (d) as sub-
8 section (e); and

9 (2) by inserting after subsection (c) the fol-
10 lowing:

11 “(d) **ELECTRONIC CIGARETTES.**—

12 “(1) **INCLUSION.**—The use of an electronic cig-
13 arette shall be treated as smoking for purposes of
14 this section.

15 “(2) **ELECTRONIC CIGARETTE DEFINED.**—In
16 this section, the term ‘electronic cigarette’ means a
17 device that delivers nicotine to a user of the device
18 in the form of a vapor that is inhaled to simulate
19 the experience of smoking.”.

20 **SEC. 410. REPORT ON BAGGAGE REPORTING REQUIRE-**
21 **MENTS.**

22 Not later than 6 months after the date of enactment
23 of this Act, the Secretary of Transportation shall—

24 (1) study and publicize for comment a cost-ben-
25 efit analysis to air carriers and consumers of chang-

1 ing the baggage reporting requirements of section
2 234.6 of title 14, Code of Federal Regulations, be-
3 fore the implementation of such requirements; and

4 (2) submit a report on the findings of the cost-
5 benefit analysis to the appropriate committees of
6 Congress.

7 **SEC. 411. ENFORCEMENT OF AVIATION CONSUMER PRO-**
8 **TECTION RULES.**

9 (a) IN GENERAL.—The Comptroller General of the
10 United States shall conduct a study to consider and evalu-
11 ate Department of Transportation enforcement of aviation
12 consumer protection rules.

13 (b) CONTENTS.—The study under subsection (a)
14 shall include an evaluation of—

15 (1) available enforcement mechanisms;

16 (2) any obstacles to enforcement; and

17 (3) trends in Department of Transportation en-
18 forcement actions.

19 (c) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Comptroller General shall
21 submit to the appropriate committees of Congress a report
22 on the study, including the Comptroller General's findings,
23 conclusions, and recommendations.

1 **SEC. 412. STROLLERS.**

2 (a) IN GENERAL.—Subchapter I of chapter 417 of
3 title 49, United States Code, as amended by this Act, is
4 further amended by adding at the end the following:

5 **“§ 41726. Strollers**

6 “(a) IN GENERAL.—Except as provided in subsection
7 (b), a covered air carrier shall not deny a passenger the
8 ability to check a stroller at the departure gate if the
9 stroller is being used by a passenger to transport a child
10 traveling on the same flight as the passenger.

11 “(b) EXCEPTION.—Subsection (a) shall not apply in
12 instances where the size or weight of the stroller poses
13 a safety or security risk.

14 “(c) COVERED AIR CARRIER DEFINED.—In this sec-
15 tion, the term ‘covered air carrier’ means an air carrier
16 or a foreign air carrier as those terms are defined in sec-
17 tion 40102 of title 49, United States Code.”.

18 (b) TABLE OF CONTENTS.—The analysis for chapter
19 417 of title 49, United States Code, is further amended
20 by inserting after the item relating to section 41725 the
21 following:

“41726. Strollers.”.

22 **SEC. 413. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.**

23 (a) REVIEW.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the Secretary of

1 Transportation, in consultation with the Adminis-
2 trator of the Federal Aviation Administration, shall
3 review the categorization of delays and cancellations
4 with respect to air carriers that are required to re-
5 port such data.

6 (2) CONSIDERATIONS.—In conducting the re-
7 view under paragraph (1), the Secretary shall con-
8 sider, at a minimum—

9 (A) whether delays and cancellations were
10 the result of—

11 (i) decisions or matters within the
12 control or within the discretion of the Fed-
13 eral Aviation Administration, including
14 ground stop or delay management pro-
15 grams in response to adverse weather con-
16 ditions;

17 (ii) business decisions or other mat-
18 ters within the air carrier's control or dis-
19 cretion in response to adverse weather con-
20 ditions, including efforts to disrupt the
21 travel of the fewest number of passengers;
22 or

23 (iii) other factors;

24 (B) if the data indicate whether and to
25 what extent delays and cancellations attributed

1 by an air carrier to weather disproportionately
2 impact service to smaller airports and commu-
3 nities;

4 (C) whether it is an unfair or deceptive
5 practice for an air carrier to inform a passenger
6 that a flight is delayed or cancelled due to
7 weather alone when other factors are involved;

8 (D) limitations, if any, in the Federal
9 Aviation Administration air traffic control sys-
10 tems that reduce the capacity or efficiency of
11 the national airspace system during adverse
12 weather events; and

13 (E) relevant analytical work by academic
14 institutions.

15 (3) CONSULTATION.—The Secretary may con-
16 sult air carriers and the Advisory Committee for
17 Aviation Consumer Protection, established under
18 section 411 of the FAA Modernization and Reform
19 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
20 in conducting the review and providing recommenda-
21 tions on improving the quality and quantity of infor-
22 mation provided to passengers adversely affected by
23 a cancellation or delay.

24 (b) REPORT.—Not later than 90 days after the date
25 the review under subsection (a) is complete, the Secretary

1 shall submit to the appropriate committees of Congress
2 a report on the review under subsection (a), including any
3 recommendations.

4 (c) SAVINGS PROVISION.—Nothing in this section
5 shall be construed as affecting or penalizing—

6 (1) the decision of an air carrier to maximize
7 its system capacity during weather-related events to
8 accommodate the greatest number of passengers; or

9 (2) any decisions of an air carrier or the Fed-
10 eral Aviation Administration in any matter related
11 to or affecting the safety of any person.

12 **SEC. 414. INVOLUNTARY CHANGES TO ITINERARIES.**

13 (a) REVIEW.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary of
16 Transportation shall review the rate at which air
17 carriers change passenger itineraries more than 24
18 hours before departure, where the new itineraries in-
19 volve additional stops or depart 3 hours earlier or
20 later than originally scheduled and compensation or
21 other suitable air transportation is not offered. In
22 conducting the review, the Secretary shall consider
23 the compensation and alternative travel options pro-
24 vided or offered by the air carrier in such situations.

1 (2) CONSULTATION.—The Secretary may con-
2 sult with air carriers and the Advisory Committee
3 for Aviation Consumer Protection, established under
4 section 411 of the FAA Modernization and Reform
5 Act of 2012 (49 U.S.C. 42301 prec. note), to assist
6 in conducting the review and providing recommenda-
7 tions.

8 (b) REPORT.—Not later than 90 days after the date
9 the review under subsection (a) is complete, the Secretary
10 shall submit to appropriate committees of Congress a re-
11 port on the review under subsection (a).

12 **SEC. 415. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**
13 **TION CONSUMER PROTECTION.**

14 Section 411 of the FAA Modernization and Reform
15 Act of 2012 (49 U.S.C. 42301 prec. note) is amended in
16 subsection (h) by striking “2018” and inserting “2023”.

17 **SEC. 416. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
18 **TECTION INFORMATION.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Transportation shall—

21 (1) complete an evaluation of the aviation con-
22 sumer protection portion of the Department of
23 Transportation’s public internet website to identify
24 any changes to the user interface, including the
25 interface presented to individuals accessing the

1 website from a mobile device, that will improve
2 usability, accessibility, consumer satisfaction, and
3 website performance;

4 (2) in completing the evaluation under para-
5 graph (1)—

6 (A) consider the best practices of other
7 Federal agencies with effective websites; and

8 (B) consult with the Federal Web Man-
9 agers Council;

10 (3) develop a plan, including an implementation
11 timeline, for—

12 (A) making the changes identified under
13 paragraph (1); and

14 (B) making any necessary changes to that
15 portion of the website that will enable a con-
16 sumer, in a manner that protects the privacy of
17 consumers and employees, to—

18 (i) access information regarding each
19 complaint filed with the Aviation Con-
20 sumer Protection Division of the Depart-
21 ment of Transportation;

22 (ii) search the complaints described in
23 clause (i) by the name of the air carrier,
24 the dates of departure and arrival, the air-

1 ports of origin and departure, and the type
2 of 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 im-
18 pose a civil penalty under section 46301 for each violation
19 of 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
15 Secretary'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 fol-
20 lowing:

21 (A) Each relevant Federal agency, as de-
22 termined by the Secretary of Transportation.

23 (B) State insurance regulators

24 (C) Health insurance providers.

25 (D) Patient advocacy groups.

26 (E) Consumer advocacy groups.

1 (F) Physician specializing in emergency,
2 trauma, cardiac, or stroke.

3 (4) Three representatives, to be appointed by
4 the Secretary of Transportation, to represent the
5 various segments of the air ambulance industry.

6 (5) Additional three representatives not covered
7 under paragraphs (1) through (4), as determined
8 necessary and appropriate by the Secretary.

9 (c) CONSULTATION.—The advisory committee shall,
10 as appropriate, consult with relevant experts and stake-
11 holders 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 authori-
16 ties of both the Department of Transportation and State
17 authorities, 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 im-
21 pact on all stakeholders of clearly distinguishing be-
22 tween charges for air transportation services and
23 charges for non-air transportation services in bills
24 and invoices, including the costs, benefits, and prac-
25 ticability of—

1 (A) developing cost-allocation methodolo-
2 gies to separate charges for air transportation
3 services from charges for non-air transportation
4 services; and

5 (B) formats for bills and invoices that
6 clearly distinguish between charges for air
7 transportation services and charges for non-air
8 transportation 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 legisla-
16 tures, State insurance regulators, State attorneys
17 general, and other State officials as appropriate,
18 consistent with current legal authorities regarding
19 consumer protection;

20 (4) recommendations made by the Comptroller
21 General study, GAO-17-637, including what addi-
22 tional data from air ambulance operators 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 am-

1 balance industry for the purposes of pursuing action
2 related to unfair or deceptive practices or unfair
3 methods 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-spon-
9 sored program, hospital-independent partner-
10 ship (hybrid) program, or independent program;

11 (D) number of transports per base and
12 helicopter;

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 in-
20 surers for air transportation and any non-trans-
21 portation services provided by air ambulance
22 providers; and

23 (H) financial performance of air ambu-
24 lance 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
4 appropriate.

5 (e) REPORT.—Not later than 180 days after the date
6 of the first meeting of the advisory committee, the advi-
7 sory committee shall submit to the Secretary of Transpor-
8 tation, the Secretary of Health and Human Services, and
9 the appropriate committees of Congress a report con-
10 taining the 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
22 customers of air ambulance providers.

23 (g) ELIMINATION OF ADVISORY COUNCIL ON TRANS-
24 PORTATION STATISTICS.—The Advisory Council on

1 Transportation Statistics shall terminate on the date of
2 enactment 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
15 (a), and contact information for the Aviation Consumer
16 Advocate 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 UN-
23 FAIR METHODS OF COMPETITION.—Section 41712(a) of
24 title 49, United States Code, is amended by inserting “air
25 ambulance consumer (as defined by the Secretary of

1 Transportation),” after “foreign air carrier,” in the first
2 place it appears.

3 **SEC. 420. REPORT TO CONGRESS ON AIR AMBULANCE**
4 **OVERSIGHT.**

5 (a) IN GENERAL.—Not later than 180 days after
6 submission of the report required under section 418, the
7 Secretary of Transportation shall submit a report to the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate on air
11 ambulance oversight.

12 (b) CONTENTS OF REPORT.—The report required
13 under subsection (a) shall include—

14 (1) a description of how the Secretary will con-
15 duct oversight of air ambulance providers, including
16 the information sources the Secretary will use to
17 conduct such oversight; and

18 (2) a timeline for the issuance of any guidance
19 concerning unfair and deceptive practices among air
20 ambulance providers, including guidance for States
21 and political subdivisions of States to refer such
22 matters to the Secretary.

1 **SEC. 421. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
2 **ORED BY A COVERED AIR CARRIER.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Secretary of Transportation shall promul-
5 gate regulations that require each covered air carrier to
6 promptly provide a refund to a passenger of any ancillary
7 fees paid for services related to air travel that the pas-
8 senger does not receive, including on the passenger's
9 scheduled flight, on a subsequent replacement itinerary if
10 there has been a rescheduling, or for a flight not taken
11 by the passenger.

12 **SEC. 422. ADVANCE BOARDING DURING PREGNANCY .**

13 Not later than 180 days after the date of enactment
14 of this Act, the Secretary of Transportation shall review
15 air carrier policies regarding traveling during pregnancy
16 and, if appropriate, may revise regulations, as the Sec-
17 retary considers necessary, to require an air carrier to
18 offer advance boarding of an aircraft to a pregnant pas-
19 senger who requests such assistance.

20 **SEC. 423. CONSUMER COMPLAINT PROCESS IMPROVE-**
21 **MENT.**

22 (a) IN GENERAL.—Section 42302(c) of title 49,
23 United States Code is amended—

24 (1) in the matter preceding paragraph (1), by
25 striking “An air carrier or foreign air carrier pro-
26 viding scheduled air transportation using any air-

1 craft that as originally designed has a passenger ca-
2 capacity of 30 or more passenger seats” and inserting
3 “Each air carrier and foreign air carrier”;

4 (2) in paragraph (1), by striking “air carrier”
5 and inserting “carrier”; and

6 (3) in paragraph (2), by striking “air carrier”
7 and inserting “carrier”.

8 (b) RULEMAKING.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall promulgate regulations to implement the re-
11 quirements of section 42302 of title 49, United States
12 Code, as amended by this Act.

13 **SEC. 424. AVIATION CONSUMER ADVOCATE.**

14 (a) IN GENERAL.—The Secretary of Transportation
15 shall review aviation consumer complaints received that al-
16 lege a violation of law and, as appropriate, pursue enforce-
17 ment or corrective actions that would be in the public in-
18 terest.

19 (b) CONSIDERATIONS.—In considering which cases to
20 pursue for enforcement or corrective action under sub-
21 section (a), the Secretary shall consider—

22 (1) the Air Carrier Access Act of 1986 (Public
23 Law 99–435; 100 Stat. 1080);

1 (2) unfair and deceptive practices by air car-
2 riers (including air ambulance operators), foreign air
3 carriers, and ticket agents;

4 (3) the terms and conditions agreed to between
5 passengers and air carriers (including air ambulance
6 operators), foreign air carriers, or ticket agents;

7 (4) aviation consumer protection and tarmac
8 delay contingency planning requirements for both
9 airports and airlines;

10 (5) protection of air ambulance consumers; and

11 (6) any other applicable law.

12 (c) AVIATION CONSUMER ADVOCATE.—

13 (1) IN GENERAL.—Within the Aviation Con-
14 sumer Protection Division of the Department of
15 Transportation, there shall be an Aviation Consumer
16 Advocate.

17 (2) FUNCTIONS.—The Aviation Consumer Ad-
18 vocate shall—

19 (A) assist consumers in resolving carrier
20 service complaints filed with the Aviation Con-
21 sumer Protection Division;

22 (B) review the resolution by the Depart-
23 ment of Transportation of carrier service com-
24 plaints;

1 (C) identify and recommend actions the
2 Department can take to improve the enforce-
3 ment of aviation consumer protection rules, pro-
4 tection of air ambulance consumers, and resolu-
5 tion of carrier service complaints; and

6 (D) identify and recommend regulations
7 and policies that can be amended to more effec-
8 tively resolve carrier service complaints.

9 (d) ANNUAL REPORTS.—The Secretary, through the
10 Aviation Consumer Advocate, shall submit to the appro-
11 priate committees of Congress an annual report summa-
12 rizing the following:

13 (1) The total number of annual complaints re-
14 ceived by the Department, including the number of
15 complaints by the name of each air carrier and for-
16 eign air carrier.

17 (2) The total number of annual complaints by
18 category of complaint.

19 (3) The number of complaints referred in the
20 preceding year for enforcement or corrective action
21 by the Department.

22 (4) Any recommendations under paragraphs
23 (2)(C) and (2)(D) of subsection (c).

24 (5) Such other data as the Aviation Consumer
25 Advocate considers appropriate.

1 (e) SUNSET ON REPORTING REQUIREMENT.—The re-
2 porting requirement of subsection (d) shall terminate on
3 September 30, 2023.

4 **SEC. 425. TICKETS ACT.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Transparency Improvements and Compensation to Keep
7 Every Ticketholder Safe Act of 2018” or the “TICKETS
8 Act”.

9 (b) BOARDED PASSENGERS.—Beginning on the date
10 of enactment of this Act, a covered air carrier may not
11 deny a revenue passenger traveling on a confirmed res-
12 ervation permission to board, or involuntarily remove that
13 passenger from the aircraft, once a revenue passenger
14 has—

15 (1) checked in for the flight prior to the check-
16 in deadline; and

17 (2) had their ticket or boarding pass collected
18 or electronically scanned and accepted by the gate
19 agent.

20 (c) LIMITATIONS.—The prohibition pursuant to sub-
21 section (b) shall not apply when—

22 (1) there is a safety, security, or health risk
23 with respect to that revenue passenger or there is a
24 safety or security issue requiring removal of a rev-
25 enue passenger; or

1 (2) the revenue passenger is engaging in behav-
2 ior that is obscene, disruptive, or otherwise unlawful.

3 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to limit or otherwise affect the re-
5 sponsibility or authority of a pilot in command of an air-
6 craft under section 121.533 of title 14, Code of Federal
7 Regulations, or limit any penalty under section 46504 of
8 title 49, United States Code.

9 (e) INVOLUNTARY DENIED BOARDING COMPENSA-
10 TION.—Not later than 60 days after the date of enactment
11 of this Act, the Secretary of Transportation shall issue a
12 final rule to revise part 250 of title 14, Code of Federal
13 Regulations, to clarify that—

14 (1) there is not a maximum level of compensa-
15 tion an air carrier or foreign air carrier may pay to
16 a passenger who is involuntarily denied boarding as
17 the result of an oversold flight;

18 (2) the compensation levels set forth in that
19 part are the minimum levels of compensation an air
20 carrier or foreign air carrier must pay to a pas-
21 senger who is involuntarily denied boarding as the
22 result of an oversold flight; and

23 (3) an air carrier or foreign air carrier must
24 proactively offer to pay compensation to a passenger
25 who is voluntarily or involuntarily denied boarding

1 on an oversold flight, rather than waiting until the
2 passenger requests the compensation.

3 (f) GAO REPORT ON OVERSALES.—

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall review airline policies and
6 practices related to oversales of flights.

7 (2) CONSIDERATIONS.—In conducting the re-
8 view under paragraph (1), the Comptroller General
9 shall examine—

10 (A) the impact on passengers as a result of
11 an oversale, including increasing or decreasing
12 the costs of passenger air transportation;

13 (B) economic and operational factors
14 which result in oversales;

15 (C) whether, and if so how, the incidence
16 of oversales varies depending on markets;

17 (D) potential consequences on the limiting
18 of oversales; and

19 (E) best practices on how oversale policies
20 can be communicated to passengers at airline
21 check-in desks and airport gates.

22 (3) REPORT.—Not later than 1 year after the
23 date of enactment of this Act, the Comptroller Gen-
24 eral shall submit to the appropriate committees of

1 Congress a report on the review under paragraph
2 (2).

3 (g) GATE NOTICE OF POLICIES.—The Secretary may
4 provide guidance on how these policies should be commu-
5 nicated at covered air carrier check-in desks and airport
6 gates.

7 **SEC. 426. REPORT ON AVAILABILITY OF LAVATORIES ON**
8 **COMMERCIAL AIRCRAFT.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Comptroller General of the United States
11 shall submit to the appropriate committees of Congress
12 a report assessing—

13 (1) the availability of functional lavatories on
14 commercial aircraft

15 (2) the extent to which flights take off without
16 functional lavatories;

17 (3) the ability of passengers with disabilities to
18 access lavatories on commercial aircraft;

19 (4) the extent of complaints to the Department
20 of Transportation and air carriers related to lava-
21 tories and efforts they have taken to address com-
22 plaints; and

23 (5) the extent to which air carriers are reducing
24 the size and number of lavatories to add more seats

1 and whether this creates passenger lavatory access
2 issues.

3 **SEC. 427. CONSUMER PROTECTION REQUIREMENTS RELAT-**
4 **ING TO LARGE TICKET AGENTS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall issue a final rule to require large ticket agents
8 to adopt minimum customer service standards.

9 (b) PURPOSE.—The purpose of the final rule shall be
10 to ensure that, to the extent feasible, there is a consistent
11 level of consumer protection regardless of where con-
12 sumers purchase air fares and related air transportation
13 services.

14 (c) STANDARDS.—In issuing the final rule, the Sec-
15 retary shall consider, to the extent feasible, establishing
16 standards consistent with all customer service and disclo-
17 sure requirements applicable to covered air carriers under
18 this title and associated regulations.

19 (d) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 (1) TICKET AGENT.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), the term “ticket agent” has the
24 meaning given that term in section 40102(a) of
25 title 49, United States Code.

1 (B) INCLUSION.—The term “ticket agent”
2 includes a person who acts as an intermediary
3 involved in the sale of air transportation di-
4 rectly or indirectly to consumers, including by
5 operating an electronic airline information sys-
6 tem, if the person—

- 7 (i) holds the person out as a source of
8 information about, or reservations for, the
9 air transportation industry; and
10 (ii) receives compensation in any way
11 related to the sale of air transportation.

12 (2) LARGE TICKET AGENT.—The term “large
13 ticket agent” means a ticket agent with annual reve-
14 nues of \$100,000,000 or more.

15 (e) ENFORCEMENT.—No large ticket agent may be
16 found in noncompliance of any standard or requirement
17 adopted in the final rule required by this section if—

- 18 (1) the large ticket agent is unable to meet the
19 new standard or requirement due to the lack of in-
20 formation or data from the covered air carrier and
21 the information is required for the large ticket agent
22 to comply with such standard or requirement; or
23 (2) the sale of air transportation is made by a
24 large ticket agent pursuant to a specific corporate or
25 government fare management contract.

1 **SEC. 428. WIDESPREAD DISRUPTIONS.**

2 (a) IN GENERAL.—Chapter 423 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 42304. Widespread disruptions**

6 “(a) GENERAL REQUIREMENTS.—In the event of a
7 widespread disruption, a covered air carrier shall imme-
8 diately publish, via a prominent link on the air carrier’s
9 public internet website, a clear statement indicating
10 whether, with respect to a passenger of the air carrier
11 whose travel is interrupted as a result of the widespread
12 disruption, the air carrier will—

13 “(1) provide for hotel accommodations;

14 “(2) arrange for ground transportation;

15 “(3) provide meal vouchers;

16 “(4) arrange for air transportation on another
17 air carrier or foreign air carrier to the passenger’s
18 destination; and

19 “(5) provide for sleeping facilities inside the air-
20 port terminal.

21 “(b) DEFINITIONS.—In this section, the following
22 definitions apply:

23 “(1) WIDESPREAD DISRUPTION.—The term
24 ‘widespread disruption’ means, with respect to a cov-
25 ered air carrier, the interruption of all or the over-
26 whelming majority of the air carrier’s systemwide

1 flight operations, including flight delays and can-
2 cellations, as the result of the failure of 1 or more
3 computer systems or computer networks of the air
4 carrier.

5 “(2) COVERED AIR CARRIER.—The term ‘cov-
6 ered air carrier’ means an air carrier that provides
7 scheduled passenger air transportation by operating
8 an aircraft that as originally designed has a pas-
9 senger capacity of 30 or more seats.

10 “(c) SAVINGS PROVISION.—Nothing in this section
11 may be construed to modify, abridge, or repeal any obliga-
12 tion of an air carrier under section 42301.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 423 of title 49, United States Code, is amended
15 by adding at the end the following:

“42304. Widespread disruptions.”.

16 **SEC. 429. PASSENGER RIGHTS.**

17 (a) GUIDELINES.—Not later than 90 days after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation shall require each covered air carrier to submit a
20 summarized 1-page document that describes the rights of
21 passengers in air transportation, including guidelines for
22 the following:

23 (1) Compensation (regarding rebooking options,
24 refunds, meals, and lodging) for flight delays of var-
25 ious lengths.

1 practices that improve infrastructure facilities and
2 communications methods, including those related to
3 wayfinding, amenities, and passenger care;

4 (2) a review of air carrier and airport training
5 policies related to section 41705 of title 49, United
6 States Code;

7 (3) a review of air carrier training policies re-
8 lated to properly assisting passengers with disabil-
9 ities; and

10 (4) a review of accessibility best practices that
11 exceed those recommended under Public Law 90-
12 480 (popularly known as the Architectural Barriers
13 Act of 1968; 42 U.S.C. 4151 et seq.), the Rehabili-
14 tation Act of 1973 (29 U.S.C. 701 et seq.), the Air
15 Carrier Access Act of 1986 (Public Law 99-435;
16 100 Stat. 1080 et seq.), and the Americans with
17 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

18 (b) REPORT.—Not later than 1 year after the date
19 the Comptroller General initiates the study under sub-
20 section (a), the Comptroller General shall submit to the
21 Secretary of Transportation and the appropriate commit-
22 tees of Congress a report on the study, including findings
23 and recommendations.

1 **SEC. 432. STUDY ON IN-CABIN WHEELCHAIR RESTRAINT**
2 **SYSTEMS.**

3 (a) STUDY.—Not later than 2 years after the date
4 of enactment of this Act, the Architectural and Transpor-
5 tation Barriers Compliance Board, in consultation with
6 the Secretary of Transportation, aircraft manufacturers,
7 air carriers, and disability advocates, shall conduct a study
8 to determine—

9 (1) the feasibility of in-cabin wheelchair re-
10 straint systems; and

11 (2) if feasible, the ways in which individuals
12 with significant disabilities using wheelchairs, includ-
13 ing power wheelchairs, can be accommodated with
14 in-cabin wheelchair restraint systems.

15 (b) REPORT.—Not later than 1 year after the initi-
16 ation of the study under subsection (a), the Architectural
17 and Transportation Barriers Compliance Board shall sub-
18 mit to the appropriate committees of Congress a report
19 on the findings of the study.

20 **SEC. 433. IMPROVING WHEELCHAIR ASSISTANCE FOR INDI-**
21 **VIDUALS WITH DISABILITIES .**

22 Following the receipt of the report required under
23 section 2107 of the FAA Extension, Safety, and Security
24 Act of 2016 (Public Law 114–190; 130 Stat. 622), the
25 Secretary of Transportation shall develop, if appropriate,
26 specific recommendations regarding improvements to

1 wheelchair assistance provided by air carriers and rec-
2 ommendations on how training programs by air carriers
3 can address consumer complaints regarding wheelchair as-
4 sistance.

5 **SEC. 434. AIRLINE PASSENGERS WITH DISABILITIES BILL**
6 **OF RIGHTS.**

7 (a) AIRLINE PASSENGERS WITH DISABILITIES BILL
8 OF RIGHTS.—The Secretary of Transportation shall de-
9 velop a document, to be known as the “Airline Passengers
10 with Disabilities Bill of Rights”, using plain language to
11 describe the basic protections and responsibilities of cov-
12 ered air carriers, their employees and contractors, and
13 people with disabilities under the section 41705 of title
14 49, United States Code.

15 (b) CONTENT.—In developing the Airline Passengers
16 with Disabilities Bill of Rights under subsection (a), the
17 Secretary shall include, at a minimum, plain language de-
18 scriptions of protections and responsibilities provided in
19 law related to the following:

20 (1) The right of passengers with disabilities to
21 be treated with dignity and respect.

22 (2) The right of passengers with disabilities to
23 receive timely assistance, if requested, from properly
24 trained covered air carrier and contractor personnel.

1 (3) The right of passengers with disabilities to
2 travel with wheelchairs, mobility aids, and other as-
3 sistive devices, including necessary medications and
4 medical supplies, including stowage of such wheel-
5 chairs, aids, and devices.

6 (4) The right of passengers with disabilities to
7 receive seating accommodations, if requested, to ac-
8 commodate a disability.

9 (5) The right of passengers with disabilities to
10 receive announcements in an accessible format.

11 (6) The right of passengers with disabilities to
12 speak with a complaint resolution officer or to file
13 a complaint with a covered air carrier or the Depart-
14 ment of Transportation.

15 (c) **RULE OF CONSTRUCTION.**—The development of
16 the Airline Passengers with Disabilities Bill of Rights
17 under subsections (a) and (b) shall not be construed as
18 expanding or restricting the rights available to passengers
19 with disabilities on the day before the date of the enact-
20 ment of this Act pursuant to any statute or regulation.

21 (d) **CONSULTATIONS.**—In developing the Airline Pas-
22 sengers with Disabilities Bill of Rights under subsection
23 (a), the Secretary of Transportation shall consult with
24 stakeholders, including disability organizations and cov-
25 ered air carriers and their contractors.

1 (e) DISPLAY.—Each covered air carrier shall include
2 the Airline Passengers with Disabilities Bill of Rights—

3 (1) on a publicly available internet website of
4 the covered air carrier; and

5 (2) in any pre-flight notifications or commu-
6 nications provided to passengers who alert the cov-
7 ered air carrier in advance of the need for accom-
8 modations relating to a disability.

9 (f) TRAINING.—Covered air carriers and contractors
10 of covered air carriers shall submit to the Secretary of
11 Transportation plans that ensure employees of covered air
12 carriers and their contractors receive training on the pro-
13 tections and responsibilities described in the Airline Pas-
14 sengers with Disabilities Bill of Rights. The Secretary
15 shall review such plans to ensure the plans address the
16 matters described in subsection (b).

17 **SEC. 435. SENSE OF CONGRESS REGARDING EQUAL ACCESS**
18 **FOR INDIVIDUALS WITH DISABILITIES.**

19 It is the sense of Congress that—

20 (1) the aviation industry and every relevant
21 stakeholder must work to ensure that every indi-
22 vidual who experiences a disability has equal access
23 to air travel;

24 (2) as technology and ease of travel continue to
25 advance, accessibility must be a priority; and

1 (3) accommodations must—

2 (A) extend to every airport and service or
3 facility of an air carrier; and

4 (B) be inclusive of every disability.

5 **SEC. 436. CIVIL PENALTIES RELATING TO HARM TO PAS-**
6 **SENGERS WITH DISABILITIES.**

7 Section 46301(a) of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(7) PENALTIES RELATING TO HARM TO PAS-
10 SENGERS WITH DISABILITIES.—

11 “(A) PENALTY FOR BODILY HARM OR DAMAGE
12 TO WHEELCHAIR OR OTHER MOBILITY AID.—The
13 amount of a civil penalty assessed under this section
14 for a violation of section 41705 that involves damage
15 to a passenger’s wheelchair or other mobility aid or
16 injury to a passenger with a disability may be in-
17 creased above the otherwise applicable maximum
18 amount under this section for a violation of section
19 41705 to an amount not to exceed 3 times the max-
20 imum penalty otherwise allowed.

21 “(B) EACH ACT CONSTITUTES SEPARATE OF-
22 FENSE.—Notwithstanding paragraph (2), a separate
23 violation of section 41705 occurs for each act of dis-
24 crimination prohibited by that section.”.

1 **SEC. 437. HARMONIZATION OF SERVICE ANIMAL STAND-**
2 **ARDS.**

3 (a) RULEMAKING.—The Secretary of Transportation
4 shall conduct a rulemaking proceeding—

5 (1) to define the term “service animal” for pur-
6 poses of air transportation; and

7 (2) to develop minimum standards for what is
8 required for service and emotional support animals
9 carried in aircraft cabins.

10 (b) CONSIDERATIONS.—In conducting the rule-
11 making under subsection (a), the Secretary shall consider,
12 at a minimum—

13 (1) whether to align the definition of “service
14 animal” with the definition of that term in regula-
15 tions of the Department of Justice implementing the
16 Americans with Disabilities Act of 1990 (Public Law
17 101–336);

18 (2) reasonable measures to ensure pets are not
19 claimed as service animals, such as—

20 (A) whether to require photo identification
21 for a service animal identifying the type of ani-
22 mal, the breed of animal, and the service the
23 animal provides to the passenger;

24 (B) whether to require documentation indi-
25 cating whether or not a service animal was

1 trained by the owner or an approved training
2 organization;

3 (C) whether to require, from a licensed
4 physician, documentation indicating the miti-
5 gating task or tasks a service animal provides
6 to its owner; and

7 (D) whether to allow a passenger to be ac-
8 companied by more than 1 service animal;

9 (3) reasonable measures to ensure the safety of
10 all passengers, such as—

11 (A) whether to require health and vaccina-
12 tion records for a service animal; and

13 (B) whether to require third-party proof of
14 behavioral training for a service animal;

15 (4) the impact additional requirements on serv-
16 ice animals could have on access to air transpor-
17 tation for passengers with disabilities; and

18 (5) if impacts on access to air transportation
19 for passengers with disabilities are found, ways to
20 eliminate or mitigate those impacts.

21 (c) FINAL RULE.—Not later than 18 months after
22 the date of enactment of this Act, the Secretary shall issue
23 a final rule pursuant to the rulemaking conducted under
24 this section.

1 **SEC. 438. REVIEW OF PRACTICES FOR TICKETING, PRE-**
2 **FLIGHT SEAT ASSIGNMENTS, AND STOWING**
3 **OF ASSISTIVE DEVICES FOR PASSENGERS**
4 **WITH DISABILITIES.**

5 (a) REVIEW.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the first meeting of the advisory committee on the
8 air travel needs of passengers with disabilities estab-
9 lished in section 439 (referred to in this section as
10 the “Advisory Committee”), the Secretary of Trans-
11 portation shall direct the Advisory Committee to re-
12 view current regulations with respect to practices for
13 ticketing, pre-flight seat assignments, and stowing of
14 assistive devices for passengers with disabilities.

15 (2) RECOMMENDATIONS.—In carrying out the
16 review under paragraph (1), the Advisory Committee
17 shall, at a minimum, provide recommendations on
18 whether current regulations should be modified or
19 prescribed to—

20 (A) provide accommodations for passengers
21 with disabilities, if requested, in ticketing and
22 pre-flight assignments;

23 (B) require covered air carriers to provide
24 priority access to bulkhead seating to pas-
25 sengers with disabilities who need access to fea-

1 tures of those seats due to disabilities regard-
2 less of class of service of ticket purchased; and

3 (C) ensure passengers with disabilities are
4 able to stow assistive devices without cost.

5 (b) REPORT.—Not later than 6 months after the date
6 of their first meeting, the Advisory Committee shall sub-
7 mit to the Secretary of Transportation and the appro-
8 priate committees of Congress a report on the review con-
9 ducted under subsection (a)(1), including the rec-
10 ommendations developed under subsection (a)(2).

11 **SEC. 439. ADVISORY COMMITTEE ON THE AIR TRAVEL**
12 **NEEDS OF PASSENGERS WITH DISABILITIES.**

13 (a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation shall establish an advisory committee on issues re-
15 lated to the air travel needs of passengers with disabilities
16 (referred to in this section as the “Advisory Committee”).

17 (b) DUTIES.—The Advisory Committee shall—

18 (1) identify and assess the disability-related ac-
19 cess barriers encountered by passengers with disabil-
20 ities;

21 (2) determine the extent to which the programs
22 and activities of the Department of Transportation
23 are addressing the barriers identified in paragraph
24 (1);

1 (3) recommend consumer protection improve-
2 ments to the air travel experience of passengers with
3 disabilities;

4 (4) advise the Secretary with regard to the im-
5 plementation of section 41705 of title 49, United
6 States Code; and

7 (5) conduct such activities as the Secretary con-
8 siders necessary to carry out this section.

9 (c) MEMBERSHIP.—

10 (1) IN GENERAL.—The Advisory Committee
11 shall be composed of at least 1 representative of
12 each of the following groups:

13 (A) Passengers with disabilities.

14 (B) National disability organizations.

15 (C) Air carriers.

16 (D) Airport operators.

17 (E) Contractor service providers.

18 (F) Aircraft manufacturers.

19 (G) Wheelchair manufacturers.

20 (H) National veterans organizations rep-
21 resenting disabled veterans.

22 (2) APPOINTMENT.—The Secretary of Trans-
23 portation shall appoint each member of the Advisory
24 Committee.

1 (3) VACANCIES.—A vacancy in the Advisory
2 Committee shall be filled in the manner in which the
3 original appointment was made.

4 (d) CHAIRPERSON.—The Secretary of Transportation
5 shall designate, from among the members appointed under
6 subsection (c), an individual to serve as chairperson of the
7 Advisory Committee.

8 (e) TRAVEL EXPENSES.—Members of the Advisory
9 Committee shall serve without pay, but shall receive travel
10 expenses, including per diem in lieu of subsistence, in ac-
11 cordance with subchapter I of chapter 57 of title 5, United
12 States Code.

13 (f) REPORTS.—

14 (1) IN GENERAL.—Not later than 14 months
15 after the date of establishment of the Advisory Com-
16 mittee, and annually thereafter, the Advisory Com-
17 mittee shall submit to the Secretary of Transpor-
18 tation a report on the needs of passengers with dis-
19 abilities in air travel, including—

20 (A) an assessment of existing disability-re-
21 lated access barriers, and any emerging dis-
22 ability-related access barriers that will likely be
23 an issue in the next 5 calendar years;

24 (B) an evaluation of the extent to which
25 the Department of Transportation's programs

1 and activities are eliminating disability-related
2 access barriers;

3 (C) a description of the Advisory Commit-
4 tee's actions;

5 (D) a description of improvements related
6 to the air travel experience of passengers with
7 disabilities; and

8 (E) any recommendations for legislation,
9 administrative action, or other action that the
10 Advisory Committee considers appropriate.

11 (2) REPORT TO CONGRESS.—Not later than 60
12 days after the date the Secretary receives the report
13 under paragraph (1), the Secretary shall submit to
14 the appropriate committees of Congress a copy of
15 the report, including any additional findings or rec-
16 ommendations that the Secretary considers appro-
17 priate.

18 (g) TERMINATION.—The Advisory Committee estab-
19 lished under this section shall terminate on September 30,
20 2023.

21 (h) TERMINATION OF THE NEXT GENERATION AIR
22 TRANSPORTATION SYSTEM SENIOR POLICY COM-
23 MITTEE.—The Next Generation Air Transportation Sys-
24 tem Senior Policy Committee established by the Secretary

1 of Transportation shall terminate on the date of the initial
2 appointment of the members of the Advisory Committee.

3 **SEC. 440. REGULATIONS ENSURING ASSISTANCE FOR PAS-**
4 **SENGERS WITH DISABILITIES IN AIR TRANS-**
5 **PORTATION.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall—

9 (1) review, and if necessary revise, applicable
10 regulations to ensure that passengers with disabil-
11 ities who request assistance while traveling in air
12 transportation receive dignified, timely, and effective
13 assistance at airports and on aircraft from trained
14 personnel; and

15 (2) review, and if necessary revise, applicable
16 regulations related to covered air carrier training
17 programs for air carrier personnel, including con-
18 tractors, who provide physical assistance to pas-
19 sengers with disabilities to ensure that training
20 under such programs—

21 (A) occurs on an annual schedule for all
22 new and continuing personnel charged with pro-
23 viding physical assistance; and

24 (B) includes, as appropriate, instruction by
25 personnel, with hands-on training for employees

1 **SEC. 452. STUDY ON ESSENTIAL AIR SERVICE REFORM.**

2 (a) STUDY.—

3 (1) IN GENERAL.—The Comptroller General of
4 the United States shall conduct a study on the ef-
5 fects of section 6 of the Airport and Airway Exten-
6 sion Act of 2011, Part IV (Public Law 112–27), sec-
7 tion 421 of the FAA Modernization and Reform Act
8 of 2012 (Public Law 112–95), and other relevant
9 Federal laws enacted after 2010, including the
10 amendments made by those laws, on the Essential
11 Air Service program.

12 (2) SCOPE.—In conducting the study under
13 paragraph (1), the Comptroller General shall ana-
14 lyze, at a minimum—

15 (A) the impact of each relevant Federal
16 law, including the amendments made by each
17 law, on the Essential Air Service program;

18 (B) what actions communities and air car-
19 riers have taken to reduce ticket prices or in-
20 crease enplanements as a result of each law;

21 (C) the issuance of waivers by the Sec-
22 retary under section 41731(e) of title 49,
23 United States Code;

24 (D) whether budgetary savings resulted
25 from each law; and

1 (E) options for further reform of the Es-
2 sential Air Service program.

3 (b) **REQUIRED ANALYSIS ON COMMUNITIES.**—In car-
4 rying out subsection (a)(2)(E) the Comptroller General
5 shall include, for each option for further reform, an anal-
6 ysis of the impact on local economies of communities with
7 airports receiving Essential Air Service funding, access to
8 air travel for residents of rural communities and the im-
9 pact to local businesses in such communities.

10 (c) **REPORT.**—Not later than 180 days after the date
11 of enactment of this Act, the Comptroller General shall
12 submit to the appropriate committees of Congress a report
13 on the results of the study conducted under subsection (a).

14 **SEC. 453. AIR TRANSPORTATION TO NONELIGIBLE PLACES.**

15 (a) **DEFINITIONS.**—Section 41731(a)(1)(A)(ii) of
16 title 49, United States Code, is amended by striking
17 “Wendell H. Ford Aviation Investment and Reform Act
18 for the 21st Century,” and inserting “FAA Extension,
19 Safety, and Security Act of 2016 (Public Law 114–190),”.

20 (b) **PROGRAM SUNSET.**—Section 41736 of title 49,
21 United States Code, is amended by adding at the end the
22 following:

23 “(h) **SUNSET.**—

1 “(1) PROPOSALS.—No proposal under sub-
2 section (a) may be accepted by the Secretary after
3 the date of enactment of this subsection.

4 “(2) PROGRAM.—The Secretary may not pro-
5 vide any compensation under this section after the
6 date that is 2 years after the date of enactment of
7 this subsection.”.

8 **SEC. 454. INSPECTOR GENERAL REVIEW OF SERVICE AND**
9 **OVERSIGHT OF UNSUBSIDIZED CARRIERS.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the inspector general of the
12 Department of Transportation shall conduct and complete
13 a review of orders issued by the Department of Transpor-
14 tation from 2005 through the date of enactment of this
15 Act to determine whether the carriers providing unsub-
16 sidized service provided basic essential air service, and
17 whether the Department conducted sufficient oversight of
18 carriers providing unsubsidized service to ensure air serv-
19 ice quality and community satisfaction.

20 (b) CONTENTS.—The review shall include, at a min-
21 imum—

22 (1) a review of the Department’s efforts to com-
23 municate to the community served by the unsub-
24 sidized carrier on any material air service changes;
25 and

1 (2) a review of the Department’s efforts to
2 closely monitor the quality of air service provided by
3 the unsubsidized carrier and request proposals for
4 basic essential air service if necessary.

5 (c) REPORT.—Not later than 30 days after the date
6 of completion of the review, the inspector general shall
7 submit to the appropriate committees of Congress a report
8 on the results of the review.

9 **SEC. 455. SMALL COMMUNITY AIR SERVICE.**

10 (a) ELIGIBILITY.—Section 41743(c) of title 49,
11 United States Code, is amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1) SIZE.—On the date of submission of the
15 relevant application under subsection (b), the airport
16 serving the community or consortium—

17 “(A) is not larger than a small hub air-
18 port, as determined using the Department of
19 Transportation’s most recently published classi-
20 fication; and

21 “(B) has—

22 “(i) insufficient air carrier service; or

23 “(ii) unreasonably high air fares.”;

24 (2) in paragraph (4)—

1 (A) by striking “once,” and inserting
2 “once in a 10-year period,”; and

3 (B) by inserting “at any time” after “dif-
4 ferent project”; and

5 (3) in paragraph (5)—

6 (A) by redesignating subparagraphs (E)
7 and (F) as subparagraphs (F) and (G), respec-
8 tively; and

9 (B) by inserting after subparagraph (D)
10 the following:

11 “(E) the assistance will be used to help re-
12 store scheduled passenger air service that has
13 been terminated;”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
15 41743(e)(2) of title 49, United States Code, is amended
16 to read as follows:

17 “(2) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to the Sec-
19 retary \$10,000,000 for each of fiscal years 2018
20 through 2023 to carry out this section, of which
21 \$4,800,000 per fiscal year shall be used to carry out
22 the pilot program established under subsection (i).
23 Such sums shall remain available until expended.”.

1 (c) REGIONAL AIR TRANSPORTATION PILOT PRO-
2 GRAM.—Section 41743 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(i) REGIONAL AIR TRANSPORTATION PILOT PRO-
5 GRAM.—

6 “(1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a regional air transportation pilot program to
8 provide operating assistance to air carriers in order
9 to provide air service to communities not receiving
10 sufficient air carrier service.

11 “(2) GRANTS.—The Secretary shall provide
12 grants under the program to encourage and main-
13 tain air service at reasonable airfares between com-
14 munities that have experienced, as determined by
15 the Secretary, significant declines in air service.

16 “(3) APPLICATION REQUIRED.—In order to
17 participate in the program, a State, local govern-
18 ment, economic development authority, or other pub-
19 lic entity shall submit to the Secretary an applica-
20 tion, in a manner that the Secretary prescribes, that
21 contains—

22 “(A) an identification of an air carrier that
23 has provided a written agreement to provide the
24 air service in partnership with the applicant;

1 “(B) assurances that the applicant will
2 provide the non-Federal share and that the
3 non-Federal share is not derived from airport
4 revenue;

5 “(C) a proposed route structure serving
6 not more than 8 communities; and

7 “(D) a timeline for commencing the air
8 service to the communities within the proposed
9 route structure.

10 “(4) CRITERIA FOR PARTICIPATION.—The Sec-
11 retary may approve up to 3 applications each fiscal
12 year, subject to the availability of funds, if the Sec-
13 retary determines that—

14 “(A) the proposal of the applicant can rea-
15 sonably be expected to encourage and improve
16 levels of air service between the relevant com-
17 munities;

18 “(B) the applicant has adequate financial
19 resources to ensure the commitment to the com-
20 munities;

21 “(C) the airports serving the communities
22 are nonhub, small hub, or medium hub airports,
23 as determined using the Department of Trans-
24 portation’s most recently published classifica-
25 tions; and

1 “(D) the air carrier commits to serving the
2 communities for at least 2 years.

3 “(5) PRIORITIES.—The Secretary shall
4 prioritize applications that—

5 “(A) would initiate new or reestablish air
6 service in communities where air fares are high-
7 er than the average air fares for all commu-
8 nities;

9 “(B) are more likely to result in self-sus-
10 taining air service at the end of the program;

11 “(C) request a Federal share lower than
12 50 percent; and

13 “(D) propose to use grant funds in a time-
14 ly fashion.

15 “(6) FEDERAL SHARE.—The Federal share of
16 the cost of operating assistance provided under the
17 program may not exceed 50 percent.

18 “(7) SUNSET.—This subsection shall cease to
19 be effective on October 1, 2023.”.

20 **SEC. 456. WAIVERS.**

21 Section 41732 is amended by adding at the end the
22 following:

23 “(c) WAIVERS.—Notwithstanding section 41733(e),
24 upon request by an eligible place, the Secretary may waive,
25 in whole or in part, subsections (a) and (b) of this section

1 or subsections (a) through (c) of section 41734. A waiver
2 issued under this subsection shall remain in effect for a
3 limited period of time, as determined by the Secretary.”.

4 **SEC. 457. EXTENSION OF FINAL ORDER ESTABLISHING**
5 **MILEAGE ADJUSTMENT ELIGIBILITY.**

6 Section 409(d) of the Vision 100—Century of Avia-
7 tion Reauthorization Act (49 U.S.C. 41731 note) is
8 amended by striking “2018” and inserting “2023”.

9 **SEC. 458. REDUCTION IN SUBSIDY-PER-PASSENGER.**

10 Section 426 of the FAA Modernization and Reform
11 Act of 2012 (126 Stat. 98) is amended by adding at the
12 end the following:

13 “(d) REDUCTION IN SUBSIDY-PER-PASSENGER.—

14 “(1) IN GENERAL.—The Secretary shall waive
15 application of the subsidy-per-passenger cap de-
16 scribed under subsection (c) if the Secretary finds
17 that the community’s subsidy-per-passenger for a
18 fiscal year is lower than the subsidy-per-passenger
19 for any of the 3 previous fiscal years.

20 “(2) EXCEPTION.—The Secretary shall waive
21 application of the subsidy-per-passenger cap if the
22 subsidy-per-passenger for a fiscal year is less than
23 10 percent higher than the highest subsidy-per-pas-
24 senger from any of the 3 previous fiscal years. The
25 Secretary may only waive application of the subsidy-

1 per-passenger cap under this paragraph once per
2 community.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to limit the Sec-
5 retary’s ability under subsection (c) to waive applica-
6 tion of the subsidy-per-passenger cap.”.

7 **TITLE V—MISCELLANEOUS**

8 **SEC. 501. DEFINITIONS.**

9 In this title, the following definitions apply:

10 (1) ADMINISTRATION.—The term “Administra-
11 tion” means the Federal Aviation Administration.

12 (2) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the FAA.

14 (3) ADS-B.—The term “ADS-B” means auto-
15 matic dependent surveillance-broadcast.

16 (4) ADS-B OUT.—The term “ADS-B Out”
17 means automatic dependent surveillance-broadcast
18 with the ability to transmit information from the
19 aircraft to ground stations and to other equipped
20 aircraft.

21 (5) FAA.—The term “FAA” means the Fed-
22 eral Aviation Administration.

23 (6) NEXTGEN.—The term “NextGen” means
24 the Next Generation Air Transportation System.

1 **SEC. 502. REPORT ON AIR TRAFFIC CONTROL MODERNIZA-**
2 **TION.**

3 (a) FAA REPORT.—Not later than 180 days after the
4 date of enactment of this Act, the Administrator shall sub-
5 mit to the appropriate committees of Congress a report
6 describing the multiyear effort of the Administration to
7 modernize the air transportation system (in this section
8 referred to as the “modernization effort”), including—

9 (1) the number of years that the modernization
10 effort has been underway as of the date of the re-
11 port;

12 (2) the total amount of money expended on the
13 modernization effort as of the date of the report (in-
14 cluding a description of how that amount was cal-
15 culated);

16 (3) the net present value of the benefits re-
17 ported from aircraft operators resulting from the
18 money expended on the modernization effort as of
19 the date of the report;

20 (4) a definition for NextGen, including a de-
21 scription of any changes to that definition that oc-
22 curred between 2003 and the date of the report;

23 (5) the net present value of the money ex-
24 pended on NextGen as of the date of the report if
25 such money had been deposited into a Government
26 trust fund instead of being expended on NextGen;

1 (6) a description of the benefits promised and
2 benefits delivered with respect to NextGen as of the
3 date of the report;

4 (7) any changes to the benefits promised with
5 respect to NextGen between the date on which
6 NextGen began and the date of the report;

7 (8) a description of each program or project
8 that comprises NextGen, including—

9 (A) when the program or project was initi-
10 ated;

11 (B) the total budget for the program or
12 project;

13 (C) the initial budget for the program or
14 project;

15 (D) the acquisition program baseline for
16 the program or project;

17 (E) whether the program or project has
18 ever breached the acquisition program baseline
19 and, if so, a description of when, why, and how
20 the breach was resolved;

21 (F) whether the program or project has
22 been re-baselined or divided into smaller seg-
23 ments and, if so, a description of when, why,
24 and the impact to the cost of the program or
25 project;

1 (G) the initial schedule for the program or
2 project;

3 (H) whether the program or project was
4 delayed and, if so, a description of how long,
5 why, and the impact to the cost of the program
6 or project;

7 (I) whether the Administration changed
8 any contract term or deliverable for the pro-
9 gram or project and, if so, a description of the
10 change, why it happened, and the impact to the
11 cost of the program or project;

12 (J) benefits promised with respect to the
13 program or project at initiation;

14 (K) benefits delivered with respect to the
15 program or project as of the date of the report;

16 (L) whether the program or project was
17 cancelled and, if so, a description of why and
18 when;

19 (M) for cancelled programs or projects,
20 whether there were any costs associated with
21 the decision to cancel and, if so, a description
22 of the amount of the costs (including for both
23 the Administration and the private sector);

24 (N) the metrics, milestones, and deadlines
25 set for the program or project and how the Ad-

1 ministration tracked and ensured compliance
2 with those metrics, milestones, and deadlines;

3 (O) how the Administration conducted
4 oversight of the program or project and any re-
5 lated stakeholder collaboration efforts;

6 (P) the status of the program or project as
7 of the date of the report; and

8 (Q) an assessment of the key risks to the
9 full implementation of the program and a de-
10 scription of how the Administration is miti-
11 gating, or plans to mitigate, those risks;

12 (9) the date upon which, or milestone by which,
13 the Administration anticipates NextGen will be com-
14 plete; and

15 (10) any lessons learned during the NextGen
16 effort, and whether, how, and to what effect those
17 lessons have been applied.

18 (b) INSPECTOR GENERAL REPORT.—Not later than
19 270 days after the date on which the report required
20 under subsection (a) is submitted, the inspector general
21 of the Department of Transportation shall review the re-
22 port and submit to the appropriate committees of Con-
23 gress a statement of the inspector general that—

24 (1) determines the accuracy of the information
25 reported;

1 (2) describes any concerns with the accuracy of
2 the information reported;

3 (3) summarizes concerns raised by the inspector
4 general, the Government Accountability Office, and
5 other sources with respect to the Administration's
6 implementation and oversight of NextGen since the
7 date on which NextGen began;

8 (4) describes—

9 (A) any pertinent recommendations made
10 by the inspector general related to the Adminis-
11 tration's implementation and oversight of
12 NextGen since the date on which NextGen
13 began; and

14 (B) whether and how the Administration
15 addressed the recommendations; and

16 (5) provides any other information that the in-
17 specter general determines is appropriate.

18 **SEC. 503. RETURN ON INVESTMENT REPORT.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this Act, and annually thereafter
21 until the date that each NextGen program has a positive
22 return on investment, the Administrator shall submit to
23 the appropriate committees of Congress a report on the
24 status of each NextGen program, including the most re-
25 cent NextGen priority list under subsection (c).

1 (b) CONTENTS.—The report under subsection (a)
2 shall include, for each NextGen program—

3 (1) an estimate of the date the program will
4 have a positive return on investment;

5 (2) an explanation for any delay in the delivery
6 of expected benefits from previously published esti-
7 mates on delivery of such benefits, in implementing
8 or utilizing the program;

9 (3) an estimate of the completion date;

10 (4) an assessment of the long-term and near-
11 term user benefits of the program for—

12 (A) the Federal Government; and

13 (B) the users of the national airspace sys-
14 tem; and

15 (5) a description of how the program directly
16 contributes to a safer and more efficient air traffic
17 control system.

18 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
19 ment under subsection (a), the Administrator shall—

20 (1) develop, in coordination with the NextGen
21 Advisory Committee and considering the need for a
22 balance between long-term and near-term user bene-
23 fits, a prioritization of the NextGen programs;

24 (2) annually update the priority list under para-
25 graph (1); and

1 space system, including the most recent findings and rec-
2 ommendations in the report under subsection (c).

3 (b) UPDATES.—Not later than 60 days after the date
4 the air traffic control operational contingency plans are
5 reviewed under subsection (a), the Administrator shall
6 submit to the appropriate committees of Congress a report
7 on the review, including any recommendations for ensur-
8 ing air traffic facility outages do not have a major impact
9 on the operation of the national airspace system.

10 (c) RESILIENCY RECOMMENDATIONS.—Not later
11 than 180 days after the date of enactment of this Act,
12 and periodically thereafter as the Administrator considers
13 appropriate, the Administrator shall convene NextGen
14 program officials to evaluate, expedite, and complete a re-
15 port on how planned NextGen capabilities can enhance the
16 resiliency and continuity of national airspace system oper-
17 ations and mitigate the impact of future air traffic control
18 disruptions.

19 **SEC. 505. 2020 ADS-B OUT MANDATE PLAN.**

20 The Administrator, in collaboration with the NextGen
21 Advisory Committee, shall—

22 (1) not later than 90 days after the date of en-
23 actment of this Act—

24 (A) identify any known and potential bar-
25 riers to compliance with the 2020 ADS-B Out

1 mandate under section 91.225 of title 14, Code
2 of Federal Regulations;

3 (B) develop a plan to address the known
4 barriers identified in paragraph (1), including a
5 schedule for—

6 (i) periodically reevaluating the poten-
7 tial barriers identified in paragraph (1);
8 and

9 (ii) developing solutions and imple-
10 menting actions to address the known and
11 potential barriers; and

12 (C) submit the plan to the appropriate
13 committees of Congress; and

14 (2) not later than 90 days after the date the
15 plan is submitted under paragraph (1), submit to
16 the appropriate committees of Congress a report on
17 the progress made toward meeting the 2020 ADS-
18 B Out mandate.

19 **SEC. 506. SECURING AIRCRAFT AVIONICS SYSTEMS.**

20 (a) IN GENERAL.—The Administrator shall consider,
21 where appropriate, revising Federal Aviation Administra-
22 tion regulations regarding airworthiness certification—

23 (1) to address cybersecurity for avionics sys-
24 tems, including software components; and

1 (2) to require that aircraft avionics systems
2 used for flight guidance or aircraft control be se-
3 cured against unauthorized access via passenger in-
4 flight entertainment systems through such means as
5 the Administrator determines appropriate to protect
6 the avionics systems from unauthorized external and
7 internal access.

8 (b) CONSIDERATION.—In carrying out subsection (a),
9 the Administrator shall consider the recommendations of
10 the Aircraft Systems Information Security Protection
11 Working Group under section 2111 of the FAA Extension
12 Safety and Security Act of 2016 (Public Law 114–190;
13 130 Stat. 615).

14 **SEC. 507. HUMAN FACTORS.**

15 (a) IN GENERAL.—In order to avoid having to subse-
16 quently modify products and services developed as a part
17 of NextGen, the Administrator shall—

18 (1) recognize and incorporate, in early design
19 phases of all relevant NextGen programs, the human
20 factors and procedural and airspace implications of
21 stated goals and associated technical changes; and

22 (2) ensure that a human factors specialist, sep-
23 arate from the research and certification groups, is
24 directly involved with the NextGen approval process.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Administrator shall submit
3 to the appropriate committees of Congress a report on the
4 progress made toward implementing the requirements
5 under subsection (a).

6 **SEC. 508. PROGRAMMATIC RISK MANAGEMENT.**

7 To better inform the Administration’s decisions re-
8 garding the prioritization of efforts and allocation of re-
9 sources for NextGen, the Administrator shall—

10 (1) solicit input from specialists in probability
11 and statistics to identify and prioritize the pro-
12 grammatic and implementation risks to NextGen;
13 and

14 (2) develop a method to manage and mitigate
15 the risks identified in paragraph (1).

16 **SEC. 509. REVIEW OF FAA STRATEGIC CYBERSECURITY**
17 **PLAN.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Administrator shall ini-
20 tiate a review of the comprehensive and strategic frame-
21 work of principles and policies (referred to in this section
22 as the “framework”) developed pursuant to section 2111
23 of the FAA Extension, Safety, and Security Act of 2016
24 (49 U.S.C. 44903 note).

1 (b) CONTENTS.—In undertaking the review under
2 subsection (a), the Administrator shall—

3 (1) assess the degree to which the framework
4 identifies and addresses known cybersecurity risks
5 associated with the aviation system;

6 (2) review existing short- and long-term objec-
7 tives for addressing cybersecurity risks to the na-
8 tional airspace system; and

9 (3) assess the Administration’s level of engage-
10 ment and coordination with aviation stakeholders
11 and other appropriate agencies, organizations, or
12 groups with which the Administration consults to
13 carry out the framework.

14 (c) UPDATES.—Upon completion of the review under
15 subsection (a), the Administrator shall modify the frame-
16 work, as appropriate, to address any deficiencies identified
17 by the review.

18 (d) REPORT TO CONGRESS.—Not later than 180 days
19 after initiating the review required by subsection (a), the
20 Administrator shall submit to the appropriate committees
21 of Congress a report on the results of the review, including
22 a description of any modifications made to the framework.

1 **SEC. 510. CONSOLIDATION AND REALIGNMENT OF FAA**
2 **SERVICES AND FACILITIES.**

3 (a) **PURPOSE AND INPUT.**—Section 804(a) of the
4 FAA Modernization and Reform Act of 2012 (49 U.S.C.
5 44501 note) is amended—

6 (1) in paragraph (2) by striking “The purpose
7 of the report shall be—” and all that follows
8 through “(B) to reduce” and inserting “The purpose
9 of the report shall be to reduce”; and

10 (2) by striking paragraph (4) and inserting the
11 following:

12 “(4) **INPUT.**—The report shall be prepared by
13 the Administrator (or the Administrator’s designee)
14 with the participation of—

15 “(A) representatives of labor organizations
16 representing air traffic control system employ-
17 ees of the FAA; and

18 “(B) industry stakeholders.”.

19 (b) **MILITARY OPERATIONS EXCLUSION.**—Section
20 804 of the FAA Modernization and Reform Act of 2012
21 (49 U.S.C. 44501 note) is amended—

22 (1) by redesignating subsection (e) as sub-
23 section (f); and

24 (2) by inserting after subsection (d) the fol-
25 lowing:

26 “(e) **MILITARY OPERATIONS EXCLUSION.**—

1 “(1) IN GENERAL.—The Administrator may not
2 realign or consolidate a combined TRACON and
3 tower with radar facility of the FAA under this sec-
4 tion if, in 2015, the total annual military operations
5 at the facility comprised at least 40 percent of the
6 total annual TRACON operations at the facility.

7 “(2) TRACON DEFINED.—In this subsection,
8 the term ‘TRACON’ means terminal radar approach
9 control.”.

10 **SEC. 511. FAA REVIEW AND REFORM.**

11 (a) AGENCY REPORT.—Not later than 60 days after
12 the date of enactment of this Act, the Administrator shall
13 submit to the appropriate committees of Congress a de-
14 tailed analysis of any actions taken to address the findings
15 and recommendations included in the report required
16 under section 812(d) of the FAA Modernization and Re-
17 form Act of 2012 (49 U.S.C. 106 note), including—

18 (1) consolidating, phasing-out, or eliminating
19 duplicative positions, programs, roles, or offices;

20 (2) eliminating or streamlining wasteful prac-
21 tices;

22 (3) eliminating or phasing-out redundant, obso-
23 lete, or unnecessary functions;

1 (4) reforming and streamlining inefficient proc-
2 esses so that the activities of the Administration are
3 completed in an expedited and efficient manner; and

4 (5) reforming or eliminating ineffectual or out-
5 dated policies.

6 (b) **ADDITIONAL REVIEW.**—Not later than 18
7 months after the date of enactment of this Act, the Ad-
8 ministrator shall undertake and complete a thorough re-
9 view of each program, office, and organization within the
10 Administration to identify—

11 (1) duplicative positions, programs, roles, or of-
12 fices;

13 (2) wasteful practices;

14 (3) redundant, obsolete, or unnecessary func-
15 tions;

16 (4) inefficient processes; and

17 (5) ineffectual or outdated policies.

18 (c) **ACTIONS TO STREAMLINE AND REFORM FAA.**—
19 Not later than 60 days after the date of completion of
20 the review under subsection (b), the Administrator shall
21 undertake such actions as may be necessary to address
22 the findings of the Administrator under such subsection.

23 (d) **REPORT TO CONGRESS.**—Not later than 120 days
24 after the date of completion of the review under subsection
25 (b), the Administrator shall submit to the appropriate

1 committees of Congress a report on the actions taken by
2 the Administrator pursuant to subsection (c), including
3 any recommendations for legislative or administrative ac-
4 tions.

5 **SEC. 512. AIR SHOWS.**

6 On an annual basis, the Administrator shall work
7 with representatives of Administration-approved air
8 shows, the general aviation community, and stadiums and
9 other large outdoor events and venues to identify and re-
10 solve, to the maximum extent practicable, scheduling con-
11 flicts between Administration-approved air shows and
12 large outdoor events and venues where—

13 (1) flight restrictions will be imposed pursuant
14 to section 521 of title V of division F of Public Law
15 108–199 (118 Stat. 343); or

16 (2) any other restriction will be imposed pursu-
17 ant to Federal Aviation Administration Flight Data
18 Center Notice to Airmen 4/3621 (or any successor
19 notice to airmen).

20 **SEC. 513. PART 91 REVIEW, REFORM, AND STREAMLINING.**

21 (a) **ESTABLISHMENT OF TASK FORCE.**—Not later
22 than 90 days after the date of enactment of this Act, the
23 Administrator shall establish a task force comprised of
24 representatives of the general aviation industry who regu-
25 larly perform part 91 operations, labor unions (including

1 those representing FAA aviation safety inspectors and
2 FAA aviation safety engineers), manufacturers, and the
3 Government to—

4 (1) conduct an assessment of the FAA over-
5 sight and authorization processes and requirements
6 for aircraft under part 91; and

7 (2) make recommendations to streamline the
8 applicable authorization and approval processes, im-
9 prove safety, and reduce regulatory cost burdens and
10 delays for the FAA and aircraft owners and opera-
11 tors who operate pursuant to part 91.

12 (b) CONTENTS.—In conducting the assessment and
13 making recommendations under subsection (a), the task
14 force shall consider—

15 (1) process reforms and improvements to allow
16 the FAA to review and approve applications in a fair
17 and timely fashion;

18 (2) the appropriateness of requiring an author-
19 ization for each experimental aircraft rather than
20 using a broader all-makes-and-models approach;

21 (3) ways to improve the timely response to let-
22 ters of authorization applications for aircraft owners
23 and operators who operate pursuant to part 91, in-
24 cluding setting deadlines and granting temporary or

1 automatic authorizations if deadlines are missed by
2 the FAA;

3 (4) methods for enhancing the effective use of
4 delegation systems;

5 (5) methods for training the FAA's field office
6 employees in risk-based and safety management sys-
7 tem oversight; and

8 (6) such other matters related to streamlining
9 part 91 authorization and approval processes as the
10 task force considers appropriate.

11 (c) REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Administrator
14 shall submit to the appropriate committees of Con-
15 gress a report on the results of the task force's as-
16 sessment.

17 (2) CONTENTS.—The report shall include an
18 explanation of how the Administrator will—

19 (A) implement the recommendations of the
20 task force;

21 (B) measure progress in implementing the
22 recommendations; and

23 (C) measure the effectiveness of the imple-
24 mented recommendations.

1 (d) IMPLEMENTATION OF RECOMMENDATIONS.—Not
2 later than 18 months after the date of enactment of this
3 Act, the Administrator shall implement the recommenda-
4 tions made under this section.

5 (e) DEFINITION.—In this section, the term “part 91”
6 means part 91 of title 14, Code of Federal Regulations.

7 (f) APPLICABLE LAW.—Public Law 92–463 shall not
8 apply to the task force.

9 (g) SUNSET.—The task force shall terminate on the
10 day the Administrator submits the report required under
11 subsection (e).

12 **SEC. 514. AIRCRAFT LEASING.**

13 Section 44112(b) of title 49, United States Code, is
14 amended—

15 (1) by striking “on land or water”; and

16 (2) by inserting “operational” before “control”.

17 **SEC. 515. PILOTS SHARING FLIGHT EXPENSES WITH PAS-**
18 **SENGERS.**

19 (a) GUIDANCE.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of enactment of this Act, the Administrator
22 shall make publicly available, in a clear and concise
23 format, advisory guidance that describes how a pilot
24 may share flight expenses with passengers in a man-

1 ner consistent with Federal law, including regula-
2 tions.

3 (2) EXAMPLES INCLUDED.—The guidance shall
4 include examples of—

5 (A) flights for which pilots and passengers
6 may share expenses;

7 (B) flights for which pilots and passengers
8 may not share expenses;

9 (C) the methods of communication that pi-
10 lots and passengers may use to arrange flights
11 for which expenses are shared; and

12 (D) the methods of communication that pi-
13 lots and passengers may not use to arrange
14 flights for which expenses are shared.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date on which guidance is made publicly
18 available under subsection (a), the Comptroller Gen-
19 eral of the United States shall submit to the appro-
20 priate committees of Congress a report analyzing
21 Federal policy with respect to pilots sharing flight
22 expenses with passengers.

23 (2) EVALUATIONS INCLUDED.—The report sub-
24 mitted under paragraph (1) shall include an evalua-
25 tion of—

- 1 (A) the rationale for such Federal policy;
- 2 (B) safety and other concerns related to
- 3 pilots sharing flight expenses with passengers;
- 4 and
- 5 (C) benefits related to pilots sharing flight
- 6 expenses with passengers.

7 **SEC. 516. TERMINAL AERODROME FORECAST.**

8 (a) IN GENERAL.—The Administrator shall permit a

9 covered air carrier to operate to or from a location in a

10 noncontiguous State without a Terminal Aerodrome Fore-

11 cast or Meteorological Aerodrome Report if—

12 (1) such location is determined to be under vis-

13 ual meteorological conditions;

14 (2) a current Area Forecast, supplemented by

15 other local weather observations or reports, is avail-

16 able; and

17 (3) an alternate airport that has an available

18 Terminal Aerodrome Forecast and weather report is

19 specified.

20 (b) PROCEDURES.—A covered air carrier shall—

21 (1) have approved procedures for dispatch or

22 release and enroute weather evaluation; and

23 (2) operate under instrument flight rules

24 enroute to the destination.

1 (c) LIMITATION.—Without a written finding of neces-
2 sity, based on objective and historical evidence of immi-
3 nent threat to safety, the Administrator shall not promul-
4 gate any operation specification, policy, or guidance docu-
5 ment pursuant to this section that is more restrictive than,
6 or requires procedures that are not expressly stated in,
7 the regulations.

8 (d) COVERED AIR CARRIER DEFINED.—In this sec-
9 tion, the term “covered air carrier” means an air carrier
10 operating in a noncontiguous State under part 121 of title
11 14, Code of Federal Regulations.

12 **SEC. 517. PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING**
13 **FLIGHT TIMES.**

14 The Administrator shall issue regulations modifying
15 section 61.51(j)(4) of title 14, Code of Federal Regula-
16 tions, so as to include aircraft under the direct operational
17 control of forestry and fire protection agencies as public
18 aircraft eligible for logging flight times.

19 **SEC. 518. AIRCRAFT REGISTRY OFFICE.**

20 The Administrator shall designate employees at the
21 Aircraft Registry Office in Oklahoma City, Oklahoma, as
22 excepted employees in the event of a shutdown or emer-
23 gency furlough to ensure that the office remains open for
24 the duration of the lapse in Federal Government appro-
25 priations to the Federal Aviation Administration.

1 **SEC. 519. FAA DATA TRANSPARENCY.**

2 Section 45303 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(g) DATA TRANSPARENCY.—

5 “(1) AIR TRAFFIC SERVICES INITIAL DATA RE-
6 PORT.—

7 “(A) INITIAL REPORT.—Not later than 6
8 months after the date of enactment of the FAA
9 Reauthorization Act of 2018, the Administrator
10 and the Chief Operating Officer of the Air
11 Traffic Organization shall, based upon the most
12 recently available full fiscal year data, complete
13 the following calculations for each segment of
14 air traffic services users:

15 “(i) The total costs allocable to the
16 use of air traffic services for that segment
17 during such fiscal year.

18 “(ii) The total revenues received from
19 that segment during such fiscal year.

20 “(B) VALIDATION OF MODEL.—

21 “(i) REVIEW AND DETERMINATION.—
22 Not later than 3 months after completion
23 of the initial report required under sub-
24 paragraph (A), the inspector general of the
25 Department of Transportation shall review
26 and determine the validity of the model

1 used by the Administrator and the Chief
2 Operating Officer to complete the calcula-
3 tions required under subparagraph (A).

4 “(ii) VALIDATION PROCESS.—In the
5 event that the inspector general determines
6 that the model used by the Administrator
7 and the Chief Operating Officer to com-
8 plete the calculations required by subpara-
9 graph (A) is not valid—

10 “(I) the inspector general shall
11 provide the Administrator and Chief
12 Operating Officer recommendations
13 on how to revise the model;

14 “(II) the Administrator and the
15 Chief Operating Officer shall complete
16 the calculations required by subpara-
17 graph (A) utilizing the revised model
18 and resubmit the revised initial report
19 required under subparagraph (A) to
20 the inspector general; and

21 “(III) not later than 3 months
22 after completion of the revised initial
23 report required under subparagraph
24 (A), the inspector general shall review
25 and determine the validity of the re-

1 vised model used by the Administrator
2 and the Chief Operating Officer to
3 complete the calculations required by
4 subparagraph (A).

5 “(iii) ACCESS TO DATA.—The Admin-
6 istrator and the Chief Operating Officer
7 shall provide the inspector general of the
8 Department of Transportation with unfet-
9 tered access to all data produced by the
10 cost accounting system operated and main-
11 tained pursuant to subsection (e).

12 “(C) REPORT TO CONGRESS.—Not later
13 than 60 days after completion of the review and
14 receiving a determination that the model used is
15 valid under subparagraph (B), the Adminis-
16 trator and the Chief Operating Officer shall
17 submit to the Committee on Transportation and
18 Infrastructure, the Committee on Appropria-
19 tions, and the Committee on Ways and Means
20 of the House of Representatives, and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation, the Committee on Appropriations, and
23 the Committee on Finance of the Senate a re-
24 port describing the results of the calculations
25 completed under subparagraph (A).

1 “(D) PUBLICATION.—Not later than 60
2 days after submission of the report required
3 under subparagraph (C), the Administrator and
4 Chief Operating Officer shall publish the initial
5 report, including any revision thereto if required
6 as a result of the validation process for the
7 model.

8 “(2) AIR TRAFFIC SERVICES BIENNIAL DATA
9 REPORTING.—

10 “(A) BIENNIAL DATA REPORTING.—Not
11 later than March 31, 2019, and biennially
12 thereafter for 8 years, the Administrator and
13 the Chief Operating Officer shall, using the
14 validated model, complete the following calcula-
15 tions for each segment of air traffic services
16 users for the most recent full fiscal year:

17 “(i) The total costs allocable to the
18 use of the air traffic services for that seg-
19 ment.

20 “(ii) The total revenues received from
21 that segment.

22 “(B) REPORT TO CONGRESS.—Not later
23 than 15 days after completing the calculations
24 under subparagraph (A), the Administrator and
25 the Chief Operating Officer shall complete and

1 submit to the Committee on Transportation and
2 Infrastructure, the Committee on Appropria-
3 tions, and the Committee on Ways and Means
4 of the House of Representatives, and the Com-
5 mittee on Commerce, Science, and Transpor-
6 tation, the Committee on Appropriations, and
7 the Committee on Finance of the Senate a re-
8 port containing the results of such calculations.

9 “(C) PUBLICATION.—Not later than 60
10 days after completing the calculations pursuant
11 to subparagraph (A), the Administrator and the
12 Chief Operating Officer shall publish the results
13 of such calculations.

14 “(3) SEGMENTS OF AIR TRAFFIC SERVICES
15 USERS.—

16 “(A) IN GENERAL.—For purposes of this
17 subsection, each of the following shall constitute
18 a separate segment of air traffic services users:

19 “(i) Passenger air carriers conducting
20 operations under part 121 of title 14, Code
21 of Federal Regulations.

22 “(ii) All-cargo air carriers conducting
23 operations under part 121 of such title.

24 “(iii) Operators covered by part 125
25 of such title.

1 “(iv) Air carriers and operators of pis-
2 ton-engine aircraft operating under part
3 135 of such title.

4 “(v) Air carriers and operators of tur-
5 bine-engine aircraft operating under part
6 135 of such title.

7 “(vi) Foreign air carriers providing
8 passenger air transportation.

9 “(vii) Foreign air carriers providing
10 all-cargo air transportation.

11 “(viii) Operators of turbine-engine air-
12 craft operating under part 91 of such title,
13 excluding those operating under subpart
14 (K) of such part.

15 “(ix) Operators of piston-engine air-
16 craft operating under part 91 of such title,
17 excluding those operating under subpart
18 (K) of such part.

19 “(x) Operators covered by subpart (K)
20 of part 91 of such title.

21 “(xi) Operators covered by part 133
22 of such title.

23 “(xii) Operators covered by part 136
24 of such title.

1 “(xiii) Operators covered by part 137
2 of such title.

3 “(xiv) Operators of public aircraft
4 that qualify under section 40125.

5 “(xv) Operators of aircraft that nei-
6 ther take off from, nor land in, the United
7 States.

8 “(B) ADDITIONAL SEGMENTS.—The Sec-
9 retary may identify and include additional seg-
10 ments of air traffic users under subparagraph
11 (A) as revenue and air traffic services cost data
12 become available for that additional segment of
13 air traffic services users.

14 “(4) DEFINITIONS.—For purposes of this sub-
15 section:

16 “(A) AIR TRAFFIC SERVICES.—The term
17 ‘air traffic services’ means services—

18 “(i) used for the monitoring, direct-
19 ing, control, and guidance of aircraft or
20 flows of aircraft and for the safe conduct
21 of flight, including communications, navi-
22 gation, and surveillance services and provi-
23 sion of aeronautical information; and

1 “(ii) provided directly, or contracted
2 for, by the Federal Aviation Administra-
3 tion.

4 “(B) AIR TRAFFIC SERVICES USER.—The
5 term ‘air traffic services user’ means any indi-
6 vidual or entity using air traffic services pro-
7 vided directly, or contracted for, by the Federal
8 Aviation Administration within United States
9 airspace or international airspace delegated to
10 the United States.”.

11 **SEC. 520. INTRA-AGENCY COORDINATION.**

12 Not later than 120 days after the date of enactment
13 of this Act, the Administrator shall implement a policy
14 that—

15 (1) designates the Associate Administrator for
16 Commercial Space Transportation as the primary li-
17 aison between the commercial space transportation
18 industry and the Administration;

19 (2) recognizes the necessity of, and set forth
20 processes for, launch license and permit holder co-
21 ordination with the Air Traffic Organization on mat-
22 ters including—

23 (A) the use of air navigation facilities;

24 (B) airspace safety; and

1 (C) planning of commercial space launch
2 and launch support activities;

3 (3) designates a single point of contact within
4 the Air Traffic Organization who is responsible
5 for—

6 (A) maintaining letters of agreement be-
7 tween a launch license or permit holder and a
8 Federal Aviation Administration facility;

9 (B) making such letters of agreement
10 available to the Associate Administrator for
11 Commercial Space Transportation;

12 (C) ensuring that a facility that has en-
13 tered into such a letter of agreement is aware
14 of and fulfills its responsibilities under the let-
15 ter; and

16 (D) liaising between the Air Traffic Orga-
17 nization and the Associate Administrator for
18 Commercial Space Transportation on any mat-
19 ter relating to such a letter of agreement; and

20 (4) requires the Associate Administrator for
21 Commercial Space Transportation to facilitate, upon
22 the request of a launch license or permit holder—

23 (A) coordination between a launch license
24 and permit holder and the Air Traffic Organi-
25 zation; and

1 (B) the negotiation of letters of agreement
2 between a launch license or permit holder and
3 a Federal Aviation Administration facility or
4 the Air Traffic Organization.

5 **SEC. 521. ADMINISTRATIVE SERVICES FRANCHISE FUND.**

6 (a) IN GENERAL.—Not later than 30 days after the
7 date of enactment of this section, the inspector general
8 of the Department of Transportation shall initiate an
9 audit of the Administrative Services Franchise Fund of
10 the FAA (in this section referred to as the “Franchise
11 Fund”).

12 (b) CONSIDERATIONS.—In conducting the audit pur-
13 suant to subsection (a), the inspector general shall—

14 (1) review the history, intended purpose, and
15 objectives of the Franchise Fund;

16 (2) describe and assess each program, service,
17 or activity that uses the Franchise Fund, includ-
18 ing—

19 (A) the agencies or government bodies that
20 use each program, service, or activity;

21 (B) the number of employees, including
22 full-time equivalents and contractors, associated
23 with each program, service, or activity;

24 (C) the costs associated with the employees
25 described in subparagraph (B) and the extent

1 to which such costs are covered by Federal ap-
2 propriations or Franchise Fund revenue;

3 (D) the revenue, expenses, and profits or
4 losses associated with each program, service, or
5 activity;

6 (E) overhead rates associated with each
7 program, service, or activity; and

8 (F) a breakdown of the revenue collected
9 from services provided to the FAA, Department
10 of Transportation, other Federal entities, and
11 non-Federal entities;

12 (3) assess the FAA's governance and oversight
13 of the Franchise Fund and the programs, service,
14 and activities that use the Franchise Fund, includ-
15 ing the use of internal and publicly available per-
16 formance metrics;

17 (4) evaluate the current and historical unobli-
18 gated and unexpended balances of the Franchise
19 Fund; and

20 (5) assess the degree to which FAA policies and
21 controls associated with the Franchise Fund con-
22 form with generally accepted accounting principles,
23 Federal policies, best practices, or other guidance re-
24 lating to revolving funds.

1 (c) REPORT.—Not later than 180 days after the date
2 of initiation of the audit described in subsection (a), the
3 inspector general shall submit to the appropriate commit-
4 tees of Congress a report on the results of the audit, in-
5 cluding findings and recommendations.

6 **SEC. 522. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
7 **CAST.**

8 (a) REPEAL.—Subsection (b) of section 211 of the
9 FAA Modernization and Reform Act of 2012 (49 U.S.C.
10 40101 note) is repealed.

11 (b) REQUIREMENT.—The Administrator shall ensure
12 that any regulation issued pursuant to such subsection has
13 no force or effect.

14 **SEC. 523. CONTRACT WEATHER OBSERVERS.**

15 Section 2306(b) of the FAA Extension, Safety, and
16 Security Act of 2016 (Public Law 114–190; 130 Stat.
17 641) is amended by striking “2018” and inserting
18 “2023”.

19 **SEC. 524. REGIONS AND CENTERS.**

20 (a) IN GENERAL.—Section 44507 of title 49, United
21 States Code, is amended—

22 (1) by striking the section heading and insert-
23 ing “**Regions and centers**”;

24 (2) by striking “The Civil Aeromedical Insti-
25 tute” and inserting the following:

1 “(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil
2 Aeromedical Institute”; and

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

4 “(b) WILLIAM J. HUGHES TECHNICAL CENTER.—
5 The Secretary of Transportation shall define the roles and
6 responsibilities of the William J. Hughes Technical Center
7 in a manner that is consistent with the defined roles and
8 responsibilities of the Civil Aeromedical Institute under
9 subsection (a).”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 445 of title 49, United States Code, is amended by
12 striking the item relating to section 44507 and inserting
13 the following:

“44507. Regions and centers.”.

14 **SEC. 525. GEOSYNTHETIC MATERIALS.**

15 The Administrator, to the extent practicable, shall
16 encourage the use of durable, resilient, and sustainable
17 materials and practices, including the use of geosynthetic
18 materials and other innovative technologies, in carrying
19 out the activities of the Federal Aviation Administration.

20 **SEC. 526. NATIONAL AIRMAIL MUSEUM.**

21 (a) FINDINGS.—Congress finds that—

22 (1) in 1930, commercial airmail carriers began
23 operations at Smith Field in Fort Wayne, Indiana;

24 (2) the United States lacks a national museum
25 dedicated to airmail; and

1 (3) the airmail hangar at Smith Field in Fort
2 Wayne, Indiana—

3 (A) will educate the public on the role of
4 airmail in aviation history; and

5 (B) honor the role of the hangar in the
6 history of the Nation’s airmail service.

7 (b) DESIGNATION.—

8 (1) IN GENERAL.—The airmail museum located
9 at the Smith Field in Fort Wayne, Indiana, is des-
10 ignated as the “National Airmail Museum”.

11 (2) EFFECT OF DESIGNATION.—The national
12 museum designated by this section is not a unit of
13 the National Park System and the designation of the
14 National Airmail Museum shall not require or per-
15 mit Federal funds to be expended for any purpose
16 related to that national memorial.

17 **SEC. 527. STATUS OF AGREEMENT BETWEEN FAA AND LIT-**
18 **TLE ROCK PORT AUTHORITY.**

19 (a) BRIEFING REQUIREMENT.—Not later than 30
20 days after the date of enactment of this Act, the Adminis-
21 trator shall provide a briefing to the appropriate commit-
22 tees of Congress a report on the agreement between the
23 FAA and the Little Rock Port Authority to relocate the
24 Little Rock Very High Frequency Omnidirectional Range

1 with Collocated Tactical Air Control and Navigation (LIT
2 VORTAC).

3 (b) BRIEFING CONTENTS.—The briefing required
4 under subsection (a) shall include the following:

5 (1) The status of the efforts by the Federal
6 Aviation Administration to relocate the LIT
7 VORTAC.

8 (2) The long-term and short-term budget pro-
9 jections for the relocation project.

10 (3) A description of and timeline for each phase
11 of the relocation project.

12 (4) A description of and explanation for the re-
13 quired location radius.

14 (5) A description of work completed by the
15 Federal Aviation Administration as of the date of
16 the briefing.

17 **SEC. 528. BRIEFING ON AIRCRAFT DIVERSIONS FROM LOS**
18 **ANGELES INTERNATIONAL AIRPORT TO HAW-**
19 **THORNE MUNICIPAL AIRPORT.**

20 Not later than 1 year after the date of the enactment
21 of this Act, the Administrator shall provide a briefing to
22 appropriate committees of Congress on diversions of air-
23 craft from Los Angeles International Airport to Haw-
24 thorne Municipal Airport, also known as Jack Northrop
25 Field, in the City of Hawthorne, California. This briefing

1 shall cover at least the previous one-year period and in-
2 clude the total number of aircraft diversions, the average
3 number of diversions per day, the types of aircraft di-
4 verted, and the reasons for the diversions.

5 **SEC. 529. TFR REPORT.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act (except as described in sub-
8 section (d)), the Administrator shall submit to the appro-
9 priate committees of Congress a report containing the re-
10 sults of the study described in subsection (b).

11 (b) RECOMMENDATIONS.—The Administrator shall
12 make recommendations based on—

13 (1) an analysis of—

14 (A) the economic effects of temporary
15 flight restrictions, particularly temporary flight
16 restrictions issued pursuant to section 91.141
17 of title 14, Code of Federal Regulations, on air-
18 ports or aviation-related businesses located or
19 based in an area covered by the temporary
20 flight restriction; and

21 (B) potential options and recommendations
22 for mitigating identified negative economic ef-
23 fects on airports or aviation-related businesses
24 located or based in an area frequently covered
25 by a temporary flight restriction; and

1 (2) an analysis of the potential for using secu-
2 rity procedures similar to those described in the
3 Maryland Three Program (allowing properly vetted
4 private pilots to fly to, from, or between the three
5 general aviation airports closest to the National Cap-
6 ital Region) during temporary flight restrictions in
7 the following airports:

8 (A) Solberg Airport.

9 (B) Somerset Airport.

10 (C) Palm Beach County Park Airport (also
11 known as Lantana Airport).

12 (c) COLLABORATION.—In making the recommenda-
13 tions described in subsection (b), the Administrator shall
14 consult with—

15 (1) industry stakeholders; and

16 (2) the head of any other agency that, in the
17 Administrator's determination, is a stakeholder
18 agency.

19 (d) SPECIAL DEADLINE.—Not later than 90 days
20 after the date of enactment of this Act, the Administrator
21 shall submit to the appropriate committees of Congress
22 a report containing the results of the portion of the study
23 described in subsection (b)(1)(A).

1 **SEC. 530. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

2 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
3 LATED SUPPORT.—The Administrator shall provide air
4 traffic services and aviation safety support for large,
5 multiday aviation events, including airshows and fly-ins,
6 where the average daily number of manned operations
7 were 1,000 or greater in at least one of the preceding two
8 years, without the imposition or collection of any fee, tax,
9 or other charge for that purpose. Amounts for the provi-
10 sion of such services and support shall be derived from
11 amounts appropriated or otherwise available for the Ad-
12 ministration.

13 (b) DETERMINATION OF SERVICES AND SUPPORT TO
14 BE PROVIDED.—In determining the services and support
15 to be provided for an aviation event for purposes of sub-
16 section (a), the Administrator shall take into account the
17 following:

18 (1) The services and support required to meet
19 levels of activity at prior events, if any, similar to
20 the event.

21 (2) The anticipated need for services and sup-
22 port at the event.

1 **SEC. 531. APPLICATION OF VETERANS' PREFERENCE TO**
2 **FEDERAL AVIATION ADMINISTRATION PER-**
3 **SONNEL MANAGEMENT SYSTEM.**

4 Section 40122(g)(2)(B) of title 49, United States
5 Code, is amended—

6 (1) by inserting “3304(f), to the extent con-
7 sistent with the Federal Aviation Administration’s
8 status as an excepted service agency,” before “3308-
9 3320”; and

10 (2) by inserting “3330a, 3330b, 3330c, and
11 3330d,” before “relating”.

12 **SEC. 532. CLARIFICATION OF REQUIREMENTS FOR LIVING**
13 **HISTORY FLIGHTS.**

14 (a) IN GENERAL.—Notwithstanding any other law or
15 regulation, in administering sections 61.113(c), 91.9,
16 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and
17 119.21(a) of title 14, Code of Federal Regulations (or any
18 successor regulations), the Administrator shall allow an
19 aircraft owner or operator to accept monetary or in-kind
20 donations for a flight operated by a living history flight
21 experience provider, if the aircraft owner or operator
22 has—

23 (1) volunteered to provide such transportation;
24 and

25 (2) notified any individual that will be on the
26 flight, at the time of inquiry about the flight, that

1 the flight operation is for charitable purposes and is
2 not subject to the same requirements as a commer-
3 cial flight.

4 (b) **CONDITIONS TO ENSURE PUBLIC SAFETY.**—The
5 Administrator, consistent with current standards of the
6 Administration for such operations, shall impose minimum
7 standards with respect to training and flight hours for op-
8 erations conducted by an owner or operator of an aircraft
9 providing living history flight experience operations, in-
10 cluding mandating that the pilot in command of such air-
11 craft hold a commercial pilot certificate with instrument
12 rating and be current and qualified with respect to all rat-
13 ings or authorizations applicable to the specific aircraft
14 being flown to ensure the safety of flight operations de-
15 scribed in subsection (a).

16 (c) **LIVING HISTORY FLIGHT EXPERIENCE PRO-**
17 **VIDER DEFINED.**—In this section, the term “living history
18 flight experience provider” means an aircraft owner, air-
19 craft operator, or organization that provides, arranges, or
20 otherwise fosters living history flight experiences for the
21 purpose of fulfilling its mission.

22 **SEC. 533. REVIEW AND REFORM OF FAA PERFORMANCE**
23 **MANAGEMENT SYSTEM.**

24 (a) **ESTABLISHMENT OF ADVISORY PANEL.**—Not
25 later than 90 days after the date of enactment of this sec-

1 tion, the Secretary of Transportation shall establish an ad-
2 visory panel comprising no more than 7 independent, non-
3 governmental experts in budget, finance, or personnel
4 management to review and evaluate the effectiveness of
5 the FAA's personnel management system and perform-
6 ance management program for employees not covered by
7 collective bargaining agreements.

8 (b) REVIEW, EVALUATION, AND RECOMMENDA-
9 TIONS.—The advisory panel shall, at a minimum—

10 (1) review all appropriate FAA orders, policies,
11 procedures, guidance, and the Human Resources
12 Policy Manual;

13 (2) review any applicable reports regarding
14 FAA's personnel management system, including re-
15 ports of the Department of Transportation Office of
16 Inspector General, Government Accountability Of-
17 fice, and National Academy of Public Administra-
18 tion, and determine the status of recommendations
19 made in those reports;

20 (3) review the personnel management system of
21 any other agency or governmental entity with a simi-
22 lar system to the FAA for best practices with regard
23 to personnel management;

24 (4) assess the unique personnel authorities
25 granted to the FAA, determine whether the FAA

1 has taken full advantage of those authorities, and
2 identify those authorities the FAA has not fully
3 taken advantage of;

4 (5) review and determine the overall effective-
5 ness of the FAA's compensation, bonus pay, per-
6 formance metrics, and evaluation processes for em-
7 ployees not covered by collective bargaining agree-
8 ments;

9 (6) review whether existing performance metrics
10 and bonus pay practices align with the FAA's mis-
11 sion and significantly improve the FAA's provision
12 of air traffic services, implementation of air traffic
13 control modernization initiatives, and accomplish-
14 ment of other FAA operational objectives;

15 (7) identify the highest, lowest, and average
16 complete compensation for each position of employ-
17 ees not covered by collective bargaining agreements;

18 (8) survey interested parties and stakeholders,
19 including representatives of the aviation industry,
20 for their views and recommendations regarding im-
21 provements to the FAA's personnel management
22 system and performance management program;

23 (9) develop recommendations to address the
24 findings of the work done pursuant to paragraphs
25 (1) through (7), and to address views and rec-

1 ommendations raised by interested parties pursuant
2 to paragraph (8); and

3 (10) develop recommendations to improve the
4 FAA's personnel management system and perform-
5 ance management program, including the compensa-
6 tion, bonus pay, performance metrics, and evaluation
7 processes, for employees not covered by collective
8 bargaining agreements.

9 (c) REPORT.—Not later than 1 year after initiating
10 the review and evaluation pursuant to subsection (a), the
11 advisory panel shall submit a report on the results of the
12 review and evaluation and its recommendations to the Sec-
13 retary, the Administrator, the appropriate committees of
14 Congress.

15 (d) REPORT TO CONGRESS.—Not later than 3
16 months after submittal of the report pursuant to sub-
17 section (c), the Administrator shall transmit to the appro-
18 priate committees of Congress a report summarizing the
19 findings of the advisory panel that—

20 (1) contains an explanation of how the Admin-
21 istrator will implement the recommendations of the
22 advisory panel and measure the effectiveness of the
23 recommendations; and

1 (2) specifies any recommendations that the Ad-
2 ministrators will not implement and the reasons for
3 not implementing such recommendations.

4 (e) SUNSET.—The advisory panel shall terminate on
5 the date that is 60 days after the transmittal of the report
6 pursuant to subsection (d).

7 **SEC. 534. NEXTGEN DELIVERY STUDY.**

8 (a) STUDY.—Not later than 180 days after the enact-
9 ment of this Act, the inspector general of the Department
10 of Transportation shall initiate a study of the potential
11 impacts of a significantly delayed, significantly dimin-
12 ished, or completely failed delivery of the Next Generation
13 Air Transportation System modernization initiative by the
14 Federal Aviation Administration, including impacts to the
15 air traffic control system and the national airspace system
16 as a whole.

17 (b) SCOPE OF STUDY.—In carrying out the study
18 under subsection (a), the inspector general shall assess the
19 Administration's performance related to the NextGen
20 modernization initiative, including—

21 (1) the potential impacts on the operational ef-
22 ficiency of our aviation system;

23 (2) an analysis of potential economic losses and
24 stranded investments directly related to NextGen;

1 (3) an analysis of the potential impacts to our
2 international competitiveness in aviation innovation;

3 (4) an analysis of the main differences that
4 would be seen in our air traffic control system;

5 (5) the potential impacts on the flying public,
6 including potential impacts to flight times, fares,
7 and delays in the air and on the ground;

8 (6) the effects on supply chains reliant on air
9 transportation of cargo;

10 (7) the potential impacts on the long-term bene-
11 fits promised by NextGen;

12 (8) an analysis of the potential impacts on air-
13 craft noise and flight paths;

14 (9) the potential changes in separation stand-
15 ards, fuel consumption, flight paths, block times,
16 and landing procedures or lack thereof;

17 (10) the potential impacts on aircraft taxi times
18 and aircraft emissions or lack thereof;

19 (11) a determination of the total potential costs
20 and logistical challenges of the failure of NextGen,
21 including a comparison of the potential loss of the
22 return on public and private sector investment re-
23 lated to NextGen, as compared to other available in-
24 vestment alternatives, between December 12, 2003,
25 and the date of enactment of this Act; and

1 (12) other matters arising in the course of the
2 study.

3 (c) REPORT.—Not later than 1 year after the date
4 of initiation of the study under subsection (a), the inspec-
5 tor general shall submit to the appropriate committees of
6 Congress a report on the results of the study.

7 **SEC. 535. STUDY ON ALLERGIC REACTIONS.**

8 Not later than 120 days after the date of enactment
9 of this Act, the Administrator shall—

10 (1) study the prevalence of allergic reactions on
11 board flights, whether airlines universally report re-
12 actions to the Federal Aviation Administration, and
13 the frequency of first aid inventory checks to ensure
14 medicine to prevent anaphylactic shock is in an air-
15 craft; and

16 (2) submit a report to the Committees on
17 Transportation and Infrastructure, Energy and
18 Commerce, and Appropriations of the House of Rep-
19 resentatives and the Committees on Commerce,
20 Science, and Transportation, Health, Education,
21 Labor, and Pensions, and Appropriations of the Sen-
22 ate.

23 **SEC. 536. OXYGEN MASK DESIGN STUDY.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Administrator shall conduct a study to

1 review and evaluate the design and effectiveness of com-
2 mercial aircraft oxygen masks. In conducting the study,
3 the Administrator shall determine whether the current de-
4 sign of oxygen masks is adequate, and whether changes
5 to the design could increase correct passenger usage of
6 the masks.

7 **SEC. 537. AIR CARGO STUDY.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 date of enactment of this Act, the Comptroller General
10 of the United States shall begin a study of international
11 air cargo services among the United States and Central
12 American, South American, and Caribbean Basin coun-
13 tries, that—

14 (1) analyzes the supply of and demand for air
15 cargo transportation services among the United
16 States and Central American, South American, and
17 Caribbean Basin countries;

18 (2) analyzes the supply of and demand for air
19 cargo transportation services between—

20 (A) the United States, Central American,
21 South American, and Caribbean Basin coun-
22 tries; and

23 (B) African and European countries;

24 (3) identifies the busiest routes in terms of
25 cargo capacity and frequency of air service;

1 (4) identifies any air carrier or foreign air car-
2 rier hubs in Central American, South American, and
3 Caribbean Basin countries at which a significant
4 amount of air cargo is sorted, handled, or consoli-
5 dated for transportation to or from the United
6 States;

7 (5) identifies any air carrier or foreign air car-
8 rier hubs in the United States at which a significant
9 amount of air cargo is sorted, handled, or consoli-
10 dated for transportation to or from Central Amer-
11 ican, South American, and Caribbean Basin coun-
12 tries.

13 (6) identifies any significant gaps in the air
14 cargo services or cargo air carrier networks—

15 (A) among the countries described in para-
16 graph (2)(A);

17 (B) between such countries and African
18 countries; and

19 (C) between such countries and European
20 countries; and

21 (7) assesses the possible impact of the estab-
22 lishment of an air carrier hub in Puerto Rico at
23 which air cargo is sorted, handled, or consolidated
24 for transportation to or from the United States, in-
25 cluding the impact on—

1 (A) the employment rate and economy of
2 Puerto Rico;

3 (B) domestic and foreign air transpor-
4 tation of cargo;

5 (C) United States competitiveness in the
6 air transportation of cargo;

7 (D) air cargo operations at other airports
8 in the United States; and

9 (E) domestic air carrier employment.

10 (b) REPORT.—Not later than 12 months after the
11 date of enactment of this Act, the Comptroller General
12 shall submit to the appropriate committees of Congress
13 a report on the results of the study described in subsection
14 (a).

15 (c) DEFINITION.—In this section, the term “Carib-
16 bean Basin countries” has the same meaning given the
17 term “Caribbean Basin country” in section 501 of the
18 Food for Peace Act (7 U.S.C. 1737).

19 **SEC. 538. SENSE OF CONGRESS ON PREVENTING THE**
20 **TRANSPORTATION OF DISEASE-CARRYING**
21 **MOSQUITOES AND OTHER INSECTS ON COM-**
22 **MERCIAL AIRCRAFT.**

23 It is the sense of Congress that the Secretary of
24 Transportation and the Secretary of Agriculture should,
25 in coordination and consultation with the World Health

1 Organization, develop a framework and guidance for the
2 use of safe, effective, and nontoxic means of preventing
3 the transportation of disease-carrying mosquitoes and
4 other insects on commercial aircraft.

5 **SEC. 539. TECHNICAL CORRECTIONS.**

6 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
7 AT CONGESTED AIRPORTS.—Section 40104(c) of title 49,
8 United States Code, is amended by striking “section
9 47176” and inserting “section 47175”.

10 (b) PASSENGER FACILITY CHARGES.—Section
11 40117(a)(5) of title 49, United States Code, is amended
12 by striking “charge or charge” and inserting “charge”.

13 (c) OVERFLIGHTS OF NATIONAL PARKS.—Section
14 40128(a)(3) of title 49, United States Code, is amended
15 by striking “under part 91 of the title 14,” and inserting
16 “under part 91 of title 14,”.

17 (d) PLANS TO ADDRESS NEEDS OF FAMILIES OF
18 PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCI-
19 DENTS.—Section 41313(c)(16) of title 49, United States
20 Code, is amended by striking “An assurance that the for-
21 eign air carrier” and inserting “An assurance that”.

22 (e) OPERATIONS OF CARRIERS.—The analysis for
23 chapter 417 of title 49, United States Code, is amended
24 by striking the item relating to section 41718 and insert-
25 ing the following:

“41718. Special rules for Ronald Reagan Washington National Airport.”.

1 (f) SCHEDULES FOR CERTAIN TRANSPORTATION OF
2 MAIL.—Section 41902(a) of title 49, United States Code,
3 is amended by striking “section 41906” and inserting
4 “section 41905”.

5 (g) WEIGHING MAIL.—Section 41907 of title 49,
6 United States Code, is amended by striking “and” and
7 all that follows through “administrative” and inserting
8 “and administrative”.

9 (h) STRUCTURES INTERFERING WITH AIR COM-
10 MERCE OR NATIONAL SECURITY.—Section 44718(b)(1) of
11 title 49, United States Code, is amended—

12 (1) in the matter preceding subparagraph (A)
13 by striking “air navigation facilities and equipment”
14 and inserting “air or space navigation facilities and
15 equipment”; and

16 (2) in subparagraph (A)—

17 (A) in clause (v) by striking “and” at the
18 end;

19 (B) by redesignating clause (vi) as clause
20 (vii); and

21 (C) by inserting after clause (v) the fol-
22 lowing:

23 “(vi) the impact on launch and re-
24 entry for launch and reentry vehicles arriv-
25 ing or departing from a launch site or re-

1 entry site licensed by the Secretary of
2 Transportation; and”.

3 (i) FLIGHT ATTENDANT CERTIFICATION.—Section
4 44728 of title 49, United States Code, is amended—

5 (1) in subsection (e), by striking “chapter” and
6 inserting “title”; and

7 (2) in subsection (d)(3), by striking “is” and
8 inserting “be”.

9 (j) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR
10 TRANSPORTATION.—Section 45302 of title 49, United
11 States Code, is amended by striking “44703(f)(2)” each
12 place it appears and inserting “44703(g)(2)”.

13 (k) SCHEDULE OF FEES.—Section 45301(a)(1) of
14 title 49, United States Code, is amended by striking
15 “United States government” and inserting “United States
16 Government”.

17 (l) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
18 of title 49, United States Code, is amended by striking
19 “(18 U.S.C. App.)” and inserting “(18 U.S.C. App.)”.

20 (m) CHAPTER 465.—The analysis for chapter 465 of
21 title 49, United States Code, is amended by striking the
22 following item:

“46503. Repealed.”.

23 (n) ALLOWABLE COST STANDARDS.—Section
24 47110(b)(2) of title 49, United States Code, is amended—

1 (1) in subparagraph (B), by striking
2 “compatability” and inserting “compatibility”; and

3 (2) in subparagraph (D)(i), by striking “cli-
4 mactic” and inserting “climatic”.

5 (o) DEFINITION OF QUALIFIED HUBZONE SMALL
6 BUSINESS CONCERN.—Section 47113(a)(3) of title 49,
7 United States Code, is amended by striking “(15 U.S.C.
8 632(o))” and inserting “(15 U.S.C. 632(p))”.

9 (p) SPECIAL APPORTIONMENT CATEGORIES.—Sec-
10 tion 47117(e)(1)(B) is amended by striking “at least” and
11 inserting “At least”.

12 (q) SOLICITATION AND CONSIDERATION OF COM-
13 MENTS.—Section 47171(l) of title 49, United States Code,
14 is amended by striking “4371” and inserting “4321”.

15 (r) OPERATIONS AND MAINTENANCE.—Section
16 48104 is amended by striking “(a) AUTHORIZATION OF
17 APPROPRIATIONS.—the” and inserting “The”.

18 (s) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-
19 CANTLY INCREASED COSTS.—Section 426 of the FAA
20 Modernization and Reform Act of 2012 is amended—

21 (1) in subsection (a) (49 U.S.C. 41737 note) by
22 striking “Secretary” and inserting “Secretary of
23 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
8 “section 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
14 date of enactment through the illegal charter hotline of
15 the FAA 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
20 the Administration decides to allocate resources;

21 (3) challenges the Department of Transpor-
22 tation or the Administration face in identifying ille-
23 gal operators; and

1 (4) recommendations for improving the efforts
2 of the Department of Transportation or the Admin-
3 istration 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
8 B-377-SGT aircraft, serial number 0004, may be used to
9 provide the transport, for compensation or hire, of over-
10 sized space launch vehicle components or oversized space-
11 craft components while continuing to qualify as a public
12 aircraft operation pursuant to section 40102(a)(41)(A) of
13 title 49, 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 oper-
17 ations conducted wholly in United States airspace;
18 and

19 (3) no commercially available domestic air
20 transport alternative exists.

21 **SEC. 542. PROHIBITED AIRSPACE ASSESSMENT.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation, in coordination with appropriate Federal agencies,
25 shall conduct an assessment on the security of United

1 States prohibited airspace designated by the Federal Avia-
2 tion Administration, with a focus on permanent prohibited
3 airspace (in this section referred to as “United States pro-
4 hibited airspace”).

5 (b) MINIMUM COMPONENTS.—The assessment devel-
6 oped under subsection (a) shall be unclassified but may
7 contain a classified annex. It shall, at a minimum, in-
8 clude—

9 (1) a summary of the number and types of vio-
10 lations of United States prohibited airspace and his-
11 torical trends of such numbers and types;

12 (2) an assessment of the processes used to es-
13 tablish United States prohibited airspace;

14 (3) an assessment of manned and unmanned
15 aircraft, current and future, with the ability to pene-
16 trate United States prohibited airspace undetected;

17 (4) an assessment of the current and future ca-
18 pabilities of the United States to mitigate threats to
19 United States prohibited airspace;

20 (5) recommendations on how to improve secu-
21 rity of United States prohibited airspace; and

22 (6) a process to modify section 99.7 of title 14,
23 Code of Federal Regulations, to expand the Admin-
24 istrator’s authority to establish temporary flight re-
25 strictions in cooperation with State and local law en-

1 forcement agencies, or as required for purposes of
2 national security, homeland security, or law enforce-
3 ment support.

4 **SEC. 543. REPORT ON MULTIAGENCY USE OF AIRSPACE**
5 **AND ENVIRONMENTAL REVIEW.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of the enactment of this Act, the Administrator, in
8 consultation with the Secretary of Defense, shall submit
9 to the covered committees of Congress a report docu-
10 menting efforts made toward improving processes to re-
11 solve persistent challenges for special use airspace re-
12 quests in support of, or associated with, short notice test-
13 ing requirements at Major Range and Test Facility Bases,
14 including the establishment of temporary military oper-
15 ations areas used for conducting short-term, scheduled ex-
16 ercises.

17 (b) ELEMENTS.—The report required under sub-
18 section (a) shall include the following elements:

19 (1) Analysis of previous efforts to streamline in-
20 ternal processes associated with the designation of
21 temporary military operations areas at Major Range
22 and Test Facility Bases and the use of such areas
23 for scheduled exercises.

24 (2) Analysis of progress made to ensure consist-
25 ency of environmental review, including impact anal-

1 ysis, associated environmental studies, or consulta-
2 tion, while complying with the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
4 and other environmental requirements.

5 (3) Identification of challenges, if any, in com-
6 plying with the National Environmental Policy Act
7 of 1969.

8 (4) A description of airspace requirements, cur-
9 rent test and training needs statements completed
10 during the 10-year period preceding the report, and
11 future 5-year requirements, including all temporary
12 military operating areas, special use airspaces, in-
13 strument routes, visual routes, and unfulfilled user
14 requirements.

15 (5) Proposed options and solutions to overcome
16 identified challenges, if any, including identifying
17 whether—

18 (A) a solution or solutions can be incor-
19 porated within the existing Federal Aviation
20 Administration and Department of Defense
21 Memorandum of Understanding; or

22 (B) changes to current law are required.

23 (c) DEFINITIONS.—In this section:

1 (1) COVERED COMMITTEES OF CONGRESS.—
2 The term “covered committees of Congress”
3 means—

4 (A) the Committee on Commerce, Science,
5 and Transportation and the Committee on
6 Armed Services of the Senate; and

7 (B) the Committee on Transportation and
8 Infrastructure and the Committee on Armed
9 Services of the House of Representatives.

10 (2) MAJOR RANGE AND TEST FACILITY BASE.—
11 The term “Major Range and Test Facility Base”
12 has the meaning given the term in section 196(i) of
13 title 10, United States Code.

14 (3) SPECIAL USE AIRSPACE.—The term “spe-
15 cial use airspace” means certain designations of air-
16 space designated by the Federal Aviation Adminis-
17 tration, as administered by the Secretary of Defense.

18 **SEC. 544. AGENCY PROCUREMENT REPORTING REQUIRE-**
19 **MENTS.**

20 Section 40110(d) of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(5) ANNUAL REPORT ON THE PURCHASE OF
23 FOREIGN MANUFACTURED ARTICLES.—

24 “(A) REPORT.—(i) Not later than 90 days
25 after the end of the fiscal year, the Secretary

1 of Transportation shall submit a report to Con-
2 gress on the dollar amount of acquisitions sub-
3 ject to the Buy American Act made by the
4 agency from entities that manufacture the arti-
5 cles, materials, or supplies outside of the United
6 States in such fiscal year.

7 “(ii) The report required by clause (i) shall
8 only include acquisitions with total value ex-
9 ceeding the micro-purchase level.

10 “(B) CONTENTS.—The report required by
11 subparagraph (A) shall separately indicate—

12 “(i) the dollar value of any articles,
13 materials, or supplies purchased that were
14 manufactured outside of the United States;
15 and

16 “(ii) a summary of the total procure-
17 ment funds spent on goods manufactured
18 in the United States versus funds spent on
19 goods manufactured outside of the United
20 States.

21 “(C) AVAILABILITY OF REPORT.—The Sec-
22 retary shall make the report under subpara-
23 graph (A) publicly available on the agency’s
24 website not later than 30 days after submission
25 to Congress.”.

1 **SEC. 545. FAA ORGANIZATIONAL REFORM.**

2 (a) CHIEF TECHNOLOGY OFFICER.—Section 106(s)
3 of title 49, United States Code, is amended to read as
4 follows:

5 “(s) CHIEF TECHNOLOGY OFFICER.—

6 “(1) IN GENERAL.—

7 “(A) APPOINTMENT.—There shall be a
8 Chief Technology Officer appointed by the
9 Chief Operating Officer. The Chief Technology
10 Officer shall report directly to the Chief Oper-
11 ating Officer.

12 “(B) MINIMUM QUALIFICATIONS.—The
13 Chief Technology Officer shall have—

14 “(i) at least 10 years experience in en-
15 gineering management or another relevant
16 technical management field; and

17 “(ii) knowledge of or experience in the
18 aviation industry.

19 “(C) REMOVAL.—The Chief Technology
20 Officer shall serve at the pleasure of the Ad-
21 ministrator.

22 “(D) RESTRICTION.—The Chief Tech-
23 nology Officer may not also be the Deputy Ad-
24 ministrator.

25 “(2) RESPONSIBILITIES.—The responsibilities
26 of the Chief Technology Officer shall include—

1 “(A) ensuring the proper operation, main-
2 tenance, and cybersecurity of technology sys-
3 tems relating to the air traffic control system
4 across all program offices of the Administra-
5 tion;

6 “(B) coordinating the implementation, op-
7 eration, maintenance, and cybersecurity of tech-
8 nology programs relating to the air traffic con-
9 trol system with the aerospace industry and
10 other Federal agencies;

11 “(C) reviewing and providing advice to the
12 Secretary, the Administrator, and the Chief Op-
13 erating Officer on the Administration’s budget,
14 cost-accounting system, and benefit-cost anal-
15 yses with respect to technology programs relat-
16 ing to the air traffic control system;

17 “(D) consulting with the Administrator on
18 the Capital Investment Plan of the Administra-
19 tion prior to its submission to Congress;

20 “(E) developing an annual air traffic con-
21 trol system technology operation and mainte-
22 nance plan that is consistent with the annual
23 performance targets established under para-
24 graph (4); and

1 “(F) ensuring that the air traffic control
2 system architecture remains, to the maximum
3 extent practicable, flexible enough to incor-
4 porate future technological advances developed
5 and directly procured by aircraft operators.

6 “(3) COMPENSATION.—

7 “(A) IN GENERAL.—The Chief Technology
8 Officer shall be paid at an annual rate of basic
9 pay to be determined by the Administrator, in
10 consultation with the Chief Operating Officer.
11 The annual rate may not exceed the annual
12 compensation paid under section 102 of title 3.
13 The Chief Technology Officer shall be subject
14 to the postemployment provisions of section 207
15 of title 18 as if the position of Chief Technology
16 Officer were described in section
17 207(c)(2)(A)(i) of that title.

18 “(B) BONUS.—In addition to the annual
19 rate of basic pay authorized by subparagraph
20 (A), the Chief Technology Officer may receive a
21 bonus for any calendar year not to exceed 30
22 percent of the annual rate of basic pay, based
23 upon the Administrator’s evaluation of the
24 Chief Technology Officer’s performance in rela-

1 tion to the performance targets established
2 under paragraph (4).

3 “(4) ANNUAL PERFORMANCE TARGETS.—

4 “(A) IN GENERAL.—The Administrator
5 and the Chief Operating Officer, in consultation
6 with the Chief Technology Officer, shall estab-
7 lish measurable annual performance targets for
8 the Chief Technology Officer in key operational
9 areas.

10 “(B) REPORT.—The Administrator shall
11 transmit to the Committee on Transportation
12 and Infrastructure of the House of Representa-
13 tives and the Committee on Commerce, Science,
14 and Transportation of the Senate a report de-
15 scribing the annual performance targets estab-
16 lished under subparagraph (A).

17 “(5) ANNUAL PERFORMANCE REPORT.—The
18 Chief Technology Officer shall prepare and transmit
19 to the Secretary of Transportation, the Committee
20 on Transportation and Infrastructure of the House
21 of Representatives, and the Committee on Com-
22 merce, Science, and Transportation of the Senate an
23 annual report containing—

24 “(A) detailed descriptions and metrics of
25 how successful the Chief Technology Officer

1 was in meeting the annual performance targets
2 established under paragraph (4); and

3 “(B) other information as may be re-
4 quested by the Administrator and the Chief Op-
5 erating Officer.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 709(a)(3)(L) of the Vision 100–
8 Century of Aviation Reauthorization Act (49 U.S.C.
9 40101 note) is amended by striking “Chief NextGen
10 Officer” and inserting “Chief Technology Officer”.

11 (2) Section 804(a)(4)(A) of the FAA Mod-
12 ernization and Reform Act of 2012 (49 U.S.C.
13 44501 note) is amended by striking “Chief NextGen
14 Officer” and inserting “Chief Technology Officer”.

15 **SEC. 546. FAA CIVIL AVIATION REGISTRY UPGRADE.**

16 (a) IN GENERAL.—Not later than 3 years after the
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration shall complete covered
19 upgrades of the Administration’s Civil Aviation Registry
20 (in this section referred to as the “Registry”).

21 (b) COVERED UPGRADE DEFINED.—In this section,
22 the term “covered upgrades” means—

23 (1) the digitization of nondigital Registry infor-
24 mation, including paper documents, microfilm im-

1 ages, and photographs, from an analog or nondigital
2 format to a digital format;

3 (2) the digitalization of Registry manual and
4 paper-based processes, business operations, and
5 functions by leveraging digital technologies and a
6 broader use of digitized data;

7 (3) the implementation of systems allowing a
8 member of the public to submit any information or
9 form to the Registry and conduct any transaction
10 with the Registry by electronic or other remote
11 means; and

12 (4) allowing more efficient, broader, and remote
13 access to the Registry.

14 (c) APPLICABILITY.—The requirements of subsection
15 (a) shall apply to the entire Civil Aviation Registry, includ-
16 ing the Aircraft Registration Branch and the Airmen Cer-
17 tification Branch.

18 (d) MANUAL SURCHARGE.—Chapter 453 of title 49,
19 United States Code, is amended by adding at the end the
20 following:

21 “§ 45306. **Manual surcharge**

22 “(a) IN GENERAL.—Not later 3 years after the date
23 of enactment of the FAA Reauthorization Act of 2018,
24 the Administrator shall impose and collect a surcharge on
25 a Civil Aviation Registry transaction that—

1 “(1) is conducted in person at the Civil Avia-
2 tion Registry;

3 “(2) could be conducted, as determined by the
4 Administrator, with the same or greater level of effi-
5 ciency by electronic or other remote means; and

6 “(3) is not related to research or other non-
7 commercial activities.

8 “(b) MAXIMUM SURCHARGE.—A surcharge imposed
9 and collected under subsection (a) shall not exceed twice
10 the maximum fee the Administrator is authorized to
11 charge for the registration of an aircraft, not used to pro-
12 vide air transportation, after the transfer of ownership
13 under section 45302(b)(2).

14 “(c) CREDIT TO ACCOUNT AND AVAILABILITY.—
15 Monies collected from a surcharge imposed under sub-
16 section (a) shall be treated as monies collected under sec-
17 tion 45302 and subject to the terms and conditions set
18 forth in section 45302(d).”.

19 (e) REPORT.—Not later than 1 year after date of en-
20 actment of this Act, and annually thereafter until the cov-
21 ered upgrades required under subsection (a) are complete,
22 the Administrator shall submit a report to the appropriate
23 committees of Congress describing—

24 (1) the schedule for the covered upgrades to the
25 Registry;

1 (2) the office responsible for the implementa-
2 tion of the such covered upgrades;

3 (3) the metrics being used to measure progress
4 in implementing the covered upgrades; and

5 (4) the status of the covered upgrades as of the
6 date of the report.

7 **SEC. 547. ENHANCED AIR TRAFFIC SERVICES.**

8 (a) **IN GENERAL.**—Not later than 180 days after the
9 date of enactment of this Act, the Administrator shall es-
10 tablish a pilot program to provide air traffic control serv-
11 ices on a preferential basis to aircraft equipped with cer-
12 tain NextGen avionics that—

13 (1) lasts at least 2 years; and

14 (2) operates in at least 3 suitable airports.

15 (b) **DURATION OF DAILY SERVICE.**—The air traffic
16 control services provided under the pilot program estab-
17 lished under subsection (a) shall occur for at least 3 con-
18 secutive hours between 0600 and 2200 local time during
19 each day of the pilot program.

20 (c) **AIRPORT SELECTION.**—The Administrator shall
21 designate airports for participation in the pilot program
22 after consultation with aircraft operators, manufacturers,
23 and airport sponsors.

24 (d) **DEFINITIONS.**—

1 (1) CERTAIN NEXTGEN AVIONICS.—The term
2 “certain NextGen avionics” means those avionics
3 and related software designated by the Adminis-
4 trator after consultations with aircraft operators and
5 manufacturers.

6 (2) PREFERENTIAL BASIS.—The term “pref-
7 erential basis” means—

8 (A) prioritizing aircraft equipped with cer-
9 tain NextGen avionics during a Ground Delay
10 Program by assigning them fewer minutes of
11 delay relative to other aircraft based upon prin-
12 ciples established after consultation with air-
13 craft operators and manufacturers; or

14 (B) sequencing aircraft equipped with cer-
15 tain NextGen avionics ahead of other aircraft in
16 the Traffic Flow Management System to the
17 maximum extent consistent with safety.

18 (e) SUNSET.—The pilot program established under
19 subsection (a) shall terminate on September 30, 2023.

20 (f) REPORT.—Not later than 90 days after the date
21 on which the pilot program terminates, the Administrator
22 shall submit to the appropriate committees of Congress
23 a report on the results of the pilot program.

1 **SEC. 548. SENSE OF CONGRESS ON ARTIFICIAL INTEL-**
2 **LIGENCE IN AVIATION.**

3 It is the sense of Congress that the Administration
4 should, in consultation with appropriate Federal agencies
5 and industry stakeholders, periodically review the use or
6 proposed use of artificial intelligence technologies within
7 the aviation system and assess whether the Administration
8 needs a plan regarding artificial intelligence standards and
9 best practices to carry out its mission.

10 **SEC. 549. STUDY ON CYBERSECURITY WORKFORCE OF FAA.**

11 (a) STUDY.—Not later than 1 year after the date of
12 the enactment of this Act, the Administrator shall enter
13 into an agreement with the National Academy of Sciences
14 to conduct a study on the cybersecurity workforce of the
15 Administration in order to develop recommendations to in-
16 crease the size, quality, and diversity of such workforce,
17 including cybersecurity researchers and specialists.

18 (b) REPORT TO CONGRESS.—Not later than 180 days
19 after the completion of the study conducted under sub-
20 section (a), the Administrator shall submit to the appro-
21 priate committees of Congress a report on the results of
22 such study.

1 **SEC. 550. TREATMENT OF MULTIYEAR LESSEES OF LARGE**
2 **AND TURBINE-POWERED MULTIENGINE AIR-**
3 **CRAFT.**

4 The Secretary of Transportation shall revise such
5 regulations as may be necessary to ensure that multiyear
6 lessees and owners of large and turbine-powered multien-
7 gine aircraft are treated equally for purposes of joint own-
8 ership policies of the FAA.

9 **SEC. 551. EMPLOYEE ASSAULT PREVENTION AND RE-**
10 **SPONSE PLANS.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this Act, each air carrier operating
13 under part 121 of title 14, Code of Federal Regulations
14 (in this section referred to as a “part 121 air carrier”),
15 shall submit to the Administrator for review and accept-
16 ance an Employee Assault Prevention and Response Plan
17 related to the customer service agents of the air carrier
18 and that is developed in consultation with the labor union
19 representing such agents.

20 (b) CONTENTS OF PLAN.—An Employee Assault Pre-
21 vention and Response Plan submitted under subsection (a)
22 shall include the following:

23 (1) Reporting protocols for air carrier customer
24 service agents who have been the victim of a verbal
25 or physical assault.

1 (2) Protocols for the immediate notification of
2 law enforcement after an incident of verbal or phys-
3 ical assault committed against an air carrier cus-
4 tomer service agent.

5 (3) Protocols for informing Federal law enforce-
6 ment with respect to violations of section 46503 of
7 title 49, United States Code.

8 (4) Protocols for ensuring that a passenger in-
9 volved in a violent incident with a customer service
10 agent of an air carrier is not allowed to move
11 through airport security or board an aircraft until
12 appropriate law enforcement has had an opportunity
13 to assess the incident and take appropriate action.

14 (5) Protocols for air carriers to inform pas-
15 sengers of Federal laws protecting Federal, airport,
16 and air carrier employees who have security duties
17 within an airport.

18 (c) EMPLOYEE TRAINING.—A part 121 air carrier
19 shall conduct initial and recurrent training for all employ-
20 ees, including management, of the air carrier with respect
21 to the plan required under subsection (a), which shall in-
22 clude training on de-escalating hostile situations, written
23 protocols on dealing with hostile situations, and the re-
24 porting of relevant incidents.

1 (d) STUDY.—Not later than 180 days after the date
2 of enactment of this Act, the Comptroller General of the
3 United States shall—

4 (1) complete a study of crimes of violence (as
5 defined in section 16 of title 18, United States
6 Code) committed against airline customer service
7 representatives while they are performing their du-
8 ties and on airport property; and

9 (2) submit the findings of the study, including
10 any recommendations, to the appropriate committees
11 of Congress.

12 (e) GAP ANALYSIS.—The study required under sub-
13 section (d) shall include a gap analysis to determine if
14 State and local laws and resources are adequate to deter
15 or otherwise address the crimes of violence described in
16 subsection (a) and recommendations on how to address
17 any identified gaps.

18 **SEC. 552. STUDY ON TRAINING OF CUSTOMER-FACING AIR**
19 **CARRIER EMPLOYEES.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall conduct a study on the training received by
23 customer-facing employees of air carriers.

24 (b) CONTENTS.—The study shall include—

1 (1) an analysis of the training received by cus-
2 tomer-facing employees with respect to the manage-
3 ment of disputes on aircraft;

4 (2) an examination of how institutions of higher
5 learning, in coordination with air carriers, customer-
6 facing employees and their representatives, consumer
7 advocacy organizations, and other stakeholders,
8 could—

9 (A) review such training and related prac-
10 tices;

11 (B) produce recommendations; and

12 (C) if determined appropriate, provide sup-
13 plemental training; and

14 (3) the effectiveness of air carriers' Employee
15 Assault Prevention and Response Plans required
16 under section 551.

17 (c) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the appropriate committees of Congress a report on the
20 results of the study.

21 **SEC. 553. AUTOMATED WEATHER OBSERVING SYSTEMS**
22 **POLICY.**

23 (a) IN GENERAL.—Not later than 18 months after
24 the date of enactment of this Act, the Administrator
25 shall—

1 (1) update automated weather observing sys-
2 tems standards to maximize the use of new tech-
3 nologies that promote the reduction of equipment or
4 maintenance cost for non-Federal automated weath-
5 er observing systems, including the use of remote
6 monitoring and maintenance, unless demonstrated to
7 be ineffective;

8 (2) review, and if necessary update, existing
9 policies in accordance with the standards developed
10 under paragraph (1); and

11 (3) establish a process under which appropriate
12 onsite airport personnel or an aviation official may,
13 with appropriate manufacturer training or alter-
14 native training as determined by the Administrator,
15 be permitted to conduct the minimum triannual pre-
16 ventative maintenance checks under the advisory cir-
17 cular for non-Federal automated weather observing
18 systems (AC 150/5220-16E) and any other similar,
19 successor checks.

20 (b) PERMISSION.—Permission to conduct the min-
21 imum triannual preventative maintenance checks de-
22 scribed under subsection (a)(3) and any similar, successor
23 checks shall not be withheld but for specific cause.

24 (c) STANDARDS.—In updating the standards under
25 subsection (a)(1), the Administrator shall—

1 (1) ensure the standards are performance-
2 based;

3 (2) use risk analysis to determine the accuracy
4 of the automated weather observing systems outputs
5 required for pilots to perform safe aircraft oper-
6 ations; and

7 (3) provide a cost-benefit analysis to determine
8 whether the benefits outweigh the cost for any re-
9 quirement not directly related to safety.

10 (d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—

11 (1) IN GENERAL.—Notwithstanding any other
12 law, the Administrator is authorized to and shall
13 waive any positive benefit-cost ratio requirement for
14 automated weather-observing system equipment
15 under subchapter I of chapter 471, of title 49,
16 United States Code, if—

17 (A) the airport sponsor or State, as appli-
18 cable, certifies that a grant for such automated
19 weather observing systems equipment under
20 that chapter will assist an applicable airport to
21 respond to regional emergency needs, including
22 medical, firefighting, and search and rescue
23 needs;

24 (B) the Secretary determines, after con-
25 sultation with the airport sponsor or State, as

1 applicable, that the placement of automated
2 weather-observing equipment at the airport will
3 not cause unacceptable radio frequency conges-
4 tion; and

5 (C) the other requirements under that
6 chapter are met.

7 (2) **APPLICABILITY TO LOW POPULATION DEN-**
8 **SITY STATES.**—This subsection is applicable only to
9 airports located in states with a population density,
10 based on the most recent decennial census, of 50 or
11 fewer persons per square mile.

12 (e) **REPORT.**—Not later than September 30, 2025,
13 the Administrator shall submit to the appropriate commit-
14 tees of Congress a report on the implementation of the
15 requirements under this section.

16 **SEC. 554. PRIORITIZING AND SUPPORTING THE HUMAN**
17 **INTERVENTION MOTIVATION STUDY (HIMS)**
18 **PROGRAM AND THE FLIGHT ATTENDANT**
19 **DRUG AND ALCOHOL PROGRAM (FADAP).**

20 (a) **IN GENERAL.**—The Administration shall continue
21 to prioritize and support the Human Intervention Motiva-
22 tion Study (HIMS) program for flight crewmembers and
23 the Flight Attendant Drug and Alcohol Program
24 (FADAP) for flight attendants.

25 (b) **STUDY AND RECOMMENDATIONS.**—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation shall enter into an agreement with the Trans-
3 portation Research Board (in this subsection re-
4 ferred to as the “Board”) under which the Board
5 shall—

6 (A) conduct a study on the Human Inter-
7 vention Motivation Study (HIMS) program, the
8 Flight Attendant Drug and Alcohol Program
9 (FADAP), and any other drug and alcohol pro-
10 grams within the other modal administrations
11 within the Department of Transportation;

12 (B) to the extent justified by the findings
13 from the study described in subparagraph (A),
14 make recommendations to the Federal Aviation
15 Administration and other administrations with-
16 in the Department of Transportation on how to
17 implement programs, or changes to existing
18 programs, that seek to help transportation
19 workers get treatment for drug and alcohol
20 abuse and return to work; and

21 (C) upon the completion of the study de-
22 scribed in subparagraph (A), submit to the ap-
23 propriate committees of Congress a report on
24 such study, including the Board’s findings, con-
25 clusions, and recommendations.

1 (2) REQUIREMENT.—In conducting the study
2 under paragraph (1), the Board shall identify—

3 (A) best policies and practices within exist-
4 ing programs; and

5 (B) best prevention, early intervention, and
6 return to work practices specifically around pre-
7 scription medication abuse, with a special em-
8 phasis on employee use of opioids.

9 **SEC. 555. COST-EFFECTIVENESS ANALYSIS OF EQUIPMENT**

10 **RENTAL.**

11 (a) AGENCY ANALYSIS OF EQUIPMENT ACQUI-
12 TION.—

13 (1) IN GENERAL.—Except as provided for
14 under subsection (d), the head of each executive
15 agency shall acquire equipment using the method of
16 acquisition most advantageous to the Federal Gov-
17 ernment based on a case-by-case analysis of com-
18 parative costs and other factors, including those fac-
19 tors listed in section 7.401 of the Federal Acquisi-
20 tion Regulation.

21 (2) METHODS OF ACQUISITION.—The methods
22 of acquisition to be compared in the analysis under
23 paragraph (1) shall include, at a minimum, pur-
24 chase, short-term rental or lease, long-term rental or
25 lease, interagency acquisition, and acquisition agree-

1 ments with a State or a local government as de-
2 scribed in subsection (c).

3 (3) AMENDMENT OF FEDERAL ACQUISITION
4 REGULATION.—Not later than 180 days after the
5 date of the enactment of this Act, the Federal Ac-
6 quisition Regulatory Council shall amend the Fed-
7 eral Acquisition Regulation to implement the re-
8 quirement of this subsection, including a determina-
9 tion of the factors for executive agencies to consider
10 for purposes of performing the analysis under para-
11 graph (1).

12 (4) RULE OF CONSTRUCTION.—Nothing in this
13 subsection shall be construed to affect the require-
14 ments of chapter 37 of title 41, United States Code,
15 section 2305 of title 10, United States Code, or sec-
16 tion 1535 of title 31, United States Code.

17 (b) DATE OF IMPLEMENTATION.—The analysis de-
18 scribed in subsection (a) shall be applied to contracts for
19 the acquisition of equipment entered into on or after the
20 date that the Federal Acquisition Regulation is amended
21 pursuant to paragraph (3) of such subsection.

22 (c) ACQUISITION AGREEMENTS WITH STATES OR
23 LOCAL GOVERNMENTS.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, including chapter 37 of title 41,

1 United States Code, the Small Business Act (15
2 U.S.C. 631 et seq.), and section 2305 of title 10,
3 United States Code, the head of an executive agency
4 may enter into an acquisition agreement authorized
5 by this section directly with a State or a local gov-
6 ernment if the agency head determines that the
7 agreement otherwise satisfies the requirements of
8 subsection (a)(1).

9 (2) TERMS AND CONDITIONS.—Any agreement
10 under paragraph (1) shall contain such terms and
11 conditions as the head of the agency deems nec-
12 essary or appropriate to protect the interests of the
13 United States.

14 (d) EXCEPTIONS.—The analysis otherwise required
15 under subsection (a) is not required—

16 (1) when the President has issued an emer-
17 gency declaration or a major disaster declaration
18 pursuant to the Robert T. Stafford Disaster Relief
19 and Energy Assistance Act (42 U.S.C. 5121 et seq.);

20 (2) in other emergency situations if the agency
21 head makes a determination that obtaining such
22 equipment is necessary in order to protect human
23 life or property; or

24 (3) when otherwise authorized by law.

1 (e) STUDY OF AGENCY ANALYSES.—Not later than
2 2 years after the date of the enactment of this Act, the
3 Comptroller General of the United States shall submit to
4 the Committee on Oversight and Government Reform of
5 the House of Representatives and the Committee on
6 Homeland Security and Governmental Affairs of the Sen-
7 ate a comprehensive report on the decisions made by the
8 executive agencies with the highest levels of acquisition
9 spending, and a sample of executive agencies with lower
10 levels of acquisition spending, to acquire high-value equip-
11 ment by lease, rental, or purchase pursuant to subpart 7.4
12 of the Federal Acquisition Regulation.

13 (f) DEFINITIONS.—In this section:

14 (1) EXECUTIVE AGENCY.—The term “executive
15 agency” has the meaning given that term in section
16 102 of title 40, United States Code.

17 (2) INTERAGENCY ACQUISITION.—The term
18 “interagency acquisition” has the meaning given
19 that term in section 2.101 of the Federal Acquisition
20 Regulation.

21 (3) STATE.—The term “State” has the mean-
22 ing given the term in section 6501 of title 31,
23 United States Code.

24 (4) LOCAL GOVERNMENT.—The term “local
25 government” means any unit of local government

1 within a State, including a county, municipality,
2 city, borough, town, township, parish, local public
3 authority, school district, special district, intrastate
4 district, council of governments, or regional or inter-
5 state government entity, and any agency or instru-
6 mentality of a local government.

7 **SEC. 556. AIRCRAFT REGISTRATION.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Administrator shall ini-
10 tiate a rulemaking to increase the duration of aircraft reg-
11 istrations for noncommercial general aviation aircraft to
12 7 years.

13 (b) CONSIDERATIONS.—In promulgating the notice of
14 proposed rulemaking described in subsection (a), the Ad-
15 ministrator may consider any events, circumstances,
16 changes in any ownership entity or structure, or other con-
17 dition that would necessitate renewal prior to the expira-
18 tion of an aircraft registration.

19 **SEC. 557. REQUIREMENT TO CONSULT WITH STAKE-**
20 **HOLDERS IN DEFINING SCOPE AND REQUIRE-**
21 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**
22 **GRAM.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Administrator shall consult with stake-
25 holders in defining the scope and requirements for any

1 new Future Flight Service Program of the Administration
2 to be used in a competitive source selection for the next
3 flight service contract with the Administration.

4 **SEC. 558. FEDERAL AVIATION ADMINISTRATION PERFORM-**
5 **ANCE MEASURES AND TARGETS.**

6 (a) PERFORMANCE MEASURES.—Not later than 180
7 days after the date of enactment of this Act, the Secretary
8 of Transportation shall establish performance measures
9 relating to the management of the Administration, which
10 shall, at a minimum, include measures to assess—

11 (1) the timely and cost-effective completion of
12 projects; and

13 (2) the effectiveness of the Administration in
14 achieving the goals described in section 47171 of
15 title 49, United States Code.

16 (b) PERFORMANCE TARGETS.—Not later than 180
17 days after the date on which the Secretary establishes per-
18 formance measures in accordance with subsection (a), the
19 Secretary shall establish performance targets relating to
20 each of the measures described in that subsection.

21 (c) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the inspector general of the De-
23 partment of Transportation shall submit to the appro-
24 priate committees of Congress a report describing the

1 progress of the Secretary in meeting the performance tar-
2 gets established under subsection (b).

3 **SEC. 559. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
4 **FACILITIES IN THE NEW YORK CITY AND**
5 **NEWARK REGION.**

6 Not later than 90 days after the date of enactment
7 of this Act, the Administrator shall submit to the appro-
8 priate committees of Congress a report on the Administra-
9 tion's staffing and scheduling plans for air traffic control
10 facilities in the New York City and Newark region for the
11 1-year period beginning on such date of enactment.

12 **SEC. 560. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
13 **PHILADELPHIA METROPOLITAN AREA AIR-**
14 **SPACE PROJECT.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Administrator shall develop and publish
17 in the Federal Register a work plan for the New York/
18 New Jersey/Philadelphia Metropolitan Area Airspace
19 Project.

20 **SEC. 561. ANNUAL REPORT ON INCLUSION OF DISABLED**
21 **VETERAN LEAVE IN PERSONNEL MANAGE-**
22 **MENT SYSTEM.**

23 Not later than 1 year after the date of enactment
24 of this Act, and not less frequently than annually there
25 after until the date that is 5 years after the date of enact-

1 ment of this Act, the Administrator shall publish on a pub-
2 licly accessible internet website a report on—

3 (1) the effect of the amendments made by sub-
4 sections (a) and (b) of section 2 of the Federal Avia-
5 tion Administration Veteran Transition Improve-
6 ment Act of 2016 (Public Law 114–242), on the Ad-
7 ministration’s work force; and

8 (2) the number of disabled veterans benefitting
9 from such subsections.

10 **SEC. 562. ENHANCED SURVEILLANCE CAPABILITY.**

11 Not later than 120 days after the date of enactment
12 of this Act, the Administrator shall identify and imple-
13 ment a strategy to—

14 (1) advance near-term and long-term uses of
15 enhanced surveillance systems, such as space-based
16 ADS–B, within United States airspace or inter-
17 national airspace delegated to the United States;

18 (2) exercise leadership on setting global stand-
19 ards for the separation of aircraft in oceanic air-
20 space by working with—

21 (A) foreign counterparts of the Adminis-
22 trator in the International Civil Aviation Orga-
23 nization and its subsidiary organizations;

24 (B) other international organizations and
25 fora; and

1 (C) the private sector; and

2 (3) ensure the participation of the Administra-
3 tion in the analysis of trials of enhanced surveillance
4 systems, such as space-based ADS-B, performed by
5 foreign air navigation service providers in North At-
6 lantic airspace.

7 **SEC. 563. ACCESS OF AIR CARRIERS TO INFORMATION**
8 **ABOUT APPLICANTS TO BE PILOTS FROM NA-**
9 **TIONAL DRIVER REGISTER.**

10 Section 30305(b)(8) of title 49, United States Code,
11 is amended to read as follows:

12 “(8)(A) An individual who is seeking employ-
13 ment by an air carrier as a pilot may request the
14 chief driver licensing official of a State to provide in-
15 formation about the individual under subsection (a)
16 of this section to the prospective employer of the in-
17 dividual, the authorized agent of the prospective em-
18 ployer, or the Secretary of Transportation.

19 “(B) An air carrier that is the prospective em-
20 ployer of an individual described in subparagraph
21 (A), or an authorized agent of such an air carrier,
22 may request and receive information about that indi-
23 vidual from the National Driver Register through an
24 organization approved by the Secretary for purposes
25 of requesting, receiving, and transmitting such infor-

1 mation directly to the prospective employer of such
2 an individual or the authorized agent of the prospec-
3 tive employer. This paragraph shall be carried out in
4 accordance with paragraphs (2) and (11) of section
5 44703(h) and the Fair Credit Reporting Act (15
6 U.S.C. 1681 et seq.).

7 “(C) Information may not be obtained from the
8 National Driver Register under this paragraph if the
9 information was entered in the Register more than
10 5 years before the request unless the information is
11 about a revocation or suspension still in effect on the
12 date of the request.”.

13 **SEC. 564. REGULATORY REFORM.**

14 Section 106(p)(5) of title 49, United States Code, is
15 amended—

16 (1) by striking “Committee, or” and inserting
17 “Committee,”; and

18 (2) by striking the period at the end and insert-
19 ing “, or such aerospace rulemaking committees as
20 the Secretary shall designate.”.

21 **SEC. 565. AVIATION FUEL.**

22 (a) **USE OF UNLEADED AVIATION GASOLINE.**—The
23 Administrator shall allow the use of an unleaded aviation
24 gasoline in an aircraft as a replacement for a leaded gaso-
25 line if the Administrator—

1 (1) determines that the unleaded aviation gaso-
2 line qualifies as a replacement for an approved lead-
3 ed gasoline;

4 (2) identifies the aircraft and engines that are
5 eligible to use the qualified replacement unleaded
6 gasoline; and

7 (3) adopts a process (other than the traditional
8 means of certification) to allow eligible aircraft and
9 engines to operate using qualified replacement un-
10 leaded gasoline in a manner that ensures safety.

11 (b) **TIMING.**—The Administrator shall adopt the
12 process described in subsection (a)(3) not later than 180
13 days after the later of—

14 (1) the date on which the Administration com-
15 pletes the Piston Aviation Fuels Initiative; or

16 (2) the date on which the American Society for
17 Testing and Materials publishes a production speci-
18 fication for an unleaded aviation gasoline.

19 (c) **TYPE CERTIFICATION.**—Existing regulatory
20 mechanisms by which an unleaded aviation gasoline can
21 be approved for use in an engine or aircraft by Type or
22 Supplemental Type Certificate for individual aircraft and
23 engine types or by Approved Model List Supplemental
24 Type Certificate providing coverage for a broad range of
25 applicable types of aircraft or engines identified in the ap-

1 plication shall continue to be fully available as a means
2 of approving and bringing an unleaded aviation gasoline
3 into general use in the United States. Such approvals shall
4 be issued when the Administrator finds that the aircraft
5 or engine performs properly and meets the applicable reg-
6 ulations and minimum standards under the normal certifi-
7 cation process.

8 **SEC. 566. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
9 **CONTROL SYSTEM.**

10 Notwithstanding any other provision of law, the Ad-
11 ministrator shall, upon request of a private aircraft owner
12 or operator, block the registration number of the aircraft
13 of the owner or operator from any public dissemination
14 or display, except in data made available to a Government
15 agency, for the noncommercial flights of the owner or op-
16 erator.

17 **SEC. 567. FEDERAL AVIATION ADMINISTRATION WORK-**
18 **FORCE REVIEW.**

19 (a) **IN GENERAL.**—Not later than 120 days after the
20 date of enactment of this Act, the Comptroller General
21 of the United States shall conduct a review to assess the
22 workforce and training needs of the FAA in the antici-
23 pated budgetary environment.

24 (b) **CONTENTS.**—In conducting the review, the
25 Comptroller General shall—

1 (1) identify the long-term workforce and train-
2 ing needs of the FAA workforce;

3 (2) assess the impact of automation, digitaliza-
4 tion, and artificial intelligence on the FAA work-
5 force;

6 (3) analyze the skills and qualifications required
7 of the FAA workforce for successful performance in
8 the current and future projected aviation environ-
9 ment;

10 (4) review current performance incentive poli-
11 cies of the FAA, including awards for performance;

12 (5) analyze ways in which the FAA can work
13 with industry and labor, including labor groups rep-
14 resenting the FAA workforce, to establish knowl-
15 edge-sharing opportunities between the FAA and the
16 aviation industry regarding new equipment and sys-
17 tems, best practices, and other areas of interest; and

18 (6) develop recommendations on the most effec-
19 tive qualifications, training programs (including e-
20 learning training), and performance incentive ap-
21 proaches to address the needs of the future pro-
22 jected aviation regulatory system in the anticipated
23 budgetary environment.

24 (c) REPORT.—Not later than 270 days after the date
25 of enactment of this Act, the Comptroller General shall

1 submit to the appropriate committees of Congress a report
2 on the results of the review.

3 **SEC. 568. REVIEW OF APPROVAL PROCESS FOR USE OF**
4 **LARGE AIR TANKERS AND VERY LARGE AIR**
5 **TANKERS FOR WILDLAND FIREFIGHTING.**

6 (a) REVIEW AND IMPROVEMENT OF CURRENT AP-
7 PROVAL PROCESS.—The Chief of the Forest Service, in
8 consultation with the Administrator, shall conduct a re-
9 view of the process used by the Forest Service to approve
10 the use of large air tankers and very large air tankers
11 for wildland firefighting for the purpose of—

12 (1) determining the current effectiveness, safe-
13 ty, and consistency of the approval process;

14 (2) developing recommendations for improving
15 the effectiveness, safety, and consistency of the ap-
16 proval process; and

17 (3) assisting in developing standardized next-
18 generation requirements for air tankers used for
19 firefighting.

20 (b) REPORTING REQUIREMENT.—Not later than 1
21 year after the date of enactment of this Act, the Chief
22 of the Forest Service shall submit to Congress a report
23 describing the outcome of the review conducted under sub-
24 section (a).

1 **SEC. 569. FAA TECHNICAL WORKFORCE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Administrator shall—

4 (1) identify and assess barriers to attracting,
5 developing, training, and retaining a talented work-
6 force in the areas of systems engineering, architec-
7 ture, systems integration, digital communications,
8 and cybersecurity;

9 (2) develop a comprehensive plan to attract, de-
10 velop, train, and retain talented individuals in those
11 fields; and

12 (3) identify existing authorities available to the
13 Administrator, through personnel reform, to attract,
14 develop, and retain this talent.

15 (b) REPORT.—The Administrator shall submit to the
16 appropriate committees of Congress a report on the
17 progress made toward implementing the requirements
18 under subsection (a).

19 **SEC. 570. STUDY ON AIRPORT CREDIT ASSISTANCE.**

20 (a) REVIEW.—

21 (1) IN GENERAL.—The Secretary of Transpor-
22 tation shall conduct a review to determine whether
23 a Federal credit assistance program would be bene-
24 ficial and feasible for airport-related projects as de-
25 fined in section 40117(a) of title 49, United States
26 Code.

1 (2) CONSIDERATIONS.—In carrying out the re-
2 view under paragraph (1), the Secretary may con-
3 sider—

4 (A) expanding eligibility under an existing
5 Federal credit assistance program to include
6 such projects; and

7 (B) establishing a new credit assistance
8 program for such projects.

9 (b) REPORT.—Not later than 270 days after the date
10 of enactment of this section, the Secretary shall submit
11 to the Committee on Transportation and Infrastructure
12 of the House of Representatives, the Committee on Com-
13 merce, Science, and Transportation of the Senate, and the
14 Committee on the Environment and Public Works of the
15 Senate a report on the results of the review carried out
16 under subsection (a). The report shall include a descrip-
17 tion of—

18 (1) the benefits and other effects;

19 (2) potential projects;

20 (3) the budgetary impacts, including an esti-
21 mate of—

22 (A) the average annual loan volume;

23 (B) the average subsidy rate; and

24 (C) any loss of Federal revenue;

25 (4) impacts on existing programs;

1 (5) the administrative costs; and

2 (6) any personnel changes.

3 **SEC. 571. SPECTRUM AVAILABILITY.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Spectrum Pipeline Act of 2015 (47
7 U.S.C. 921 note) requires the Secretary of Com-
8 merce to identify 30 megahertz of electromagnetic
9 spectrum below the frequency of 3 gigahertz to be
10 reallocated to non-Federal use, to shared Federal
11 and non-Federal use, or to a combination thereof.

12 (2) The Spectrum Pipeline Act of 2015 (47
13 U.S.C. 921 note) authorized the Director of the Of-
14 fice of Management and Budget to use amounts
15 made available through the Spectrum Relocation
16 Fund to make payments to Federal entities for re-
17 search and development, engineering studies, eco-
18 nomic analyses, and other activities intended to im-
19 prove the efficiency and effectiveness of Federal
20 spectrum use in order to make such spectrum avail-
21 able for reallocation for non-Federal use, for shared
22 Federal and non-Federal use, or for a combination
23 thereof.

24 (3) The Federal Aviation Administration, in co-
25 ordination with the Department of Commerce, the

1 Department of Defense, and the Department of
2 Homeland Security, established the Spectrum Effi-
3 cient National Surveillance Radar (referred to in
4 this section as “SENSR”) Program to assess the
5 feasibility of consolidating certain long-range, short-
6 range, and weather radar systems in order to make
7 available the 1300–1350 megahertz band.

8 (4) The SENSR Program received approval
9 and approximately \$71,500,000 from Office of Man-
10 agement and Budget on June 2, 2017, to proceed
11 with Phase I of the SENSR Spectrum Pipeline
12 Plan, which will focus on requirements and concept
13 development as well as documenting expected costs
14 and information for all impacted Federal spectrum
15 systems.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the SENSR Program of the FAA should con-
18 tinue its assessment of the feasibility of making the 1300–
19 1350 megahertz band of electromagnetic spectrum avail-
20 able for non-Federal use.

21 **SEC. 572. SPECIAL REVIEW.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, the Federal Aviation Man-
24 agement Advisory Council established under section
25 106(p) of title 49, United States Code (in this section re-

1 ferred to as the “Council”) shall initiate a special review
2 of the Federal Aviation Administration.

3 (b) REVIEW.—The special review of the Administra-
4 tion required under subsection (a) shall consist of the fol-
5 lowing:

6 (1) A review of the practices and procedures of
7 the Federal Aviation Administration for developing
8 proposals with respect to changes in regulations,
9 policies, or guidance of the Federal Aviation Admin-
10 istration relating to airspace that affect airport oper-
11 ations, airport capacity, the environment, or commu-
12 nities in the vicinity of airports, including an assess-
13 ment of the extent to which there is consultation, or
14 a lack of consultation, with respect to such pro-
15 posals—

16 (A) between and among the affected ele-
17 ments of the Federal Aviation Administration,
18 including the Air Traffic Organization, the Of-
19 fice of Airports, the Flight Standards Service,
20 the Office of NextGen, and the Office of Energy
21 and Environment; and

22 (B) between the Federal Aviation Adminis-
23 tration and affected entities, including airports,
24 aircraft operators, communities, and State and
25 local governments.

1 (2) Recommendations for revisions to such
2 practices and procedures to improve communications
3 and coordination between and among affected ele-
4 ments of the Federal Aviation Administration and
5 with other affected entities with respect to proposals
6 described in paragraph (1) and the potential effects
7 of such proposals.

8 (c) CONSULTATION.—In conducting the special re-
9 view, the Council shall consult with—

10 (1) air carriers, including passenger and cargo
11 air carriers;

12 (2) general aviation, including business aviation
13 and fixed wing aircraft and rotorcraft;

14 (3) airports of various sizes and types;

15 (4) exclusive bargaining representatives of air
16 traffic controllers certified under section 7111 of
17 title 5, United States Code; and

18 (5) State aviation officials.

19 (d) REPORT REQUIRED.—Not later than 2 years
20 after the date of enactment of this Act, the Administrator
21 shall submit to the appropriate committees of Congress
22 a report on the results of the special review conducted by
23 the Council, including a description of the comments, rec-
24 ommendations, and dissenting views received from the

1 Council and a description of how the Administrator plans
2 to implement the recommendations of the Council.

3 **SEC. 573. REIMBURSEMENT FOR IMMIGRATION INSPEC-**
4 **TIONS.**

5 Section 286(i) of the Immigration and Nationality
6 Act (8 U.S.C. 1356(i)) is amended—

7 (1) by inserting “, train,” after “commercial
8 aircraft”; and

9 (2) by inserting “, rail line,” after “airport”.

10 **SEC. 574. FAA EMPLOYEES IN GUAM.**

11 (a) IN GENERAL.—The Secretary of Transportation
12 shall use existing authorities to negotiate an agreement
13 that shall be renegotiated after no sooner than 3 years
14 with the Secretary of Defense—

15 (1) to authorize Federal Aviation Administra-
16 tion employees assigned to Guam, their spouses, and
17 their dependent children access to Department of
18 Defense health care facilities located in Guam on a
19 space available basis; and

20 (2) to provide for payments by the Federal
21 Aviation Administration to the Department of De-
22 fense for the administrative and any other costs as-
23 sociated with—

24 (A) enrolling Federal Aviation Administra-
25 tion employees assigned to Guam, their spouses,

1 and their dependent children in any Depart-
2 ment of Defense health care facility necessary
3 to allow access pursuant to paragraph (1); and

4 (B) third-party billing for any medical
5 costs incurred as a result of Federal Aviation
6 Administration employees, their spouses, or
7 their dependent children accessing and receiving
8 medical treatment or services at a Department
9 of Defense health care facility located in Guam.

10 (b) FUNDS SUBJECT TO APPROPRIATIONS.—Funds
11 for payments by the Federal Aviation Administration de-
12 scribed in subsection (a)(2) are subject to the availability
13 of amounts specifically provided in advance for that pur-
14 pose in appropriations Acts.

15 (c) REPORT ON ACCESS TO FACILITIES OF THE DE-
16 PARTMENT OF DEFENSE IN GUAM.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Transportation and the Secretary of De-
20 fense shall jointly submit a report to the Committees
21 on Armed Services of the Senate and the House of
22 Representatives, the Committee on Commerce of the
23 Senate, and the Committee on Transportation and
24 Infrastructure of the House of Representatives on
25 eligibility for and access to Department of Defense

1 support facilities by Federal Aviation Administration
2 employees in the U.S. territory of Guam.

3 (2) SCOPE.—The report required under para-
4 graph (1) shall:

5 (A) Evaluate the ability of Department of
6 Defense support facilities in Guam to ade-
7 quately serve current military personnel and de-
8 pendent populations.

9 (B) Determine how any substantial in-
10 creases to military personnel and dependent
11 populations in Guam would impact the ability
12 of existing Department of Defense support fa-
13 cilities to provide services for military personnel
14 and dependents stationed in Guam.

15 (C) Provide recommendations on any im-
16 provements to existing Department of Defense
17 facilities which may be needed to ensure those
18 facilities in Guam can support an increased
19 population of military personnel and dependent
20 population in Guam.

21 (D) Consider the impact of expanded ac-
22 cess to Department of Defense support facilities
23 in Guam to Federal Aviation Administration
24 employees and their families on the ability of

1 those facilities to provide services to military
2 personnel and their families.

3 (E) Recognize the Federal Aviation Ad-
4 ministration's vital role as the sole provider of
5 radar air traffic control services for aircraft tra-
6 versing into and out of the airspace near and
7 above Guam the vast majority of which are
8 military operations, Department of Defense air-
9 craft, or other aircraft traveling to Guam in
10 order to interact with Department of Defense
11 facilities.

12 (F) Review the existing authorities author-
13 izing eligibility and access for non-military per-
14 sonnel and their dependents to Department of
15 Defense support facilities, including health care
16 facilities, commissaries, and exchanges, outside
17 the continental United States.

18 (G) Determine the applicability of those
19 existing authorities to Department of Defense
20 support facilities in the U.S. territory of Guam.

21 (H) Outline the specific conditions on
22 Guam, which may necessitate access to Depart-
23 ment of Defense support facilities in Guam by
24 Federal Aviation Administration personnel and
25 their families.

1 (I) Determine any changes in laws or regu-
2 lations that may be necessary to authorize Fed-
3 eral Aviation Administration employees and
4 their families access to Department of Defense
5 health care facilities, commissaries, and ex-
6 changes in Guam.

7 **SEC. 575. GAO STUDY ON AIRLINE COMPUTER NETWORK**
8 **DISRUPTIONS.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Comptroller General of the United States
11 shall submit to the appropriate committees of Congress
12 a report containing a review of the following:

13 (1) Direct and indirect effects on passengers, if
14 any, resulting from significant computer network
15 disruptions of part 121 (of title 49, Code of Federal
16 Regulations) air carriers between January 1, 2014,
17 and the date of enactment of this section, includ-
18 ing—

19 (A) systemwide delays;

20 (B) flight cancellations; and

21 (C) disrupted or broken itineraries.

22 (2) An estimate of any expenses incurred by
23 passengers during significant computer network dis-
24 ruptions, including—

1 (A) meals, lodging, and ancillary expenses
2 per persons;

3 (B) late hotel check-in or car rental fees;

4 (C) missed cruise-ship departures; and

5 (D) lost productivity.

6 (3) Air carriers' contracts of carriage and inter-
7 line agreements to determine if and how air carriers
8 accommodate passengers affected by significant com-
9 puter network disruptions on other air carriers or
10 foreign air carriers.

11 (4) Whether passengers who have been dis-
12 placed by significant computer network disruptions
13 are furnished with alternative transportation aboard
14 another air carrier or foreign air carrier.

15 (5) Costs incurred by airports, if any, to meet
16 the essential needs of passengers, including in-
17 creased demands on utilities, food concessionaires,
18 restroom facilities, and security staffing, during sig-
19 nificant computer network disruptions.

20 (6) Other costs, if any, incurred by passengers,
21 airports, and other entities as a direct result of sig-
22 nificant computer network disruptions.

23 (7) Processes, plans, and redundancies in place
24 at air carriers to respond to and recover from such
25 network disruptions.

1 **SEC. 576. TOWER MARKING.**

2 Section 2110 of the FAA Extension, Safety, and Se-
3 curity Act of 2016 (49 U.S.C. 44718 note) is amended
4 to read as follows:

5 **“SEC. 2110. TOWER MARKING.**

6 “(a) APPLICATION.—

7 “(1) IN GENERAL.—Except as provided by
8 paragraph (2), not later than 18 months after the
9 date of enactment of the FAA Reauthorization Act
10 of 2018 or the date of availability of the database
11 developed by the Administrator pursuant to sub-
12 section (c), whichever is later, all covered towers
13 shall be either—

14 “(A) clearly marked consistent with appli-
15 cable guidance in the advisory circular of the
16 FAA issued December 4, 2015 (AC 70/7460-
17 IL); or

18 “(B) included in the database described in
19 subsection (c).

20 “(2) METEOROLOGICAL EVALUATION TOWER.—

21 A covered tower that is a meteorological evaluation
22 tower shall be subject to the requirements of sub-
23 paragraphs (A) and (B) of paragraph (1).

24 “(b) DEFINITIONS.—

25 “(1) IN GENERAL.—In this section, the fol-
26 lowing definitions apply:

1 “(A) COVERED TOWER.—

2 “(i) IN GENERAL.—The term ‘covered
3 tower’ means a structure that—

4 “(I) is a meteorological evalua-
5 tion tower, a self-standing tower, or
6 tower supported by guy wires and
7 ground anchors;

8 “(II) is 10 feet or less in diame-
9 ter at the above-ground base, exclud-
10 ing concrete footing;

11 “(III) at the highest point of the
12 structure is at least 50 feet above
13 ground level;

14 “(IV) at the highest point of the
15 structure is not more than 200 feet
16 above ground level;

17 “(V) has accessory facilities on
18 which an antenna, sensor, camera,
19 meteorological instrument, or other
20 equipment is mounted; and

21 “(VI) is located on land that is—

22 “(aa) in a rural area; and

23 “(bb) used for agricultural
24 purposes or immediately adjacent
25 to such land.

1 “(ii) EXCLUSIONS.—The term ‘cov-
2 ered tower’ does not include any structure
3 that—

4 “(I) is adjacent to a house, barn,
5 electric utility station, or other build-
6 ing;

7 “(II) is within the curtilage of a
8 farmstead or adjacent to another
9 building or visible structure;

10 “(III) supports electric utility
11 transmission or distribution lines;

12 “(IV) is a wind-powered electrical
13 generator with a rotor blade radius
14 that exceeds 6 feet;

15 “(V) is a street light erected or
16 maintained by a Federal, State, local,
17 or tribal entity;

18 “(VI) is designed and con-
19 structed to resemble a tree or visible
20 structure other than a tower;

21 “(VII) is an advertising billboard;

22 “(VIII) is located within the
23 right-of-way of a rail carrier, includ-
24 ing within the boundaries of a rail

1 yard, and is used for a railroad pur-
2 pose;

3 “(IX)(aa) is registered with the
4 Federal Communications Commission
5 under the Antenna Structure Reg-
6 istration program set forth under part
7 17 of title 47, Code of Federal Regu-
8 lations; and

9 “(bb) is determined by the Ad-
10 ministrator to pose no hazard to air
11 navigation; or

12 “(X) has already mitigated any
13 hazard to aviation safety in accord-
14 ance with Federal Aviation Adminis-
15 tration guidance or as otherwise ap-
16 proved by the Administrator.

17 “(B) RURAL AREA.—The term ‘rural area’
18 has the meaning given the term in section
19 609(a)(5) of the Public Utility Regulatory Poli-
20 cies Act of 1978 (7 U.S.C. 918c(a)(5)).

21 “(C) AGRICULTURAL PURPOSES.—The
22 term ‘agricultural purposes’ means farming in
23 all its branches and the cultivation and tillage
24 of the soil, the production, cultivation, growing,
25 and harvesting of any agricultural or horti-

1 cultural commodities performed by a farmer or
2 on a farm, or on pasture land or rangeland.

3 “(2) OTHER DEFINITIONS.—The Administrator
4 shall define such other terms as may be necessary
5 to carry out this section.

6 “(c) DATABASE.—The Administrator shall—

7 “(1) develop a new database, or if appropriate
8 use an existing database that meets the require-
9 ments under this section, that contains the location
10 and height of each covered tower that, pursuant to
11 subsection (a), the owner or operator of such tower
12 elects not to mark (unless the Administrator has de-
13 termined that there is a significant safety risk re-
14 quiring that the tower be marked), except that mete-
15 orological evaluation towers shall be marked and
16 contained in the database;

17 “(2) keep the database current to the extent
18 practicable;

19 “(3) ensure that any proprietary information in
20 the database is protected from disclosure in accord-
21 ance with law;

22 “(4) ensure that, by virtue of accessing the
23 database, users agree and acknowledge that informa-
24 tion in the database—

1 “(A) may only be used for aviation safety
2 purposes; and

3 “(B) may not be disclosed for purposes
4 other than aviation safety, regardless of wheth-
5 er or not the information is marked or labeled
6 as proprietary or with a similar designation;

7 “(5) ensure that the tower information in the
8 database is de-identified and that the information
9 only includes the location and height of covered tow-
10 ers and whether the tower has guy wires;

11 “(6) ensure that information in the dataset is
12 encrypted at rest and in transit and is protected
13 from unauthorized access and acquisition;

14 “(7) ensure that towers excluded from the defi-
15 nition of covered tower under subsection
16 (d)(1)(B)(ii)(VIII) must be registered by its owner
17 in the database;

18 “(8) ensure that a tower to be included in the
19 database pursuant to subsection (c)(1) and con-
20 structed after the date on which the database is fully
21 operational is submitted by its owner to the FAA for
22 inclusion in the database before its construction;

23 “(9) ensure that pilots who intend to conduct
24 low-altitude operations in locations described in sub-

1 section (b)(1)(A)(i)(VI) consult the relevant parts of
2 the database before conducting such operations; and

3 “(10) make the database available for use not
4 later than 1 year after the date of enactment of the
5 FAA Reauthorization Act of 2018.

6 “(d) EXCLUSION AND WAIVER AUTHORITIES.—As
7 part of a rulemaking conducted pursuant to this section,
8 the Administrator—

9 “(1) may exclude a class, category, or type of
10 tower that is determined by the Administrator, after
11 public notice and comment, to not pose a hazard to
12 aviation safety;

13 “(2) shall establish a process to waive specific
14 covered towers from the marking requirements
15 under this section as required under the rulemaking
16 if the Administrator later determines such tower or
17 towers do not pose a hazard to aviation safety;

18 “(3) shall consider, in establishing exclusions
19 and granting waivers under this subsection, factors
20 that may sufficiently mitigate risks to aviation safe-
21 ty, such as the length of time the tower has been in
22 existence or alternative marking methods or tech-
23 nologies that maintains a tower’s level of conspicu-
24 ousness to a degree which adequately maintains the
25 safety of the airspace; and

1 “(4) shall consider excluding towers located in
2 a State that has enacted tower marking require-
3 ments according to the Federal Aviation Administra-
4 tion’s recommended guidance for the voluntary
5 marking of meteorological evaluation towers erected
6 in remote and rural areas that are less than 200 feet
7 above ground level to enhance the conspicuity of the
8 towers for low level agricultural operations in the vi-
9 cinity of those towers.

10 “(e) PERIODIC REVIEW.—The Administrator shall, in
11 consultation with the Federal Communications Commis-
12 sion, periodically review any regulations or guidance re-
13 garding the marking of covered towers issued pursuant to
14 this section and update them as necessary, consistent with
15 this section, and in the interest of safety of low-altitude
16 aircraft operations.

17 “(f) FCC REGULATIONS.—The Federal Communica-
18 tions Commission shall amend section 17.7 of title 47,
19 Code of Federal Regulations, to require a notification to
20 the Federal Aviation Administration for any construction
21 or alteration of an antenna structure, as defined in section
22 17.2(a) of title 47, Code of Federal Regulations, that is
23 a covered tower as defined by this section.”.

1 **SEC. 577. MINIMUM DIMENSIONS FOR PASSENGER SEATS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, and after providing notice
4 and an opportunity for comment, the Administrator of the
5 Federal Aviation Administration shall issue regulations
6 that establish minimum dimensions for passenger seats on
7 aircraft operated by air carriers in interstate air transpor-
8 tation or intrastate air transportation, including mini-
9 mums for seat pitch, width, and length, and that are nec-
10 essary for the safety of passengers.

11 (b) DEFINITIONS.—The definitions contained in sec-
12 tion 40102(a) of title 49, United States Code, apply to
13 this section.

14 **SEC. 578. JUDICIAL REVIEW FOR PROPOSED ALTERNATIVE**
15 **ENVIRONMENTAL REVIEW AND APPROVAL**
16 **PROCEDURES.**

17 Section 330 of title 23, United States Code, is
18 amended—

19 (1) in subsection (a)(2), by striking “5 States”
20 and inserting “2 States”; and

21 (2) in subsection (e)—

22 (A) in paragraph (2)(A), by striking “2
23 years” and inserting “150 days as set forth in
24 section 139(l)”; and

1 (B) in paragraph (3)(B)(i), by striking “2
2 years” and inserting “150 days as set forth in
3 section 139(l)”.

4 **SEC. 579. REGULATORY STREAMLINING.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Administrator of the Federal Aviation Ad-
7 ministration shall issue a final regulation revising section
8 121.333(c)(3) of title 14, Code of Federal Regulations, to
9 apply only to flight altitudes above flight level 410.

10 **SEC. 580. SPACEPORTS.**

11 (a) SENSE OF CONGRESS ON STATE SPACEPORT
12 CONTRIBUTIONS.—It is the Sense of Congress that—

13 (1) State and local government-owned or -oper-
14 ated spaceports have contributed hundreds of mil-
15 lions of dollars in infrastructure improvements to
16 the national space launch infrastructure, providing
17 the United States Government and commercial cus-
18 tomers with world-class space launch and processing
19 infrastructure that is necessary to support continued
20 American leadership in space;

21 (2) State and local government-owned or -oper-
22 ated spaceports play a critical role in providing resil-
23 iency and redundancy in the national launch infra-
24 structure to support national security and civil gov-
25 ernment capabilities, and should be recognized as a

1 critical infrastructure in Federal strategy and plan-
2 ning;

3 (3) continued State and local government in-
4 vestments at launch and reentry facilities should be
5 encouraged and to the maximum extent practicable
6 supported in Federal policies, planning and infra-
7 structure investment considerations, including
8 through Federal, State, and local partnerships;

9 (4) Federal investments in space infrastructure
10 should enable partnerships between Federal agencies
11 and state and local spaceports to modernize and en-
12 able expanded 21st century space transportation in-
13 frastructure, especially multi-modal networks needed
14 for robust space transportation that support na-
15 tional security, civil, and commercial launch cus-
16 tomers; and

17 (5) States and local governments that have
18 made investments to build, maintain, operate, and
19 improve capabilities for national security, civil, and
20 commercial customers should be commended for
21 their infrastructure contributions to launch and re-
22 entry sites, and encouraged through a variety of pro-
23 grams and policies to continue these investments in
24 the national interest.

25 (b) ESTABLISHMENT OF OFFICE OF SPACEPORTS.—

1 (1) ESTABLISHMENT OF OFFICE OF SPACE-
2 PORTS.—Title 51, United States Code, is amended
3 by adding at the end of subtitle V the following:

4 **“CHAPTER 515—OFFICE OF SPACEPORTS**

5 **“§ 51501. Establishment of Office of Spaceports**

6 “(a) ESTABLISHMENT OF OFFICE.—Not later than
7 90 days after the date of enactment of this section, the
8 Secretary of Transportation shall identify, within the Of-
9 fice of Commercial Space Transportation, a centralized
10 policy office to be known as the Office of Spaceports.

11 “(b) FUNCTIONS.—The Office of Spaceports shall—

12 “(1) support licensing activities for operation of
13 launch and reentry sites;

14 “(2) develop policies that promote infrastruc-
15 ture improvements at spaceports;

16 “(3) provide technical assistance and guidance
17 to spaceports;

18 “(4) promote United States spaceports within
19 the Department; and

20 “(5) strengthen the Nation’s competitiveness in
21 commercial space transportation infrastructure and
22 increase resilience for the Federal Government and
23 commercial customers.

24 “(c) RECOGNITION.—In carrying out the functions
25 assigned in subsection (b), the Secretary shall recognize

1 the unique needs and distinctions of spaceports that
2 host—

3 “(1) launches to or reentries from orbit; and

4 “(2) are involved in suborbital launch activities.

5 “(d) DIRECTOR.—The head of the Office of the Asso-
6 ciate Administrator for Commercial Space Transportation
7 shall designate a Director of the Office of Spaceports.

8 “(e) DEFINITION.—In this section the term ‘space-
9 port’ means a launch or reentry site that is operated by
10 an entity licensed by the Secretary of Transportation.”.

11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of chapters of title 51, United
13 State Code, is amended by adding at the end of sub-
14 title V the following:

“515. Office of Spaceports 51501”.

15 (c) REPORT ON NATIONAL SPACEPORTS POLICY.—

16 (1) SENSE OF CONGRESS.—It is the sense of
17 Congress that—

18 (A) A robust network of space transpor-
19 tation infrastructure, including spaceports, is
20 vital to the growth of the domestic space indus-
21 try and America’s competitiveness and access to
22 space.

23 (B) Non-Federal spaceports have signifi-
24 cantly increased the space transportation infra-
25 structure of the United States through signifi-

1 cant investments by State and local govern-
2 ments, which have encouraged greater private
3 investment.

4 (C) These spaceports have led to the devel-
5 opment of a growing number of orbital and sub-
6 orbital launch and reentry sites that are avail-
7 able to the national security, civil, and commer-
8 cial space customers at minimal cost to the
9 Federal Government.

10 (D) The Federal Government, led by the
11 Secretary of Transportation, should seek to pro-
12 mote the growth, resilience, and capabilities of
13 this space transportation infrastructure through
14 policies and through partnerships with State
15 and local governments.

16 (2) REPORT.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of
18 Transportation shall submit to Congress a report
19 that—

20 (A) evaluates the Federal Government’s
21 national security and civil space transportation
22 demands and the needs of the United States
23 and international commercial markets;

24 (B) proposes policies and programs de-
25 signed to ensure a robust and resilient orbital

1 and suborbital spaceport infrastructure to serve
2 and capitalize on these space transportation op-
3 portunities;

4 (C) reviews the development and invest-
5 ments made by international competitors in for-
6 eign spaceports, to the extent practicable;

7 (D) makes recommendations on how the
8 Federal Government can support, encourage,
9 promote, and facilitate greater investments in
10 infrastructure at spaceports; and

11 (E) considers and makes recommendations
12 about how spaceports can fully support and en-
13 able the national space policy.

14 (3) UPDATES TO THE REPORT.—Not later than
15 3 years after the date of enactment of this Act and
16 every 2 years until December 2024, the Secretary
17 shall—

18 (A) update the previous report prepared
19 under this subsection; and

20 (B) submit the updated report to Con-
21 gress.

22 (4) CONSULTATIONS REQUIRED.—In preparing
23 the reports required by this subsection, the Sec-
24 retary shall consult with individuals including—

25 (A) the Secretary of Defense;

1 (B) the Secretary of Commerce;

2 (C) the Administrator of the National Aer-
3 onautics and Space Administration; and

4 (D) interested persons at spaceports, State
5 and local governments, and industry.

6 (d) REPORT ON SPACE TRANSPORTATION INFRA-
7 STRUCTURE MATCHING GRANTS.—

8 (1) GAO STUDY AND REPORT.—The Comp-
9 troller General of the United States shall conduct a
10 study regarding spaceport activities carried out pur-
11 suant to chapters 509 and 511 of title 51, United
12 States Code, including—

13 (A) an assessment of potential mechanisms
14 to provide Federal support to spaceports, in-
15 cluding the airport improvement program estab-
16 lished under subchapter I of chapter 471 of
17 title 49, United States Code, and the program
18 established under chapter 511 of title 51,
19 United States Code;

20 (B) recommendations for potential funding
21 options; and

22 (C) any necessary changes to improve the
23 spaceport application review process.

24 (2) CONSULTATION.—In carrying out the study
25 described in paragraph (1), the Comptroller General

1 shall consult with sources from each component of
2 the commercial space transportation sector, includ-
3 ing interested persons in industry and government
4 officials at the Federal, State, and local levels.

5 (3) USER-FUNDED SPACEPORTS.—In reviewing
6 funding options, the Comptroller General shall dis-
7 tinguish between spaceports that are funded by
8 users and those that are not.

9 (4) REPORT.—Not later than 1 year after the
10 date of enactment of this Act, the Comptroller Gen-
11 eral shall submit to Congress a report containing re-
12 sults of the study conducted under paragraph (1).

13 (e) DEFINITION.—In this section, the term “space-
14 port” means a launch or reentry site that is operated by
15 an entity licensed by the Secretary of Transportation.

16 **SEC. 581. SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-**
17 **ATIONS (SPACE SUPPORT VEHICLES).**

18 (a) SPACE SUPPORT VEHICLE DEFINITIONS.—Sec-
19 tion 50902 of title 51, United States Code, is amended—

20 (1) by redesignating paragraphs (21) through
21 (25) as paragraphs (23) through (27), respectively;
22 and

23 (2) by inserting after paragraph (20) the fol-
24 lowing:

1 “(21) ‘space support vehicle flight’ means a
2 flight in the air that—

3 “(A) is not a launch or reentry; but

4 “(B) is conducted by a space support vehi-
5 cle.

6 “(22) ‘space support vehicle’ means a vehicle
7 that is—

8 “(A) a launch vehicle;

9 “(B) a reentry vehicle; or

10 “(C) a component of a launch or reentry
11 vehicle.”.

12 (b) SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-
13 ATIONS.—

14 (1) IN GENERAL.—Chapter 447, of title 49,
15 United States Code, as amended by this Act, is fur-
16 ther amended by adding at the end the following:

17 **“§ 44737. Special rule for certain aircraft operations.**

18 “(a) IN GENERAL.—The operator of an aircraft with
19 a special airworthiness certification in the experimental
20 category may—

21 “(1) operate the aircraft for the purpose of con-
22 ducting a space support vehicle flight (as that term
23 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
3 hire —

4 “(A) notwithstanding any rule or term of
5 a 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
23 509 of title 51;

24 “(C) is a launch vehicle, a reentry vehicle,
25 or a component of a launch or reentry vehicle

1 licensed for operations pursuant to chapter 509
2 of 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
10 used 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
17 a space support vehicle flight under this section only
18 to the extent that a term of the experimental certifi-
19 cate under which the person is operating the space
20 support vehicle prohibits the carriage of persons or
21 property for compensation or hire.

22 “(2) AUTHORITY OF ADMINISTRATOR.—Noth-
23 ing in this section shall be construed to limit the au-
24 thority of the Administrator of the Federal Aviation
25 Administration to exempt a person from a regu-

1 latory prohibition on the carriage of persons or prop-
2 erty for compensation or hire subject to terms and
3 conditions other than those described in this sec-
4 tion”.

5 (2) TECHNICAL AMENDMENT.—The table of
6 contents of 447 of title 49, United States Code, as
7 amended by this Act, is further amended by adding
8 at the end the following:

“Sec. 44737. Special rule for certain aircraft operations.”.

9 (3) RULE OF CONSTRUCTION RELATING TO
10 ROLE OF NASA.—Nothing in this subsection shall be
11 construed as limiting the ability of National Aero-
12 nautics and Space Administration (NASA) to place
13 conditions on or otherwise qualify the operations of
14 NASA contractors providing NASA services.

15 **SEC. 582. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

16 (a) IN GENERAL.—Chapter 2 of title 18, United
17 States Code, is amended by inserting after section 39A
18 the following:

19 **“§ 39B. Unsafe operation of unmanned aircraft**

20 “(a) OFFENSE.—Any person who operates an un-
21 manned aircraft and:

22 “(1) Knowingly interferes with, or disrupts the
23 operation of, an aircraft carrying 1 or more occu-
24 pants operating in the special aircraft jurisdiction of
25 the United States, in a manner that poses an immi-

1 nent safety hazard to such occupants, shall be pun-
2 ished as provided in subsection (c).

3 “(2) Recklessly interferes with, or disrupts the
4 operation of, an aircraft carrying 1 or more occu-
5 pants operating in the special aircraft jurisdiction of
6 the United States, in a manner that poses an immi-
7 nent safety hazard to such occupants, shall be pun-
8 ished as provided in subsection (c).

9 “(b) OPERATION OF UNMANNED AIRCRAFT IN
10 CLOSE PROXIMITY TO AIRPORTS.—

11 “(1) IN GENERAL.—Any person who, without
12 authorization, knowingly operates an unmanned air-
13 craft within a runway exclusion zone shall be pun-
14 ished as provided in subsection (c).

15 “(2) RUNWAY EXCLUSION ZONE DEFINED.—In
16 this subsection, the term ‘runway exclusion zone’
17 means a rectangular area—

18 “(A) centered on the centerline of an ac-
19 tive runway of an airport immediately around
20 which the airspace is designated as class B,
21 class C, or class D airspace at the surface
22 under part 71 of title 14, Code of Federal Reg-
23 ulations; and

24 “(B) the length of which extends parallel
25 to the runway’s centerline to points that are 1

1 statute mile from each end of the runway and
2 the width of which is $\frac{1}{2}$ statute mile.

3 “(c) PENALTY.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the punishment for an offense under sub-
6 sections (a) or (b) shall be a fine under this title,
7 imprisonment for not more than 1 year, or both.

8 “(2) SERIOUS BODILY INJURY OR DEATH.—Any
9 person who:

10 “(A) Causes serious bodily injury or death
11 during the commission of an offense under sub-
12 section (a)(2) shall be fined under this title, im-
13 prisoned for a term of up to 10 years, or both.

14 “(B) Causes, or attempts or conspires to
15 cause, serious bodily injury or death during the
16 commission of an offense under subsections
17 (a)(1) and (b) shall be fined under this title,
18 imprisoned for any term of years or for life, or
19 both.”.

20 (b) TABLE OF CONTENTS.—The table of contents for
21 chapter 2 of title 18, United States Code, is amended by
22 inserting after the item relating to section 39A the fol-
23 lowing:

“39B. Unsafe operation of unmanned aircraft.”.

1 **TITLE VI—AVIATION**
2 **WORKFORCE**
3 **Subtitle A—Youth in Aviation**

4 **SEC. 601. STUDENT OUTREACH REPORT.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator of the Federal Aviation Ad-
7 ministration shall submit to the appropriate committees
8 of Congress a report that describes the Administration’s
9 existing outreach efforts, such as the STEM Aviation and
10 Space Education Outreach Program, to elementary and
11 secondary students who are interested in careers in
12 science, technology, engineering, art, and mathematics—

13 (1) to prepare and inspire such students for
14 aviation and aeronautical careers; and

15 (2) to mitigate an anticipated shortage of pilots
16 and other aviation professionals.

17 **SEC. 602. YOUTH ACCESS TO AMERICAN JOBS IN AVIATION**
18 **TASK FORCE.**

19 (a) **IN GENERAL.**—Not later than 90 days after the
20 date of enactment of this Act, the Administrator of the
21 Federal Aviation Administration shall establish a Youth
22 Access to American Jobs in Aviation Task Force (in this
23 section referred to as the “Task Force”).

24 (b) **DUTIES.**—Not later than 12 months after its es-
25 tablishment under subsection (a), the Task Force shall de-

1 velop and submit to the Administrator recommendations
2 and strategies for the Administration to—

3 (1) facilitate and encourage high school stu-
4 dents in the United States, beginning in their junior
5 year, to enroll in and complete career and technical
6 education courses, including STEM, that would pre-
7 pare them to enroll in a course of study related to
8 an aviation career at an institution of higher edu-
9 cation, including a community college or trade
10 school;

11 (2) facilitate and encourage the students de-
12 scribed in paragraph (1) to enroll in a course of
13 study related to an aviation career, including avia-
14 tion manufacturing, engineering and maintenance,
15 at an institution of higher education, including a
16 community college or trade school; and

17 (3) identify and develop pathways for students
18 who complete a course of study described in para-
19 graph (2) to secure registered apprenticeships, work-
20 force development programs, or careers in the avia-
21 tion industry of the United States.

22 (c) CONSIDERATIONS.—When developing rec-
23 ommendations and strategies under subsection (b), the
24 Task Force shall—

1 (1) identify industry trends that encourage or
2 discourage youth in the United States from pursuing
3 careers in aviation;

4 (2) consider how the Administration; air car-
5 riers; aircraft, powerplant, and avionics manufactur-
6 ers; aircraft repair stations; and other aviation
7 stakeholders can coordinate efforts to support youth
8 in pursuing careers in aviation;

9 (3) identify methods of enhancing aviation ap-
10 prenticeships, job skills training, mentorship, edu-
11 cation, and outreach programs that are exclusive to
12 youth in the United States; and

13 (4) identify potential sources of government and
14 private sector funding, including grants and scholar-
15 ships, that may be used to carry out the rec-
16 ommendations and strategies described in subsection
17 (b) and to support youth in pursuing careers in avia-
18 tion.

19 (d) REPORT.—Not later than 30 days after submis-
20 sion of the recommendations and strategies under sub-
21 section (b), the Task Force shall submit to the appropriate
22 committees of Congress a report outlining such rec-
23 ommendations and strategies.

1 (e) COMPOSITION OF TASK FORCE.—The Adminis-
2 trator shall appoint members of the Task Force, including
3 representatives from the following:

4 (1) Air carriers.

5 (2) Aircraft, powerplant, and avionics manufac-
6 turers.

7 (3) Aircraft repair stations.

8 (4) Local educational agencies or high schools.

9 (5) Institutions of higher education, including
10 community colleges and aviation trade schools.

11 (6) Such other aviation and educational stake-
12 holders and experts as the Administrator considers
13 appropriate.

14 (f) PERIOD OF APPOINTMENT.—Members shall be
15 appointed to the Task Force for the duration of the exist-
16 ence of the Task Force.

17 (g) COMPENSATION.—Task Force members shall
18 serve without compensation.

19 (h) SUNSET.—The Task Force shall terminate upon
20 the submittal of the report pursuant to subsection (d).

21 (i) DEFINITION OF STEM.—The term “STEM”
22 means—

23 (1) science, technology, engineering, and mathe-
24 matics; and

1 to contribute balanced points of view and ideas regarding
2 the 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
6 from 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 avia-
15 tion trade schools.

16 (d) PERIOD OF APPOINTMENT.—Members shall be
17 appointed to the Board for the duration of the existence
18 of the Board.

19 (e) COMPENSATION.—Board members shall serve
20 without compensation.

21 (f) DUTIES.—Not later than 18 months after the
22 date of enactment of this Act, the Board shall present a
23 comprehensive plan for strategies the Administration can
24 take, 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 compa-
5 nies, nonprofit organizations, and aviation and engi-
6 neering associations to facilitate support for women
7 pursuing 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
17 submit 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 Con-
4 gress 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
11 resources;

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 appren-
21 ticeships or other mechanisms, to attract young peo-
22 ple to aviation and aerospace careers and to enable
23 individuals to gain the critical skills needed to thrive
24 in such 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
6 United States economy in the creation and adminis-
7 tration of 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
12 of 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
6 General shall submit to the appropriate committees of
7 Congress a report on the results of the study and related
8 recommendations.

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
12 145 of title 14, Code of Federal Regulations, should hire
13 more of the Nation's veterans.

14 **SEC. 624. AVIATION MAINTENANCE INDUSTRY TECHNICAL**
15 **WORKFORCE.**

16 (a) REGULATIONS.—Not later than 180 days after
17 the date of enactment of this Act, the Administrator of
18 the Federal Aviation Administration shall issue a final
19 rule to modernize training programs at aviation mainte-
20 nance technician schools governed by part 147 of title 14,
21 Code of Federal Regulations.

22 (b) GUIDANCE.—Not later than 180 days after the
23 date of enactment of this Act, the Administrator shall co-
24 ordinate with government, educational institutions, labor
25 organizations representing aviation maintenance workers,

1 and businesses to develop and publish guidance or model
2 curricula for aviation maintenance technician schools re-
3 ferred to in subsection (a) to ensure workforce readiness
4 for industry needs, including curricula related to training
5 in avionics, troubleshooting, and other areas of industry
6 needs.

7 (c) REVIEW AND PERIODIC UPDATES.—The Admin-
8 istrator shall—

9 (1) ensure training programs referred to in sub-
10 section (a) are revised and updated in correlation
11 with aviation maintenance technician airman certifi-
12 cation standards as necessary to reflect current tech-
13 nology and maintenance practices; and

14 (2) publish updates to the guidance or model
15 curricula required under subsection (b) at least once
16 every 2 years, as necessary, from the date of initial
17 publication.

18 (d) REPORT TO CONGRESS.—If the Administrator
19 does not issue such final rule by the deadline specified in
20 subsection (a), the Administrator shall, not later than 30
21 days after such deadline, submit to the appropriate com-
22 mittees of Congress a report containing—

23 (1) an explanation as to why such final rule was
24 not issued by such deadline; and

25 (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
8 profession, particularly technical workers in the avia-
9 tion 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,
20 including Federal Aviation Administration oversight
21 of certification, testing, and education programs, on
22 employment of technical workers in the aviation
23 maintenance industry;

24 (5) develop recommendations on how Federal
25 Aviation Administration regulations and policies

1 could be improved to modernize training programs
2 at aviation maintenance technical schools and ad-
3 dress aviation maintenance industry needs for tech-
4 nical 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 re-
12 sources necessary to strengthen existing training
13 programs or develop new training programs to sup-
14 port workforce growth in the aviation industry.

15 (g) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to the appropriate committees of Congress a report
18 on the 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
14 pilots 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 ex-
25 pended to provide grants under the program estab-

1 lished under subsection (a)(1), and \$5,000,000 for
2 each of fiscal years 2019 through 2023 is authorized
3 to provide grants under the program established
4 under subsection (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
12 submitted, in such form as the Secretary may speci-
13 fy, by—

14 (A) an air carrier, as defined in section
15 40102 of title 49, United States Code, or a
16 labor 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
20 a 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
24 training, as defined in part 61 of title 14, Code
25 of Federal Regulations, or that holds a pilot

1 school certificate under part 141 of title 14,
2 Code of 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 speci-
7 fy, 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
11 representing 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 pi-
2 lots, aerospace engineers, or unmanned aircraft
3 systems operators; or

4 (B) to support the professional develop-
5 ment of teachers using the curriculum described
6 in subparagraph (A).

7 (2) For purposes of the pilot program estab-
8 lished under subsection (a)(2), an eligible project is
9 a project—

10 (A) to establish new educational programs
11 that teach technical skills used in aviation
12 maintenance, including purchasing equipment,
13 or to 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
18 the 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
24 related to aviation maintenance in economically
25 disadvantaged geographic areas;

1 (E) to support transition to careers in
2 aviation maintenance, including for members of
3 the 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 es-
9 tablished 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,
14 business aviation, general aviation, educational insti-
15 tutions, and other relevant aviation sectors; and

16 (2) ensure that the applications selected for
17 projects established under subsection (a)(1) will
18 allow participation from a diverse collection of public
19 and private schools in rural, suburban, and urban
20 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
7 the date of enactment of this Act, the Secretary of Trans-
8 portation, in consultation with the Secretary of Education
9 and the Secretary of Labor, shall establish a process to
10 designate consortia of public, 2-year institutions of higher
11 education as Community and Technical College Centers
12 of Excellence in Small Unmanned Aircraft System Tech-
13 nology Training (in this section referred to as the “Cen-
14 ters of Excellence”).

15 (b) FUNCTIONS.—A Center of Excellence designated
16 under subsection (a) shall have the capacity to train stu-
17 dents for career opportunities in industry and government
18 service related to the use of small unmanned aircraft sys-
19 tems.

20 (c) EDUCATION AND TRAINING REQUIREMENTS.—In
21 order to be designated as a Center of Excellence under
22 subsection (a), a consortium shall be able to address edu-
23 cation and training requirements associated with various
24 types of small unmanned aircraft systems, components,
25 and related equipment, including with respect to—

- 1 (1) multicopter and fixed-wing small unmanned
2 aircraft;
- 3 (2) flight systems, radio controllers, compo-
4 nents, 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, includ-
14 ing in agriculture, law enforcement, monitoring oil
15 and gas pipelines, natural disaster response and re-
16 covery, fire and emergency services, and other
17 emerging 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
24 processing, analyzing, and visualizing of data col-
25 lected by small unmanned aircraft.

1 (d) COLLABORATION.—Each Center of Excellence
2 shall seek to collaborate with institutions participating in
3 the Alliance for System Safety of UAS through Research
4 Excellence of the Federal Aviation Administration and
5 with the test ranges defined under section 44801 of title
6 49, United 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
15 Federal Aviation Administration shall establish a colle-
16 giate training initiative program relating to unmanned air-
17 craft systems by making new agreements or continuing ex-
18 isting agreements with institutions of higher education (as
19 defined in section 101 of the Higher Education Act of
20 1965 (20 U.S.C. 1001)) under which the institutions pre-
21 pare students for careers involving unmanned aircraft sys-
22 tems. The Administrator may establish standards for the
23 entry of such institutions into the program and for their
24 continued participation in the program.

1 (b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In
2 this 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
15 Aviation Administration.

16 (2) FAA.—The term “FAA” means the Fed-
17 eral 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
7 the 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
15 title 49, United States Code, is amended—

16 (1) in paragraph (1), by striking “consider”
17 and 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
24 highest research priority, at least 70 percent of the
25 amount appropriated under subsection (a) of this

1 section shall be for safety research and development
2 projects.”.

3 (c) ANNUAL SUBMISSION OF THE NATIONAL AVIA-
4 TION RESEARCH PLAN.—Section 48102(g) of title 49,
5 United States, Code, is amended to read as follows:

6 “(g) ANNUAL SUBMISSION OF THE NATIONAL AVIA-
7 TION RESEARCH PLAN.—The Secretary shall submit the
8 national aviation research plan to Congress no later than
9 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. ASSOCIATE ADMINISTRATOR FOR RESEARCH AND**
15 **DEVELOPMENT.**

16 (a) APPOINTMENT.—Not later than 3 months after
17 the date of enactment of this Act, the Administrator shall
18 appoint an Assistant Administrator for Research and De-
19 velopment.

20 (b) RESPONSIBILITIES.—The Assistant Adminis-
21 trator for Research and Development shall, at a minimum,
22 be responsible 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(e) of title 49, United States
5 Code.

6 (c) DUAL APPOINTMENT.—The Assistant Adminis-
7 trator for Research and Development may be a dual-ap-
8 pointment, holding the responsibilities of another Assist-
9 ant Administrator.

10 **SEC. 712. RESEARCH ADVISORY COMMITTEE.**

11 (a) ADVICE AND RECOMMENDATIONS.—Section
12 44508(a)(1)(A) of title 49, United States Code, is amend-
13 ed to read as follows:

14 “(A) provide advice and recommendations to
15 the Administrator of the Federal Aviation Adminis-
16 tration and Congress about needs, objectives, plans,
17 approaches, content, and accomplishments of all
18 aviation research and development activities and
19 programs carried out, including those under sections
20 40119, 44504, 44505, 44507, 44511–44513, and
21 44912 of this title;”.

22 (b) WRITTEN REPLY TO RESEARCH ADVISORY COM-
23 MITTEE.—Section 44508 of title 49, United States Code,
24 is amended by adding at the end the following:

25 “(f) WRITTEN REPLY.—

1 “(1) IN GENERAL.—Not later than 60 days
2 after receiving any recommendation from the re-
3 search advisory committee, the Administrator shall
4 provide a written reply to the research advisory com-
5 mittee that, at a minimum—

6 “(A) clearly states whether the Adminis-
7 trator accepts or rejects the recommendations;

8 “(B) explains the rationale for the Admin-
9 istrator’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
17 the 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 the national airspace system. This integrated test environ-
2 ment shall incorporate integrated test capacities within
3 the FAA related to the national airspace system and
4 NextGen.

5 **SEC. 732. STUDY ON THE EFFECT OF EXTREME WEATHER**
6 **ON AIR TRAVEL.**

7 (a) **STUDY REQUIRED.**—Not later than 1 year after
8 the date of enactment of this Act, the Administrator of
9 the National Oceanic and Atmospheric Administration
10 and the Administrator of the Federal Aviation Adminis-
11 tration shall jointly complete a study on the effect of ex-
12 treme weather on commercial air travel.

13 (b) **ELEMENTS.**—The study required by subsection
14 (a) shall include assessment of the following:

15 (1) Whether extreme weather may result in an
16 increase in turbulence.

17 (2) The effect of extreme weather on current
18 commercial air routes.

19 (3) The effect of extreme weather on domestic
20 airports, air traffic control facilities, and associated
21 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
7 of this Act, the Administrator, in consultation with NASA,
8 shall transmit a comprehensive research plan for the cer-
9 tification of new technologies into the national airspace
10 system to the Committee on Science, Space, and Tech-
11 nology of the House of Representatives and the Committee
12 on Commerce, Science, and Transportation of the Senate.
13 This plan shall identify research necessary to support the
14 certification and implementation of NextGen, including
15 both ground and air elements, and explain the plan’s rela-
16 tionship to other activities and procedures required for
17 certification and implementation of new technologies into
18 the national airspace system. This plan shall be informed
19 by the recommendations of the National Research Council
20 report titled “Transformation in the Air—A Review of the
21 FAA Research Plan”, issued on June 8, 2015. This plan
22 shall include, at a minimum—

- 23 (1) a description of the strategic and prescrip-
24 tive value of the research plan;

1 (2) an explanation of the expected outcomes
2 from executing the plan;

3 (3) an assessment of the FAA's plan to use re-
4 search and development to improve cybersecurity
5 over the next 5 years;

6 (4) an assessment of the current software as-
7 surance practices, and the desired level or attributes
8 to 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
15 Federal Aviation Administration, in coordination
16 with the Administrator of the National Aeronautics
17 and Space Administration, shall conduct a review of
18 current and planned research on the use of advanced
19 aircraft technologies, innovative materials, alter-
20 native fuels, additive manufacturing, and novel air-
21 craft designs, 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 con-
10 ducted under paragraph (1) shall identify potential
11 opportunities for additional research and develop-
12 ment, public or private, to increase aircraft fuel effi-
13 ciency.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, Administrator of the Federal
16 Aviation Administration shall submit to the appropriate
17 committees of Congress a report containing the results of
18 the review conducted under subsection (a).

19 **SEC. 743. CLEEN AIRCRAFT AND ENGINE TECHNOLOGY**
20 **PARTNERSHIP.**

21 (a) COOPERATIVE AGREEMENT.—Subchapter I of
22 chapter 475 of title 49, United States Code, is amended
23 by adding at the end the following:

1 **“§ 47511. CLEEN engine and airframe technology**
2 **partnership**

3 “(a) IN GENERAL.—The Administrator of the Fed-
4 eral Aviation Administration shall enter into a cost-shar-
5 ing cooperative agreement, using a competitive process,
6 with institutions, entities, or consortiums to carry out a
7 program for the development, maturation, and testing of
8 certifiable CLEEN aircraft, engine technologies, and jet
9 fuels for civil subsonic airplanes.

10 “(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY
11 DEFINED.—In this section, the term ‘CLEEN aircraft
12 and engine technology’ means continuous lower energy,
13 emissions, and noise aircraft and engine technology.

14 “(c) PERFORMANCE OBJECTIVE.—The Adminis-
15 trator shall establish the performance objectives for the
16 program in terms of the specific objectives to reduce fuel
17 burn, emissions and noise.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of contents of subchapter I of chapter 475 is
20 amended by inserting after the item relating to section
21 47510 the following:

“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
25 48102(a) of title 49, United States Code, the Adminis-

1 trator of the Federal Aviation Administration may carry
2 out a program for the research and development of air-
3 craft pavement technologies under which the Adminis-
4 trator makes grants to, and enters into cooperative agree-
5 ments with, institutions of higher education and nonprofit
6 organizations that—

7 (1) research concrete and asphalt airfield pave-
8 ment technologies that extend the life of airfield
9 pavements;

10 (2) develop and conduct training;

11 (3) provide for demonstration projects; and

12 (4) promote the latest airfield pavement tech-
13 nologies to aid in the development of safer, more
14 cost effective, and more durable airfield pavements.

15 **Subtitle F—Geospatial Data**

16 **SEC. 751. SHORT TITLE; FINDINGS.**

17 (a) **SHORT TITLE.**—This subtitle may be cited as the
18 “Geospatial Data Act of 2018”.

19 (b) **FINDINGS.**—Congress finds that—

20 (1) open and publicly available data is essential
21 to the successful operation of the GeoPlatform;

22 (2) the private sector in the United States, for
23 the purposes of acquiring and producing quality
24 geospatial data and geospatial data services, has
25 been and continues to be invaluable in carrying out

1 the varying missions of Federal departments and
2 agencies, as well as contributing positively to the
3 United States economy; and

4 (3) over the last 2 decades, Congress has
5 passed legislation that promotes greater access and
6 use of Government information and data, which
7 has—

8 (A) sparked new, innovative start-ups and
9 services;

10 (B) spurred economic growth in many sec-
11 tors, such as in the geospatial services;

12 (C) advanced scientific research;

13 (D) promoted public access to Federally
14 funded services and data; and

15 (E) improved access to geospatial data for
16 the purposes of promoting public health, weath-
17 er forecasting, economic development, environ-
18 mental protection, flood zone research, and
19 other purposes.

20 **SEC. 752. DEFINITIONS.**

21 In this subtitle—

22 (1) the term “Advisory Committee” means the
23 National Geospatial Advisory Committee established
24 under section 754(a);

1 (2) the term “Committee” means the Federal
2 Geographic Data Committee established under sec-
3 tion 753(a);

4 (3) the term “covered agency”—

5 (A) means—

6 (i) an Executive department, as de-
7 fined in section 101 of title 5, United
8 States Code, that collects, produces, ac-
9 quires, maintains, distributes, uses, or pre-
10 serves geospatial data on paper or in elec-
11 tronic form to fulfill the mission of the Ex-
12 ecutive department, either directly or
13 through a relationship with another organi-
14 zation, including a State, local government,
15 Indian tribe, institution of higher edu-
16 cation, business partner or contractor of
17 the Federal Government, and the public;

18 (ii) the National Aeronautics and
19 Space Administration; or

20 (iii) the General Services Administra-
21 tion; and

22 (B) does not include the Department of
23 Defense (including 30 components and agencies
24 performing national missions) or any element of
25 the intelligence community;

1 (4) the term “GeoPlatform” means the
2 GeoPlatform described in section 758(a);

3 (5) the term “geospatial data”—

4 (A) means information that is tied to a lo-
5 cation on the Earth, including by identifying
6 the geographic location and characteristics of
7 natural or constructed features and boundaries
8 on the Earth, and that is generally represented
9 in vector datasets by points, lines, polygons, or
10 other complex geographic features or phe-
11 nomena;

12 (B) may be derived from, among other
13 things, remote sensing, mapping, and surveying
14 technologies;

15 (C) includes images and raster datasets,
16 aerial photographs, and other forms of
17 geospatial data or datasets in digitized or non-
18 digitized form; and

19 (D) does not include—

20 (i) geospatial data and activities of an
21 Indian tribe not carried out, in whole or in
22 part, using Federal funds, as determined
23 by the tribal government;

1 (ii) classified national security-related
2 geospatial data and activities of the De-
3 partment of Defense, unless declassified;

4 (iii) classified national security-related
5 geospatial data and activities of the De-
6 partment of Energy, unless declassified;

7 (iv) geospatial data and activities
8 under chapter 22 of title 10, United States
9 Code, or section 110 of the National Secu-
10 rity Act of 1947 (50 U.S.C. 3045);

11 (v) intelligence geospatial data and ac-
12 tivities, as determined by the Director of
13 National Intelligence; or

14 (vi) certain declassified national secu-
15 rity-related geospatial data and activities
16 of the intelligence community, as deter-
17 mined by the Secretary of Defense, the
18 Secretary of Energy, or the Director of
19 National Intelligence;

20 (6) the term “Indian tribe” has the meaning
21 given that term under section 4 of the Indian Self-
22 Determination and Education Assistance Act (25
23 U.S.C. 450b);

24 (7) the term “institution of higher education”
25 has the meaning given that term under section 102

1 of the Higher Education Act of 1965 (20 U.S.C.
2 1002);

3 (8) the term “intelligence community” has the
4 meaning given that term in section 3 of the National
5 Security Act of 1947 (50 U.S.C. 3003);

6 (9) the term “lead covered agency” means a
7 lead covered agency for a National Geospatial Data
8 Asset data theme designated under section
9 756(b)(1);

10 (10) the term “local government” means any
11 city, county, township, town, borough, parish, vil-
12 lage, or other general purpose political subdivision of
13 a State;

14 (11) the term “metadata for geospatial data”
15 means information about geospatial data, including
16 the content, source, vintage, accuracy, condition,
17 projection, method of collection, and other character-
18 istics or descriptions of the geospatial data;

19 (12) the term “National Geospatial Data Asset
20 data theme” means the National Geospatial Data
21 Asset core geospatial datasets (including electronic
22 records and coordinates) relating to a topic or sub-
23 ject designated under section 756;

24 (13) the term “National Spatial Data Infra-
25 structure” means the technology, policies, criteria,

1 standards, and employees necessary to promote
2 geospatial data sharing throughout the Federal Gov-
3 ernment, State, tribal, and local governments, and
4 the private sector (including nonprofit organizations
5 and institutions of higher education); and

6 (14) the term “proven practices” means meth-
7 ods and activities that advance the use of geospatial
8 data for the benefit of society.

9 **SEC. 753. FEDERAL GEOGRAPHIC DATA COMMITTEE.**

10 (a) **IN GENERAL.**—There is established within the
11 Department of the Interior an interagency committee to
12 be known as the Federal Geographic Data Committee,
13 which shall act as the lead entity in the executive branch
14 for the development, implementation, and review of poli-
15 cies, practices, and standards relating to geospatial data.

16 (b) **MEMBERSHIP.**—

17 (1) **CHAIRPERSON AND VICE CHAIRPERSON.**—

18 The Secretary of the Interior and the Director of the
19 Office of Management and Budget shall serve as
20 Chairperson of the Committee and Vice Chairperson
21 of the Committee, respectively.

22 (2) **OTHER MEMBERS.**—

23 (A) **IN GENERAL.**—The head of each cov-
24 ered agency and the Director of the National
25 Geospatial-Intelligence Agency shall each des-

1 designate a representative of their respective agen-
2 cy to serve as a member of the Committee.

3 (B) REQUIREMENT FOR APPOINTMENTS.—

4 An officer appointed to serve as a member of
5 the Committee shall hold a position as an as-
6 sistant secretary, or an equivalent position, or
7 a higher ranking position.

8 (3) GUIDANCE.—Not later than 1 year after
9 the date of enactment of this Act, and as needed
10 thereafter, the Director of the Office of Management
11 and Budget shall update guidance with respect to
12 membership of the Committee and the roles of mem-
13 bers of the Committee.

14 (c) DUTIES.—The Committee shall—

15 (1) lead the development and management of
16 and operational decision making for the National
17 Spatial Data Infrastructure strategic plan and
18 geospatial data policy in accordance with section
19 755;

20 (2) designate National Geospatial Data Asset
21 data themes and oversee the coordinated manage-
22 ment of the National Geospatial Data Asset data
23 themes in accordance with section 756;

24 (3) establish and maintain geospatial data
25 standards in accordance with section 757;

1 (4) periodically review and determine the extent
2 to which covered agencies comply with geospatial
3 data standards;

4 (5) ensure that the GeoPlatform operates in ac-
5 cordance with section 758;

6 (6) direct and facilitate national implementation
7 of the system of National Geospatial Data Asset
8 data themes;

9 (7) communicate with and foster communica-
10 tion among covered agencies and other entities and
11 individuals relating to geospatial data technology de-
12 velopment, transfer, and exchange in order to—

13 (A) identify and meet the needs of users of
14 geospatial data;

15 (B) promote cost-effective data collection,
16 documentation, maintenance, distribution, and
17 preservation strategies; and

18 (C) leverage Federal and non-Federal re-
19 sources, such as promoting Federal shared serv-
20 ices and cross-agency coordination for market-
21 place solutions;

22 (8) define roles and responsibilities and pro-
23 mote and guide cooperation and coordination among
24 agencies of the Federal Government, State, tribal,
25 and local governments, institutions of higher edu-

1 cation, and the private sector in the collection, pro-
2 duction, sharing, and use of geospatial information,
3 the implementation of the National Spatial Data In-
4 frastructure, and the identification of proven prac-
5 tices;

6 (9) coordinate with international organizations
7 having an interest in the National Spatial Data In-
8 frastructure or global spatial data infrastructures;

9 (10) make available online and update at least
10 annually—

11 (A) a summary of the status for each Na-
12 tional Geospatial Data Asset data theme, based
13 on the report submitted by the applicable lead
14 covered agency under section
15 756(b)(3)(E)(ii)(I), which shall include—

16 (i) an evaluation of the progress of
17 each lead covered agency in achieving the
18 requirements under subparagraphs (A),
19 (B), (C), and (D) of section 756(b)(3); and

20 (ii) a determination of whether, for
21 each of subparagraphs (A), (B), (C), and
22 (D) of section 756(b)(3), each lead covered
23 agency meets expectations, has made
24 progress toward expectations, or fails to
25 meet expectations;

1 (B) a summary and evaluation of the
2 achievements of each covered agency, based on
3 the annual report submitted by the covered
4 agency under section 759(b)(1), which shall in-
5 clude a determination of whether the covered
6 agency meets expectations, has made progress
7 toward expectations, or fails to meet expecta-
8 tions for each of paragraphs (1) through (13)
9 of section 759(a);

10 (C) a collection of periodic technical publi-
11 cations, management articles, and reports re-
12 lated to the National Spatial Data Infrastruc-
13 ture; and

14 (D) a membership directory for the Com-
15 mittee, including identifying members of any
16 subcommittee or working group of the Com-
17 mittee;

18 (11)(A) make available to and request com-
19 ments from the Advisory Committee regarding the
20 summaries and evaluations required under subpara-
21 graphs (A) and (B) of paragraph (10);

22 (B) if requested by the Advisory Committee, re-
23 spond to any comments by the Advisory Committee;
24 and

1 (C) not less than once every 2 years, submit to
2 Congress a report that includes the summaries and
3 evaluations required under subparagraphs (A) and
4 (B) of paragraph (10), the comments of the Advi-
5 sory Committee, and the responses of the Committee
6 to the comments;

7 (12)(A) make available to and request com-
8 ments from covered agencies regarding the sum-
9 maries and evaluations required under subpara-
10 graphs (A) and (B) of paragraph (10); and

11 (B) not less than once every 2 years, submit to
12 Congress a report that includes the comments of the
13 covered agencies and the responses of the Committee
14 to the comments; and

15 (13) support and promote the infrastructure of
16 networks, systems, services, and standards that pro-
17 vide a digital representation of the Earth to users
18 for many applications.

19 (d) STAFF SUPPORT.—The Committee shall establish
20 an Office of the Secretariat within the Department of the
21 Interior to provide administrative support, strategic plan-
22 ning, funding, and technical support to the Committee.

23 **SEC. 754. NATIONAL GEOSPATIAL ADVISORY COMMITTEE.**

24 (a) ESTABLISHMENT.—The Secretary of the Interior
25 shall establish within the Department of the Interior the

1 National Geospatial Advisory Committee to provide advice
2 and recommendations to the Chairperson of the Com-
3 mittee.

4 (b) MEMBERSHIP.—

5 (1) COMPOSITION.—The Advisory Committee
6 shall be composed of not more than 30 members, at
7 least one of which will be from the National
8 Geospatial-Intelligence Agency, who shall—

9 (A) be appointed by the Chairperson of the
10 Committee;

11 (B) be selected—

12 (i) to generally achieve a balanced
13 representation of the viewpoints of various
14 interested parties involved in national
15 geospatial activities and the development of
16 the National Spatial Data Infrastructure;
17 and

18 (ii) with consideration of a geographic
19 balance of residence of the members; and

20 (C) be selected from among groups in-
21 volved in the geospatial community, including—

22 (i) States;

23 (ii) local governments;

24 (iii) regional governments;

25 (iv) tribal governments;

- 1 (v) private sector entities;
2 (vi) geospatial information user indus-
3 tries;
4 (vii) professional associations;
5 (viii) scholarly associations;
6 (ix) nonprofit organizations;
7 (x) academia;
8 (xi) licensed geospatial data acquisi-
9 tion professionals; and
10 (xii) the Federal Government.

11 (2) CHAIRPERSON.—The Chairperson of the
12 Committee shall appoint the Chairperson of the Ad-
13 visory Committee.

14 (3) PERIOD OF APPOINTMENT; VACANCIES.—

15 (A) IN GENERAL.—Members shall be ap-
16 pointed for a term of 3 years, with the term of
17 $\frac{1}{3}$ of the members expiring each year.

18 (B) VACANCIES.—Any vacancy in the Ad-
19 visory Committee shall not affect its powers,
20 but shall be filled in the same manner as the
21 original appointment.

22 (4) LIMIT ON TERMS.—Except for the member
23 from the National Geospatial-Intelligence Agency, an
24 individual—

1 (A) may not be appointed to more than 2
2 consecutive terms as a member of the Advisory
3 Committee; and

4 (B) after serving for 2 consecutive terms,
5 is eligible to be appointed as a member of the
6 Advisory Committee on and after the date that
7 is 2 years after the end of the second consecu-
8 tive term of the individual as a member of the
9 Advisory Committee.

10 (5) ETHICAL REQUIREMENTS.—A member of
11 the Advisory Committee may not participate in any
12 specific-party matter (including a lease, license, per-
13 mit, contract, claim, agreement, or related litigation)
14 with the Department of the Interior in which the
15 member has a direct financial interest.

16 (6) INCUMBENTS.—

17 (A) IN GENERAL.—An individual serving
18 on the day before the date of enactment of this
19 Act as a member of the National Geospatial
20 Advisory Committee established by the Sec-
21 retary of the Interior may serve as a member
22 of the Advisory Committee until the end of the
23 term of the individual under the appointment.

24 (B) LIMIT ON TERMS.—Any period of serv-
25 ice as a member of the National Geospatial Ad-

1 visory Committee established by the Secretary
2 of the Interior shall be considered a period of
3 service as a member of the Advisory Committee
4 for purposes of paragraph (4).

5 (c) SUBCOMMITTEES.—A subcommittee of the Advi-
6 sory Committee—

7 (1) may be formed for the purposes of com-
8 piling information or conducting research;

9 (2) shall be composed of members appointed by
10 the Chairperson of the Advisory Committee;

11 (3) shall act under the direction of the Chair-
12 person of the Advisory Committee and the officer or
13 employee designated under section 10(e) of the Fed-
14 eral Advisory Committee Act (5 U.S.C. App.) with
15 respect to the Advisory Committee;

16 (4) shall report the recommendations of the
17 subcommittee to the Advisory Committee for consid-
18 eration; and

19 (5) shall meet as necessary to accomplish the
20 objectives of the subcommittee, subject to the ap-
21 proval of the Chairperson of the Advisory Committee
22 and the availability of resources.

23 (d) MEETINGS.—

24 (1) IN GENERAL.—The Advisory Committee
25 shall meet at the call of the Chairperson, not less

1 than 1 time each year and not more than 4 times
2 each year.

3 (2) QUORUM.—A majority of the members of
4 the Advisory Committee shall constitute a quorum,
5 but a lesser number of members may hold meetings
6 or hearings.

7 (e) DUTIES OF THE ADVISORY COMMITTEE.—The
8 Advisory Committee shall—

9 (1) provide advice and recommendations relat-
10 ing to—

11 (A) the management of Federal and na-
12 tional geospatial programs;

13 (B) the development of the National Spa-
14 tial Data Infrastructure; and

15 (C) implementation of this subtitle;

16 (2) review and comment on geospatial policy
17 and management issues; and

18 (3) ensure the views of representatives of non-
19 Federal interested parties involved in national
20 geospatial activities are conveyed to the Committee.

21 (f) POWERS OF THE ADVISORY COMMITTEE.—

22 (1) MEETINGS.—The Advisory Committee may
23 hold meetings (which shall be open to the public)
24 and sit and act at such times and places as the Ad-

1 visory Committee considers advisable to carry out
2 this subtitle.

3 (2) INFORMATION FROM COVERED AGENCIES.—

4 (A) IN GENERAL.—The Advisory Com-
5 mittee, with the concurrence of the Chairperson
6 of the Committee, may secure directly from any
7 covered agency such information as the Advi-
8 sory Committee considers necessary to carry
9 out this subtitle. Upon request of the Chair-
10 person of the Advisory Committee, the head of
11 such agency shall furnish such information to
12 the Advisory Committee.

13 (B) NONCOOPERATION.—The Advisory
14 Committee shall include in the comments of the
15 Advisory Committee submitted under section
16 753(c)(11) a discussion of any failure by a cov-
17 ered agency to furnish information in response
18 to a request under subparagraph (A) of this
19 paragraph.

20 (3) POSTAL SERVICES.—The Advisory Com-
21 mittee may use the United States mails in the same
22 manner and under the same conditions as other
23 agencies of the Federal Government.

24 (g) ADVISORY COMMITTEE PERSONNEL MATTERS.—

25 (1) NO COMPENSATION OF MEMBERS.—

1 (A) NON-FEDERAL EMPLOYEES.—A mem-
2 ber of the Advisory Committee who is not an
3 officer or employee of the Federal Government
4 shall serve without compensation.

5 (B) FEDERAL EMPLOYEES.—A member of
6 the Advisory Committee who is an officer or
7 employee of the Federal Government shall serve
8 without compensation in addition to the com-
9 pensation received for the services of the mem-
10 ber as an officer or employee of the Federal
11 Government.

12 (2) TRAVEL EXPENSES.—The members of the
13 Advisory Committee shall be allowed travel expenses,
14 including per diem in lieu of subsistence, at rates
15 authorized for employees of agencies under sub-
16 chapter I of chapter 57 of title 5, United States
17 Code, while away from their homes or regular places
18 of business in the performance of services for the
19 Advisory Committee.

20 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
21 Any Federal Government employee may be detailed
22 to the Committee to support the Advisory Com-
23 mittee without reimbursement, and such detail shall
24 be without interruption or loss of civil service status
25 or privilege.

1 (4) STAFF SUPPORT.—The Office of the Secre-
2 tariat established by the Committee under section
3 753(d) shall provide administrative support to the
4 Advisory Committee.

5 (h) APPLICABILITY OF FACA.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Federal Advisory Committee Act (5
8 U.S.C. App.) shall apply to the Advisory Committee.

9 (2) NO TERMINATION.—Section 14(a)(2) of the
10 Federal Advisory Committee Act (5 U.S.C. App.)
11 shall not apply to the Advisory Committee.

12 (i) TERMINATION.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the Advisory Committee shall terminate
15 10 years after the date of enactment of this Act.

16 (2) CONTINUATION.—The Advisory Committee
17 may be continued for successive 10-year periods by
18 action taken by the Secretary of the Interior to
19 renew the Advisory Committee before the date on
20 which the Advisory Committee would otherwise ter-
21 minate.

22 **SEC. 755. NATIONAL SPATIAL DATA INFRASTRUCTURE.**

23 (a) IN GENERAL.—The National Spatial Data Infra-
24 structure shall ensure that geospatial data from multiple
25 sources (including the covered agencies, State, local, and

1 tribal governments, the private sector, and institutions of
2 higher education) is available and easily integrated to en-
3 hance the understanding of the physical and cultural
4 world.

5 (b) GOALS.—The goals of the National Spatial Data
6 Infrastructure are to—

7 (1) ensure—

8 (A) that geospatial data are reviewed prior
9 to disclosure to ensure—

10 (i) compliance with section 552a of
11 title 5 (commonly known as the “Privacy
12 Act of 1974”); and

13 (ii) that personally identifiable infor-
14 mation is not disclosed, which shall include
15 an assessment of re-identification risk
16 when determining what data constitute
17 personally identifiable information;

18 (B) that geospatial data are designed to
19 enhance the accuracy of statistical information,
20 both in raw form and in derived information
21 products;

22 (C) free and open access for the public to
23 geospatial data, information, and interpretive
24 products, in accordance with Office of Manage-

1 ment and Budget Circular A–130, or any suc-
2 cessor thereto;

3 (D) the protection of proprietary interests
4 related to licensed information and data; and

5 (E) the interoperability and sharing capa-
6 bilities of Federal information systems and data
7 to enable the drawing of resources from covered
8 agencies and partners of covered agencies; and

9 (2) support and advance the establishment of a
10 Global Spatial Data Infrastructure, consistent with
11 national security, national defense, national intel-
12 ligence, and international trade requirements, in-
13 cluding ensuring that covered agencies develop inter-
14 national geospatial data in accordance with inter-
15 national voluntary consensus standards, as defined
16 in Office of Management and Budget Circular A–
17 119, or any successor thereto.

18 (c) STRATEGIC PLAN.—The Committee shall prepare
19 and maintain a strategic plan for the development and im-
20 plementation of the National Spatial Data Infrastructure
21 in a manner consistent with national security, national de-
22 fense, and emergency preparedness program policies re-
23 garding data accessibility.

24 (d) ADVISORY ROLE.—The Committee shall advise
25 Federal and non-Federal users of geospatial data on their

1 responsibilities relating to implementation of the National
2 Spatial Data Infrastructure.

3 **SEC. 756. NATIONAL GEOSPATIAL DATA ASSET DATA**
4 **THEMES.**

5 (a) IN GENERAL.—The Committee shall designate as
6 National Geospatial Data Asset data themes the primary
7 topics and subjects for which the coordinated development,
8 maintenance, and dissemination of geospatial data will
9 benefit the Federal Government and the interests of the
10 people of the United States, which shall—

11 (1) be representations of conceptual topics de-
12 scribing digital spatial information for the Nation;
13 and

14 (2) contain associated datasets (with attribute
15 records and coordinates)—

16 (A) that are documented, verifiable, and
17 officially designated to meet recognized stand-
18 ards;

19 (B) that may be used in common; and

20 (C) from which other datasets may be de-
21 rived.

22 (b) LEAD COVERED AGENCIES.—

23 (1) IN GENERAL.—For each National
24 Geospatial Data Asset data theme, the Committee
25 shall designate one or more covered agencies as the

1 lead covered agencies for the National Geospatial
2 Data Asset data theme.

3 (2) GENERAL RESPONSIBILITY.—The lead cov-
4 ered agencies for a National Geospatial Data Asset
5 data theme shall be responsible for ensuring the co-
6 ordinated management of the data, supporting re-
7 sources (including technology and personnel), and
8 related services and products of the National
9 Geospatial Data Asset data theme.

10 (3) SPECIFIC RESPONSIBILITIES.—To assist in
11 fulfilling the responsibilities under paragraph (2)
12 with respect to a National Geospatial Data Asset
13 data theme, the lead covered agencies shall—

14 (A) provide leadership and facilitate the
15 development and implementation of geospatial
16 data standards for the National Geospatial
17 Data Asset data theme, with a particular em-
18 phasis on a data content standard for the Na-
19 tional Geospatial Data Asset data theme, in-
20 cluding by—

21 (i) assessing existing standards;
22 (ii) identifying anticipated or needed
23 data standards; and

1 (iii) developing a plan to originate and
2 implement needed standards with relevant
3 community and international practices—

4 (I) in accordance with Office of
5 Management and Budget Circular A-
6 119, or any successor thereto; and

7 (II) consistent with or as a part
8 of the plan described in subparagraph
9 (B);

10 (B) provide leadership and facilitate the
11 development and implementation of a plan for
12 nationwide population of the National
13 Geospatial Data Asset data theme, which
14 shall—

15 (i) include developing partnership pro-
16 grams with States, Indian tribes, institu-
17 tions of higher education, private sector
18 entities, other Federal agencies, and local
19 governments;

20 (ii) meet the needs of users of
21 geospatial data;

22 (iii) address human and financial re-
23 source needs;

24 (iv) identify needs relating to stand-
25 ards, metadata for geospatial data within

1 the National Geospatial Data Asset data
2 theme, and the GeoPlatform; and

3 (v) expedite the development of nec-
4 essary National Geospatial Data Asset
5 data themes;

6 (C) establish goals that support the stra-
7 tegic plan for the National Spatial Data Infra-
8 structure prepared under section 755(c);

9 (D) as necessary, collect and analyze infor-
10 mation from users of geospatial data within the
11 National Geospatial Data Asset data theme re-
12 garding the needs of the users for geospatial
13 data and incorporate the needs of users in
14 strategies relating to the National Geospatial
15 Data Asset data theme; and

16 (E) as part of administering the National
17 Geospatial Data Asset data theme—

18 (i) designate a point of contact within
19 the lead covered agency who shall be re-
20 sponsible for developing, maintaining, co-
21 ordination relating to, and disseminating
22 data using the GeoPlatform;

23 (ii) submit to the Committee—

24 (I) a performance report, at least
25 annually, that documents the activi-

1 ties relating to and implementation of
2 the National Geospatial Data Asset
3 data theme, including progress in
4 achieving the requirements under sub-
5 paragraphs (A), (B), (C), and (D);
6 and

7 (II) comments, as appropriate,
8 regarding the summary and evalua-
9 tion of the performance report pro-
10 vided by the Committee under section
11 753(c)(12);

12 (iii) publish maps or comparable
13 graphics online (in accordance with the
14 mapping conventions specified by the Com-
15 mittee) showing the extent and status of
16 the National Geospatial Data Asset data
17 themes for which the covered agency is a
18 lead covered agency;

19 (iv) encourage individuals and entities
20 that are a source of geospatial data or
21 metadata for geospatial data for the Na-
22 tional Geospatial Data Asset data theme to
23 provide access to such data through the
24 GeoPlatform;

- 1 (v) coordinate with the GeoPlatform;
2 and
3 (vi) identify and publish proven prac-
4 tices for the use and application of
5 geospatial data of the lead covered agency.

6 **SEC. 757. GEOSPATIAL DATA STANDARDS.**

7 (a) IN GENERAL.—In accordance with section 216 of
8 the E-Government Act of 2002 (44 U.S.C. 3501 note),
9 the Committee shall establish standards for each National
10 Geospatial Data Asset data theme, which—

11 (1) shall include—

12 (A) rules, conditions, guidelines, and char-
13 acteristics for the geospatial data within the
14 National Geospatial Data Asset data theme and
15 related processes, technology, and organization;
16 and

17 (B) content standards for metadata for
18 geospatial data within the National Geospatial
19 Data Asset data theme;

20 (2) to the maximum extent practicable, shall be
21 consistent with international standards and proto-
22 cols;

23 (3) shall include universal data standards that
24 shall be acceptable for the purposes of declassified
25 intelligence community data; and

1 (4) the Committee shall periodically review and
2 update as necessary for the standards to remain cur-
3 rent, relevant, and effective.

4 (b) DEVELOPMENT OF STANDARDS.—The Committee
5 shall—

6 (1) develop and promulgate standards under
7 this section—

8 (A) in accordance with Office of Manage-
9 ment and Budget Circular A–119, or any suc-
10 cessor thereto; and

11 (B) after consultation with a broad range
12 of data users and providers;

13 (2) to the maximum extent possible, use na-
14 tional and international standards adopted by vol-
15 untary standards consensus bodies; and

16 (3) establish new standards only to the extent
17 standards described in paragraph (2) do not exist.

18 (c) EXCLUSION.—The Secretary of the Interior shall
19 withhold from public disclosure any information the disclo-
20 sure of which reasonably could be expected to cause dam-
21 age to the national interest, security, or defense of the
22 United States, including information relating to geospatial
23 intelligence data activities, as determined in consultation
24 with the Director of National Intelligence.

1 **SEC. 758. GEOPLATFORM.**

2 (a) IN GENERAL.—The Committee shall operate an
3 electronic service that provides access to geospatial data
4 and metadata for geospatial data to the general public,
5 to be known as the GeoPlatform.

6 (b) IMPLEMENTATION.—

7 (1) IN GENERAL.—The GeoPlatform—

8 (A) shall—

9 (i) be available through the internet
10 and other communications means;

11 (ii) be accessible through a common
12 interface;

13 (iii) include metadata for all
14 geospatial data collected by covered agen-
15 cies, directly or indirectly;

16 (iv) include download access to all
17 open geospatial data directly or indirectly
18 collected by covered agencies; and

19 (v) include a set of programming in-
20 structions and standards providing an
21 automated means of accessing available
22 geospatial data, which—

23 (I) harmonize sources and data
24 standards associated with geospatial
25 data, including metadata; and

1 (II) to the maximum extent prac-
2 ticable, as determined by the Chair-
3 person of the Committee, shall be
4 made publicly available;

5 (B) may include geospatial data from a
6 source other than a covered agency, if deter-
7 mined appropriate by the Committee; and

8 (C) shall not store or serve proprietary in-
9 formation or data acquired under a license by
10 the Federal Government, unless authorized by
11 the data provider.

12 (2) MANAGING PARTNER.—The Chairperson of
13 the Committee shall designate an agency to serve as
14 the managing partner for developing and operating
15 the GeoPlatform, taking direction from the Com-
16 mittee on the scope, functionality, and performance
17 of the GeoPlatform.

18 (c) CLARIFICATION.—Although the GeoPlatform is
19 intended to include all National Geospatial Data Asset
20 and other Federal datasets, nothing in this subtitle shall
21 be construed to prevent a covered agency from also pre-
22 senting, providing, or disseminating data that is—

23 (1) specific to the functions of the covered
24 agency; or

1 (2) targeted to information consumers that di-
2 rectly interface with the services, portals, or other
3 mechanisms of the covered agency.

4 **SEC. 759. COVERED AGENCY RESPONSIBILITIES.**

5 (a) IN GENERAL.—Each covered agency shall—

6 (1) prepare, maintain, publish, and implement a
7 strategy for advancing geographic information and
8 related geospatial data and activities appropriate to
9 the mission of the covered agency, in support of the
10 strategic plan for the National Spatial Data Infra-
11 structure prepared under section 755(c);

12 (2) collect, maintain, disseminate, and preserve
13 geospatial data such that the resulting data, infor-
14 mation, or products can be readily shared with other
15 Federal agencies and non-Federal users;

16 (3) promote the integration of geospatial data
17 from all sources;

18 (4) ensure that data information products and
19 other records created in geospatial data and activi-
20 ties are included on agency record schedules that
21 have been approved by the National Archives and
22 Records Administration;

23 (5) allocate resources to fulfill the responsibil-
24 ities of effective geospatial data collection, produc-
25 tion, and stewardship with regard to related activi-

1 ties of the covered agency, and as necessary to sup-
2 port the activities of the Committee;

3 (6) use the geospatial data standards, including
4 the standards for metadata for geospatial data, and
5 other appropriate standards, including documenting
6 geospatial data with the relevant metadata and mak-
7 ing metadata available through the GeoPlatform;

8 (7) coordinate and work in partnership with
9 other Federal agencies, agencies of State, tribal, and
10 local governments, institutions of higher education,
11 and the private sector to efficiently and cost-effec-
12 tively collect, integrate, maintain, disseminate, and
13 preserve geospatial data, building upon existing non-
14 Federal geospatial data to the extent possible;

15 (8) use geospatial information to—

16 (A) make Federal geospatial information
17 and services more useful to the public;

18 (B) enhance operations;

19 (C) support decision making; and

20 (D) enhance reporting to the public and to
21 Congress;

22 (9) protect personal privacy and maintain con-
23 fidentiality in accordance with Federal policy and
24 law;

1 (10) participate in determining, when applica-
2 ble, whether declassified data can contribute to and
3 become a part of the National Spatial Data Infra-
4 structure;

5 (11) search all sources, including the
6 GeoPlatform, to determine if existing Federal, State,
7 local, or private geospatial data meets the needs of
8 the covered agency before expending funds for
9 geospatial data collection;

10 (12) to the maximum extent practicable, ensure
11 that a person receiving Federal funds for geospatial
12 data collection provides high-quality data; and

13 (13) appoint a contact to coordinate with the
14 lead covered agencies for collection, acquisition,
15 maintenance, and dissemination of the National
16 Geospatial Data Asset data themes used by the cov-
17 ered agency.

18 (b) REPORTING.—

19 (1) IN GENERAL.—Each covered agency shall
20 submit to the Committee an annual report regarding
21 the achievements of the covered agency in preparing
22 and implementing the strategy described in sub-
23 section (a)(1) and complying with the other require-
24 ments under subsection (a).

1 (2) BUDGET SUBMISSION.—Each covered agen-
2 cy shall—

3 (A) include geospatial data in preparing
4 the budget submission of the covered agency to
5 the President under sections 1105(a) and 1108
6 of title 31, United States Code;

7 (B) maintain an inventory of all geospatial
8 data assets in accordance with OMB Circular
9 A–130, or any successor thereto; and

10 (C) prepare an annual report to Congress
11 identifying Federal-wide geospatial data assets,
12 as defined in OMB Circular A–16, as set forth
13 in OMB memo M–11–03, Issuance of OMB
14 Circular A–16 Supplemental Guidance (Novem-
15 ber 10, 2010), or any successor thereto.

16 (3) DISCLOSURE.—Each covered agency shall
17 disclose each contract, cooperative agreement, grant,
18 or other transaction that deals with geospatial data,
19 which may include posting information relating to
20 the contract, cooperative agreement, grant, or other
21 transaction on www.USAspending.gov and
22 www.itdashboard.gov, or any successors thereto.

23 (4) OMB REVIEW.—In reviewing the annual
24 budget justifications submitted by covered agencies,
25 the Office of Management and Budget shall take

1 into consideration the summary and evaluations re-
2 quired under subparagraphs (A) and (B) of section
3 753(c)(10), comments, and replies to comments as
4 required under paragraphs (11) and (12) of section
5 753(c), in its annual evaluation of the budget jus-
6 tification of each covered agency.

7 (5) REPORTING.—The Office of Management
8 and Budget shall include a discussion of the sum-
9 maries and evaluation of the progress in establishing
10 the National Spatial Data Infrastructure in each E-
11 Government status report submitted under section
12 3606 of title 44, United States Code.

13 (c) AUDITS.—Not less than once every 2 years, the
14 Inspector General of a covered agency (or senior ethics
15 official of the covered agency for a covered agency without
16 an Inspector General) shall submit to Congress an audit
17 of the collection, production, acquisition, maintenance, dis-
18 tribution, use, and preservation of geospatial data by the
19 covered agency, which shall include a review of—

20 (1) the compliance of the covered agency with
21 the standards for geospatial data, including
22 metadata for geospatial data, established under sec-
23 tion 757;

24 (2) the compliance of the covered agency with
25 the requirements under subsection (a); and

1 (3) the compliance of the covered agency on the
2 limitation on the use of Federal funds under section
3 __ 010.

4 **SEC. 759A. LIMITATION ON USE OF FEDERAL FUNDS.**

5 (a) DEFINITION.—In this section, the term “imple-
6 mentation date” means the date that is 5 years after the
7 date on which standards for each National Geospatial
8 Data Asset data theme are established under section 757.

9 (b) LIMITATION.—Except as provided otherwise in
10 this section, on and after the implementation date, a cov-
11 ered agency may not use Federal funds for the collection,
12 production, acquisition, maintenance, or dissemination of
13 geospatial data that does not comply with the applicable
14 standards established under section 757, as determined by
15 the Committee.

16 (c) EXCEPTION FOR EXISTING GEOSPATIAL DATA.—
17 On and after the implementation date, a covered agency
18 may use Federal funds to maintain and disseminate
19 geospatial data that does not comply with the applicable
20 standards established under section 757 if the geospatial
21 data was collected, produced, or acquired by the covered
22 agency before the implementation date.

23 (d) WAIVER.—

24 (1) IN GENERAL.—The Chairperson of the
25 Committee may grant a waiver of the limitation

1 under subsection (b), upon a request from a covered
2 agency submitted in accordance with paragraph (2).

3 (2) REQUIREMENTS.—A request for a waiver
4 under paragraph (1) shall—

5 (A) be submitted not later than 30 days
6 before the implementation date;

7 (B) provide a detailed explanation of the
8 reasons for seeking a waiver;

9 (C) provide a detailed plan to achieve com-
10 pliance with the applicable standards estab-
11 lished under section 757; and

12 (D) provide the date by which the covered
13 agency shall achieve compliance with the appli-
14 cable standards established under section 757.

15 (e) BEST EFFORTS TO COMPLY DURING TRANSI-
16 TION.—During the period beginning on the date on which
17 standards for a National Geospatial Data Asset data
18 theme are established under section 757 and ending on
19 the implementation date, each covered agency, to the max-
20 imum extent practicable, shall collect, produce, acquire,
21 maintain, and disseminate geospatial data within the Na-
22 tional Geospatial Data Asset data theme in accordance
23 with the standards.

1 **SEC. 759B. SAVINGS PROVISION.**

2 Nothing in this subtitle shall repeal, amend, or super-
3 sede any existing law unless specifically provided in this
4 subtitle.

5 **SEC. 759C. PRIVATE SECTOR.**

6 The Committee and each covered agency may, to the
7 maximum extent practical, rely upon and use the private
8 sector in the United States for the provision of geospatial
9 data and services.

10 **Subtitle G—Miscellaneous**

11 **SEC. 761. NEXTGEN RESEARCH.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Administrator shall submit to the Com-
14 mittee on Science, Space, and Technology and the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report speci-
18 fying the top 5 priority research areas for the implementa-
19 tion and advancement of NextGen, including—

20 (1) an assessment of why the research areas are
21 a priority for the implementation and advancement
22 of NextGen;

23 (2) an identification of the other Federal agen-
24 cies and private organizations assisting the Adminis-
25 tration with the research; and

1 (3) an estimate of when the research will be
2 completed.

3 **SEC. 762. ADVANCED MATERIALS CENTER OF EXCELLENCE.**

4 (a) IN GENERAL.—Chapter 445 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 44518. Advanced Materials Center of Excellence**

8 “(a) IN GENERAL.—The Administrator of the Fed-
9 eral Aviation Administration shall continue operation of
10 the Advanced Materials Center of Excellence (referred to
11 in this section as the ‘Center’) under its structure as in
12 effect on March 1, 2016, which shall focus on applied re-
13 search and training on the durability and maintainability
14 of advanced materials in transport airframe structures.

15 “(b) RESPONSIBILITIES.—The Center shall—

16 “(1) promote and facilitate collaboration among
17 academia, the Transportation Division of the Fed-
18 eral Aviation Administration, and the commercial
19 aircraft industry, including manufacturers, commer-
20 cial air carriers, and suppliers; and

21 “(2) establish goals set to advance technology,
22 improve engineering practices, and facilitate con-
23 tinuing education in relevant areas of study.”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 chapter 445 of title 49, United States Code, is amended
3 by adding at the end the following:

“44518. Advanced Materials Center of Excellence.”.

4 **TITLE VIII—AVIATION REVENUE**
5 **PROVISIONS**

6 **SEC. 801. EXPENDITURE AUTHORITY FROM AIRPORT AND**
7 **AIRWAY TRUST FUND.**

8 (a) IN GENERAL.—Section 9502(d)(1) of the Inter-
9 nal Revenue Code of 1986 is amended—

10 (1) in the matter preceding subparagraph (A)
11 by striking “October 1, 2018” and inserting “Octo-
12 ber 1, 2023”; and

13 (2) in subparagraph (A) by striking the semi-
14 colon at the end and inserting “or the FAA Reau-
15 thorization Act of 2018;”.

16 (b) CONFORMING AMENDMENT.—Section 9502(e)(2)
17 of such Code is amended by striking “October 1, 2018”
18 and inserting “October 1, 2023”.

19 **SEC. 802. EXTENSION OF TAXES FUNDING AIRPORT AND**
20 **AIRWAY TRUST FUND.**

21 (a) FUEL TAXES.—Section 4081(d)(2)(B) of the In-
22 ternal Revenue Code of 1986 is amended by striking “Sep-
23 tember 30, 2018” and inserting “September 30, 2023”.

24 (b) TICKET TAXES.—

1 (1) PERSONS.—Section 4261(k)(1)(A)(ii) of
2 such Code is amended by striking “September 30,
3 2018” and inserting “September 30, 2023”.

4 (2) PROPERTY.—Section 4271(d)(1)(A)(ii) of
5 such Code is amended by striking “September 30,
6 2018” and inserting “September 30, 2023”.

7 (c) FRACTIONAL OWNERSHIP PROGRAMS.—

8 (1) FUEL TAX.—Section 4043(d) of such Code
9 is amended by striking “September 30, 2021” and
10 inserting “September 30, 2023”.

11 (2) TREATMENT AS NONCOMMERCIAL AVIA-
12 TION.—Section 4083(b) of such Code is amended by
13 striking “October 1, 2018” and inserting “October
14 1, 2023”.

15 (3) EXEMPTION FROM TICKET TAXES.—Section
16 4261(j) of such Code is amended by striking “Sep-
17 tember 30, 2018” and inserting “September 30,
18 2023”.

19 **DIVISION C—NATIONAL TRANS-**
20 **PORTATION SAFETY BOARD**
21 **REAUTHORIZATION ACT**

22 **SEC. 1101. SHORT TITLE.**

23 This division may be cited as the “National Trans-
24 portation Safety Board Reauthorization Act”.

1 **SEC. 1102. DEFINITIONS.**

2 In this division, the following definitions apply:

3 (1) BOARD.—The term “Board” means the Na-
4 tional Transportation Safety Board.

5 (2) CHAIRMAN.—The term “Chairman” means
6 the Chairman of the National Transportation Safety
7 Board.

8 (3) MOST WANTED LIST.—The term “Most
9 Wanted List” means the Board publication entitled
10 “Most Wanted List”.

11 **SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 1118(a) of title 49, United States Code, is
13 amended to read as follows:

14 “(a) IN GENERAL.—There are authorized to be ap-
15 propriated for the purposes of this chapter \$111,400,000
16 for fiscal year 2019, \$112,400,000 for fiscal year 2020,
17 \$113,400,000 for fiscal year 2021, and \$114,400,000 for
18 fiscal year 2022. Such sums shall remain available until
19 expended.”.

20 **SEC. 1104. STILL IMAGES.**

21 (a) STILL IMAGES, VOICE RECORDERS, AND VIDEO
22 RECORDERS.—

23 (1) COCKPIT RECORDINGS AND TRANSCRIPTS.—

24 Section 1114(c) of title 49, United States Code, is
25 amended—

1 (A) by redesignating paragraph (2) as
2 paragraph (3);

3 (B) in paragraph (3), as so redesignated,
4 by inserting “REFERENCES TO INFORMATION
5 IN MAKING SAFETY RECOMMENDATIONS.—” be-
6 fore “This”; and

7 (C) in paragraph (1)—

8 (i) in the first sentence, by striking
9 “The Board” and inserting “CONFIDEN-
10 TIALITY OF RECORDINGS.—Except as pro-
11 vided in paragraph (2), the Board”; and

12 (ii) by amending the second sentence
13 to read as follows:

14 “(2) EXCEPTION.—Subject to subsections (b)
15 and (g), the Board shall make public any part of a
16 transcript, any written depiction of visual informa-
17 tion obtained from a video recorder, or any still
18 image obtained from a video recorder the Board de-
19 cides is relevant to the accident or incident—

20 “(A) if the Board holds a public hearing
21 on the accident or incident, at the time of the
22 hearing; or

23 “(B) if the Board does not hold a public
24 hearing, at the time a majority of the other fac-

1 tual reports on the accident or incident are
2 placed in the public docket.”.

3 (2) SURFACE VEHICLE RECORDINGS AND TRAN-
4 SCRIPTS.—Section 1114(d) of title 49, United States
5 Code, is amended—

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

8 (B) in paragraph (1)—

9 (i) in the first sentence, by striking
10 “The Board” and inserting “Except as
11 provided in paragraph (2), the Board”;
12 and

13 (ii) by amending the second sentence
14 to read as follows:

15 “(2) EXCEPTION.—Subject to subsections (b)
16 and (g), the Board shall make public any part of a
17 transcript, any written depiction of visual informa-
18 tion obtained from a video recorder, or any still
19 image obtained from a video recorder the Board de-
20 cides is relevant to the accident—

21 “(A) if the Board holds a public hearing
22 on the accident, at the time of the hearing; or

23 “(B) if the Board does not hold a public
24 hearing, at the time a majority of the other fac-

1 tual reports on the accident are placed in the
2 public docket.”.

3 (3) PRIVACY PROTECTIONS.—Section 1114 of
4 title 49, United States Code, is amended by adding
5 at the end the following:

6 “(g) PRIVACY PROTECTIONS.—Before making public
7 any still image obtained from a video recorder under sub-
8 section (c)(2) or subsection (d)(2), the Board shall take
9 such action as appropriate to protect from public dislo-
10 sure any information that readily identifies an individual,
11 including a decedent.”.

12 (b) COCKPIT AND SURFACE VEHICLE RECORDINGS
13 AND TRANSCRIPTS.—Section 1154(a) of title 49, United
14 States Code, is amended—

15 (1) in the heading, by striking “TRANSCRIPTS
16 AND RECORDINGS” and inserting “IN GENERAL”;

17 (2) in paragraph (1)—

18 (A) by redesignating subparagraphs (A)
19 and (B) as subparagraphs (B) and (C), respec-
20 tively; and

21 (B) by inserting before subparagraph (B),
22 as so redesignated, the following:

23 “(A) any still image that the National
24 Transportation Safety Board has not made

1 available to the public under section 1114(e) or
2 1114(d) of this title;”;

3 (3) in paragraph (3)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “recorder recording” and in-
6 serting “recorder recording, including with re-
7 gard to a video recording any still image that
8 the National Transportation Safety Board has
9 not made available to the public under section
10 1114(c) or 1114(d) of this title,”; and

11 (B) in subparagraph (B), by striking “re-
12 corder recording” and inserting “recorder re-
13 cording, including with regard to a video re-
14 cording any still image that the National
15 Transportation Safety Board has not made
16 available to the public under section 1114(e) or
17 1114(d) of this title,”;

18 (4) in paragraph (4)—

19 (A) in subparagraph (A)—

20 (i) by inserting “a still image or” be-
21 fore “a part of a cockpit”; and

22 (ii) by striking “the part of the tran-
23 script or the recording” each place it ap-
24 pears and inserting “the still image, the
25 part of the transcript, or the recording”;

1 (B) in subparagraph (B)—

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 and

9 (5) in paragraph (6)—

10 (A) by redesignating subparagraph (B) as
11 subparagraph (C); and

12 (B) by inserting after subparagraph (A)
13 the following:

14 “(B) STILL IMAGE.—The term ‘still image’
15 means any still image obtained from a video re-
16 corder.”.

17 **SEC. 1105. ELECTRONIC RECORDS.**

18 Section 1134(a)(2) of title 49, United States Code,
19 is amended by inserting “including an electronic record,”
20 after “record,”.

21 **SEC. 1106. REPORT ON MOST WANTED LIST METHODOLOGY.**

22 (a) IN GENERAL.—Not later than the date on which
23 the first Most Wanted List to be published after the date
24 of enactment of this Act is published, the Chairman shall
25 publish on a publicly available website of the Board and

1 submit to appropriate committees of Congress a report on
2 the methodology used to prioritize and select recommenda-
3 tions to be included by the Board in the Most Wanted
4 List.

5 (b) ELEMENTS.—The report under subsection (a)
6 shall include—

7 (1) a detailed description of how the Board ac-
8 counts for the risk to safety addressed in each of its
9 recommendations, including the extent to which the
10 Board considers—

11 (A) the types of data and other informa-
12 tion, including studies and reports, used to
13 identify the amount and probability of risk to
14 safety;

15 (B) the reduction of the risk to safety, es-
16 timated over a period of time, by implementing
17 each recommendation;

18 (C) the practicality and feasibility of
19 achieving the reduction of the risk to safety de-
20 scribed in subparagraph (B); and

21 (D) any alternate means of reducing the
22 risk;

23 (2) a detailed description of the extent to which
24 the Board considers any prior, related investigation,

1 safety recommendation, or other safety action when
2 prioritizing and selecting recommendations; and

3 (3) a description of the extent of coordination
4 and consultation when prioritizing and selecting the
5 recommendations.

6 (c) GAO REPORT.—Not later than 15 months after
7 the date that the methodology report is published under
8 subsection (a), the Comptroller General of the United
9 States shall submit to the appropriate committees of Con-
10 gress a report examining the methodology used by the
11 Board to prioritize and select safety recommendations for
12 inclusion in the Most Wanted List.

13 **SEC. 1107. METHODOLOGY.**

14 (a) REDESIGNATION.—Section 1116 of title 49,
15 United States Code, is amended by adding at the end the
16 following:

17 “(c) ANNUAL REPORT.—The National Transpor-
18 tation Safety Board shall submit a report to Congress on
19 July 1 of each year. The report shall include—

20 “(1) a statistical and analytical summary of the
21 transportation accident investigations conducted and
22 reviewed by the Board during the prior calendar
23 year;

24 “(2) a survey and summary of the recommenda-
25 tions made by the Board to reduce the likelihood of

1 recurrence of those accidents together with the ob-
2 served response to each recommendation;

3 “(3) a detailed appraisal of the accident inves-
4 tigation and accident prevention activities of other
5 departments, agencies, and instrumentalities of the
6 United States Government and State and local gov-
7 ernmental authorities having responsibility for those
8 activities under a law of the United States or a
9 State;

10 “(4) a description of the activities and oper-
11 ations of the National Transportation Safety Board
12 Academy during the prior calendar year;

13 “(5) a list of accidents, during the prior cal-
14 endar year, that the Board was required to inves-
15 tigate under section 1131 but did not investigate
16 and an explanation of why they were not inves-
17 tigated; and

18 “(6) a list of ongoing investigations that have
19 exceeded the expected time allotted for completion
20 by Board order and an explanation for the addi-
21 tional time required to complete each such investiga-
22 tion.”.

23 (b) **METHODOLOGY.**—

24 (1) **IN GENERAL.**—Section 1117 of title 49,
25 United States Code, is amended to read as follows:

1 **“§ 1117. Methodology**

2 “(a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of the National Transportation Safety
4 Board Reauthorization Act, the Chairman shall include
5 with each investigative report in which a recommendation
6 is issued by the Board a methodology section detailing the
7 process and information underlying the selection of each
8 recommendation.

9 “(b) ELEMENTS.—Except as provided in subsection
10 (c), the methodology section under subsection (a) shall in-
11 clude, for each recommendation—

12 “(1) a brief summary of the Board’s collection
13 and analysis of the specific accident investigation in-
14 formation most relevant to the recommendation;

15 “(2) a description of the Board’s use of exter-
16 nal information, including studies, reports, and ex-
17 perts, other than the findings of a specific accident
18 investigation, if any were used to inform or support
19 the recommendation, including a brief summary of
20 the specific safety benefits and other effects identi-
21 fied by each study, report, or expert; and

22 “(3) a brief summary of any examples of ac-
23 tions taken by regulated entities before the publica-
24 tion of the safety recommendation, to the extent
25 such actions are known to the Board, that were con-
26 sistent with the recommendation.

1 “(c) ACCEPTABLE LIMITATION.—If the Board knows
2 of more than 3 examples taken by regulated entities before
3 the publication of the safety recommendation that were
4 consistent with the recommendation, the brief summary
5 under subsection (b)(3) may be limited to only 3 of those
6 examples.

7 “(d) EXCEPTION.—Subsection (a) shall not apply if
8 the recommendation is only for a person to disseminate
9 information on—

10 “(1) an existing agency best practices docu-
11 ment; or

12 “(2) an existing regulatory requirement.

13 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to require any change to a rec-
15 ommendation made by the Board before the date of enact-
16 ment of the National Transportation Safety Board Reau-
17 thorization Act, unless the recommendation is a repeat
18 recommendation issued on or after the date of enactment
19 of such Act.

20 “(f) SAVINGS CLAUSE.—Nothing in this section may
21 be construed—

22 “(1) to delay publication of the findings, cause,
23 or probable cause of a Board investigation;

24 “(2) to delay the issuance of an urgent rec-
25 ommendation that the Board has determined must

1 be issued to avoid immediate loss, death, or injury;
2 or

3 “(3) to limit the number of examples the Board
4 may consider before issuing a recommendation.”.

5 (2) CLERICAL AMENDMENT.—The analysis for
6 chapter 11 of title 49, United States Code, is
7 amended by inserting after the item relating to sec-
8 tion 1116 the following:

“117. Methodology.”.

9 **SEC. 1108. MULTIMODAL ACCIDENT DATABASE MANAGE-**
10 **MENT SYSTEM.**

11 (a) ESTABLISHMENT.—Not later than 1 year after
12 the date of enactment of this Act, the Board shall estab-
13 lish and maintain a multimodal accident database man-
14 agement system for Board investigators.

15 (b) PURPOSES.—The purposes of the system shall be
16 to support the Board in improving—

17 (1) the quality of accident data the Board
18 makes available to the public; and

19 (2) the selection of accidents for investigation
20 and allocation of limited resources.

21 (c) REQUIREMENTS.—The system shall—

22 (1) maintain a historical record of accidents
23 that are investigated by the Board; and

1 (2) be capable of the secure storage, retrieval,
2 and management of information associated with the
3 investigations of such accidents.

4 **SEC. 1109. ADDRESSING THE NEEDS OF FAMILIES OF INDI-**
5 **VIDUALS INVOLVED IN ACCIDENTS.**

6 (a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-
7 LIC CONVENIENCE AND NECESSITY.—Section 41113 of
8 title 49, United States Code, is amended—

9 (1) in subsection (a), by striking “a major” and
10 inserting “any”; and

11 (2) in subsection (b)—

12 (A) in paragraph (9), by striking “(and
13 any other victim of the accident)” and inserting
14 “(and any other victim of the accident, includ-
15 ing any victim on the ground)”;

16 (B) in paragraph (16), by striking “major”
17 and inserting “any”; and

18 (C) in paragraph (17)(A), by striking “sig-
19 nificant” and inserting “any”.

20 (b) FOREIGN AIR CARRIERS PROVIDING FOREIGN
21 AIR TRANSPORTATION.—Section 41313 of title 49, United
22 States Code, is amended—

23 (1) in subsection (b), by striking “a major” and
24 inserting “any”; and

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “a sig-
2 nificant” and inserting “any”;

3 (B) in paragraph (2), by striking “a sig-
4 nificant” and inserting “any”;

5 (C) by amending paragraph (9) to read as
6 follows:

7 “(9) EQUAL TREATMENT OF PASSENGERS.—An
8 assurance that the treatment of the families of non-
9 revenue passengers (and any other victim of the ac-
10 cident, including any victim on the ground) will be
11 the same as the treatment of the families of revenue
12 passengers.”;

13 (D) in paragraph (16)—

14 (i) by striking “major” and inserting
15 “any”; and

16 (ii) by striking “the foreign air carrier
17 will consult” and inserting “will consult”;
18 and

19 (E) in paragraph (17)(A), by striking “sig-
20 nificant” and inserting “any”.

21 (c) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
22 VOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 of title
23 49, United States Code, is amended—

24 (1) in subsection (a), by striking “aircraft acci-
25 dent within the United States involving an air car-

1 rier or foreign air carrier and resulting in a major
2 loss of life” and inserting “aircraft accident involv-
3 ing an air carrier or foreign air carrier, resulting in
4 any loss of life, and for which the National Trans-
5 portation Safety Board will serve as the lead inves-
6 tigative agency”; and

7 (2) in subsection (h)—

8 (A) by amending paragraph (1) to read as
9 follows:

10 “(1) AIRCRAFT ACCIDENT.—The term ‘aircraft
11 accident’ means any aviation disaster, regardless of
12 its cause or suspected cause, for which the National
13 Transportation Safety Board is the lead investiga-
14 tive agency.”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A), by striking “;
17 and” and inserting a semicolon;

18 (ii) in subparagraph (B), by striking
19 the period at the end and inserting “;
20 and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(C) any other person injured or killed in
24 the aircraft accident, as determined appropriate
25 by the Board.”.

1 (d) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
2 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
3 of title 49, United States Code, is amended—

4 (1) in subsection (a), by striking “resulting in
5 a major loss of life” and inserting “resulting in any
6 loss of life, and for which the National Transpor-
7 tation Safety Board will serve as the lead investiga-
8 tive agency”; and

9 (2) by amending subsection (h)(1) to read as
10 follows:

11 “(1) RAIL PASSENGER ACCIDENT.—The term
12 ‘rail passenger accident’ means any rail passenger
13 disaster that—

14 “(A) results in any loss of life;

15 “(B) the National Transportation Safety
16 Board will serve as the lead investigative agency
17 for; and

18 “(C) occurs in the provision of—

19 “(i) interstate intercity rail passenger
20 transportation (as such term is defined in
21 section 24102); or

22 “(ii) high-speed rail (as such term is
23 defined in section 26105) transportation,
24 regardless of its cause or suspected
25 cause.”.

1 (e) INFORMATION FOR FAMILIES OF INDIVIDUALS
2 INVOLVED IN ACCIDENTS.—

3 (1) IN GENERAL.—Subchapter III of chapter
4 11 of subtitle II of title 49, United States Code, is
5 amended by adding at the end the following:

6 **“§ 1140. Information for families of individuals in-**
7 **volv ed in accidents**

8 “In the course of an investigation of an accident de-
9 scribed in section 1131(a)(1), except an aircraft accident
10 described in section 1136 or a rail passenger accident de-
11 scribed in section 1139, the Board may, to the maximum
12 extent practicable, ensure that the families of individuals
13 involved in the accident, and other individuals the Board
14 deems appropriate—

15 “(1) are informed as to the roles, with respect
16 to the accident and the post-accident activities, of
17 the Board;

18 “(2) are briefed, before any public briefing,
19 about the accident, its causes, and any other find-
20 ings from the investigation; and

21 “(3) are individually informed of and allowed to
22 attend any public hearings and meetings of the
23 Board about the accident.”.

24 (2) TABLE OF CONTENTS.—The table of con-
25 tents of chapter 11 of subtitle II of title 49, United

1 States Code, is amended by inserting after the item
2 relating to section 1139 the following:

“1140. Information for families of individuals involved in accidents.”.

3 **SEC. 1110. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
4 **PORT ON INVESTIGATION LAUNCH DECISION-**
5 **MAKING PROCESSES.**

6 Section 1138 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) by redesignating paragraphs (5) and
10 (6) as paragraphs (6) and (7), respectively; and

11 (B) by inserting after paragraph (4) the
12 following:

13 “(5) the process and procedures to select an ac-
14 cident to investigate;”; and

15 (2) in subsection (c), by inserting a comma
16 after “Science”.

17 **SEC. 1111. PERIODIC REVIEW OF SAFETY RECOMMENDA-**
18 **TIONS.**

19 (a) **REPORTS.**—Section 1116 of title 49, United
20 States Code, as amended by this Act, is further amend-
21 ed—

22 (1) in the heading, by striking “**and studies**”
23 and inserting “**, studies, and retrospective**
24 **reviews**”; and

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

1 “(d) RETROSPECTIVE REVIEWS.—

2 “(1) IN GENERAL.—Subject to paragraph (2),
3 not later than June 1, 2019, and at least every 5
4 years thereafter, the Chairman shall complete a ret-
5 rospective review of recommendations issued by the
6 Board that are classified as open by the Board.

7 “(2) CONTENTS.—A review under paragraph
8 (1) shall include—

9 “(A) a determination of whether the rec-
10 ommendation should be updated, closed, or re-
11 issued in light of—

12 “(i) changed circumstances;

13 “(ii) more recently issued rec-
14 ommendations;

15 “(iii) the availability of new tech-
16 nologies; or

17 “(iv) new information making the rec-
18 ommendation ineffective or insufficient for
19 achieving its objective; and

20 “(B) a justification for each determination
21 under subparagraph (A).

22 “(3) REPORT.—Not later than 180 days after
23 the date a review under paragraph (1) is complete,
24 the Chairman shall submit to the Committee on
25 Commerce, Science, and Transportation of the Sen-

1 ate and the Committee on Transportation and Infra-
2 structure of the House of Representatives a report
3 that includes—

4 “(A) the findings of the review under para-
5 graph (1);

6 “(B) each determination under paragraph
7 (2)(A) and justification under paragraph
8 (2)(B); and

9 “(C) if applicable, a schedule for updating,
10 closing, or reissuing a recommendation.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 11 of title 49, United States Code, is amended by
13 striking the item relating to section 1116 and inserting
14 the following:

 “1116. Reports, studies, and retrospective reviews.”.

15 (c) SAVINGS CLAUSE.—Nothing in this section or the
16 amendments made by this section may be construed to
17 limit or otherwise affect the authority of the Board to up-
18 date, close, or reissue a recommendation.

19 **SEC. 1112. GENERAL ORGANIZATION.**

20 (a) TERMS OF THE CHAIRMAN AND VICE CHAIR-
21 MAN.—Section 1111(d) of title 49, United States Code,
22 is amended by striking “2 years” and inserting “3 years”.

23 (b) NONPUBLIC COLLABORATIVE DISCUSSIONS.—
24 Section 1111 of such title is further amended by adding
25 at the end the following:

1 “(k) OPEN MEETINGS.—

2 “(1) IN GENERAL.—The Board shall be deemed
3 to be an agency for purposes of section 552b of title
4 5.

5 “(2) NONPUBLIC COLLABORATIVE DISCUS-
6 SIONS.—

7 “(A) IN GENERAL.—Notwithstanding sec-
8 tion 552b of title 5, a majority of the members
9 may hold a meeting that is not open to public
10 observation to discuss official agency business
11 if—

12 “(i) no formal or informal vote or
13 other official agency action is taken at the
14 meeting;

15 “(ii) each individual present at the
16 meeting is a member or an employee of the
17 Board;

18 “(iii) at least 1 member of the Board
19 from each political party is present at the
20 meeting, if applicable; and

21 “(iv) the General Counsel of the
22 Board is present at the meeting.

23 “(B) DISCLOSURE OF NONPUBLIC COL-
24 LABORATIVE DISCUSSIONS.—Except as provided
25 under subparagraphs (C) and (D), not later

1 than 2 business days after the conclusion of a
2 meeting under subparagraph (A), the Board
3 shall make available to the public, in a place
4 easily accessible to the public—

5 “(i) a list of the individuals present at
6 the meeting; and

7 “(ii) a summary of the matters, in-
8 cluding key issues, discussed at the meet-
9 ing, except for any matter the Board prop-
10 erly determines may be withheld from the
11 public under section 552b(c) of title 5.

12 “(C) SUMMARY.—If the Board properly
13 determines a matter may be withheld from the
14 public under section 552b(c) of title 5, the
15 Board shall provide a summary with as much
16 general information as possible on each matter
17 withheld from the public.

18 “(D) ACTIVE INVESTIGATIONS.—If a dis-
19 cussion under subparagraph (A) directly relates
20 to an active investigation, the Board shall make
21 the disclosure under subparagraph (B) on the
22 date the Board adopts the final report.

23 “(E) PRESERVATION OF OPEN MEETINGS
24 REQUIREMENTS FOR AGENCY ACTION.—Noth-
25 ing in this paragraph may be construed to limit

1 the applicability of section 552b of title 5 with
2 respect to a meeting of the members other than
3 that described in this paragraph.

4 “(F) STATUTORY CONSTRUCTION.—Noth-
5 ing in this paragraph may be construed—

6 “(i) to limit the applicability of sec-
7 tion 552b of title 5 with respect to any in-
8 formation which is proposed to be withheld
9 from the public under subparagraph
10 (B)(ii); or

11 “(ii) to authorize the Board to with-
12 hold from any individual any record that is
13 accessible to that individual under section
14 552a of title 5.”.

15 (c) AUTHORITY TO ACQUIRE SMALL UNMANNED
16 AIRCRAFT SYSTEMS FOR INVESTIGATION PURPOSES.—
17 Section 1113(b)(1) of such title is amended—

18 (1) in subparagraph (H), by striking “and” at
19 the end;

20 (2) in subparagraph (I), by striking the period
21 at the end and inserting “; and”; and

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

23 “(J) notwithstanding section 1343 of title
24 31, acquire 1 or more small unmanned aircraft

1 (as defined in section 44801) for use in inves-
2 tigations under this chapter.”.

3 (d) INVESTIGATIVE OFFICERS.—Section 1113 of
4 such title is amended by striking subsection (h).

5 (e) TECHNICAL AMENDMENT.—Section 1113(a)(1)
6 of such title is amended by striking “subpena” and insert-
7 ing “subpoena”.

8 **SEC. 1113. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) TABLE OF CONTENTS.—The table of contents of
10 subchapter III of chapter 11 of subtitle II of title 49,
11 United States Code, is amended in the item relating to
12 section 1138 by striking “Board” and inserting “Board.”.

13 (b) GENERAL AUTHORITY.—Section 1131(a)(1)(A)
14 of title 49, United States Code, is amended by striking
15 “a public aircraft as defined by section 40102(a)(37) of
16 this title” and inserting “a public aircraft as defined by
17 section 40102(a) of this title”.

18 **DIVISION D—DISASTER**

19 **RECOVERY REFORM**

20 **SEC. 1201. SHORT TITLE.**

21 This division may be cited as the “Disaster Recovery
22 Reform Act of 2018”.

23 **SEC. 1202. APPLICABILITY.**

24 (a) APPLICABILITY FOR STAFFORD ACT.—Except as
25 otherwise expressly provided, the amendments in this divi-

1 sion to the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5121 et seq.) apply to
3 each major disaster and emergency declared by the Presi-
4 dent on or after August 1, 2017, under the Robert T.
5 Stafford Disaster Relief and Emergency Assistance Act.

6 (b) DIVISION APPLICABILITY.—Except as otherwise
7 expressly provided, the authorities provided under this di-
8 vision apply to each major disaster and emergency de-
9 clared by the President under the Robert T. Stafford Dis-
10 aster Relief and Emergency Assistance Act on or after
11 January 1, 2016.

12 **SEC. 1203. DEFINITIONS.**

13 In this division:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Federal
16 Emergency Management Agency.

17 (2) AGENCY.—The term “Agency” means the
18 Federal Emergency Management Agency.

19 (3) STATE.—The term “State” has the mean-
20 ing given that term in section 102 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance
22 Act (42 U.S.C. 5122).

1 **SEC. 1204. WILDFIRE PREVENTION.**

2 (a) MITIGATION ASSISTANCE.—Section 420 of the
3 Robert T. Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5187) is amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e); and

7 (2) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) HAZARD MITIGATION ASSISTANCE.—Whether
10 or not a major disaster is declared, the President may pro-
11 vide hazard mitigation assistance in accordance with sec-
12 tion 404 in any area affected by a fire for which assistance
13 was provided under this section.”.

14 (b) CONFORMING AMENDMENTS.—The Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5121 et seq.) is amended—

17 (1) in section 404(a) (42 U.S.C. 5170c(a)) (as
18 amended by this division)—

19 (A) by inserting before the first period “,
20 or any area affected by a fire for which assist-
21 ance was provided under section 420”; and

22 (B) in the third sentence by inserting “or
23 event under section 420” after “major disaster”
24 each place it appears; and

1 (2) in section 322(e)(1) (42 U.S.C. 5165(e)(1)),
2 by inserting “or event under section 420” after
3 “major disaster” each place it appears.

4 (c) REPORTING REQUIREMENT.—Not later than 1
5 year after the date of enactment of this Act and annually
6 thereafter, the Administrator shall submit to the Com-
7 mittee on Homeland Security and Governmental Affairs
8 of the Senate, the Committee on Transportation and In-
9 frastructure of the House of Representatives, and the
10 Committees on Appropriations of the Senate and the
11 House of Representatives a report containing a summary
12 of any projects carried out, and any funding provided to
13 those projects, under subsection (d) of section 420 of the
14 Robert T. Stafford Disaster Relief and Emergency Assist-
15 ance Act (42 U.S.C. 5187) (as amended by this section).

16 **SEC. 1205. ADDITIONAL ACTIVITIES.**

17 Section 404 of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C. 5170c) is
19 amended by adding at the end the following:

20 “(f) USE OF ASSISTANCE.—Recipients of hazard
21 mitigation assistance provided under this section and sec-
22 tion 203 may use the assistance to conduct activities to
23 help reduce the risk of future damage, hardship, loss, or
24 suffering in any area affected by a wildfire or windstorm,
25 such as—

- 1 “(1) reseeding ground cover with quick-growing
- 2 or native species;
- 3 “(2) mulching with straw or chipped wood;
- 4 “(3) constructing straw, rock, or log dams in
- 5 small tributaries to prevent flooding;
- 6 “(4) placing logs and other erosion barriers to
- 7 catch sediment on hill slopes;
- 8 “(5) installing debris traps to modify road and
- 9 trail drainage mechanisms;
- 10 “(6) modifying or removing culverts to allow
- 11 drainage to flow freely;
- 12 “(7) adding drainage dips and constructing
- 13 emergency spillways to keep roads and bridges from
- 14 washing out during floods;
- 15 “(8) planting grass to prevent the spread of
- 16 noxious weeds;
- 17 “(9) installing warning signs;
- 18 “(10) establishing defensible space measures;
- 19 “(11) reducing hazardous fuels;
- 20 “(12) mitigating windstorm damage, including
- 21 replacing or installing electrical transmission or dis-
- 22 tribution utility pole structures with poles that are
- 23 resilient to extreme wind and combined ice and wind
- 24 loadings for the basic wind speeds and ice conditions
- 25 associated with the relevant location;

1 “(13) removing standing burned trees; and

2 “(14) replacing water systems that have been
3 burned and have caused contamination.”.

4 **SEC. 1206. ELIGIBILITY FOR CODE IMPLEMENTATION AND**
5 **ENFORCEMENT.**

6 (a) IN GENERAL.—Section 402 of the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5170a) is amended—

9 (1) in paragraph (4), by striking “and” at the
10 end;

11 (2) by redesignating paragraph (5) as para-
12 graph (6); and

13 (3) by inserting after paragraph (4) the fol-
14 lowing:

15 “(5) provide assistance to State and local gov-
16 ernments for building code and floodplain manage-
17 ment ordinance administration and enforcement, in-
18 cluding inspections for substantial damage compli-
19 ance; and”.

20 (b) REPAIR, RESTORATION, AND REPLACEMENT OF
21 DAMAGED FACILITIES.—Section 406(a)(2) of the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5172(a)(2)) is amended—

24 (1) in subparagraph (B), by striking “and” at
25 the end;

1 (2) in subparagraph (C), by striking the period
2 at the end and inserting “; and”; and

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

4 “(D) base and overtime wages for extra
5 hires to facilitate the implementation and en-
6 forcement of adopted building codes for a pe-
7 riod of not more than 180 days after the major
8 disaster is declared.”.

9 **SEC. 1207. PROGRAM IMPROVEMENTS.**

10 (a) HAZARD MITIGATION.—Section 406(e) of the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5172(e)) is amended—

13 (1) in paragraph (1)(A), by striking “90 per-
14 cent of”; and

15 (2) in paragraph (2)(A), by striking “75 per-
16 cent of”.

17 (b) FLOOD INSURANCE.—Section 406(d)(1) of the
18 Robert T. Stafford Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5172(d)(1)) is amended by adding
20 at the end the following: “This section shall not apply to
21 more than one building of a multi-structure educational,
22 law enforcement, correctional, fire, or medical campus, for
23 any major disaster or emergency declared by the President
24 under section 401 or 501, respectively, of the Robert T.
25 Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5170, 5191) on or after January 1, 2016,
2 through December 31, 2018.”.

3 (c) PARTICIPATION.—Section 428(d) of the Robert T.
4 Stafford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5189f(d)) is amended—

6 (1) by striking “Participation in” and inserting
7 the following:

8 “(1) IN GENERAL.—Participation in”; and

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

10 “(2) NO CONDITIONS.—The President may not
11 condition the provision of Federal assistance under
12 this Act on the election by a State, local, or Indian
13 tribal government, or owner or operator of a private
14 nonprofit facility to participate in the alternative
15 procedures adopted under this section.”.

16 (d) CERTIFICATION.—Section 428(e)(1) of the Rob-
17 ert T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5189f(e)(1)) is amended—

19 (1) in subparagraph (E), by striking “and” at
20 the end;

21 (2) in subparagraph (F), by striking the period
22 at the end and inserting “; and”; and

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

24 “(G) once certified by a professionally li-
25 censed engineer and accepted by the Adminis-

1 trator, the estimates on which grants made pur-
2 suant to this section are based shall be pre-
3 sumed to be reasonable and eligible costs, as
4 long as there is no evidence of fraud.”.

5 **SEC. 1208. PRIORITIZATION OF FACILITIES.**

6 Not later than 180 days after the date of enactment
7 of this Act, the Administrator shall provide guidance and
8 training on an annual basis to State, local, and Indian
9 tribal governments, first responders, and utility companies
10 on—

11 (1) the need to prioritize assistance to hospitals,
12 nursing homes, and other long-term care facilities to
13 ensure that such health care facilities remain func-
14 tioning or return to functioning as soon as prac-
15 ticable during power outages caused by natural haz-
16 ards, including severe weather events;

17 (2) how hospitals, nursing homes and other
18 long-term care facilities should adequately prepare
19 for power outages during a major disaster or emer-
20 gency, as those terms are defined in section 102 of
21 the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5122); and

23 (3) how State, local governments, and Indian
24 tribal governments first responders, utility compa-
25 nies, hospitals, nursing homes, and other long-term

1 care facilities should develop a strategy to coordinate
2 emergency response plans, including the activation
3 of emergency response plans, in anticipation of a
4 major disaster, including severe weather events.

5 **SEC. 1209. GUIDANCE ON EVACUATION ROUTES.**

6 (a) IN GENERAL.—

7 (1) IDENTIFICATION.—The Administrator, in
8 coordination with the Administrator of the Federal
9 Highway Administration, shall develop and issue
10 guidance for State, local, and Indian tribal govern-
11 ments regarding the identification of evacuation
12 routes.

13 (2) GUIDANCE.—The Administrator of the Fed-
14 eral Highway Administration, in coordination with
15 the Administrator, shall revise existing guidance or
16 issue new guidance as appropriate for State, local,
17 and Indian tribal governments regarding the design,
18 construction, maintenance, and repair of evacuation
19 routes.

20 (b) CONSIDERATIONS.—

21 (1) IDENTIFICATION.—In developing the guid-
22 ance under subsection (a)(1), the Administrator
23 shall consider—

1 (A) whether evacuation routes have re-
2 sisted impacts and recovered quickly from dis-
3 asters, regardless of cause;

4 (B) the need to evacuate special needs pop-
5 ulations, including—

6 (i) individuals with a physical or men-
7 tal disability;

8 (ii) individuals in schools, daycare
9 centers, mobile home parks, prisons, nurs-
10 ing homes and other long-term care facili-
11 ties, and detention centers;

12 (iii) individuals with limited-English
13 proficiency;

14 (iv) the elderly; and

15 (v) individuals who are tourists, sea-
16 sonal workers, or homeless;

17 (C) the sharing of information and other
18 public communications with evacuees during
19 evacuations;

20 (D) the sheltering of evacuees, including
21 the care, protection, and sheltering of animals;

22 (E) the return of evacuees to their homes;
23 and

24 (F) such other items the Administrator
25 considers appropriate.

1 (2) DESIGN, CONSTRUCTION, MAINTENANCE,
2 AND REPAIR.—In revising or issuing guidance under
3 subsection (a)(2), the Administrator of the Federal
4 Highway Administration shall consider—

5 (A) methods that assist evacuation routes
6 to—

7 (i) withstand likely risks to viability,
8 including flammability and hydrostatic
9 forces;

10 (ii) improve durability, strength (in-
11 cluding the ability to withstand tensile
12 stresses and compressive stresses), and
13 sustainability; and

14 (iii) provide for long-term cost sav-
15 ings;

16 (B) the ability of evacuation routes to ef-
17 fectively manage contraflow operations;

18 (C) for evacuation routes on public lands,
19 the viewpoints of the applicable Federal land
20 management agency regarding emergency oper-
21 ations, sustainability, and resource protection;
22 and

23 (D) such other items the Administrator of
24 the Federal Highway Administration considers
25 appropriate.

1 (c) STUDY.—The Administrator, in coordination with
2 the Administrator of the Federal Highway Administration
3 and State, local, territorial, and Indian tribal govern-
4 ments, may—

5 (1) conduct a study of the adequacy of available
6 evacuation routes to accommodate the flow of evac-
7 uees; and

8 (2) submit recommendations on how to help
9 with anticipated evacuation route flow, based on the
10 study conducted under paragraph (1), to—

11 (A) the Federal Highway Administration;

12 (B) the Agency;

13 (C) State, local, territorial, and Indian
14 tribal governments; and

15 (D) Congress.

16 **SEC. 1210. DUPLICATION OF BENEFITS.**

17 (a) IN GENERAL.—

18 (1) AUTHORITY.—Section 312(b) of the Robert
19 T. Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5155(b)) is amended by adding
21 at the end the following:

22 “(4) WAIVER OF GENERAL PROHIBITION.—

23 “(A) IN GENERAL.—The President may
24 waive the general prohibition provided in sub-
25 section (a) upon request of a Governor on be-

1 half of the State or on behalf of a person, busi-
2 ness concern, or any other entity suffering
3 losses as a result of a major disaster or emer-
4 gency, if the President finds such waiver is in
5 the public interest and will not result in waste,
6 fraud, or abuse. In making this decision, the
7 President may consider the following:

8 “(i) The recommendations of the Ad-
9 ministrator of the Federal Emergency
10 Management Agency made in consultation
11 with the Federal agency or agencies ad-
12 ministering the duplicative program.

13 “(ii) If a waiver is granted, the assist-
14 ance to be funded is cost effective.

15 “(iii) Equity and good conscience.

16 “(iv) Other matters of public policy
17 considered appropriate by the President.

18 “(B) GRANT OR DENIAL OF WAIVER.—A
19 request under subparagraph (A) shall be grant-
20 ed or denied not later than 45 days after sub-
21 mission of such request.

22 “(C) PROHIBITION ON DETERMINATION
23 THAT LOAN IS A DUPLICATION.—Notwith-
24 standing subsection (c), in carrying out sub-
25 paragraph (A), the President may not deter-

1 mine that a loan is a duplication of assistance,
2 provided that all Federal assistance is used to-
3 ward a loss suffered as a result of the major
4 disaster or emergency.”.

5 (2) LIMITATION.—This subsection, including
6 the amendment made by paragraph (1), shall not be
7 construed to apply to section 406 or 408 of the Rob-
8 ert T. Stafford Disaster Relief and Emergency As-
9 sistance Act (42 U.S.C. 5172, 5174).

10 (3) APPLICABILITY.—The amendment made by
11 paragraph (1) shall apply to any major disaster or
12 emergency declared by the President under section
13 401 or 501, respectively, of the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5170, 5191) between January 1, 2016, and
16 December 31, 2021.

17 (4) SUNSET.—On the date that is 5 years after
18 the date of enactment of this Act, section 312(b) of
19 the Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5155(b)) is amend-
21 ed by striking paragraph (4), as added by subsection
22 (a)(1) of this section.

23 (5) REPORT.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this Act, the Ad-

1 administrator, in coordination with other relevant
2 Federal agencies, shall submit to the congress-
3 sional committees of jurisdiction a report con-
4 ducted by all relevant Federal agencies to im-
5 prove the comprehensive delivery of disaster as-
6 sistance to individuals following a major dis-
7 aster or emergency declaration under the Rob-
8 ert T. Stafford Disaster Relief and Emergency
9 Assistance Act.

10 (B) CONTENTS.—The report required
11 under subparagraph (A) shall include both ad-
12 ministrative actions taken, or planned to be
13 taken, by the agencies as well as legislative pro-
14 posals, where appropriate, of the following:

15 (i) Efforts to improve coordination be-
16 tween the Agency and other relevant Fed-
17 eral agencies when delivering disaster as-
18 sistance to individuals.

19 (ii) Clarify the sequence of delivery of
20 disaster assistance to individuals from the
21 Agency, and other relevant Federal agen-
22 cies.

23 (iii) Clarify the interpretation and im-
24 plementation of section 302 of the Robert
25 T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5143) when
2 providing disaster assistance to individuals,
3 including providing a common interpreta-
4 tion across the Agency, and other relevant
5 Federal agencies, of the definitions and re-
6 quirements under such section 302.

7 (iv) Increase the effectiveness of com-
8 munication to applicants for assistance
9 programs for individuals after a disaster
10 declaration, including the breadth of pro-
11 grams available and the potential impacts
12 of utilizing one program versus another.

13 (C) REPORT UPDATE.—Not later than 4
14 years after the date of enactment of this sub-
15 section, the Administrator, in coordination with
16 other relevant Federal agencies, shall submit to
17 the congressional committees of jurisdiction an
18 update to the report required under subpara-
19 graph (A).

20 (b) FUNDING OF A FEDERALLY AUTHORIZED WATER
21 RESOURCES DEVELOPMENT PROJECT.—

22 (1) ELIGIBLE ACTIVITIES.—Notwithstanding
23 section 312 of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (42 U.S.C. 5155)
25 and its implementing regulations, assistance pro-

1 vided pursuant to section 404 of such Act may be
2 used to fund activities authorized for construction
3 within the scope of a federally authorized water re-
4 sources development project of the Army Corps of
5 Engineers if such activities are also eligible activities
6 under such section.

7 (2) FEDERAL FUNDING.—All Federal funding
8 provided under section 404 pursuant to this section
9 shall be applied toward the Federal share of such
10 project.

11 (3) NON-FEDERAL MATCH.—All non-Federal
12 matching funds required under section 404 pursuant
13 to this section shall be applied toward the non-Fed-
14 eral share of such project.

15 (4) TOTAL FEDERAL SHARE.—Funding pro-
16 vided under section 404 pursuant to this section
17 may not exceed the total Federal share for such
18 project.

19 (5) NO EFFECT.—Nothing in this section
20 shall—

21 (A) affect the cost-share requirement of a
22 hazard mitigation measure under section 404;

23 (B) affect the eligibility criteria for a haz-
24 ard mitigation measure under section 404;

1 (C) affect the cost share requirements of a
2 federally authorized water resources develop-
3 ment project; and

4 (D) affect the responsibilities of a non-
5 Federal interest with respect to the project, in-
6 cluding those related to the provision of lands,
7 easements, rights-of-way, dredge material dis-
8 posal areas, and necessary relocations.

9 (6) LIMITATION.—If a federally authorized
10 water resources development project of the Army
11 Corps of Engineers is constructed with funding pro-
12 vided under section 404 pursuant to this subsection,
13 no further Federal funding shall be provided for con-
14 struction of such project

15 **SEC. 1211. STATE ADMINISTRATION OF ASSISTANCE FOR**
16 **DIRECT TEMPORARY HOUSING AND PERMA-**
17 **NENT HOUSING CONSTRUCTION.**

18 (a) STATE ROLE.—Section 408(f) of the Robert T.
19 Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5174(f)) is amended—

21 (1) in paragraph (1)—

22 (A) by striking the paragraph heading and
23 inserting “STATE- OR INDIAN TRIBAL GOVERN-
24 MENT-ADMINISTERED ASSISTANCE AND OTHER
25 NEEDS ASSISTANCE.—”;

1 (B) in subparagraph (A)—

2 (i) by striking “financial”; and

3 (ii) by striking “subsection (e)” and
4 inserting “subsections (c)(1)(B), (c)(4),
5 and (e) if the President and the State or
6 Indian tribal government comply, as deter-
7 mined by the Administrator, with para-
8 graph (3)”; and

9 (C) in subparagraph (B)—

10 (i) by striking “financial”; and

11 (ii) by striking “subsection (e)” and
12 inserting “subsections (c)(1)(B), (c)(4),
13 and (e)”; and

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

15 “(3) REQUIREMENTS.—

16 “(A) APPLICATION.—A State or Indian
17 tribal government desiring to provide assistance
18 under subsection (c)(1)(B), (c)(4), or (e) shall
19 submit to the President an application for a
20 grant to provide financial assistance under the
21 program.

22 “(B) CRITERIA.—The President, in con-
23 sultation and coordination with State and In-
24 dian tribal governments, shall establish criteria
25 for the approval of applications submitted

1 under subparagraph (A). The criteria shall in-
2 clude, at a minimum—

3 “(i) a requirement that the State or
4 Indian tribal government submit a housing
5 strategy under subparagraph (C);

6 “(ii) the demonstrated ability of the
7 State or Indian tribal government to man-
8 age the program under this section;

9 “(iii) there being in effect a plan ap-
10 proved by the President as to how the
11 State or Indian tribal government will
12 comply with applicable Federal laws and
13 regulations and how the State or Indian
14 tribal government will provide assistance
15 under its plan;

16 “(iv) a requirement that the State or
17 Indian tribal government comply with rules
18 and regulations established pursuant to
19 subsection (j); and

20 “(v) a requirement that the President,
21 or the designee of the President, comply
22 with subsection (i).

23 “(C) REQUIREMENT OF HOUSING STRAT-
24 EGY.—

1 “(i) IN GENERAL.—A State or Indian
2 tribal government submitting an applica-
3 tion under this paragraph shall have an
4 approved housing strategy, which shall be
5 developed and submitted to the President
6 for approval.

7 “(ii) REQUIREMENTS.—The housing
8 strategy required under clause (i) shall—

9 “(I) outline the approach of the
10 State in working with Federal part-
11 ners, Indian tribal governments, local
12 communities, nongovernmental organi-
13 zations, and individual disaster sur-
14 vivors to meet disaster-related shel-
15 tering and housing needs; and

16 “(II) include the establishment of
17 an activation plan for a State Dis-
18 aster Housing Task Force, as outlined
19 in the National Disaster Housing
20 Strategy, to bring together State, trib-
21 al, local, Federal, nongovernmental,
22 and private sector expertise to evalu-
23 ate housing requirements, consider po-
24 tential solutions, recognize special

1 needs populations, and propose rec-
2 ommendations.

3 “(D) QUALITY ASSURANCE.—Before ap-
4 proving an application submitted under this
5 section, the President, or the designee of the
6 President, shall institute adequate policies, pro-
7 cedures, and internal controls to prevent waste,
8 fraud, abuse, and program mismanagement for
9 this program and for programs under sub-
10 sections (c)(1)(B), (c)(4), and (e). The Presi-
11 dent shall monitor and conduct quality assur-
12 ance activities on a State or Indian tribal gov-
13 ernment’s implementation of programs under
14 subsections (c)(1)(B), (c)(4), and (e). If, after
15 approving an application of a State or Indian
16 tribal government submitted under this para-
17 graph, the President determines that the State
18 or Indian tribal government is not admin-
19 istering the program established by this section
20 in a manner satisfactory to the President, the
21 President shall withdraw the approval.

22 “(E) AUDITS.—The Inspector General of
23 the Department of Homeland Security shall
24 provide for periodic audits of the programs ad-

1 ministered by States and Indian tribal govern-
2 ments under this subsection.

3 “(F) APPLICABLE LAWS.—All Federal laws
4 applicable to the management, administration,
5 or contracting of the programs by the Federal
6 Emergency Management Agency under this sec-
7 tion shall be applicable to the management, ad-
8 ministration, or contracting by a non-Federal
9 entity under this section.

10 “(G) REPORT ON EFFECTIVENESS.—Not
11 later than 18 months after the date of enact-
12 ment of this paragraph, the Inspector General
13 of the Department of Homeland Security shall
14 submit a report to the Committee on Homeland
15 Security and Governmental Affairs of the Sen-
16 ate and the Committee on Transportation and
17 Infrastructure of the House of Representatives
18 on the State or Indian tribal government’s role
19 to provide assistance under this section. The re-
20 port shall contain an assessment of the effec-
21 tiveness of the State or Indian tribal govern-
22 ment’s role in providing assistance under this
23 section, including—

1 “(i) whether the State or Indian tribal
2 government’s role helped to improve the
3 general speed of disaster recovery;

4 “(ii) whether the State or Indian trib-
5 al government providing assistance under
6 this section had the capacity to administer
7 this 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 Fed-
15 eral Emergency Management Agency shall sub-
16 mit a report to the Committee on Homeland
17 Security and Governmental Affairs of the Sen-
18 ate and the Committee on Transportation and
19 Infrastructure of the House of Representatives
20 on a potential incentive structure for awards
21 made under this section to encourage participa-
22 tion by eligible States and Indian tribal govern-
23 ments. In developing this report, the Adminis-
24 trator of the Federal Emergency Management
25 Agency shall consult with State, local, and In-

1 dian tribal entities to gain their input on any
2 such incentive structure to encourage participa-
3 tion and shall include this information in the
4 report. This report should address, among other
5 options, potential adjustments to the cost-share
6 requirement and management costs to State
7 and Indian tribal governments.

8 “(I) PROHIBITION.—The President may
9 not condition the provision of Federal assist-
10 ance under this Act on a State or Indian tribal
11 government requesting a grant under this sec-
12 tion.

13 “(J) MISCELLANEOUS.—

14 “(i) NOTICE AND COMMENT.—The
15 Administrator of the Federal Emergency
16 Management Agency may waive notice and
17 comment rulemaking with respect to rules
18 to carry out this section, if the Adminis-
19 trator determines doing so is necessary to
20 expeditiously implement this section, and
21 may carry out this section as a pilot pro-
22 gram until such regulations are promul-
23 gated.

24 “(ii) FINAL RULE.—Not later than 2
25 years after the date of enactment of this

1 paragraph, the Administrator of the Fed-
2 eral Emergency Management Agency shall
3 issue final regulations to implement this
4 subsection as amended by the Disaster Re-
5 covery Reform Act of 2018.

6 “(iii) WAIVER AND EXPIRATION.—The
7 authority under clause (i) and any pilot
8 program implemented pursuant to such
9 clause shall expire 2 years after the date of
10 enactment of this paragraph or upon
11 issuance of final regulations pursuant to
12 clause (ii), whichever occurs sooner.”.

13 (b) REIMBURSEMENT.—The Federal Emergency
14 Management Agency (FEMA) shall reimburse State and
15 local units of government (for requests received within a
16 period of 3 years after the declaration of a major disaster
17 under section 401 of the Robert T. Stafford Disaster Re-
18 lief and Emergency Assistance Act (42 U.S.C. 5170))
19 upon determination that a locally implemented housing so-
20 lution, implemented by State or local units of govern-
21 ment—

22 (1) costs 50 percent of comparable FEMA solu-
23 tion or whatever the locally implemented solution
24 costs, whichever is lower;

1 (2) complies with local housing regulations and
2 ordinances; and

3 (3) the housing solution was implemented with-
4 in 90 days of the disaster.

5 **SEC. 1212. ASSISTANCE TO INDIVIDUALS AND HOUSE-**
6 **HOLDS.**

7 Section 408(h) of the Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (42 U.S.C. 5174(h))
9 is amended—

10 (1) in paragraph (1), by inserting “, excluding
11 financial assistance to rent alternate housing accom-
12 modations under subsection (c)(1)(A)(i) and finan-
13 cial assistance to address other needs under sub-
14 section (e)” after “disaster”;

15 (2) by redesignating paragraph (2) as para-
16 graph (3);

17 (3) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) **OTHER NEEDS ASSISTANCE.**—The max-
20 imum financial assistance any individual or house-
21 hold may receive under subsection (e) shall be equiv-
22 alent to the amount set forth in paragraph (1) with
23 respect to a single major disaster.”;

1 (4) in paragraph (3) (as so redesignated), by
2 striking “paragraph (1)” and inserting “paragraphs
3 (1) and (2)”; and

4 (5) by inserting after paragraph (3) (as so re-
5 designated) the following:

6 “(4) EXCLUSION OF NECESSARY EXPENSES FOR
7 INDIVIDUALS WITH DISABILITIES.—

8 “(A) IN GENERAL.—The maximum
9 amount of assistance established under para-
10 graph (1) shall exclude expenses to repair or re-
11 place damaged accessibility-related improve-
12 ments under paragraphs (2), (3), and (4) of
13 subsection (c) for individuals with disabilities.

14 “(B) OTHER NEEDS ASSISTANCE.—The
15 maximum amount of assistance established
16 under paragraph (2) shall exclude expenses to
17 repair or replace accessibility-related personal
18 property under subsection (e)(2) for individuals
19 with disabilities.”.

20 **SEC. 1213. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.**

21 (a) LEASE AND REPAIR OF RENTAL UNITS FOR
22 TEMPORARY HOUSING.—Section 408(c)(1)(B)(ii)(II) of
23 the Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended
25 to read as follows:

1 “(II) IMPROVEMENTS OR RE-
2 PAIRS.—Under the terms of any lease
3 agreement for property entered into
4 under this subsection, the value of the
5 improvements or repairs shall be de-
6 ducted from the value of the lease
7 agreement.”.

8 (b) RENTAL PROPERTIES IMPACTED.—Section
9 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42 U.S.C.
11 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

12 “(aa) enter into lease agree-
13 ments with owners of multifamily
14 rental property impacted by a
15 major disaster or located in areas
16 covered by a major disaster dec-
17 laration to house individuals and
18 households eligible for assistance
19 under this section; and”.

20 (c) INSPECTOR GENERAL REPORT.—Not later than
21 2 years after the date of the enactment of this Act, the
22 inspector general of the Department of Homeland Security
23 shall—

24 (1) assess the use of the authority provided
25 under section 408(c)(1)(B) of the Robert T. Staf-

1 ford Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 5174(c)(1)(B)), as amended by this divi-
3 sion, including the adequacy of any benefit-cost
4 analysis done to justify the use of this alternative;
5 and

6 (2) submit a report on the results of the assess-
7 ment conducted under paragraph (1) to the appro-
8 priate committees of Congress.

9 **SEC. 1214. PRIVATE NONPROFIT FACILITY.**

10 Section 102(11)(B) of the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42 U.S.C.
12 5122(11)(B)) is amended by inserting “food banks,” after
13 “shelter workshops,”.

14 **SEC. 1215. MANAGEMENT COSTS.**

15 Section 324 of the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. 5165b) is
17 amended—

18 (1) in subsection (a) by striking “any adminis-
19 trative expense, and any other expense not directly
20 chargeable to” and inserting “any direct administra-
21 tive cost, and any other administrative expense asso-
22 ciated with”; and

23 (2) in subsection (b)—

24 (A) by striking “Notwithstanding” and in-
25 serting the following:

1 “(1) IN GENERAL.—Notwithstanding”;

2 (B) in paragraph (1), as added by sub-
3 paragraph (A), by striking “establish” and in-
4 serting “implement”; and

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

6 “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-
7 ministrator of the Federal Emergency Management
8 Agency shall provide the following percentage rates,
9 in addition to the eligible project costs, to cover di-
10 rect and indirect costs of administering the following
11 programs:

12 “(A) HAZARD MITIGATION.—A grantee
13 under section 404 may be reimbursed not more
14 than 15 percent of the total amount of the
15 grant award under such section of which not
16 more than 10 percent may be used by the
17 grantee and 5 percent by the subgrantee for
18 such costs.

19 “(B) PUBLIC ASSISTANCE.—A grantee
20 under sections 403, 406, 407, and 502 may be
21 reimbursed not more than 12 percent of the
22 total award amount under such sections, of
23 which not more than 7 percent may be used by
24 the grantee and 5 percent by the subgrantee for
25 such costs.”.

1 **SEC. 1216. FLEXIBILITY.**

2 (a) WAIVER AUTHORITY.—

3 (1) DEFINITION.—In this subsection, the term
4 “covered assistance” means assistance provided—

5 (A) under section 408 of the Robert T.
6 Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5174); and

8 (B) in relation to a major disaster or
9 emergency declared by the President under sec-
10 tion 401 or 501, respectively, of the Robert T.
11 Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5170, 5191) on or after
13 October 28, 2012.

14 (2) AUTHORITY.—Notwithstanding section
15 3716(e) of title 31, United States Code, the Admin-
16 istrator—

17 (A) subject to subparagraph (B), may
18 waive a debt owed to the United States related
19 to covered assistance provided to an individual
20 or household if—

21 (i) the covered assistance was distrib-
22 uted based on an error by the Agency;

23 (ii) there was no fault on behalf of the
24 debtor; and

25 (iii) the collection of the debt would be
26 against equity and good conscience; and

1 (B) may not waive a debt under subpara-
2 graph (A) if the debt involves fraud, the presen-
3 tation of a false claim, or misrepresentation by
4 the debtor or any party having an interest in
5 the claim.

6 (3) MONITORING OF COVERED ASSISTANCE DIS-
7 TRIBUTED BASED ON ERROR.—

8 (A) IN GENERAL.—The Inspector General
9 of the Department of Homeland Security shall
10 monitor the distribution of covered assistance to
11 individuals and households to determine the
12 percentage of such assistance distributed based
13 on an error.

14 (B) REMOVAL OF WAIVER AUTHORITY
15 BASED ON EXCESSIVE ERROR RATE.—If the In-
16 spector General of the Department of Home-
17 land Security determines, with respect to any
18 12-month period, that the amount of covered
19 assistance distributed based on an error by the
20 Agency exceeds 4 percent of the total amount
21 of covered assistance distributed—

22 (i) the Inspector General shall notify
23 the Administrator and publish the deter-
24 mination in the Federal Register; and

1 (ii) with respect to any major disaster
2 or emergency declared by the President
3 under section 401 or section 501, respec-
4 tively, of the Robert T. Stafford Disaster
5 Relief and Emergency Assistance Act (42
6 U.S.C. 5170; 42 U.S.C. 5191) after the
7 date on which the determination is pub-
8 lished under subparagraph (A), the author-
9 ity of the Administrator to waive debt
10 under paragraph (2) shall no longer be ef-
11 fective.

12 (b) RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-
13 ITED.—

14 (1) IN GENERAL.—Notwithstanding section
15 3716(e) of title 31, United States Code, and unless
16 there is evidence of civil or criminal fraud, the Agen-
17 cy may not take any action to recoup covered assist-
18 ance from the recipient of such assistance if the re-
19 ceipt of such assistance occurred on a date that is
20 more than 3 years before the date on which the
21 Agency first provides to the recipient written notifi-
22 cation of an intent to recoup.

23 (2) COVERED ASSISTANCE DEFINED.—In this
24 subsection, the term “covered assistance” means as-
25 sistance provided—

1 (A) under section 408 of the Robert T.
2 Stafford Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5174); and

4 (B) in relation to a major disaster or
5 emergency declared by the President under sec-
6 tion 401 or 501, respectively, of such Act (42
7 U.S.C. 5170; 42 U.S.C. 5191) on or after Jan-
8 uary 1, 2012.

9 (c) STATUTE OF LIMITATIONS.—

10 (1) IN GENERAL.—Section 705 of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5205) is amended—

13 (A) in subsection (a)(1)—

14 (i) by striking “Except” and inserting
15 “Notwithstanding section 3716(e) of title
16 31, United States Code, and except”; and

17 (ii) by striking “report for the dis-
18 aster or emergency” and inserting “report
19 for project completion as certified by the
20 grantee”; and

21 (B) in subsection (b)—

22 (i) in paragraph (1) by striking “re-
23 port for the disaster or emergency” and in-
24 serting “report for project completion as
25 certified by the grantee”; and

1 (ii) in paragraph (3) by inserting “for
2 project completion as certified by the
3 grantee” after “final expenditure report”.

4 (2) APPLICABILITY.—

5 (A) IN GENERAL.—With respect to dis-
6 aster or emergency assistance provided to a
7 State or local government on or after January
8 1, 2004—

9 (i) no administrative action may be
10 taken to recover a payment of such assist-
11 ance after the date of enactment of this
12 Act if the action is prohibited under sec-
13 tion 705(a)(1) of the Robert T. Stafford
14 Disaster Relief and Emergency Assistance
15 Act (42 U.S.C. 5205(a)(1)), as amended
16 by paragraph (1); and

17 (ii) any administrative action to re-
18 cover a payment of such assistance that is
19 pending on such date of enactment shall be
20 terminated if the action is prohibited under
21 section 705(a)(1) of that Act, as amended
22 by paragraph (1).

23 (B) LIMITATION.—This section, including
24 the amendments made by this section, may not
25 be construed to invalidate or otherwise affect

1 any administration action completed before the
2 date of enactment of this Act.

3 **SEC. 1217. ADDITIONAL DISASTER ASSISTANCE.**

4 (a) **DISASTER MITIGATION.**—Section 209 of the Pub-
5 lie Works and Economic Development Act of 1965 (42
6 U.S.C. 3149) is amended by adding at the end the fol-
7 lowing:

8 “(e) **DISASTER MITIGATION.**—In providing assist-
9 ance pursuant to subsection (c)(2), if appropriate and as
10 applicable, the Secretary may encourage hazard mitigation
11 in assistance provided pursuant to such subsection.”.

12 (b) **EMERGENCY MANAGEMENT ASSISTANCE COM-**
13 **PACT GRANTS.**—Section 661(d) of the Post-Katrina
14 Emergency Management Reform Act of 2006 (6 U.S.C.
15 761(d)) is amended by striking “for fiscal year 2008” and
16 inserting “for each of fiscal years 2018 through 2022”.

17 (c) **EMERGENCY MANAGEMENT PERFORMANCE**
18 **GRANTS PROGRAM.**—Section 662(f) of the Post-Katrina
19 Emergency Management Reform Act of 2006 (6 U.S.C.
20 762(f)) is amended by striking “the program” and all that
21 follows through “2012” and inserting “the program, for
22 each of fiscal years 2018 through 2022”.

23 (d) **TECHNICAL AMENDMENT.**—Section 403(a)(3) of
24 the Robert T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5170b(a)(3)) is amended by strik-
2 ing the second subparagraph (J).

3 **SEC. 1218. NATIONAL VETERINARY EMERGENCY TEAMS.**

4 (a) IN GENERAL.—The Administrator of the Federal
5 Emergency Management Agency may establish one or
6 more national veterinary emergency teams at accredited
7 colleges of veterinary medicine.

8 (b) RESPONSIBILITIES.—A national veterinary emer-
9 gency team shall—

10 (1) deploy with a team of the National Urban
11 Search and Rescue Response System to assist
12 with—

13 (A) veterinary care of canine search teams;

14 (B) locating and treating companion ani-
15 mals, service animals, livestock, and other ani-
16 mals; and

17 (C) surveillance and treatment of zoonotic
18 diseases;

19 (2) recruit, train, and certify veterinary profes-
20 sionals, including veterinary students, in accordance
21 with an established set of plans and standard oper-
22 ating guidelines to carry out the duties associated
23 with planning for and responding to major disasters
24 and emergencies as described in paragraph (1);

1 (3) assist State, Indian tribal government, and
2 local governments and nonprofit organizations in de-
3 veloping emergency management and evacuation
4 plans that account for the care and rescue of ani-
5 mals and in improving local readiness for providing
6 veterinary medical response during an emergency or
7 major disaster; and

8 (4) coordinate with the Department of Home-
9 land Security, the Department of Health and
10 Human Services, the Department of Agriculture,
11 State, local, and Indian tribal governments (includ-
12 ing departments of animal and human health), vet-
13 erinary and health care professionals, and volun-
14 teers.

15 **SEC. 1219. RIGHT OF ARBITRATION.**

16 Section 423 of the Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42 U.S.C. 5189a) is
18 amended by adding at the end the following:

19 “(d) RIGHT OF ARBITRATION.—

20 “(1) IN GENERAL.—Notwithstanding this sec-
21 tion, an applicant for assistance under this title may
22 request arbitration to dispute the eligibility for as-
23 sistance or repayment of assistance provided for a
24 dispute of more than \$500,000 for any disaster that
25 occurred after January 1, 2016. Such arbitration

1 shall be conducted by the Civilian Board of Contract
2 Appeals and the decision of such Board shall be
3 binding.

4 “(2) REVIEW.—The Civilian Board of Contract
5 Appeals shall consider from the applicant all original
6 and additional documentation, testimony, or other
7 such evidence supporting the applicant’s position at
8 any time during arbitration.

9 “(3) RURAL AREAS.—For an applicant for as-
10 sistance in a rural area under this title, the assist-
11 ance amount eligible for arbitration pursuant to this
12 subsection shall be \$100,000.

13 “(4) RURAL AREA DEFINED.—For the purposes
14 of this subsection, the term ‘rural area’ means an
15 area with a population of less than 200,000 outside
16 an urbanized area.

17 “(5) ELIGIBILITY.—To participate in arbitra-
18 tion under this subsection, an applicant—

19 “(A) shall submit the dispute to the arbi-
20 tration process established under the authority
21 granted under section 601 of Public Law 111-
22 5; and

23 “(B) may submit a request for arbitration
24 after the completion of the first appeal under
25 subsection (a) at any time before the Adminis-

1 trator of the Federal Emergency Management
2 Agency has issued a final agency determination
3 or 180 days after the Administrator’s receipt of
4 the appeal if the Administrator has not pro-
5 vided the applicant with a final determination
6 on the appeal. The applicant’s request shall
7 contain documentation from the administrative
8 record for the first appeal and may contain ad-
9 ditional documentation supporting the appli-
10 cant’s position.”.

11 **SEC. 1220. UNIFIED FEDERAL ENVIRONMENTAL AND HIS-**
12 **TORIC PRESERVATION REVIEW.**

13 (a) REVIEW AND ANALYSIS.—Not later than 180
14 days after the date of enactment of this Act, the Adminis-
15 trator shall review the Unified Federal Environmental and
16 Historic Preservation review process established pursuant
17 to section 429 of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C. 5189g), and
19 submit a report to the Committee on Transportation and
20 Infrastructure of the House of Representatives and the
21 Committee on Homeland Security and Governmental Af-
22 fairs of the Senate that includes the following:

23 (1) An analysis of whether and how the unified
24 process has expedited the interagency review process
25 to ensure compliance with the environmental and

1 historic requirements under Federal law relating to
2 disaster recovery projects.

3 (2) A survey and analysis of categorical exclu-
4 sions used by other Federal agencies that may be
5 applicable to any activity related to a major disaster
6 or emergency declared by the President under sec-
7 tion 401 or 501, respectively, of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5170, 5191).

10 (3) Recommendations on any further actions,
11 including any legislative proposals, needed to expe-
12 dite and streamline the review process.

13 (b) REGULATIONS.—After completing the review,
14 survey, and analyses under subsection (a), but not later
15 than 2 years after the date of enactment of this Act, and
16 after providing notice and opportunity for public comment,
17 the Administrator shall issue regulations to implement any
18 regulatory recommendations, including any categorical ex-
19 clusions identified under subsection (a), to the extent that
20 the categorical exclusions meet the criteria for a categor-
21 ical exclusion under section 1508.4 of title 40, Code of
22 Federal Regulations, and section II of DHS Instruction
23 Manual 023–01–001–01.

1 **SEC. 1221. CLOSEOUT INCENTIVES.**

2 (a) FACILITATING CLOSEOUT.—Section 705 of the
3 Robert T. Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5205) is amended by adding at the
5 end the following:

6 “(d) FACILITATING CLOSEOUT.—

7 “(1) INCENTIVES.—The Administrator of the
8 Federal Emergency Management Agency may de-
9 velop incentives and penalties that encourage State,
10 local, or Indian tribal governments to close out ex-
11 penditures and activities on a timely basis related to
12 disaster or emergency assistance.

13 “(2) AGENCY REQUIREMENTS.—The Federal
14 Emergency Management Agency shall, consistent
15 with applicable regulations and required procedures,
16 meet its responsibilities to improve closeout practices
17 and reduce the time to close disaster program
18 awards.”.

19 (b) REGULATIONS.—The Administrator shall issue
20 regulations to implement the amendment made by this
21 section.

22 **SEC. 1222. PERFORMANCE OF SERVICES.**

23 Section 306 of the Robert T. Stafford Disaster Relief
24 and Emergency Assistance Act (42 U.S.C. 5149) is
25 amended by adding at the end the following:

1 “(c) The Administrator of the Federal Emergency
2 Management Agency is authorized to appoint temporary
3 personnel, after serving continuously for 3 years, to posi-
4 tions in the Federal Emergency Management Agency in
5 the same manner that competitive service employees with
6 competitive status are considered for transfer, reassign-
7 ment, or promotion to such positions. An individual ap-
8 pointed under this subsection shall become a career-condi-
9 tional employee, unless the employee has already com-
10 pleted the service requirements for career tenure.”.

11 **SEC. 1223. STUDY TO STREAMLINE AND CONSOLIDATE IN-**
12 **FORMATION COLLECTION.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Administrator—

15 (1) in coordination with the Small Business Ad-
16 ministration, the Department of Housing and Urban
17 Development, the Disaster Assistance Working
18 Group of the Council of the Inspectors General on
19 Integrity and Efficiency, and other appropriate
20 agencies, conduct a study and develop a plan, con-
21 sistent with law, under which the collection of infor-
22 mation from disaster assistance applicants and
23 grantees will be modified, streamlined, expedited, ef-
24 ficient, flexible, consolidated, and simplified to be

1 less burdensome, duplicative, and time consuming
2 for applicants and grantees;

3 (2) in coordination with the Small Business Ad-
4 ministration, the Department of Housing and Urban
5 Development, the Disaster Assistance Working
6 Group of the Council of the Inspectors General on
7 Integrity and Efficiency, and other appropriate
8 agencies, develop a plan for the regular collection
9 and reporting of information on Federal disaster as-
10 sistance awarded, including the establishment and
11 maintenance of a website for presenting the informa-
12 tion to the public; and

13 (3) submit the plans developed under para-
14 graphs (1) and (2) to the Committee on Transpor-
15 tation and Infrastructure of the House of Represent-
16 atives and the Committee on Homeland Security and
17 Governmental Affairs of the Senate.

18 **SEC. 1224. AGENCY ACCOUNTABILITY.**

19 Title IV of the Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is
21 amended by adding at the end the following:

22 **“SEC. 430. AGENCY ACCOUNTABILITY.**

23 “(a) PUBLIC ASSISTANCE.—Not later than 5 days
24 after an award of a public assistance grant is made under
25 section 406 that is in excess of \$1,000,000, the Adminis-

1 trator of the Federal Emergency Management Agency
2 shall publish on the website of the Federal Emergency
3 Management Agency the specifics of each such grant
4 award, including—

5 “(1) identifying the Federal Emergency Man-
6 agement Agency Region;

7 “(2) the disaster or emergency declaration
8 number;

9 “(3) the State, county, and applicant name;

10 “(4) if the applicant is a private nonprofit orga-
11 nization;

12 “(5) the damage category code;

13 “(6) the amount of the Federal share obligated;

14 and

15 “(7) the date of the award.

16 “(b) MISSION ASSIGNMENTS.—

17 “(1) IN GENERAL.—Not later than 5 days after
18 the issuance of a mission assignment or mission as-
19 signment task order, the Administrator of the Fed-
20 eral Emergency Management Agency shall publish
21 on the website of the Federal Emergency Manage-
22 ment Agency any mission assignment or mission as-
23 signment task order to another Federal department
24 or agency regarding a major disaster in excess of
25 \$1,000,000, including—

1 “(A) the name of the impacted State or
2 Indian Tribe;

3 “(B) the disaster declaration for such
4 State or Indian Tribe;

5 “(C) the assigned agency;

6 “(D) the assistance requested;

7 “(E) a description of the disaster;

8 “(F) the total cost estimate;

9 “(G) the amount obligated;

10 “(H) the State or Indian tribal government
11 cost share, if applicable;

12 “(I) the authority under which the mission
13 assignment or mission assignment task order
14 was directed; and

15 “(J) if applicable, the date a State or In-
16 dian Tribe requested the mission assignment.

17 “(2) RECORDING CHANGES.—Not later than 10
18 days after the last day of each month until a mission
19 assignment or mission assignment task order de-
20 scribed in paragraph (1) is completed and closed
21 out, the Administrator of the Federal Emergency
22 Management Agency shall update any changes to
23 the total cost estimate and the amount obligated.

24 “(c) DISASTER RELIEF MONTHLY REPORT.—Not
25 later than 10 days after the first day of each month, the

1 Administrator of the Federal Emergency Management
2 Agency shall publish on the website of the Federal Emer-
3 gency Management Agency reports, including a specific
4 description of the methodology and the source data used
5 in developing such reports, including—

6 “(1) an estimate of the amounts for the fiscal
7 year covered by the President’s most recent budget
8 pursuant to section 1105(a) of title 31, United
9 States Code, including—

10 “(A) the unobligated balance of funds to
11 be carried over from the prior fiscal year to the
12 budget year;

13 “(B) the unobligated balance of funds to
14 be carried over from the budget year to the
15 budget year plus 1;

16 “(C) the amount of obligations for non-
17 catastrophic events for the budget year;

18 “(D) the amount of obligations for the
19 budget year for catastrophic events delineated
20 by event and by State;

21 “(E) the total amount that has been pre-
22 viously obligated or will be required for cata-
23 strophic events delineated by event and by State
24 for all prior years, the current fiscal year, the
25 budget year, and each fiscal year thereafter;

1 “(F) the amount of previously obligated
2 funds that will be recovered for the budget
3 year;

4 “(G) the amount that will be required for
5 obligations for emergencies, as described in sec-
6 tion 102(1), major disasters, as described in
7 section 102(2), fire management assistance
8 grants, as described in section 420, surge ac-
9 tivities, and disaster readiness and support ac-
10 tivities; and

11 “(H) the amount required for activities not
12 covered under section 251(b)(2)(D)(iii) of the
13 Balanced Budget and Emergency Deficit Con-
14 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));
15 and

16 “(2) an estimate or actual amounts, if available,
17 of the following for the current fiscal year, which
18 shall be submitted not later than the fifth day of
19 each month, published by the Administrator of the
20 Federal Emergency Management Agency on the
21 website of the Federal Emergency Management
22 Agency not later than the fifth day of each month:

23 “(A) A summary of the amount of appro-
24 priations made available by source, the trans-
25 fers executed, the previously allocated funds re-

1 covered, and the commitments, allocations, and
2 obligations made.

3 “(B) A table of disaster relief activity de-
4 linedated by month, including—

5 “(i) the beginning and ending bal-
6 ances;

7 “(ii) the total obligations to include
8 amounts obligated for fire assistance,
9 emergencies, surge, and disaster support
10 activities;

11 “(iii) the obligations for catastrophic
12 events delineated by event and by State;
13 and

14 “(iv) the amount of previously obli-
15 gated funds that are recovered.

16 “(C) A summary of allocations, obligations,
17 and expenditures for catastrophic events delin-
18 eated by event.

19 “(D) The cost of the following categories
20 of spending:

21 “(i) Public assistance.

22 “(ii) Individual assistance.

23 “(iii) Mitigation.

24 “(iv) Administrative.

25 “(v) Operations.

1 “(vi) Any other relevant category (in-
2 cluding emergency measures and disaster
3 resources) delineated by disaster.

4 “(E) The date on which funds appro-
5 priated will be exhausted.

6 “(d) CONTRACTS.—

7 “(1) INFORMATION.—Not later than 10 days
8 after the first day of each month, the Administrator
9 of the Federal Emergency Management Agency shall
10 publish on the website of the Federal Emergency
11 Management Agency the specifics of each contract in
12 excess of \$1,000,000 that the Federal Emergency
13 Management Agency enters into, including—

14 “(A) the name of the party;

15 “(B) the date the contract was awarded;

16 “(C) the amount and scope of the contract;

17 “(D) if the contract was awarded through
18 a competitive bidding process;

19 “(E) if no competitive bidding process was
20 used, the reason why competitive bidding was
21 not used; and

22 “(F) the authority used to bypass the com-
23 petitive bidding process.

1 The information shall be delineated by disaster, if
2 applicable, and specify the damage category code, if
3 applicable.

4 “(2) REPORT.—Not later than 10 days after
5 the last day of the fiscal year, the Administrator of
6 the Federal Emergency Management Agency shall
7 provide a report to the appropriate committees of
8 Congress summarizing the following information for
9 the preceding fiscal year:

10 “(A) The number of contracts awarded
11 without competitive bidding.

12 “(B) The reasons why a competitive bid-
13 ding process was not used.

14 “(C) The total amount of contracts award-
15 ed with no competitive bidding.

16 “(D) The damage category codes, if appli-
17 cable, for contracts awarded without competi-
18 tive bidding.

19 “(e) COLLECTION OF PUBLIC ASSISTANCE RECIPI-
20 ENT AND SUBRECIPIENT CONTRACTS.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after the date of enactment of this subsection, the
23 Administrator of the Federal Emergency Manage-
24 ment Agency shall initiate and maintain an effort to
25 collect and store information, prior to the project

1 closeout phase on any contract entered into by a
2 public assistance recipient or subrecipient that
3 through the base award, available options, or any
4 subsequent modifications has an estimated value of
5 more than \$1,000,000 and is funded through section
6 324, 403, 404, 406, 407, 428, or 502, including—

7 “(A) the disaster number, project work-
8 sheet number, and the category of work associ-
9 ated with each contract;

10 “(B) the name of each party;

11 “(C) the date the contract was awarded;

12 “(D) the amount of the contract;

13 “(E) the scope of the contract;

14 “(F) the period of performance for the
15 contract; and

16 “(G) whether the contract was awarded
17 through a competitive bidding process.

18 “(2) AVAILABILITY OF INFORMATION COL-
19 LECTED.—The Administrator of the Federal Emer-
20 gency Management Agency shall make the informa-
21 tion collected and stored under paragraph (1) avail-
22 able to the Inspector General of the Department of
23 Homeland Security, the Government Accountability
24 Office, and appropriate committees of Congress,
25 upon request.

1 “(3) REPORT.—Not later than 365 days after
2 the date of enactment of this subsection, the Admin-
3 istrator of the Federal Emergency Management
4 Agency shall submit a report to the Committee on
5 Homeland Security and Governmental Affairs of the
6 Senate and the Committee on Transportation and
7 Infrastructure of the House of Representatives on
8 the efforts of the Federal Emergency Management
9 Agency to collect the information described in para-
10 graph (1).”.

11 **SEC. 1225. AUDIT OF CONTRACTS.**

12 Notwithstanding any other provision of law, the Ad-
13 ministrator of the Federal Emergency Management Agen-
14 cy shall not reimburse a State or local government, an In-
15 dian tribal government (as defined in section 102 of the
16 Robert T. Stafford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5122), or the owner or operator of
18 a private nonprofit facility (as defined in section 102 of
19 the Robert T. Stafford Disaster Relief and Emergency As-
20 sistance Act (42 U.S.C. 5122) for any activities made pur-
21 suant to a contract entered into after August 1, 2017, that
22 prohibits the Administrator or the Comptroller General of
23 the United States from auditing or otherwise reviewing all
24 aspects relating 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
5 the Department of Homeland Security shall initiate an
6 audit of the contracts awarded by the Agency for tarps
7 and plastic sheeting for the Commonwealth of Puerto Rico
8 and the United States Virgin Islands in response to Hurri-
9 cane 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
13 to evaluate offerors and award the relevant contracts
14 to contractors;

15 (2) the assessment conducted by the Agency of
16 the past performance of the contractors, including
17 any historical information showing that the contrac-
18 tors had supported large-scale delivery quantities in
19 the past;

20 (3) the assessment conducted by the Agency of
21 the capacity of the contractors to carry out the rel-
22 evant contracts, including with respect to inventory,
23 production, and financial capabilities;

24 (4) how the Agency ensured that the contrac-
25 tors met the terms of the relevant contracts; and

1 (5) whether the failure of the contractors to
2 meet the terms of the relevant contracts and the
3 subsequent cancellation by the Agency of the rel-
4 evant contracts affected the provision of tarps and
5 plastic sheeting to the Commonwealth of Puerto
6 Rico and the United States Virgin Islands.

7 (c) REPORT.—Not later than 270 days after the date
8 of initiation of the audit under subsection (a), the inspec-
9 tor general shall submit to the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Homeland Security and Govern-
12 mental Affairs of the Senate a report on the results of
13 the audit, including 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
17 amended—

18 (1) in subsection (a), by striking “and other re-
19 lief or” and inserting “long-term recovery groups,
20 domestic 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,
23 domestic hunger relief, and other relief, or”.

1 **SEC. 1228. GUIDANCE ON INUNDATED AND SUBMERGED**
2 **ROADS.**

3 The Administrator of the Federal Emergency Man-
4 agement Agency, in coordination with the Administrator
5 of the Federal Highway Administration, shall develop and
6 issue guidance for State, local, and Indian tribal govern-
7 ments regarding repair, restoration, and replacement of
8 inundated and submerged roads damaged or destroyed by
9 a major disaster, and for associated expenses incurred by
10 the Government, with respect to roads eligible for assist-
11 ance under section 406 of the Robert T. Stafford Disaster
12 Relief and 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 Rob-
17 ert T. Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5177(a)) as a result of a disaster declara-
19 tion made for Hurricane Irma and Hurricane Maria in
20 the Commonwealth of Puerto Rico and the United States
21 Virgin Islands, the President shall make such assistance
22 available for 52 weeks after the date of the disaster dec-
23 laration effective as if enacted at the time of the disaster
24 declaration.

1 (b) NO ADDITIONAL FUNDS AUTHORIZED.—No ad-
2 ditional funds are authorized to carry out the require-
3 ments of this section.

4 **SEC. 1230. GUIDANCE AND RECOMMENDATIONS.**

5 (a) GUIDANCE.—The Administrator shall provide
6 guidance to a common interest community that provides
7 essential services of a governmental nature on actions that
8 a common interest community may take in order to be
9 eligible to receive reimbursement from a grantee that re-
10 ceives funds from the Agency for certain activities per-
11 formed after an event that results in a major disaster de-
12 clared by the President under section 401 of the Robert
13 T. Stafford Disaster Relief and Emergency Assistance Act
14 (42 U.S.C. 5170).

15 (b) RECOMMENDATIONS.—Not later than 90 days
16 after the date of enactment of this Act, the Administrator
17 shall provide to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Homeland Security and Governmental Affairs
20 of the Senate a legislative proposal on how to provide eligi-
21 bility for disaster assistance with respect to common areas
22 of condominiums and housing cooperatives.

23 (c) EFFECTIVE DATE.—This section shall be effective
24 on the date of enactment of this Act.

1 **SEC. 1231. GUIDANCE ON HAZARD MITIGATION ASSIST-**
2 **ANCE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Administrator shall
5 issue guidance regarding the acquisition of property for
6 open space as a mitigation measure under section 404 of
7 the Robert T. Stafford Disaster Relief and Emergency As-
8 sistance Act (42 U.S.C. 5170c) that includes—

9 (1) a process by which the State hazard mitiga-
10 tion officer appointed for such an acquisition shall,
11 not later than 60 days after the applicant for assist-
12 ance enters into an agreement with the Adminis-
13 trator regarding the acquisition, provide written no-
14 tification to each affected unit of local government
15 for such acquisition that includes—

16 (A) the location of the acquisition;

17 (B) the State-local assistance agreement
18 for the hazard mitigation grant program;

19 (C) a description of the acquisition; and

20 (D) a copy of the deed restriction; and

21 (2) recommendations for entering into and im-
22 plementing a memorandum of understanding be-
23 tween units of local government and covered entities
24 that includes provisions to allow an affected unit of
25 local government notified under paragraph (1) to—

1 (A) use and maintain the open space cre-
2 ated by such a project, consistent with section
3 404 (including related regulations, standards,
4 and guidance) and consistent with all adjoining
5 property, subject to the notification of the ad-
6 joining property, so long as the cost of the
7 maintenance is borne by the local government;
8 and

9 (B) maintain the open space pursuant to
10 standards exceeding any local government
11 standards defined in the agreement with the
12 Administrator described under paragraph (1).

13 (b) DEFINITIONS.—In this section:

14 (1) AFFECTED UNIT OF LOCAL GOVERN-
15 MENT.—The term “affected unit of local govern-
16 ment” means any entity covered by the definition of
17 local government in section 102 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance
19 Act (42 U.S.C. 5122), that has jurisdiction over the
20 property subject to the acquisition described in sub-
21 section (a).

22 (2) COVERED ENTITY.—The term “covered en-
23 tity” means—

1 (A) the grantee or subgrantee receiving as-
2 sistance for an open space project described in
3 subsection (a);

4 (B) the State in which such project is lo-
5 cated; and

6 (C) the applicable Regional Administrator
7 of the Agency.

8 **SEC. 1232. LOCAL IMPACT.**

9 (a) IN GENERAL.—In making recommendations to
10 the President regarding a major disaster declaration, the
11 Administrator of the Federal Emergency Management
12 Agency shall give greater consideration to severe local im-
13 pact or recent multiple disasters. Further, the Adminis-
14 trator shall make corresponding adjustments to the Agen-
15 cy's policies and regulations regarding such consideration.
16 Not later than 1 year after the date of enactment of this
17 section, the Administrator shall report to the Committee
18 on Transportation and Infrastructure of the House of
19 Representatives and the Committee on Homeland Security
20 and Governmental Affairs of the Senate on the changes
21 made to regulations and policies and the number of dec-
22 larations that have been declared based on the new cri-
23 teria.

24 (b) EFFECTIVE DATE.—This section shall be effec-
25 tive on the date of enactment of this Act.

1 **SEC. 1233. ADDITIONAL HAZARD MITIGATION ACTIVITIES.**

2 Section 404 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170c), as
4 amended by this division, is further amended by adding
5 at the end the following:

6 “(g) USE OF ASSISTANCE FOR EARTHQUAKE HAZ-
7 ARDS.—Recipients of hazard mitigation assistance pro-
8 vided under this section and section 203 may use the as-
9 sistance to conduct activities to help reduce the risk of
10 future damage, hardship, loss, or suffering in any area
11 affected by earthquake hazards, including—

12 “(1) improvements to regional seismic networks
13 in support of building a capability for earthquake
14 early warning;

15 “(2) improvements to geodetic networks in sup-
16 port of building a capability for earthquake early
17 warning; and

18 “(3) improvements to seismometers, Global Po-
19 sitioning System receivers, and associated infrastruc-
20 ture in support of building a capability for earth-
21 quake early warning.”.

22 **SEC. 1234. NATIONAL PUBLIC INFRASTRUCTURE**
23 **PREDISASTER HAZARD MITIGATION.**

24 (a) PREDISASTER HAZARD MITIGATION.—Section
25 203 of the Robert T. Stafford Disaster Relief and Emer-
26 gency Assistance Act (42 U.S.C. 5133) is amended—

1 (1) in subsection (e) by inserting “Public Infra-
2 structure” after “the National”;

3 (2) in subsection (e)(1)(B)—

4 (A) by striking “or” at the end of clause
5 (ii);

6 (B) by striking the period at the end of
7 clause (iii) and inserting “; or”; and

8 (C) by adding at the end the following:

9 “(iv) to establish and carry out en-
10 forcement activities and implement the lat-
11 est published editions of relevant con-
12 sensus-based codes, specifications, and
13 standards that incorporate the latest haz-
14 ard-resistant designs and establish min-
15 imum acceptable criteria for the design,
16 construction, and maintenance of residen-
17 tial structures and facilities that may be
18 eligible for assistance under this Act for
19 the purpose of protecting the health, safe-
20 ty, and general welfare of the buildings’
21 users against disasters.”;

22 (3) in subsection (f)—

23 (A) in paragraph (1) by inserting “for
24 mitigation activities that are cost effective”
25 after “competitive basis”; and

1 (B) by adding at the end the following:

2 “(3) REDISTRIBUTION OF UNOBLIGATED
3 AMOUNTS.—The President may—

4 “(A) withdraw amounts of financial assist-
5 ance made available to a State (including
6 amounts made available to local governments of
7 a State) under this subsection that remain un-
8 obligated by the end of the third fiscal year
9 after the fiscal year for which the amounts were
10 allocated; and

11 “(B) in the fiscal year following a fiscal
12 year in which amounts were withdrawn under
13 subparagraph (A), add the amounts to any
14 other amounts available to be awarded on a
15 competitive basis pursuant to paragraph (1).”;
16 (4) in subsection (g)—

17 (A) by inserting “provide financial assist-
18 ance only in States that have received a major
19 disaster declaration in the previous 7 years, or
20 to any Indian tribal government located par-
21 tially or entirely within the boundaries of such
22 States, and” after “the President shall”;

23 (B) in paragraph (9) by striking “and” at
24 the end;

1 (C) by redesignating paragraph (10) as
2 paragraph (12); and

3 (D) by adding after paragraph (9) the fol-
4 lowing:

5 “(10) the extent to which the State, local, In-
6 dian tribal, or territorial government has facilitated
7 the adoption and enforcement of the latest published
8 editions of relevant consensus-based codes, specifica-
9 tions, and standards, including amendments made
10 by State, local, Indian tribal, or territorial govern-
11 ments during the adoption process that incorporate
12 the latest hazard-resistant designs and establish cri-
13 teria for the design, construction, and maintenance
14 of residential structures and facilities that may be
15 eligible for assistance under this Act for the purpose
16 of protecting the health, safety, and general welfare
17 of the buildings’ users against disasters;

18 “(11) the extent to which the assistance will
19 fund activities that increase the level of resiliency;
20 and”;

21 (5) by striking subsection (i) and inserting the
22 following:

23 “(i) NATIONAL PUBLIC INFRASTRUCTURE
24 PREDISASTER MITIGATION ASSISTANCE.—

1 “(1) IN GENERAL.—The President may set
2 aside from the Disaster Relief Fund, with respect to
3 each major disaster, an amount equal to 6 percent
4 of the estimated aggregate amount of the grants to
5 be made pursuant to sections 403, 406, 407, 408,
6 410, 416, and 428 for the major disaster in order
7 to provide technical and financial assistance under
8 this section and such set aside shall be deemed to
9 be related to activities carried out pursuant to major
10 disasters under this Act.

11 “(2) ESTIMATED AGGREGATE AMOUNT.—Not
12 later than 180 days after each major disaster dec-
13 laration pursuant to this Act, the estimated aggre-
14 gate amount of grants for purposes of paragraph (1)
15 shall be determined by the President and such esti-
16 mated amount need not be reduced, increased, or
17 changed due to variations in estimates.

18 “(3) NO REDUCTION IN AMOUNTS.—The
19 amount set aside pursuant to paragraph (1) shall
20 not reduce the amounts otherwise made available for
21 sections 403, 404, 406, 407, 408, 410, 416, and 428
22 under this Act.”; and

23 (6) by striking subsections (j) and (m);

24 (7) by redesignating subsections (k), (l), and
25 (n) as subsections (j), (k), and (l), respectively and

1 (8) by adding at the end the following:

2 “(m) LATEST PUBLISHED EDITIONS.—For purposes
3 of subsections (e)(1)(B)(iv) and (g)(10), the term ‘latest
4 published editions’ means, with respect to relevant con-
5 sensus-based codes, specifications, and standards, the 2
6 most recently published editions.”.

7 (b) APPLICABILITY.—The amendments made to sec-
8 tion 203 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5133) by para-
10 graphs (3) and (5) of subsection (a) shall apply to funds
11 appropriated on or after the date of enactment of this Act.

12 (c) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) all funding expended from the National
15 Public Infrastructure Predisaster Mitigation Assist-
16 ance created by Section 203(i)(1) of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5133), as added by this section, shall
19 not be considered part of FEMA’s regular appro-
20 priations for non-Stafford activities, also known as
21 the Federal Emergency Management Agency’s Dis-
22 aster Relief Fund base; and

23 (2) the President should have the funds related
24 to the National Public Infrastructure Predisaster
25 Mitigation Assistance created by Section 203(i)(1) of

1 the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5133), as added by
3 this section, identified in and allocated from the
4 Federal Emergency Management Agency's Disaster
5 Relief Fund for major disasters declared pursuant to
6 the Robert T. Stafford Disaster Relief and Emer-
7 gency Assistance Act (42 U.S.C. 5121 et seq.).

8 (d) SUNSET.—On the date that is 5 years after the
9 date of enactment of this Act, section 203 of the Robert
10 T. Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5133) is amended by striking subsection (m),
12 as added by subsection (a)(8) of this section.

13 **SEC. 1235. ADDITIONAL MITIGATION ACTIVITIES.**

14 (a) HAZARD MITIGATION CLARIFICATION.—Section
15 404(a) of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5170c(a)) is
17 amended by striking the first sentence and inserting the
18 following: “The President may contribute up to 75 percent
19 of the cost of hazard mitigation measures which the Presi-
20 dent has determined are cost effective and which substan-
21 tially reduce the risk of, or increase resilience to, future
22 damage, hardship, loss, or suffering in any area affected
23 by a major disaster.”.

1 (b) ELIGIBLE COST.—Section 406(e)(1)(A) of the
2 Robert T. Stafford Disaster Relief and Emergency Assist-
3 ance Act (42 U.S.C. 5172(e)(1)(A)) is amended—

4 (1) in the matter preceding clause (i), by insert-
5 ing after “section,” the following: “for disasters de-
6 clared on or after August 1, 2017, or a disaster in
7 which a cost estimate has not yet been finalized for
8 a project, or for any project for which the finalized
9 cost estimate is on appeal,”;

10 (2) in clause (i), by striking “and” at the end;

11 (3) in clause (ii)—

12 (A) by striking “codes, specifications, and
13 standards” and inserting “the latest published
14 editions of relevant consensus-based codes,
15 specifications, and standards that incorporate
16 the latest hazard-resistant designs and establish
17 minimum acceptable criteria for the design,
18 construction, and maintenance of residential
19 structures and facilities that may be eligible for
20 assistance under this Act for the purposes of
21 protecting the health, safety, and general wel-
22 fare of a facility’s users against disasters”;

23 (B) by striking “applicable at the time at
24 which the disaster occurred”; and

1 (C) by striking the period at the end and
2 inserting “; and”; and

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

4 “(iii) in a manner that allows the fa-
5 cility to meet the definition of resilient de-
6 veloped pursuant to this subsection.”.

7 (c) OTHER ELIGIBLE COST.—Section 406(e)(1) of
8 the Robert T. Stafford Disaster Relief and Emergency As-
9 sistance Act (42 U.S.C. 5172(e)(1)) is further amended
10 by adding at the end the following:

11 “(C) CONTRIBUTIONS.—Contributions for
12 the eligible cost made under this section may be
13 provided on an actual cost basis or on cost-esti-
14 mation procedures.”.

15 (d) NEW RULES.—Section 406(e) of the Robert T.
16 Stafford Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5172(e)) is further amended by adding at the
18 end the following:

19 “(5) NEW RULES.—

20 “(A) IN GENERAL.—Not later than 18
21 months after the date of enactment of this
22 paragraph, the President, acting through the
23 Administrator of the Federal Emergency Man-
24 agement Agency, and in consultation with the
25 heads of relevant Federal departments and

1 agencies, shall issue a final rulemaking that de-
2 fines the terms ‘resilient’ and ‘resiliency’ for
3 purposes of this subsection.

4 “(B) INTERIM GUIDANCE.—Not later than
5 60 days after the date of enactment of this
6 paragraph, the Administrator shall issue in-
7 terim guidance to implement this subsection.
8 Such interim guidance shall expire 18 months
9 after the date of enactment of this paragraph
10 or upon issuance of final regulations pursuant
11 to subparagraph (A), whichever occurs first.

12 “(C) GUIDANCE.—Not later than 90 days
13 after the date on which the Administrator
14 issues the final rulemaking under this para-
15 graph, the Administrator shall issue any nec-
16 essary guidance related to the rulemaking.

17 “(D) REPORT.—Not later than 2 years
18 after the date of enactment of this paragraph,
19 the Administrator shall submit to Congress a
20 report summarizing the regulations and guid-
21 ance issued pursuant to this paragraph.”.

22 (e) CONFORMING AMENDMENT.—Section 205(d)(2)
23 of the Disaster Mitigation Act of 2000 (42 U.S.C. 5172
24 note) is amended by inserting “(B)” after “except that
25 paragraph (1)”.

1 **SEC. 1236. GUIDANCE AND TRAINING BY FEMA ON COORDI-**
2 **NATION OF EMERGENCY RESPONSE PLANS.**

3 (a) TRAINING REQUIREMENT.—The Administrator,
4 in coordination with other relevant agencies, shall provide
5 guidance and training on an annual basis to State, local,
6 and Indian tribal governments, first responders, and facili-
7 ties that store hazardous materials on coordination of
8 emergency response plans in the event of a major disaster
9 or emergency, including severe weather events. The guid-
10 ance and training shall include the following:

11 (1) Providing a list of equipment required in
12 the event a hazardous substance is released into the
13 environment.

14 (2) Outlining the health risks associated with
15 exposure to hazardous substances to improve treat-
16 ment response.

17 (3) Publishing best practices for mitigating fur-
18 ther danger to communities from hazardous sub-
19 stances.

20 (b) IMPLEMENTATION.—The requirement of sub-
21 section (a) shall be implemented not later than 180 days
22 after the date of enactment of this Act.

23 **SEC. 1237. CERTAIN RECOUPMENT PROHIBITED.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the Agency shall deem any covered disaster
26 assistance to have been properly procured, provided, and

1 utilized, and shall restore any funding of covered disaster
2 assistance previously provided but subsequently withdrawn
3 or deobligated.

4 (b) COVERED DISASTER ASSISTANCE DEFINED.—In
5 this section, the term “covered disaster assistance” means
6 assistance—

7 (1) provided to a local government pursuant to
8 section 403, 406, or 407 of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5170b, 5172, or 5173); and

11 (2) with respect to which the inspector general
12 of the Department of Homeland Security has deter-
13 mined, after an audit, that—

14 (A) the Agency deployed to the local gov-
15 ernment a Technical Assistance Contractor to
16 review field operations, provide eligibility advice,
17 and assist with day-to-day decisions;

18 (B) the Technical Assistance Contractor
19 provided inaccurate information to the local
20 government; and

21 (C) the local government relied on the in-
22 accurate information to determine that relevant
23 contracts were eligible, reasonable, and reim-
24 bursable.

1 (c) EFFECTIVE DATE.—This section shall be effective
2 on the date of enactment of this Act.

3 **SEC. 1238. FEDERAL ASSISTANCE TO INDIVIDUALS AND**
4 **HOUSEHOLDS AND NONPROFIT FACILITIES.**

5 (a) CRITICAL DOCUMENT FEE WAIVER.—

6 (1) IN GENERAL.—Notwithstanding section 1 of
7 the Passport Act of June 4, 1920 (22 U.S.C. 214)
8 or any other provision of law, the President, in con-
9 sultation with the Governor of a State, may provide
10 a waiver under this subsection to an individual or
11 household described in section 408(e)(1) of the Rob-
12 ert T. Stafford Disaster Relief and Emergency As-
13 sistance Act (42 U.S.C. 5174(e)(1)) for the fol-
14 lowing document replacement fees:

15 (A) The passport application fee for indi-
16 viduals who lost their United States passport in
17 a major disaster within the preceding three cal-
18 endar years.

19 (B) The file search fee for a United States
20 passport.

21 (C) The Application for Waiver of Pass-
22 port and/or Visa form (Form I-193) fee.

23 (D) The Permanent Resident Card re-
24 placement form (Form I-90) filing fee.

1 (E) The Declaration of Intention form
2 (Form N-300) filing fee.

3 (F) The Naturalization/Citizenship Docu-
4 ment replacement form (Form N-565) filing
5 fee.

6 (G) The Employment Authorization form
7 (Form I-765) filing fee.

8 (H) The biometric service fee.

9 (2) EXEMPTION FROM FORM REQUIREMENT.—
10 The authority of the President to waive fees under
11 subparagraphs (C) through (H) of paragraph (1)
12 applies regardless of whether the individual or
13 household qualifies for a Form I-912 Request for
14 Fee Waiver, or any successor thereto.

15 (3) EXEMPTION FROM ASSISTANCE MAX-
16 IMUM.—The assistance limit in section 408(h) of the
17 Robert T. Stafford Disaster Relief and Emergency
18 Assistance Act (42 U.S.C. 5174(h)) shall not apply
19 to any fee waived under this subsection.

20 (4) REPORT.—Not later than 365 days after
21 the date of enactment of this subsection, the Admin-
22 istrator and the head of any other agency given crit-
23 ical document fee waiver authority under this sub-
24 section shall submit a report to the Committee on
25 Homeland Security and Governmental Affairs of the

1 Senate and the Committee on Transportation and
2 Infrastructure of the House of Representatives on
3 the costs associated with providing critical document
4 fee waivers as described in paragraph (1).

5 (b) FEDERAL ASSISTANCE TO PRIVATE NONPROFIT
6 CHILDCARE FACILITIES.—Section 102(11)(A) of the Rob-
7 ert T. Stafford Disaster Relief and Emergency Assistance
8 Act (42 U.S.C. 5122(11)(A)) is amended—

9 (1) in the second subparagraph (A) (as added
10 by Public Law 115–123), by inserting “center-based
11 childcare,” after “facility,”; and

12 (2) in the first subparagraph (A), by striking
13 “(A) IN GENERAL.—The term ‘private nonprofit fa-
14 cility’ means private nonprofit educational, utility”
15 and all that follows through “President.”.

16 (c) APPLICABILITY.—The amendment made by sub-
17 section (b)(1) shall apply to any major disaster or emer-
18 gency declared by the President under section 401 or 501,
19 respectively, of the Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act (42 U.S.C. 5170, 5191) on or
21 after the date of enactment of this Act.

22 **SEC. 1239. COST OF ASSISTANCE ESTIMATES.**

23 (a) IN GENERAL.—Not later than 270 days after the
24 date of enactment of this Act, the Administrator shall re-
25 view the factors considered when evaluating a request for

1 a major disaster declaration under the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42 U.S.C.
3 5121 et seq.), specifically the estimated cost of the assist-
4 ance, and provide a report and briefing to the Committee
5 on Homeland Security and Governmental Affairs of the
6 Senate and the Committee on Transportation and Infra-
7 structure of the House of Representatives.

8 (b) RULEMAKING.—Not later than 2 years after the
9 date of enactment of this Act, the Administrator shall re-
10 view and initiate a rulemaking to update the factors con-
11 sidered when evaluating a Governor’s request for a major
12 disaster declaration, including reviewing how the Agency
13 estimates the cost of major disaster assistance, and con-
14 sider other impacts on the capacity of a jurisdiction to
15 respond to disasters. In determining the capacity of a ju-
16 risdiction to respond to disasters, and prior to the issuance
17 of such a rule, the Administrator shall engage in meaning-
18 ful consultation with relevant representatives of State, re-
19 gional, local, and Indian tribal government stakeholders.

20 **SEC. 1240. REPORT ON INSURANCE SHORTFALLS.**

21 Not later than 2 years after the date of enactment
22 of this section, and each year thereafter until 2023, the
23 Administrator of the Federal Emergency Management
24 Agency shall submit a report to Congress on the number
25 of instances and the estimated amounts involved, by State,

1 for cases in which self-insurance amounts have been insuf-
2 ficient to address flood damages.

3 **SEC. 1241. POST DISASTER BUILDING SAFETY ASSESSMENT.**

4 (a) **BUILDING SAFETY ASSESSMENT TEAM.**—

5 (1) **IN GENERAL.**—The Administrator shall co-
6 ordinate with State and local governments and orga-
7 nizations representing design professionals, such as
8 architects and engineers, to develop guidance, in-
9 cluding best practices, for post-disaster assessment
10 of buildings by licensed architects and engineers to
11 ensure the design professionals properly analyze the
12 structural integrity and livability of buildings and
13 structures.

14 (2) **PUBLICATION.**—The Administrator shall
15 publish the guidance required to be developed under
16 paragraph (1) not later than 1 year after the date
17 of enactment of this Act.

18 (b) **NATIONAL INCIDENT MANAGEMENT SYSTEM.**—

19 The Administrator shall revise or issue guidance as re-
20 quired to the National Incident Management System Re-
21 source Management component to ensure the functions of
22 post-disaster building safety assessment, such as those
23 functions performed by design professionals are accurately
24 resource typed within the National Incident Management
25 System.

1 (c) EFFECTIVE DATE.—This section shall be effective
2 on the date of enactment of this Act.

3 **SEC. 1242. FEMA UPDATES ON NATIONAL PREPAREDNESS**
4 **ASSESSMENT.**

5 Not later than 6 months after the date of enactment
6 of this Act, and every 6 months thereafter until comple-
7 tion, the Administrator shall submit to the Committee on
8 Homeland Security and Governmental Affairs of the Sen-
9 ate and the Committees on Transportation and Infrastruc-
10 ture and Homeland Security of the House of Representa-
11 tives an update on the progress of the Agency in com-
12 pleting action 6 with respect to the report published by
13 the Government Accountability Office entitled “2012 An-
14 nual Report: Opportunities to Reduce Duplication, Over-
15 lap and Fragmentation, Achieve Savings, and Enhance
16 Revenue” (February 28, 2012), which recommends the
17 Agency to—

18 (1) complete a national preparedness assess-
19 ment of capability gaps at each level based on tiered,
20 capability-specific performance objectives to enable
21 prioritization of grant funding; and

22 (2) identify the potential costs for establishing
23 and maintaining those capabilities at each level and
24 determine what capabilities Federal agencies should
25 provide.

1 **SEC. 1243. FEMA REPORT ON DUPLICATION IN NON-NAT-**
2 **URAL DISASTER PREPAREDNESS GRANT PRO-**
3 **GRAMS.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Administrator shall submit to the Commit-
6 tees on Homeland Security and Governmental Affairs of
7 the Senate and the Committees on Transportation and In-
8 frastructure and Homeland Security of the House of Rep-
9 resentatives a report on the results of the efforts of the
10 Agency to identify and prevent unnecessary duplication
11 within and across the non-natural disaster preparedness
12 grant programs of the Agency, as recommended in the re-
13 port published by the Government Accountability Office
14 entitled “2012 Annual Report: Opportunities to Reduce
15 Duplication, Overlap and Fragmentation, Achieve Sav-
16 ings, and Enhance Revenue” (February 28, 2012), includ-
17 ing with respect to—

18 (1) the Urban Area Security Initiative estab-
19 lished under section 2003 of the Homeland Security
20 Act of 2002 (6 U.S.C. 604);

21 (2) the Port Security Grant Program author-
22 ized under section 70107 of title 46, United States
23 Code;

24 (3) the State Homeland Security Grant Pro-
25 gram established under section 2004 of the Home-
26 land Security Act of 2002 (6 U.S.C. 605); and

1 (4) the Transit Security Grant Program au-
2 thorized under titles XIV and XV of the Imple-
3 menting Recommendations of the 9/11 Commission
4 Act of 2007 (6 U.S.C. 1131 et seq.).

5 **SEC. 1244. STUDY AND REPORT.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Administrator shall
8 enter into a contract with the National Academy of Medi-
9 cine to conduct a study and prepare a report as described
10 in subsection (b).

11 (b) STUDY AND REPORT.—

12 (1) STUDY.—

13 (A) IN GENERAL.—The study described in
14 this subsection shall be a study of matters con-
15 cerning best practices in mortality counts as a
16 result of a major disaster (as defined in section
17 102 of the Robert T. Stafford Disaster Relief
18 and Emergency Assistance Act (42 U.S.C.
19 5122)).

20 (B) CONTENTS.—The study described in
21 this subsection shall address approaches to
22 quantifying mortality and significant morbidity
23 among populations affected by major disasters,
24 which shall include best practices and policy
25 recommendations for—

1 (i) equitable and timely attribution, in
2 order to facilitate access to available bene-
3 fits, among other things;

4 (ii) timely prospective tracking of pop-
5 ulation levels of mortality and significant
6 morbidity, and their causes, in order to
7 continuously inform response efforts; and

8 (iii) a retrospective study of disaster-
9 related mortality and significant morbidity
10 to inform after-action analysis and improve
11 subsequent preparedness efforts.

12 (2) REPORT.—Not later than 2 years after the
13 date on which the contract described in subsection
14 (a) is entered into, the National Academy of Medi-
15 cine shall complete and transmit to the Adminis-
16 trator a report on the study described in paragraph
17 (1).

18 (c) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-
19 tional funds are authorized to carry out the requirements
20 of this section.

21 **SEC. 1245. REVIEW OF ASSISTANCE FOR DAMAGED UNDER-**
22 **GROUND WATER INFRASTRUCTURE.**

23 (a) DEFINITION OF PUBLIC ASSISTANCE GRANT
24 PROGRAM.—The term “public assistance grant program”
25 means the public assistance grant program authorized

1 under sections 403, 406, 407, 428, and 502(a) of the Rob-
2 ert T. Stafford Disaster Relief and Emergency Assistance
3 Act (42 U.S.C. 5170b, 5172, 5173, 5192(a)).

4 (b) REVIEW AND BRIEFING.—Not later than 60 days
5 after the date of enactment of this Act, the Administrator
6 shall—

7 (1) conduct a review of the assessment and eli-
8 gibility process under the public assistance grant
9 program with respect to assistance provided for
10 damaged underground water infrastructure as a re-
11 sult of a major disaster declared under section 401
12 of such Act (42 U.S.C. 5170), including wildfires,
13 and shall include the extent to which local technical
14 memoranda, prepared by a local unit of government
15 in consultation with the relevant State or Federal
16 agencies, identified damaged underground water in-
17 frastructure that should be eligible for the public as-
18 sistance grant program; and

19 (2) provide to the Committee on Homeland Se-
20 curity and Governmental Affairs of the Senate and
21 the Committee on Transportation and Infrastructure
22 of the House of Representatives a briefing on the re-
23 view conducted under paragraph (1).

24 (c) REPORT AND RECOMMENDATIONS.—The Admin-
25 istrator shall—

1 (1) not later than 180 days after the date of
2 enactment of this Act, issue a report on the review
3 conducted under subsection (b)(1); and

4 (2) not later than 180 days after the date on
5 which the Administrator issues the report required
6 under paragraph (1), initiate a rulemaking, if appro-
7 priate, to address any recommendations contained in
8 the report.

9 **SEC. 1246. EXTENSION.**

10 The Administrator shall extend the deadlines to im-
11 plement the reasonable and prudent alternative outlined
12 in the jeopardy biological opinion dated April 14, 2016,
13 by up to 3 years from the date of enactment of this Act.
14 Within 18 months from the date of enactment of this Act,
15 the Administrator shall submit to the Committee on
16 Homeland Security and Governmental Affairs, the Com-
17 mittee on Banking, Housing, and Urban Affairs, and the
18 Committee on Environment and Public Works of the Sen-
19 ate; and the Committee on Homeland Security, the Com-
20 mittee on Natural Resources, and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives a report on the status of implementing these
23 reasonable and prudent alternatives.

1 **DIVISION E—CONCRETE**
2 **MASONRY**

3 **SEC. 1301. SHORT TITLE.**

4 This division may be cited as the “Concrete Masonry
5 Products Research, Education, and Promotion Act of
6 2018”.

7 **SEC. 1302. DECLARATION OF POLICY.**

8 (a) **PURPOSE.**—The purpose of this division is to au-
9 thorize the establishment of an orderly program for devel-
10 oping, financing, and carrying out an effective, contin-
11 uous, and coordinated program of research, education, and
12 promotion, including funds for marketing and market re-
13 search activities, that is designed to—

14 (1) strengthen the position of the concrete ma-
15 sonry products industry in the domestic market-
16 place;

17 (2) maintain, develop, and expand markets and
18 uses for concrete masonry products in the domestic
19 marketplace; and

20 (3) promote the use of concrete masonry prod-
21 ucts in construction and building.

22 (b) **LIMITATION.**—Nothing in this division may be
23 construed to provide for the control of production or other-
24 wise limit the right of any person to manufacture concrete
25 masonry products.

1 **SEC. 1303. DEFINITIONS.**

2 For the purposes of this division:

3 (1) **BLOCK MACHINE.**—The term “block ma-
4 chine” means a piece of equipment that utilizes vi-
5 bration and compaction to form concrete masonry
6 products.

7 (2) **BOARD.**—The term “Board” means the
8 Concrete Masonry Products Board established under
9 section 1305.

10 (3) **CAVITY.**—The term “cavity” means the
11 open space in the mold of a block machine capable
12 of forming a single concrete masonry unit having
13 nominal plan dimensions of 8 inches by 16 inches.

14 (4) **CONCRETE MASONRY PRODUCTS.**—The
15 term “concrete masonry products” refers to a broad-
16 er class of products, including concrete masonry
17 units as well as hardscape products such as concrete
18 pavers and segmental retaining wall units, manufac-
19 tured on a block machine using dry-cast concrete.

20 (5) **CONCRETE MASONRY UNIT.**—The term
21 “concrete masonry unit”—

22 (A) means a concrete masonry product
23 that is a manmade masonry unit having an ac-
24 tual width of 3 inches or greater and manufac-
25 tured from dry-cast concrete using a block ma-
26 chine; and

1 (B) includes concrete block and related
2 concrete units used in masonry applications.

3 (6) CONFLICT OF INTEREST.—The term “con-
4 flict of interest” means, with respect to a member
5 or employee of the Board, a situation in which such
6 member or employee has a direct or indirect finan-
7 cial or other interest in a person that performs a
8 service for, or enters into a contract with, for any-
9 thing of economic value.

10 (7) DEPARTMENT.—The term “Department”
11 means the Department of Commerce.

12 (8) DRY-CAST CONCRETE.—The term “dry-cast
13 concrete” means a composite material that is com-
14 posed essentially of aggregates embedded in a bind-
15 ing medium composed of a mixture of cementitious
16 materials (including hydraulic cement, pozzolans, or
17 other cementitious materials) and water of such a
18 consistency to maintain its shape after forming in a
19 block machine.

20 (9) EDUCATION.—The term “education” means
21 programs that will educate or communicate the ben-
22 efits of concrete masonry products in safe and envi-
23 ronmentally sustainable development, advancements
24 in concrete masonry product technology and develop-
25 ment, and other information and programs designed

1 to generate increased demand for commercial, resi-
2 dential, multifamily, and institutional projects using
3 concrete masonry products and to generally enhance
4 the image of concrete masonry products.

5 (10) MACHINE CAVITIES.—The term “machine
6 cavities” means the cavities with which a block ma-
7 chine could be equipped.

8 (11) MACHINE CAVITIES IN OPERATION.—The
9 term “machine cavities in operation” means those
10 machine cavities associated with a block machine
11 that have produced concrete masonry units within
12 the last 6 months of the date set for determining eli-
13 gibility and is fully operable and capable of pro-
14 ducing concrete masonry units.

15 (12) MANUFACTURER.—The term “manufac-
16 turer” means any person engaged in the manufac-
17 turing of commercial concrete masonry products in
18 the United States.

19 (13) MASONRY UNIT.—The term “masonry
20 unit” means a noncombustible building product in-
21 tended to be laid by hand or joined using mortar,
22 grout, surface bonding, post-tensioning or some com-
23 bination of these methods.

24 (14) ORDER.—The term “order” means an
25 order issued under section 1304.

1 (15) PERSON.—The term “person” means any
2 individual, group of individuals, partnership, cor-
3 poration, association, cooperative, or any other enti-
4 ty.

5 (16) PROMOTION.—The term “promotion”
6 means any action, including paid advertising, to ad-
7 vance the image and desirability of concrete masonry
8 products with the express intent of improving the
9 competitive position and stimulating sales of con-
10 crete masonry products in the marketplace.

11 (17) RESEARCH.—The term “research” means
12 studies testing the effectiveness of market develop-
13 ment and promotion efforts, studies relating to the
14 improvement of concrete masonry products and new
15 product development, and studies documenting the
16 performance of concrete masonry.

17 (18) SECRETARY.—The term “Secretary”
18 means the Secretary of Commerce.

19 (19) UNITED STATES.—The term “United
20 States” means the several States and the District of
21 Columbia.

22 **SEC. 1304. ISSUANCE OF ORDERS.**

23 (a) IN GENERAL.—

24 (1) ISSUANCE.—The Secretary, subject to the
25 procedures provided in subsection (b), shall issue or-

1 ders under this division applicable to manufacturers
2 of concrete masonry products.

3 (2) SCOPE.—Any order shall be national in
4 scope.

5 (3) ONE ORDER.—Not more than 1 order shall
6 be in effect at any one time.

7 (b) PROCEDURES.—

8 (1) DEVELOPMENT OR RECEIPT OF PROPOSED
9 ORDER.—A proposed order with respect to the ge-
10 neric research, education, and promotion with re-
11 gards to concrete masonry products may be—

12 (A) proposed by the Secretary at any time;

13 or

14 (B) requested by or submitted to the Sec-
15 retary by—

16 (i) an existing national organization of
17 concrete masonry product manufacturers;

18 or

19 (ii) any person that may be affected
20 by the issuance of an order.

21 (2) PUBLICATION OF PROPOSED ORDER.—If
22 the Secretary determines that a proposed order re-
23 ceived in accordance with paragraph (1)(B) is con-
24 sistent with and will effectuate the purpose of this
25 division, the Secretary shall publish such proposed

1 order in the Federal Register not later than 90 days
2 after receiving the order, and give not less than 30
3 days notice and opportunity for public comment on
4 the proposed order.

5 (3) ISSUANCE OF ORDER.—

6 (A) IN GENERAL.—After notice and oppor-
7 tunity for public comment are provided in ac-
8 cordance with paragraph (2), the Secretary
9 shall issue the order, taking into consideration
10 the comments received and including in the
11 order such provisions as are necessary to ensure
12 that the order is in conformity with this divi-
13 sion.

14 (B) EFFECTIVE DATE.—If there is an af-
15 firmative vote in a referendum as provided in
16 section 1307, the Secretary shall issue the order
17 and such order shall be effective not later than
18 140 days after publication of the proposed
19 order.

20 (c) AMENDMENTS.—The Secretary may, from time to
21 time, amend an order. The provisions of this division ap-
22 plicable to an order shall be applicable to any amendment
23 to an order.

1 **SEC. 1305. REQUIRED TERMS IN ORDERS.**

2 (a) IN GENERAL.—Any order issued under this divi-
3 sion shall contain the terms and provisions specified in
4 this section.

5 (b) CONCRETE MASONRY PRODUCTS BOARD.—

6 (1) ESTABLISHMENT AND MEMBERSHIP.—

7 (A) ESTABLISHMENT.—The order shall
8 provide for the establishment of a Concrete Ma-
9 sonry Products Board to carry out a program
10 of generic promotion, research, and education
11 regarding concrete masonry products.

12 (B) MEMBERSHIP.—

13 (i) NUMBER OF MEMBERS.—The
14 Board shall consist of not fewer than 15
15 and not more than 25 members.

16 (ii) APPOINTMENT.—The members of
17 the Board shall be appointed by the Sec-
18 retary from nominations submitted as pro-
19 vided in the order.

20 (iii) COMPOSITION.—The Board shall
21 consist of manufacturers. No employee of
22 an industry trade organization exempt
23 from tax under paragraph (3) or (6) of
24 section 501(c) of the Internal Revenue
25 Code of 1986 representing the concrete
26 masonry industry or related industries

1 shall serve as a member of the Board and
2 no member of the Board may serve concur-
3 rently as an officer of the board of direc-
4 tors of a national concrete masonry prod-
5 ucts industry trade association. Only 2 in-
6 dividuals from any single company or its
7 affiliates may serve on the Board at any
8 one time.

9 (2) DISTRIBUTION OF APPOINTMENTS.—

10 (A) REPRESENTATION.—To ensure fair
11 and equitable representation of the concrete
12 masonry products industry, the composition of
13 the Board shall reflect the geographical dis-
14 tribution of the manufacture of concrete ma-
15 sonry products in the United States, the types
16 of concrete masonry products manufactured,
17 and the range in size of manufacturers in the
18 United States.

19 (B) ADJUSTMENT IN BOARD REPRESENTA-
20 TION.—Three years after the assessment of
21 concrete masonry products commences pursuant
22 to an order, and at the end of each 3-year pe-
23 riod thereafter, the Board, subject to the review
24 and approval of the Secretary, shall, if war-
25 ranted, recommend to the Secretary the re-

1 apportionment of the Board membership to re-
2 flect changes in the geographical distribution of
3 the manufacture of concrete masonry products
4 and the types of concrete masonry products
5 manufactured.

6 (3) NOMINATIONS PROCESS.—The Secretary
7 may make appointments from nominations by manu-
8 facturers pursuant to the method set forth in the
9 order.

10 (4) FAILURE TO APPOINT.—If the Secretary
11 fails to make an appointment to the Board within
12 60 days of receiving nominations for such appoint-
13 ment, the first nominee for such appointment shall
14 be deemed appointed, unless the Secretary provides
15 reasonable justification for the delay to the Board
16 and to Congress and provides a reasonable date by
17 which approval or disapproval will be made.

18 (5) ALTERNATES.—The order shall provide for
19 the selection of alternate members of the Board by
20 the Secretary in accordance with procedures speci-
21 fied in the order.

22 (6) TERMS.—

23 (A) IN GENERAL.—The members and any
24 alternates of the Board shall each serve for a
25 term of 3 years, except that members and any

1 alternates initially appointed to the Board shall
2 serve for terms of not more than 2, 3, and 4
3 years, as specified by the order.

4 (B) LIMITATION ON CONSECUTIVE
5 TERMS.—A member or an alternate may serve
6 not more than 2 consecutive terms.

7 (C) CONTINUATION OF TERM.—Notwith-
8 standing subparagraph (B), each member or al-
9 ternate shall continue to serve until a successor
10 is appointed by the Secretary.

11 (D) VACANCIES.—A vacancy arising before
12 the expiration of a term of office of an incum-
13 bent member or alternate of the Board shall be
14 filled in a manner provided for in the order.

15 (7) DISQUALIFICATION FROM BOARD SERV-
16 ICE.—The order shall provide that if a member or
17 alternate of the Board who was appointed as a man-
18 ufacturer ceases to qualify as a manufacturer, such
19 member or alternate shall be disqualified from serv-
20 ing on the Board.

21 (8) COMPENSATION.—

22 (A) IN GENERAL.—Members and any al-
23 ternates of the Board shall serve without com-
24 pensation.

1 (B) TRAVEL EXPENSES.—If approved by
2 the Board, members or alternates shall be reim-
3 bursed for reasonable travel expenses, which
4 may include per diem allowance or actual sub-
5 sistence incurred while away from their homes
6 or regular places of business in the performance
7 of services for the Board.

8 (c) POWERS AND DUTIES OF THE BOARD.—The
9 order shall specify the powers and duties of the Board,
10 including the power and duty—

11 (1) to administer the order in accordance with
12 its terms and conditions and to collect assessments;

13 (2) to develop and recommend to the Secretary
14 for approval such bylaws as may be necessary for
15 the functioning of the Board and such rules as may
16 be necessary to administer the order, including ac-
17 tivities authorized to be carried out under the order;

18 (3) to meet, organize, and select from among
19 members of the Board a chairperson, other officers,
20 and committees and subcommittees, as the Board
21 determines appropriate;

22 (4) to establish regional organizations or com-
23 mittees to administer regional initiatives;

24 (5) to establish working committees of persons
25 other than Board members;

1 (6) to employ such persons, other than the
2 members, as the Board considers necessary, and to
3 determine the compensation and specify the duties
4 of the persons;

5 (7) to prepare and submit for the approval of
6 the Secretary, before the beginning of each fiscal
7 year, rates of assessment under section 1306 and an
8 annual budget of the anticipated expenses to be in-
9 curred in the administration of the order, including
10 the probable cost of each promotion, research, and
11 information activity proposed to be developed or car-
12 ried out by the Board;

13 (8) to borrow funds necessary for the startup
14 expenses of the order;

15 (9) to carry out generic research, education,
16 and promotion programs and projects relating to
17 concrete masonry products, and to pay the costs of
18 such programs and projects with assessments col-
19 lected under section 1306;

20 (10) subject to subsection (e), to enter into con-
21 tracts or agreements to develop and carry out pro-
22 grams or projects of research, education, and pro-
23 motion relating to concrete masonry products;

24 (11) to keep minutes, books, and records that
25 reflect the actions and transactions of the Board,

1 and promptly report minutes of each Board meeting
2 to the Secretary;

3 (12) to receive, investigate, and report to the
4 Secretary complaints of violations of the order;

5 (13) to furnish the Secretary with such infor-
6 mation as the Secretary may request;

7 (14) to recommend to the Secretary such
8 amendments to the order as the Board considers ap-
9 propriate; and

10 (15) to provide the Secretary with advance no-
11 tice of meetings to permit the Secretary, or the rep-
12 resentative of the Secretary, to attend the meetings.

13 (d) PROGRAMS AND PROJECTS; BUDGETS; EX-
14 PENSES.—

15 (1) PROGRAMS AND PROJECTS.—

16 (A) IN GENERAL.—The order shall require
17 the Board to submit to the Secretary for ap-
18 proval any program or project of research, edu-
19 cation, or promotion relating to concrete ma-
20 sonry products.

21 (B) STATEMENT REQUIRED.—Any edu-
22 cational or promotional activity undertaken with
23 funds provided by the Board shall include a
24 statement that such activities were supported in
25 whole or in part by the Board.

1 (2) BUDGETS.—

2 (A) SUBMISSION.—The order shall require
3 the Board to submit to the Secretary for ap-
4 proval a budget of the anticipated expenses and
5 disbursements of the Board in the implementa-
6 tion of the order, including the projected costs
7 of concrete masonry products research, edu-
8 cation, and promotion programs and projects.

9 (B) TIMING.—The budget shall be sub-
10 mitted before the beginning of a fiscal year and
11 as frequently as may be necessary after the be-
12 ginning of the fiscal year.

13 (C) APPROVAL.—If the Secretary fails to
14 approve or reject a budget within 60 days of re-
15 ceipt, such budget shall be deemed approved,
16 unless the Secretary provides to the Board and
17 to Congress, in writing, reasonable justification
18 for the delay and provides a reasonable date by
19 which approval or disapproval will be made.

20 (3) ADMINISTRATIVE EXPENSES.—

21 (A) INCURRING EXPENSES.—The Board
22 may incur the expenses described in paragraph
23 (2) and other expenses for the administration,
24 maintenance, and functioning of the Board as
25 authorized by the Secretary.

1 (B) PAYMENT OF EXPENSES.—Expenses
2 incurred under subparagraph (A) shall be paid
3 by the Board using assessments collected under
4 section 1306, earnings obtained from assess-
5 ments, and other income of the Board. Any
6 funds borrowed by the Board shall be expended
7 only for startup costs and capital outlays.

8 (C) LIMITATION ON SPENDING.—For fiscal
9 years beginning 3 or more years after the date
10 of the establishment of the Board, the Board
11 may not expend for administration (except for
12 reimbursement to the Secretary required under
13 subparagraph (D)), maintenance, and func-
14 tioning of the Board in a fiscal year an amount
15 that exceeds 10 percent of the assessment and
16 other income received by the Board for the fis-
17 cal year.

18 (D) REIMBURSEMENT OF SECRETARY.—
19 The order shall require that the Secretary be
20 reimbursed by the Board from assessments for
21 all expenses incurred by the Secretary in the
22 implementation, administration, and supervision
23 of the order, including all referenda costs in-
24 curred in connection with the order.

25 (e) CONTRACTS AND AGREEMENTS.—

1 (1) IN GENERAL.—The order shall provide that,
2 with the approval of the Secretary, the Board may—

3 (A) enter into contracts and agreements to
4 carry out generic research, education, and pro-
5 motion programs and projects relating to con-
6 crete masonry products, including contracts and
7 agreements with manufacturer associations or
8 other entities as considered appropriate by the
9 Secretary;

10 (B) enter into contracts and agreements
11 for administrative services; and

12 (C) pay the cost of approved generic re-
13 search, education, and promotion programs and
14 projects using assessments collected under sec-
15 tion 1306, earnings obtained from assessments,
16 and other income of the Board.

17 (2) REQUIREMENTS.—Each contract or agree-
18 ment shall provide that any person who enters into
19 the contract or agreement with the Board shall—

20 (A) develop and submit to the Board a
21 proposed program or project together with a
22 budget that specifies the cost to be incurred to
23 carry out the program or project;

24 (B) keep accurate records of all trans-
25 actions relating to the contract or agreement;

1 (C) account for funds received and ex-
2 pended in connection with the contract or
3 agreement;

4 (D) make periodic reports to the Board of
5 activities conducted under the contract or
6 agreement; and

7 (E) make such other reports as the Board
8 or the Secretary considers relevant.

9 (3) FAILURE TO APPROVE.—If the Secretary
10 fails to approve or reject a contract or agreement
11 entered into under paragraph (1) within 60 days of
12 receipt, the contract or agreement shall be deemed
13 approved, unless the Secretary provides to the Board
14 and to Congress, in writing, reasonable justification
15 for the delay and provides a reasonable date by
16 which approval or disapproval will be made.

17 (f) BOOKS AND RECORDS OF BOARD.—

18 (1) IN GENERAL.—The order shall require the
19 Board to—

20 (A) maintain such books and records
21 (which shall be available to the Secretary for in-
22 spection and audit) as the Secretary may re-
23 quire;

1 (B) collect and submit to the Secretary, at
2 any time the Secretary may specify, any infor-
3 mation the Secretary may request; and

4 (C) account for the receipt and disburse-
5 ment of all funds in the possession, or under
6 the control, of the Board.

7 (2) AUDITS.—The order shall require the Board
8 to have—

9 (A) the books and records of the Board au-
10 dited by an independent auditor at the end of
11 each fiscal year; and

12 (B) a report of the audit submitted di-
13 rectly to the Secretary.

14 (g) PROHIBITED ACTIVITIES.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Board shall not engage in any program or
17 project to, nor shall any funds received by the Board
18 under this division be used to—

19 (A) influence legislation, elections, or gov-
20 ernmental action;

21 (B) engage in an action that would be a
22 conflict of interest;

23 (C) engage in advertising that is false or
24 misleading;

1 (D) engage in any promotion, research, or
2 education that would be disparaging to other
3 construction materials; or

4 (E) engage in any promotion or project
5 that would benefit any individual manufacturer.

6 (2) EXCEPTIONS.—Paragraph (1) does not pre-
7 clude—

8 (A) the development and recommendation
9 of amendments to the order;

10 (B) the communication to appropriate gov-
11 ernment officials of information relating to the
12 conduct, implementation, or results of research,
13 education, and promotion activities under the
14 order except communications described in para-
15 graph (1)(A); or

16 (C) any lawful action designed to market
17 concrete masonry products directly to a foreign
18 government or political subdivision of a foreign
19 government.

20 (h) PERIODIC EVALUATION.—The order shall require
21 the Board to provide for the independent evaluation of all
22 research, education, and promotion programs or projects
23 undertaken under the order, beginning 5 years after the
24 date of enactment of this Act and every 3 years thereafter.

1 The Board shall submit to the Secretary and make avail-
2 able to the public the results of each such evaluation.

3 (i) OBJECTIVES.—The Board shall establish annual
4 research, education, and promotion objectives and per-
5 formance metrics for each fiscal year subject to approval
6 by the Secretary.

7 (j) BIENNIAL REPORT.—Every 2 years the Board
8 shall prepare and make publicly available a comprehensive
9 and detailed report that includes an identification and de-
10 scription of all programs and projects undertaken by the
11 Board during the previous 2 years as well as those planned
12 for the subsequent 2 years and detail the allocation or
13 planned allocation of Board resources for each such pro-
14 gram or project. Such report shall also include—

15 (1) the overall financial condition of the Board;

16 (2) a summary of the amounts obligated or ex-
17 pended during the 2 preceding fiscal years; and

18 (3) a description of the extent to which the ob-
19 jectives of the Board were met according to the
20 metrics required under subsection (i).

21 (k) BOOKS AND RECORDS OF PERSONS COVERED BY
22 ORDER.—

23 (1) IN GENERAL.—The order shall require that
24 manufacturers shall—

1 (A) maintain records sufficient to ensure
2 compliance with the order and regulations; and

3 (B) make the records described in subpara-
4 graph (A) available, during normal business
5 hours, for inspection by employees or agents of
6 the Board or the Department.

7 (2) TIME REQUIREMENT.—Any record required
8 to be maintained under paragraph (1) shall be main-
9 tained for such time period as the Secretary may
10 prescribe.

11 (3) CONFIDENTIALITY OF INFORMATION.—

12 (A) IN GENERAL.—Except as otherwise
13 provided in this paragraph, trade secrets and
14 commercial or financial information that is
15 privileged or confidential reported to, or other-
16 wise obtained by the Board or the Secretary (or
17 any representative of the Board or the Sec-
18 retary) under this division shall not be disclosed
19 by any officers, employees, and agents of the
20 Department or the Board.

21 (B) SUITS AND HEARINGS.—Information
22 referred to in subparagraph (A) may be dis-
23 closed only if—

24 (i) the Secretary considers the infor-
25 mation relevant; and

1 (ii) the information is revealed in a
2 judicial proceeding or administrative hear-
3 ing brought at the direction or on the re-
4 quest of the Secretary or to which the Sec-
5 retary or any officer of the Department is
6 a party.

7 (C) GENERAL STATEMENTS AND PUBLICA-
8 TIONS.—This paragraph does not prohibit—

9 (i) the issuance of general statements
10 based on reports or on information relating
11 to a number of persons subject to an order
12 if the statements do not identify the infor-
13 mation furnished by any person; or

14 (ii) the publication, by direction of the
15 Secretary, of the name of any person vio-
16 lating any order and a statement of the
17 particular provisions of the order violated
18 by the person.

19 (D) PENALTY.—Any officer, employee, or
20 agent of the Department of Commerce or any
21 officer, employee, or agent of the Board who
22 willfully violates this paragraph shall be fined
23 not more than \$1,000 and imprisoned for not
24 more than 1 year, or both.

1 (4) WITHHOLDING INFORMATION.—This sub-
2 section does not authorize the withholding of infor-
3 mation 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 assess-
9 ment is to be remitted.

10 (b) COLLECTION.—

11 (1) IN GENERAL.—Assessments required under
12 the order shall be remitted by the manufacturer to
13 the Board in the manner prescribed by the order.

14 (2) TIMING.—The order shall provide that as-
15 sessments required under the order shall be remitted
16 to 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
21 result of the sale of concrete masonry units in a
22 manner as prescribed by the Board to ensure com-
23 pliance with the order.

24 (c) ASSESSMENT RATES.—With respect to assess-
25 ment rates, the order shall contain the following terms:

1 (1) INITIAL RATE.—The assessment rate on
2 concrete masonry products shall be \$0.01 per con-
3 crete 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
7 assessment 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
12 respect to concrete masonry products may not
13 exceed \$0.01 per concrete masonry unit sold.

14 (C) MAXIMUM RATE.—The assessment
15 rate shall not be in excess of \$0.05 per concrete
16 masonry 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 in-
2 terest 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
6 under this section in—

7 (1) obligations of the United States or any
8 agency of the United States;

9 (2) general obligations of any State or any po-
10 litical subdivision of a State;

11 (3) interest-bearing accounts or certificates of
12 deposit of financial institutions that are members of
13 the 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 pro-
22 motion programs and projects in support of the geo-
23 graphic region of the manufacturer.

24 (2) GEOGRAPHIC REGIONS.—The order shall
25 provide for the following geographic regions:

1 (A) Region I shall comprise Connecticut,
2 Delaware, the District of Columbia, Maine,
3 Maryland, Massachusetts, New Hampshire,
4 New Jersey, New York, Pennsylvania, Rhode
5 Island, 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,
12 and 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 fornia, Colorado, Hawaii, Idaho, Montana, Ne-
18 vada, Oregon, Utah, Washington, and Wyo-
19 ming.

20 (3) ADJUSTMENT OF GEOGRAPHIC REGIONS.—
21 The order shall provide that the Secretary may,
22 upon recommendation of the Board, modify the com-
23 position of the geographic regions described in para-
24 graph (2).

1 **SEC. 1307. REFERENDA.**

2 (a) INITIAL REFERENDUM.—

3 (1) REFERENDUM REQUIRED.—During the 60-
4 day period immediately preceding the proposed effec-
5 tive date of the order issued under section 1304, the
6 Secretary shall conduct a referendum among manu-
7 facturers eligible under subsection (b)(2) subject to
8 assessments under section 1306.

9 (2) APPROVAL OF ORDER NEEDED.—The order
10 shall become effective only if the Secretary deter-
11 mines that the order has been approved by a major-
12 ity of manufacturers voting who also represent a
13 majority of the machine cavities in operation of
14 those manufacturers voting in the referendum.

15 (b) VOTES PERMITTED.—

16 (1) IN GENERAL.—Each manufacturer eligible
17 to vote in a referendum conducted under this section
18 shall be entitled to cast 1 vote.

19 (2) ELIGIBILITY.—For purposes of paragraph
20 (1), a manufacturer shall be considered to be eligible
21 to vote if the manufacturer has manufactured con-
22 crete masonry products during a period of at least
23 180 days prior to the first day of the period during
24 which voting in the referendum will occur.

25 (c) MANNER OF CONDUCTING REFERENDA.—

1 (1) IN GENERAL.—Referenda conducted pursu-
2 ant to this section shall be conducted in a manner
3 determined 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
9 paragraph (4).

10 (3) VOTING.—The Secretary shall establish pro-
11 cedures for voting in any referendum conducted
12 under this section. The ballots and other information
13 or reports that reveal or tend to reveal the identity
14 or vote 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 man-
18 ufacturers, in such a manner as determined by the
19 Secretary, of the period during which voting in the
20 referendum will occur. The notice shall explain any
21 registration and voting procedures established under
22 this subsection.

23 (d) SUBSEQUENT REFERENDA.—If an order is ap-
24 proved in a referendum conducted under subsection (a),
25 the Secretary shall conduct a subsequent referendum—

1 (1) at the request of the Board, subject to the
2 voting requirements of subsections (b) and (c), to
3 ascertain whether eligible manufacturers favor sus-
4 pension, termination, or continuance of the order; or

5 (2) effective beginning on the date that is 5
6 years after the date of the approval of the order, and
7 at 5-year intervals thereafter, at the request of 25
8 percent or more of the total number of persons eligi-
9 ble to vote under subsection (b).

10 (e) **SUSPENSION OR TERMINATION.**—If, as a result
11 of a referendum conducted under subsection (d), the Sec-
12 retary determines that suspension or termination of the
13 order is favored by a majority of all votes cast in the ref-
14 erendum as provided in subsection (a)(2), the Secretary
15 shall—

16 (1) not later than 180 days after the ref-
17 erendum, suspend or terminate, as appropriate, col-
18 lection of assessments under the order; and

19 (2) suspend or terminate, as appropriate, pro-
20 grams and projects under the order as soon as prac-
21 ticable and in an orderly manner.

22 (f) **COSTS OF REFERENDA.**—The Board established
23 under an order with respect to which a referendum is con-
24 ducted under this section shall reimburse the Secretary

1 from assessments for any expenses incurred by the Sec-
2 retary to conduct the referendum.

3 **SEC. 1308. PETITION AND REVIEW.**

4 (a) PETITION.—

5 (1) IN GENERAL.—A person subject to an order
6 issued under this division may file with the Sec-
7 retary a petition—

8 (A) stating that the order, any provision of
9 the order, or any obligation imposed in connec-
10 tion with the order, is not established in accord-
11 ance with law; and

12 (B) requesting a modification of the order
13 or an exemption from the order.

14 (2) HEARING.—The Secretary shall give the pe-
15 titioner an opportunity for a hearing on the petition,
16 in accordance with regulations issued by the Sec-
17 retary.

18 (3) RULING.—After the hearing, the Secretary
19 shall make a ruling on the petition. The ruling shall
20 be final, subject to review as set forth in subsection
21 (b).

22 (4) LIMITATION ON PETITION.—Any petition
23 filed under this subsection challenging an order, any
24 provision of the order, or any obligation imposed in
25 connection with the order, shall be filed not less than

1 2 years after the effective date of the order, provi-
2 sion, or obligation subject to challenge in the peti-
3 tion.

4 (b) REVIEW.—

5 (1) COMMENCEMENT OF ACTION.—The district
6 courts of the United States in any district in which
7 a person who is a petitioner under subsection (a) re-
8 sides or conducts business shall have jurisdiction to
9 review the ruling of the Secretary on the petition of
10 the person, if a complaint requesting the review is
11 filed no later than 30 days after the date of the
12 entry of the ruling by the Secretary.

13 (2) PROCESS.—Service of process in pro-
14 ceedings under this subsection shall be conducted in
15 accordance with the Federal Rules of Civil Proce-
16 dure.

17 (3) REMANDS.—If the court in a proceeding
18 under this subsection determines that the ruling of
19 the Secretary on the petition of the person is not in
20 accordance with law, the court shall remand the
21 matter to the Secretary with directions—

22 (A) to make such ruling as the court shall
23 determine to be in accordance with law; or

24 (B) to take such further action as, in the
25 opinion of the court, the law requires.

1 (c) ENFORCEMENT.—The pendency of proceedings
2 instituted under this section shall not impede, hinder, or
3 delay the Attorney General or the Secretary from obtain-
4 ing relief under section 1309.

5 **SEC. 1309. ENFORCEMENT.**

6 (a) JURISDICTION.—A district court of the United
7 States shall have jurisdiction to enforce, and to prevent
8 and restrain any person from violating, this division or
9 an order or regulation issued by the Secretary under this
10 division.

11 (b) REFERRAL TO ATTORNEY GENERAL.—A civil ac-
12 tion authorized to be brought under this section shall be
13 referred to the Attorney General of the United States for
14 appropriate action.

15 (c) CIVIL PENALTIES AND ORDERS.—

16 (1) CIVIL PENALTIES.—A person who willfully
17 violates an order or regulation issued by the Sec-
18 retary under this division may be assessed by the
19 Secretary a civil penalty of not more than \$5,000 for
20 each violation.

21 (2) SEPARATE OFFENSE.—Each violation and
22 each day during which there is a failure to comply
23 with an order or regulation issued by the Secretary
24 shall be considered to be a separate offense.

1 (3) CEASE-AND-DESIST ORDERS.—In addition
2 to, or in lieu of, a civil penalty, the Secretary may
3 issue an order requiring a person to cease and desist
4 from violating the order or regulation.

5 (4) NOTICE AND HEARING.—No order assessing
6 a penalty or cease-and-desist order may be issued by
7 the Secretary under this subsection unless the Sec-
8 retary provides notice and an opportunity for a hear-
9 ing on the record with respect to the violation.

10 (5) FINALITY.—An order assessing a penalty or
11 a cease-and-desist order issued under this subsection
12 by the Secretary shall be final and conclusive unless
13 the person against whom the order is issued files an
14 appeal from the order with the appropriate district
15 court of the United States.

16 (d) ADDITIONAL REMEDIES.—The remedies provided
17 in this division shall be in addition to, and not exclusive
18 of, other remedies that may be available.

19 **SEC. 1310. INVESTIGATION AND POWER TO SUBPOENA.**

20 (a) INVESTIGATIONS.—The Secretary may conduct
21 such investigations as the Secretary considers necessary
22 for the effective administration of this division, or to deter-
23 mine whether any person has engaged or is engaging in
24 any act that constitutes a violation of this division or any
25 order or regulation issued under this division.

1 (b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

2 (1) INVESTIGATIONS.—For the purpose of con-
3 ducting an investigation under subsection (a), the
4 Secretary may administer oaths and affirmations,
5 subpoena witnesses, compel the attendance of wit-
6 nesses, take evidence, and require the production of
7 any records that are relevant to the inquiry. The
8 production of the records may be required from any
9 place in the United States.

10 (2) ADMINISTRATIVE HEARINGS.—For the pur-
11 pose of an administrative hearing held under section
12 1308(a)(2) or section 1309(c)(4), the presiding offi-
13 cer may administer oaths and affirmations, sub-
14 poena witnesses, compel the attendance of witnesses,
15 take evidence, and require the production of any
16 records that are relevant to the inquiry. The attend-
17 ance of witnesses and the production of the records
18 may be required from any place in the United
19 States.

20 (c) AID OF COURTS.—

21 (1) IN GENERAL.—In the case of contumacy by,
22 or refusal to obey a subpoena issued under sub-
23 section (b) to, any person, the Secretary may invoke
24 the aid of any court of the United States within the
25 jurisdiction of which the investigation or proceeding

1 is conducted, or where the person resides or con-
2 ducts business, in order to enforce a subpoena issued
3 under subsection (b).

4 (2) ORDER.—The court may issue an order re-
5 quiring the person referred to in paragraph (1) to
6 comply with a subpoena referred to in paragraph
7 (1).

8 (3) FAILURE TO OBEY.—Any failure to obey
9 the order of the court may be punished by the court
10 as a contempt of court.

11 (4) PROCESS.—Process in any proceeding
12 under this subsection may be served in the United
13 States judicial district in which the person being
14 proceeded against resides or conducts business, or
15 wherever the person may be found.

16 **SEC. 1311. SUSPENSION OR TERMINATION.**

17 (a) MANDATORY SUSPENSION OR TERMINATION.—
18 The Secretary shall suspend or terminate an order or a
19 provision of an order if the Secretary finds that an order
20 or provision of an order obstructs or does not tend to ef-
21 fectuate the purpose of this division, or if the Secretary
22 determines that the order or a provision of an order is
23 not favored by a majority of all votes cast in the ref-
24 erendum as provided in section 1307(a)(2).

1 (b) IMPLEMENTATION OF SUSPENSION OR TERMI-
2 NATION.—If, as a result of a referendum conducted under
3 section 1307, the Secretary determines that the order is
4 not approved, the Secretary shall—

5 (1) not later than 180 days after making the
6 determination, suspend or terminate, as the case
7 may be, collection of assessments under the order;
8 and

9 (2) as soon as practicable, suspend or termi-
10 nate, as the case may be, activities under the order
11 in an orderly manner.

12 **SEC. 1312. AMENDMENTS TO ORDERS.**

13 The provisions of this division applicable to the order
14 shall be applicable to any amendment to the order, except
15 that section 1308 shall not apply to an amendment.

16 **SEC. 1313. EFFECT ON OTHER LAWS.**

17 This division shall not affect or preempt any other
18 Federal or State law authorizing research, education, and
19 promotion relating to concrete masonry products.

20 **SEC. 1314. REGULATIONS.**

21 The Secretary may issue such regulations as may be
22 necessary to carry out this division and the power vested
23 in the Secretary under this division.

1 **SEC. 1315. LIMITATION ON EXPENDITURES FOR ADMINIS-**
2 **TRATIVE EXPENSES.**

3 Funds appropriated to carry out this division may not
4 be used for the payment of the expenses or expenditures
5 of the Board in administering the order.

6 **SEC. 1316. LIMITATIONS ON OBLIGATION OF FUNDS.**

7 (a) IN GENERAL.—In each fiscal year of the covered
8 period, the Board may not obligate an amount greater
9 than the sum of—

10 (1) 73 percent of the amount of assessments es-
11 timated to be collected under section 1306 in such
12 fiscal year;

13 (2) 73 percent of the amount of assessments
14 actually collected under section 1306 in the most re-
15 cent fiscal year for which an audit report has been
16 submitted under section 1305(f)(2)(B) as of the be-
17 ginning of the fiscal year for which the amount that
18 may be obligated is being determined, less the esti-
19 mate made pursuant to paragraph (1) for such most
20 recent fiscal year; and

21 (3) amounts permitted in preceding fiscal years
22 to be obligated pursuant to this subsection that have
23 not been obligated.

24 (b) EXCESS AMOUNTS DEPOSITED IN ESCROW AC-
25 COUNT.—Assessments collected under section 1306 in ex-
26 cess of the amount permitted to be obligated under sub-

1 section (a) in a fiscal year shall be deposited in an escrow
2 account for the duration of the covered period.

3 (c) TREATMENT OF AMOUNTS IN ESCROW AC-
4 COUNT.—During the covered period, the Board may not
5 obligate, expend, or borrow against amounts required
6 under subsection (b) to be deposited in the escrow account.
7 Any interest earned on such amounts shall be deposited
8 in the escrow account and shall be unavailable for obliga-
9 tion for the duration of the covered period.

10 (d) RELEASE OF AMOUNTS IN ESCROW ACCOUNT.—
11 After the covered period, the Board may withdraw and
12 obligate in any fiscal year an amount in the escrow ac-
13 count that does not exceed $\frac{1}{5}$ of the amount in the escrow
14 account on the last day of the covered period.

15 (e) SPECIAL RULE FOR ESTIMATES FOR PARTICULAR
16 FISCAL YEARS.—

17 (1) RULE.—For purposes of subsection (a)(1),
18 the amount of assessments estimated to be collected
19 under section 1306 in a fiscal year specified in para-
20 graph (2) shall be equal to 62 percent of the amount
21 of assessments actually collected under such section
22 in the most recent fiscal year for which an audit re-
23 port has been submitted under section 1305(f)(2)(B)
24 as of the beginning of the fiscal year for which the
25 amount that may be obligated is being determined.

1 (2) FISCAL YEARS SPECIFIED.—The fiscal
2 years specified in this paragraph are the 9th and
3 10th fiscal years that begin on or after the date of
4 enactment of this Act.

5 (f) COVERED PERIOD DEFINED.—In this section, the
6 term “covered period” means the period that begins on
7 the date of enactment of this Act and ends on the last
8 day of the 11th fiscal year that begins on or after such
9 date of enactment.

10 **SEC. 1317. STUDY AND REPORT BY THE GOVERNMENT AC-**
11 **COUNTABILITY OFFICE.**

12 Not later than 5 years after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall prepare a study, and not later than 8 years after
15 the date of enactment of this Act, the Comptroller General
16 shall submit to Congress and the Secretary a report, ex-
17 amining—

18 (1) how the Board spends assessments col-
19 lected;

20 (2) the extent to which the reported activities of
21 the Board help achieve the annual objectives of the
22 Board;

23 (3) any changes in demand for concrete ma-
24 sonry products relative to other building materials;

1 (4) any impact of the activities of the Board on
2 the market share of competing products;

3 (5) any impact of the activities of the Board on
4 the overall size of the market for building products;

5 (6) any impact of the activities of the Board on
6 the total number of concrete-masonry-related jobs,
7 including manufacturing, sales, and installation;

8 (7) any significant effects of the activities of the
9 Board on downstream purchasers of concrete ma-
10 sonry products and real property into which concrete
11 masonry products are incorporated;

12 (8) effects on prices of concrete masonry prod-
13 ucts as a result of the activities of the Board;

14 (9) the cost to the Federal Government of an
15 increase in concrete masonry product prices, if any,
16 as a result of the program established by this divi-
17 sion;

18 (10) the extent to which key statutory require-
19 ments are met;

20 (11) the extent and strength of Federal over-
21 sight of the program established by this division;

22 (12) the appropriateness of administering the
23 program from within the Office of the Secretary of
24 Commerce and the appropriateness of administering
25 the program from within any division of the Depart-

1 ment, including whether the Department has the ex-
2 pertise, knowledge, or other capabilities necessary to
3 adequately administer the program; and

4 (13) any other topic that the Comptroller Gen-
5 eral considers appropriate.

6 **SEC. 1318. STUDY AND REPORT BY THE DEPARTMENT OF**
7 **COMMERCE.**

8 Not later than 3 years after the date of enactment
9 of this Act, the Secretary shall prepare a study and submit
10 to Congress a report examining the appropriateness and
11 effectiveness of applying the commodity check-off program
12 model (such as those programs established under the
13 Commodity Promotion, Research, and Information Act of
14 1996 (7 U.S.C. 7411 et seq.)) to a nonagricultural indus-
15 try, taking into account the program established by this
16 division and any other check-off program involving a non-
17 agricultural industry.

18 **DIVISION F—BUILD ACT OF 2018**

19 **SEC. 1401. SHORT TITLE.**

20 This division may be cited as the “Better Utilization
21 of Investments Leading to Development Act of 2018” or
22 the “BUILD Act of 2018”.

23 **SEC. 1402. DEFINITIONS.**

24 In this division:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Appropriations of the House
9 of Representatives.

10 (2) LESS DEVELOPED COUNTRY.—The term
11 “less developed country” means a country with a
12 low-income economy, lower-middle-income economy,
13 or upper-middle-income economy, as defined by the
14 International Bank for Reconstruction and Develop-
15 ment and the International Development Association
16 (collectively referred to as the “World Bank”).

17 (3) PREDECESSOR AUTHORITY.—The term
18 “predecessor authority” means authorities repealed
19 by title VI.

20 (4) QUALIFYING SOVEREIGN ENTITY.—The
21 term “qualifying sovereign entity” means—

22 (A) any agency or instrumentality of a for-
23 eign state (as defined in section 1603 of title
24 28, United States Code) that has a purpose

1 that is similar to the purpose of the Corpora-
2 tion as described in section 1412(b); or

3 (B) any international financial institution
4 (as defined in section 1701(c) of the Inter-
5 national Financial Institutions Act (22 U.S.C.
6 262r(c))).

7 **TITLE I—ESTABLISHMENT**

8 **SEC. 1411. STATEMENT OF POLICY.**

9 It is the policy of the United States to facilitate mar-
10 ket-based private sector development and inclusive eco-
11 nomic growth in less developed countries through the pro-
12 vision of credit, capital, and other financial support—

13 (1) to mobilize private capital in support of sus-
14 tainable, broad-based economic growth, poverty re-
15 duction, and development through demand-driven
16 partnerships with the private sector that further the
17 foreign policy interests of the United States;

18 (2) to finance development that builds and
19 strengthens civic institutions, promotes competition,
20 and provides for public accountability and trans-
21 parency;

22 (3) to help private sector actors overcome iden-
23 tifiable market gaps and inefficiencies without dis-
24 torting markets;

1 (4) to achieve clearly defined economic and so-
2 cial development outcomes;

3 (5) to coordinate with institutions with pur-
4 poses similar to the purposes of the Corporation to
5 leverage resources of those institutions to produce
6 the greatest impact;

7 (6) to provide countries a robust alternative to
8 state-directed investments by authoritarian govern-
9 ments and United States strategic competitors using
10 best practices with respect to transparency and envi-
11 ronmental and social safeguards, and which take
12 into account the debt sustainability of partner coun-
13 tries;

14 (7) to leverage private sector capabilities and
15 innovative development tools to help countries tran-
16 sition from recipients of bilateral development assist-
17 ance toward increased self-reliance; and

18 (8) to complement and be guided by overall
19 United States foreign policy, development, and na-
20 tional security objectives, taking into account the
21 priorities and needs of countries receiving support.

22 **SEC. 1412. UNITED STATES INTERNATIONAL DEVELOP-**
23 **MENT FINANCE CORPORATION.**

24 (a) ESTABLISHMENT.—There is established in the ex-
25 ecutive branch the United States International Develop-

1 ment Finance Corporation (in this division referred to as
2 the “Corporation”), which shall be a wholly owned Gov-
3 ernment corporation for purposes of chapter 91 of title
4 31, United States Code, under the foreign policy guidance
5 of the Secretary of State.

6 (b) PURPOSE.—The purpose of the Corporation shall
7 be to mobilize and facilitate the participation of private
8 sector capital and skills in the economic development of
9 less developed countries, as described in subsection (c),
10 and countries in transition from nonmarket to market
11 economies, in order to complement the development assist-
12 ance objectives, and advance the foreign policy interests,
13 of the United States. In carrying out its purpose, the Cor-
14 poration, utilizing broad criteria, shall take into account
15 in its financing operations the economic and financial
16 soundness and development objectives of projects for
17 which it provides support under title II.

18 (c) LESS DEVELOPED COUNTRY FOCUS.—

19 (1) IN GENERAL.—The Corporation shall
20 prioritize the provision of support under title II in
21 less developed countries with a low-income economy
22 or a lower-middle-income economy.

23 (2) SUPPORT IN UPPER-MIDDLE-INCOME COUN-
24 TRIES.—The Corporation shall restrict the provision

1 of support under title II in a less developed country
2 with an upper-middle-income economy unless—

3 (A) the President certifies to the appro-
4 priate congressional committees that such sup-
5 port furthers the national economic or foreign
6 policy interests of the United States; and

7 (B) such support is designed to produce
8 significant developmental outcomes or provide
9 developmental benefits to the poorest population
10 of that country.

11 **SEC. 1413. MANAGEMENT OF CORPORATION.**

12 (a) STRUCTURE OF CORPORATION.—There shall be
13 in the Corporation a Board of Directors (in this division
14 referred to as the “Board”), a Chief Executive Officer,
15 a Deputy Chief Executive Officer, a Chief Risk Officer,
16 a Chief Development Officer, and such other officers as
17 the Board may determine.

18 (b) BOARD OF DIRECTORS.—

19 (1) DUTIES.—All powers of the Corporation
20 shall vest in and be exercised by or under the au-
21 thority of the Board. The Board—

22 (A) shall perform the functions specified to
23 be carried out by the Board in this division;

24 (B) may prescribe, amend, and repeal by-
25 laws, rules, regulations, policies, and procedures

1 governing the manner in which the business of
2 the Corporation may be conducted and in which
3 the powers granted to the Corporation by law
4 may be exercised; and

5 (C) shall develop, in consultation with
6 stakeholders, other interested parties, and the
7 appropriate congressional committees, a pub-
8 licly available policy with respect to consulta-
9 tions, hearings, and other forms of engagement
10 in order to provide for meaningful public par-
11 ticipation in the Board's activities.

12 (2) MEMBERSHIP OF BOARD.—

13 (A) IN GENERAL.—The Board shall consist
14 of—

15 (i) the Chief Executive Officer of the
16 Corporation;

17 (ii) the officers specified in subpara-
18 graph (B); and

19 (iii) four other individuals who shall
20 be appointed by the President, by and with
21 the advice and consent of the Senate, of
22 which—

23 (I) one individual should be ap-
24 pointed from among a list of at least
25 5 individuals submitted by the major-

1 ity leader of the Senate after con-
2 sultation with the chairman of the
3 Committee on Foreign Relations of
4 the Senate;

5 (II) 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 Senate after con-
9 sultation with the ranking member of
10 the Committee on Foreign Relations
11 of the Senate;

12 (III) one individual should be ap-
13 pointed from among a list of at least
14 5 individuals submitted by the Speak-
15 er of the House of Representatives
16 after consultation with the chairman
17 of the Committee on Foreign Affairs
18 of the House of Representatives; and

19 (IV) one individual should be ap-
20 pointed from among a list of at least
21 5 individuals submitted by the minor-
22 ity leader of the House of Representa-
23 tives after consultation with the rank-
24 ing member of the Committee on For-

1 eign Affairs of the House of Rep-
2 resentatives.

3 (B) OFFICERS SPECIFIED.—

4 (i) IN GENERAL.—The officers speci-
5 fied in this subparagraph are the following:

6 (I) The Secretary of State or a
7 designee of the Secretary.

8 (II) The Administrator of the
9 United States Agency for Inter-
10 national Development or a designee of
11 the Administrator.

12 (III) The Secretary of the Treas-
13 ury or a designee of the Secretary.

14 (IV) The Secretary of Commerce
15 or a designee of the Secretary.

16 (ii) REQUIREMENTS FOR DES-
17 IGNEES.—A designee under clause (i) shall
18 be selected from among officers—

19 (I) appointed by the President,
20 by and with the advice and consent of
21 the Senate;

22 (II) whose duties relate to the
23 programs of the Corporation; and

1 (III) who is designated by and
2 serving at the pleasure of the Presi-
3 dent.

4 (C) REQUIREMENTS FOR NONGOVERN-
5 MENT MEMBERS.—A member of the Board de-
6 scribed in subparagraph (A)(iii)—

7 (i) may not be an officer or employee
8 of the United States Government;

9 (ii) shall have relevant experience,
10 which may include experience relating to
11 the private sector, the environment, labor
12 organizations, or international develop-
13 ment, to carry out the purpose of the Cor-
14 poration;

15 (iii) shall be appointed for a term of
16 3 years and may be reappointed for one
17 additional term;

18 (iv) shall serve until the member's
19 successor is appointed and confirmed;

20 (v) shall be compensated at a rate
21 equivalent to that of level IV of the Execu-
22 tive Schedule under section 5315 of title 5,
23 United States Code, when engaged in the
24 business of the Corporation; and

1 (vi) may be paid per diem in lieu of
2 subsistence at the applicable rate under
3 the Federal Travel Regulation under sub-
4 title F of title 41, Code of Federal Regula-
5 tions, from time to time, while away from
6 the home or usual place of business of the
7 member.

8 (3) CHAIRPERSON.—The Secretary of State, or
9 the designee of the Secretary under paragraph
10 (2)(B)(i)(I), shall serve as the Chairperson of the
11 Board.

12 (4) VICE CHAIRPERSON.—The Administrator of
13 the United States Agency for International Develop-
14 ment, or the designee of the Administrator under
15 paragraph (2)(B)(i)(II), shall serve as the Vice
16 Chairperson of the Board.

17 (5) QUORUM.—Five members of the Board
18 shall constitute a quorum for the transaction of
19 business by the Board.

20 (c) PUBLIC HEARINGS.—The Board shall hold at
21 least 2 public hearings each year in order to afford an
22 opportunity for any person to present views with respect
23 to whether—

24 (1) the Corporation is carrying out its activities
25 in accordance with this division; and

1 (2) any support provided by the Corporation
2 under title II in any country should be suspended,
3 expanded, or extended.

4 (d) CHIEF EXECUTIVE OFFICER.—

5 (1) APPOINTMENT.—There shall be in the Cor-
6 poration a Chief Executive Officer, who shall be ap-
7 pointed by the President, by and with the advice and
8 consent of the Senate, and who shall serve at the
9 pleasure of the President.

10 (2) AUTHORITIES AND DUTIES.—The Chief Ex-
11 ecutive Officer shall be responsible for the manage-
12 ment of the Corporation and shall exercise the pow-
13 ers and discharge the duties of the Corporation sub-
14 ject to the bylaws, rules, regulations, and procedures
15 established by the Board.

16 (3) RELATIONSHIP TO BOARD.—The Chief Ex-
17 ecutive Officer shall report to and be under the di-
18 rect authority of the Board.

19 (4) COMPENSATION.—Section 5313 of title 5,
20 United States Code, is amended by adding at the
21 end the following:

22 “Chief Executive Officer, United States Inter-
23 national Development Finance Corporation.”.

24 (e) DEPUTY CHIEF EXECUTIVE OFFICER.—There
25 shall be in the Corporation a Deputy Chief Executive Offi-

1 cer, who shall be appointed by the President, by and with
2 the advice and consent of the Senate, and who shall serve
3 at the pleasure of the President.

4 (f) CHIEF RISK OFFICER.—

5 (1) APPOINTMENT.—Subject to the approval of
6 the Board, the Chief Executive Officer of the Cor-
7 poration shall appoint a Chief Risk Officer, from
8 among individuals with experience at a senior level
9 in financial risk management, who—

10 (A) shall report directly to the Board; and

11 (B) shall be removable only by a majority
12 vote of the Board.

13 (2) DUTIES.—The Chief Risk Officer shall, in
14 coordination with the audit committee of the Board
15 established under section 1441, develop, implement,
16 and manage a comprehensive process for identifying,
17 assessing, monitoring, and limiting risks to the Cor-
18 poration, including the overall portfolio diversifica-
19 tion of the Corporation.

20 (g) CHIEF DEVELOPMENT OFFICER.—

21 (1) APPOINTMENT.—Subject to the approval of
22 the Board, the Chief Executive Officer, with the con-
23 currence of the Administrator of the United States
24 Agency for International Development, shall appoint

1 a Chief Development Officer, from among individ-
2 uals with experience in development, who—

3 (A) shall report directly to the Board; and

4 (B) shall be removable only by a majority
5 vote of the Board.

6 (2) DUTIES.—The Chief Development Officer
7 shall—

8 (A) coordinate the Corporation's develop-
9 ment policies and implementation efforts with
10 the United States Agency for International De-
11 velopment, the Millennium Challenge Corpora-
12 tion, and other relevant United States Govern-
13 ment departments and agencies, including di-
14 rectly liaising with missions of the United
15 States Agency for International Development,
16 to ensure that departments, agencies, and mis-
17 sions have training, awareness, and access to
18 the Corporation's tools in relation to develop-
19 ment policy and projects in countries;

20 (B) under the guidance of the Chief Exec-
21 utive Officer, manage employees of the Cor-
22 poration that are dedicated to structuring, mon-
23 itoring, and evaluating transactions and
24 projects co-designed with the United States
25 Agency for International Development and

1 other relevant United States Government de-
2 partments and agencies;

3 (C) authorize and coordinate transfers of
4 funds or other resources to and from such
5 agencies, departments, or missions upon the
6 concurrence of those institutions in support of
7 the Corporation's projects or activities;

8 (D) manage the responsibilities of the Cor-
9 poration under paragraphs (1) and (4) of sec-
10 tion 1442(b) and paragraphs (1)(A) and (3)(A)
11 of section 1443(b);

12 (E) coordinate and implement the activities
13 of the Corporation under section 1445; and

14 (F) be an ex officio member of the Devel-
15 opment Advisory Council established under sub-
16 section (i) and participate in or send a rep-
17 resentative to each meeting of the Council.

18 (h) OFFICERS AND EMPLOYEES.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this section, officers, employees, and agents
21 shall be selected and appointed by the Corporation,
22 and shall be vested with such powers and duties as
23 the Corporation may determine.

24 (2) ADMINISTRATIVELY DETERMINED EMPLOY-
25 EES.—

1 (A) APPOINTMENT; COMPENSATION; RE-
2 MOVAL.—Of officers and employees employed
3 by the Corporation under paragraph (1), not
4 more than 50 may be appointed, compensated,
5 or removed without regard to title 5, United
6 States Code.

7 (B) REINSTATEMENT.—Under such regu-
8 lations as the President may prescribe, officers
9 and employees appointed to a position under
10 subparagraph (A) may be entitled, upon re-
11 moval from such position (unless the removal
12 was for cause), to reinstatement to the position
13 occupied at the time of appointment or to a po-
14 sition of comparable grade and salary.

15 (C) ADDITIONAL POSITIONS.—Positions
16 authorized by subparagraph (A) shall be in ad-
17 dition to those otherwise authorized by law, in-
18 cluding positions authorized under section 5108
19 of title 5, United States Code.

20 (D) RATES OF PAY FOR OFFICERS AND
21 EMPLOYEES.—The Corporation may set and
22 adjust rates of basic pay for officers and em-
23 ployees appointed under subparagraph (A)
24 without regard to the provisions of chapter 51
25 or subchapter III of chapter 53 of title 5,

1 United States Code, relating to classification of
2 positions and General Schedule pay rates, re-
3 spectively.

4 (3) LIABILITY OF EMPLOYEES.—

5 (A) IN GENERAL.—An individual who is a
6 member of the Board or an officer or employee
7 of the Corporation has no liability under this
8 division with respect to any claim arising out of
9 or resulting from any act or omission by the in-
10 dividual within the scope of the employment of
11 the individual in connection with any trans-
12 action by the Corporation.

13 (B) RULE OF CONSTRUCTION.—Subpara-
14 graph (A) shall not be construed to limit per-
15 sonal liability of an individual for criminal acts
16 or omissions, willful or malicious misconduct,
17 acts or omissions for private gain, or any other
18 acts or omissions outside the scope of the indi-
19 vidual's employment.

20 (C) CONFLICTS OF INTEREST.—The Cor-
21 poration shall establish and publish procedures
22 for avoiding conflicts of interest on the part of
23 officers and employees of the Corporation and
24 members of the Development Advisory Council
25 established under subsection (i).

1 (D) SAVINGS PROVISION.—This paragraph
2 shall not be construed—

3 (i) to affect—

4 (I) any other immunities and
5 protections that may be available to
6 an individual described in subpara-
7 graph (A) under applicable law with
8 respect to a transaction described in
9 that subparagraph; or

10 (II) any other right or remedy
11 against the Corporation, against the
12 United States under applicable law, or
13 against any person other than an indi-
14 vidual described in subparagraph (A)
15 participating in such a transaction; or

16 (ii) to limit or alter in any way the
17 immunities that are available under appli-
18 cable law for Federal officers and employ-
19 ees not described in this paragraph.

20 (i) DEVELOPMENT ADVISORY COUNCIL.—

21 (1) IN GENERAL.—There is established a Devel-
22 opment Advisory Council (in this subsection referred
23 to as the “Council”) to advise the Board on develop-
24 ment objectives of the Corporation.

1 (2) MEMBERSHIP.—Members of the Council
2 shall be appointed by the Board, on the rec-
3 ommendation of the Chief Executive Officer and the
4 Chief Development Officer, and shall be composed of
5 not more than 9 members broadly representative of
6 nongovernmental organizations, think tanks, advo-
7 cacy organizations, foundations, and other institu-
8 tions engaged in international development.

9 (3) FUNCTIONS.—The Board shall call upon
10 members of the Council, either collectively or indi-
11 vidually, to advise the Board regarding the extent to
12 which the Corporation is meeting its development
13 mandate and any suggestions for improvements in
14 with respect to meeting that mandate, including op-
15 portunities in countries and project development and
16 implementation challenges and opportunities.

17 (4) FEDERAL ADVISORY COMMITTEE ACT.—The
18 Council shall not be subject to the Federal Advisory
19 Committee Act (5 U.S.C. App.).

20 **SEC. 1414. INSPECTOR GENERAL OF THE CORPORATION.**

21 (a) IN GENERAL.—Section 8G(a)(2) of the Inspector
22 General Act of 1978 (5 U.S.C. App.) is amended by insert-
23 ing “the United States International Development Fi-
24 nance Corporation,” after “the Smithsonian Institution,”.

1 (b) OVERSIGHT INDEPENDENCE.—Section 8G(a)(4)
2 of the Inspector General Act of 1978 (5 U.S.C. App.) is
3 amended—

4 (1) in subparagraph (H), by striking “; and”
5 and inserting a semicolon;

6 (2) in subparagraph (I), by striking the semi-
7 colon and inserting “; and”; and

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

9 “(J) with respect to the United States
10 International Development Finance Corpora-
11 tion, such term means the Board of Directors
12 of the United States International Development
13 Finance Corporation;”.

14 **SEC. 1415. INDEPENDENT ACCOUNTABILITY MECHANISM.**

15 (a) IN GENERAL.—The Board shall establish a trans-
16 parent and independent accountability mechanism.

17 (b) FUNCTIONS.—The independent accountability
18 mechanism established pursuant to subsection (a) shall—

19 (1) annually evaluate and report to the Board
20 and Congress regarding compliance with environ-
21 mental, social, labor, human rights, and trans-
22 parency standards, consistent with Corporation stat-
23 utory mandates;

1 (2) provide a forum for resolving concerns re-
2 garding the impacts of specific Corporation-sup-
3 ported projects with respect to such standards; and

4 (3) provide advice regarding Corporation
5 projects, policies, and practices.

6 **TITLE II—AUTHORITIES**

7 **SEC. 1421. AUTHORITIES RELATING TO PROVISION OF SUP-** 8 **PORT.**

9 (a) IN GENERAL.—The authorities in this title shall
10 only be exercised to—

11 (1) carry out of the policy of the United States
12 in section 1411 and the purpose of the Corporation
13 in section 1412;

14 (2) mitigate risks to United States taxpayers by
15 sharing risks with the private sector and qualifying
16 sovereign entities through co-financing and struc-
17 turing of tools; and

18 (3) ensure that support provided under this
19 title is additional to private sector resources by mo-
20 bilizing private capital that would otherwise not be
21 deployed without such support.

22 (b) LENDING AND GUARANTIES.—

23 (1) IN GENERAL.—The Corporation may make
24 loans or guaranties upon such terms and conditions
25 as the Corporation may determine.

1 (2) DENOMINATION.—Loans and guaranties
2 issued under paragraph (1) may be denominated and
3 repayable in United States dollars or foreign cur-
4 rencies. Foreign currency denominated loans and
5 guaranties should only be provided if the Board de-
6 termines there is a substantive policy rationale for
7 such loans and guaranties.

8 (3) APPLICABILITY OF FEDERAL CREDIT RE-
9 FORM ACT OF 1990.—Loans and guaranties issued
10 under paragraph (1) shall be subject to the require-
11 ments of the Federal Credit Reform Act of 1990 (2
12 U.S.C. 661 et seq.).

13 (c) EQUITY INVESTMENTS.—

14 (1) IN GENERAL.—The Corporation may, as a
15 minority investor, support projects with funds or use
16 other mechanisms for the purpose of purchasing,
17 and may make and fund commitments to purchase,
18 invest in, make pledges in respect of, or otherwise
19 acquire, equity or quasi-equity securities or shares or
20 financial interests of any entity, including as a lim-
21 ited partner or other investor in investment funds,
22 upon such terms and conditions as the Corporation
23 may determine.

24 (2) DENOMINATION.—Support provided under
25 paragraph (1) may be denominated and repayable in

1 United States dollars or foreign currency. Foreign
2 currency denominated support provided by para-
3 graph (1) should only be provided if the Board de-
4 termines there is a substantive policy rationale for
5 such support.

6 (3) GUIDELINES AND CRITERIA.—The Corpora-
7 tion shall develop guidelines and criteria to require
8 that the use of the authority provided by paragraph
9 (1) with respect to a project has a clearly defined
10 development and foreign policy purpose, taking into
11 account the following objectives:

12 (A) The support for the project would be
13 more likely than not to substantially reduce or
14 overcome the effect of an identified market fail-
15 ure in the country in which the project is car-
16 ried out.

17 (B) The project would not have proceeded
18 or would have been substantially delayed with-
19 out the support.

20 (C) The support would meaningfully con-
21 tribute to transforming local conditions to pro-
22 mote the development of markets.

23 (D) The support can be shown to be
24 aligned with commercial partner incentives.

1 (E) The support can be shown to have sig-
2 nificant developmental impact and will con-
3 tribute to long-term commercial sustainability.

4 (F) The support furthers the policy of the
5 United States described in section 1411.

6 (4) LIMITATIONS ON EQUITY INVESTMENTS.—

7 (A) PER PROJECT LIMIT.—The aggregate
8 amount of support provided under this sub-
9 section with respect to any project shall not ex-
10 ceed 30 percent of the aggregate amount of all
11 equity investment made to the project at the
12 time that the Corporation approves support of
13 the project.

14 (B) TOTAL LIMIT.—Support provided pur-
15 suant to this subsection shall be limited to not
16 more than 35 percent of the Corporation's ag-
17 gregate exposure on the date that such support
18 is provided.

19 (5) SALES AND LIQUIDATION OF POSITION.—

20 The Corporation shall seek to sell and liquidate any
21 support for a project provided under this subsection
22 as soon as commercially feasible, commensurate with
23 other similar investors in the project and taking into
24 consideration the national security interests of the
25 United States.

1 (6) TIMETABLE.—The Corporation shall create
2 a project-specific timetable for support provided
3 under paragraph (1).

4 (d) INSURANCE AND REINSURANCE.—The Corpora-
5 tion may issue insurance or reinsurance, upon such terms
6 and conditions as the Corporation may determine, to pri-
7 vate sector entities and qualifying sovereign entities assur-
8 ing protection of their investments in whole or in part
9 against any or all political risks such as currency incon-
10 vertibility and transfer restrictions, expropriation, war,
11 terrorism, civil disturbance, breach of contract, or nonhon-
12 oring of financial obligations.

13 (e) PROMOTION OF AND SUPPORT FOR PRIVATE IN-
14 VESTMENT OPPORTUNITIES.—

15 (1) IN GENERAL.—In order to carry out the
16 purpose of the Corporation described in section
17 1412(b), the Corporation may initiate and support,
18 through financial participation, incentive grant, or
19 otherwise, and on such terms and conditions as the
20 Corporation may determine, feasibility studies for
21 the planning, development, and management of, and
22 procurement for, potential bilateral and multilateral
23 development projects eligible for support under this
24 title, including training activities undertaken in con-
25 nection with such projects, for the purpose of pro-

1 moting investment in such projects and the identi-
2 fication, assessment, surveying, and promotion of
3 private investment opportunities, utilizing wherever
4 feasible and effective, the facilities of private inves-
5 tors.

6 (2) CONTRIBUTIONS TO COSTS.—The Corpora-
7 tion shall, to the maximum extent practicable, re-
8 quire any person receiving funds under the authori-
9 ties of this subsection to—

10 (A) share the costs of feasibility studies
11 and other project planning services funded
12 under this subsection; and

13 (B) reimburse the Corporation those funds
14 provided under this section, if the person suc-
15 ceeds in project implementation.

16 (f) SPECIAL PROJECTS AND PROGRAMS.—The Cor-
17 poration may administer and manage special projects and
18 programs in support of specific transactions undertaken
19 by the Corporation, including programs of financial and
20 advisory support that provide private technical, profes-
21 sional, or managerial assistance in the development of
22 human resources, skills, technology, capital savings, or in-
23 termediate financial and investment institutions or co-
24 operatives, and including the initiation of incentives,
25 grants, or studies for energy, women's economic empower-

1 ment, microenterprise households, or other small business
2 activities.

3 (g) ENTERPRISE FUNDS.—

4 (1) IN GENERAL.—The Corporation may, fol-
5 lowing consultation with the Secretary of State, the
6 Administrator of the United States Agency for
7 International Development, and the heads of other
8 relevant departments or agencies, establish and op-
9 erate enterprise funds in accordance with this sub-
10 section.

11 (2) PRIVATE CHARACTER OF FUNDS.—Nothing
12 in this section shall be construed to make an enter-
13 prise fund an agency or establishment of the United
14 States Government, or to make the officers, employ-
15 ees, or members of the Board of Directors of an en-
16 terprise fund officers or employees of the United
17 States for purposes of title 5, United States Code.

18 (3) PURPOSES FOR WHICH SUPPORT MAY BE
19 PROVIDED.—The Corporation, subject to the ap-
20 proval of the Board, may designate private, non-
21 profit organizations as eligible to receive support
22 under this title for the following purposes:

23 (A) To promote development of economic
24 freedom and private sectors, including small-
25 and medium-sized enterprises and joint ven-

1 tures with the United States and host country
2 participants.

3 (B) To facilitate access to credit to small-
4 and medium-sized enterprises with sound busi-
5 ness plans in countries where there is limited
6 means of accessing credit on market terms.

7 (C) To promote policies and practices con-
8 ducive to economic freedom and private sector
9 development.

10 (D) To attract foreign direct investment
11 capital to further promote private sector devel-
12 opment and economic freedom.

13 (E) To complement the work of the United
14 States Agency for International Development
15 and other donors to improve the overall busi-
16 ness-enabling environment, financing the cre-
17 ation and expansion of the private business sec-
18 tor.

19 (F) To make financially sustainable invest-
20 ments designed to generate measurable social
21 benefits and build technical capacity in addition
22 to financial returns.

23 (4) OPERATION OF FUNDS.—

24 (A) EXPENDITURES.—Funds made avail-
25 able to an enterprise fund shall be expended at

1 the minimum rate necessary to make timely
2 payments for projects and activities carried out
3 under this subsection.

4 (B) ADMINISTRATIVE EXPENSES.—Not
5 more than 3 percent per annum of the funds
6 made available to an enterprise fund may be ob-
7 ligated or expended for the administrative ex-
8 penses of the enterprise fund.

9 (5) BOARD OF DIRECTORS.—Each enterprise
10 fund established under this subsection should be
11 governed by a Board of Directors comprised of pri-
12 vate citizens of the United States or the host coun-
13 try, who—

14 (A) shall be appointed by the President
15 after consultation with the chairmen and rank-
16 ing members of the appropriate congressional
17 committees; and

18 (B) have pursued careers in international
19 business and have demonstrated expertise in
20 international and emerging market investment
21 activities.

22 (6) MAJORITY MEMBER REQUIREMENT.—The
23 majority of the members of the Board of Directors
24 shall be United States citizens who shall have rel-

1 evant experience relating to the purposes described
2 in paragraph (3).

3 (7) REPORTS.—Not later than one year after
4 the date of the establishment of an enterprise fund
5 under this subsection, and annually thereafter until
6 the enterprise fund terminates in accordance with
7 paragraph (10), the Board of Directors of the enter-
8 prise fund shall—

9 (A) submit to the appropriate congress-
10 sional committees a report—

11 (i) detailing the administrative ex-
12 penses of the enterprise fund during the
13 year preceding the submission of the re-
14 port;

15 (ii) describing the operations, activi-
16 ties, engagement with civil society and rel-
17 evant local private sector entities, develop-
18 ment objectives and outcomes, financial
19 condition, and accomplishments of the en-
20 terprise fund during that year;

21 (iii) describing the results of any
22 audit conducted under paragraph (8); and

23 (iv) describing how audits conducted
24 under paragraph (8) are informing the op-

1 erations and activities of the enterprise
2 fund; and

3 (B) publish, on a publicly available inter-
4 net website of the enterprise fund, each report
5 required by subparagraph (A).

6 (8) OVERSIGHT.—

7 (A) INSPECTOR GENERAL PERFORMANCE
8 AUDITS.—

9 (i) IN GENERAL.—The Inspector Gen-
10 eral of the Corporation shall conduct peri-
11 odic audits of the activities of each enter-
12 prise fund established under this sub-
13 section.

14 (ii) CONSIDERATION.—In conducting
15 an audit under clause (i), the Inspector
16 General shall assess whether the activities
17 of the enterprise fund—

18 (I) support the purposes de-
19 scribed in paragraph (3);

20 (II) result in profitable private
21 sector investing; and

22 (III) generate measurable social
23 benefits.

24 (B) RECORDKEEPING REQUIREMENTS.—

25 The Corporation shall ensure that each enter-

1 prise fund receiving support under this sub-
2 section—

3 (i) keeps separate accounts with re-
4 spect to such support; and

5 (ii) maintains such records as may be
6 reasonably necessary to facilitate effective
7 audits under this paragraph.

8 (9) RETURN OF FUNDS TO TREASURY.—Any
9 funds resulting from any liquidation, dissolution, or
10 winding up of an enterprise fund, in whole or in
11 part, shall be returned to the Treasury of the United
12 States.

13 (10) TERMINATION.—The authority of an en-
14 terprise fund to provide support under this sub-
15 section shall terminate on the earlier of—

16 (A) the date that is 10 years after the date
17 of the first expenditure of amounts from the en-
18 terprise fund; or

19 (B) the date on which the enterprise fund
20 is liquidated.

21 (h) SUPERVISION OF SUPPORT.—Support provided
22 under this title shall be subject to section 622(e) of the
23 Foreign Assistance Act of 1961 (22 U.S.C. 2382(e)).

24 (i) SMALL BUSINESS DEVELOPMENT.—

1 (1) IN GENERAL.—The Corporation shall un-
2 dertake, in cooperation with appropriate depart-
3 ments, agencies, and instrumentalities of the United
4 States as well as private entities and others, to
5 broaden the participation of United States small
6 businesses and cooperatives and other small United
7 States investors in the development of small private
8 enterprise in less developed friendly countries or
9 areas.

10 (2) OUTREACH TO MINORITY-OWNED AND
11 WOMEN-OWNED BUSINESSES.—

12 (A) IN GENERAL.—The Corporation shall
13 collect data on the involvement of minority- and
14 women-owned businesses in projects supported
15 by the Corporation, including—

16 (i) the amount of insurance and fi-
17 nancing provided by the Corporation to
18 such businesses in connection with projects
19 supported by the Corporation; and

20 (ii) to the extent such information is
21 available, the involvement of such busi-
22 nesses in procurement activities conducted
23 or supported by the Corporation.

24 (B) INCLUSION IN ANNUAL REPORT.—The
25 Corporation shall include, in its annual report

1 submitted to Congress under section 1443, the
2 aggregate data collected under this paragraph,
3 in such form as to quantify the effectiveness of
4 the Corporation's outreach activities to
5 minority- and women-owned businesses.

6 **SEC. 1422. TERMS AND CONDITIONS.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), support provided by the Corporation under this title
9 shall be on such terms and conditions as the Corporation
10 may prescribe.

11 (b) REQUIREMENTS.—The following requirements
12 apply to support provided by the Corporation under this
13 title:

14 (1) The Corporation shall provide support using
15 authorities under this title only if it is necessary—

16 (A) to alleviate a credit market imperfec-
17 tion; or

18 (B) to achieve specified development or
19 foreign policy objectives of the United States
20 Government by providing support in the most
21 efficient way to meet those objectives on a case-
22 by-case basis.

23 (2) The final maturity of a loan made or guar-
24 anteed by the Corporation shall not exceed the lesser
25 of—

1 (A) 25 years; or

2 (B) debt servicing capabilities of the
3 project to be financed by the loan (as deter-
4 mined by the Corporation).

5 (3) The Corporation shall, with respect to pro-
6 viding any loan guaranty to a project, require the
7 parties to the project to bear the risk of loss in an
8 amount equal to at least 20 percent of the guaran-
9 teed support by the Corporation in the project.

10 (4) The Corporation may not make or guar-
11 antee a loan unless the Corporation determines that
12 the borrower or lender is responsible and that ade-
13 quate provision is made for servicing the loan on
14 reasonable terms and protecting the financial inter-
15 est of the United States.

16 (5) The interest rate for direct loans and inter-
17 est supplements on guaranteed loans shall be set by
18 reference to a benchmark interest rate (yield) on
19 marketable Treasury securities or other widely rec-
20 ognized or appropriate benchmarks with a similar
21 maturity to the loans being made or guaranteed, as
22 determined in consultation with the Director of the
23 Office of Management and Budget and the Secretary
24 of the Treasury. The Corporation shall establish ap-

1 appropriate minimum interest rates for loans, guaran-
2 ties, and other instruments as necessary.

3 (6) The minimum interest rate for new loans as
4 established by the Corporation shall be adjusted pe-
5 riodically to take account of changes in the interest
6 rate of the benchmark financial instrument.

7 (7)(A) The Corporation shall set fees or pre-
8 miums for support provided under this title at levels
9 that minimize the cost to the Government while sup-
10 porting achievement of the objectives of support.

11 (B) The Corporation shall review fees for loan
12 guaranties periodically to ensure that the fees as-
13 sessed on new loan guaranties are at a level suffi-
14 cient to cover the Corporation's most recent esti-
15 mates of its costs.

16 (8) Any loan guaranty provided by the Corpora-
17 tion shall be conclusive evidence that—

18 (A) the guaranty has been properly ob-
19 tained;

20 (B) the loan qualified for the guaranty;
21 and

22 (C) but for fraud or material misrepresen-
23 tation by the holder of the guaranty, the guar-
24 anty is presumed to be valid, legal, and enforce-
25 able.

1 (9) The Corporation shall prescribe explicit
2 standards for use in periodically assessing the credit
3 risk of new and existing direct loans or guaranteed
4 loans.

5 (10) The Corporation may not make loans or
6 loan guaranties except to the extent that budget au-
7 thority to cover the costs of the loans or guaranties
8 is provided in advance in an appropriations Act, as
9 required by section 504 of the Federal Credit Re-
10 form Act of 1990 (2 U.S.C. 661c).

11 (11) The Corporation shall rely upon specific
12 standards to assess the developmental and strategic
13 value of projects for which it provides support and
14 should only provide the minimum level of support
15 necessary in order to support such projects.

16 (12) Any loan or loan guaranty made by the
17 Corporation should be provided on a senior basis or
18 pari passu with other senior debt unless there is a
19 substantive policy rationale to provide such support
20 otherwise.

21 **SEC. 1423. PAYMENT OF LOSSES.**

22 (a) PAYMENTS FOR DEFAULTS ON GUARANTEED
23 LOANS.—

24 (1) IN GENERAL.—If the Corporation deter-
25 mines that the holder of a loan guaranteed by the

1 Corporation suffers a loss as a result of a default by
2 a borrower on the loan, the Corporation shall pay to
3 the holder the percent of the loss, as specified in the
4 guaranty contract, after the holder of the loan has
5 made such further collection efforts and instituted
6 such enforcement proceedings as the Corporation
7 may require.

8 (2) SUBROGATION.—Upon making a payment
9 described in paragraph (1), the Corporation shall en-
10 sure the Corporation will be subrogated to all the
11 rights of the recipient of the payment.

12 (3) RECOVERY EFFORTS.—The Corporation
13 shall pursue recovery from the borrower of the
14 amount of any payment made under paragraph (1)
15 with respect to the loan.

16 (b) LIMITATION ON PAYMENTS.—

17 (1) IN GENERAL.—Except as provided by para-
18 graph (2), compensation for insurance, reinsurance,
19 or a guaranty issued under this title shall not exceed
20 the dollar value of the tangible or intangible con-
21 tributions or commitments made in the project, plus
22 interest, earnings, or profits actually accrued on
23 such contributions or commitments, to the extent
24 provided by such insurance, reinsurance, or guar-
25 anty.

1 (2) EXCEPTION.—

2 (A) IN GENERAL.—The Corporation may
3 provide that—

4 (i) appropriate adjustments in the in-
5 sured dollar value be made to reflect the
6 replacement cost of project assets; and

7 (ii) compensation for a claim of loss
8 under insurance of an equity investment
9 under section 1421 may be computed on
10 the basis of the net book value attributable
11 to the equity investment on the date of
12 loss.

13 (3) ADDITIONAL LIMITATION.—

14 (A) IN GENERAL.—Notwithstanding para-
15 graph (2)(A)(ii) and except as provided in sub-
16 paragraph (B), the Corporation shall limit the
17 amount of direct insurance and reinsurance
18 issued under section 1421 with respect to a
19 project so as to require that the insured and its
20 affiliates bear the risk of loss for at least 10
21 percent of the amount of the Corporation's ex-
22 posure to that insured and its affiliates in the
23 project.

24 (B) EXCEPTION.—The limitation under
25 subparagraph (A) shall not apply to direct in-

1 surance or reinsurance of loans provided by
2 banks or other financial institutions to unre-
3 lated parties.

4 (c) **ACTIONS BY ATTORNEY GENERAL.**—The Attor-
5 ney General shall take such action as may be appropriate
6 to enforce any right accruing to the United States as a
7 result of the issuance of any loan or guaranty under this
8 title.

9 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
10 tion shall be construed to preclude any forbearance for the
11 benefit of a borrower that may be agreed upon by the par-
12 ties to a loan guaranteed by the Corporation if budget au-
13 thority for any resulting costs to the United States Gov-
14 ernment (as defined in section 502 of the Federal Credit
15 Reform Act of 1990 (2 U.S.C. 661a)) is available.

16 **SEC. 1424. TERMINATION.**

17 (a) **IN GENERAL.**—The authorities provided under
18 this title terminate on the date that is 7 years after the
19 date of the enactment of this Act.

20 (b) **TERMINATION OF CORPORATION.**—The Corpora-
21 tion shall terminate on the date on which the portfolio of
22 the Corporation is liquidated.

1 **TITLE III—ADMINISTRATIVE**
2 **AND GENERAL PROVISIONS**

3 **SEC. 1431. OPERATIONS.**

4 (a) **BILATERAL AGREEMENTS.**—The Corporation
5 may provide support under title II in connection with
6 projects in any country the government of which has en-
7 tered into an agreement with the United States author-
8 izing the Corporation to provide such support in that
9 country.

10 (b) **CLAIMS SETTLEMENT.**—

11 (1) **IN GENERAL.**—Claims arising as a result of
12 support provided under title II or under predecessor
13 authority may be settled, and disputes arising as a
14 result thereof may be arbitrated with the consent of
15 the parties, on such terms and conditions as the
16 Corporation may determine.

17 (2) **SETTLEMENTS CONCLUSIVE.**—Payment
18 made pursuant to any settlement pursuant to para-
19 graph (1), or as a result of an arbitration award,
20 shall be final and conclusive notwithstanding any
21 other provision of law.

22 (c) **PRESUMPTION OF COMPLIANCE.**—Each contract
23 executed by such officer or officers as may be designated
24 by the Board shall be conclusively presumed to be issued
25 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
12 Code, with any person or government however des-
13 igned and wherever situated, as may be necessary
14 for carrying 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
19 property is for the Corporation's own occupancy, the
20 lease, purchase, acquisition, improvement, or use of
21 the real property shall be entered into or conducted
22 in consultation with the Administrator of General
23 Services;

24 (4) may accept cash gifts or donations of serv-
25 ices or of property (real, personal, or mixed), tan-

1 gible or intangible, for the purpose of carrying out
2 the functions of the Corporation;

3 (5) may use the United States mails in the
4 same manner and on the same conditions as the Ex-
5 ecutive departments (as defined in section 101 of
6 title 5, United States Code);

7 (6) may contract with individuals for personal
8 services, who shall not be considered Federal em-
9 ployees for any provision of law administered by the
10 Director of the Office of Personnel Management;

11 (7) may hire or obtain passenger motor vehi-
12 cles;

13 (8) may sue and be sued in its corporate name;

14 (9) may acquire, hold, or dispose of, upon such
15 terms and conditions as the Corporation may deter-
16 mine, any property, real, personal, or mixed, tan-
17 gible or intangible, or any interest in such property,
18 except that, in the case of real property that is for
19 the Corporation's own occupancy, the acquisition,
20 holding, or disposition of the real property shall be
21 conducted in consultation with the Administrator of
22 General Services;

23 (10) may lease office space for the Corpora-
24 tion's own use, with the obligation of amounts for
25 such lease limited to the current fiscal year for

1 which payments are due until the expiration of the
2 current lease under predecessor authority, as of the
3 day before the date of the enactment of this Act;

4 (11) may indemnify directors, officers, employ-
5 ees, and agents of the Corporation for liabilities and
6 expenses incurred in connection with their activities
7 on behalf of the Corporation;

8 (12) notwithstanding any other provision of
9 law, may represent itself or contract for representa-
10 tion in any legal or arbitral proceeding;

11 (13) may exercise any priority of the Govern-
12 ment of the United States in collecting debts from
13 bankrupt, insolvent, or decedents' estates;

14 (14) may collect, notwithstanding section
15 3711(g)(1) of title 31, United States Code, or com-
16 promise any obligations assigned to or held by the
17 Corporation, including any legal or equitable rights
18 accruing to the Corporation;

19 (15) may make arrangements with foreign gov-
20 ernments (including agencies, instrumentalities, or
21 political subdivisions of such governments) or with
22 multilateral organizations or institutions for sharing
23 liabilities;

1 (16) may sell direct investments of the Corpora-
2 tion to private investors upon such terms and condi-
3 tions as the Corporation may determine; and

4 (17) shall have such other powers as may be
5 necessary and incident to carrying out the functions
6 of the Corporation.

7 (b) **TREATMENT OF PROPERTY.**—Notwithstanding
8 any other provision of law relating to the acquisition, han-
9 dling, or disposal of property by the United States, the
10 Corporation shall have the right in its discretion to com-
11 plete, recondition, reconstruct, renovate, repair, maintain,
12 operate, or sell any property acquired by the Corporation
13 pursuant to the provisions of this division, except that, in
14 the case of real property that is for the Corporation's own
15 occupancy, the completion, reconditioning, reconstruction,
16 renovation, repair, maintenance, operation, or sale of the
17 real property shall be conducted in consultation with the
18 Administrator of General Services.

19 **SEC. 1433. MAXIMUM CONTINGENT LIABILITY.**

20 The maximum contingent liability of the Corporation
21 outstanding at any one time shall not exceed in the aggre-
22 gate \$60,000,000,000.

23 **SEC. 1434. CORPORATE FUNDS.**

24 (a) **CORPORATE CAPITAL ACCOUNT.**—There is estab-
25 lished in the Treasury of the United States a fund to be

1 known as the “Corporate Capital Account” to carry out
2 the purposes of the Corporation.

3 (b) FUNDING.—The Corporate Capital Account shall
4 consist of—

5 (1) fees charged and collected pursuant to sub-
6 section (c);

7 (2) any amounts received pursuant to sub-
8 section (e);

9 (3) investments and returns on such invest-
10 ments pursuant to subsection (g);

11 (4) unexpended balances transferred to the Cor-
12 poration pursuant to subsection (i);

13 (5) payments received in connection with settle-
14 ments of all insurance and reinsurance claims of the
15 Corporation; and

16 (6) all other collections transferred to or earned
17 by the Corporation, excluding the cost, as defined in
18 section 502 of the Federal Credit Reform Act of
19 1990 (2 U.S.C. 661a), of loans and loan guaranties.

20 (c) FEE AUTHORITY.—Fees may be charged and col-
21 lected for providing services in amounts to be determined
22 by the Corporation.

23 (d) USES.—

24 (1) IN GENERAL.—Subject to Acts making ap-
25 propriations, the Corporation is authorized to pay—

1 (A) the cost, as defined in section 502 of
2 the Federal Credit Reform Act of 1990, of
3 loans and loan guaranties;

4 (B) administrative expenses of the Cor-
5 poration;

6 (C) for the cost of providing support au-
7 thorized by subsections (c), (e), (f), and (g) of
8 section 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, exclud-
13 ing the cost, as defined in section 502 of the Federal
14 Credit Reform Act of 1990, of loans and loan guar-
15 anties, shall be deposited into the Corporate Capital
16 Account and shall be available to carry out its pur-
17 pose, including without limitation—

18 (A) payment of all insurance and reinsur-
19 ance claims of the Corporation;

20 (B) repayments to the Treasury of
21 amounts 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 con-
3 tinue to constitute obligations of the United States,
4 and the full faith and credit of the United States is
5 hereby pledged for the full payment and perform-
6 ance of such obligations.

7 (2) AUTHORITY TO BORROW.—The Corporation
8 is authorized to borrow from the Treasury such
9 sums as may be necessary to fulfill such obligations
10 of the United States and any such borrowing shall
11 be at a rate determined by the Secretary of the
12 Treasury, taking into consideration the current aver-
13 age market yields on outstanding marketable obliga-
14 tions of the United States of comparable maturities,
15 for a period jointly determined by the Corporation
16 and the Secretary, and subject to such terms and
17 conditions as the Secretary may require.

18 (f) DIVIDENDS.—The Board, in consultation with the
19 Director of the Office of Management and Budget, shall
20 annually assess a dividend payment to the Treasury if the
21 Corporation's insurance portfolio is more than 100 per-
22 cent reserved.

23 (g) INVESTMENT AUTHORITY.—

24 (1) IN GENERAL.—The Corporation may re-
25 quest the Secretary of the Treasury to invest such

1 portion of the Corporate Capital Account as is not,
2 in the Corporation's judgment, required to meet the
3 current needs of the Corporate Capital Account.

4 (2) FORM OF INVESTMENTS.—Such invest-
5 ments shall be made by the Secretary of the Treas-
6 ury in public debt obligations, with maturities suit-
7 able to the needs of the Corporate Capital Account,
8 as determined by the Corporation, and bearing inter-
9 est at rates determined by the Secretary, taking into
10 consideration current market yields on outstanding
11 marketable obligations of the United States of com-
12 parable maturities.

13 (h) COLLECTIONS.—Interest earnings made pursuant
14 to subsection (g), earnings collected related to equity in-
15 vestments, and amounts, excluding fees related to insur-
16 ance or reinsurance, collected pursuant to subsection (c),
17 shall not be collected for any fiscal year except to the ex-
18 tent provided 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 respon-
22 sibilities of any agency specified in the plan required by
23 section 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
2 seq.) may be transferred to the Corporation and funds au-
3 thorized to be appropriated to the Corporation may be
4 transferred to the Department of State and the United
5 States Agency 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 indi-
10 rect costs incurred in claims settlements associated
11 with the provision of support under title II and shall
12 not be considered administrative expenses for the
13 purposes 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
20 should use relevant data of the Department of State, the
21 Millennium Challenge Corporation, the United States
22 Agency for International Development, and other depart-
23 ments and agencies that have development functions to
24 better inform the decisions of the Corporation with respect
25 to providing 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
6 duties and responsibilities under section 1421(a), the Cor-
7 poration shall establish a risk committee and an audit
8 committee.

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
12 oversight 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 Corpora-
23 tion, including a risk management and compliance
24 framework and governance structure to support such
25 framework; and

1 (5) developing policies and procedures for as-
2 sessing, prior to providing, and for any period dur-
3 ing which the Corporation provides, support to any
4 foreign entities, whether such entities have in place
5 sufficient enhanced due diligence policies and prac-
6 tices to prevent money laundering and corruption to
7 ensure the Corporation does not provide support to
8 persons 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
15 directing 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 inter-
2 nal audit function; and

3 (4) compliance with legal and regulatory re-
4 quirements related to the finances of the Corpora-
5 tion.

6 **SEC. 1442. PERFORMANCE MEASURES, EVALUATION, AND**
7 **LEARNING.**

8 (a) **IN GENERAL.**—The Corporation shall develop a
9 performance measurement system to evaluate and monitor
10 projects supported by the Corporation under title II and
11 to guide future projects of the Corporation.

12 (b) **CONSIDERATIONS.**—In developing the perform-
13 ance measurement system required by subsection (a), the
14 Corporation shall—

15 (1) develop a successor for the development im-
16 pact measurement system of the Overseas Private
17 Investment Corporation (as such system was in ef-
18 fect on the day before the date of the enactment of
19 this Act);

20 (2) develop a mechanism for ensuring that sup-
21 port provided by the Corporation under title II is in
22 addition to private investment;

23 (3) develop standards for, and a method for en-
24 suring, appropriate financial performance of the
25 Corporation's portfolio; and

1 (4) develop standards for, and a method for en-
2 suring, 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 nomic 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 congres-
22 sional committees a complete and detailed report of its op-
23 erations during that fiscal year, including an assessment
24 of—

1 (1) the economic and social development im-
2 pact, including with respect to matters described in
3 subsections (d), (e), and (f) of section 1451, of
4 projects supported by the Corporation under title II;

5 (2) the extent to which the operations of the
6 Corporation complement or are compatible with the
7 development assistance programs of the United
8 States and qualifying sovereign entities;

9 (3) the Corporation's institutional linkages with
10 other relevant United States Government depart-
11 ment and agencies, including efforts to strengthen
12 such linkages; and

13 (4) the compliance of projects supported by the
14 Corporation under title II with human rights, envi-
15 ronmental, labor, and social policies, or other such
16 related policies that govern the Corporation's sup-
17 port for projects, promulgated or otherwise adminis-
18 tered by the Corporation.

19 (b) ELEMENTS.—Each annual report required by
20 subsection (a) shall include analyses of the effects of
21 projects supported by the Corporation under title II, in-
22 cluding—

23 (1) reviews and analyses of—

24 (A) the desired development outcomes for
25 projects and whether or not the Corporation is

1 meeting the associated metrics, goals, and de-
2 velopment objectives, including, to the extent
3 practicable, in the years after conclusion of
4 projects; and

5 (B) the effect of the Corporation's support
6 on access to capital and ways in which the Cor-
7 poration is addressing identifiable market gaps
8 or inefficiencies and what impact, if any, such
9 support has on access to credit for a specific
10 project, country, or sector;

11 (2) an explanation of any partnership arrange-
12 ment or cooperation with a qualifying sovereign enti-
13 ty in support of each project;

14 (3) projections of—

15 (A) development outcomes, and whether or
16 not support for projects are meeting the associ-
17 ated performance measures, both during the
18 start-up phase and over the duration of the
19 support, and to the extent practicable, measures
20 of such development outcomes should be on a
21 gender-disaggregated basis, such as changes in
22 employment, access to financial services, enter-
23 prise development and growth, and composition
24 of executive boards and senior leadership of en-
25 terprises receiving support under title II; and

1 (B) the value of private sector assets
2 brought to bear relative to the amount of sup-
3 port provided by the Corporation and the value
4 of any other public sector support; and

5 (4) an assessment of the extent to which lessons
6 learned from the monitoring and evaluation activities
7 of the Corporation, and from annual reports from
8 previous years compiled by the Corporation, have
9 been applied to projects.

10 **SEC. 1444. PUBLICLY AVAILABLE PROJECT INFORMATION.**

11 The Corporation shall—

12 (1) maintain a user-friendly, publicly available,
13 machine-readable database with detailed project-level
14 information, as appropriate and to the extent prac-
15 ticable, including a description of the support pro-
16 vided by the Corporation under title II, including, to
17 the extent feasible, the information included in the
18 report to Congress under section 1443 and project-
19 level performance metrics; and

20 (2) include a clear link to information about
21 each project supported by the Corporation under
22 title II on the internet website of the Department of
23 State, “ForeignAssistance.gov”, or a successor
24 website or other online publication.

1 **SEC. 1445. ENGAGEMENT WITH INVESTORS.**

2 (a) IN GENERAL.—The Corporation, acting through
3 the Chief Development Officer, shall, in cooperation with
4 the Administrator of the United States Agency for Inter-
5 national Development—

6 (1) develop a strategic relationship with private
7 sector entities focused at the nexus of business op-
8 portunities and development priorities;

9 (2) engage such entities and reduce business
10 risks primarily through direct transaction support
11 and facilitating investment partnerships;

12 (3) develop and support tools, approaches, and
13 intermediaries that can mobilize private finance at
14 scale in the developing world;

15 (4) pursue highly developmental projects of all
16 sizes, especially those that are small but designed for
17 work in the most underdeveloped areas, including
18 countries with chronic suffering as a result of ex-
19 treme poverty, fragile institutions, or a history of vi-
20 olence; and

21 (5) pursue projects consistent with the policy of
22 the United States described in section 1411 and the
23 Joint Strategic Plan and the Mission Country Devel-
24 opment Cooperation Strategies of the United States
25 Agency for International Development.

1 (b) ASSISTANCE.—To achieve the goals described in
2 subsection (a), the Corporation shall—

3 (1) develop risk mitigation tools;

4 (2) provide transaction structuring support for
5 blended finance models;

6 (3) support intermediaries linking capital sup-
7 ply and demand;

8 (4) coordinate with other Federal agencies to
9 support or accelerate transactions;

10 (5) convene financial, donor, civil society, and
11 public sector partners around opportunities for pri-
12 vate finance within development priorities;

13 (6) offer strategic planning and programming
14 assistance to catalyze investment into priority sec-
15 tors;

16 (7) provide transaction structuring support;

17 (8) deliver training and knowledge management
18 tools for engaging private investors;

19 (9) partner with private sector entities that pro-
20 vide access to capital and expertise; and

21 (10) identify and screen new investment part-
22 ners.

23 (c) TECHNICAL ASSISTANCE.—The Corporation shall
24 coordinate with the United States Agency for Inter-
25 national Development and other agencies and depart-

1 ments, as necessary, on projects and programs supported
2 by the Corporation that include technical assistance.

3 **SEC. 1446. NOTIFICATIONS TO BE PROVIDED BY THE COR-**
4 **PORATION.**

5 (a) IN GENERAL.—Not later than 15 days prior to
6 the Corporation making a financial commitment associ-
7 ated with the provision of support under title II in an
8 amount in excess of \$10,000,000, the Chief Executive Of-
9 ficer of the Corporation shall submit to the appropriate
10 congressional committees a report in writing that contains
11 the information required by subsection (b).

12 (b) INFORMATION REQUIRED.—The information re-
13 quired by this subsection includes—

14 (1) the amount of each such financial commit-
15 ment;

16 (2) an identification of the recipient or bene-
17 ficiary; and

18 (3) a description of the project, activity, or
19 asset and the development goal or purpose to be
20 achieved by providing support by the Corporation.

21 (c) BILATERAL AGREEMENTS.—The Chief Executive
22 Officer of the Corporation shall notify the appropriate con-
23 gressional committees not later than 30 days after enter-
24 ing into a new bilateral agreement described in section
25 1431(a).

1 **TITLE V—CONDITIONS, RESTRIC-**
2 **TIONS, AND PROHIBITIONS**

3 **SEC. 1451. LIMITATIONS AND PREFERENCES.**

4 (a) LIMITATION ON SUPPORT FOR SINGLE ENTI-
5 TY.—No entity receiving support from the Corporation
6 under title II may receive more than an amount equal to
7 5 percent of the Corporation’s maximum contingent liabil-
8 ity authorized under section 1433.

9 (b) PREFERENCE FOR SUPPORT FOR PROJECTS
10 SPONSORED BY UNITED STATES PERSONS.—

11 (1) IN GENERAL.—The Corporation should give
12 preferential consideration to projects sponsored by
13 or 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”
17 means—

18 (A) a United States citizen; or

19 (B) an entity owned or controlled by an in-
20 dividual or individuals described in subpara-
21 graph (A).

22 (c) PREFERENCE FOR SUPPORT IN COUNTRIES IN
23 COMPLIANCE WITH INTERNATIONAL TRADE OBLIGA-
24 TIONS.—

1 (1) CONSULTATIONS WITH UNITED STATES
2 TRADE REPRESENTATIVE.—Not less frequently than
3 annually, the Corporation shall consult with the
4 United States Trade Representative with respect to
5 the status of countries eligible to receive support
6 from the Corporation under title II and the compli-
7 ance of those countries with their international trade
8 obligations.

9 (2) PREFERENTIAL CONSIDERATION.—The Cor-
10 poration shall give preferential consideration to pro-
11 viding support under title II for projects in countries
12 in compliance with or making substantial progress
13 coming into compliance with their international
14 trade obligations.

15 (d) WORKER RIGHTS.—

16 (1) IN GENERAL.—The Corporation shall only
17 support projects under title II in countries that are
18 taking steps to adopt and implement laws that ex-
19 tend internationally recognized worker rights (as de-
20 fined in section 507 of the Trade Act of 1974 (19
21 U.S.C. 2467)) to workers in that country, including
22 any designated zone in that country.

23 (2) REQUIRED CONTRACT LANGUAGE.—The
24 Corporation shall also include the following lan-
25 guage, in substantially the following form, in all con-

1 tracts which the Corporation enters into with per-
2 sons receiving support under title II: “The person
3 receiving support agrees not to take actions to pre-
4 vent employees of the foreign enterprise from law-
5 fully exercising their right of association and their
6 right to organize and bargain collectively. The per-
7 son further agrees to observe applicable laws relating
8 to a minimum age for employment of children, ac-
9 ceptable conditions of work with respect to minimum
10 wages, hours of work, and occupational health and
11 safety, and not to use forced labor or the worst
12 forms of child labor (as defined in section 507 of the
13 Trade Act of 1974 (19 U.S.C. 2467)). The person
14 is not responsible under this paragraph for the ac-
15 tions of a foreign government.”.

16 (e) **IMPACT NOTIFICATION.**—The Board shall not
17 vote in favor of any project proposed to be supported by
18 the Corporation under title II that is likely to have signifi-
19 cant adverse environmental or social impacts that are sen-
20 sitive, diverse, or unprecedented, unless—

21 (1) at least 60 days before the date of the vote,
22 an environmental and social impact assessment or
23 initial environmental and social audit, analyzing the
24 environmental and social impacts of the proposed

1 project and of alternatives to the proposed project,
2 including mitigation measures, is completed;

3 (2) such assessment or audit has been made
4 available to the public of the United States, locally
5 affected groups in the country in which the project
6 will be carried out, and nongovernmental organiza-
7 tions in that country; and

8 (3) the Corporation, applying best practices
9 with respect to environmental and social safeguards,
10 includes in any contract relating to the project provi-
11 sions to ensure the mitigation of any such adverse
12 environmental or social impacts.

13 (f) WOMEN'S ECONOMIC EMPOWERMENT.—In uti-
14 lizing its authorities under title II, the Corporation shall
15 consider the impacts of its support on women's economic
16 opportunities and outcomes and shall prioritize the reduc-
17 tion of gender gaps and maximize development impact by
18 working to improve women's economic opportunities.

19 (g) PREFERENCE FOR PROVISION OF SUPPORT IN
20 COUNTRIES EMBRACING PRIVATE ENTERPRISE.—

21 (1) IN GENERAL.—The Corporation should give
22 preferential consideration to projects for which sup-
23 port under title II may be provided in countries the
24 governments of which have demonstrated consistent
25 support for economic policies that promote the devel-

1 opment of private enterprise, both domestic and for-
2 eign, and maintaining the conditions that enable pri-
3 vate enterprise to make a full contribution to the de-
4 velopment of such countries, including—

5 (A) market-based economic policies;

6 (B) protection of private property rights;

7 (C) respect for the rule of law; and

8 (D) systems to combat corruption and
9 bribery.

10 (2) SOURCES OF INFORMATION.—The Corpora-
11 tion should rely on both third-party indicators and
12 United States Government information, such as the
13 Department of State’s Investment Climate State-
14 ments, the Department of Commerce’s Country
15 Commercial Guides, or the Millennium Challenge
16 Corporation’s Constraints Analysis, to assess wheth-
17 er countries meet the conditions described in para-
18 graph (1).

19 (h) CONSIDERATION OF FOREIGN BOYCOTT PARTICI-
20 PATION.—In providing support for projects under title II,
21 the Corporation shall consider, using information readily
22 available, whether the project is sponsored by or substan-
23 tially affiliated with any person taking or knowingly agree-
24 ing to take actions, or having taken or knowingly agreed
25 to take actions within the past 3 years, which demonstrate

1 or otherwise evidence intent to comply with, further, or
2 support any boycott described in section 1773(a) of the
3 Export Control Reform Act of 2018 (subtitle B of title
4 XVII of Public Law 115–232).

5 (i) ENSURING OPPORTUNITIES FOR SMALL BUSI-
6 NESSES IN FOREIGN DEVELOPMENT.—The Corporation
7 shall, using broad criteria, make, to the maximum extent
8 possible consistent with this division, efforts—

9 (1) to give preferential consideration in pro-
10 viding support under title II to projects sponsored
11 by or involving small businesses; and

12 (2) to ensure that the proportion of projects
13 sponsored by or involving United States small busi-
14 nesses, including women-, minority-, and veteran-
15 owned small businesses, is not less than 50 percent
16 of all projects for which the Corporation provides
17 support and that involve United States persons.

18 **SEC. 1452. ADDITIONALITY AND AVOIDANCE OF MARKET**
19 **DISTORTION.**

20 (a) IN GENERAL.—Before the Corporation provides
21 support for a project under title II, the Corporation shall
22 ensure that private sector entities are afforded an oppor-
23 tunity to support the project.

24 (b) SAFEGUARDS, POLICIES, AND GUIDELINES.—The
25 Corporation shall develop appropriate safeguards, policies,

1 and guidelines to ensure that support provided by the Cor-
2 poration under title II—

3 (1) supplements and encourages, but does not
4 compete with, private sector support;

5 (2) operates according to internationally recog-
6 nized best practices and standards with respect to
7 ensuring the avoidance of market distorting govern-
8 ment subsidies and the crowding out of private sec-
9 tor lending; and

10 (3) does not have a significant adverse impact
11 on United States employment.

12 **SEC. 1453. PROHIBITION ON SUPPORT IN COUNTRIES THAT**
13 **SUPPORT TERRORISM OR VIOLATE HUMAN**
14 **RIGHTS AND WITH SANCTIONED PERSONS.**

15 (a) IN GENERAL.—The Corporation is prohibited
16 from providing support under title II for a government,
17 or an entity owned or controlled by a government, if the
18 Secretary of State has determined that the government—

19 (1) has repeatedly provided support for acts of
20 international terrorism for purposes of—

21 (A) section 1754(c)(1)(A)(i) of the Export
22 Control Reform Act of 2018 (subtitle B of title
23 XVII of Public Law 115–232);

24 (B) section 620A(a) of the Foreign Assist-
25 ance Act of 1961 (22 U.S.C. 2371(a));

1 (C) section 40(d) of the Arms Export Con-
2 trol Act (22 U.S.C. 2780(d)); or

3 (D) any other relevant provision of law; or
4 (2) has engaged in a consistent pattern of gross
5 violations of internationally recognized human rights
6 for purposes of section 116(a) or 502B(a)(2) of the
7 Foreign Assistance Act of 1961 (22 U.S.C.
8 2151n(a) and 2304(a)(2)) or any other relevant pro-
9 vision of law.

10 (b) PROHIBITION ON SUPPORT OF SANCTIONED PER-
11 SONS.—The Corporation is prohibited from all dealings re-
12 lated to any project under title II prohibited under United
13 States sanctions laws or regulations, including dealings
14 with persons on the list of specially designated persons
15 and blocked persons maintained by the Office of Foreign
16 Assets Control of the Department of the Treasury, except
17 to the extent otherwise authorized by the Secretary of the
18 Treasury or the Secretary of State.

19 (c) PROHIBITION ON SUPPORT OF ACTIVITIES SUB-
20 JECT TO SANCTIONS.—The Corporation shall require any
21 person receiving support under title II to certify that the
22 person, and any entity owned or controlled by the person,
23 is in compliance with all United States sanctions laws and
24 regulations.

1 **SEC. 1454. APPLICABILITY OF CERTAIN PROVISIONS OF**
2 **LAW.**

3 Subsections (g), (l), (m), and (n) of section 237 of
4 the Foreign Assistance Act of 1961 (22 U.S.C. 2197) shall
5 apply with respect to the Corporation to the same extent
6 and in the same manner as such subsections applied with
7 respect to the Overseas Private Investment Corporation
8 on the day before the date of the enactment of this Act.

9 **TITLE VI—TRANSITIONAL**
10 **PROVISIONS**

11 **SEC. 1461. DEFINITIONS.**

12 In this title:

13 (1) **AGENCY.**—The term “agency” includes any
14 entity, organizational unit, program, or function.

15 (2) **TRANSITION PERIOD.**—The term “transi-
16 tion period” means the period—

17 (A) beginning on the date of the enactment
18 of this Act; and

19 (B) ending on the effective date of the re-
20 organization plan required by section 1462(e).

21 **SEC. 1462. REORGANIZATION PLAN.**

22 (a) **SUBMISSION OF PLAN.**—

23 (1) **IN GENERAL.**—Not later than 120 days
24 after the date of the enactment of this Act, the
25 President shall transmit to the appropriate congres-

1 sional committees a reorganization plan regarding
2 the following:

3 (A) The transfer of agencies, personnel,
4 assets, and obligations to the Corporation pur-
5 suant to this title.

6 (B) Any consolidation, reorganization, or
7 streamlining of agencies transferred to the Cor-
8 poration pursuant to this title.

9 (C) Any efficiencies or cost savings
10 achieved or additional costs incurred as a result
11 of the transfer of agencies, personnel, assets,
12 and obligations to the Corporation pursuant to
13 this title, including reductions in unnecessary or
14 duplicative operations, assets, and personnel.

15 (2) CONSULTATION.—Not later than 15 days
16 before the date on which the plan is transmitted
17 pursuant to this subsection, the President shall con-
18 sult with the appropriate congressional committees
19 on such plan.

20 (b) PLAN ELEMENTS.—The plan transmitted under
21 subsection (a) shall contain, consistent with this division,
22 such elements as the President deems appropriate, includ-
23 ing the following:

24 (1) Identification of any functions of agencies
25 transferred to the Corporation pursuant to this title

1 that will not be transferred to the Corporation under
2 the plan.

3 (2) Specification of the steps to be taken to or-
4 ganize the Corporation, including the delegation or
5 assignment of functions transferred to the Corpora-
6 tion.

7 (3) Specification of the funds available to each
8 agency that will be transferred to the Corporation as
9 a result of transfers under the plan.

10 (4) Specification of the proposed allocations
11 within the Corporation of unexpended funds trans-
12 ferred in connection with transfers under the plan.

13 (5) Specification of any proposed disposition of
14 property, facilities, contracts, records, and other as-
15 sets and obligations of agencies transferred under
16 the plan.

17 (6) Specification of the number of authorized
18 positions and personnel employed before the end of
19 the transition period that will be transferred to the
20 Corporation, including plans to mitigate the impact
21 of such transfers on the United States Agency for
22 International Development.

23 (c) REPORT ON COORDINATION.—

24 (1) IN GENERAL.—The transfer of functions
25 authorized by this section may occur only after the

1 President and Chief Executive Officer of the Over-
2 seas Private Investment Corporation and the Admin-
3 istrator of the United States Agency for Inter-
4 national Development jointly submit to the Com-
5 mittee on Foreign Affairs and Committee on Appro-
6 priations of the House of Representatives and Com-
7 mittee on Foreign Relations and Committee on Ap-
8 propriations of the Senate a report in writing that
9 contains the information required by paragraph (2).

10 (2) INFORMATION REQUIRED.—The information
11 required by this paragraph includes a description in
12 detail of the procedures to be followed after the
13 transfer of functions authorized by this section have
14 occurred to coordinate between the Corporation and
15 the United States Agency for International Develop-
16 ment in carrying out the functions so transferred.

17 (d) MODIFICATION OF PLAN.—The President shall
18 consult with the appropriate congressional committees be-
19 fore making any material modification or revision to the
20 plan before the plan becomes effective in accordance with
21 subsection (e).

22 (e) EFFECTIVE DATE.—

23 (1) IN GENERAL.—The reorganization plan de-
24 scribed in this section, including any modifications
25 or revisions of the plan under subsection (c), shall

1 become effective for an agency on the date specified
2 in the plan (or the plan as modified pursuant to sub-
3 section (d)), except that such date may not be ear-
4 lier than 90 days after the date the President has
5 transmitted the reorganization plan to the appro-
6 priate congressional committees pursuant to sub-
7 section (a).

8 (2) STATUTORY CONSTRUCTION.—Nothing in
9 this subsection may be construed to require the
10 transfer of functions, personnel, records, balances of
11 appropriations, or other assets of an agency on a
12 single date.

13 **SEC. 1463. TRANSFER OF FUNCTIONS.**

14 (a) IN GENERAL.—Effective at the end of the transi-
15 tion period, there shall be transferred to the Corporation
16 the functions, personnel, assets, and liabilities of—

17 (1) the Overseas Private Investment Corpora-
18 tion, as in existence on the day before the date of
19 the enactment of this Act; and

20 (2) the following elements of the United States
21 Agency for International Development:

22 (A) The Development Credit Authority.

23 (B) The existing Legacy Credit portfolio
24 under the Urban Environment Program and
25 any other direct loan programs and non-Devel-

1 opment Credit Authority guaranty programs
2 authorized by the Foreign Assistance Act of
3 1961 (22 U.S.C. 2151 et seq.) or other prede-
4 cessor Acts, as in existence on the date of the
5 enactment of this Act, other than any sovereign
6 loan guaranties.

7 (b) **ADDITIONAL TRANSFER AUTHORITY.**—Effective
8 at the end of the transition period, there is authorized to
9 be transferred to the Corporation, with the concurrence
10 of the Administrator of the United States Agency for
11 International Development, the functions, personnel, as-
12 sets, and liabilities of the following elements of the United
13 States Agency for International Development:

14 (1) The Office of Private Capital and Microen-
15 terprise.

16 (2) The enterprise funds.

17 (c) **SOVEREIGN LOAN GUARANTY TRANSFER.**—

18 (1) **IN GENERAL.**—Effective at the end of the
19 transition period, there is authorized to be trans-
20 ferred to the Corporation or any other appropriate
21 department or agency of the United States Govern-
22 ment the loan accounts and the legal rights and re-
23 sponsibilities for the sovereign loan guaranty port-
24 folio held by the United States Agency for Inter-

1 national Development as in existence on the day be-
2 fore the date of the enactment of this Act.

3 (2) INCLUSION IN REORGANIZATION PLAN.—

4 The President shall include in the reorganization
5 plan submitted under section 1462 a description of
6 the transfer authorized under paragraph (1).

7 (d) BILATERAL AGREEMENTS.—Any bilateral agree-
8 ment of the United States in effect on the date of the
9 enactment of this Act that serves as the basis for pro-
10 grams of the Overseas Private Investment Corporation
11 and the Development Credit Authority shall be considered
12 as satisfying the requirements of section 1431(a).

13 (e) TRANSITION.—During the transition period, the
14 agencies specified in subsection (a) shall—

15 (1) continue to administer the assets and obli-
16 gations of those agencies; and

17 (2) carry out such programs and activities au-
18 thorized under this division as may be determined by
19 the President.

20 **SEC. 1464. TERMINATION OF OVERSEAS PRIVATE INVEST-**
21 **MENT CORPORATION AND OTHER**
22 **SUPERCEDED AUTHORITIES.**

23 Effective at the end of the transition period—

24 (1) the Overseas Private Investment Corpora-
25 tion is terminated; and

1 (2) title IV of chapter 2 of part I of the For-
2 eign Assistance Act of 1961 (22 U.S.C. 2191 et
3 seq.) (other than subsections (g), (l), (m), and (n))
4 of section 237 of that Act) is repealed.

5 **SEC. 1465. TRANSITIONAL AUTHORITIES.**

6 (a) PROVISION OF ASSISTANCE BY OFFICIALS.—
7 Until the transfer of an agency to the Corporation under
8 section 1463, any official having authority over, or func-
9 tions relating to, the agency on the day before the date
10 of the enactment of this Act shall provide to the Corpora-
11 tion such assistance, including the use of personnel and
12 assets, as the Corporation may request in preparing for
13 the transfer and integration of the agency into the Cor-
14 poration.

15 (b) SERVICES AND PERSONNEL.—During the transi-
16 tion period, upon the request of the Corporation, the head
17 of any executive agency may, on a reimbursable or non-
18 reimbursable basis, provide services or detail personnel to
19 assist with the transition.

20 (c) ACTING OFFICIALS.—

21 (1) IN GENERAL.—During the transition pe-
22 riod, pending the advice and consent of the Senate
23 to the appointment of an officer required by this di-
24 vision to be appointed by and with such advice and
25 consent, the President may designate any officer

1 whose appointment was required to be made by and
2 with such advice and consent and who was such an
3 officer before the end of the transition period (and
4 who continues in office) or immediately before such
5 designation, to act in such office until the same is
6 filled as provided in this division. While so acting,
7 such officers shall receive compensation at the high-
8 er of—

9 (A) the rates provided by this division for
10 the respective offices in which they act; or

11 (B) the rates provided for the offices held
12 at the time of designation.

13 (2) RULE OF CONSTRUCTION.—Nothing in this
14 division shall be construed to require the advice and
15 consent of the Senate to the appointment by the
16 President to a position in the Corporation of any of-
17 ficer whose agency is transferred to the Corporation
18 pursuant to this title and whose duties following
19 such transfer are germane to those performed before
20 such transfer.

21 (d) TRANSFER OF PERSONNEL, ASSETS, OBLIGA-
22 TIONS, AND FUNCTIONS.—Upon the transfer of an agency
23 to the Corporation under section 1463—

24 (1) the personnel, assets, and obligations held
25 by or available in connection with the agency shall

1 be transferred to the Corporation for appropriate al-
2 location, subject to the approval of the Director of
3 the Office of Management and Budget and in ac-
4 cordance with section 1531(a)(2) of title 31, United
5 States Code; and

6 (2) the Corporation shall have all functions—

7 (A) relating to the agency that any other
8 official could by law exercise in relation to the
9 agency immediately before such transfer; and

10 (B) vested in the Corporation by this divi-
11 sion or other law.

12 **SEC. 1466. SAVINGS PROVISIONS.**

13 (a) COMPLETED ADMINISTRATIVE ACTIONS.—

14 (1) IN GENERAL.—Completed administrative
15 actions of an agency shall not be affected by the en-
16 actment of this Act or the transfer of such agency
17 to the Corporation under section 1463, but shall
18 continue in effect according to their terms until
19 amended, modified, superseded, terminated, set
20 aside, or revoked in accordance with law by an offi-
21 cer of the United States or a court of competent ju-
22 risdiction, or by operation of law.

23 (2) COMPLETED ADMINISTRATIVE ACTION DE-
24 FINED.—In this subsection, the term “completed ad-
25 ministrative action” includes orders, determinations,

1 rules, regulations, personnel actions, permits, agree-
2 ments, grants, contracts, certificates, policies, li-
3 censes, registrations, and privileges.

4 (b) PENDING PROCEEDINGS.—

5 (1) IN GENERAL.—Pending proceedings in an
6 agency, including notices of proposed rulemaking,
7 and applications for licenses, permits, certificates,
8 grants, and financial assistance, shall continue not-
9 withstanding the enactment of this Act or the trans-
10 fer of the agency to the Corporation, unless discon-
11 tinued or modified under the same terms and condi-
12 tions and to the same extent that such discontinu-
13 ance could have occurred if such enactment or trans-
14 fer had not occurred.

15 (2) ORDERS.—Orders issued in proceedings de-
16 scribed in paragraph (1), and appeals therefrom,
17 and payments made pursuant to such orders, shall
18 issue in the same manner and on the same terms as
19 if this division had not been enacted or the agency
20 had not been transferred, and any such orders shall
21 continue in effect until amended, modified, super-
22 seded, terminated, set aside, or revoked by an officer
23 of the United States or a court of competent juris-
24 diction, or by operation of law.

1 (c) PENDING CIVIL ACTIONS.—Pending civil actions
2 shall continue notwithstanding the enactment of this Act
3 or the transfer of an agency to the Corporation, and in
4 such civil actions, proceedings shall be had, appeals taken,
5 and judgments rendered and enforced in the same manner
6 and with the same effect as if such enactment or transfer
7 had not occurred.

8 (d) REFERENCES.—References relating to an agency
9 that is transferred to the Corporation under section 1463
10 in statutes, Executive orders, rules, regulations, directives,
11 or delegations of authority that precede such transfer or
12 the date of the enactment of this Act shall be deemed to
13 refer, as appropriate, to the Corporation, to its officers,
14 employees, or agents, or to its corresponding organiza-
15 tional units or functions. Statutory reporting requirements
16 that applied in relation to such an agency immediately be-
17 fore the effective date of this division shall continue to
18 apply following such transfer if they refer to the agency
19 by name.

20 (e) EMPLOYMENT PROVISIONS.—

21 (1) REGULATIONS.—The Corporation may, in
22 regulations prescribed jointly with the Director of
23 the Office of Personnel Management, adopt the
24 rules, procedures, terms, and conditions, established
25 by statute, rule, or regulation before the date of the

1 enactment of this Act, relating to employment in any
2 agency transferred to the Corporation under section
3 1463.

4 (2) EFFECT OF TRANSFER ON CONDITIONS OF
5 EMPLOYMENT.—Except as otherwise provided in this
6 division, or under authority granted by this division,
7 the transfer pursuant to this title of personnel shall
8 not alter the terms and conditions of employment,
9 including compensation, of any employee so trans-
10 ferred.

11 (f) STATUTORY REPORTING REQUIREMENTS.—Any
12 statutory reporting requirement that applied to an agency
13 transferred to the Corporation under this title immediately
14 before the date of the enactment of this Act shall continue
15 to apply following that transfer if the statutory require-
16 ment refers to the agency by name.

17 **SEC. 1467. OTHER TERMINATIONS.**

18 Except as otherwise provided in this division, when-
19 ever all the functions vested by law in any agency have
20 been transferred pursuant to this title, each position and
21 office the incumbent of which was authorized to receive
22 compensation at the rates prescribed for an office or posi-
23 tion at level II, III, IV, or V of the Executive Schedule
24 under subchapter II of chapter 53 of title 5, United States
25 Code, shall terminate.

1 **SEC. 1468. INCIDENTAL TRANSFERS.**

2 The Director of the Office of Management and Budg-
3 et, in consultation with the Corporation, is authorized and
4 directed to make such additional incidental dispositions of
5 personnel, assets, and liabilities held, used, arising from,
6 available, or to be made available, in connection with the
7 functions transferred by this title, as the Director may de-
8 termine necessary to accomplish the purposes of this divi-
9 sion.

10 **SEC. 1469. REFERENCE.**

11 With respect to any function transferred under this
12 title (including under a reorganization plan under section
13 1462) and exercised on or after the date of the enactment
14 of this Act, reference in any other Federal law to any de-
15 partment, commission, or agency or any officer or office
16 the functions of which are so transferred shall be deemed
17 to refer to the Corporation or official or component of the
18 Corporation to which that function is so transferred.

19 **SEC. 1470. CONFORMING AMENDMENTS.**

20 (a) EXEMPT PROGRAMS.—Section 255(g) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985
22 (2 U.S.C. 905(g)) is amended by striking “Overseas Pri-
23 vate Investment Corporation, Noncredit Account (71–
24 4184–0–3–151).” and inserting “United States Inter-
25 national Development Finance Corporation.”.

1 (b) EXECUTIVE SCHEDULE.—Title 5, United States
2 Code, is amended—

3 (1) in section 5314, by striking “President,
4 Overseas Private Investment Corporation.”;

5 (2) in section 5315, by striking “Executive Vice
6 President, Overseas Private Investment Corpora-
7 tion.”; and

8 (3) in section 5316, by striking “Vice Presi-
9 dents, Overseas Private Investment Corporation
10 (3).”.

11 (c) OFFICE OF INTERNATIONAL TRADE OF THE
12 SMALL BUSINESS ADMINISTRATION.—Section 22 of the
13 Small Business Act (15 U.S.C. 649) is amended—

14 (1) in subsection (b), in the matter preceding
15 paragraph (1), by striking “the President of the
16 Overseas Private Investment Corporation, Director”
17 and inserting “the Board of Directors of the United
18 States International Development Finance Corpora-
19 tion, the Director”; and

20 (2) by striking “Overseas Private Investment
21 Corporation” each place it appears and inserting
22 “United States International Development Finance
23 Corporation”.

24 (d) UNITED STATES AND FOREIGN COMMERCIAL
25 SERVICE.—Section 2301 of the Export Enhancement Act

1 of 1988 (15 U.S.C. 4721) is amended by striking “Over-
2 seas Private Investment Corporation” each place it ap-
3 pears and inserting “United States International Develop-
4 ment Finance Corporation”.

5 (e) TRADE PROMOTION COORDINATING COM-
6 MITTEE.—Section 2312(d)(1)(K) of the Export Enhance-
7 ment Act of 1988 (15 U.S.C. 4727(d)(1)(K)) is amended
8 by striking “Overseas Private Investment Corporation”
9 and inserting “United States International Development
10 Finance Corporation”.

11 (f) INTERAGENCY TRADE DATA ADVISORY COM-
12 MITTEE.—Section 5402(b) of the Omnibus Trade and
13 Competitiveness Act of 1988 (15 U.S.C. 4902(b)) is
14 amended by striking “the President of the Overseas Pri-
15 vate Investment Corporation” and inserting “the Chief
16 Executive Officer of the United States International De-
17 velopment Finance Corporation”.

18 (g) MISUSE OF NAMES OF FEDERAL AGENCIES.—
19 Section 709 of title 18, United States Code, is amended
20 by striking “‘Overseas Private Investment’, ‘Overseas Pri-
21 vate Investment Corporation’, or ‘OPIC,’” and inserting
22 “‘United States International Development Finance Cor-
23 poration’ or ‘DFC’”.

24 (h) ENGAGEMENT ON CURRENCY EXCHANGE RATE
25 AND ECONOMIC POLICIES.—Section 701(c)(1)(A) of the

1 Trade Facilitation and Trade Enforcement Act of 2015
2 (19 U.S.C. 4421(c)(1)(A)) is amended by striking “Over-
3 seas Private Investment Corporation” and inserting
4 “United States International Development Finance Cor-
5 poration”.

6 (i) INTERNSHIPS WITH INSTITUTE FOR INTER-
7 NATIONAL PUBLIC POLICY.—Section 625 of the Higher
8 Education Act of 1965 (20 U.S.C. 1131c(a)) is amended
9 by striking “Overseas Private Investment Corporation”
10 and inserting “United States International Development
11 Finance Corporation”.

12 (j) FOREIGN ASSISTANCE ACT OF 1961.—The For-
13 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is
14 amended—

15 (1) in section 116—

16 (A) in subsection (a), by inserting “, and
17 no support may be provided under title II of the
18 Better Utilization of Investments Leading to
19 Development Act of 2018,” after “this part”;

20 (B) in the first subsection (b)—

21 (i) by inserting “or title II of the Bet-
22 ter Utilization of Investments Leading to
23 Development Act of 2018” after “this
24 part”;

1 (ii) by inserting “or the Chief Execu-
2 tive Officer of the United States Inter-
3 national Development Finance Corpora-
4 tion, as applicable,” after “this Act”;

5 (iii) by inserting “or support” after
6 “the assistance”; and

7 (iv) by inserting “or support” after
8 “such assistance” each place it appears;

9 (C) in the second subsection (b), by insert-
10 ing “under this part, and no support may be
11 provided under title II of the Better Utilization
12 of Investments Leading to Development Act of
13 2018,” after “provided”; and

14 (D) in subsection (c), by striking “under
15 this part, the Administrator” and inserting
16 “under this part, or support provided under
17 title II of the Better Utilization of Investments
18 Leading to Development Act of 2018, the Ad-
19 ministrator, or the Chief Executive Officer of
20 the United States International Development
21 Finance Corporation, as applicable,”;

22 (2) in section 449B(b)(2) (22 U.S.C.
23 2296b(b)(2)), by striking “Overseas Private Invest-
24 ment Corporation” and inserting “United States

1 International Development Finance Corporation”;
2 and

3 (3) in section 481(e)(4)(A) (22 U.S.C.
4 2291(e)(4)(A)), in the matter preceding clause (i),
5 by striking “(including programs under title IV of
6 chapter 2, relating to the Overseas Private Invest-
7 ment Corporation)” and inserting “(and any support
8 under title II of the Better Utilization of Invest-
9 ments Leading to Development Act of 2018, relating
10 to the United States International Development Fi-
11 nance Corporation)”.

12 (k) ELECTRIFY AFRICA ACT OF 2015.—Sections 5
13 and 7 of the Electrify Africa Act of 2015 (Public Law
14 114–121; 22 U.S.C. 2293 note) are amended by striking
15 “Overseas Private Investment Corporation” each place it
16 appears and inserting “United States International Devel-
17 opment Finance Corporation”.

18 (l) FOREIGN AID TRANSPARENCY AND ACCOUNT-
19 ABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid
20 Transparency and Accountability Act of 2016 (Public Law
21 114–191; 22 U.S.C. 2394e note) is amended—

22 (1) in subparagraph (A), by striking “except
23 for” and all that follows through “chapter 3” and
24 insert “except for chapter 3”;

1 (2) in subparagraph (C), by striking “and” at
2 the end;

3 (3) in subparagraph (D), by striking the period
4 at the end and inserting “; and”; and

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

6 “(E) the Better Utilization of Investments
7 Leading to Development Act of 2018.”.

8 (m) SUPPORT FOR EAST EUROPEAN DEMOCRACY
9 (SEED) PROGRAM.—The Support for East European De-
10 mocracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.)
11 is amended—

12 (1) in section 2(c) (22 U.S.C. 5401(c)), by
13 striking paragraph (12) and inserting the following:

14 “(12) UNITED STATES INTERNATIONAL DEVEL-
15 OPMENT FINANCE CORPORATION.—Programs of the
16 United States International Development Finance
17 Corporation.”; and

18 (2) in section 201 (22 U.S.C. 5421), by striking
19 subsection (e) and inserting the following:

20 “(e) GRANTS TO ENTERPRISE FUNDS.—Funds ap-
21 propriated to the President pursuant to subsection (b)
22 shall be granted to the Enterprise Funds to carry out the
23 purposes specified in subsection (a) and for the adminis-
24 trative expenses of each Enterprise Fund—

1 “(1) except as provided in paragraph (2), by
2 the United States Agency for International Develop-
3 ment; or

4 “(2) if the Enterprise Funds are transferred to
5 the United States International Development Fi-
6 nance Corporation pursuant to section 1463(b) of
7 the Better Utilization of Investments Leading to De-
8 velopment Act of 2018, by the Corporation.”.

9 (n) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
10 (LIBERTAD) ACT OF 1996.—Section 202(b)(2)(B)(iv)
11 of the Cuban Liberty and Democratic Solidarity
12 (LIBERTAD) Act of 1996 (22 U.S.C. 6062(b)(2)(B)(iv))
13 is amended by striking “Overseas Private Investment Cor-
14 poration” and inserting “United States International De-
15 velopment Finance Corporation”.

16 (o) INTERNATIONAL RELIGIOUS FREEDOM ACT OF
17 1998.—Section 405(a)(10) of the International Religious
18 Freedom Act of 1998 (22 U.S.C. 6445(a)(10)) is amended
19 by striking “Overseas Private Investment Corporation”
20 and inserting “United States International Development
21 Finance Corporation”.

22 (p) TRAFFICKING VICTIMS PROTECTION ACT OF
23 2000.—Section 103(8)(A) of the Trafficking Victims Pro-
24 tection Act of 2000 (22 U.S.C. 7102(8)(A)) is amended
25 in clause (viii) to read as follows:

1 “(viii) any support under title II of
2 the Better Utilization of Investments
3 Leading to Development Act of 2018 relat-
4 ing to the United States International De-
5 velopment Finance Corporation; and”.

6 (q) TECHNOLOGY DEPLOYMENT IN DEVELOPING
7 COUNTRIES.—Section 732(b) of the Global Environmental
8 Protection Assistance Act of 1989 (22 U.S.C. 7902(b))
9 is amended by striking “Overseas Private Investment Cor-
10 poration” and inserting “United States International De-
11 velopment Finance Corporation”.

12 (r) EXPANDED NONMILITARY ASSISTANCE FOR
13 UKRAINE.—Section 7(c)(3) of the Ukraine Freedom Sup-
14 port Act of 2014 (22 U.S.C. 8926(c)(3)) is amended—

15 (1) in the paragraph heading, by striking
16 “OVERSEAS PRIVATE INVESTMENT CORPORATION”
17 and inserting “UNITED STATES INTERNATIONAL DE-
18 VELOPMENT FINANCE CORPORATION”;

19 (2) in the matter preceding subparagraph (A),
20 by striking “Overseas Private Investment Corpora-
21 tion” and inserting “United States International De-
22 velopment Finance Corporation”; and

23 (3) in subparagraph (B), by striking “by eligi-
24 ble investors (as defined in section 238 of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2198))”.

1 (s) GLOBAL FOOD SECURITY ACT OF 2016.—Section
2 4(7) of the Global Food Security Act of 2016 (22 U.S.C.
3 9303(7)) is amended by striking “Overseas Private Invest-
4 ment Corporation” and inserting “United States Inter-
5 national Development Finance Corporation”.

6 (t) SENSE OF CONGRESS ON EUROPEAN AND EUR-
7 ASIAN ENERGY SECURITY.—Section 257(c)(2)(B) of the
8 Countering Russian Influence in Europe and Eurasia Act
9 of 2017 (22 U.S.C. 9546(c)(2)(B)) is amended by striking
10 “Overseas Private Investment Corporation” and inserting
11 “United States International Development Finance Cor-
12 poration”.

13 (u) WHOLLY OWNED GOVERNMENT CORPORA-
14 TION.—Section 9101(3) of title 31, United States Code,
15 is amended by striking “Overseas Private Investment Cor-
16 poration” and inserting “United States International De-
17 velopment Finance Corporation”.

18 (v) ENERGY INDEPENDENCE AND SECURITY ACT OF
19 2007.—Title IX of the Energy Independence and Security
20 Act of 2007 (42 U.S.C. 17321 et seq.) is amended—

21 (1) in section 914 (42 U.S.C. 17334)—

22 (A) in the section heading, by striking

23 “**OVERSEAS PRIVATE INVESTMENT COR-**
24 **PORATION**” and inserting “**UNITED STATES**

1 **INTERNATIONAL DEVELOPMENT FINANCE**
2 **CORPORATION”;**

3 (B) in subsection (a), in the matter pre-
4 ceding paragraph (1), by striking “Overseas
5 Private Investment Corporation” and inserting
6 “United States International Development Fi-
7 nance Corporation”; and

8 (C) in subsection (b), in the matter pre-
9 ceding paragraph (1), by striking “Overseas
10 Private Investment Corporation shall include in
11 its annual report required under section 240A
12 of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2200a)” and inserting “United States
14 International Development Finance Corporation
15 shall include in its annual report required under
16 section 1443 of the Better Utilization of Invest-
17 ments Leading to Development Act of 2018”;
18 and

19 (2) in section 916(a)(2)(I) (42 U.S.C.
20 17336(a)(2)(I)), by striking “Overseas Private In-
21 vestment Corporation:” and inserting “United
22 States International Development Finance Corpora-
23 tion;”.

1 (w) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect at the end of the transition
3 period.

4 **DIVISION G—SYRIA STUDY**
5 **GROUP**

6 **SEC. 1501. SYRIA STUDY GROUP.**

7 (a) ESTABLISHMENT.—There is established a work-
8 ing group to be known as the “Syria Study Group” (in
9 this section referred to as the “Group”).

10 (b) PURPOSE.—The purpose of the Group is to exam-
11 ine and make recommendations on the military and diplo-
12 matic strategy of the United States with respect to the
13 conflict in Syria.

14 (c) COMPOSITION.—

15 (1) MEMBERSHIP.—The Group shall be com-
16 posed of 12 members, none of whom may be mem-
17 bers of Congress, who shall be appointed as follows:

18 (A) One member appointed by the chair of
19 the Committee on Armed Services of the Sen-
20 ate.

21 (B) One member appointed by the ranking
22 minority member of the Committee on Armed
23 Services of the Senate.

1 (C) One member appointed by the chair of
2 the Committee on Foreign Relations of the Sen-
3 ate.

4 (D) One member appointed by the ranking
5 minority member of the Committee on Foreign
6 Relations of the Senate.

7 (E) One member appointed by the chair of
8 the Committee on Armed Services of the House
9 of Representatives.

10 (F) One member appointed by the ranking
11 minority member of the Committee on Armed
12 Services of the House of Representatives.

13 (G) One member appointed by the chair of
14 the Committee on Foreign Affairs of the House
15 of Representatives.

16 (H) One member appointed by the ranking
17 minority member of the Committee on Foreign
18 Affairs of the House of Representatives.

19 (I) One member appointed by the majority
20 leader of the Senate.

21 (J) One member appointed by the minority
22 leader of the Senate.

23 (K) One member appointed by the Speaker
24 of the House of Representatives.

1 (L) One member appointed by the minority
2 leader of the House of Representatives.

3 (2) CO-CHAIRS.—

4 (A) Of the members of the Group, one co-
5 chair shall be jointly designated by—

6 (i) the chairs of the Committee on
7 Armed Services and the Committee on
8 Foreign Relations of the Senate;

9 (ii) the chairs of the Committee on
10 Armed Services and the Committee on
11 Foreign Affairs of the House of Represent-
12 atives;

13 (iii) the majority leader of the Senate;
14 and

15 (iv) the Speaker of the House of Rep-
16 resentatives.

17 (B) Of the members of the Group, one co-
18 chair shall be jointly designated by—

19 (i) the ranking minority members of
20 the Committee on Armed Services and the
21 Committee on Foreign Relations of the
22 Senate;

23 (ii) the ranking minority members of
24 the Committee on Armed Services and the

1 Committee on Foreign Affairs of the
2 House of Representatives;

3 (iii) the minority leader of the Senate;

4 and

5 (iv) the minority leader of the House
6 of Representatives.

7 (3) PERIOD OF APPOINTMENT.—A member
8 shall 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 re-
14 view on the current United States military and dip-
15 lomatic strategy with respect to the conflict in Syria
16 that includes a review of current United States ob-
17 jectives in Syria and the desired end state in Syria.

18 (2) ASSESSMENT AND RECOMMENDATIONS.—

19 The 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
11 National Intelligence in providing the Group with
12 analyses, briefings, and other information necessary
13 for the discharge of the duties of the Group under
14 subsection (d).

15 (2) LIAISON.—The Secretary of Defense, the
16 Secretary of State, and the Director of National In-
17 telligence shall each designate at least one officer or
18 employee of the Department of Defense, the Depart-
19 ment of State, and the Office of the Director of Na-
20 tional Intelligence, respectively, to serve as a liaison
21 to the Group.

22 (3) FACILITATION.—The United States Insti-
23 tute of Peace shall take appropriate actions to facili-
24 tate the Group in the discharge of the duties of the
25 Group under this section.

1 (f) REPORTS.—

2 (1) FINAL REPORT.—

3 (A) IN GENERAL.—Not later than 180
4 days after the date of enactment of this section,
5 the Group shall submit to the President, the
6 Secretary of Defense, the Committee on Armed
7 Services and the Committee on Foreign Rela-
8 tions of the Senate, the Committee on Armed
9 Services and the Committee on Foreign Affairs
10 of the House of Representatives, the majority
11 and minority leaders of the Senate, the Speaker
12 of the House of Representatives, and the minor-
13 ity leader of the House of Representatives a re-
14 port that sets forth the findings, conclusions,
15 and recommendations of the Group under this
16 section.

17 (B) ELEMENTS.—The report required by
18 subparagraph (A) shall include each of the fol-
19 lowing:

20 (i) An assessment of the current secu-
21 rity, political, humanitarian, and economic
22 situations in Syria.

23 (ii) An assessment of the current par-
24 ticipation and objectives of the various ex-
25 ternal actors in Syria.

1 (iii) An assessment of the con-
2 sequences 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
10 and coalition strategy to reestablish secu-
11 rity and governance in Syria, including rec-
12 ommendations for the synchronization of
13 stabilization, development, counterter-
14 rorism, 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
20 Group shall submit to the Committee on Armed
21 Services and the Committee on Foreign Relations of
22 the Senate, the Committee on Armed Services and
23 the Committee on Foreign Affairs of the House of
24 Representatives, the majority and minority leaders
25 of the Senate, the Speaker of the House of Rep-

1 representatives, and the minority leader of the House of
2 Representatives a report that describes the status of
3 the review and assessment under subsection (d) and
4 any interim recommendations developed by the
5 Group as of the date of the briefing.

6 (3) FORM OF REPORT.—The report submitted
7 to Congress under paragraph (1) shall be submitted
8 in unclassified form, but may include a classified
9 annex.

10 (g) TERMINATION.—The Group shall terminate on
11 the date that is 180 days after the date on which the
12 Group submits the report required by subsection (f)(1).

13 **DIVISION H—PREVENTING** 14 **EMERGING THREATS**

15 **SEC. 1601. SHORT TITLE.**

16 This division may be cited as the “Preventing Emerg-
17 ing Threats Act of 2018”.

18 **SEC. 1602. PROTECTION OF CERTAIN FACILITIES AND AS-** 19 **SETS FROM UNMANNED AIRCRAFT.**

20 (a) IN GENERAL.—Subtitle A of title II of the Home-
21 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
22 ed by adding at the end the following:

1 **“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS-**
2 **SETS FROM UNMANNED AIRCRAFT.**

3 “(a) **AUTHORITY.**—Notwithstanding section 46502 of
4 title 49, United States Code, or sections 32, 1030, 1367
5 and chapters 119 and 206 of title 18, United States Code,
6 the Secretary and the Attorney General may, for their re-
7 spective Departments, take, and may authorize personnel
8 with assigned duties that include the security or protection
9 of people, facilities, or assets, to take such actions as are
10 described in subsection (b)(1) that are necessary to miti-
11 gate a credible threat (as defined by the Secretary or the
12 Attorney General, in consultation with the Secretary of
13 Transportation) that an unmanned aircraft system or un-
14 manned aircraft poses to the safety or security of a cov-
15 ered facility or asset.

16 “(b) **ACTIONS DESCRIBED.**—

17 “(1) **IN GENERAL.**—The actions authorized in
18 subsection (a) are the following:

19 “(A) During the operation of the un-
20 manned aircraft system, detect, identify, mon-
21 itor, and track the unmanned aircraft system or
22 unmanned aircraft, without prior consent, in-
23 cluding by means of intercept or other access of
24 a wire communication, an oral communication,
25 or an electronic communication used to control

1 the unmanned aircraft system or unmanned air-
2 craft.

3 “(B) Warn the operator of the unmanned
4 aircraft system or unmanned aircraft, including
5 by passive or active, and direct or indirect phys-
6 ical, electronic, radio, and electromagnetic
7 means.

8 “(C) Disrupt control of the unmanned air-
9 craft system or unmanned aircraft, without
10 prior consent, including by disabling the un-
11 manned aircraft system or unmanned aircraft
12 by intercepting, interfering, or causing inter-
13 ference with wire, oral, electronic, or radio com-
14 munications used to control the unmanned air-
15 craft system or unmanned aircraft.

16 “(D) Seize or exercise control of the un-
17 manned aircraft system or unmanned aircraft.

18 “(E) Seize or otherwise confiscate the un-
19 manned aircraft system or unmanned aircraft.

20 “(F) Use reasonable force, if necessary, to
21 disable, damage, or destroy the unmanned air-
22 craft system or unmanned aircraft.

23 “(2) REQUIRED COORDINATION.—The Sec-
24 retary and the Attorney General shall develop for
25 their respective Departments the actions described

1 in paragraph (1) in coordination with the Secretary
2 of Transportation.

3 “(3) RESEARCH, TESTING, TRAINING, AND
4 EVALUATION.—The Secretary and the Attorney Gen-
5 eral shall conduct research, testing, training on, and
6 evaluation of any equipment, including any elec-
7 tronic equipment, to determine its capability and
8 utility prior to the use of any such technology for
9 any action described in subsection (b)(1).

10 “(4) COORDINATION.—The Secretary and the
11 Attorney General shall coordinate with the Adminis-
12 trator of the Federal Aviation Administration when
13 any action authorized by this section might affect
14 aviation safety, civilian aviation and aerospace oper-
15 ations, aircraft airworthiness, or the use of the air-
16 space.

17 “(c) FORFEITURE.—Any unmanned aircraft system
18 or unmanned aircraft described in subsection (a) that is
19 seized by the Secretary or the Attorney General is subject
20 to forfeiture to the United States.

21 “(d) REGULATIONS AND GUIDANCE.—

22 “(1) IN GENERAL.—The Secretary, the Attor-
23 ney General, and the Secretary of Transportation
24 may prescribe regulations and shall issue guidance

1 in the respective areas of each Secretary or the At-
2 torney General to carry out this section.

3 “(2) COORDINATION.—

4 “(A) COORDINATION WITH DEPARTMENT
5 OF TRANSPORTATION.—The Secretary and the
6 Attorney General shall coordinate the develop-
7 ment of their respective guidance under para-
8 graph (1) with the Secretary of Transportation.

9 “(B) EFFECT ON AVIATION SAFETY.—The
10 Secretary and the Attorney General shall re-
11 spectively coordinate with the Secretary of
12 Transportation and the Administrator of the
13 Federal Aviation Administration before issuing
14 any guidance, or otherwise implementing this
15 section, if such guidance or implementation
16 might affect aviation safety, civilian aviation
17 and aerospace operations, aircraft airworthi-
18 ness, or the use of airspace.

19 “(e) PRIVACY PROTECTION.—The regulations or
20 guidance issued to carry out actions authorized under sub-
21 section (b) by the Secretary or the Attorney General, as
22 the case may be, shall ensure that—

23 “(1) the interception or acquisition of, or access
24 to, or maintenance or use of, communications to or
25 from an unmanned aircraft system under this sec-

1 tion is conducted in a manner consistent with the
2 First and Fourth Amendments to the Constitution
3 of the United States and applicable provisions of
4 Federal law;

5 “(2) communications to or from an unmanned
6 aircraft system are intercepted or acquired only to
7 the extent necessary to support an action described
8 in subsection (b)(1);

9 “(3) records of such communications are main-
10 tained only for as long as necessary, and in no event
11 for more than 180 days, unless the Secretary or the
12 Attorney General determine that maintenance of
13 such records is necessary to investigate or prosecute
14 a violation of law, directly support an ongoing secu-
15 rity operation, is required under Federal law, or for
16 the purpose of any litigation;

17 “(4) such communications are not disclosed
18 outside the Department of Homeland Security or the
19 Department of Justice unless the disclosure—

20 “(A) is necessary to investigate or pros-
21 ecute a violation of law;

22 “(B) would support the Department of De-
23 fense, a Federal law enforcement agency, or the
24 enforcement activities of a regulatory agency of
25 the Federal Government in connection with a

1 criminal or civil investigation of, or any regu-
2 latory, statutory, or other enforcement action
3 relating to an action described in subsection
4 (b)(1);

5 “(C) is between the Department of Home-
6 land Security and the Department of Justice in
7 the course of a security or protection operation
8 of either agency or a joint operation of such
9 agencies; or

10 “(D) is otherwise required by law; and

11 “(5) to the extent necessary, the Department of
12 Homeland Security and the Department of Justice
13 are authorized to share threat information, which
14 shall not include communications referred to in sub-
15 section (b), with State, local, territorial, or tribal law
16 enforcement agencies in the course of a security or
17 protection operation.

18 “(f) BUDGET.—The Secretary and the Attorney Gen-
19 eral shall submit to Congress, as a part of the homeland
20 security or justice budget materials for each fiscal year
21 after fiscal year 2019, a consolidated funding display that
22 identifies the funding source for the actions described in
23 subsection (b)(1) within the Department of Homeland Se-
24 curity or the Department of Justice. The funding display

1 shall be in unclassified form, but may contain a classified
2 annex.

3 “(g) SEMIANNUAL BRIEFINGS AND NOTIFICA-
4 TIONS.—

5 “(1) IN GENERAL.—On a semiannual basis dur-
6 ing the period beginning 6 months after the date of
7 enactment of this section and ending on the date
8 specified in subsection (i), the Secretary and the At-
9 torney General shall, respectively, provide a briefing
10 to the appropriate congressional committees on the
11 activities carried out pursuant to this section.

12 “(2) REQUIREMENT.—Each briefing required
13 under paragraph (1) shall be conducted jointly with
14 the Secretary of Transportation.

15 “(3) CONTENT.—Each briefing required under
16 paragraph (1) shall include—

17 “(A) policies, programs, and procedures to
18 mitigate or eliminate impacts of such activities
19 to the National Airspace System;

20 “(B) a description of instances in which
21 actions described in subsection (b)(1) have been
22 taken, including all such instances that may
23 have resulted in harm, damage, or loss to a per-
24 son or to private property;

1 “(C) a description of the guidance, policies,
2 or procedures established to address privacy,
3 civil rights, and civil liberties issues implicated
4 by the actions allowed under this section, as
5 well as any changes or subsequent efforts that
6 would significantly affect privacy, civil rights or
7 civil liberties;

8 “(D) a description of options considered
9 and steps taken to mitigate any identified im-
10 pacts to the national airspace system related to
11 the use of any system or technology, including
12 the minimization of the use of any technology
13 that disrupts the transmission of radio or elec-
14 tronic signals, for carrying out the actions de-
15 scribed in subsection (b)(1);

16 “(E) a description of instances in which
17 communications intercepted or acquired during
18 the course of operations of an unmanned air-
19 craft system were held for more than 180 days
20 or shared outside of the Department of Justice
21 or the Department of Homeland Security;

22 “(F) how the Secretary, the Attorney Gen-
23 eral, and the Secretary of Transportation have
24 informed the public as to the possible use of au-
25 thorities under this section;

1 “(G) how the Secretary, the Attorney Gen-
2 eral, and the Secretary of Transportation have
3 engaged with Federal, State, and local law en-
4 forcement agencies to implement and use such
5 authorities.

6 “(4) UNCLASSIFIED FORM.—Each briefing re-
7 quired under paragraph (1) shall be in unclassified
8 form, but may be accompanied by an additional clas-
9 sified briefing.

10 “(5) NOTIFICATION.—Within 30 days of de-
11 ploying any new technology to carry out the actions
12 described in subsection (b)(1), the Secretary and the
13 Attorney General shall, respectively, submit a notifi-
14 cation to the appropriate congressional committees.
15 Such notification shall include a description of op-
16 tions considered to mitigate any identified impacts
17 to the national airspace system related to the use of
18 any system or technology, including the minimiza-
19 tion of the use of any technology that disrupts the
20 transmission of radio or electronic signals, for car-
21 rying out the actions described in subsection (b)(1).

22 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to—

24 “(1) vest in the Secretary or the Attorney Gen-
25 eral any authority of the Secretary of Transpor-

1 tation or the Administrator of the Federal Aviation
2 Administration;

3 “(2) vest in the Secretary of Transportation or
4 the Administrator of the Federal Aviation Adminis-
5 tration any authority of the Secretary or the Attor-
6 ney General;

7 “(3) vest in the Secretary of Homeland Secu-
8 rity any authority of the Attorney General;

9 “(4) vest in the Attorney General any authority
10 of the Secretary of Homeland Security; or

11 “(5) provide a new basis of liability for any
12 State, local, territorial, or tribal law enforcement of-
13 ficers who participate in the protection of a mass
14 gathering identified by the Secretary or Attorney
15 General under subsection (k)(3)(C)(iii)(II), act with-
16 in the scope of their authority, and do not exercise
17 the authority granted to the Secretary and Attorney
18 General by this section.

19 “(i) TERMINATION.—The authority to carry out this
20 section with respect to a covered facility or asset specified
21 in subsection (k)(3) shall terminate on the date that is
22 4 years after the date of enactment of this section.

23 “(j) SCOPE OF AUTHORITY.—Nothing in this section
24 shall be construed to provide the Secretary or the Attorney

1 General with additional authorities beyond those described
2 in subsections (a) and (k)(3)(C)(iii).

3 “(k) DEFINITIONS.—In this section:

4 “(1) The term ‘appropriate congressional com-
5 mittees’ means—

6 “(A) the Committee on Homeland Security
7 and Governmental Affairs, the Committee on
8 Commerce, Science, and Transportation, and
9 the Committee on the Judiciary of the Senate;
10 and

11 “(B) the Committee on Homeland Secu-
12 rity, the Committee on Transportation and In-
13 frastructure, the Committee on Energy and
14 Commerce, and the Committee on the Judiciary
15 of the House of Representatives.

16 “(2) The term ‘budget’, with respect to a fiscal
17 year, means the budget for that fiscal year that is
18 submitted to Congress by the President under sec-
19 tion 1105(a) of title 31.

20 “(3) The term ‘covered facility or asset’ means
21 any facility or asset that—

22 “(A) is identified as high-risk and a poten-
23 tial target for unlawful unmanned aircraft ac-
24 tivity by the Secretary or the Attorney General,
25 in coordination with the Secretary of Transpor-

1 tation with respect to potentially impacted air-
2 space, through a risk-based assessment for pur-
3 poses of this section (except that in the case of
4 the missions described in subparagraph
5 (C)(i)(II) and (C)(iii)(I), such missions shall be
6 presumed to be for the protection of a facility
7 or asset that is assessed to be high-risk and a
8 potential target for unlawful unmanned aircraft
9 activity);

10 “(B) is located in the United States (in-
11 cluding the territories and possessions, terri-
12 torial seas or navigable waters of the United
13 States); and

14 “(C) directly relates to one or more—

15 “(i) missions authorized to be per-
16 formed by the Department of Homeland
17 Security, consistent with governing stat-
18 utes, regulations, and orders issued by the
19 Secretary, pertaining to—

20 “(I) security or protection func-
21 tions of the U.S. Customs and Border
22 Protection, including securing or pro-
23 tecting facilities, aircraft, and vessels,
24 whether moored or underway;

1 “(II) United States Secret Serv-
2 ice protection operations pursuant to
3 sections 3056(a) and 3056A(a) of title
4 18, United States Code, and the Pres-
5 idential Protection Assistance Act of
6 1976 (18 U.S.C. 3056 note); or

7 “(III) protection of facilities pur-
8 suant to section 1315(a) of title 40,
9 United States Code;

10 “(ii) missions authorized to be per-
11 formed by the Department of Justice, con-
12 sistent with governing statutes, regula-
13 tions, and orders issued by the Attorney
14 General, pertaining to—

15 “(I) personal protection oper-
16 ations by—

17 “(aa) the Federal Bureau of
18 Investigation as specified in sec-
19 tion 533 of title 28, United
20 States Code; and

21 “(bb) the United States
22 Marshals Service of Federal ju-
23 rists, court officers, witnesses,
24 and other threatened persons in
25 the interests of justice, as speci-

1 fied in section 566(e)(1)(A) of
2 title 28, United States Code;

3 “(II) protection of penal, deten-
4 tion, and correctional facilities and
5 operations conducted by the Federal
6 Bureau of Prisons; or

7 “(III) protection of the buildings
8 and grounds leased, owned, or oper-
9 ated by or for the Department of Jus-
10 tice, and the provision of security for
11 Federal courts, as specified in section
12 566(a) of title 28, United States
13 Code;

14 “(iii) missions authorized to be per-
15 formed by the Department of Homeland
16 Security or the Department of Justice, act-
17 ing together or separately, consistent with
18 governing statutes, regulations, and orders
19 issued by the Secretary or the Attorney
20 General, respectively, pertaining to—

21 “(I) protection of a National
22 Special Security Event and Special
23 Event Assessment Rating event;

24 “(II) the provision of support to
25 State, local, territorial, or tribal law

1 enforcement, upon request of the chief
2 executive officer of the State or terri-
3 tory, to ensure protection of people
4 and property at mass gatherings, that
5 is limited to a specified timeframe and
6 location, within available resources,
7 and without delegating any authority
8 under this section to State, local, ter-
9 ritorial, or tribal law enforcement; or
10 “(III) protection of an active
11 Federal law enforcement investigation,
12 emergency response, or security func-
13 tion, that is limited to a specified
14 timeframe and location; and
15 “(iv) missions authorized to be per-
16 formed by the United States Coast Guard,
17 including those described in clause (iii) as
18 directed by the Secretary, and as further
19 set forth in section 104 of title 14, United
20 States Code, and consistent with governing
21 statutes, regulations, and orders issued by
22 the Secretary of the Department in which
23 the Coast Guard is operating.

24 “(4) The terms ‘electronic communication’,
25 ‘intercept’, ‘oral communication’, and ‘wire commu-

1 nication’ have the meaning given those terms in sec-
2 tion 2510 of title 18, United States Code.

3 “(5) The term ‘homeland security or justice
4 budget materials’, with respect to a fiscal year,
5 means the materials submitted to Congress by the
6 Secretary and the Attorney General in support of
7 the budget for that fiscal year.

8 “(6) For purposes of subsection (a), the term
9 ‘personnel’ means officers and employees of the De-
10 partment of Homeland Security or the Department
11 of Justice.

12 “(7) The terms ‘unmanned aircraft’ and ‘un-
13 manned aircraft system’ have the meanings given
14 those terms in section 44801, of title 49, United
15 States Code.

16 “(8) For purposes of this section, the term
17 ‘risk-based assessment’ includes an evaluation of
18 threat information specific to a covered facility or
19 asset and, with respect to potential impacts on the
20 safety and efficiency of the national airspace system
21 and the needs of law enforcement and national secu-
22 rity at each covered facility or asset identified by the
23 Secretary or the Attorney General, respectively, of
24 each of the following factors:

1 “(A) Potential impacts to safety, efficiency,
2 and use of the national airspace system, includ-
3 ing potential effects on manned aircraft and un-
4 manned aircraft systems, aviation safety, air-
5 port operations, infrastructure, and air naviga-
6 tion services related to the use of any system or
7 technology for carrying out the actions de-
8 scribed in subsection (b)(1).

9 “(B) Options for mitigating any identified
10 impacts to the national airspace system related
11 to the use of any system or technology, includ-
12 ing minimizing when possible the use of any
13 technology which disrupts the transmission of
14 radio or electronic signals, for carrying out the
15 actions described in subsection (b)(1).

16 “(C) Potential consequences of the impacts
17 of any actions taken under subsection (b)(1) to
18 the national airspace system and infrastructure
19 if not mitigated.

20 “(D) The ability to provide reasonable ad-
21 vance notice to aircraft operators consistent
22 with the safety of the national airspace system
23 and the needs of law enforcement and national
24 security.

1 “(E) The setting and character of any cov-
2 ered facility or asset, including whether it is lo-
3 cated in a populated area or near other struc-
4 tures, whether the facility is open to the public,
5 whether the facility is also used for nongovern-
6 mental functions, and any potential for inter-
7 ference with wireless communications or for in-
8 jury or damage to persons or property.

9 “(F) The setting, character, timeframe,
10 and national airspace system impacts of Na-
11 tional Special Security Event and Special Event
12 Assessment Rating events.

13 “(G) Potential consequences to national se-
14 curity, public safety, or law enforcement if
15 threats posed by unmanned aircraft systems are
16 not mitigated or defeated.

17 “(I) DEPARTMENT OF HOMELAND SECURITY AS-
18 SESSMENT.—

19 “(1) REPORT.—Not later than 1 year after the
20 date of the enactment of this section, the Secretary
21 shall conduct, in coordination with the Attorney
22 General and the Secretary of Transportation, an as-
23 sessment to the appropriate congressional commit-
24 tees, including—

1 “(A) an evaluation of the threat from un-
2 manned aircraft systems to United States crit-
3 ical infrastructure (as defined in this Act) and
4 to domestic large hub airports (as defined in
5 section 40102 of title 49, United States Code);

6 “(B) an evaluation of current Federal and
7 State, local, territorial, or tribal law enforce-
8 ment authorities to counter the threat identified
9 in subparagraph (A), and recommendations, if
10 any, for potential changes to existing authori-
11 ties to allow State, local, territorial, and tribal
12 law enforcement to assist Federal law enforce-
13 ment to counter the threat where appropriate;

14 “(C) an evaluation of the knowledge of, ef-
15 ficiency of, and effectiveness of current proce-
16 dures and resources available to owners of crit-
17 ical infrastructure and domestic large hub air-
18 ports when they believe a threat from un-
19 manned aircraft systems is present and what
20 additional actions, if any, the Department of
21 Homeland Security or the Department of
22 Transportation could implement under existing
23 authorities to assist these entities to counter
24 the threat identified in subparagraph (A);

1 “(D) an assessment of what, if any, addi-
2 tional authorities are needed by each Depart-
3 ment and law enforcement to counter the threat
4 identified in subparagraph (A); and

5 “(E) an assessment of what, if any, addi-
6 tional research and development the Depart-
7 ment needs to counter the threat identified in
8 subparagraph (A).

9 “(2) UNCLASSIFIED FORM.—The report re-
10 quired under paragraph (1) shall be submitted in
11 unclassified form, but may contain a classified
12 annex.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 210F the following:

 “Sec. 210G. Protection of certain facilities and assets from unmanned air-
 craft.”.

16 **SEC. 1603. PROTECTING AGAINST UNMANNED AIRCRAFT.**

17 (a) IN GENERAL.—Chapter 5 of title 14, United
18 States Code, is amended by inserting after section 103 the
19 following:

20 **“§ 104. Protecting against unmanned aircraft**

21 “For the purposes of section 210G(k)(3)(C)(iv) of the
22 Homeland Security Act of 2002, the missions authorized
23 to be performed by the United States Coast Guard shall
24 be those related to—

1 “(1) functions of the U.S. Coast Guard relating
2 to security or protection of facilities and assets as-
3 sessed to be high-risk and a potential target for un-
4 lawful unmanned aircraft activity, including the se-
5 curity and protection of—

6 “(A) a facility, including a facility that is
7 under the administrative control of the Com-
8 mandant; and

9 “(B) a vessel (whether moored or under-
10 way) or an aircraft, including a vessel or air-
11 craft—

12 “(i) that is operated by the Coast
13 Guard, or that the Coast Guard is assist-
14 ing or escorting; and

15 “(ii) that is directly involved in a mis-
16 sion of the Coast Guard pertaining to—

17 “(I) assisting or escorting a ves-
18 sel of the Department of Defense;

19 “(II) assisting or escorting a ves-
20 sel of national security significance, a
21 high interest vessel, a high capacity
22 passenger vessel, or a high value unit,
23 as those terms are defined by the Sec-
24 retary;

25 “(III) section 91(a) of this title;

1 “(IV) assistance in protecting the
2 President or the Vice President (or
3 other officer next in order of succes-
4 sion to the Office of the President)
5 pursuant to the Presidential Protec-
6 tion Assistance Act of 1976 (18
7 U.S.C. 3056 note);

8 “(V) protection of a National
9 Special Security Event and Special
10 Event Assessment Rating events;

11 “(VI) air defense of the United
12 States, including air sovereignty,
13 ground-based air defense, and the Na-
14 tional Capital Region integrated air
15 defense system; or

16 “(VII) a search and rescue oper-
17 ation; and

18 “(2) missions directed by the Secretary pursu-
19 ant to 210G(k)(3)(C)(iii) of the Homeland Security
20 Act of 2002.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 5 of title 14, United States Code, is amended by insert-
23 ing after the item relating to section 103 the following:

 “104. Protecting against unmanned aircraft.”.

1 **DIVISION I—SUPPLEMENTAL AP-**
2 **PROPRIATIONS FOR DIS-**
3 **ASTER RELIEF, 2018**

4 The following sums are hereby appropriated, out of
5 any money in the Treasury not otherwise appropriated,
6 and out of applicable corporate or other revenues, receipts,
7 and funds, for the several departments, agencies, corpora-
8 tions, and other organizational units of Government for
9 fiscal year 2018, and for other purposes, namely:

10

11 DEPARTMENT OF HOUSING AND URBAN
12 DEVELOPMENT

13 COMMUNITY PLANNING AND DEVELOPMENT

14 COMMUNITY DEVELOPMENT FUND

15 (INCLUDING TRANSFERS OF FUNDS)

16 For an additional amount for “Community Develop-
17 ment Fund”, \$1,680,000,000, to remain available until
18 expended, for necessary expenses for activities authorized
19 under title I of the Housing and Community Development
20 Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster
21 relief, long-term recovery, restoration of infrastructure
22 and housing, and economic revitalization in the most im-
23 pacted and distressed areas resulting from a major dis-
24 aster declared in 2018 pursuant to the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 5121 et seq.): *Provided*, That funds shall be awarded di-
2 rectly to the State or unit of general local government at
3 the discretion of the Secretary: *Provided further*, That as
4 a condition of making any grant, the Secretary shall cer-
5 tify in advance that such grantee has in place proficient
6 financial controls and procurement processes and has es-
7 tablished adequate procedures to prevent any duplication
8 of benefits as defined by section 312 of the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance Act (42
10 U.S.C. 5155), to ensure timely expenditure of funds, to
11 maintain comprehensive websites regarding all disaster re-
12 covery activities assisted with these funds, and to detect
13 and prevent waste, fraud, and abuse of funds: *Provided*
14 *further*, That prior to the obligation of funds a grantee
15 shall submit a plan to the Secretary for approval detailing
16 the proposed use of all funds, including criteria for eligi-
17 bility and how the use of these funds will address long-
18 term recovery and restoration of infrastructure and hous-
19 ing and economic revitalization in the most impacted and
20 distressed areas: *Provided further*, That such funds may
21 not be used for activities reimbursable by, or for which
22 funds are made available by, the Federal Emergency Man-
23 agement Agency or the Army Corps of Engineers: *Pro-*
24 *vided further*, That funds allocated under this heading
25 shall not be considered relevant to the non-disaster for-

1 mula allocations made pursuant to section 106 of the
2 Housing and Community Development Act of 1974 (42
3 U.S.C. 5306): *Provided further*, That a State or subdivi-
4 sion thereof may use up to 5 percent of its allocation for
5 administrative costs: *Provided further*, That in admin-
6 istering the funds under this heading, the Secretary of
7 Housing and Urban Development may waive, or specify
8 alternative requirements for, any provision of any statute
9 or regulation that the Secretary administers in connection
10 with the obligation by the Secretary or the use by the re-
11 cipient of these funds (except for requirements related to
12 fair housing, nondiscrimination, labor standards, and the
13 environment), if the Secretary finds that good cause exists
14 for the waiver or alternative requirement and such waiver
15 or alternative requirement would not be inconsistent with
16 the overall purpose of title I of the Housing and Commu-
17 nity Development Act of 1974: *Provided further*, That,
18 notwithstanding the preceding proviso, recipients of funds
19 provided under this heading that use such funds to supple-
20 ment Federal assistance provided under section 402, 403,
21 404, 406, 407, 408(c)(4), or 502 of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42 U.S.C.
23 5121 et seq.) may adopt, without review or public com-
24 ment, any environmental review, approval, or permit per-
25 formed by a Federal agency, and such adoption shall sat-

1 isfy the responsibilities of the recipient with respect to
2 such environmental review, approval or permit: *Provided*
3 *further*, That, notwithstanding section 104(g)(2) of the
4 Housing and Community Development Act of 1974 (42
5 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of
6 a request for release of funds and certification, imme-
7 diately approve the release of funds for an activity or
8 project assisted under this heading if the recipient has
9 adopted an environmental review, approval or permit
10 under the preceding proviso or the activity or project is
11 categorically excluded from review under the National En-
12 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):
13 *Provided further*, That the Secretary shall publish via no-
14 tice in the Federal Register any waiver, or alternative re-
15 quirement, to any statute or regulation that the Secretary
16 administers pursuant to title I of the Housing and Com-
17 munity Development Act of 1974 no later than 5 days be-
18 fore the effective date of such waiver or alternative re-
19 quirement: *Provided further*, That of the amounts made
20 available under this heading, up to \$2,500,000 may be
21 transferred, in aggregate, to “Department of Housing and
22 Urban Development—Program Office Salaries and Ex-
23 penses—Community Planning and Development” for nec-
24 essary costs, including information technology costs, of ad-
25 ministering and overseeing the obligation and expenditure

1 of amounts under this heading: *Provided further*, That
2 such amount is designated by the Congress as being for
3 an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985: *Provided further*, That the
6 amount designated under this heading as an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985 shall be available only if the President subsequently
10 so designates such amount and transmits such designation
11 to the Congress: *Provided further*, That the budgetary ef-
12 fects of this division: (1) shall not be entered on either
13 PAYGO scorecard maintained pursuant to section 4(d) of
14 the Statutory Pay As-You-Go Act of 2010; and, (2) shall
15 not be entered on any PAYGO scorecard maintained for
16 purposes of section 201 of S. Con. Res. 21 (110th Con-
17 gress).

18 Sec. 101. Notwithstanding Rule 3 of the Budget
19 Scorekeeping Guidelines set forth in the joint explanatory
20 statement of the committee of conference accompanying
21 Conference Report 105–217 and section 250(c)(7) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985, the budgetary effects of this division shall be esti-
24 mated for purposes of section 251 of such Act.

1 This division may be cited as the “Supplemental Ap-
2 propriations for Disaster Relief Act, 2018”.

3 **DIVISION J—MARITIME**
4 **SECURITY**

5 **SEC. 1801. SHORT TITLE.**

6 This division may be cited as the “Maritime Security
7 Improvement Act of 2018”.

8 **SEC. 1802. DEFINITIONS.**

9 In this division:

10 (1) APPROPRIATE COMMITTEES OF CON-
11 GRESS.—The term “appropriate committees of Con-
12 gress” means—

13 (A) the Committee on Commerce, Science,
14 and Transportation of the Senate;

15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 (C) the Committee on Homeland Security
18 of the House of Representatives; and

19 (D) the Committee on Transportation and
20 Infrastructure of the House of Representatives.

21 (2) TSA.—The term “TSA” means the Trans-
22 portation Security Administration.

23 **SEC. 1803. COORDINATION WITH TSA ON MARITIME FACILI-**
24 **TIES.**

25 The Secretary of Homeland Security shall—

1 (1) provide the Administrator of the TSA with
2 updates to vulnerability assessments required under
3 section 70102(b)(3) of title 46, United States Code,
4 to avoid any duplication of effort between the Coast
5 Guard and the TSA; and

6 (2) identify any security gaps between authori-
7 ties of operating entities within the Department of
8 Homeland Security that a threat could exploit to
9 cause a transportation security incident (as defined
10 in section 70101 of title 46, United States Code).

11 **SEC. 1804. STRATEGIC PLAN TO ENHANCE THE SECURITY**
12 **OF THE INTERNATIONAL SUPPLY CHAIN.**

13 Section 201 of the Security and Accountability for
14 Every Port Act of 2006 (6 U.S.C. 941) is amended—

15 (1) in subsection (a), by striking “as appro-
16 priate” and inserting “triennially”; and

17 (2) in subsection (g)—

18 (A) in the heading, by striking “REPORT”
19 and inserting “REPORTS”; and

20 (B) by amending paragraph (2) to read as
21 follows:

22 “(2) UPDATES.—Not later than 270 days after
23 the date of enactment of the Maritime Security Im-
24 provement Act of 2018 and triennially thereafter,
25 the Secretary shall submit to the appropriate con-

1 gressional committees a report that contains any up-
2 dates to the strategic plan under subsection (a) since
3 the prior report.”.

4 **SEC. 1805. CYBERSECURITY INFORMATION SHARING AND**
5 **COORDINATION IN PORTS.**

6 (a) MARITIME CYBERSECURITY RISK ASSESSMENT
7 MODEL.—The Secretary of Homeland Security, through
8 the Commandant of the Coast Guard and the Under Sec-
9 retary responsible for overseeing the critical infrastructure
10 protection, cybersecurity, and other related programs of
11 the Department of Homeland Security, shall—

12 (1) not later than 1 year after the date of en-
13 actment of this Act, coordinate with the National
14 Maritime Security Advisory Committee, the Area
15 Maritime Security Advisory Committees, and other
16 maritime stakeholders, as necessary, to develop and
17 implement a maritime cybersecurity risk assessment
18 model, consistent with the activities described in sec-
19 tion 2(e) of the National Institute of Standards and
20 Technology Act (15 U.S.C. 272(e)), to evaluate cur-
21 rent and future cybersecurity risks that have the po-
22 tential to affect the marine transportation system or
23 that would cause a transportation security incident
24 (as defined in section 70101 of title 46, United
25 States Code) in ports; and

1 (2) not less than biennially thereafter, evaluate
2 the effectiveness of the cybersecurity risk assessment
3 model established under paragraph (1).

4 (b) PORT SECURITY; DEFINITIONS.—Section 70101
5 of title 46, United States Code, is amended—

6 (1) by redesignating paragraphs (2) through
7 (6) as paragraphs (3) through (7), respectively; and

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

10 “(2) The term ‘cybersecurity risk’ has the
11 meaning given the term in section 227 of the Home-
12 land Security Act of 2002 (6 U.S.C. 148).”.

13 (c) NATIONAL MARITIME SECURITY ADVISORY COM-
14 MITTEE.—

15 (1) FUNCTIONS.—Section 70112(a)(1)(A) of
16 title 46, United States Code, is amended by insert-
17 ing before the semicolon the following: “, including
18 on enhancing the sharing of information related to
19 cybersecurity risks that may cause a transportation
20 security incident, between relevant Federal agencies
21 and—

22 “(i) State, local, and tribal govern-
23 ments;

24 “(ii) relevant public safety and emer-
25 gency response agencies;

- 1 “(iii) relevant law enforcement and se-
2 curity organizations;
3 “(iv) maritime industry;
4 “(v) port owners and operators; and
5 “(vi) terminal owners and operators;”.

6 (2) INFORMATION SHARING.—The Com-
7 mandant of the Coast Guard and the Under Sec-
8 retary responsible for overseeing the critical infra-
9 structure protection, cybersecurity, and other related
10 programs of the Department of Homeland Security
11 shall—

12 (A) ensure there is a process for each Area
13 Maritime Security Advisory Committee estab-
14 lished under section 70112 of title 46, United
15 States Code—

16 (i) to facilitate the sharing of informa-
17 tion related to cybersecurity risks that may
18 cause transportation security incidents;

19 (ii) to timely report transportation se-
20 curity incidents to the national level; and

21 (iii) to disseminate such reports
22 across the entire maritime transportation
23 system via the National Cybersecurity and
24 Communications Integration Center; and

1 (B) issue voluntary guidance for the man-
2 agement of such cybersecurity risks in each
3 Area Maritime Transportation Security Plan
4 and facility security plan required under section
5 70103 of title 46, United States Code, approved
6 after the date that the cybersecurity risk as-
7 sessment model is developed under subsection
8 (a) of this section.

9 (d) VULNERABILITY ASSESSMENTS AND SECURITY
10 PLANS.—

11 (1) FACILITY AND VESSEL ASSESSMENTS.—
12 Section 70102(b)(1) of title 46, United States Code,
13 is amended—

14 (A) in the matter preceding subparagraph
15 (A), by striking “and by not later than Decem-
16 ber 31, 2004”; and

17 (B) in subparagraph (C), by inserting “se-
18 curity against cybersecurity risks,” after “phys-
19 ical security,”.

20 (2) MARITIME TRANSPORTATION SECURITY
21 PLANS.—Section 70103 of title 46, United States
22 Code, is amended—

23 (A) in subsection (a)(1), by striking “Not
24 later than April 1, 2005, the” and inserting
25 “The”;

1 (B) in subsection (a)(2), by adding at the
2 end the following:

3 “(K) A plan to detect, respond to, and re-
4 cover from cybersecurity risks that may cause
5 transportation security incidents.”;

6 (C) in subsection (b)(2)—

7 (i) in subparagraph (G)(ii), by strik-
8 ing “; and” and inserting a semicolon;

9 (ii) by redesignating subparagraph
10 (H) as subparagraph (I); and

11 (iii) by inserting after subparagraph
12 (G) the following:

13 “(H) include a plan for detecting, respond-
14 ing to, and recovering from cybersecurity risks
15 that may cause transportation security inci-
16 dents; and”; and

17 (D) in subsection (c)(3)(C)—

18 (i) in clause (iv), by striking “; and”
19 and inserting a semicolon;

20 (ii) by redesignating clause (v) as
21 clause (vi); and

22 (iii) by inserting after clause (iv) the
23 following:

24 “(v) detecting, responding to, and re-
25 covering from cybersecurity risks that may

1 cause transportation security incidents;
2 and”.

3 (3) **APPLICABILITY.**—The amendments made
4 by this subsection shall apply to assessments or se-
5 curity plans, or updates to such assessments or
6 plans, submitted after the date that the cybersecu-
7 rity risk assessment model is developed under sub-
8 section (a).

9 (e) **BRIEF TO CONGRESS.**—Not later than 1 year
10 after the date of enactment of this Act, the Commandant
11 of the Coast Guard and the Under Secretary responsible
12 for overseeing the critical infrastructure protection, cyber-
13 security, and other related programs of the Department
14 of Homeland Security shall provide to the appropriate
15 committees of Congress a briefing on how the Coast Guard
16 will assist in security and response in the port environ-
17 ment when a cyber-caused transportation security incident
18 occurs, to include the use of cyber protection teams.

19 **SEC. 1806. FACILITY INSPECTION INTERVALS.**

20 Section 70103(c)(4)(D) of title 46, United States
21 Code, is amended to read as follows:

22 “(D) subject to the availability of appro-
23 priations, periodically, but not less than one
24 time per year, conduct a risk-based, no notice

1 facility inspection to verify the effectiveness of
2 each such facility security plan.”.

3 **SEC. 1807. UPDATES OF MARITIME OPERATIONS COORDI-**
4 **NATION PLAN .**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
7 is amended by adding at the end the following:

8 **“SEC. 435. MARITIME OPERATIONS COORDINATION PLAN.**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of enactment of the Maritime Security Improve-
11 ment Act of 2018, and biennially thereafter, the Secretary
12 shall—

13 “(1) update the Maritime Operations Coordina-
14 tion Plan, published by the Department on July 7,
15 2011, to strengthen coordination, planning, informa-
16 tion sharing, and intelligence integration for mari-
17 time operations of components and offices of the De-
18 partment with responsibility for maritime security
19 missions; and

20 “(2) submit each update to the Committee on
21 Commerce, Science, and Transportation and the
22 Committee on Homeland Security and Governmental
23 Affairs of the Senate and the Committee on Trans-
24 portation and Infrastructure and the Committee on
25 Homeland Security of the House of Representatives.

1 “(b) CONTENTS.—Each update shall address the fol-
2 lowing:

3 “(1) Coordinating the planning, integration of
4 maritime operations, and development of joint mari-
5 time domain awareness efforts of any component or
6 office of the Department with responsibility for mar-
7 itime security missions.

8 “(2) Maintaining effective information sharing
9 and, as appropriate, intelligence integration, with
10 Federal, State, and local officials and the private
11 sector, regarding threats to maritime security.

12 “(3) Cooperating and coordinating with Federal
13 departments and agencies, and State and local agen-
14 cies, in the maritime environment, in support of
15 maritime security missions.

16 “(4) Highlighting the work completed within
17 the context of other national and Department mari-
18 time security strategic guidance and how that work
19 fits with the Maritime Operations Coordination
20 Plan.”.

21 (b) TABLE OF CONTENTS.—The table of contents in
22 section 1(b) of the Homeland Security Act of 2002 (Public
23 Law 107–296; 116 Stat. 2136) is amended by adding
24 after the item relating to section 434 the following:

“435. Maritime operations coordination plan.”.

1 **SEC. 1808. EVALUATION OF COAST GUARD DEPLOYABLE**
2 **SPECIALIZED FORCES.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committee on
6 Commerce, Science, and Transportation and the Com-
7 mittee on Homeland Security and Governmental Affairs
8 of the Senate and the Committee on Transportation and
9 Infrastructure and the Committee on Homeland Security
10 of the House of Representatives a report on the state of
11 the Coast Guard’s Deployable Specialized Forces (referred
12 to in this section as DSF).

13 (b) CONTENTS.—The report shall include, at a min-
14 imum, the following:

15 (1) For each of the past 3 fiscal years, and for
16 each type of DSF, the following:

17 (A) A cost analysis, including training, op-
18 erating, and travel costs.

19 (B) The number of personnel assigned.

20 (C) The total number of units.

21 (D) The total number of operations con-
22 ducted.

23 (E) The number of operations requested by
24 each of the following:

25 (i) Coast Guard.

1 (ii) Other components or offices of the
2 Department of Homeland Security.

3 (iii) Other Federal departments or
4 agencies.

5 (iv) State agencies.

6 (v) Local agencies.

7 (F) The number of operations fulfilled in
8 support of each entity described in clauses (i)
9 through (v) of subparagraph (E).

10 (2) An examination of alternative distributions
11 of deployable specialized forces, including the feasi-
12 bility, cost (including cost savings), and impact on
13 mission capability of such distributions, including at
14 a minimum the following:

15 (A) Combining deployable specialized
16 forces, primarily focused on counterdrug oper-
17 ations, under one centralized command.

18 (B) Distributing counter-terrorism and
19 anti-terrorism capabilities to deployable special-
20 ized forces in each major United States port.

21 (c) DEFINITION OF DEPLOYABLE SPECIALIZED
22 FORCES OR DSF.—In this section, the term “deployable
23 specialized forces” or “DSF” means the deployable spe-
24 cialized forces established under section 70106 of title 46,
25 United States Code.

1 **SEC. 1809. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
2 **TERS FOR PORT SECURITY AND SECURE SYS-**
3 **TEMS OF TRANSPORTATION.**

4 (a) INTERAGENCY OPERATIONAL CENTERS FOR
5 PORT SECURITY.—

6 (1) REPEAL.—Section 70107A of title 46,
7 United States Code, is repealed.

8 (2) SAVINGS CLAUSE.—A repeal made by this
9 subsection shall not affect an interagency oper-
10 ational center established before the date of enact-
11 ment of this Act.

12 (3) NOTICE TO CONGRESS.—The Secretary of
13 Homeland Security shall notify the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate and the Committee on Homeland Security and
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives at least 1 year be-
18 fore ceasing operations of any interagency oper-
19 ational center established before the date of enact-
20 ment of the Security and Accountability for Every
21 Port Act of 2006 (Public Law 109–347; 120 Stat.
22 1884).

23 (b) SECURE SYSTEMS OF TRANSPORTATION.—Sec-
24 tion 70116 of title 46, United States Code, is repealed.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TABLE OF CONTENTS.—The table of con-
2 tents for chapter 701 of title 46, United States
3 Code, is amended by striking the items relating to
4 sections 70107A and 70116.

5 (2) REPORT REQUIREMENT.—Section 108 of
6 the Security and Accountability for Every Port Act
7 of 2006 (Public Law 109–347; 120 Stat. 1893) is
8 amended by striking subsection (b) (46 U.S.C.
9 70107A note) and inserting the following:
10 “(b) [Reserved].”

11 **SEC. 1810. DUPLICATION OF EFFORTS IN THE MARITIME**
12 **DOMAIN.**

13 (a) GAO ANALYSIS.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall—

16 (1) conduct an analysis of all operations in the
17 applicable location of—

18 (A) the Air and Marine Operations of the
19 U.S. Customs and Border Protection; and

20 (B) any other agency of the Department of
21 Homeland Security that operates air and ma-
22 rine assets;

23 (2) in conducting the analysis under paragraph
24 (1)—

1 (A) examine the extent to which the Air
2 and Marine Operations is synchronizing and
3 deconflicting any duplicative flight hours or pa-
4 trols with the agencies described in paragraph
5 (1)(B); and

6 (B) include a sector-by-sector analysis of
7 any potential costs savings or other benefits
8 that would be derived through greater coordina-
9 tion of flight hours and patrols; and

10 (3) submit to the Secretary of Homeland Secu-
11 rity and the appropriate committees of Congress a
12 report on the analysis, including any recommenda-
13 tions.

14 (b) DHS REPORT.—Not later than 180 days after
15 the date the report is submitted under subsection (a)(3),
16 the Secretary of Homeland Security shall submit to the
17 appropriate committees of Congress a report on what ac-
18 tions the Secretary plans to take in response to the find-
19 ings of the analysis and recommendations of the Comp-
20 troller General.

21 (c) DEFINITION OF APPLICABLE LOCATION.—In this
22 section, the term “applicable location” means any location
23 in which the Air and Marine Operations of the U.S. Cus-
24 toms and Border Protection is based within 45 miles of

1 a location in which any other agency of the Department
2 of Homeland Security also operates air and marine assets.

3 **SEC. 1811. MARITIME SECURITY CAPABILITIES ASSESS-**
4 **MENTS.**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.),
7 as amended by section __007 of this Act, is further
8 amended by adding at the end the following:

9 **“SEC. 436. MARITIME SECURITY CAPABILITIES ASSESS-**
10 **MENTS.**

11 “Not later than 180 days after the date of enactment
12 of the Maritime Security Improvement Act of 2018, and
13 annually thereafter, the Secretary shall submit to the
14 Committee on Commerce, Science, and Transportation
15 and the Committee on Homeland Security and Govern-
16 mental Affairs of the Senate and the Committee on Trans-
17 portation and Infrastructure and the Committee on
18 Homeland Security of the House of Representatives, an
19 assessment of the number and type of maritime assets and
20 the number of personnel required to increase the Depart-
21 ment’s maritime response rate pursuant to section 1092
22 of the National Defense Authorization Act for Fiscal Year
23 2017 (6 U.S.C. 223).”.

24 (b) TABLE OF CONTENTS.—The table of contents in
25 section 1(b) of the Homeland Security Act of 2002 (Public

1 Law 107–296; 116 Stat. 2136), as amended by section
2 __007 of this Act, is further amended by adding after the
3 item relating to section 435 the following:

“436. Maritime security capabilities assessments.”.

4 **SEC. 1812. CONTAINER SECURITY INITIATIVE.**

5 Section 205(l) of the Security and Accountability for
6 Every Port Act of 2006 (6 U.S.C. 945) is amended—

7 (1) by striking paragraph (2); and

8 (2) in paragraph (1)—

9 (A) by striking “(1) IN GENERAL.—Not
10 later than September 30, 2007,” and inserting
11 “Not later than 270 days after the date of en-
12 actment of the Maritime Security Improvement
13 Act of 2018,”; and

14 (B) by redesignating subparagraphs (A)
15 through (H) as paragraphs (1) through (8), re-
16 spectively.

17 **SEC. 1813. MARITIME BORDER SECURITY REVIEW.**

18 (a) DEFINITIONS.—In this section:

19 (1) MARITIME BORDER.—The term “maritime
20 border” means—

21 (A) the transit zone; and

22 (B) the borders and territorial waters of
23 Puerto Rico and the United States Virgin Is-
24 lands.

1 (2) TRANSIT ZONE.—The term “transit zone”
2 has the meaning given the term in section 1092(a)
3 of the National Defense Authorization Act for Fiscal
4 Year 2017 (6 U.S.C. 223(a)).

5 (b) MARITIME BORDER THREAT ANALYSIS.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary of Homeland Security shall submit to the ap-
9 propriate committees of Congress a maritime border
10 threat analysis that includes an identification and
11 description of the following:

12 (A) Current and potential threats posed by
13 the individuals and groups seeking to—

14 (i) enter the United States through
15 the maritime border; or

16 (ii) exploit border vulnerabilities on
17 the maritime border.

18 (B) Improvements needed at United States
19 sea ports—

20 (i) to prevent terrorists and instru-
21 ments of terror from entering the United
22 States; and

23 (ii) to reduce criminal activity, as
24 measured by the total flow of illegal goods

1 and illicit drugs, related to the maritime
2 border.

3 (C) Improvements needed with respect to
4 the maritime border—

5 (i) to prevent terrorists and instru-
6 ments of terror from entering the United
7 States via the maritime border; and

8 (ii) reduce criminal activity related to
9 the maritime border.

10 (D) Vulnerabilities in law, policy, coopera-
11 tion between State, territorial, and local law en-
12 forcement, or international agreements that
13 hinder effective and efficient border security,
14 counterterrorism, anti-human trafficking ef-
15 forts, and the flow of legitimate trade with re-
16 spect to the maritime border.

17 (E) Metrics and performance parameters
18 used by the Department of Homeland Security
19 to evaluate maritime security effectiveness, as
20 appropriate.

21 (2) ANALYSIS REQUIREMENTS.—In preparing
22 the threat analysis under subsection (a), the Sec-
23 retary of Homeland Security shall consider the fol-
24 lowing:

25 (A) Technology needs and challenges.

1 (B) Personnel needs and challenges.

2 (C) The role of State, territorial, and local
3 law enforcement in maritime border security ac-
4 tivities.

5 (D) The need for cooperation among Fed-
6 eral, State, territorial, local, and appropriate
7 international law enforcement entities relating
8 to maritime border security.

9 (E) The geographic challenges of the mari-
10 time border.

11 (F) The impact of Hurricanes Harvey,
12 Irma, Maria, and Nate on general border secu-
13 rity activities with respect to the maritime bor-
14 der.

15 (3) CLASSIFIED THREAT ANALYSIS.—

16 (A) IN GENERAL.—To the extent possible,
17 the Secretary of Homeland Security shall sub-
18 mit the threat analysis under subsection (a) in
19 unclassified form.

20 (B) CLASSIFIED.—The Secretary may sub-
21 mit a portion of the threat analysis in classified
22 form if the Secretary determines that such form
23 is appropriate for such portion.

1 **SEC. 1814. MARITIME BORDER SECURITY COOPERATION.**

2 The Secretary of the department in which the Coast
3 Guard is operating shall, in accordance with law—

4 (1) partner with other Federal, State, and local
5 government agencies to leverage existing technology,
6 including existing sensor and camera systems and
7 other sensors, in place along the maritime border to
8 facilitate monitoring of high-risk maritime borders,
9 as determined by the Secretary; and

10 (2) subject to the availability of appropriations,
11 enter into such agreements as the Secretary con-
12 siders necessary to ensure the monitoring described
13 in paragraph (1).

14 **SEC. 1815. TRANSPORTATION WORKER IDENTIFICATION**
15 **CREDENTIAL APPEALS PROCESS.**

16 Not later than 90 days after the date of enactment
17 of this Act, the Secretary of Homeland Security shall
18 transmit to the appropriate committees of Congress a re-
19 port on the following:

20 (1) The average completion time of an appeal
21 under the appeals process established under section
22 70105(c)(4) of title 46, United States Code.

23 (2) The most common reasons for any delays at
24 each step in such process.

25 (3) Recommendations on how to resolve any
26 such delays as expeditiously as possible.

1 **SEC. 1816. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) STUDY TO IDENTIFY REDUNDANT BACKGROUND
3 RECORDS CHECKS.—Section 105 of the Security and Ac-
4 countability for Every Port Act of 2006 (Public Law 109–
5 347; 120 Stat. 1891) and the item relating to that section
6 in the table of contents for that Act are repealed.

7 (b) DOMESTIC RADIATION DETECTION AND IMAG-
8 ING.—Section 121 of the Security and Accountability for
9 Every Port Act of 2006 (6 U.S.C. 921) is amended—

10 (1) by striking subsections (c), (d), and (e);

11 (2) by redesignating subsections (f), (g), (h),
12 and (i) as subsections (c), (d), (e), and (f), respec-
13 tively; and

14 (3) in subsection (e)(1)(B), as redesignated, by
15 striking “(and updating, if any, of that strategy
16 under subsection (e))”.

17 (c) INSPECTION OF CAR FERRIES ENTERING FROM
18 ABROAD.—Section 122 of the Security and Accountability
19 for Every Port Act of 2006 (6 U.S.C. 922) and the item
20 relating to that section in the table of contents for that
21 Act are repealed.

22 (d) REPORT ON ARRIVAL AND DEPARTURE MANI-
23 FEST FOR CERTAIN COMMERCIAL VESSELS IN THE
24 UNITED STATES VIRGIN ISLANDS.—Section 127 of the
25 Security and Accountability for Every Port Act of 2006

1 (120 Stat. 1900) and the item relating to that section in
2 the table of contents for that Act are repealed.

3 (e) INTERNATIONAL COOPERATION AND COORDINA-
4 TION.—

5 (1) IN GENERAL.—Section 233 of the Security
6 and Accountability for Every Port Act of 2006 (6
7 U.S.C. 983) is amended to read as follows:

8 **“SEC. 233. INSPECTION TECHNOLOGY AND TRAINING.**

9 “(a) IN GENERAL.—The Secretary, in coordination
10 with the Secretary of State, the Secretary of Energy, and
11 appropriate representatives of other Federal agencies, may
12 provide technical assistance, equipment, and training to
13 facilitate the implementation of supply chain security
14 measures at ports designated under the Container Secu-
15 rity Initiative.

16 “(b) ACQUISITION AND TRAINING.—Unless otherwise
17 prohibited by law, the Secretary may—

18 “(1) lease, loan, provide, or otherwise assist in
19 the deployment of nonintrusive inspection and radi-
20 ation detection equipment at foreign land and sea
21 ports under such terms and conditions as the Sec-
22 retary prescribes, including nonreimbursable loans or
23 the transfer of ownership of equipment; and

1 “(2) provide training and technical assistance
2 for domestic or foreign personnel responsible for op-
3 erating or maintaining such equipment.”.

4 (2) TABLE OF CONTENTS.—The table of con-
5 tents in section 1(b) of the Security and Account-
6 ability for Every Port Act of 2006 (Public Law 109–
7 347; 120 Stat. 1884) is amended by amending the
8 item relating to section 233 to read as follows:

 “Sec. 233. Inspection technology and training.”.

9 (f) PILOT PROGRAM TO IMPROVE THE SECURITY OF
10 EMPTY CONTAINERS.—Section 235 of the Security and
11 Accountability for Every Port Act of 2006 (6 U.S.C. 984)
12 and the item relating to that section in the table of con-
13 tents for that Act are repealed.

14 (g) SECURITY PLAN FOR ESSENTIAL AIR SERVICE
15 AND SMALL COMMUNITY AIRPORTS.—Section 701 of the
16 Security and Accountability for Every Port Act of 2006
17 (Public Law 109–347; 120 Stat. 1943) and the item relat-
18 ing to that section in the table of contents for that Act
19 are repealed.

20 (h) AIRCRAFT CHARTER CUSTOMER AND LESSEE
21 PRESCREENING PROGRAM.—Section 708 of the Security
22 and Accountability for Every Port Act of 2006 (Public
23 Law 109–347; 120 Stat. 1947) and the item relating to
24 that section in the table of contents for that Act are re-
25 pealed.

1 **DIVISION K—TRANSPORTATION**
2 **SECURITY**
3 **TITLE I—TRANSPORTATION**
4 **SECURITY**

5 **SEC. 1901. SHORT TITLE; REFERENCES.**

6 (a) **SHORT TITLE.**—This title may be cited as the
7 “TSA Modernization Act”.

8 (b) **REFERENCES TO TITLE 49, UNITED STATES**
9 **CODE.**—Except as otherwise expressly provided, wherever
10 in this title an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of title 49, United States Code.

14 **SEC. 1902. DEFINITIONS.**

15 In this title:

16 (1) **ADMINISTRATOR.**—The term “Adminis-
17 trator” means the Administrator of the TSA.

18 (2) **APPROPRIATE COMMITTEES OF CON-**
19 **GRESS.**—The term “appropriate committees of Con-
20 gress” means—

21 (A) the Committee on Commerce, Science,
22 and Transportation of the Senate;

23 (B) the Committee on Homeland Security
24 and Governmental Affairs of the Senate; and

1 (C) the Committee on Homeland Security
2 of the House of Representatives.

3 (3) ASAC.—The term “ASAC” means the
4 Aviation Security Advisory Committee established
5 under section 44946 of title 49, United States Code.

6 (4) DEPARTMENT.—The term “Department”
7 means the Department of Homeland Security.

8 (5) EXPLOSIVE DETECTION CANINE TEAM.—
9 The term “explosives detection canine team” means
10 a canine and a canine handler that are trained to
11 detect explosives and other threats as defined by the
12 Secretary.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Homeland Security.

15 (7) TSA.—The term “TSA” means the Trans-
16 portation Security Administration.

17 **Subtitle A—Organization and**
18 **Authorizations**

19 **SEC. 1903. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 114(w) is amended to read as follows:

21 “(w) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Transportation
23 Security Administration for salaries, operations, and
24 maintenance of the Administration—

25 “(1) \$7,849,247,000 for fiscal year 2019;

1 “(2) \$7,888,494,000 for fiscal year 2020; and
2 “(3) \$7,917,936,000 for fiscal year 2021.”.

3 **SEC. 1904. ADMINISTRATOR OF THE TRANSPORTATION SE-**
4 **CURITY ADMINISTRATION; 5-YEAR TERM.**

5 (a) IN GENERAL.—Section 114, as amended by sec-
6 tion __101 of this Act, is further amended—

7 (1) in subsection (a), by striking “Department
8 of Transportation” and inserting “Department of
9 Homeland Security”;

10 (2) by amending subsection (b) to read as fol-
11 lows:

12 “(b) LEADERSHIP.—

13 “(1) HEAD OF TRANSPORTATION SECURITY AD-
14 MINISTRATION.—

15 “(A) APPOINTMENT.—The head of the Ad-
16 ministration shall be the Administrator of the
17 Transportation Security Administration (re-
18 ferred to in this section as the ‘Administrator’).
19 The Administrator shall be appointed by the
20 President, by and with the advice and consent
21 of the Senate.

22 “(B) QUALIFICATIONS.—The Adminis-
23 trator must—

24 “(i) be a citizen of the United States;
25 and

1 “(ii) have experience in a field directly
2 related to transportation or security.

3 “(C) TERM.—Effective with respect to any
4 individual appointment by the President, by and
5 with the advice and consent of the Senate, after
6 the date of enactment of the TSA Moderniza-
7 tion Act, the term of office of an individual ap-
8 pointed as the Administrator shall be 5 years.
9 The term of office of an individual serving as
10 the Administrator on the date of enactment of
11 the TSA Modernization Act shall be 5 years be-
12 ginning on the date that the Administrator
13 began serving.

14 “(2) DEPUTY ADMINISTRATOR.—

15 “(A) APPOINTMENT.—There is established
16 in the Transportation Security Administration a
17 Deputy Administrator, who shall assist the Ad-
18 ministrator in the management of the Trans-
19 portation Security Administration. The Deputy
20 Administrator shall be appointed by the Presi-
21 dent.

22 “(B) VACANCY.—The Deputy Adminis-
23 trator shall be Acting Administrator during the
24 absence or incapacity of the Administrator or
25 during a vacancy in the office of Administrator.

1 “(C) QUALIFICATIONS.—The Deputy Ad-
2 ministrator must—

3 “ (i) be a citizen of the United States;
4 and

5 “ (ii) have experience in a field directly
6 related to transportation or security.

7 “(3) CHIEF COUNSEL.—

8 “(A) APPOINTMENT.—There is established
9 in the Transportation Security Administration a
10 Chief Counsel, who shall advise the Adminis-
11 trator and other senior officials on all legal
12 matters relating to the responsibilities, func-
13 tions, and management of the Transportation
14 Security Administration.

15 “(B) QUALIFICATIONS.—The Chief Coun-
16 sel must be a citizen of the United States.”;
17 and

18 (3) in subsections (c) through (n), (p), (q), and
19 (r), by striking “Under Secretary” each place it ap-
20 pears and inserting “Administrator”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) IN GENERAL.—Section 114, as amended by
23 subsection (a) of this section, is further amended—

24 (A) in subsection (g)—

25 (i) in paragraph (1)—

- 1 (I) in the matter preceding sub-
2 paragraph (A), by striking “Subject
3 to the direction and control of the
4 Secretary” and inserting “Subject to
5 the direction and control of the Sec-
6 retary of Homeland Security”; and
- 7 (II) in subparagraph (D), by in-
8 serting “of Homeland Security” after
9 “Secretary”; and
- 10 (ii) in paragraph (3), by inserting “of
11 Homeland Security” after “Secretary”;
- 12 (B) in subsection (j)(1)(D), by inserting
13 “of Homeland Security” after “Secretary”;
- 14 (C) in subsection (k), by striking “func-
15 tions transferred, on or after the date of enact-
16 ment of the Aviation and Transportation Secu-
17 rity Act,” and inserting “functions assigned”;
- 18 (D) in subsection (l)(4)(B), by striking
19 “Administrator under subparagraph (A)” and
20 inserting “Administrator of the Federal Avia-
21 tion Administration under subparagraph (A)”;
- 22 (E) in subsection (n), by striking “Depart-
23 ment of Transportation” and inserting “De-
24 partment of Homeland Security”;

1 (F) in subsection (o), by striking “Depart-
2 ment of Transportation” and inserting “De-
3 partment of Homeland Security”;

4 (G) in subsection (p)(4), by striking “Sec-
5 retary of Transportation” and inserting “Sec-
6 retary of Homeland Security”;

7 (H) in subsection (s)—

8 (i) in paragraph (3)(B), by inserting
9 “)” after “Act of 2007”; and

10 (ii) in paragraph (4)—

11 (I) in the heading, by striking
12 “SUBMISSIONS OF PLANS TO CON-
13 GRESS” and inserting “SUBMISSION
14 OF PLANS”;

15 (II) by striking subparagraph
16 (A);

17 (III) by redesignating subpara-
18 graphs (B) through (E) as subpara-
19 graphs (A) through (D), respectively;

20 (IV) in subparagraph (A), as re-
21 designated—

22 (aa) in the heading, by
23 striking “SUBSEQUENT
24 VERSIONS” and inserting “IN
25 GENERAL”; and

1 (bb) by striking “After De-
2 cember 31, 2015, the” and in-
3 serting “The”; and

4 (V) in subparagraph
5 (B)(ii)(III)(cc), as redesignated, by
6 striking “for the Department” and in-
7 serting “for the Department of Home-
8 land Security”;

9 (I) by redesignating subsections (u), (v),
10 and (w) as subsections (t), (u), and (v), respec-
11 tively;

12 (J) in subsection (t), as redesignated—

13 (i) in paragraph (1)—

14 (I) by striking subparagraph (D);
15 and

16 (II) by redesignating subpara-
17 graph (E) as subparagraph (D);

18 (ii) in paragraph (2), by inserting “of
19 Homeland Security” after “Plan, the Sec-
20 retary”;

21 (iii) in paragraph (4)(B)—

22 (I) by inserting “of Homeland
23 Security” after “agency within the
24 Department”; and

1 (II) by inserting “of Homeland
2 Security” after “Secretary”;

3 (iv) by amending paragraph (6) to
4 read as follows:

5 “(6) ANNUAL REPORT ON PLAN.—The Sec-
6 retary of Homeland Security shall annually submit
7 to the appropriate congressional committees a report
8 containing the Plan.”; and

9 (v) in paragraphs (7) and (8), by in-
10 sserting “of Homeland Security” after
11 “Secretary”; and

12 (K) in subsection (u), as redesignated—

13 (i) in paragraph (1)—

14 (I) in subparagraph (B), by in-
15 sserting “or the Administrator” after
16 “Secretary of Homeland Security”;
17 and

18 (II) in subparagraph (C)(ii), by
19 striking “Secretary’s designee” and
20 inserting “Secretary of Defense’s des-
21 ignee”;

22 (III) in subparagraphs (B), (C),
23 (D), and (E) of paragraph (3), by in-
24 sserting “of Homeland Security” after
25 “Secretary” each place it appears;

1 (ii) in paragraph (4)(A), by inserting
2 “of Homeland Security” after “Secretary”;

3 (iii) in paragraph (5), by inserting “of
4 Homeland Security” after “Secretary”;
5 and

6 (iv) in paragraph (7)—

7 (I) in subparagraph (A), by strik-
8 ing “Not later than December 31,
9 2008, and annually thereafter, the
10 Secretary” and inserting “The Sec-
11 retary of Homeland Security”; and

12 (II) by striking subparagraph
13 (D).

14 (2) CONGRESSIONAL OVERSIGHT OF SECURITY
15 ASSURANCE FOR PUBLIC AND PRIVATE STAKE-
16 HOLDERS.—Section 1203(b)(1)(B) of the Imple-
17 menting Recommendations of the 9/11 Commission
18 Act of 2007 (49 U.S.C. 114 note) is amended by
19 striking “, under section 114(u)(7) of title 49,
20 United States Code, as added by this section, or oth-
21 erwise,”.

22 (c) EXECUTIVE SCHEDULE.—

23 (1) ADMINISTRATOR OF THE TSA.—

24 (A) POSITIONS AT LEVEL II.—Section
25 5313 of title 5, United States Code, is amended

1 by inserting after the item relating to the
2 Under Secretary of Homeland Security for
3 Management the following:

4 “Administrator of the Transportation Security Ad-
5 ministration.”.

6 (B) BONUS ELIGIBILITY.—Section
7 101(c)(2) of the Aviation and Transportation
8 Security Act (5 U.S.C. 5313 note) is amend-
9 ed—

10 (i) by striking “Under Secretary” and
11 inserting “Administrator of the Transpor-
12 tation Security Administration”;

13 (ii) by striking “on the Secretary’s”
14 and inserting “on the Secretary of Home-
15 land Security’s”; and

16 (iii) by striking “Under Secretary’s”
17 and inserting “Administrator’s”.

18 (2) DEPUTY ADMINISTRATOR OF THE TSA.—
19 Section 5314 of title 5, United States Code, is
20 amended by inserting after the item relating to Dep-
21 uty Administrators, Federal Emergency Manage-
22 ment Agency the following:

23 “Deputy Administrator, Transportation Security Ad-
24 ministration.”.

1 (3) NONAPPLICABILITY.—The amendment
2 made by paragraph (2) of this subsection shall not
3 affect the salary of an individual who is performing
4 the duties of the Deputy Administrator on the date
5 of enactment of this Act, even if that individual is
6 subsequently appointed as Deputy Administrator.

7 **SEC. 1905. TRANSPORTATION SECURITY ADMINISTRATION**
8 **ORGANIZATION.**

9 Section 114, as amended by sections __101 and
10 __102 of this Act, is further amended by adding at the
11 end the following:

12 “(w) LEADERSHIP AND ORGANIZATION.—

13 “(1) IN GENERAL.—For each of the areas de-
14 scribed in paragraph (2), the Administrator of the
15 Transportation Security Administration shall ap-
16 point at least 1 individual who shall—

17 “(A) report directly to the Administrator
18 or the Administrator’s designated direct report;

19 and

20 “(B) be responsible and accountable for
21 that area.

22 “(2) AREAS DESCRIBED.—The areas described
23 in this paragraph are as follows:

1 “(A) Aviation security operations and
2 training, including risk-based, adaptive secu-
3 rity—

4 “(i) focused on airport checkpoint and
5 baggage screening operations;

6 “(ii) workforce training and develop-
7 ment programs; and

8 “(iii) ensuring compliance with avia-
9 tion security law, including regulations,
10 and other specialized programs designed to
11 secure air transportation.

12 “(B) Surface transportation security oper-
13 ations and training, including risk-based, adapt-
14 ive security—

15 “(i) focused on accomplishing security
16 systems assessments;

17 “(ii) reviewing and prioritizing
18 projects for appropriated surface transpor-
19 tation security grants;

20 “(iii) operator compliance with surface
21 transportation security law, including regu-
22 lations, and voluntary industry standards;
23 and

24 “(iv) workforce training and develop-
25 ment programs, and other specialized pro-

1 grams designed to secure surface transpor-
2 tation.

3 “(C) Transportation industry engagement
4 and planning, including the development, inter-
5 pretation, promotion, and oversight of a unified
6 effort regarding risk-based, risk-reducing secu-
7 rity policies and plans (including strategic plan-
8 ning for future contingencies and security chal-
9 lenges) between government and transportation
10 stakeholders, including airports, domestic and
11 international airlines, general aviation, air
12 cargo, mass transit and passenger rail, freight
13 rail, pipeline, highway and motor carriers, and
14 maritime.

15 “(D) International strategy and oper-
16 ations, including agency efforts to work with
17 international partners to secure the global
18 transportation network.

19 “(E) Trusted and registered traveler pro-
20 grams, including the management and mar-
21 keting of the agency’s trusted traveler initia-
22 tives, including the PreCheck Program, and co-
23 ordination with trusted traveler programs of
24 other Department of Homeland Security agen-
25 cies and the private sector.

1 “(F) Technology acquisition and deploy-
2 ment, including the oversight, development,
3 testing, evaluation, acquisition, deployment, and
4 maintenance of security technology and other
5 acquisition programs.

6 “(G) Inspection and compliance, including
7 the integrity, efficiency and effectiveness of the
8 agency’s workforce, operations, and programs
9 through objective audits, covert testing, inspec-
10 tions, criminal investigations, and regulatory
11 compliance.

12 “(H) Civil rights, liberties, and traveler en-
13 gagement, including ensuring that agency em-
14 ployees and the traveling public are treated in
15 a fair and lawful manner consistent with Fed-
16 eral laws and regulations protecting privacy and
17 prohibiting discrimination and reprisal.

18 “(I) Legislative and public affairs, includ-
19 ing communication and engagement with inter-
20 nal and external audiences in a timely, accu-
21 rate, and transparent manner, and development
22 and implementation of strategies within the
23 agency to achieve congressional approval or au-
24 thorization of agency programs and policies.

1 “(3) NOTIFICATION.—The Administrator shall
2 submit to the appropriate committees of Congress—

3 “(A) not later than 180 days after the date
4 of enactment of the TSA Modernization Act, a
5 list of the names of the individuals appointed
6 under paragraph (1); and

7 “(B) an update of the list not later than
8 5 days after any new individual is appointed
9 under paragraph (1).”.

10 **SEC. 1906. TRANSPORTATION SECURITY ADMINISTRATION**

11 **EFFICIENCY.**

12 (a) **EFFICIENCY REVIEW.**—

13 (1) **IN GENERAL.**—Not later than 270 days
14 after the date of enactment of this Act, the Adminis-
15 trator shall complete a comprehensive, agency-wide
16 efficiency review of the TSA to identify and effec-
17 tuate spending reductions and administrative sav-
18 ings that can be achieved by the streamlining or re-
19 structuring of TSA divisions.

20 (2) **REQUIREMENTS.**—In carrying out the re-
21 view under paragraph (1), the Administrator shall
22 consider the following:

23 (A) Eliminating unnecessarily duplicative
24 or overlapping programs and initiatives.

1 (B) Eliminating unnecessary or obsolete
2 rules, regulations, directives, or procedures.

3 (C) Reducing overall operating expenses of
4 the TSA, including costs associated with the
5 number of personnel, as a direct result of effi-
6 ciencies gained through the implementation of
7 risk-based screening or through any other
8 means as determined appropriate by the Ad-
9 ministrator in accordance with this section.

10 (D) Reducing, by 20 percent, the number
11 of positions at the Senior Executive Service
12 level at the TSA as calculated on the date of
13 enactment of this Act.

14 (E) Such other matters the Administrator
15 considers appropriate.

16 (b) REPORT TO CONGRESS.—Not later than 30 days
17 after the date the efficiency review under subsection (a)
18 is complete, the Administrator shall submit to the appro-
19 priate committees of Congress a report on the findings,
20 including a description of any cost savings expected to be
21 achieved by the streamlining or restructuring of TSA divi-
22 sions.

23 **SEC. 1907. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

24 (a) IN GENERAL.—Not later than 30 days after the
25 date of enactment of this Act, the Administrator shall con-

1 vene a working group consisting of representatives of the
2 TSA and representatives of the labor organization rep-
3 resenting security screening personnel to recommend re-
4 forms to the TSA's personnel management system, includ-
5 ing appeals to the Merit Systems Protection Board and
6 grievance procedures.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the working group convened
9 under subsection (a) shall submit to the Administrator
10 and the appropriate committees of Congress a report con-
11 taining proposed, mutually agreed-upon recommendations
12 to reform the TSA's personnel management system.

13 (c) IMPLEMENTATION.—To the extent authorized
14 under law, the Administrator may implement 1 or more
15 of the recommendations submitted under subsection (b).

16 (d) TERMINATION.—The working group shall termi-
17 nate on the date that the report is submitted under sub-
18 section (b).

19 **SEC. 1908. TSA LEAP PAY REFORM.**

20 (a) DEFINITION OF BASIC PAY.—Clause (ii) of sec-
21 tion 8331(3)(E) of title 5, United States Code, is amended
22 to read as follows:

23 “(ii) received after September 11,
24 2001, by a Federal air marshal or criminal
25 investigator (as defined in section

1 5545a(a)(2)) of the Transportation Secu-
2 rity Administration, subject to all restric-
3 tions and earning limitations imposed on
4 criminal investigators receiving such pay
5 under section 5545a, including the pre-
6 mium pay limitations under section
7 5547;”.

8 (b) EFFECTIVE DATE; APPLICABILITY.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 this section, and the amendments made by this sec-
11 tion, shall take effect on the first day of the first
12 pay period commencing on or after the date of en-
13 actment of this section.

14 (2) RETROACTIVE APPLICATION.—

15 (A) IN GENERAL.—Any availability pay re-
16 ceived for any pay period commencing before
17 the date of enactment of this Act by a Federal
18 air marshal or criminal investigator employed
19 by the Transportation Security Administration
20 shall be deemed basic pay under section
21 8331(3) of title 5, United States Code, if the
22 Transportation Security Administration treated
23 such pay as retirement-creditable basic pay, but
24 the Office of Personnel Management, based on
25 an interpretation of section 8331(3) of title 5,

1 United States Code, did not accept such pay as
2 retirement-creditable basic pay.

3 (B) IMPLEMENTATION.—Not later than 3
4 months after the date of enactment of this Act,
5 the Director of the Office of Personnel Manage-
6 ment shall commence taking such actions as are
7 necessary to implement the amendments made
8 by this section with respect to availability pay
9 deemed to be basic pay under subparagraph
10 (A).

11 **SEC. 1909. RANK AWARDS PROGRAM FOR TRANSPOR-**
12 **TATION SECURITY ADMINISTRATION EXECU-**
13 **TIVES AND SENIOR PROFESSIONALS.**

14 Section 114(n), as amended by section __102 of this
15 Act, is further amended—

16 (1) by inserting “(1) IN GENERAL.—” before
17 “The personnel management system” and indenting
18 appropriately; and

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

20 “(2) MERITORIOUS EXECUTIVE OR DISTIN-
21 GUISHED EXECUTIVE RANK AWARDS.—Notwith-
22 standing section 40122(g)(2) of this title, the appli-
23 cable sections of title 5 shall apply to the Transpor-
24 tation Security Administration personnel manage-
25 ment system, except that—

1 “(A) for purposes of applying such provi-
2 sions to the personnel management system—

3 “(i) the term ‘agency’ means the De-
4 partment of Homeland Security;

5 “(ii) the term ‘senior executive’ means
6 a Transportation Security Administration
7 executive serving on a Transportation Se-
8 curity Executive Service appointment;

9 “(iii) the term ‘career appointee’
10 means a Transportation Security Adminis-
11 tration executive serving on a career
12 Transportation Security Executive Service
13 appointment; and

14 “(iv) The term ‘senior career em-
15 ployee’ means a Transportation Security
16 Administration employee covered by the
17 Transportation Security Administration
18 Core Compensation System at the L or M
19 pay band;

20 “(B) receipt by a career appointee or a
21 senior career employee of the rank of Meri-
22 torious Executive or Meritorious Senior Profes-
23 sional entitles the individual to a lump-sum
24 payment of an amount equal to 20 percent of
25 annual basic pay, which shall be in addition to

1 the basic pay paid under the applicable Trans-
2 portation Security Administration pay system;
3 and

4 “(C) receipt by a career appointee or a
5 senior career employee of the rank of Distin-
6 guished Executive or Distinguished Senior Pro-
7 fessional entitles the individual to a lump-sum
8 payment of an amount equal to 35 percent of
9 annual basic pay, which shall be in addition to
10 the basic pay paid under the applicable Trans-
11 portation Security Administration pay system.

12 “(3) DEFINITION OF APPLICABLE SECTIONS OF
13 TITLE 5.—In this subsection, the term ‘applicable
14 sections 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
22 the TSA and required to be submitted to Congress or the
23 appropriate committees of Congress, the Administrator
24 shall transmit such communication directly to the appro-
25 priate 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 responsibil-
5 ities under section 114(f)(9), the Administrator shall de-
6 velop and implement, not later than 1 year after the date
7 of enactment of this Act, a program to enable a vendor
8 of related security screening technology to obtain testing
9 and verification, including as an alternative to the TSA’s
10 test and evaluation process, by an appropriate third party,
11 of 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 per-
16 formance of the security screening technology system
17 regarding the probability of detection, the prob-
18 ability of false alarm, and such other indicators that
19 the system is able to meet the TSA’s mission needs.

20 (2) RESULTS.—The results of the third party
21 detection testing under paragraph (1) shall be con-
22 sidered final if the results are approved by the Ad-
23 ministration in accordance with approval standards
24 developed 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 ex-
8 tent practicable and permissible under law and con-
9 sidering the national security interests of the United
10 States, the Administrator shall—

11 (A) share detection testing information
12 and standards with appropriate international
13 partners; 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),
21 the third party testing and verification program au-
22 thorized under subsection (a) shall include oper-
23 ational 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
18 meet the TSA's mission needs before it may
19 enter or re-enter, as applicable, the operational
20 context at an airport or other transportation fa-
21 cility;

22 (B) use phased implementation to allow
23 the TSA and the third party to establish best
24 practices; and

1 (C) oversee the third party testing and
2 evaluation framework.

3 (2) RECOMMENDATIONS.—The Administrator
4 shall request ASAC’s Security Technology Sub-
5 committee, in consultation with representatives of
6 the security manufacturers industry, to develop and
7 submit to the Administrator recommendations for
8 the third party testing and verification framework.

9 (f) FIELD TESTING.—The Administrator shall
10 prioritize the field testing and evaluation, including by
11 third parties, of security technology and equipment at air-
12 ports and on site at security technology manufacturers
13 whenever possible as an alternative to the TSA Systems
14 Integration Facility.

15 (g) APPROPRIATE THIRD PARTIES.—

16 (1) CITIZENSHIP REQUIREMENT.—An appro-
17 priate third party under subsection (a) shall be—

18 (A) if an individual, a citizen of the United
19 States; or

20 (B) if an entity, owned and controlled by
21 a citizen of the United States.

22 (2) WAIVER.—The Administrator may waive
23 the requirement under paragraph (1)(B) if the enti-
24 ty is a United States subsidiary of a parent company
25 that has implemented a foreign ownership, control,

1 or influence mitigation plan that has been approved
2 by the Defense Security Service of the Department
3 of Defense before applying to provide third party
4 testing. The Administrator may reject any applica-
5 tion to provide third party testing under subsection
6 (a) submitted by an entity that requires a waiver
7 under this paragraph.

8 (3) CONFLICTS OF INTEREST.—The Adminis-
9 trator shall ensure, to the extent possible, that an
10 entity providing third party testing under this sec-
11 tion does not have a contractual, business, or other
12 pecuniary interest (exclusive of any such testing)
13 in—

14 (A) the security screening technology sub-
15 ject to such testing; or

16 (B) the vendor of such technology.

17 (h) GAO REVIEW.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Comptroller
20 General of the United States shall submit to the ap-
21 propriate committees of Congress a study on the
22 third party testing program developed under this
23 section

24 (2) REVIEW.—The study under paragraph (1)
25 shall include a review of the following:

1 (A) Any efficiencies or gains in effective-
2 ness achieved in TSA operations, including
3 technology acquisition or screening operations,
4 as a result of such program.

5 (B) The degree to which the TSA conducts
6 timely and regular oversight of the appropriate
7 third parties engaged in such testing.

8 (C) The effect of such program on the fol-
9 lowing:

10 (i) The introduction of innovative de-
11 tection technologies into security screening
12 operations.

13 (ii) The availability of testing for
14 technologies developed by small to medium
15 sized businesses.

16 (D) Any vulnerabilities associated with
17 such program, including with respect to the fol-
18 lowing:

19 (i) National security.

20 (ii) Any conflicts of interest between
21 the appropriate third parties engaged in
22 such testing and the entities providing
23 such technologies to be tested.

24 (iii) Waste, fraud, and abuse.

1 **SEC. 1912. TRANSPORTATION SECURITY ADMINISTRATION**
2 **SYSTEMS INTEGRATION FACILITY.**

3 (a) IN GENERAL.—The Administrator shall continue
4 to operate the Transportation Security Administration
5 Systems Integration Facility (referred to in this section
6 as the “TSIF”) for the purposes of testing and evaluating
7 advanced transportation security screening technologies
8 related to the mission of the TSA.

9 (b) REQUIREMENTS.—The TSIF shall—

10 (1) evaluate the technologies described in sub-
11 section (a) to enhance the security of transportation
12 systems through screening and threat mitigation and
13 detection;

14 (2) test the technologies described in subsection
15 (a) to support identified mission needs of the TSA
16 and to meet requirements for acquisitions and pro-
17 curement;

18 (3) to the extent practicable, provide original
19 equipment manufacturers with test plans to mini-
20 mize requirement interpretation disputes and adhere
21 to provided test plans;

22 (4) collaborate with other technical laboratories
23 and facilities for purposes of augmenting the capa-
24 bilities of the TSIF;

1 (5) deliver advanced transportation security
2 screening technologies that enhance the overall secu-
3 rity of domestic transportation systems; and

4 (6) to the extent practicable, provide funding
5 and promote efforts to enable participation by a
6 small business concern (as the term is described
7 under section 3 of the Small Business Act (15
8 U.S.C. 632)) that—

9 (A) has an advanced technology or capa-
10 bility; but

11 (B) does not have adequate resources to
12 participate in testing and evaluation processes.

13 (c) STAFFING AND RESOURCE ALLOCATION.—The
14 Administrator shall ensure adequate staffing and resource
15 allocations for the TSIF in a manner that—

16 (1) prevents unnecessary delays in the testing
17 and evaluation of advanced transportation security
18 screening technologies for acquisitions and procure-
19 ment determinations;

20 (2) ensures the issuance of final paperwork cer-
21 tification no later than 45 days after the date such
22 testing and evaluation has concluded; and

23 (3) ensures collaboration with technology stake-
24 holders to close capabilities gaps in transportation
25 security.

1 (d) DEADLINE.—

2 (1) IN GENERAL.—The Administrator shall no-
3 tify the appropriate committees of Congress if test-
4 ing and evaluation by the TSIF of an advanced
5 transportation security screening technology under
6 this section exceeds 180 days from the delivery date.

7 (2) NOTIFICATION.—The notification under
8 paragraph (1) shall include—

9 (A) information relating to the delivery
10 date;

11 (B) a justification for why the testing and
12 evaluation process has exceeded 180 days; and

13 (C) the estimated date for completion of
14 such testing and evaluation.

15 (3) DEFINITION OF DELIVERY DATE.—In this
16 subsection, the term “delivery date” means the date
17 that the owner of an advanced transportation secu-
18 rity screening technology—

19 (A) after installation, delivers the tech-
20 nology to the TSA for testing and evaluation;
21 and

22 (B) submits to the Administrator, in such
23 form and manner as the Administrator pre-
24 scribes, a signed notification of the delivery de-
25 scribed in subparagraph (A).

1 (e) RETESTING AND EVALUATION.—Advanced trans-
2 portation security screening technology that fails testing
3 and evaluation by the TSIF may be retested and evaluated
4 at the discretion of the Administrator.

5 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed to affect the authority or responsi-
7 bility of an officer of the Department, or an officer of any
8 other Federal department or agency, with respect to re-
9 search, development, testing, and evaluation of tech-
10 nologies, including such authorities or responsibilities of
11 the Undersecretary for Science and Technology of the De-
12 partment and Assistant Secretary of the Countering
13 Weapons of Mass Destruction Office of the Department.

14 **SEC. 1913. OPPORTUNITIES TO PURSUE EXPANDED NET-**
15 **WORKS FOR BUSINESS.**

16 (a) STRATEGY.—Subtitle B of title of title XVI of
17 the Homeland Security Act of 2002 (6 U.S.C. 563 et seq.)
18 is amended by adding at the end following:

19 **“SEC. 1617. DIVERSIFIED SECURITY TECHNOLOGY INDUS-**
20 **TRY MARKETPLACE.**

21 “(a) IN GENERAL.—Not later than 120 days after
22 the date of enactment of the TSA Modernization Act, the
23 Administrator shall develop and submit to the Committee
24 on Commerce, Science, and Transportation of the Senate
25 and the Committee on Homeland Security of the House

1 of Representatives a strategy to promote a diverse security
2 technology industry marketplace upon which the Adminis-
3 trator can rely to acquire advanced transportation security
4 technologies or capabilities, including by increased partici-
5 pation of small business innovators.

6 “(b) CONTENTS.—The strategy required under sub-
7 section (a) shall include the following:

8 “(1) Information on how existing Administra-
9 tion solicitation, testing, evaluation, piloting, acquisi-
10 tion, and procurement processes impact the Admin-
11 istrator’s ability to acquire from the security tech-
12 nology industry marketplace, including small busi-
13 ness innovators that have not previously provided
14 technology to the Administration, innovative tech-
15 nologies or capabilities with the potential to enhance
16 transportation security.

17 “(2) Specific actions that the Administrator will
18 take, including modifications to the processes de-
19 scribed in paragraph (1), to foster diversification
20 within the security technology industry marketplace.

21 “(3) Projected timelines for implementing the
22 actions described in paragraph (2).

23 “(4) Plans for how the Administrator could, to
24 the extent practicable, assist a small business inno-
25 vator periodically during such processes, including

1 when such an innovator lacks adequate resources to
2 participate in such processes, to facilitate an ad-
3 vanced transportation security technology or capa-
4 bility being developed and acquired by the Adminis-
5 trator.

6 “(5) An assessment of the feasibility of
7 partnering with an organization described in section
8 501(c)(3) of the Internal Revenue Code of 1986 and
9 exempt from tax under section 501(a) of such Code
10 to provide venture capital to businesses, particularly
11 small business innovators, for commercialization of
12 innovative transportation security technologies that
13 are expected to be ready for commercialization in the
14 near term and within 36 months.

15 “(c) FEASIBILITY ASSESSMENT.—In conducting the
16 feasibility assessment under subsection (b)(5), the Admin-
17 istrator shall consider the following:

18 “(1) Establishing an organization described in
19 section 501(c)(3) of the Internal Revenue Code of
20 1986 and exempt from tax under section 501(a) of
21 such Code as a venture capital partnership between
22 the private sector and the intelligence community to
23 help businesses, particularly small business
24 innovators, commercialize innovative security-related
25 technologies.

1 “(2) Enhanced engagement through the Science
2 and Technology Directorate of the Department of
3 Homeland Security.

4 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed as requiring changes to the Trans-
6 portation Security Administration standards for security
7 technology.

8 “(e) DEFINITIONS.—In this section:

9 “(1) INTELLIGENCE COMMUNITY.—The term
10 ‘intelligence community’ has the meaning given the
11 term in section 3 of the National Security Act of
12 1947 (50 U.S.C. 3003).

13 “(2) SMALL BUSINESS CONCERN.—The term
14 ‘small business concern’ has the meaning described
15 under section 3 of the Small Business Act (15
16 U.S.C. 632).

17 “(3) SMALL BUSINESS INNOVATOR.—The term
18 ‘small business innovator’ means a small business
19 concern that has an advanced transportation secu-
20 rity technology or capability.”.

21 (b) GAO REVIEW.—Not later than 1 year after the
22 date the strategy is submitted under section 1617 of the
23 Homeland Security Act of 2002, the Comptroller General
24 of the United States shall—

25 (1) review the extent to which the strategy—

1 (A) addresses the requirements of that sec-
2 tion;

3 (B) has resulted in increased participation
4 of small business innovators in the security
5 technology industry marketplace; and

6 (C) has diversified the security technology
7 industry marketplace; and

8 (2) submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and the
10 Committee on Homeland Security of the House of
11 Representatives the findings of the review and any
12 recommendations.

13 (c) TABLE OF CONTENTS.—The table of contents in
14 section 1(b) of the Homeland Security Act of 2002 is
15 amended by inserting after the item relating to section
16 1616 the following:

“1617. Diversified security technology industry marketplace.”.

17 **SEC. 1914. RECIPROCAL RECOGNITION OF SECURITY**
18 **STANDARDS.**

19 (a) IN GENERAL.—The Administrator, in coordina-
20 tion with appropriate international aviation security au-
21 thorities, shall develop a validation process for the recip-
22 rocal recognition of security equipment technology approv-
23 als among international security partners or recognized
24 certification authorities for deployment.

1 (b) REQUIREMENT.—The validation process shall en-
2 sure that the certification by each participating inter-
3 national security partner or recognized certification au-
4 thority complies with detection, qualification, and informa-
5 tion security, including cybersecurity, standards of the
6 TSA, the Department of Homeland Security, and the Na-
7 tional Institute of Standards and Technology.

8 **SEC. 1915. TRANSPORTATION SECURITY LABORATORY.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary, in consulta-
11 tion with the Administrator and the Undersecretary for
12 Science and Technology—

13 (1) shall conduct a review to determine whether
14 the TSA is the most appropriate component within
15 the Department to administer the Transportation
16 Security Laboratory; and

17 (2) may direct the TSA to administer the
18 Transportation Security Laboratory if the review
19 under paragraph (1) identifies the TSA as the most
20 appropriate component.

21 (b) PERIODIC REVIEWS.—The Secretary shall peri-
22 odically review the screening technology test and evalua-
23 tion process conducted at the Transportation Security
24 Laboratory to improve the coordination, collaboration, and
25 communication between the Transportation Security Lab-

1 oratory and the TSA to identify factors contributing to
2 acquisition inefficiencies, develop strategies to reduce ac-
3 quisition inefficiencies, facilitate more expeditious initi-
4 ation and completion of testing, and identify how labora-
5 tory practices can better support acquisition decisions.

6 (c) REPORTS.—The Secretary shall report the find-
7 ings of each review under this section to the appropriate
8 committees of Congress.

9 **SEC. 1916. INNOVATION TASK FORCE.**

10 (a) IN GENERAL.—The Administrator shall establish
11 an innovation task force—

12 (1) to cultivate innovations in transportation se-
13 curity;

14 (2) to develop and recommend how to prioritize
15 and streamline requirements for new approaches to
16 transportation security;

17 (3) to accelerate the development and introduc-
18 tion of new innovative transportation security tech-
19 nologies and improvements to transportation secu-
20 rity operations; and

21 (4) to provide industry with access to the air-
22 port environment during the technology development
23 and assessment process to demonstrate the tech-
24 nology and to collect data to understand and refine
25 technical operations and human factor issues.

1 (b) ACTIVITIES.—The task force shall—

2 (1) conduct activities to identify and develop an
3 innovative technology, emerging security capability,
4 or process designed to enhance transportation secu-
5 rity, including—

6 (A) by conducting a field demonstration of
7 such a technology, capability, or process in the
8 airport environment;

9 (B) by gathering performance data from
10 such a demonstration to inform the acquisition
11 process; and

12 (C) by enabling a small business with an
13 innovative technology or emerging security ca-
14 pability, but less than adequate resources, to
15 participate in such a demonstration;

16 (2) conduct at least quarterly collaboration
17 meetings with industry, including air carriers, air-
18 port operators, and other transportation security
19 stakeholders to highlight and discuss best practices
20 on innovative security operations and technology
21 evaluation and deployment; and

22 (3) submit to the appropriate committees of
23 Congress an annual report on the effectiveness of
24 key performance data from task force-sponsored
25 projects and checkpoint enhancements.

1 (c) COMPOSITION.—

2 (1) APPOINTMENT.—The Administrator, in con-
3 sultation with the Chairperson of ASAC shall ap-
4 point the members of the task force.

5 (2) CHAIRPERSON.—The task force shall be
6 chaired by the Administrator's designee.

7 (3) REPRESENTATION.—The task force shall be
8 comprised of representatives of—

9 (A) the relevant offices of the TSA;

10 (B) if considered appropriate by the Ad-
11 ministrator, the Science and Technology Direc-
12 torate of the Department of Homeland Secu-
13 rity;

14 (C) any other component of the Depart-
15 ment of Homeland Security that the Adminis-
16 trator considers appropriate; and

17 (D) such industry representatives as the
18 Administrator considers appropriate.

19 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to require the acquisition or deploy-
21 ment of an innovative technology, emerging security capa-
22 bility, or process identified, developed, or recommended
23 under this section.

1 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-
2 visory Committee Act (5 U.S.C. App.) shall not apply to
3 the task force established under this section.

4 **SEC. 1917. 5-YEAR TECHNOLOGY INVESTMENT PLAN UP-**
5 **DATE.**

6 Section 1611 of the Homeland Security Act of 2002
7 (6 U.S.C. 563) is amended—

8 (1) in subsection (g)—

9 (A) by striking the matter preceding para-
10 graph (1) and inserting “The Administrator
11 shall, in collaboration with relevant industry
12 and government stakeholders, annually submit
13 to Congress in an appendix to the budget re-
14 quest and publish in an unclassified format in
15 the public domain—”;

16 (B) in paragraph (1), by striking “; and”
17 and inserting a semicolon;

18 (C) in paragraph (2), by striking the pe-
19 riod and inserting “; and”; and

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

21 “(3) information about acquisitions completed
22 during the fiscal year preceding the fiscal year dur-
23 ing which the report is submitted.”; and

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

1 “(h) ADDITIONAL UPDATE REQUIREMENTS.—Up-
2 dates and reports under subsection (g) shall—

3 “(1) be prepared in consultation with—

4 “(A) the persons described in subsection
5 (b); and

6 “(B) the Surface Transportation Security
7 Advisory Committee established under section
8 404; and

9 “(2) include—

10 “(A) information relating to technology in-
11 vestments by the Transportation Security Ad-
12 ministration and the private sector that the De-
13 partment supports with research, development,
14 testing, and evaluation for aviation, including
15 air cargo, and surface transportation security;

16 “(B) information about acquisitions com-
17 pleted during the fiscal year preceding the fiscal
18 year during which the report is submitted;

19 “(C) information relating to equipment of
20 the Transportation Security Administration
21 that is in operation after the end of the life-
22 cycle of the equipment specified by the manu-
23 facturer of the equipment; and

24 “(D) to the extent practicable, a classified
25 addendum to report sensitive transportation se-

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

4 “(i) NOTICE OF COVERED CHANGES TO PLAN.—

5 “(1) NOTICE REQUIRED.—The Administrator
6 shall submit to the Committee on Commerce,
7 Science, and Transportation of the Senate and the
8 Committee on Homeland Security of the House of
9 Representatives notice of any covered change to the
10 Plan not later than 90 days after the date that the
11 covered change is made.

12 “(2) DEFINITION OF COVERED CHANGE.—In
13 this subsection, the term ‘covered change’ means—

14 “(A) an increase or decrease in the dollar
15 amount allocated to the procurement of a tech-
16 nology; or

17 “(B) an increase or decrease in the num-
18 ber of a technology.”.

19 **SEC. 1918. MAINTENANCE OF SECURITY-RELATED TECH-**
20 **NOLOGY.**

21 (a) IN GENERAL.—Title XVI of the Homeland Secu-
22 rity Act of 2002 (6 U.S.C. 561 et seq.), as amended by
23 section __203 of this Act, is further amended by adding
24 at the end the following:

1 **“Subtitle C—Maintenance of**
2 **Security-related Technology**

3 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

4 “(a) IN GENERAL.—Not later than 180 days after
5 the date of enactment of the TSA Modernization Act, the
6 Administrator shall develop and implement a preventive
7 maintenance validation process for security-related tech-
8 nology deployed to airports.

9 “(b) MAINTENANCE BY ADMINISTRATION PER-
10 SONNEL AT AIRPORTS.—For maintenance to be carried
11 out by Administration personnel at airports, the process
12 referred to in subsection (a) shall include the following:

13 “(1) Guidance to Administration personnel at
14 airports specifying how to conduct and document
15 preventive maintenance actions.

16 “(2) Mechanisms for the Administrator to
17 verify compliance with the guidance issued pursuant
18 to paragraph (1).

19 “(c) MAINTENANCE BY CONTRACTORS AT AIR-
20 PORTS.—For maintenance to be carried by a contractor
21 at airports, the process referred to in subsection (a) shall
22 require the following:

23 “(1) Provision of monthly preventative mainte-
24 nance schedules to appropriate Administration per-

1 sonnel at each airport that includes information on
2 each action to be completed by contractor.

3 “(2) Notification to appropriate Administration
4 personnel at each airport when maintenance action
5 is completed by a contractor.

6 “(3) A process for independent validation by a
7 third party of contractor maintenance.

8 “(d) PENALTIES FOR NONCOMPLIANCE.—The Ad-
9 ministrators shall require maintenance for any contracts
10 entered into 60 days after the date of enactment of the
11 TSA Modernization Act or later for security-related tech-
12 nology deployed to airports to include penalties for non-
13 compliance when it is determined that either preventive
14 or corrective maintenance has not been completed accord-
15 ing to contractual requirements and manufacturers’ speci-
16 fications.”.

17 (b) TABLE OF CONTENTS.—The table of contents of
18 the Homeland Security Act of 2002, as amended by sec-
19 tion __203 of this Act, is further amended by inserting
20 after the item relating to section 1617 the following:

 “Subtitle C—Maintenance of Security-related Technology

 “1621. Maintenance validation and oversight.”.

21 **SEC. 1919. BIOMETRICS EXPANSION.**

22 (a) IN GENERAL.—The Administrator and the Com-
23 missioner of U.S. Customs and Border Protection shall

1 consult with each other on the deployment of biometric
2 technologies.

3 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to permit the Commissioner of U.S.
5 Customs and Border Protection to facilitate or expand the
6 deployment of biometric technologies, or otherwise collect,
7 use, or retain biometrics, not authorized by any provision
8 of or amendment made by the Intelligence Reform and
9 Terrorism Prevention Act of 2004 (Public Law 108–458;
10 118 Stat. 3638) or the Implementing Recommendations
11 of the 9/11 Commission Act of 2007 (Public Law 110–
12 53; 121 Stat. 266).

13 (c) REPORT REQUIRED.—Not later than 270 days
14 after the date of enactment of this Act, the Secretary shall
15 submit to the appropriate committees of Congress, and to
16 any Member of Congress upon the request of that Mem-
17 ber, a report that includes specific assessments from the
18 Administrator and the Commissioner of U.S. Customs and
19 Border Protection with respect to the following:

20 (1) The operational and security impact of
21 using biometric technology to identify travelers.

22 (2) The potential effects on privacy of the ex-
23 pansion of the use of biometric technology under
24 paragraph (1), including methods proposed or imple-
25 mented to mitigate any risks to privacy identified by

1 the Administrator or the Commissioner related to
2 the active or passive collection of biometric data.

3 (3) Methods to analyze and address any match-
4 ing performance errors related to race, gender, or
5 age identified by the Administrator with respect to
6 the use of biometric technology, including the de-
7 ployment of facial recognition technology;

8 (4) With respect to the biometric entry-exit pro-
9 gram, the following:

10 (A) Assessments of—

11 (i) the error rates, including the rates
12 of false positives and false negatives, and
13 accuracy of biometric technologies;

14 (ii) the effects of biometric tech-
15 nologies, to ensure that such technologies
16 do not unduly burden categories of trav-
17 elers, such as a certain race, gender, or na-
18 tionality;

19 (iii) the extent to which and how bio-
20 metric technologies could address instances
21 of travelers to the United States over-
22 staying their visas, including—

23 (I) an estimate of how often bio-
24 metric matches are contained in an
25 existing database;

1 (II) an estimate of the rate at
2 which travelers using fraudulent cre-
3 dentials identifications are accurately
4 rejected; and

5 (III) an assessment of what per-
6 centage of the detection of fraudulent
7 identifications could have been accom-
8 plished using conventional methods;

9 (iv) the effects on privacy of the use
10 of biometric technologies, including meth-
11 ods to mitigate any risks to privacy identi-
12 fied by the Administrator or the Commis-
13 sioner of U.S. Customs and Border Protec-
14 tion related to the active or passive collec-
15 tion of biometric data; and

16 (v) the number of individuals who
17 stay in the United States after the expira-
18 tion of their visas each year.

19 (B) A description of—

20 (i) all audits performed to assess—

21 (I) error rates in the use of bio-
22 metric technologies; or

23 (II) whether the use of biometric
24 technologies and error rates in the use
25 of such technologies disproportionately

1 affect a certain race, gender, or na-
2 tionality; and

3 (ii) the results of the audits described
4 in clause (i).

5 (C) A description of the process by which
6 domestic travelers are able to opt-out of scan-
7 ning using biometric technologies.

8 (D) A description of—

9 (i) what traveler data is collected
10 through scanning using biometric tech-
11 nologies, what agencies have access to such
12 data, and how long the agencies possess
13 such data;

14 (ii) specific actions that the Depart-
15 ment and other relevant Federal depart-
16 ments and agencies take to safeguard such
17 data; and

18 (iii) a short-term goal for the prompt
19 deletion of the data of individual United
20 States citizens after such data is used to
21 verify traveler identities.

22 (d) PUBLICATION OF ASSESSMENTS.—The Secretary,
23 the Administrator, and the Commissioner shall, if prac-
24 ticable, publish a public version of the assessment required

1 by subsection (c)(2) on the Internet website of the TSA
2 and of the U.S. Customs and Border Protection.

3 **SEC. 1920. PILOT PROGRAM FOR AUTOMATED EXIT LANE**
4 **TECHNOLOGY.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Administrator shall es-
7 tablish a pilot program to implement and evaluate the use
8 of automated exit lane technology at small hub airports
9 and nonhub airports (as those terms are defined in section
10 40102 of title 49, United States Code).

11 (b) PARTNERSHIP.—The Administrator shall carry
12 out the pilot program in partnership with the applicable
13 airport directors.

14 (c) COST SHARE.—The Federal share of the cost of
15 the pilot program under this section shall not exceed 85
16 percent of the total cost of the program.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out the pilot pro-
19 gram under this section \$15,000,000 for each of fiscal
20 years 2019 through 2021.

21 (e) GAO REPORT.—Not later than 2 years after the
22 date the pilot program is implemented, the Comptroller
23 General of the United States shall submit to the appro-
24 priate committees of Congress a report on the pilot pro-
25 gram, including—

1 (1) the extent of airport participation in the
2 pilot program and how the program was imple-
3 mented;

4 (2) the results of the pilot program and any re-
5 ported benefits, including the impact on security and
6 any cost-related efficiencies realized by TSA or at
7 the participating airports; and

8 (3) the feasibility of expanding the pilot pro-
9 gram to additional airports, including to medium
10 and large hub airports.

11 **SEC. 1921. AUTHORIZATION OF APPROPRIATIONS; EXIT**
12 **LANE SECURITY.**

13 There is authorized to be appropriated to carry out
14 section 44903(n)(1) of title 49, United States Code,
15 \$77,000,000 for each of fiscal years 2019 through 2021.

16 **SEC. 1922. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.**

17 (a) **IN GENERAL.**—Not later than 18 months after
18 the date of enactment of this Act, the Administrator shall
19 make available to the public information on wait times at
20 each airport security checkpoint at which security screen-
21 ing operations are conducted or overseen by the TSA.

22 (b) **REQUIREMENTS.**—The information described in
23 subsection (a) shall be provided in real time via technology
24 and published—

25 (1) online; and

1 (2) in physical locations at applicable airport
2 terminals.

3 (c) CONSIDERATIONS.—The Administrator shall only
4 make the information described in subsection (a) available
5 to the public if it can do so in a manner that does not
6 increase public area security risks.

7 (d) DEFINITION OF WAIT TIME.—In this section, the
8 term “wait time” means the period beginning when a pas-
9 senger enters a queue for a screening checkpoint and end-
10 ing when that passenger exits the checkpoint.

11 **SEC. 1923. GAO REPORT ON DEPLOYMENT OF SCREENING**
12 **TECHNOLOGIES ACROSS AIRPORTS.**

13 (a) STUDY.—The Comptroller General of the United
14 States shall conduct a study whether the TSA allocates
15 resources, including advanced imaging and computed to-
16 mography technologies, appropriately based on risk at
17 Category X, I, II, III, and IV airports at which security
18 screening operations are conducted or overseen by the
19 TSA.

20 (b) COST ANALYSIS.—As a part of the study con-
21 ducted under subsection (a), the Comptroller General shall
22 analyze the costs allocated or incurred by the TSA at Cat-
23 egory X, I, II, III, and IV airports—

24 (1) to purchase and deploy screening equipment
25 and other assets, including advanced imaging and

1 computed tomography technologies, at Category X,
2 I, II, III, and IV airports;

3 (2) to install such equipment, including any re-
4 lated variant, and assets in the airport; and

5 (3) to maintain such equipment and assets.

6 (c) REPORT.—Not later than 1 year after the date
7 of enactment of this Act, the Comptroller General shall
8 submit to the appropriate committees of Congress a report
9 on the findings of the study under subsection (a).

10 **SEC. 1924. SCREENING TECHNOLOGY REVIEW AND PER-**
11 **FORMANCE OBJECTIVES.**

12 (a) REVIEW OF TECHNOLOGY ACQUISITIONS PROC-
13 ESS.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Adminis-
16 trator, in coordination with relevant officials of the
17 Department, shall conduct a review of existing ad-
18 vanced transportation security screening technology
19 testing and evaluation, acquisitions, and procure-
20 ment practices within TSA.

21 (2) CONTENTS.—Such review shall include—

22 (A) identifying process delays and obstruc-
23 tions within the Department and the Adminis-
24 tration regarding how such technology is identi-

1 fied, tested and evaluated, acquired, and de-
2 ployed;

3 (B) assessing whether the TSA can better
4 leverage existing resources or processes of the
5 Department for the purposes of technology test-
6 ing and evaluation;

7 (C) assessing whether the TSA can further
8 encourage innovation and competition among
9 technology stakeholders, including through in-
10 creased participation of and funding for small
11 business concerns (as such term is described
12 under section 3 of the Small Business Act (15
13 U.S.C. 632));

14 (D) identifying best practices of other De-
15 partment components or United States Govern-
16 ment entities; and

17 (E) a plan to address any problems or
18 challenges identified by such review.

19 (b) BRIEFING.—The Administrator shall provide to
20 the appropriate committees of Congress a briefing on the
21 findings of the review required under this section and a
22 plan to address any problems or challenges identified by
23 such review.

1 (c) ACQUISITIONS AND PROCUREMENT ENHANCE-
2 MENT.—Incorporating the results of the review in sub-
3 section (a), the Administrator shall—

4 (1) engage in outreach, coordination, and col-
5 laboration with transportation stakeholders to iden-
6 tify and foster innovation of new advanced transpor-
7 tation security screening technologies;

8 (2) streamline the overall technology develop-
9 ment, testing, evaluation, acquisitions, procurement,
10 and deployment processes of the Administration; and

11 (3) ensure the effectiveness and efficiency of
12 such processes.

13 (d) ASSESSMENT.—The Secretary, in consultation
14 with the Chief Privacy Officer of the Department, shall
15 submit to the appropriate committees of Congress a com-
16 pliance assessment of the TSA acquisition process relating
17 to the health and safety risks associated with implementa-
18 tion of screening technologies.

19 (e) PERFORMANCE OBJECTIVES.—The Adminis-
20 trator shall establish performance objectives for the test-
21 ing and verification of security technology, including test-
22 ing and verification conducted by appropriate third parties
23 under section __201, to ensure that progress is made, at
24 a minimum, toward—

1 (1) reducing time for each phase of testing
2 while maintaining security (including testing for de-
3 tection testing, operational testing, testing and
4 verification framework, and field testing);

5 (2) eliminating testing and verification delays;
6 and

7 (3) increasing accountability.

8 (f) TRACKING.—

9 (1) IN GENERAL.—In carrying out subsection
10 (e), the Administrator shall establish and continually
11 track performance metrics for each type of security
12 technology submitted for testing and verification, in-
13 cluding testing and verification conducted by appro-
14 priate third parties under section __201.

15 (2) MEASURING PROGRESS TOWARD GOALS.—
16 The Administrator shall use the metrics established
17 and tracked under paragraph (1) to generate data
18 on an ongoing basis and to measure progress toward
19 the achievement of the performance objectives estab-
20 lished under subsection (e).

21 (3) REPORT REQUIRED.—

22 (A) IN GENERAL.—Not later than 2 years
23 after the date of enactment of this Act, the Ad-
24 ministrator shall submit to the appropriate
25 committees of Congress a report assessing the

1 extent to which the performance objectives es-
2 tablished under subsection (e), as measured by
3 the performance metrics established and
4 tracked under paragraph (1) of this subsection,
5 have been met.

6 (B) ELEMENTS.—The report required by
7 subparagraph (A) shall include—

8 (i) a list of the performance metrics
9 established under paragraph (1), including
10 the length of time for each phase of testing
11 and verification for each type of security
12 technology; and

13 (ii) a comparison of the progress
14 achieved for testing and verification of se-
15 curity technology conducted by the TSA
16 and the testing and verification of security
17 technology conducted by third parties.

18 (C) PROPRIETARY INFORMATION.—The re-
19 port required by subparagraph (A) shall—

20 (i) not include identifying information
21 regarding an individual or entity or equip-
22 ment; and

23 (ii) protect proprietary information.

24 (g) INFORMATION TECHNOLOGY SECURITY.—Not
25 later than 90 days after the date of enactment of this Act,

1 the Administrator shall submit to the appropriate commit-
2 tees of Congress a plan to conduct recurring reviews of
3 the operational, technical, and management security con-
4 trols for Administration information technology systems at
5 airports

6 **SEC. 1925. COMPUTED TOMOGRAPHY PILOT PROGRAMS.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Administrator shall
9 carry out a pilot program to test the use of screening
10 equipment using computed tomography technology to
11 screen baggage at passenger screening checkpoints at air-
12 ports.

13 (b) FEASIBILITY STUDY.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of enactment of this Act, the Adminis-
16 trator, in coordination with the Under Secretary for
17 Science and Technology of the Department, shall
18 submit to the appropriate committees of Congress a
19 feasibility study regarding expanding the use of com-
20 puted tomography technology for the screening of
21 air cargo transported on passenger aircraft operated
22 by an air carrier or foreign air carrier in air trans-
23 portation, interstate air transportation, or interstate
24 air commerce.

1 (2) CONSIDERATIONS.—In conducting the feasi-
2 bility study under paragraph (1), the Administrator
3 shall consider the following:

4 (A) Opportunities to leverage computed to-
5 mography systems used for screening pas-
6 sengers and baggage.

7 (B) Costs and benefits of using computed
8 tomography technology for screening air cargo.

9 (C) An analysis of emerging computed to-
10 mography systems that may have potential to
11 enhance the screening of air cargo, including
12 systems that may address aperture challenges
13 associated with screening certain categories of
14 air cargo.

15 (D) An analysis of emerging screening
16 technologies, in addition to computed tomog-
17 raphy, that may be used to enhance the screen-
18 ing of air cargo.

19 (c) PILOT PROGRAM.—Not later than 120 days after
20 the date the feasibility study is submitted under sub-
21 section (b), the Administrator shall initiate a 2-year pilot
22 program to achieve enhanced air cargo security screening
23 outcomes through the use of new or emerging screening
24 technologies, such as computed tomography technology, as
25 identified through such study.

1 (d) UPDATES.—Not later than 60 days after the date
2 the pilot program under subsection (c) is initiated, and
3 biannually thereafter for 2 years, the Administrator shall
4 brief the appropriate committees of Congress on the
5 progress of implementation of such pilot program.

6 (e) DEFINITIONS.—In this section:

7 (1) AIR CARRIER.—The term “air carrier” has
8 the meaning given the term in section 40102 of title
9 49, United States Code.

10 (2) AIR TRANSPORTATION.—The term “air
11 transportation” has the meaning given the term in
12 section 40102 of title 49, United States Code.

13 (3) FOREIGN AIR CARRIER.—The term “foreign
14 air carrier” has the meaning given the term in sec-
15 tion 40102 of title 49, United States Code.

16 (4) INTERSTATE AIR COMMERCE.—The term
17 “interstate air commerce” has the meaning given
18 the term in section 40102 of title 49, United States
19 Code.

20 (5) INTERSTATE AIR TRANSPORTATION.—The
21 term “interstate air transportation” has the mean-
22 ing given the term in section 40102 of title 49,
23 United States Code.

1 **Subtitle C—Public Area Security**

2 **SEC. 1926. DEFINITIONS.**

3 In this subtitle:

4 (1) **BEHAVIORAL STANDARDS.**—The term “be-
5 havioral standards” means standards for the evalua-
6 tion of explosives detection working canines for cer-
7 tain factors, including canine temperament, work
8 drive, suitability for training, environmental factors
9 used in evaluations, and canine familiarity with nat-
10 ural or man-made surfaces or working conditions
11 relevant to the canine’s expected work area.

12 (2) **MEDICAL STANDARDS.**—The term “medical
13 standards” means standards for the evaluation of
14 explosives detection working canines for certain fac-
15 tors, including canine health, management of hered-
16 ity health conditions, breeding practices, genetics,
17 pedigree, and long-term health tracking.

18 (3) **TECHNICAL STANDARDS.**—The term “tech-
19 nical standards” means standards for the evaluation
20 of explosives detection working canines for certain
21 factors, including canine search techniques, handler-
22 canine communication, detection testing conditions
23 and logistics, and learned explosive odor libraries.

1 **SEC. 1927. EXPLOSIVES DETECTION CANINE CAPACITY**
2 **BUILDING.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Administrator shall es-
5 tablish a working group to determine ways to support de-
6 centralized, non-Federal domestic canine breeding capac-
7 ity to produce high quality explosives detection canines
8 and modernize canine training standards.

9 (b) WORKING GROUP COMPOSITION.—The working
10 group established under subsection (a) shall be comprised
11 of representatives from the following:

12 (1) The TSA.

13 (2) The Science and Technology Directorate of
14 the Department.

15 (3) National domestic canine associations with
16 expertise in breeding and pedigree.

17 (4) Universities with expertise related to explo-
18 sives detection canines and canine breeding.

19 (5) Domestic canine breeders and vendors.

20 (c) CHAIRPERSONS.—The Administrator shall ap-
21 prove of 2 individuals from among the representatives of
22 the working group specified in subsection (b) to serve as
23 the Chairpersons of the working group as follows:

24 (1) One Chairperson shall be from an entity
25 specified in paragraph (1) or (2) of that subsection.

1 (2) One Chairperson shall be from an entity
2 specified in paragraph (3), (4), or (5) of that sub-
3 section.

4 (d) PROPOSED STANDARDS AND RECOMMENDA-
5 TIONS.—Not later than 180 days after the date the work-
6 ing group is established under subsection (a), the working
7 group shall submit to the Administrator—

8 (1) proposed behavioral standards, medical
9 standards, and technical standards for domestic ca-
10 nine breeding and canine training described in that
11 subsection; and

12 (2) recommendations on how the TSA can en-
13 gage stakeholders to further the development of such
14 domestic non-Federal canine breeding capacity and
15 training.

16 (e) STRATEGY.—Not later than 180 days after the
17 date the recommendations are submitted under subsection
18 (d), the Administrator shall develop and submit to the ap-
19 propriate committees of Congress a strategy for working
20 with non-Federal stakeholders to facilitate expanded the
21 domestic canine breeding capacity described in subsection
22 (a), based on such recommendations.

23 (f) CONSULTATION.—In developing the strategy
24 under subsection (e), the Administrator shall consult with
25 the Under Secretary for Science and Technology of the

1 Department, the Commissioner for U.S. Customs and
2 Border Protection, the Director of the United States Se-
3 cret Service, and the heads of such other Federal depart-
4 ments or agencies as the Administrator considers appro-
5 priate to incorporate, to the extent practicable, mission
6 needs across the Department for an expanded non-Federal
7 domestic explosives detection canine breeding capacity
8 that can be leveraged to help meet the Department's oper-
9 ational needs.

10 (g) **TERMINATION.**—The working group established
11 under subsection (a) shall terminate on the date that the
12 strategy is submitted under subsection (e), unless the Ad-
13 ministrator extends the termination date for the purposes
14 of section __ 303.

15 (h) **NONAPPLICABILITY OF FEDERAL ADVISORY**
16 **COMMITTEE ACT.**—The Federal Advisory Committee Act
17 (5 U.S.C. App.) shall not apply to the working group es-
18 tablished under this Act.

19 **SEC. 1928. THIRD PARTY DOMESTIC CANINES.**

20 (a) **IN GENERAL.**—Not later than 1 year after the
21 date of enactment of this Act, to enhance the efficiency
22 and efficacy of transportation security by increasing the
23 supply of canine teams for use by the TSA and transpor-
24 tation stakeholders, the Administrator shall develop and
25 issue behavioral standards, medical standards, and tech-

1 nical standards, based on the recommendations of the
2 working group under section __302, that a third party ex-
3 plosives detection canine must satisfy to be certified for
4 the screening of individuals and property, including detec-
5 tion of explosive vapors among individuals and articles of
6 property, in public areas of an airport under section 44901
7 of title 49, United States Code.

8 (b) AUGMENTING PUBLIC AREA SECURITY.—

9 (1) IN GENERAL.—The Administrator shall de-
10 velop guidance on the coordination of development
11 and deployment of explosives detection canine teams
12 for use by transportation stakeholders to enhance
13 public area security at transportation hubs, includ-
14 ing airports.

15 (2) CONSULTATION.—In developing the guid-
16 ance under paragraph (1), the Administrator shall
17 consult with—

18 (A) the working group established under
19 section __302;

20 (B) the officials responsible for carrying
21 out section __405; and

22 (C) such transportation stakeholders, ca-
23 nine providers, law enforcement, privacy
24 groups, and transportation security providers as
25 the Administrator considers relevant.

1 (c) AGREEMENT.—Subject to subsections (d), (e),
2 and (f), not later than 270 days after the issuance of
3 standards under subsection (a), the Administrator shall,
4 to the extent possible, enter into an agreement with at
5 least 1 third party to test and certify the capabilities of
6 canines in accordance with the standards under subsection
7 (a).

8 (d) EXPEDITED DEPLOYMENT.—In entering into an
9 agreement under subsection (c), the Administrator shall
10 use—

11 (1) the other transaction authority under sec-
12 tion 114(m) of title 49, United States Code; or

13 (2) such other authority of the Administrator
14 as the Administrator considers appropriate to expe-
15 dite the deployment of additional canine teams.

16 (e) PROCESS.—Before entering into an agreement
17 under subsection (c), the Administrator shall—

18 (1) evaluate and verify the third party's ability
19 to effectively evaluate the capabilities of canines;

20 (2) designate key elements required for appro-
21 priate evaluation venues where third parties may
22 conduct testing; and

23 (3) periodically assess the program at evalua-
24 tion centers to ensure the proficiency of the canines

1 beyond the initial testing and certification by the
2 third party.

3 (f) CONSULTATION.—To determine best practices for
4 the use of third parties to test and certify the capabilities
5 of canines, the Administrator shall consult with the fol-
6 lowing persons before entering into an agreement under
7 subsection (c):

8 (1) The Secretary of State.

9 (2) The Secretary of Defense.

10 (3) Non-profit organizations that train, certify,
11 and provide the services of canines for various pur-
12 poses.

13 (4) Institutions of higher education with re-
14 search programs related to use of canines for the
15 screening of individuals and property, including de-
16 tection of explosive vapors among individuals and ar-
17 ticles of property.

18 (g) THIRD PARTY EXPLOSIVES DETECTION CANINE
19 PROVIDER LIST.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date the Administrator enters into an agreement
22 under subsection (c), the Administrator shall develop
23 and maintain a list of the names of each third party
24 from which the TSA procures explosive detection ca-

1 nines, including for each such third party the rel-
2 evant contractual period of performance.

3 (2) DISTRIBUTION.—The Administrator shall
4 make the list under paragraph (1) available to ap-
5 propriate transportation stakeholders in such form
6 and manner as the Administrator prescribes.

7 (h) OVERSIGHT.—The Administrator shall establish
8 a process to ensure appropriate oversight of the certifi-
9 cation program and compliance with the standards under
10 subsection (a), including periodic audits of participating
11 third parties.

12 (i) AUTHORIZATION.—

13 (1) TSA.—The Administrator shall develop and
14 implement a process for the TSA to procure third
15 party explosives detection canines certified under
16 this section.

17 (2) AVIATION STAKEHOLDERS.—

18 (A) IN GENERAL.—The Administrator
19 shall authorize an aviation stakeholder, under
20 the oversight of and in coordination with the
21 Federal Security Director at an applicable air-
22 port, to contract with, procure or purchase, and
23 deploy one or more third party explosives detec-
24 tion canines certified under this section to aug-
25 ment public area security at that airport.

1 (B) APPLICABLE LARGE HUB AIRPORTS.—

2 (i) IN GENERAL.—Except as provided
3 under subparagraph (ii), notwithstanding
4 any law to the contrary, and subject to the
5 other provisions of this paragraph, an ap-
6 plicable large hub airport may provide a
7 certified canine described in subparagraph
8 (A) on an in-kind basis to the TSA to be
9 deployed as a passenger screening canine
10 at that airport unless the applicable large
11 hub airport consents to the use of that cer-
12 tified canine elsewhere.

13 (ii) EXCEPTION.—The Administrator
14 may, on a case-by-case basis, deploy a cer-
15 tified canine described in subparagraph
16 (A) to a transportation facility other than
17 the applicable large hub airport described
18 in clause (i) for not more than 90 days per
19 year if the Administrator—

20 (I) determines that such deploy-
21 ment is necessary to meet operational
22 or security needs; and

23 (II) notifies the applicable large
24 hub airport described in clause (i).

1 (iii) NONDEPLOYABLE CANINES.—Any
2 certified canine provided to the TSA under
3 clause (i) that does not complete training
4 for deployment under that clause shall be
5 the responsibility of the large hub airport
6 unless the TSA agrees to a different out-
7 come.

8 (C) HANDLERS.—Not later than 30 days
9 before a canine begins training to become a cer-
10 tified canine under subparagraph (B), the air-
11 port shall notify the TSA of such training and
12 the Administrator shall assign a TSA canine
13 handler to participate in the training with that
14 canine, as appropriate.

15 (D) LIMITATION.—The Administrator may
16 not reduce the staffing allocation model for an
17 applicable large hub airport based on that air-
18 port's provision of a certified canine under this
19 paragraph.

20 (j) DEFINITIONS.—In this section:

21 (1) APPLICABLE LARGE HUB AIRPORT.—The
22 term “applicable large hub airport” means a large
23 hub airport (as defined in section 40102 of title 49,
24 United States Code) that has less than 100 percent

1 of the allocated passenger screening canine teams
2 staffed by the TSA.

3 (2) AVIATION STAKEHOLDER.—The term “avia-
4 tion stakeholder” includes an airport, airport oper-
5 ator, and air carrier.

6 **SEC. 1929. TRACKING AND MONITORING OF CANINE TRAIN-**
7 **ING AND TESTING.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Administrator shall use, to the extent prac-
10 ticable, a digital monitoring system for all training, test-
11 ing, and validation or certification of public and private
12 canine assets utilized or funded by the TSA to facilitate
13 improved review, data analysis, and record keeping of ca-
14 nine testing performance and program administration.

15 **SEC. 1930. VIPR TEAM STATISTICS.**

16 (a) VIPR TEAM STATISTICS.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of enactment of this Act, and annually
19 thereafter, the Administrator shall notify the appro-
20 priate committees of Congress of the number of
21 VIPR teams available for deployment at transpor-
22 tation facilities, including—

23 (A) the number of VIPR team operations
24 that include explosive detection canine teams;
25 and

1 (B) the distribution of VIPR team oper-
2 ations deployed across different modes of trans-
3 portation.

4 (2) ANNEX.—The notification under paragraph
5 (1) may contain a classified annex.

6 (3) DEFINITION OF VIPR TEAM.—In this sub-
7 section, the term “VIPR” means a Visible Inter-
8 modal Prevention and Response team authorized
9 under section 1303 of the National Transit Systems
10 Security Act of 2007 (6 U.S.C. 1112).

11 (b) AUTHORIZATION OF VIPR TEAMS.—Section
12 1303(b) of the National Transit Systems Security Act of
13 2007 (6 U.S.C. 1112(b)) is amended by striking “to the
14 extent appropriated, including funds to develop not more
15 than 60 VIPR teams, for fiscal years 2016 through 2018”
16 and inserting “such sums as necessary, including funds
17 to develop at least 30, but not more than 60, VIPR teams,
18 for fiscal years 2019 through 2021”.

19 **SEC. 1931. PUBLIC AREA SECURITY WORKING GROUP.**

20 (a) DEFINITIONS.—In this section:

21 (1) PUBLIC AND PRIVATE STAKEHOLDERS.—
22 The term “public and private stakeholders” has the
23 meaning given the term in section 114(t)(1)(C) of
24 title 49, United States Code.

1 (2) SURFACE TRANSPORTATION ASSET.—The
2 term “surface transportation asset” includes—

3 (A) facilities, equipment, or systems used
4 to provide transportation services by—

5 (i) a public transportation agency (as
6 the term is defined in section 1402 of the
7 Implementing Recommendations of the 9/
8 11 Commission Act of 2007 (6 U.S.C.
9 1131));

10 (ii) a railroad carrier (as the term is
11 defined in section 20102 of title 49, United
12 States Code);

13 (iii) an owner or operator of—

14 (I) an entity offering scheduled,
15 fixed-route transportation services by
16 over-the road bus (as the term is de-
17 fined in section 1501 of the Imple-
18 menting Recommendations of the 9/11
19 Commission Act of 2007 (6 U.S.C.
20 1151)); or

21 (II) a bus terminal; or

22 (B) other transportation facilities, equip-
23 ment, or systems, as determined by the Sec-
24 retary.

25 (b) PUBLIC AREA SECURITY WORKING GROUP.—

1 (1) WORKING GROUP.—The Administrator, in
2 coordination with the National Protection and Pro-
3 grams Directorate, shall establish a working group
4 to promote collaborative engagement between the
5 TSA and public and private stakeholders to develop
6 non-binding recommendations for enhancing security
7 in public areas of transportation facilities (including
8 facilities that are surface transportation assets), in-
9 cluding recommendations regarding the following:

10 (A) Information sharing and interoperable
11 communication capabilities among the TSA and
12 public and private stakeholders with respect to
13 terrorist or other threats.

14 (B) Coordinated incident response proce-
15 dures.

16 (C) The prevention of terrorist attacks and
17 other incidents through strategic planning, se-
18 curity training, exercises and drills, law enforce-
19 ment patrols, worker vetting, and suspicious ac-
20 tivity reporting.

21 (D) Infrastructure protection through ef-
22 fective construction design barriers and installa-
23 tion of advanced surveillance and other security
24 technologies.

25 (2) ANNUAL REPORT.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date the working group is established
3 under paragraph (1), the Administrator shall
4 submit to the appropriate committee of Con-
5 gress a report, covering the 12-month period
6 preceding the date of the report, on—

7 (i) the organization of the working
8 group;

9 (ii) the activities of the working
10 group;

11 (iii) the participation of the TSA and
12 public and private stakeholders in the ac-
13 tivities of the working group;

14 (iv) the findings of the working group,
15 including any recommendations.

16 (B) PUBLICATION.—The Administrator
17 may publish a public version of such report that
18 describes the activities of the working group
19 and such related matters as would be inform-
20 ative to the public, consistent with section
21 552(b) of title 5, United States Code.

22 (3) NONAPPLICABILITY OF FACA.—The Federal
23 Advisory Committee Act (5 U.S.C. App.) shall not
24 apply to the working group established under sub-
25 section (a) or any subcommittee thereof.

1 (c) TECHNICAL ASSISTANCE.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) inform owners and operators of surface
4 transportation assets about the availability of
5 technical assistance, including vulnerability as-
6 sessment tools and cybersecurity guidelines, to
7 help protect and enhance the resilience of public
8 areas of such assets; and

9 (B) upon request, and subject to the avail-
10 ability of appropriations, provide such technical
11 assistance to owners and operators of surface
12 transportation assets.

13 (2) BEST PRACTICES.—Not later than 1 year
14 after the date of enactment of this Act, and periodi-
15 cally thereafter, the Secretary shall publish on the
16 Department website and widely disseminate, as ap-
17 propriate, current best practices for protecting and
18 enhancing the resilience of public areas of transpor-
19 tation facilities (including facilities that are surface
20 transportation assets), including associated frame-
21 works or templates for implementation.

22 (d) REVIEW.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Administrator
25 shall—

1 (A) review of regulations, directives, poli-
2 cies, and procedures issued by the Adminis-
3 trator regarding the transportation of a firearm
4 and ammunition; and

5 (B) submit to the appropriate committees
6 of Congress a report on the findings of the re-
7 view under subparagraph (A), including, as ap-
8 propriate, information on any plans to modify
9 any regulation, directive, policy, or procedure
10 based on the review.

11 (2) CONSULTATION.—In preparing the report
12 under paragraph (1), the Administrator shall consult
13 with—

14 (A) ASAC;

15 (B) the Surface Transportation Security
16 Advisory Committee under section 404 of the
17 Homeland Security Act of 2002; and

18 (C) appropriate public and private stake-
19 holders.

20 **SEC. 1932. PUBLIC AREA BEST PRACTICES.**

21 (a) IN GENERAL.—The Administrator shall, in ac-
22 cordance with law and as received or developed, periodi-
23 cally submit information, on any best practices developed
24 by the TSA or appropriate transportation stakeholders re-

1 lated to protecting the public spaces of transportation in-
2 frastructure from emerging threats, to the following:

3 (1) Federal Security Directors at airports.

4 (2) Appropriate security directors for other
5 modes of transportation.

6 (3) Other appropriate transportation security
7 stakeholders.

8 (b) INFORMATION SHARING.—The Administrator
9 shall, in accordance with law—

10 (1) in coordination with the Office of the Direc-
11 tor of National Intelligence and industry partners,
12 implement improvements to the Air Domain Intel-
13 ligence and Analysis Center to encourage increased
14 participation from stakeholders and enhance govern-
15 ment and industry security information sharing on
16 transportation security threats, including on cyberse-
17 curity threat awareness;

18 (2) expand and improve the City and Airport
19 Threat Assessment or similar program to public and
20 private stakeholders to capture, quantify, commu-
21 nicate, and apply applicable intelligence to inform
22 transportation infrastructure mitigation measures,
23 such as—

1 (A) quantifying levels of risk by airport
2 that can be used to determine risk-based secu-
3 rity mitigation measures at each location; and

4 (B) determining random and surge em-
5 ployee inspection operations based on changing
6 levels of risk;

7 (3) continue to disseminate Transportation In-
8 telligence Notes, tear-lines, and related intelligence
9 products to appropriate transportation security
10 stakeholders on a regular basis; and

11 (4) continue to conduct both regular routine
12 and threat-specific classified briefings between the
13 TSA and appropriate transportation sector stake-
14 holders on an individual or group basis to provide
15 greater information sharing between public and pri-
16 vate sectors.

17 (c) MASS NOTIFICATION.—The Administrator shall
18 encourage security stakeholders to utilize mass notifica-
19 tion systems, including the Integrated Public Alert Warn-
20 ing System of the Federal Emergency Management Agen-
21 cy and social media platforms, to disseminate information
22 to transportation community employees, travelers, and the
23 general public, as appropriate.

24 (d) PUBLIC AWARENESS PROGRAMS.—The Sec-
25 retary, in coordination with the Administrator, shall ex-

1 pand public programs of the Department of Homeland Se-
2 curity and the TSA that increase security threat aware-
3 ness, education, and training to include transportation
4 network public area employees, including airport and
5 transportation vendors, local hotels, cab and limousine
6 companies, ridesharing companies, cleaning companies,
7 gas station attendants, cargo operators, and general avia-
8 tion members.

9 **SEC. 1933. AIRPORT WORKER ACCESS CONTROLS COST AND**
10 **FEASIBILITY STUDY.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Administrator, in con-
13 sultation with ASAC, shall submit to the Comptroller Gen-
14 eral of the United States and the appropriate committees
15 of Congress a study examining the shared cost and feasi-
16 bility to airports, airlines, and the TSA of implementing
17 enhanced employee inspection measures at all access
18 points between non-secured areas and secured areas at a
19 statistically significant number of Category I, II, III, IV,
20 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
8 at 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 Alloca-
16 tion 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 secu-
23 rity effectiveness associated with implementing the
24 security features specified in paragraphs (1), (2),
25 (3), and (4) of subsection (b) based on information

1 on the experiences from those category I, II, III, IV,
2 and X airports that have already implemented or pi-
3 loted enhanced employee inspection measures at ac-
4 cess points between non-secured areas and secured
5 areas of airports.

6 (d) GAO REVIEW.—Not later than 90 days after the
7 date of receipt of the study under subsection (a), the
8 Comptroller General of the United States shall—

9 (1) review the study to assess the quality and
10 reliability of the study; and

11 (2) submit to the appropriate committees of
12 Congress a report on the results of the review under
13 paragraph (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
17 the date of enactment of this Act, the Administrator shall
18 consult with air carriers, foreign air carriers, airport oper-
19 ators, and labor unions representing credentialed employ-
20 ees to enhance security awareness of credentialed airport
21 populations regarding insider threats to aviation security
22 and best practices related to airport access controls.

23 (b) CREDENTIALING STANDARDS.—Not later than
24 180 days after the date of enactment of this Act, the Ad-
25 ministrator, in consultation with air carriers, foreign air

1 carriers, airport operators, and labor unions representing
2 credentialed employees, shall assess credentialing stand-
3 ards, policies, and practices, including implementation of
4 relevant credentialing updates required under the FAA
5 Extension, Safety, and Security Act of 2016 (Public Law
6 114–190; 130 Stat. 615), to ensure that insider threats
7 to aviation 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 strength-
17 en 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
21 credential.

22 (2) SCREENING NOTICE.—The Administrator
23 shall issue requirements for an airport operator to
24 include 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,
4 working in, or leaving a Security Identification Dis-
5 play Area.

6 (d) SECURED AND STERILE AREAS OF AIRPORTS.—
7 The Administrator shall consult with airport operators
8 and airline operators to identify advanced technologies, in-
9 cluding biometric identification technologies, that could be
10 used for securing employee access to the secured areas and
11 sterile 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
15 of Congress the number of credentialed aviation worker
16 populations at airports that are continuously vetted
17 through the Federal Bureau of Investigation’s Rap Back
18 Service, consistent with section 3405(b)(2) of the FAA
19 Extension, Safety, and Security Act of 2016 (49 U.S.C.
20 44901 note).

21 (f) INSIDER THREAT EDUCATION AND MITIGA-
22 TION.—Not later than 180 days after the date of enact-
23 ment of this Act, the Administrator shall identify means
24 of enhancing the TSA’s ability to leverage the resources
25 of the Department and the intelligence community (as de-

1 fined in section 3 of the National Security Act of 1947
2 (50 U.S.C. 3003)) to educate Administration personnel on
3 insider threats to aviation security and how the TSA can
4 better mitigate such insider threats.

5 (g) EMPLOYEE INSPECTIONS.—Consistent with the
6 FAA Extension, Safety, and Security Act of 2016 (Public
7 Law 114–190; 130 Stat. 615), the Administrator shall en-
8 sure that TSA-led, random employee physical inspection
9 efforts of aviation workers are targeted, strategic, and fo-
10 cused on providing the greatest level of security effective-
11 ness.

12 (h) COVERT TESTING.—

13 (1) IN GENERAL.—Consistent with the FAA
14 Extension, Safety, and Security Act of 2016 (Public
15 Law 114–190; 130 Stat. 615), the Administrator
16 shall continue to conduct covert testing of TSA-led
17 employee inspection operations at airports and meas-
18 ure existing levels of security effectiveness.

19 (2) REQUIREMENTS.—The Administrator shall
20 provide—

21 (A) the results of such testing to—

22 (i) the airport operator for the airport
23 that is the subject of any such testing; and

24 (ii) as appropriate, to air carriers and
25 foreign air carriers that operate at the air-

1 port that is the subject of such testing;

2 and

3 (B) recommendations and technical assist-
4 ance for air carriers, foreign air carriers, and
5 airport operators to conduct their own employee
6 inspections, as needed.

7 (3) ANNUAL REPORTING.—The Administrator
8 shall for each of fiscal years 2019 through 2021,
9 submit to the appropriate committees of Congress a
10 report on the frequency, methodology, strategy, and
11 effectiveness of employee inspection operations at
12 airports.

13 (i) CENTRALIZED DATABASE.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of this Act, the Adminis-
16 trator, in consultation with ASAC, shall—

17 (A) subject to paragraph (2), establish a
18 national, centralized database of the names of
19 each individual who—

20 (i) has had an airport-issued badge
21 revoked for failure to comply with aviation
22 security requirements; or

23 (ii) has had an aircraft operator-
24 issued badge revoked for failure to comply
25 with aviation security requirements;

1 (B) determine the appropriate reporting
2 mechanisms for air carriers, foreign air car-
3 riers, 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
10 the database to correct the record and have the
11 individual's name expunged from the database.

12 (2) LIMITATION.—The database shall not in-
13 clude the name of any individual whose badge has
14 been revoked as a result of a termination or ces-
15 sation of employment unrelated to—

16 (A) a violation of a security requirement;

17 or

18 (B) a determination that the individual
19 poses a threat to aviation security.

20 **SEC. 1935. LAW ENFORCEMENT OFFICER REIMBURSEMENT**
21 **PROGRAM.**

22 (a) IN GENERAL.—In accordance with section
23 44903(c)(1) of title 49, United States Code, the Adminis-
24 trator shall increase the number of awards, and the total

1 funding amount of each award, under the Law Enforce-
2 ment Officer Reimbursement Program—

3 (1) to increase the presence of law enforcement
4 officers in the public areas of airports, including
5 baggage claim, ticket counters, and nearby roads;

6 (2) to increase the presence of law enforcement
7 officers at screening checkpoints;

8 (3) to reduce the response times of law enforce-
9 ment officers during security incidents; and

10 (4) to provide visible deterrents to potential ter-
11 rorists.

12 (b) COOPERATION BY ADMINISTRATOR.—In carrying
13 out subsection (a), the Administrator shall use the author-
14 ity provided to the Administrator under section 114(m)
15 of title 49, United States Code, that is the same authority
16 as is provided to the Administrator of the Federal Aviation
17 Administration under section 106(m) of that title.

18 (c) ADMINISTRATIVE BURDENS.—The Administrator
19 shall review the regulations and compliance policies related
20 to the Law Enforcement Officer Reimbursement Program
21 and, if necessary, revise such regulations and policies to
22 reduce any administrative burdens on applicants or recipi-
23 ents of such awards.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out section

1 44901(h) of title 49, United States Code, \$55,000,000 for
2 each of fiscal years 2019 through 2021.

3 **SEC. 1936. AIRPORT PERIMETER AND ACCESS CONTROL SE-**
4 **CURITY.**

5 (a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

6 (1) IN GENERAL.—The Administrator shall—

7 (A) not later than 180 days after the date
8 of enactment of this Act, update the Transpor-
9 tation Sector Security Risk Assessment (re-
10 ferred to in this section as the “TSSRA”); and

11 (B) not later than 90 days after the date
12 the TSSRA is updated under subparagraph
13 (A)—

14 (i) update with the most currently
15 available intelligence information the Com-
16 prehensive Risk Assessment of Perimeter
17 and Access Control Security (referred to in
18 this section as the “Risk Assessment of
19 Airport Security”);

20 (ii) establish a regular schedule for
21 periodic updates to the Risk Assessment of
22 Airport Security; and

23 (iii) conduct a system-wide assessment
24 of airport access control points and airport
25 perimeter security.

1 (2) CONTENTS.—The security risk assessments
2 required under paragraph (1)(B) shall—

3 (A) include updates reflected in the
4 TSSRA and Joint Vulnerability Assessment
5 findings;

6 (B) reflect changes to the risk environment
7 relating to airport access control points and air-
8 port perimeters;

9 (C) use security event data for specific
10 analysis of system-wide trends related to airport
11 access control points and airport perimeter se-
12 curity to better inform risk management deci-
13 sions; and

14 (D) consider the unique geography of and
15 current best practices used by airports to miti-
16 gate potential vulnerabilities.

17 (3) REPORT.—The Administrator shall report
18 the results of the TSSRA and Risk Assessment of
19 Airport Security under paragraph (1) to—

20 (A) the appropriate committees of Con-
21 gress;

22 (B) relevant Federal departments and
23 agencies; and

24 (C) airport operators.

1 (b) AIRPORT SECURITY STRATEGY DEVELOP-
2 MENT.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of enactment of this Act, the Administrator
5 shall update the 2012 National Strategy for Airport
6 Perimeter and Access Control Security (referred to
7 in this section as the “National Strategy”).

8 (2) CONTENTS.—The update to the National
9 Strategy shall include—

10 (A) information from the Risk Assessment
11 of Airport Security; and

12 (B) information on—

13 (i) airport security-related activities;

14 (ii) the status of TSA efforts to ad-
15 dress the objectives of the National Strat-
16 egy;

17 (iii) finalized outcome-based perform-
18 ance measures and performance levels
19 for—

20 (I) each activity described in
21 clause (i); and

22 (II) each objective described in
23 clause (ii); and

24 (iv) input from airport operators.

1 “(c) MINIMUM CAPABILITY REQUIREMENTS.—At
2 least 1 agreement under subsection (b) shall include the
3 following capabilities:

4 “(1) Start-to-finish secure online or mobile en-
5 rollment capability.

6 “(2) Vetting of an applicant by means other
7 than biometrics, such as a risk assessment, if—

8 “(A) such means—

9 “(i) are evaluated and certified by the
10 Secretary of Homeland Security;

11 “(ii) meet the definition of a qualified
12 anti-terrorism technology under section
13 865 of the Homeland Security Act of 2002
14 (6 U.S.C. 444); and

15 “(iii) are determined by the Adminis-
16 trator to provide a risk assessment that is
17 as effective as a fingerprint-based criminal
18 history records check conducted through
19 the Federal Bureau of Investigation with
20 respect to identifying individuals who are
21 not qualified to participate in the
22 PreCheck Program due to disqualifying
23 criminal history; and

24 “(B) with regard to private sector risk as-
25 sessments, the Secretary has certified that rea-

1 sonable procedures are in place with regard to
2 the accuracy, relevancy, and proper utilization
3 of information employed in such risk assess-
4 ments.

5 “(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At
6 least 1 agreement under subsection (b) shall include the
7 following capabilities:

8 “(1) Start-to-finish secure online or mobile en-
9 rollment capability.

10 “(2) Vetting of an applicant by means of bio-
11 metrics if the collection—

12 “(A) is comparable with the appropriate
13 and applicable standards developed by the Na-
14 tional Institute of Standards and Technology;

15 “(B) protects privacy and data security,
16 including that any personally identifiable infor-
17 mation is collected, retained, used, and shared
18 in a manner consistent with section 552a of
19 title 5, United States Code (commonly known
20 as ‘Privacy Act of 1974’), and with agency reg-
21 ulations;

22 “(C) is evaluated and certified by the Sec-
23 retary of Homeland Security; and

24 “(D) is determined by the Administrator
25 to provide a risk assessment that is as effective

1 as a fingerprint-based criminal history records
2 check conducted through the Federal Bureau of
3 Investigation with respect to identifying individ-
4 uals who are not qualified to participate in the
5 PreCheck Program due to disqualifying crimi-
6 nal history.

7 “(e) TARGET ENROLLMENT.—Subject to subsections
8 (b), (c), and (d), the Administrator shall take actions to
9 expand the total number of individuals enrolled in the
10 PreCheck Program as follows:

11 “(1) 7,000,000 passengers before October 1,
12 2019.

13 “(2) 10,000,000 passengers before October 1,
14 2020.

15 “(3) 15,000,000 passengers before October 1,
16 2021.

17 “(f) MARKETING OF PRECHECK PROGRAM.—Not
18 later than 90 days after the date of enactment of the TSA
19 Modernization Act, the Administrator shall—

20 “(1) enter into at least 2 agreements, using
21 other transaction authority under section 114(m) of
22 this title, to market the PreCheck Program; and

23 “(2) implement a long-term strategy for
24 partnering with the private sector to encourage en-
25 rollment in such program.

1 “(g) IDENTITY VERIFICATION ENHANCEMENT.—The
2 Administrator shall—

3 “(1) coordinate with the heads of appropriate
4 components of the Department to leverage Depart-
5 ment-held data and technologies to verify the iden-
6 tity and citizenship of individuals enrolling in the
7 PreCheck Program;

8 “(2) partner with the private sector to use bio-
9 metrics and authentication standards, such as rel-
10 evant standards developed by the National Institute
11 of Standards and Technology, to facilitate enroll-
12 ment in the program; and

13 “(3) consider leveraging the existing resources
14 and abilities of airports to collect fingerprints for
15 use in background checks to expedite identity
16 verification.

17 “(h) PRECHECK PROGRAM LANES OPERATION.—
18 The Administrator shall—

19 “(1) ensure that PreCheck Program screening
20 lanes are open and available during peak and high-
21 volume travel times at appropriate airports to indi-
22 viduals enrolled in the PreCheck Program; and

23 “(2) make every practicable effort to provide
24 expedited screening at standard screening lanes dur-
25 ing times when PreCheck Program screening lanes

1 are closed to individuals enrolled in the program in
2 order to maintain operational efficiency.

3 “(i) ELIGIBILITY OF MEMBERS OF THE ARMED
4 FORCES FOR EXPEDITED SECURITY SCREENING.—

5 “(1) IN GENERAL.—Subject to paragraph (3),
6 an individual specified in paragraph (2) is eligible
7 for expedited security screening under the PreCheck
8 Program.

9 “(2) INDIVIDUALS SPECIFIED.—An individual
10 specified in this subsection is any of the following:

11 “(A) A member of the Armed Forces, in-
12 cluding a member of a reserve component or
13 the National Guard.

14 “(B) A cadet or midshipman of the United
15 States Military Academy, the United States
16 Naval Academy, the United States Air Force
17 Academy, or the United States Coast Guard
18 Academy.

19 “(C) A family member of an individual
20 specified in subparagraph (A) or (B) who is
21 younger than 12 years old and accompanying
22 the individual.

23 “(3) IMPLEMENTATION.—The eligibility of an
24 individual specified in paragraph (2) for expedited
25 security screening under the PreCheck Program is

1 subject to such policies and procedures as the Ad-
2 ministrator may prescribe to carry out this sub-
3 section, in consultation with the Secretary of De-
4 fense and, with respect to the United States Coast
5 Guard, the Commandant of the United States Coast
6 Guard.

7 “(j) VETTING FOR PRECHECK PROGRAM PARTICI-
8 PANTS.—The Administrator shall initiate an assessment
9 to identify any security vulnerabilities in the vetting proc-
10 ess for the PreCheck Program, including determining
11 whether subjecting PreCheck Program participants to re-
12 current fingerprint-based criminal history records checks,
13 in addition to recurrent checks against the terrorist
14 watchlist, could be done in a cost-effective manner to
15 strengthen the security of the PreCheck Program.

16 “(k) ASSURANCE OF SEPARATE PROGRAM.—In car-
17 rying out this section, the Administrator shall ensure that
18 the additional private sector application capabilities under
19 subsections (b), (c), and (d) are undertaken in addition
20 to any other related TSA program, initiative, or procure-
21 ment, including the Universal Enrollment Services pro-
22 gram.

23 “(l) EXPENDITURE OF FUNDS.—Any Federal funds
24 expended by the Administrator to expand PreCheck Pro-

1 gram enrollment shall be expended in a manner that in-
2 cludes the requirements of this section.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) REPEAL.—Subtitle A of title III of the FAA
5 Extension, Safety, and Security Act of 2016 (49
6 U.S.C. 44901 note) and the items relating to that
7 subtitle in the table of contents of that Act are re-
8 pealed.

9 (2) TABLE OF CONTENTS.—The table of con-
10 tents of chapter 449 is amended by amending the
11 item relating to section 44919 to read as follows:

“44919. PreCheck Program.”.

12 (3) SCREENING PASSENGERS AND PROPERTY.—
13 Section 44901(a) is amended by striking “44919
14 or”.

15 **SEC. 1938. PRECHECK EXPEDITED SCREENING.**

16 (a) IN GENERAL.—Not later than 18 months after
17 the date of enactment of this Act, the Administrator shall
18 ensure that only a traveler who is a member of a trusted
19 traveler program specified in subsection (b) is permitted
20 to use a TSA PreCheck security screening lane at a pas-
21 senger screening checkpoint.

22 (b) TRUSTED TRAVELER PROGRAMS SPECIFIED.—A
23 trusted traveler program specified in this subsection is any
24 of the following:

1 (1) The PreCheck Program under section
2 44919 of title 49, United States Code.

3 (2) Any other program implemented by the
4 TSA under section 109(a)(3) of the Aviation and
5 Transportation Security Act (49 U.S.C. 114 note).

6 (3) Any other United States Government pro-
7 gram that issues a unique identifier, such as a
8 known traveler number, that the TSA accepts as
9 validating that the individual holding such identifier
10 is a member of a known low-risk population.

11 (c) EXEMPTIONS.—Nothing in this section shall af-
12 fect—

13 (1) the authority of the Administrator, under
14 section 44927 of title 49, United States Code, to
15 carry out expedited screening for members of the
16 Armed Forces with disabilities or severe injuries or
17 veterans with disabilities or severe injuries; or

18 (2) the Honor Flight program under section
19 44928 of that title.

20 (d) LOW-RISK TRAVELERS.—Any traveler who is de-
21 termined by the Administrator to be low risk based on the
22 traveler's age and who is not a member of a trusted trav-
23 eler program specified in subsection (b) shall be permitted
24 to utilize TSA PreCheck security screening lanes at
25 Transportation Security Administration checkpoints when

1 traveling on the same reservation as a member of such
2 a program.

3 (e) RISK MODIFIED SCREENING.—

4 (1) PILOT PROGRAM.—Not later than 60 days
5 after the date of enactment of this Act and subject
6 to paragraph (2), the Administrator shall commence
7 a pilot program regarding a risk modified screening
8 protocol for lanes other than designated TSA
9 PreCheck security screening lanes at passenger
10 screening checkpoints, in airports of varying cat-
11 egories, to further segment passengers based on risk.

12 (2) ELIGIBILITY.—Only a low-risk passenger
13 shall be eligible to participate in the risk modified
14 screening pilot program under paragraph (1).

15 (3) DEFINITION OF LOW-RISK PASSENGER.—In
16 this subsection, the term “low-risk passenger”
17 means a passenger who—

18 (A) meets a risk-based, intelligence-driven
19 criteria prescribed by the Administrator; or

20 (B) undergoes a canine enhanced screening
21 upon arrival at the passenger screening check-
22 point.

23 (4) TERMINATION.—The pilot program shall
24 terminate on the date that is 120 days after the
25 date it commences under paragraph (1).

1 (5) BRIEFING.—Not later than 30 days after
2 the termination date under paragraph (4), the Ad-
3 ministrator shall brief the appropriate committees of
4 Congress on the findings of the pilot program, in-
5 cluding—

6 (A) information relating to the security ef-
7 fectiveness and passenger facilitation effective-
8 ness of the risk modified screening protocol;

9 (B) a determination regarding whether the
10 risk modified screening protocol was effective;
11 and

12 (C) if the Administrator determined that
13 the protocol was effective, a plan for the deploy-
14 ment of the protocol at as many TSA passenger
15 screening checkpoints as practicable.

16 (6) IMPLEMENTATION.—In determining wheth-
17 er deployment of the protocol at a TSA passenger
18 screening checkpoint at an airport is practicable, the
19 Administrator shall consider—

20 (A) the level of risk at the airport;

21 (B) the available space at the airport;

22 (C) passenger throughput levels at the air-
23 port;

24 (D) the checkpoint configuration at the
25 airport; and

1 (E) adequate resources to appropriately
2 serve passengers in TSA PreCheck security
3 screening lanes at the passenger screening
4 checkpoint.

5 (f) WORKING GROUP.—

6 (1) IN GENERAL.—In carrying out subsection
7 (e), the Administrator shall establish a working
8 group to advise the Administrator on the develop-
9 ment of plans for the deployment of the protocol at
10 TSA passenger screening checkpoints, other than
11 designated TSA PreCheck security screening lanes,
12 in the most effective and efficient manner prac-
13 ticable.

14 (2) MEMBERS.—The working group shall be
15 comprised of representatives of Category X, I, II,
16 III, and IV airports and air carriers (as the term is
17 defined in section 40102 of title 49, United States
18 Code).

19 (3) NONAPPLICABILITY OF FACA.—The Federal
20 Advisory Committee Act (5 U.S.C. App.) shall not
21 apply to the working group established under this
22 subsection.

23 (g) BRIEFINGS.—

24 (1) IN GENERAL.—The Administrator shall
25 brief, on a biannual basis, the appropriate commit-

1 tees of Congress on the implementation of sub-
2 sections (a) until the Administrator certifies that
3 only travelers who are members of trusted traveler
4 programs specified in subsection (b) are permitted to
5 use TSA PreCheck security screening lanes at pas-
6 senger screening checkpoints.

7 (2) CERTIFICATION.—Upon a determination by
8 the Administrator that only travelers who are mem-
9 bers of a trusted traveler program specified in sub-
10 section (b) are permitted to use TSA PreCheck secu-
11 rity screening lanes at checkpoints in accordance
12 with subsection (a), the Administrator shall submit
13 to the appropriate committees of Congress a written
14 certification relating to such determination.

15 (h) INSPECTOR GENERAL ASSESSMENTS.—The In-
16 spector General of the Department shall assess and trans-
17 mit to the appropriate committees of Congress the Admin-
18 istrator’s implementation under subsection (a).

19 (i) EXPANSION OF TSA PRECHECK PROGRAM EN-
20 ROLLMENT.—

21 (1) LONG-TERM STRATEGY.—Not later than
22 180 days after the date of enactment of this Act, the
23 Administrator shall develop and begin the implemen-
24 tation a long-term strategy to increase enrollment in
25 the TSA PreCheck Program.

1 (2) CONSIDERATIONS.—In developing the strat-
2 egy under paragraph (1), the Administrator shall
3 consider the following:

4 (A) Partnering with air carriers (as the
5 term is defined in section 40102 of title 49,
6 United States Code) to incorporate PreCheck
7 Program promotion opportunities in the res-
8 ervation process described in section 1560.101
9 of title 49, Code of Federal Regulations;

10 (B) Including in the PreCheck Program of
11 an individual who—

12 (i) holds a Secret, Top Secret, or Top
13 Secret/Sensitive Compartmented Informa-
14 tion clearance, unless the individual has
15 had the individual's clearance revoked or
16 did not pass a periodic reinvestigation; or

17 (ii) is a current, full-time Federal law
18 enforcement officer.

19 (C) Providing PreCheck Program enroll-
20 ment flexibility by offering secure mobile enroll-
21 ment platforms that facilitate in-person identity
22 verification and application data collection, such
23 as through biometrics.

1 (D) Reducing travel time to PreCheck Pro-
2 gram enrollment centers for applicants, includ-
3 ing—

4 (i) by adjusting the locations and
5 schedules of existing PreCheck Program
6 enrollment centers to accommodate de-
7 mand;

8 (ii) by seeking to colocate such enroll-
9 ment centers with existing facilities that
10 support the issuance of—

11 (I) United States passports; and

12 (II) Security Identification Dis-
13 play Area credentials (as the term is
14 defined in section 1540.5 of title 49,
15 Code of Federal Regulations) located
16 in public, non-secure areas of airports
17 if no systems of an airport operator
18 are used in support of enrollment ac-
19 tivities for such credentials; and

20 (iii) by increasing the availability of
21 PreCheck Program enrollment platforms,
22 such as kiosks, tablets, or staffed laptop
23 stations.

1 (E) The feasibility of providing financial
2 assistance or other incentives for PreCheck Pro-
3 gram enrollment for—

4 (i) children who are at least 12 years
5 or older, but less than 18 years old;

6 (ii) families consisting of 5 or more
7 immediate family members;

8 (iii) private sector entities, including
9 small businesses, to establish PreCheck
10 Program enrollment centers in their re-
11 spective facilities; and

12 (iv) private sector entities, including
13 small business concerns (as the term is de-
14 scribed in section 3 of the Small Business
15 Act (15 U.S.C. 632)), to reimburse an em-
16 ployee for the cost of the PreCheck Pro-
17 gram application.

18 **SEC. 1939. TRUSTED TRAVELER PROGRAMS; COLLABORA-**
19 **TION.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Administrator, in consultation with the
22 Commissioner of U.S. Customs and Border Protection,
23 shall—

1 (1) review each trusted traveler program ad-
2 ministered by U.S. Customs and Border Protection
3 and the PreCheck Program;

4 (2) identify any improvements that can be made
5 to such programs—

6 (A) to streamline and integrate the re-
7 quirements and operations of such programs to
8 reduce administrative burdens, including appli-
9 cations for inclusion and determining whether a
10 valid credential can satisfy the requirements for
11 another 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
15 to 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
2 Congress a report on the review, including any un-
3 necessary barriers to collaboration or implementa-
4 tion 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
8 the following:

9 “(3) **OFFSETTING COLLECTIONS.**—Beginning
10 on October 1, 2027, fees collected under subsection
11 (a)(1) for any fiscal year shall be credited as offset-
12 ting collections to appropriations made for aviation
13 security measures carried out by the Transportation
14 Security Administration, to remain available until
15 expended.”.

16 **SEC. 1941. THIRD PARTY CANINE TEAMS FOR AIR CARGO**
17 **SECURITY.**

18 Section 1307 of the Implementing Recommendations
19 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is
20 amended by adding at the end the following:

21 “(h) **THIRD PARTY CANINE TEAMS FOR AIR CARGO**
22 **SECURITY.**—

23 “(1) **IN GENERAL.**—In order to enhance the
24 screening of air cargo and ensure that third party
25 explosives detection canine assets are leveraged for

1 such purpose, the Administrator shall, not later than
2 180 days after the date of enactment of the TSA
3 Modernization Act—

4 “(A) develop and issue standards for the
5 use of such third party explosives detection ca-
6 nine assets for the primary screening of air
7 cargo;

8 “(B) develop a process to identify qualified
9 non-Federal entities that will certify canine as-
10 sets that meet the standards established by the
11 Administrator under subparagraph (A);

12 “(C) ensure that entities qualified to cer-
13 tify canine assets shall be independent from en-
14 tities that will train and provide canines to end
15 users of such canine assets;

16 “(D) establish a system of Transportation
17 Security Administration audits of the process
18 developed under subparagraph (B); and

19 “(E) provide that canines certified for the
20 primary screening of air cargo can be used by
21 air carriers, foreign air carriers, freight for-
22 warders, and shippers.

23 “(2) IMPLEMENTATION.—Beginning on the
24 date that the development of the process under para-
25 graph (1)(B) is complete, the Administrator shall—

1 “(A) facilitate the deployment of such as-
2 sets that meet the certification standards of the
3 Administration, as determined by the Adminis-
4 trator;

5 “(B) make such standards available to
6 vendors seeking to train and deploy third party
7 explosives detection canine assets; and

8 “(C) ensure that all costs for the training
9 and certification of canines, and for the use of
10 supplied canines, are borne by private industry
11 and not the Federal Government.

12 “(3) DEFINITIONS.—In this subsection:

13 “(A) AIR CARRIER.—The term ‘air carrier’
14 has the meaning given the term in section
15 40102 of title 49, United States Code.

16 “(B) FOREIGN AIR CARRIER.—The term
17 ‘foreign air carrier’ has the meaning given the
18 term in section 40102 of title 49, United States
19 Code.

20 “(C) THIRD PARTY EXPLOSIVES DETEC-
21 TION CANINE ASSET.—The term ‘third party
22 explosives detection canine asset’ means any ex-
23 plosives detection canine or handler not owned
24 or employed, respectively, by the Transportation
25 Security 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 se-
5 curity 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 screen-
9 ing 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
22 implementation of air cargo security programs established
23 by the Administration.

24 “(b) LEADERSHIP; STAFFING.—The air cargo secu-
25 rity division established pursuant to subsection (a) shall
26 be headed by an individual in the executive service within

1 the TSA and be staffed by not fewer than 4 full-time
2 equivalents, including the head of the division.

3 “(c) STAFFING.—The Administrator of the Trans-
4 portation Security Administration shall staff the air cargo
5 security 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
15 the Program is effective at fully addressing
16 evolving threats to air cargo, particularly as air
17 cargo volumes fluctuate; and

18 (B) identification of any vulnerabilities in
19 the Program and effectiveness of information
20 sharing with air cargo security stakeholders;
21 and

22 (2) submit to the appropriate committees of
23 Congress a report on the findings of the review
24 under paragraph (1), including—

1 (A) a description of the actions the Admin-
2 istrator has taken to improve the Program; and

3 (B) a description of the actions the Admin-
4 istrator will take to address the findings of the
5 review under paragraph (1), including any
6 plans to issue new rulemaking, if necessary.

7 **SEC. 1945. GAO REVIEW.**

8 Not later than 2 years after the date of enactment
9 of this Act, the Comptroller General of the United States
10 shall—

11 (1) review the Department’s analysis and intel-
12 ligence pre-screening processes and procedures for
13 air cargo entering the United States;

14 (2) review the pilot program conducted under
15 section __215;

16 (3) assess the effectiveness of the Department’s
17 risk-based strategy for examining air cargo and en-
18 suring compliance with air cargo security law, in-
19 cluding regulations; and

20 (4) review the Department’s information shar-
21 ing procedures and practices for disseminating infor-
22 mation to relevant stakeholders on preventing, miti-
23 gating, and responding to air cargo related threats.

1 **SEC. 1946. SCREENING PARTNERSHIP PROGRAM UPDATES.**

2 (a) SECURITY SCREENING OPT-OUT PROGRAM.—

3 Section 44920 is amended—

4 (1) in the heading by striking “**Security**
5 **screening opt-out program**” and inserting
6 “**Screening partnership program**”;

7 (2) by amending subsection (a) to read as fol-
8 lows:

9 “(a) IN GENERAL.—An airport operator may submit
10 to the Administrator of the Transportation Security Ad-
11 ministration an application to carry out the screening of
12 passengers and property at the airport under section
13 44901 by personnel of a qualified private screening com-
14 pany pursuant to a contract entered into with the Trans-
15 portation Security Administration.”;

16 (3) in subsection (b)—

17 (A) by amending paragraph (1) to read as
18 follows:

19 “(1) IN GENERAL.—Not later than 60 days
20 after the date of receipt of an application submitted
21 by an airport operator under subsection (a), the Ad-
22 ministrator shall approve or deny the application.”;
23 and

24 (B) in paragraphs (2) and (3), by striking
25 “Under Secretary” each place it appears and
26 inserting “Administrator”;

1 (4) in subsection (d)—

2 (A) in the heading, by striking “STAND-
3 ARDS” inserting “SELECTION OF CONTRACTS
4 AND STANDARDS”;

5 (B) by redesignating paragraph (2) as
6 paragraph (3);

7 (C) in paragraph (1)—

8 (i) by striking “The Under Secretary
9 may enter” and all that follows through
10 “certifies to Congress that—” and insert-
11 ing “The Administrator shall, upon ap-
12 proval of the application, provide the air-
13 port operator with a list of qualified pri-
14 vate screening companies.”; and

15 (ii) by inserting before subparagraphs
16 (A) and (B) the following:

17 “(2) CONTRACTS.—The Administrator shall, to
18 the extent practicable, enter into a contract with a
19 private screening company from the list provided
20 under paragraph (1) for the provision of screening
21 at the airport not later than 120 days after the date
22 of approval of an application submitted by the air-
23 port operator under subsection (a) if—”; and

24 (D) in paragraph (2), as redesignated—

1 (i) in subparagraph (A), by striking “;
2 and” and inserting a semicolon;

3 (ii) in subparagraph (B)—

4 (I) by striking “Under Sec-
5 retary” and inserting “Adminis-
6 trator”; and

7 (II) by striking the period at the
8 end and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(C) the selected qualified private screen-
12 ing company offered contract price is equal to
13 or less than the cost to the Federal Government
14 to provide screening services at the airport.”;
15 and

16 (E) in paragraph (3), as redesignated—

17 (i) by striking “paragraph (1)(B)”
18 and inserting “paragraph (2)(B)”; and

19 (ii) by striking “Under Secretary”
20 each place it appears and inserting “Ad-
21 ministrator”;

22 (5) in subsection (e)—

23 (A) in the heading, by striking
24 “SCREENED” and inserting “SCREENING”;

1 (B) by striking the period at the end and
2 inserting “; and”;

3 (C) by striking “The Under Secretary
4 shall” and inserting “The Administrator shall—
5 ”;

6 (D) by inserting “(1)” before “provide
7 Federal Government” and indenting appro-
8 priately; and

9 (E) by adding at the end the following:

10 “(2) undertake covert testing and remedial
11 training support for employees of private screening
12 companies providing screening at airports.”;

13 (6) in subsection (f)—

14 (A) in the heading, by inserting “OR SUS-
15 PENSION” after “TERMINATION”;

16 (B) by striking “terminate” and inserting
17 “suspend or terminate, as appropriate,”; and

18 (C) by striking “Under Secretary” each
19 place it appears and inserting “Administrator”;
20 and

21 (7) by striking subsection (h) and inserting the
22 following:

23 “(h) EVALUATION OF SCREENING COMPANY PRO-
24 POSALS FOR AWARD.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), notwithstanding any other provision of
3 law, including title 48 of the Code of Federal Regu-
4 lations and the Federal Advisory Committee Act (5
5 U.S.C. App.), an airport operator that has applied
6 and been approved to have security screening serv-
7 ices carried out by a qualified private screening com-
8 pany under contract with the Administrator may
9 nominate to the head of the contracting activity an
10 individual to participate in the evaluation of pro-
11 posals for the award of such contract.

12 “(2) PARTICIPATION ON A PROPOSAL EVALUA-
13 TION COMMITTEE.—Any participation on a proposal
14 evaluation committee under paragraph (1) shall be
15 conducted in accordance with chapter 21 of title 41.

16 “(i) INNOVATIVE SCREENING APPROACHES AND
17 TECHNOLOGIES.—The Administrator shall encourage an
18 airport operator to whom screening services are provided
19 under this section to recommend to the Administrator in-
20 novative screening approaches and technologies. Upon re-
21 ceipt of any such recommendations, the Administrator
22 shall review and, if appropriate, test, conduct a pilot
23 project, and, if appropriate, deploy such approaches and
24 technologies.”.

25 (b) FEASIBILITY ASSESSMENT.—

1 (1) IN GENERAL.—The Administrator, in con-
2 sultation with airport operators and airlines, shall
3 submit to the appropriate committees of Congress
4 an assessment of the feasibility of modifying the
5 Screening Partnership Program to allow an indi-
6 vidual airport terminal to participate in the Screen-
7 ing Partnership Program.

8 (2) CONSIDERATIONS.—In conducting the as-
9 sessment under paragraph (1), the Administrator
10 shall consider—

11 (A) potential benefits and costs, including
12 with respect to the efficacy of security oper-
13 ations, of such an approach;

14 (B) potential impacts on security oper-
15 ations; and

16 (C) potential impacts on recruitment, hir-
17 ing, and retention.

18 (c) APPLICATIONS SUBMITTED BEFORE THE DATE
19 OF ENACTMENT.—Not later than 30 days after the date
20 of enactment of this Act, the Administrator shall approve
21 or deny, in accordance with section 44920(b) of title 49,
22 United States Code, as amended by this Act, each applica-
23 tion submitted before the date of enactment of this Act,
24 by an airport operator under subsection (a) of that sec-
25 tion, that is awaiting such a determination.

1 **SEC. 1947. SCREENING PERFORMANCE ASSESSMENTS.**

2 Subject to part 1520 of title 49, Code of Federal Reg-
3 ulations, the Administrator shall quarterly make available
4 to the airport director of an airport—

5 (1) an assessment of the screening performance
6 of that airport compared to the mean average per-
7 formance of all airports in the equivalent airport
8 category for screening performance data; and

9 (2) a briefing on the results of performance
10 data reports, including—

11 (A) a scorecard of objective metrics devel-
12 oped by the Office of Security Operations to
13 measure screening performance, such as results
14 of annual proficiency reviews and covert testing,
15 at the appropriate level of classification; and

16 (B) other performance data, including—

17 (i) passenger throughput;

18 (ii) wait times; and

19 (iii) employee attrition, absenteeism,
20 injury rates, and any other human capital
21 measures collected by the TSA.

22 **SEC. 1948. TRANSPORTATION SECURITY TRAINING PRO-**
23 **GRAMS.**

24 (a) IN GENERAL.—Section 44935 is amended—

25 (1) by striking “(i) ACCESSIBILITY OF COM-
26 PUTER-BASED TRAINING FACILITIES.—” and insert-

1 ing “(k) ACCESSIBILITY OF COMPUTER-BASED
2 TRAINING FACILITIES.—”; and

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

4 “(l) INITIAL AND RECURRING TRAINING.—

5 “(1) IN GENERAL.—The Administrator shall es-
6 tablish a training program for new security screen-
7 ing personnel located at the Transportation Security
8 Administration Academy.

9 “(2) RECURRING TRAINING.—

10 “(A) IN GENERAL.—Not later than 180
11 days after the date of enactment of the TSA
12 Modernization Act, the Administrator shall es-
13 tablish recurring training for security screening
14 personnel regarding updates to screening proce-
15 dures and technologies, including, in response
16 to weaknesses identified in covert tests at air-
17 ports—

18 “(i) methods to identify the
19 verification of false or fraudulent travel
20 documents; and

21 “(ii) training on emerging threats.

22 “(B) CONTENTS.—The training under sub-
23 paragraph (A) shall include—

24 “(i) internal controls for monitoring
25 and documenting compliance of transpor-

1 tation security officers with such training
2 requirements; and

3 “(ii) such other matters as identified
4 by the Administrator with regard to such
5 training.”.

6 (b) GAO STUDY.—Not later than 1 year after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall—

9 (1) examine the effectiveness of the new secu-
10 rity screening personnel training under section
11 44935(1) of title 49, United States Code; and

12 (2) submit to the appropriate committees of
13 Congress a report on the findings under paragraph
14 (1), including any recommendations.

15 **SEC. 1949. TRAVELER REDRESS IMPROVEMENT.**

16 (a) REDRESS PROCESS.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of enactment of this Act, the Administrator,
19 using existing resources, systems, and processes,
20 shall ensure the availability of the Department of
21 Homeland Security Traveler Redress Inquiry Pro-
22 gram (referred to in this section as “DHS TRIP”)
23 redress process to adjudicate an inquiry for an indi-
24 vidual who—

1 (A) is a citizen of the United States or
2 alien lawfully admitted for permanent residence;

3 (B) has filed the inquiry with DHS TRIP
4 after receiving enhanced screening at an airport
5 passenger security checkpoint more than 3
6 times in any 60-day period; and

7 (C) believes the individual has been wrong-
8 ly identified as being a threat to aviation secu-
9 rity.

10 (2) BRIEFING.—Not later than 180 days after
11 the date of enactment of this Act, the Administrator
12 shall brief the appropriate committees of Congress
13 on the implementation of the redress process re-
14 quired under paragraph (1).

15 (b) PRIVACY IMPACT REVIEW AND UPDATE.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Adminis-
18 trator shall review and update the Privacy Impact
19 Assessment for the Secure Flight programs to en-
20 sure the assessment accurately reflects the operation
21 of such programs.

22 (2) PUBLIC DISSEMINATION; FORM.—The Ad-
23 ministrator shall—

24 (A) publish the Secure Flight Privacy Im-
25 pact Assessment review and update required

1 under paragraph (1) on a publicly-accessible
2 internet webpage of the TSA; and

3 (B) submit the Secure Flight Privacy Im-
4 pact Assessment review and update to the ap-
5 propriate committees of Congress.

6 (c) RULE REVIEW AND NOTIFICATION PROCESS.—

7 (1) RULE REVIEW.—Not later than 60 days
8 after the date of enactment of this Act, and every
9 120 days thereafter, the Assistant Administrator of
10 the Office of Intelligence and Analysis of the TSA,
11 in coordination with the entities specified in para-
12 graph (3), shall identify and review the screening
13 rules established by the Office of Intelligence and
14 Analysis of TSA.

15 (2) NOTIFICATION PROCESS.—Not later than 2
16 days after the date that any change to a rule identi-
17 fied under paragraph (1) is made, the Assistant Ad-
18 ministrator of the Office of Intelligence and Analysis
19 of the TSA shall notify the entities specified in para-
20 graph (3) of the change.

21 (3) ENTITIES SPECIFIED.—The entities speci-
22 fied in this paragraph are as follows:

23 (A) The Office of Civil Rights and Lib-
24 erties, Ombudsman, and Traveler Engagement
25 of the TSA.

1 (B) The Office of Civil Rights and Lib-
2 erties of the Department.

3 (C) The Office of Chief Counsel of the
4 TSA.

5 (D) The Office of General Counsel of the
6 Department.

7 (E) The Privacy Office of the Administra-
8 tion.

9 (F) The Privacy Office of the Department.

10 (G) The Federal Air Marshal Service.

11 (H) The Traveler Redress Inquiry Pro-
12 gram of the Department.

13 (d) FEDERAL AIR MARSHAL SERVICE COORDINA-
14 TION.—

15 (1) IN GENERAL.—The Administrator shall en-
16 sure that the rules identified in subsection (c) are
17 taken into account for Federal Air Marshal mission
18 scheduling.

19 (2) REPORT.—Not later than 180 days after
20 the date of enactment of this Act, the Administrator
21 shall submit to the appropriate committees of Con-
22 gress a report on whether, and if so how, the rules
23 identified in subsection (c) are incorporated in the
24 risk analysis conducted during the Federal Air Mar-
25 shal mission scheduling process.

1 (e) GAO REPORT.—Not later than 1 year after the
2 date of enactment of this Act, the Comptroller General
3 of the United States shall—

4 (1) study the rules identified under subsection
5 (c)(1), including—

6 (A) whether the rules are effective in miti-
7 gating potential threats to aviation security;
8 and

9 (B) whether, and if so how, the TSA co-
10 ordinates with the Department regarding any
11 proposed change to a rule; and

12 (2) submit to the appropriate committees of
13 Congress a report on the findings under paragraph
14 (1), including any recommendations.

15 **SEC. 1950. IMPROVEMENTS FOR SCREENING OF PAS-**
16 **SENGERS WITH DISABILITIES.**

17 (a) REVISED TRAINING.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Adminis-
20 trator, in consultation with nationally-recognized vet-
21 erans and disability organizations, shall revise the
22 training requirements for Transportation Security
23 Officers related to the screening of passengers with
24 disabilities, including passengers with disabilities
25 who participate in the PreCheck program.

1 (2) TRAINING SPECIFICATIONS.—In revising the
2 training requirements under paragraph (1), the Ad-
3 ministrators shall address the proper screening, and
4 any particular sensitivities related to the screening,
5 of a passenger with a disability—

6 (A) traveling with a medical device, includ-
7 ing an indwelling medical device;

8 (B) traveling with a prosthetic;

9 (C) traveling with a wheelchair, walker,
10 scooter, or other mobility device;

11 (D) traveling with a service animal; or

12 (E) with sensitivities to touch, pressure,
13 sound, or hypersensitivity to stimuli in the envi-
14 ronment.

15 (3) TRAINING FREQUENCY.—The Administrator
16 shall implement the revised training under para-
17 graph (1) during initial and recurrent training of all
18 Transportation Security Officers.

19 (b) BEST PRACTICES.—The individual at the TSA re-
20 sponsible for civil rights, liberties, and traveler engage-
21 ment shall—

22 (1) record each complaint from a passenger
23 with a disability regarding the screening practice of
24 the TSA;

1 (2) identify the most frequent concerns raised,
2 or accommodations requested, in the complaints;

3 (3) determine the best practices for addressing
4 the concerns and requests identified in paragraph
5 (2); and

6 (4) recommend appropriate training based on
7 such best practices.

8 (c) SIGNAGE.—At each category X airport, the TSA
9 shall place signage at each security checkpoint that—

10 (1) specifies how to contact the appropriate
11 TSA employee at the airport designated to address
12 complaints of screening mistreatment based on dis-
13 ability; and

14 (2) describes how to receive assistance from
15 that individual or other qualified personnel at the se-
16 curity screening checkpoint.

17 (d) REPORTS TO CONGRESS.—Not later than Sep-
18 tember 30 of the first full fiscal year after the date of
19 enactment of this Act, and each fiscal year thereafter, the
20 Administrator shall submit to the appropriate committees
21 of Congress a report on the checkpoint experiences of pas-
22 sengers with disabilities, including the following:

23 (1) The number and most frequent types of dis-
24 ability-related complaints received.

1 (2) The best practices recommended under sub-
2 section (b) to address the top areas of concern.

3 (3) The estimated wait times for assist requests
4 for passengers with disabilities, including disabled
5 passengers who participate in the PreCheck pro-
6 gram.

7 **SEC. 1951. AIR CARGO ADVANCE SCREENING PROGRAM.**

8 (a) IN GENERAL.—The Commissioner of U.S. Cus-
9 toms and Border Protection and the Administrator, con-
10 sistent with the requirements of the Trade Act of 2002
11 (Public Law 107–210) shall—

12 (1) establish an air cargo advance screening
13 program (referred to in this section as the “ACAS
14 Program”) for the collection of advance electronic
15 information from air carriers and other persons
16 within the supply chain regarding cargo being trans-
17 ported to the United States by air;

18 (2) under such program, require that such in-
19 formation be transmitted by such air carriers and
20 other persons at the earliest point practicable prior
21 to loading of such cargo onto an aircraft destined to
22 or transiting through the United States;

23 (3) establish appropriate communications sys-
24 tems with freight forwarders, shippers, and air car-
25 riers;

1 (4) establish a system that will allow freight
2 forwarders, shippers, and air carriers to provide
3 shipment level data for air cargo, departing from
4 any location that is inbound to the United States;
5 and

6 (5) identify opportunities in which the informa-
7 tion furnished in compliance with the ACAS Pro-
8 gram could be used by the Administrator.

9 (b) INSPECTION OF HIGH-RISK CARGO.—Under the
10 ACAS Program, the Commissioner of U.S. Customs and
11 Border Protection and the Administrator shall ensure that
12 all cargo that has been identified as high-risk is in-
13 spected—

14 (1) prior to the loading of such cargo onto air-
15 craft at the last point of departure; or

16 (2) at an earlier point in the supply chain, be-
17 fore departing for the United States.

18 (c) CONSULTATION.—In carrying out the ACAS Pro-
19 gram, the Commissioner of U.S. Customs and Border Pro-
20 tection and the Administrator shall consult with relevant
21 stakeholders, as appropriate, to ensure that an operation-
22 ally feasible and practical approach to—

23 (1) the collection of advance information with
24 respect to cargo on aircraft departing for the United
25 States is applied; and

1 (2) the inspection of high-risk cargo recognizes
2 the significant differences among air cargo business
3 models and modes of transportation.

4 (d) ANALYSIS.—The Commissioner of U.S. Customs
5 and Border Protection and the Administrator may analyze
6 the information described in subsection (a) in the Depart-
7 ment of Homeland Security’s automated targeting system
8 and integrate such information with other intelligence to
9 enhance the accuracy of the risk assessment process under
10 the ACAS Program.

11 (e) NO DUPLICATION.—The Commissioner of U.S.
12 Customs and Border Protection and the Administrator
13 shall carry out this section in a manner that, after the
14 ACAS Program is fully in effect, ensures, to the greatest
15 extent practicable, that the ACAS Program does not dupli-
16 cate other Department programs or requirements relating
17 to the submission of air cargo data or the inspection of
18 high-risk cargo.

19 (f) CONSIDERATION OF INDUSTRY.—In carrying out
20 the ACAS Program, the Commissioner of U.S. Customs
21 and Border Protection and the Administrator shall—

22 (1) consider the content and timeliness of the
23 available data may vary among entities in the air
24 cargo industry and among countries;

1 (2) explore procedures to accommodate the
2 variations described in paragraph (1) while maxi-
3 mizing the contribution of such data to the risk as-
4 sessment process under the ACAS Program;

5 (3) test the business processes, technologies,
6 and operational procedures required to provide ad-
7 vance information with respect to cargo on aircraft
8 departing for the United States and carry out re-
9 lated inspection of high-risk cargo, while ensuring
10 delays and other negative impacts on vital supply
11 chains are minimized; and

12 (4) consider the cost, benefit, and feasibility be-
13 fore establishing any set time period for submission
14 of certain elements of the data for air cargo under
15 this section in line with the regulatory guidelines
16 specified in Executive Order 13563 or any successor
17 Executive order or regulation.

18 (g) GUIDANCE.—The Commissioner of U.S. Customs
19 and Border Protection and the Administrator shall provide
20 guidance for participants in the ACAS Program regarding
21 the requirements for participation, including requirements
22 for transmitting shipment level data.

23 (h) USE OF DATA.—The Commissioner of U.S. Cus-
24 toms and Border Protection and the Administrator shall
25 use the data provided under the ACAS Program for tar-

1 getting shipments for screening and aviation security pur-
2 poses only.

3 (i) FINAL RULE.—Not later than 180 days after the
4 date of enactment of this Act, the Commissioner of U.S.
5 Customs and Border Protection, in coordination with the
6 Administrator, shall issue a final regulation to implement
7 the ACAS Program to include the electronic transmission
8 to U.S. Customs and Border Protection of data elements
9 for targeting cargo, including appropriate security ele-
10 ments of shipment level data.

11 (j) REPORT.—Not later than 180 days after the date
12 of the commencement of the ACAS Program, the Commis-
13 sioner of U.S. Customs and Border Protection and the Ad-
14 ministrator shall submit to the appropriate committees of
15 Congress a report detailing the operational implementa-
16 tion of providing advance information under the ACAS
17 Program and the value of such information in targeting
18 cargo.

19 **SEC. 1952. GENERAL AVIATION AIRPORTS.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “Securing General Aviation and Charter Air Carrier Serv-
22 ice Act”.

23 (b) ADVANCED PASSENGER PRESCREENING SYS-
24 TEM.—Not later than 120 days after the date of enact-
25 ment of this Act, the Administrator shall submit to the

1 appropriate committees of Congress a report on the status
2 of the deployment of the advanced passenger prescreening
3 system, and access thereto for certain aircraft charter op-
4 erators, as required by section 44903(j)(2)(E) of title 49,
5 United States Code, including—

6 (1) the reasons for the delay in deploying the
7 system; and

8 (2) a detailed schedule of actions necessary for
9 the deployment of the system.

10 (c) SCREENING SERVICES OTHER THAN IN PRIMARY
11 PASSENGER TERMINALS.—

12 (1) IN GENERAL.—Subject to the provisions of
13 this subsection, the Administrator may provide
14 screening services to a charter air carrier in an area
15 other than the primary passenger terminal of an ap-
16 plicable airport.

17 (2) REQUESTS.—A request for screening serv-
18 ices under paragraph (1) shall be made at such
19 time, in such form, and in such manner as the Ad-
20 ministrator may require, except that the request
21 shall be made to the Federal Security Director for
22 the applicable airport at which the screening services
23 are requested.

24 (3) AVAILABILITY.—A Federal Security Direc-
25 tor may provide requested screening services under

1 this section if the Federal Security Director deter-
2 mines such screening services are available.

3 (4) AGREEMENTS.—

4 (A) LIMITATION.—No screening services
5 may be provided under this section unless a
6 charter air carrier agrees in writing to com-
7 pensate the TSA for all reasonable costs, in-
8 cluding overtime, of providing the screening
9 services.

10 (B) PAYMENTS.—Notwithstanding section
11 3302 of title 31, United States Code, payment
12 received under subparagraph (A) shall be cred-
13 ited to the account that was used to cover the
14 cost of providing the screening services.
15 Amounts so credited shall be merged with
16 amounts in that account, and shall be available
17 for the same purposes, and subject to the same
18 conditions and limitations, as other amounts in
19 that account.

20 (5) DEFINITIONS.—In this subsection:

21 (A) APPLICABLE AIRPORT.—The term
22 “applicable airport” means an airport that—

23 (i) is not a commercial service airport;
24 and

1 (ii) is receiving screening services for
2 scheduled passenger aircraft.

3 (B) CHARTER AIR CARRIER.—The term
4 “charter air carrier” has the meaning given the
5 term in section 40102 of title 49, United States
6 Code.

7 (C) SCREENING SERVICES.—The term
8 “screening services” means the screening of
9 passengers and property similar to the screen-
10 ing of passengers and property described in sec-
11 tion 44901 of title 49, United States Code.

12 (d) REPORT.—Not later than 120 days after the date
13 of enactment of this Act, the Administrator, in consulta-
14 tion with the ASAC, shall, consistent with the require-
15 ments of paragraphs (6) and (7) of section 44946(b) of
16 title 49, United States Code, submit to the appropriate
17 Committees of Congress an implementation plan, includ-
18 ing an implementation schedule, for any of the following
19 recommendations that were adopted by the ASAC and
20 with which the Administrator has concurred before the
21 date of the enactment of this Act:

22 (1) The recommendation regarding general
23 aviation access to Ronald Reagan Washington Na-
24 tional Airport, as adopted on February 17, 2015.

1 (2) The recommendation regarding the vetting
2 of persons seeking flight training in the United
3 States, as adopted on July 28, 2016.

4 (3) Any other such recommendations relevant
5 to the security of general aviation adopted before the
6 date of the enactment of this Act.

7 (e) DESIGNATED STAFFING.—The Administrator
8 may designate 1 or more full-time employees of the TSA
9 to liaise with, and respond to issues raised by, general
10 aviation stakeholders.

11 (f) SECURITY ENHANCEMENTS.—Not later than 1
12 year after the date of enactment of this Act, the Adminis-
13 trator, in consultation with the ASAC, shall submit to the
14 appropriate committees of Congress a report on the feasi-
15 bility of requiring a security threat assessment before an
16 individual could obtain training from a private flight
17 school to operate an aircraft having a maximum certifi-
18 cated takeoff weight of more than 12,500 pounds.

19 **Subtitle E—Foreign Airport**
20 **Security**

21 **SEC. 1953. LAST POINT OF DEPARTURE AIRPORTS; SECU-**
22 **RITY DIRECTIVES.**

23 (a) NOTICE AND CONSULTATION.—

24 (1) IN GENERAL.—The Administrator shall, to
25 the maximum extent practicable, consult and notify

1 the following stakeholders prior to making changes
2 to security standards via security directives and
3 emergency amendments for last points of departure:

4 (A) Trade association representatives, for
5 affected air carriers and airports, who hold the
6 appropriate security clearances.

7 (B) The head of each relevant Federal de-
8 partment or agency, including the Adminis-
9 trator of the Federal Aviation Administration.

10 (2) TRANSMITTAL TO CONGRESS.—Not later
11 than 3 days after the date that the Administrator
12 issues a security directive or emergency amendment
13 for a last point of departure, the Administrator shall
14 transmit to the appropriate committees of Congress
15 a description of the extent to which the Adminis-
16 trator consulted and notified the stakeholders under
17 paragraph (1).

18 (b) GAO REPORT.—

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 review the effec-
22 tiveness of the TSA process to update, consolidate,
23 or revoke security directives, emergency amend-
24 ments, and other policies related to international
25 aviation security at last point of departure airports

1 and submit to the appropriate committees of Con-
2 gress and the Administrator a report on the findings
3 and recommendations.

4 (2) CONTENTS.—In conducting the review
5 under paragraph (1), the Comptroller General
6 shall—

7 (A) review current security directives,
8 emergency amendments, and any other policies
9 related to international aviation security at last
10 point of departure airports;

11 (B) review the extent of intra-agency and
12 interagency coordination, stakeholder outreach,
13 coordination, and feedback; and

14 (C) review TSA's process and criteria for,
15 and implementation of, updating or revoking
16 the policies described in subparagraph (A).

17 (c) RESCREENING.—Subject to section
18 44901(d)(4)(c) of title 49, United States Code, upon dis-
19 covery of specific threat intelligence, the Administrator
20 shall immediately direct TSA personnel to rescreen pas-
21 sengers and baggage arriving from an airport outside the
22 United States and identify enhanced measures that should
23 be implemented at that airport.

24 (d) NOTIFICATION TO CONGRESS.—Not later than 1
25 day after the date that the Administrator determines that

1 a foreign air carrier is in violation of part 1546 of title
2 49, Code of Federal Regulations, or any other applicable
3 security requirement, the Administrator shall notify the
4 appropriate committees of Congress.

5 (e) DECISIONS NOT SUBJECT TO JUDICIAL RE-
6 VIEW.—Notwithstanding any other provision of law, any
7 decision of the Administrator under subsection (a)(1) re-
8 lating to consultation or notification shall not be subject
9 to judicial review.

10 **SEC. 1954. LAST POINT OF DEPARTURE AIRPORT ASSESS-**
11 **MENT.**

12 Section 44907(a)(2)(B) is amended by inserting “,
13 including the screening and vetting of airport workers” be-
14 fore the semicolon.

15 **SEC. 1955. TRACKING SECURITY SCREENING EQUIPMENT**
16 **FROM LAST POINT OF DEPARTURE AIR-**
17 **PORTS.**

18 (a) DONATION OF SCREENING EQUIPMENT TO PRO-
19 TECT THE UNITED STATES.—Chapter 449 is amended—

20 (1) in subchapter I, by adding at the end the
21 following:

22 **“§ 44929. Donation of screening equipment to protect**
23 **the United States**

24 “(a) IN GENERAL.—Subject to subsection (b), the
25 Administrator is authorized to donate security screening

1 equipment to a foreign last point of departure airport op-
2 erator if such equipment can be reasonably expected to
3 mitigate a specific vulnerability to the security of the
4 United States or United States citizens.

5 “(b) CONDITIONS.—Before donating any security
6 screening equipment to a foreign last point of departure
7 airport operator the Administrator shall—

8 “(1) ensure that the screening equipment has
9 been restored to commercially available settings;

10 “(2) ensure that no TSA-specific security
11 standards or algorithms exist on the screening
12 equipment; and

13 “(3) verify that the appropriate officials have
14 an adequate system—

15 “(A) to properly maintain and operate the
16 screening equipment; and

17 “(B) to document and track any removal
18 or disposal of the screening equipment to en-
19 sure the screening equipment does not come
20 into the possession of terrorists or otherwise
21 pose a risk to security.

22 “(c) REPORTS.—Not later than 30 days before any
23 donation of security screening equipment under subsection
24 (a), the Administrator shall provide to the Committee on
25 Commerce, Science, and Transportation and the Com-

1 mittee on Homeland Security and Governmental Affairs
2 of the Senate and the Committee on Homeland Security
3 of the House of Representatives a detailed written expla-
4 nation of the following:

5 “(1) The specific vulnerability to the United
6 States or United States citizens that will be miti-
7 gated by such donation.

8 “(2) An explanation as to why the recipient of
9 such donation is unable or unwilling to purchase se-
10 curity screening equipment to mitigate such vulner-
11 ability.

12 “(3) An evacuation plan for sensitive tech-
13 nologies in case of emergency or instability in the
14 country to which such donation is being made.

15 “(4) How the Administrator will ensure the se-
16 curity screening equipment that is being donated is
17 used and maintained over the course of its life by
18 the recipient.

19 “(5) The total dollar value of such donation.

20 “(6) How the appropriate officials will docu-
21 ment and track any removal or disposal of the
22 screening equipment by the recipient to ensure the
23 screening equipment does not come into the posses-
24 sion of terrorists or otherwise pose a risk to secu-
25 rity.”; and

1 (2) in the table of contents, by inserting after
2 the item relating to section 44928 the following:

“44929. Donation of screening equipment to protect the United States.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
4 Section 3204 of the Aviation Security Act of 2016 (49
5 U.S.C. 44901 note) and the item relating to that section
6 in the table of contents of that Act are repealed.

7 (c) **RAISING INTERNATIONAL STANDARDS.**—Not
8 later than 90 days after the date of enactment of this Act,
9 the Administrator shall collaborate with other aviation au-
10 thorities and the United States Ambassador or the Charge
11 d’Affaires to the United States Mission to the Inter-
12 national Civil Aviation Organization, as applicable, to ad-
13 vance a global standard for each international airport to
14 document and track the removal and disposal of any secu-
15 rity screening equipment to ensure the screening equip-
16 ment does not come into the possession of terrorists or
17 otherwise pose a risk to security.

18 **SEC. 1956. INTERNATIONAL SECURITY STANDARDS.**

19 (a) **GLOBAL AVIATION SECURITY REVIEW.**—

20 (1) **IN GENERAL.**—Not later than 180 days
21 after the date of enactment of this Act, the Adminis-
22 trator, in coordination with the Commissioner of the
23 U.S. Customs and Border Protection, the Director
24 of the Office of International Engagement of the
25 Department of Homeland Security, and the Sec-

1 retary of State, shall conduct a global aviation secu-
2 rity review to improve aviation security standards,
3 including standards intended to mitigate cybersecu-
4 rity threats, across the global aviation system.

5 (2) BEST PRACTICES.—The global aviation se-
6 curity review shall establish best practices regarding
7 the following:

8 (A) Collaborating with foreign partners to
9 improve global aviation security capabilities and
10 standards.

11 (B) Identifying foreign partners that—

12 (i) have not successfully implemented
13 security protocols from the International
14 Civil Aviation Organization or the Depart-
15 ment of Homeland Security; and

16 (ii) have not taken steps to implement
17 such security protocols;

18 (C) Improving the development, outreach,
19 and implementation process for security direc-
20 tives or emergency amendments issued to do-
21 mestic and foreign air carriers.

22 (D) Assessing the cybersecurity risk of se-
23 curity screening equipment.

24 (b) NOTIFICATION.—Not later than 90 days after the
25 date of enactment of this Act, the Administrator, in con-

1 sultation with the United States Ambassador to the Inter-
2 national Civil Aviation Organization, shall notify the Com-
3 mittee on Commerce, Science, and Transportation and the
4 Committee on Foreign Relations of the Senate, and the
5 Committee on Homeland Security and the Committee on
6 Foreign Affairs of the House of Representatives of the
7 progress of the review under subsection (a) and any pro-
8 posed international improvements to aviation security.

9 (c) ICAO.—Subject to subsection (a), the Adminis-
10 trator and Ambassador shall take such action at the Inter-
11 national Civil Aviation Organization as the Administrator
12 and Ambassador consider necessary to advance aviation
13 security improvement proposals, including if practicable,
14 introducing a resolution to raise minimum standards for
15 aviation security.

16 (d) BRIEFINGS TO CONGRESS.—Beginning not later
17 than 180 days after the date of enactment of this Act,
18 and periodically thereafter, the Administrator, in consulta-
19 tion with the Ambassador with respect to subsection (c),
20 shall brief the Committee on Commerce, Science, and
21 Transportation and the Committee on Foreign Relations
22 of the Senate, and the Committee on Homeland Security
23 and the Committee on Foreign Affairs of the House of
24 Representatives on the implementation of subsections (a)
25 and (b).

1 **SEC. 1957. AVIATION SECURITY IN CUBA.**

2 (a) SECURITY OF PUBLIC CHARTER OPERATIONS.—

3 The Administrator of the Transportation Security Admin-
4 istration, in coordination with the Secretary of Transpor-
5 tation and the Administrator of the Federal Aviation Ad-
6 ministration, shall—

7 (1) direct all public charters operating flights
8 between the United States and Cuba to provide up-
9 dated flight schedules to, and maintain such sched-
10 ules with, the Transportation Security Administra-
11 tion; and

12 (2) develop and implement a mechanism that
13 corroborates and validates flight schedule data to
14 more reliably track the public charter operations of
15 air carriers between the United States and Cuba.

16 (b) BRIEFING ON SECURITY AT AIRPORTS IN
17 CUBA.—The Administrator shall provide to Congress (in-
18 cluding the Committee on Homeland Security of the
19 House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate) a con-
21 fidential briefing on the following aspects of security meas-
22 ures at airports in Cuba that have air service to the
23 United States:

24 (1) Details about the type of equipment used at
25 screening checkpoints and an analysis of the capa-
26 bilities and weaknesses of that equipment.

1 (2) Information about each such airport's ca-
2 nine screening program, if used.

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

5 (4) Access controls in place to ensure only
6 credentialed personnel have access to the secure and
7 sterile areas of such airports.

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

11 (6) Security of such airports' perimeters.

12 (7) The vetting practices and procedures for
13 airport employees.

14 (8) Any other information the Administrator
15 considers relevant to the security practices, proce-
16 dures, and equipment in place at such airports.

17 **SEC. 1958. REPORT ON AIRPORTS USED BY MAHAN AIR.**

18 (a) IN GENERAL.—Not later than 120 days after the
19 date of enactment of this Act, and annually thereafter
20 through 2021, the Secretary of Homeland Security, in
21 consultation with the Secretary of Transportation, the
22 Secretary of State, the Secretary of the Treasury, and the
23 Director of National Intelligence, shall submit to Congress
24 a report that includes—

1 (1) a list of all airports at which aircraft owned
2 or controlled by Mahan Air have landed during the
3 2 years preceding the submission of the report; and

4 (2) for each such airport—

5 (A) an assessment of whether aircraft
6 owned or controlled by Mahan Air continue to
7 conduct operations at that airport;

8 (B) an assessment of whether any of the
9 landings of aircraft owned or controlled by
10 Mahan Air were necessitated by an emergency
11 situation;

12 (C) a determination regarding whether ad-
13 ditional security measures should be imposed on
14 flights to the United States that originate from
15 that airport; and

16 (D) an explanation of the rationale for
17 that determination.

18 (b) FORM OF REPORT.—Each report required by
19 subsection (a) shall be submitted in unclassified form, but
20 may include a classified annex.

21 (c) PUBLICATION OF LIST.—The list required by sub-
22 section (a)(1) shall be publicly and prominently posted on
23 the website of the Department of Homeland Security on
24 the date on which the report required by subsection (a)
25 is submitted to Congress.

1 **Subtitle F—Cockpit and Cabin**
2 **Security**

3 **SEC. 1959. FEDERAL AIR MARSHAL SERVICE UPDATES.**

4 (a) STANDARDIZATION.—

5 (1) IN GENERAL.—Not later than 60 days after
6 the date of enactment of this Act, the Administrator
7 shall develop a standard written agreement that
8 shall be the basis of all negotiations and agreements
9 that begin after the date of enactment of this Act
10 between the United States and foreign governments
11 or partners regarding the presence of Federal air
12 marshals on flights to and from the United States,
13 including deployment, technical assistance, and in-
14 formation sharing.

15 (2) WRITTEN AGREEMENTS.—Except as pro-
16 vided in paragraph (3), not later than 180 days
17 after the date of enactment of this Act, all agree-
18 ments between the United States and foreign gov-
19 ernments or partners regarding the presence of Fed-
20 eral air marshals on flights to and from the United
21 States shall be in writing and signed by the Admin-
22 istrator or other authorized United States Govern-
23 ment representative.

24 (3) EXCEPTION.—The Administrator may
25 schedule Federal air marshal service on flights oper-

1 ating to a foreign country with which no written
2 agreement is in effect if the Administrator deter-
3 mines that—

4 (A) such mission is necessary for aviation
5 security; and

6 (B) the requirements of paragraph (4)(B)
7 are met.

8 (4) NOTIFICATION TO CONGRESS.—

9 (A) WRITTEN AGREEMENTS.—Not later
10 than 30 days after the date that the Adminis-
11 trator enters into a written agreement under
12 this section, the Administrator shall transmit to
13 the appropriate committees of Congress a copy
14 of the agreement.

15 (B) NO WRITTEN AGREEMENTS.—The Ad-
16 ministrators shall submit to the appropriate
17 committees of Congress—

18 (i) not later than 30 days after the
19 date of enactment of this Act, a list of
20 each foreign government or partner that
21 does not have a written agreement under
22 this section, including an explanation for
23 why no written agreement exists and a jus-
24 tification for the determination that such a

1 mission is necessary for aviation security;
2 and

3 (ii) not later than 30 days after the
4 date that the Administrator makes a deter-
5 mination to schedule Federal air marshal
6 service on flights operating to a foreign
7 country with which no written agreement
8 is in effect under paragraph (3), the name
9 of the applicable foreign government or
10 partner, an explanation for why no written
11 agreement exists, and a justification for
12 the determination that such mission is nec-
13 essary for aviation security.

14 (b) MISSION SCHEDULING AUTOMATION.—The Ad-
15 ministrator shall endeavor to acquire automati-
16 zed capabilities or technologies for scheduling Federal air marshal
17 service missions based on current risk modeling.

18 (c) IMPROVING FEDERAL AIR MARSHAL SERVICE
19 DEPLOYMENTS.—

20 (1) AFTER-ACTION REPORTS.—The Adminis-
21 trator shall strengthen internal controls to ensure
22 that all after-action reports on Federal air marshal
23 service special mission coverage provided to stake-
24 holders include documentation of supervisory review
25 and approval, and mandatory narratives.

1 (2) STUDY.—The Administrator shall contract
2 with an independent entity to conduct a validation
3 and verification study of the risk analysis and risk-
4 based determinations guiding Federal air marshal
5 service deployment, including the use of risk-based
6 strategies under subsection (d).

7 (3) COST-BENEFIT ANALYSIS.—The Adminis-
8 trator shall conduct a cost-benefit analysis regarding
9 mitigation of aviation security threats through Fed-
10 eral air marshal service deployment.

11 (4) PERFORMANCE MEASURES.—The Adminis-
12 trator shall improve existing performance measures
13 to better determine the effectiveness of in-flight op-
14 erations in addressing the highest risks to aviation
15 transportation based on current intelligence.

16 (5) LONG DISTANCE FLIGHTS.—Section 44917
17 is amended—

18 (A) by striking subsection (b); and

19 (B) by redesignating subsections (c)
20 through (d) as subsections (b) through (c), re-
21 spectively.

22 (d) USE OF RISK-BASED STRATEGIES.—

23 (1) IN GENERAL.—Section 44917(a) is amend-
24 ed—

1 (A) in paragraph (7), by striking “and”
2 after the semicolon at the end;

3 (B) in paragraph (8), by striking the pe-
4 riod at the end and inserting a semicolon; and

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

6 “(9) shall require the Federal Air Marshal
7 Service to utilize a risk-based strategy when allo-
8 cating resources between international and domestic
9 flight coverage, including when initially setting its
10 annual target numbers of average daily international
11 and domestic flights to cover;

12 “(10) shall require the Federal Air Marshal
13 Service to utilize a risk-based strategy to support
14 domestic allocation decisions;

15 “(11) shall require the Federal Air Marshal
16 Service to utilize a risk-based strategy to support
17 international allocation decisions; and

18 “(12) shall ensure that the seating arrange-
19 ments of Federal air marshals on aircraft are deter-
20 mined in a manner that is risk-based and most capa-
21 ble of responding to current threats to aviation secu-
22 rity.”.

23 (2) BRIEFING.—Not later than 270 days after
24 the date of enactment of this Act, the Administrator
25 shall brief the appropriate committees of Congress

1 on the Federal Air Marshal Service's compliance
2 with the requirements under paragraphs (9) through
3 (12) of section 44917(a) of title 49, United States
4 Code, as added by this Act, and the documented
5 methodology used by the Federal Air Marshal Serv-
6 ice to conduct risk assessments in accordance with
7 such paragraphs.

8 (3) IMPLEMENTATION DEADLINE.—Not later
9 than 180 days after the date of enactment of this
10 Act, the Administrator shall begin implementing the
11 requirements under paragraphs (9) through (12) of
12 section 44917(a), United States Code, as added by
13 this Act.

14 **SEC. 1960. CREW MEMBER SELF-DEFENSE TRAINING.**

15 The Administrator, in consultation with the Adminis-
16 trator of the Federal Aviation Administration, shall con-
17 tinue to carry out and encourage increased participation
18 by air carrier employees in the voluntary self-defense
19 training program under section 44918(b) of title 49,
20 United States Code.

21 **SEC. 1961. FLIGHT DECK SAFETY AND SECURITY.**

22 (a) THREAT ASSESSMENT.—Not later than 90 days
23 after the date of enactment of this Act, the Administrator,
24 in consultation with the Administrator of the Federal
25 Aviation Administration, shall complete a detailed threat

1 assessment to identify any safety or security risks associ-
2 ated with unauthorized access to the flight decks on com-
3 mercial aircraft and any appropriate measures that should
4 be taken based on the risks.

5 (b) RTCA REPORT.—The Administrator, in coordi-
6 nation with the Administrator of the Federal Aviation Ad-
7 ministration, shall disseminate RTCA Document (DO-
8 329) Aircraft Secondary Barriers and Alternative Flight
9 Deck Security Procedure to aviation stakeholders, includ-
10 ing air carriers and flight crew, to convey effective meth-
11 ods and best practices to protect the flight deck.

12 **SEC. 1962. CARRIAGE OF WEAPONS, EXPLOSIVES, AND IN-**
13 **CENDIARIES BY INDIVIDUALS.**

14 (a) INTERPRETIVE RULE.—Subject to subsections
15 (b) and (c), the Administrator shall periodically review and
16 amend, as necessary, the interpretive rule (68 Fed. Reg.
17 7444) that provides guidance to the public on the types
18 of property considered to be weapons, explosives, and in-
19 cendiaries prohibited under section 1540.111 of title 49,
20 Code of Federal Regulations.

21 (b) CONSIDERATIONS.—Before determining whether
22 to amend the interpretive rule to include or remove an
23 item from the prohibited list, the Administrator shall—
24 (1) research and evaluate—

1 (A) the impact, if any, the amendment
2 would have on security risks;

3 (B) the impact, if any, the amendment
4 would have on screening operations, including
5 effectiveness and efficiency; and

6 (C) whether the amendment is consistent
7 with international standards and guidance, in-
8 cluding of the International Civil Aviation Or-
9 ganization; and
10 (2) consult with appropriate aviation security
11 stakeholders, including ASAC.

12 (c) EXCEPTIONS.—Except for plastic or round bladed
13 butter knives, the Administrator may not amend the inter-
14 pretive rule described in subsection (a) to authorize any
15 knife to be permitted in an airport sterile area or in the
16 cabin of an aircraft.

17 (d) NOTIFICATION.—The Administrator shall—

18 (1) publish in the Federal Register any amend-
19 ment to the interpretive rule described in subsection
20 (a); and

21 (2) notify the appropriate committees of Con-
22 gress of the amendment not later than 3 days before
23 publication under paragraph (1).

1 **SEC. 1963. FEDERAL FLIGHT DECK OFFICER PROGRAM IM-**
2 **PROVEMENTS.**

3 (a) IMPROVED ACCESS TO TRAINING FACILITIES.—

4 Section 44921(c)(2)(C)(ii) is amended—

5 (1) by striking “The training of” and inserting
6 the following:

7 “(I) IN GENERAL.—The training
8 of”;

9 (2) in subclause (I), as designated, by striking
10 “approved by the Under Secretary”; and

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

12 “(II) ACCESS TO TRAINING FA-
13 CILITIES.—The Administrator shall
14 designate additional firearms training
15 facilities located in various regions of
16 the United States for Federal flight
17 deck officers for recurrent and re-
18 qualifying training relative to the
19 number of such facilities available on
20 the day before such date of enact-
21 ment.”.

22 (b) FIREARMS REQUALIFICATION.—Section
23 44921(c)(2)(C) is amended—

24 (1) in clause (iii)—

25 (A) by striking “The Under Secretary
26 shall” and inserting the following:

1 “(I) IN GENERAL.—The Admin-
2 istrator shall”;

3 (B) in subclause (I), as designated by sub-
4 paragraph (A), by striking “the Under Sec-
5 retary” and inserting “the Administrator”; and
6 (C) by adding at the end the following:

7 “(II) USE OF FACILITIES FOR
8 REQUALIFICATION.—The Adminis-
9 trator shall allow a Federal flight
10 deck officer to requalify to carry a
11 firearm under the program through
12 training at a Transportation Security
13 Administration-approved firearms
14 training facility utilizing a Transpor-
15 tation Security Administration-ap-
16 proved contractor and a curriculum
17 developed and approved by the Trans-
18 portation Security Administration.”;
19 and

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

21 “(iv) PERIODIC REVIEW.—The Ad-
22 ministrator shall periodically review re-
23 qualification training intervals and assess
24 whether it is appropriate and sufficient to
25 adjust the time between each requalifica-

1 tion training to facilitate continued partici-
2 pation in the program under this section
3 while still maintaining effectiveness of the
4 training, and update the training require-
5 ments as appropriate.”.

6 (c) TRAINING REVIEW.—Section 44921(c)(2) is
7 amended by adding at the end the following:

8 “(D) TRAINING REVIEW.—Not later than
9 2 years after the date of enactment of the TSA
10 Modernization Act, and biennially thereafter,
11 the Administrator shall review training facilities
12 and training requirements for initial and recur-
13 rent training for Federal flight deck officers
14 and evaluate how training requirements, includ-
15 ing the length of training, could be streamlined
16 while maintaining the effectiveness of the train-
17 ing, and update the training requirements as
18 appropriate.”.

19 (d) OTHER MEASURES TO FACILITATE TRAINING.—
20 Section 44921(e) is amended—

21 (1) by striking “Pilots participating” and in-
22 serting the following:

23 “(1) IN GENERAL.—Pilots participating”; and

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

1 “(2) FACILITATION OF TRAINING.—An air car-
2 rier shall permit a pilot seeking to be deputized as
3 a Federal flight deck officer or a Federal flight deck
4 officer to take a reasonable amount of leave to par-
5 ticipate in initial, recurrent, or requalification train-
6 ing, as applicable, for the program. Leave required
7 under this paragraph may be provided without com-
8 pensation.”.

9 (e) INTERNATIONAL HARMONIZATION.—Section
10 44921(f) is amended—

11 (1) in paragraphs (1) and (3), by striking
12 “Under Secretary” and inserting “Administrator”;
13 and

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

15 “(4) CONSISTENCY WITH FEDERAL AIR MAR-
16 SHAL PROGRAM.—The Administrator shall har-
17 monize, to the extent practicable and in a manner
18 that does not jeopardize existing Federal air marshal
19 agreements, the policies relating to the carriage of
20 firearms on international flights by Federal flight
21 deck officers with the policies of the Federal air
22 marshal program for carrying firearms on such
23 flights and carrying out the duties of a Federal
24 flight deck officer, notwithstanding Annex 17 of the
25 International Civil Aviation Organization.”.

1 (f) PHYSICAL STANDARDS.—Section 44921(d)(2) is
2 amended—

3 (1) by redesignating subparagraphs (A), (B),
4 and (C) as clauses (i), (ii), and (iii), respectively;

5 (2) in clause (ii), as redesignated, by striking
6 “Under Secretary’s” and inserting “Administra-
7 tor’s”;

8 (3) by striking “A pilot is” and inserting the
9 following:

10 “(A) IN GENERAL.—A pilot is”; and

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

12 “(B) CONSISTENCY WITH REQUIREMENTS
13 FOR CERTAIN MEDICAL CERTIFICATES.—In es-
14 tablishing standards under subparagraph
15 (A)(ii), the Administrator may not establish
16 medical or physical standards for a pilot to be-
17 come a Federal flight deck officer that are in-
18 consistent with or more stringent than the re-
19 quirements of the Federal Aviation Administra-
20 tion for the issuance of the required airman
21 medical certificate under part 67 of title 14,
22 Code of Federal Regulations (or any cor-
23 responding similar regulation or ruling).”.

24 (g) TRANSFER OF STATUS.—Section 44921(d) is
25 amended by adding at the end the following:

1 “(5) TRANSFER FROM INACTIVE TO ACTIVE
2 STATUS.—In accordance with any applicable Trans-
3 portation Security Administration appeals processes,
4 a pilot deputized as a Federal flight deck officer who
5 moves to inactive status may return to active status
6 upon successful completion of a recurrent training
7 program administered within program guidelines.”.

8 (h) TECHNICAL CORRECTIONS.—Section 44921, as
9 amended by this section, is further amended—

10 (1) in subsection (a), by striking “Under Sec-
11 retary of Transportation for Security” and inserting
12 “Administrator”;

13 (2) in subsection (b)—

14 (A) in paragraph (1), by striking “Not
15 later than 3 months after the date of enactment
16 of this section, the Under Secretary” and in-
17 serting “The Administrator”;

18 (B) in paragraph (2), by striking “Begin-
19 ning 3 months after the date of enactment of
20 this section, the Under Secretary shall begin
21 the process of training and deputizing” and in-
22 serting “The Administrator shall train and dep-
23 utize”; and

1 (C) in paragraph (3)(N), by striking
2 “Under Secretary’s” and inserting “Adminis-
3 trator’s”;

4 (3) in subsection (d)(4)—

5 (A) by striking “may,” and inserting
6 “may”; and

7 (B) by striking “Under Secretary’s” and
8 inserting “Administrator’s”;

9 (4) in subsection (i)(2), by striking “the Under
10 Secretary may” and inserting “may”;

11 (5) in subsection (k)—

12 (A) by striking paragraphs (2) and (3);
13 and

14 (B) by striking “APPLICABILITY.—” and
15 all that follows through “This section” and in-
16 serting “APPLICABILITY.—This section”;

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

18 “(l) DEFINITIONS.—In this section:

19 “(1) ADMINISTRATOR.—The term ‘Adminis-
20 trator’ means the Administrator of the Transpor-
21 tation Security Administration.

22 “(2) AIR TRANSPORTATION.—The term ‘air
23 transportation’ includes all-cargo air transportation.

24 “(3) FIREARMS TRAINING FACILITY.—The term
25 ‘firearms training facility’ means a private or gov-

1 ernment-owned gun range approved by the Adminis-
2 trator to provide recurrent or requalification train-
3 ing, as applicable, for the program, utilizing a
4 Transportation Security Administration-approved
5 contractor and a curriculum developed and approved
6 by the Transportation Security Administration.

7 “(4) PILOT.—The term ‘pilot’ means an indi-
8 vidual who has final authority and responsibility for
9 the operation and safety of the flight or any other
10 flight deck crew member.”; and

11 (7) by striking “Under Secretary” each place it
12 appears and inserting “Administrator”.

13 (i) SENSITIVE SECURITY INFORMATION.—Not later
14 than 180 days after the date of enactment of this Act—

15 (1) the Secretary of Transportation shall revise
16 section 15.5(b)(11) of title 49, Code of Federal Reg-
17 ulations, to classify information about pilots depu-
18 tized as Federal flight deck officers under section
19 44921 of title 49, United States Code, as sensitive
20 security information in a manner consistent with the
21 classification of information about Federal air mar-
22 shals; and

23 (2) the Administrator shall revise section
24 1520.5(b)(11) of title 49, Code of Federal Regula-
25 tions, to classify information about pilots deputized

1 as Federal flight deck officers under section 44921
2 of title 49, United States Code, as sensitive security
3 information in a manner consistent with the classi-
4 fication of information about Federal air marshals.

5 (j) REGULATIONS.—Not later than 180 days after
6 the date of enactment of this Act, the Administrator shall
7 prescribe such regulations as may be necessary to carry
8 out this section and the amendments made by this section.

9 **Subtitle G—Surface Transportation**
10 **Security**

11 **SEC. 1964. SURFACE TRANSPORTATION SECURITY ASSESS-**
12 **MENT AND IMPLEMENTATION OF RISK-**
13 **BASED STRATEGY.**

14 (a) SECURITY ASSESSMENT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Administrator
17 shall complete an assessment of the vulnerabilities of
18 and risks to surface transportation systems.

19 (2) CONSIDERATIONS.—In conducting the secu-
20 rity assessment under paragraph (1), the Adminis-
21 trator shall, at a minimum—

22 (A) consider appropriate intelligence;

23 (B) consider security breaches and attacks
24 at domestic and international surface transpor-
25 tation facilities;

1 (C) consider the vulnerabilities and risks
2 associated with specific modes of surface trans-
3 portation;

4 (D) evaluate the vetting and security train-
5 ing of—

6 (i) employees in surface transpor-
7 tation; and

8 (ii) other individuals with access to
9 sensitive or secure areas of surface trans-
10 portation networks; and

11 (E) consider input from—

12 (i) representatives of different modes
13 of surface transportation;

14 (ii) representatives of critical infra-
15 structure entities;

16 (iii) the Transportation Systems Sec-
17 tor Coordinating Council; and

18 (iv) the heads of other relevant Fed-
19 eral departments or agencies.

20 (b) RISK-BASED SURFACE TRANSPORTATION SECU-
21 RITY STRATEGY.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date the security assessment under sub-
24 section (a) is complete, the Administrator shall use
25 the results of the assessment—

1 (A) to develop and implement a cross-cut-
2 ting, risk-based surface transportation security
3 strategy that includes—

4 (i) all surface transportation modes;

5 (ii) a mitigating strategy that aligns
6 with each vulnerability and risk identified
7 in subsection (a);

8 (iii) a planning process to inform re-
9 source allocation;

10 (iv) priorities, milestones, and per-
11 formance metrics to measure the effective-
12 ness of the risk-based surface transpor-
13 tation security strategy; and

14 (v) processes for sharing relevant and
15 timely intelligence threat information with
16 appropriate stakeholders;

17 (B) to develop a management oversight
18 strategy that—

19 (i) identifies the parties responsible
20 for the implementation, management, and
21 oversight of the risk-based surface trans-
22 portation security strategy; and

23 (ii) includes a plan for implementing
24 the risk-based surface transportation secu-
25 rity strategy; and

1 (C) to modify the risk-based budget and
2 resource allocations, in accordance with section
3 __702(c), for the Transportation Security Ad-
4 ministration.

5 (2) COORDINATED APPROACH.—In developing
6 and implementing the risk-based surface transpor-
7 tation security strategy under paragraph (1), the
8 Administrator shall coordinate with the heads of
9 other relevant Federal departments or agencies, and
10 stakeholders, as appropriate—

11 (A) to evaluate existing surface transpor-
12 tation security programs, policies, and initia-
13 tives, including the explosives detection canine
14 teams, for consistency with the risk-based secu-
15 rity strategy and, to the extent practicable,
16 avoid any unnecessary duplication of effort;

17 (B) to determine the extent to which stake-
18 holder security programs, policies, and initia-
19 tives address the vulnerabilities and risks to
20 surface transportation systems identified in
21 subsection (a); and

22 (C) subject to subparagraph (B), to miti-
23 gate each vulnerability and risk to surface
24 transportation systems identified in subsection
25 (a).

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date the security assessment under sub-
4 section (a) is complete, the Administrator shall sub-
5 mit to the appropriate committees of Congress and
6 the Inspector General of the Department a report
7 that—

8 (A) describes the process used to complete
9 the security assessment;

10 (B) describes the process used to develop
11 the risk-based security strategy;

12 (C) describes the risk-based security strat-
13 egy;

14 (D) includes the management oversight
15 strategy;

16 (E) includes—

17 (i) the findings of the security assess-
18 ment;

19 (ii) a description of the actions rec-
20 ommended or taken by the Administrator
21 to mitigate the vulnerabilities and risks
22 identified in subsection (a), including inter-
23 agency coordination;

24 (iii) any recommendations for improv-
25 ing the coordinated approach to mitigating

1 vulnerabilities and risks to surface trans-
2 portation systems; and

3 (iv) any recommended changes to the
4 National Infrastructure Protection Plan,
5 the modal annexes to such plan, or rel-
6 evant surface transportation security pro-
7 grams, policies, or initiatives; and

8 (F) may contain a classified annex.

9 (2) PROTECTIONS.—In preparing the report,
10 the Administrator shall take appropriate actions to
11 safeguard information described by section 552(b) of
12 title 5, United States Code, or protected from dislo-
13 sure by any other law of the United States.

14 (d) UPDATES.—Not less frequently than semiannu-
15 ally, the Administrator shall report to or brief the appro-
16 priate committees of Congress on the vulnerabilities of and
17 risks to surface transportation systems and how those
18 vulnerabilities and risks affect the risk-based security
19 strategy.

20 **SEC. 1965. RISK-BASED BUDGETING AND RESOURCE ALLO-**
21 **CATION.**

22 (a) REPORT.—In conjunction with the submission of
23 the Department's annual budget request to the Office of
24 Management and Budget, the Administrator shall submit
25 to the appropriate committees of Congress a report that

1 describes a risk-based budget and resource allocation plan
2 for surface transportation sectors, within and across
3 modes, that—

4 (1) reflects the risk-based surface transpor-
5 tation security strategy under section __701(b); and

6 (2) is organized by appropriations account, pro-
7 gram, project, and initiative.

8 (b) BUDGET TRANSPARENCY.—In submitting the an-
9 nual budget of the United States Government under sec-
10 tion 1105 of title 31, United States Code, the President
11 shall clearly distinguish the resources requested for sur-
12 face transportation security from the resources requested
13 for aviation security.

14 (c) RESOURCE REALLOCATION.—

15 (1) IN GENERAL.—Not later than 15 days after
16 the date on which the Transportation Security Ad-
17 ministration allocates any resources or personnel, in-
18 cluding personnel sharing, detailing, or assignment,
19 or the use of facilities, technology systems, or vet-
20 ting resources, for a nontransportation security pur-
21 pose or National Special Security Event (as defined
22 in section 2001 of Homeland Security Act of 2002
23 (6 U.S.C. 601)), the Secretary shall provide the no-
24 tification described in paragraph (2) to the appro-
25 priate committees of Congress.

1 (2) NOTIFICATION.—A notification described in
2 this paragraph shall include—

3 (A) the reason for and a justification of
4 the resource or personnel allocation;

5 (B) the expected end date of the resource
6 or personnel allocation; and

7 (C) the projected cost to the Transpor-
8 tation Security Administration of the personnel
9 or resource allocation.

10 (d) 5-YEAR CAPITAL INVESTMENT PLAN.—Not later
11 than 180 days after the date of enactment of this Act,
12 the Administrator shall submit to the Committee on Com-
13 merce, Science, and Transportation of the Senate and the
14 Committee on Homeland Security of the House of Rep-
15 resentatives a 5-year capital investment plan, consistent
16 with the 5-year technology investment plan under section
17 1611 of title XVI of the Homeland Security Act of 2002,
18 as amended by section 3 of the Transportation Security
19 Acquisition Reform Act (Public Law 113–245; 128 Stat.
20 2871).

1 **SEC. 1966. SURFACE TRANSPORTATION SECURITY MANAGE-**
2 **MENT AND INTERAGENCY COORDINATION**
3 **REVIEW.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Comptroller General of the United States
6 shall—

7 (1) review the staffing, budget, resource, and
8 personnel allocation, and management oversight
9 strategy of the Transportation Security Administra-
10 tion's surface 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
17 Congress a report on the findings of the reviews
18 under paragraphs (1) and (2), including any rec-
19 ommendations for improving coordination between
20 relevant entities and reducing redundancy and regu-
21 latory burden.

22 **SEC. 1967. TRANSPARENCY.**

23 (a) REGULATIONS.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, and every
26 180 days thereafter, the Administrator shall publish

1 on a public website information regarding the status
2 of each regulation relating to surface transportation
3 security that is directed by law to be issued and that
4 has not been issued if not less than 2 years have
5 passed since the 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
9 the 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
14 experts, 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
21 every 2 years thereafter until all of the requirements under
22 titles XIII, XIV, and XV of the Implementing Rec-
23 ommendations of the 9/11 Commission Act of 2007 (6
24 U.S.C. 1111 et seq.) and under this title have been fully
25 implemented, the Inspector General of the Department

1 shall submit to the appropriate committees of Congress
2 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 wheth-
9 er any of the requirements under such titles of that
10 Act 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,
16 or patrols by Visible Intermodal Prevention and Re-
17 sponse teams, to enhance security at a transpor-
18 tation system or transportation facility for a period
19 of not less than 180 consecutive days, the Adminis-
20 trator shall provide sufficient notification to the sys-
21 tem or facility operator, as applicable, not less than
22 14 days prior to terminating the deployment.

23 (2) EXCEPTION.—This subsection shall not
24 apply 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 Imple-
8 menting Recommendations of the 9/11 Commission Act of
9 2007 (6 U.S.C. 1112) is amended—

10 (1) in subsection (a)(4), by striking “team,”
11 and inserting “team as to specific locations and
12 times within the facilities of such entities at which
13 VIPR teams are to be deployed to maximize the ef-
14 fectiveness 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 Moderniza-
19 tion Act, the Administrator shall develop and implement
20 a system of qualitative performance measures and objec-
21 tives by which to assess the roles, activities, and effective-
22 ness of VIPR team operations on an ongoing basis, includ-
23 ing a mechanism through which the transportation entities
24 referred to in subsection (a)(4) may submit feedback on
25 VIPR 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 Admin-
3 istrator shall develop and implement a plan for ensuring
4 the interoperability of communications among VIPR team
5 participants and between VIPR teams and any transpor-
6 tation entities with systems or facilities that are involved
7 in VIPR team operations. Such plan shall include an anal-
8 ysis of the costs and resources required to carry out such
9 plan.”.

10 **SEC. 1969. SURFACE TRANSPORTATION SECURITY ADVI-**
11 **SORY COMMITTEE.**

12 (a) IN GENERAL.—Subtitle A of title IV of the
13 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.)
14 is amended by adding at the end the following:

15 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**
16 **SORY COMMITTEE.**

17 “(a) ESTABLISHMENT.—The Administrator of the
18 Transportation Security Administration (referred to in
19 this section as ‘Administrator’) shall establish within the
20 Transportation Security Administration the Surface
21 Transportation Security Advisory Committee (referred to
22 in this section as the ‘Advisory Committee’).

23 “(b) DUTIES.—

24 “(1) IN GENERAL.—The Advisory Committee
25 may advise, consult with, report to, and make rec-

1 ommendations to the Administrator on surface
2 transportation security matters, including the devel-
3 opment, refinement, and implementation of policies,
4 programs, initiatives, rulemakings, and security di-
5 rectives pertaining to surface transportation secu-
6 rity.

7 “(2) RISK-BASED SECURITY.—The Advisory
8 Committee shall consider risk-based security ap-
9 proaches in the performance of its duties.

10 “(c) MEMBERSHIP.—

11 “(1) COMPOSITION.—The Advisory Committee
12 shall be composed of—

13 “(A) voting members appointed by the Ad-
14 ministrator under paragraph (2); and

15 “(B) nonvoting members, serving in an ad-
16 visory capacity, who shall be designated by—

17 “(i) the Transportation Security Ad-
18 ministration;

19 “(ii) the Department of Transpor-
20 tation;

21 “(iii) the Coast Guard; and

22 “(iv) such other Federal department
23 or agency as the Administrator considers
24 appropriate.

1 “(2) APPOINTMENT.—The Administrator shall
2 appoint voting members from among stakeholders
3 representing each mode of surface transportation,
4 such as passenger rail, freight rail, mass transit,
5 pipelines, highways, over-the-road bus, school bus in-
6 dustry, and trucking, including representatives
7 from—

8 “(A) associations representing such modes
9 of surface transportation;

10 “(B) labor organizations representing such
11 modes of surface transportation;

12 “(C) groups representing the users of such
13 modes of surface transportation, including asset
14 manufacturers, as appropriate;

15 “(D) relevant law enforcement, first re-
16 sponders, and security experts; and

17 “(E) such other groups as the Adminis-
18 trator considers appropriate.

19 “(3) CHAIRPERSON.—The Advisory Committee
20 shall select a chairperson from among its voting
21 members.

22 “(4) TERM OF OFFICE.—

23 “(A) TERMS.—

24 “(i) IN GENERAL.—The term of each
25 voting member of the Advisory Committee

1 shall be 2 years, but a voting member may
2 continue to serve until the Administrator
3 appoints a successor.

4 “(ii) REAPPOINTMENT.—A voting
5 member of the Advisory Committee may be
6 reappointed.

7 “(B) REMOVAL.—

8 “(i) IN GENERAL.—The Administrator
9 may review the participation of a member
10 of the Advisory Committee and remove
11 such member for cause at any time.

12 “(ii) ACCESS TO INFORMATION.—The
13 Administrator may remove any member of
14 the Advisory Committee that the Adminis-
15 trator determines should be restricted from
16 reviewing, discussing, or possessing classi-
17 fied information or sensitive security infor-
18 mation.

19 “(5) PROHIBITION ON COMPENSATION.—The
20 members of the Advisory Committee shall not re-
21 ceive any compensation from the Government by
22 reason of their service on the Advisory Committee.

23 “(6) MEETINGS.—

24 “(A) IN GENERAL.—The Administrator
25 shall require the Advisory Committee to meet at

1 least semiannually in person or through web
2 conferencing and may convene additional meet-
3 ings as necessary.

4 “(B) PUBLIC MEETINGS.—At least 1 of
5 the meetings of the Advisory Committee each
6 year shall be—

7 “(i) announced in the Federal Reg-
8 ister;

9 “(ii) announced on a public website;
10 and

11 “(iii) open to the public.

12 “(C) ATTENDANCE.—The Advisory Com-
13 mittee shall maintain a record of the persons
14 present at each meeting.

15 “(D) MINUTES.—

16 “(i) IN GENERAL.—Unless otherwise
17 prohibited by other Federal law, minutes
18 of the meetings shall be published on the
19 public website under subsection (e)(5).

20 “(ii) PROTECTION OF CLASSIFIED
21 AND SENSITIVE INFORMATION.—The Advi-
22 sory Committee may redact or summarize,
23 as necessary, minutes of the meetings to
24 protect classified or other sensitive infor-
25 mation in accordance with law.

1 “(7) VOTING MEMBER ACCESS TO CLASSIFIED
2 AND SENSITIVE SECURITY INFORMATION.—

3 “(A) DETERMINATIONS.—Not later than
4 60 days after the date on which a voting mem-
5 ber is appointed to the Advisory Committee and
6 before that voting member may be granted any
7 access to classified information or sensitive se-
8 curity information, the Administrator shall de-
9 termine if the voting member should be re-
10 stricted from reviewing, discussing, or pos-
11 sessing classified information or sensitive secu-
12 rity information.

13 “(B) ACCESS.—

14 “(i) SENSITIVE SECURITY INFORMA-
15 TION.—If a voting member is not re-
16 stricted from reviewing, discussing, or pos-
17 sessing sensitive security information
18 under subparagraph (A) and voluntarily
19 signs a nondisclosure agreement, the vot-
20 ing member may be granted access to sen-
21 sitive security information that is relevant
22 to the voting member’s service on the Advi-
23 sory Committee.

24 “(ii) CLASSIFIED INFORMATION.—Ac-
25 cess to classified materials shall be man-

1 aged in accordance with Executive Order
2 13526 of December 29, 2009 (75 Fed.
3 Reg. 707), or any subsequent cor-
4 responding Executive order.

5 “(C) PROTECTIONS.—

6 “(i) SENSITIVE SECURITY INFORMA-
7 TION.—Voting members shall protect sen-
8 sitive security information in accordance
9 with part 1520 of title 49, Code of Federal
10 Regulations.

11 “(ii) CLASSIFIED INFORMATION.—
12 Voting members shall protect classified in-
13 formation in accordance with the applica-
14 ble requirements for the particular level of
15 classification.

16 “(8) JOINT COMMITTEE MEETINGS.—The Advi-
17 sory Committee may meet with 1 or more of the fol-
18 lowing advisory committees to discuss multimodal
19 security issues and other security-related issues of
20 common concern:

21 “(A) Aviation Security Advisory Com-
22 mittee established under section 44946 of title
23 49, United States Code.

1 “(B) Maritime Security Advisory Com-
2 mittee established under section 70112 of title
3 46, United States Code.

4 “(C) Railroad Safety Advisory Committee
5 established by the Federal Railroad Administra-
6 tion.

7 “(9) SUBJECT MATTER EXPERTS.—The Advi-
8 sory Committee may request the assistance of sub-
9 ject matter experts with expertise related to the ju-
10 risdiction of the Advisory Committee.

11 “(d) REPORTS.—

12 “(1) PERIODIC REPORTS.—The Advisory Com-
13 mittee shall periodically submit reports to the Ad-
14 ministrator on matters requested by the Adminis-
15 trator or by a majority of the members of the Advi-
16 sory Committee.

17 “(2) ANNUAL REPORT.—

18 “(A) SUBMISSION.—The Advisory Com-
19 mittee shall submit to the Administrator and
20 the appropriate congressional committees an
21 annual report that provides information on the
22 activities, findings, and recommendations of the
23 Advisory Committee during the preceding year.

24 “(B) PUBLICATION.—Not later than 6
25 months after the date that the Administrator

1 receives an annual report under subparagraph
2 (A), the Administrator shall publish a public
3 version of the report, in accordance with section
4 552a(b) of title 5, United States Code.

5 “(e) ADMINISTRATION RESPONSE.—

6 “(1) CONSIDERATION.—The Administrator
7 shall consider the information, advice, and rec-
8 ommendations of the Advisory Committee in formu-
9 lating policies, programs, initiatives, rulemakings,
10 and security directives pertaining to surface trans-
11 portation security.

12 “(2) FEEDBACK.—Not later than 90 days after
13 the date that the Administrator receives a rec-
14 ommendation from the Advisory Committee under
15 subsection (d)(2), the Administrator shall submit to
16 the Advisory Committee written feedback on the rec-
17 ommendation, including—

18 “(A) if the Administrator agrees with the
19 recommendation, a plan describing the actions
20 that the Administrator has taken, will take, or
21 recommends that the head of another Federal
22 department or agency take to implement the
23 recommendation; or

1 “(B) if the Administrator disagrees with
2 the recommendation, a justification for that de-
3 termination.

4 “(3) NOTICES.—Not later than 30 days after
5 the date the Administrator submits feedback under
6 paragraph (2), the Administrator shall—

7 “(A) notify the appropriate congressional
8 committees of the feedback, including the deter-
9 mination under subparagraph (A) or subpara-
10 graph (B) of that paragraph, as applicable; and

11 “(B) provide the appropriate congressional
12 committees with a briefing upon request.

13 “(4) UPDATES.—Not later than 90 days after
14 the date the Administrator receives a recommenda-
15 tion from the Advisory Committee under subsection
16 (d)(2) that the Administrator agrees with, and quar-
17 terly thereafter until the recommendation is fully im-
18 plemented, the Administrator shall submit a report
19 to the appropriate congressional committees or post
20 on the public website under paragraph (5) an update
21 on the status of the recommendation.

22 “(5) WEBSITE.—The Administrator shall main-
23 tain a public website that—

24 “(A) lists the members of the Advisory
25 Committee; and

1 “(B) provides the contact information for
2 the Advisory Committee.

3 “(f) NONAPPLICABILITY OF FACA.—The Federal
4 Advisory Committee Act (5 U.S.C. App.) shall not apply
5 to the Advisory Committee or any subcommittee estab-
6 lished under this section.”.

7 (b) ADVISORY COMMITTEE MEMBERS.—

8 (1) VOTING MEMBERS.—Not later than 180
9 days after the date of enactment of this Act, the Ad-
10 ministrator shall appoint the voting members of the
11 Surface Transportation Security Advisory Com-
12 mittee established under section 404 of the Home-
13 land Security Act of 2002, as added by subsection
14 (a) of this section.

15 (2) NONVOTING MEMBERS.—Not later than 90
16 days after the date of enactment of this Act, each
17 Federal Government department and agency with
18 regulatory authority over a mode of surface or mari-
19 time transportation, as the Administrator considers
20 appropriate, shall designate an appropriate rep-
21 resentative to serve as a nonvoting member of the
22 Surface Transportation Security Advisory Com-
23 mittee.

24 (c) TABLE OF CONTENTS.—The table of contents in
25 section 1(b) of the Homeland Security Act of 2002 (Public

1 Law 107–296; 116 Stat. 2135) is amended by inserting
2 after the item relating to section 403 the following:

“Sec. 404. Surface Transportation Security Advisory Committee.”.

3 **SEC. 1970. REVIEW OF THE EXPLOSIVES DETECTION CA-**
4 **NINE TEAM PROGRAM.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date that the Inspector General of the Department re-
7 ceives the report under section __701(c), the Inspector
8 General of the Department shall—

9 (1) review the explosives detection canine team
10 program, including—

11 (A) the development by the Transportation
12 Security Administration of a deployment strat-
13 egy for explosives detection canine teams;

14 (B) the national explosives detection canine
15 team training program, including canine train-
16 ing, handler training, refresher training, and
17 updates to such training;

18 (C) the use of the canine assets during an
19 urgent security need, including the reallocation
20 of such program resources outside the transpor-
21 tation systems sector during an urgent security
22 need; and

23 (D) the monitoring and tracking of canine
24 assets; and

1 mits the report under section __707, the Secretary
2 may increase the State and local surface and mari-
3 time transportation canines up to 200 explosives de-
4 tection canine teams unless more are identified in
5 the risk-based surface transportation security strat-
6 egy under section __701, consistent with section
7 __702 or with the President's most recent budget
8 submitted under section 1105 of title 31, United
9 States Code.

10 (3) RECOMMENDATIONS.—Before initiating any
11 increase in the number of explosives detection teams
12 under paragraph (2), the Secretary shall consider
13 any recommendations in the report under section
14 __707 on the efficacy and management of the explo-
15 sives detection canine program.

16 (c) DEPLOYMENT.—The Secretary shall—

17 (1) use the additional explosives detection ca-
18 nine teams, as described in subsection (b)(1), as
19 part of the Department's efforts to strengthen secu-
20 rity across the Nation's surface and maritime trans-
21 portation networks;

22 (2) make available explosives detection canine
23 teams to all modes of transportation, subject to the
24 requirements under section __705, to address spe-
25 cific vulnerabilities or risks, on an as-needed basis

1 and as otherwise determined appropriate by the Sec-
2 retary; and

3 (3) consider specific needs and training require-
4 ments for explosives detection canine teams to be de-
5 ployed across the Nation's surface and maritime
6 transportation networks, including in venues of mul-
7 tiple modes of transportation, as the Secretary con-
8 siders appropriate.

9 (d) AUTHORIZATION.—There are authorized to be ap-
10 propriated to the Secretary to the extent of appropriations
11 to carry out this section for each of fiscal years 2019
12 through 2021.

13 **SEC. 1972. STUDY ON SECURITY STANDARDS AND BEST**
14 **PRACTICES FOR PASSENGER TRANSPOR-**
15 **TATION SYSTEMS.**

16 (a) SECURITY STANDARDS AND BEST PRACTICES
17 FOR UNITED STATES AND FOREIGN PASSENGER TRANS-
18 PORTATION SYSTEMS.—The Comptroller General of the
19 United States shall conduct a study of how the Transpor-
20 tation Security Administration—

21 (1) identifies and compares—

22 (A) United States and foreign passenger
23 transportation security standards; and

1 (B) best practices for protecting passenger
2 transportation systems, including shared ter-
3 minal facilities, and cyber systems; and

4 (2) disseminates the findings under paragraph
5 (1) to stakeholders.

6 (b) REPORT.—Not later than 18 months after the
7 date of enactment of this Act, the Comptroller General
8 shall issue a report that contains—

9 (1) the findings of the study conducted under
10 subsection (a); and

11 (2) any recommendations for improving the rel-
12 evant processes or procedures.

13 **SEC. 1973. AMTRAK SECURITY UPGRADES.**

14 (a) RAILROAD SECURITY ASSISTANCE.—Section
15 1513(b) of the Implementing Recommendations of the 9/
16 11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amend-
17 ed—

18 (1) in paragraph (1), by striking the period at
19 the end and inserting “, including communications
20 interoperability where appropriate with relevant out-
21 side agencies and entities.”;

22 (2) in paragraph (5), by striking “security of”
23 and inserting “security and preparedness of”;

24 (3) in paragraph (7), by striking “security
25 threats” and inserting “security threats and pre-

1 paredness, including connectivity to the National
2 Terrorist Screening Center”; and

3 (4) in paragraph (9), by striking “and security
4 officers” and inserting “, security, and preparedness
5 officers”.

6 (b) SPECIFIC PROJECTS.—Section 1514(a)(3) of the
7 Implementing Recommendations of the 9/11 Commission
8 Act of 2007 (6 U.S.C. 1164(a)(3)) is amended—

9 (1) in subparagraph (D) by inserting “, or to
10 connect to the National Terrorism Screening Center
11 watchlist” after “Secretary”;

12 (2) in subparagraph (G), by striking “; and” at
13 the end and inserting a semicolon;

14 (3) in subparagraph (H) by striking the period
15 at the end and inserting a semicolon; and

16 (4) by adding at the end the following:

17 “(I) for improvements to passenger
18 verification systems;

19 “(J) for improvements to employee and
20 contractor verification systems, including iden-
21 tity verification technology; or

22 “(K) for improvements to the security of
23 Amtrak computer systems, including cybersecu-
24 rity assessments and programs.”.

1 **SEC. 1974. PASSENGER RAIL VETTING.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date on which the Amtrak Board of Directors submits a
4 request to the Administrator, the Administrator shall
5 issue a decision on the use by Amtrak of the Transpor-
6 tation Security Administration's Secure Flight Program
7 or a similar passenger vetting system to enhance pas-
8 senger rail security.

9 (b) CONSIDERATIONS.—In making a decision under
10 subsection (a), the Administrator shall—

11 (1) consider the technological, privacy, oper-
12 ational, and security impacts of such a decision; and

13 (2) describe such impacts in any strategic plan
14 developed under subsection (c).

15 (c) STRATEGIC PLAN.—If the Administrator decides
16 to grant the request by Amtrak under subsection (a), the
17 decision shall include a strategic plan for working with rail
18 stakeholders to enhance passenger rail security by—

19 (1) vetting passengers using terrorist watch
20 lists maintained by the Federal Government or a
21 similar passenger vetting system maintained by the
22 Transportation Security Administration; and

23 (2) where applicable and in consultation with
24 the Commissioner of U.S. Customs and Border Pro-
25 tection, assessing whether the vetting process should
26 be integrated into preclearance operations estab-

1 lished under section 813 of the Trade Facilitation
2 and Trade Enforcement Act of 2015 (19 U.S.C.
3 4432).

4 (d) NOTICES.—The Administrator shall notify the
5 appropriate committees of Congress of any decision made
6 under subsection (a) and the details of the strategic plan
7 under subsection (c).

8 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to limit the Administrator’s au-
10 thority to set the access to, or terms and conditions of
11 using, the Secure Flight Program or a similar passenger
12 vetting system.

13 **SEC. 1975. STUDY ON SURFACE TRANSPORTATION INSPEC-**
14 **TORS.**

15 (a) STRATEGY.—Not later than 180 days after the
16 date of enactment of this Act, the Administrator shall sub-
17 mit to the appropriate congressional committees and the
18 Comptroller General of the United States a strategy to
19 guide operations of surface transportation security inspec-
20 tors that addresses the following:

21 (1) Any limitations in data systems for such in-
22 spectors, as identified by the Comptroller General.

23 (2) Alignment of operations with risk assess-
24 ment findings, including an approach to identifying

1 and prioritizing entities and locations for inspec-
2 tions.

3 (3) Measurable objectives for the surface trans-
4 portation security inspectors program.

5 (b) GAO REVIEW.—Not later than 180 days after the
6 date the strategy under subsection (a) is submitted, the
7 Comptroller General of the United States shall review such
8 strategy and, as appropriate, issue recommendations.

9 **SEC. 1976. SECURITY AWARENESS PROGRAM.**

10 (a) ESTABLISHMENT.—The Administrator shall es-
11 tablish a program to promote surface transportation secu-
12 rity through the training of surface transportation opera-
13 tors and frontline employees on each of the skills identified
14 in subsection (c).

15 (b) APPLICATION.—The program established under
16 subsection (a) shall apply to all modes of surface transpor-
17 tation, including public transportation, rail, highway,
18 motor carrier, and pipeline.

19 (c) TRAINING.—The program established under sub-
20 section (a) shall cover, at a minimum, the skills necessary
21 to recognize, assess, and respond to suspicious items or
22 actions that could indicate a threat to transportation.

23 (d) ASSESSMENT.—

24 (1) IN GENERAL.—The Administrator shall con-
25 duct an assessment of current training programs for

1 surface transportation operators and frontline em-
2 ployees.

3 (2) CONTENTS.—The assessment shall iden-
4 tify—

5 (A) whether other training is being pro-
6 vided, either voluntarily or in response to other
7 Federal requirements; and

8 (B) whether there are any gaps in existing
9 training.

10 (e) UPDATES.—The Administrator shall ensure the
11 program established under subsection (a) is updated as
12 necessary to address changes in risk and terrorist methods
13 and to close any gaps identified in the assessment under
14 subsection (d).

15 (f) SUSPICIOUS ACTIVITY REPORTING.—

16 (1) IN GENERAL.—The Secretary shall main-
17 tain a national telephone number for an individual
18 to use to report suspicious activity under this section
19 to the Administration.

20 (2) PROCEDURES.—The Administrator shall es-
21 tablish procedures for the Administration—

22 (A) to review and follow-up, as necessary,
23 on each report received under paragraph (1);
24 and

1 (B) to share, as necessary and in accord-
2 ance with law, the report with appropriate Fed-
3 eral, State, local, and tribal entities.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 section may be construed to—

6 (A) replace or affect in any way the use of
7 9–1–1 services in an emergency; or

8 (B) replace or affect in any way the secu-
9 rity training program requirements specified in
10 sections 1408, 1517, and 1534 of the Imple-
11 menting Recommendations of the 9/11 Commis-
12 sion Act of 2007 (6 U.S.C. 1137, 1167, 1184).

13 (g) DEFINITION OF FRONTLINE EMPLOYEE.—In this
14 section, the term “frontline employee” includes—

15 (1) an employee of a public transportation
16 agency who is a transit vehicle driver or operator,
17 dispatcher, maintenance and maintenance support
18 employee, station attendant, customer service em-
19 ployee, security employee, or transit police, or any
20 other employee who has direct contact with riders on
21 a regular basis, and any other employee of a public
22 transportation agency that the Administrator deter-
23 mines should receive security training under this
24 section or that is receiving security training under
25 other law;

1 (2) over-the-road bus drivers, security per-
2 sonnel, dispatchers, maintenance and maintenance
3 support personnel, ticket agents, other terminal em-
4 ployees, and other employees of an over-the-road bus
5 operator or terminal owner or operator that the Ad-
6 ministrator determines should receive security train-
7 ing under this section or that is receiving security
8 training under other law; or

9 (3) security personnel, dispatchers, locomotive
10 engineers, conductors, trainmen, other onboard em-
11 ployees, maintenance and maintenance support per-
12 sonnel, bridge tenders, and any other employees of
13 railroad carriers that the Administrator determines
14 should receive security training under this section or
15 that is receiving security training under other law.

16 **SEC. 1977. VOLUNTARY USE OF CREDENTIALING.**

17 (a) IN GENERAL.—An applicable individual who is
18 subject to credentialing or a background investigation may
19 satisfy that requirement by obtaining a valid transpor-
20 tation security card.

21 (b) ISSUANCE OF CARDS.—The Secretary of Home-
22 land Security—

23 (1) shall expand the transportation security
24 card program, consistent with section 70105 of title
25 46, United States Code, to allow an applicable indi-

1 vidual who is subject to credentialing or a back-
2 ground investigation to apply for a transportation
3 security card; and

4 (2) may charge reasonable fees, in accordance
5 with section 520(a) of the Department of Homeland
6 Security Appropriations Act, 2004 (6 U.S.C.
7 469(a)), for providing the necessary credentialing
8 and background investigation.

9 (c) VETTING.—The Administrator shall develop and
10 implement a plan to utilize, in addition to any background
11 check required for initial issue, the Federal Bureau of In-
12 vestigation’s Rap Back Service and other vetting tools as
13 appropriate, including the No-Fly and Selectee lists, to get
14 immediate notification of any criminal activity relating to
15 any person with a valid transportation security card.

16 (d) DEFINITIONS.—In this section:

17 (1) APPLICABLE INDIVIDUAL WHO IS SUBJECT
18 TO CREDENTIALING OR A BACKGROUND INVESTIGA-
19 TION.—The term “applicable individual who is sub-
20 ject to credentialing or a background investigation”
21 means only an individual who—

22 (A) because of employment is regulated by
23 the Transportation Security Administration,
24 Department of Transportation, or Coast Guard
25 and is required to have a background records

1 check to obtain a hazardous materials endorse-
2 ment on a commercial driver's license issued by
3 a State under section 5103a of title 49, United
4 States Code; or

5 (B) is required to have a credential and
6 background records check under section
7 2102(d)(2) of the Homeland Security Act of
8 2002 (6 U.S.C. 622(d)(2)) at a facility with ac-
9 tivities that are regulated by the Transportation
10 Security Administration, Department of Trans-
11 portation, or Coast Guard.

12 (2) VALID TRANSPORTATION SECURITY CARD.—
13 The term “valid transportation security card” means
14 a transportation security card that is—

15 (A) issued under section 70105 of title 46,
16 United States Code;

17 (B) not expired;

18 (C) shows no signs of tampering; and

19 (D) bears a photograph of the individual
20 representing such card.

21 **SEC. 1978. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
22 **OF HAZMAT LICENSES.**

23 (a) ISSUANCE OF LICENSES.—Section 5103a(a)(1) is
24 amended—

1 (1) by striking “unless” and inserting “un-
2 less—”;

3 (2) by striking “the Secretary of Homeland Se-
4 curity” and inserting the following:

5 “(A) “the Secretary of Homeland Secu-
6 rity””;

7 (3) in subparagraph (A), as designated by para-
8 graph (2) of this subsection, by striking the period
9 at the end and inserting “; or”; and

10 (4) by adding at the end the following:

11 “(B) the individual holds a valid transpor-
12 tation security card issued under section 70105
13 of title 46.”.

14 (b) **TRANSPORTATION SECURITY CARD.**—Section
15 5103a(d)(1) is amended, in the matter preceding subpara-
16 graph (A), by striking “described in subsection (a)(1)”
17 and inserting “under subsection (a)(1)(A)”.

18 **SEC. 1979. CARGO CONTAINER SCANNING TECHNOLOGY**

19 **REVIEW.**

20 (a) **DESIGNATIONS.**—

21 (1) **IN GENERAL.**—Not later than 1 year after
22 the date of enactment of this Act, and not less fre-
23 quently than once every 5 years thereafter until the
24 date of full-scale implementation of 100 percent
25 screening of cargo containers and 100 percent scan-

1 ning of high-risk containers required under section
2 232 of the SAFE Port Act (6 U.S.C. 982), the Sec-
3 retary shall solicit proposals for scanning tech-
4 nologies, consistent with the standards under sub-
5 section (b)(8) of that section, to improve scanning of
6 cargo at domestic ports.

7 (2) EVALUATION.—In soliciting proposals under
8 paragraph (1), the Secretary shall establish meas-
9 ures to assess the performance of the proposed scan-
10 ning technologies, including—

11 (A) the rate of false positives;

12 (B) the delays in processing times; and

13 (C) the impact on the supply chain.

14 (b) PILOT PROGRAM.—

15 (1) ESTABLISHMENT.—The Secretary may es-
16 tablish a pilot program to determine the efficacy of
17 a scanning technology referred to in subsection (a).

18 (2) APPLICATION PROCESS.—In carrying out
19 the pilot program under this subsection, the Sec-
20 retary shall—

21 (A) solicit applications from domestic
22 ports;

23 (B) select up to 4 domestic ports to par-
24 ticipate in the pilot program; and

1 (C) select ports with unique features and
2 differing levels of trade volume.

3 (3) REPORT.—Not later than 1 year after initi-
4 ating a pilot program under paragraph (1), the Sec-
5 retary shall submit to the appropriate committees of
6 Congress a report on the pilot program, including—

7 (A) an evaluation of the scanning tech-
8 nologies proposed to improve security at domes-
9 tic ports and to meet the full-scale implementa-
10 tion requirement;

11 (B) the costs to implement a pilot pro-
12 gram;

13 (C) the benefits of the proposed scanning
14 technologies;

15 (D) the impact of the pilot program on the
16 supply chain; and

17 (E) recommendations for implementation
18 of advanced cargo scanning technologies at do-
19 mestic ports.

20 (4) SHARING PILOT PROGRAM TESTING RE-
21 SULTS.—The results of the pilot testing of advanced
22 cargo scanning technologies shall be shared, as ap-
23 propriate, with government agencies and private
24 stakeholders whose responsibilities encompass the se-
25 cure transport of cargo.

1 **SEC. 1980. PIPELINE SECURITY STUDY.**

2 (a) STUDY.—The Comptroller General of the United
3 States shall conduct a study regarding the roles and re-
4 sponsibilities of the Department of Homeland Security
5 and the Department of Transportation with respect to
6 pipeline security.

7 (b) CONTENTS.—The study under subsection (a)
8 shall examine—

9 (1) whether the Annex to the Memorandum of
10 Understanding executed on August 9, 2006, between
11 the Department of Homeland Security and the De-
12 partment of Transportation adequately delineates
13 strategic and operational responsibilities for pipeline
14 security, including whether it is clear which depart-
15 ment is responsible for—

16 (A) protecting against intentional pipeline
17 breaches and cyber attacks;

18 (B) responding to intentional pipeline
19 breaches and cyber attacks; and

20 (C) planning to recover from the impact of
21 intentional pipeline breaches and cyber attacks;

22 (2) whether the respective roles and responsibil-
23 ities of each department are adequately conveyed to
24 relevant stakeholders and to the public;

1 (3) whether the processes and procedures for
2 determining whether a particular pipeline breach is
3 a terrorist incident are clear and effective;

4 (4) whether, and if so how, pipeline sector
5 stakeholders share security-related information;

6 (5) the guidance pipeline operators report use
7 to address security risks and the extent to which the
8 TSA ensures its guidelines reflect the current threat
9 environment;

10 (6) the extent to which the TSA has assessed
11 security risks to pipeline systems; and

12 (7) the extent to which the TSA has assessed
13 its effectiveness in reducing pipeline security risks.

14 (c) REPORT ON STUDY.—Not later than 180 days
15 after the date of enactment of the TSA Modernization Act,
16 the Comptroller General of the United States shall submit
17 to the Secretary of Homeland Security and the Committee
18 on Commerce, Science, and Transportation of the Senate
19 and the Committee on Homeland Security and the Com-
20 mittee on Transportation and Infrastructure of the House
21 of Representatives a report containing the findings of the
22 study under subsection (a).

23 (d) REPORT TO CONGRESS.—Not later than 90 days
24 after the date the report under subsection (c) is submitted,
25 the Secretary of Homeland Security shall review and ana-

1 lyze the study and submit to the Committee on Commerce,
2 Science, and Transportation of the Senate and the Com-
3 mittee on Homeland Security and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives a report on such review and analysis, includ-
6 ing any recommendations for—

7 (1) changes to the Annex to the Memorandum
8 of Understanding referred to in subsection (b)(1);
9 and

10 (2) other improvements to pipeline security ac-
11 tivities at the Department.

12 **SEC. 1981. FEASIBILITY ASSESSMENT.**

13 (a) EMERGING ISSUES.—Not later than 180 days
14 after the date of enactment of this Act, the Secretary, act-
15 ing through the Administrator and in coordination with
16 the Under Secretary for Science and Technology of the
17 Department of Homeland Security, shall submit to the ap-
18 propriate committees of Congress a feasibility assessment
19 of modifying the security of surface transportation assets
20 by—

21 (1) introducing next generation technologies to
22 be integrated into systems of surface transportation
23 assets to detect explosives, including through the de-
24 ployment of mobile explosives detection technologies

1 to conduct risk-based passenger and property
2 screening at such systems;

3 (2) providing surface transportation asset oper-
4 ators with access to the Transportation Security Ad-
5 ministration's Secure Flight Program or a similar
6 passenger vetting system maintained by the Trans-
7 portation Security Administration;

8 (3) deploying a credential authentication tech-
9 nology or other means of identification document in-
10 spection to high-risk surface transportation assets to
11 assist operators conducting passenger vetting; and

12 (4) deploying scalable, cost-effective technology
13 solutions to detect chemical, biological, radiological,
14 nuclear, or explosive threats within high-risk surface
15 transportation assets that are capable of passive,
16 continuous, and real-time sensing and detection of,
17 and alerting passengers and operating personnel to,
18 the presence of such a threat.

19 (b) CONSIDERATIONS.—In carrying out the assess-
20 ment under subsection (a), the Secretary, acting through
21 the Administrator and in coordination with the Under Sec-
22 retary for Science and Technology of the Department of
23 Homeland Security, shall address the technological, pri-
24 vacy, operational, passenger facilitation, and public ac-

1 ceptance considerations involved with each security meas-
2 ure contemplated in such assessment.

3 **SEC. 1982. BEST PRACTICES TO SECURE AGAINST VEHICLE-**
4 **BASED ATTACKS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator shall disseminate best prac-
7 tices to public and private stakeholders regarding how to
8 enhance transportation security against the threat of a ve-
9 hicle-based terrorist attack.

10 **SEC. 1983. SURFACE TRANSPORTATION STAKEHOLDER**
11 **SURVEY.**

12 (a) IN GENERAL.—Not later than 120 days after the
13 date of enactment of this Act, the Secretary shall begin
14 conducting a survey of public and private stakeholders re-
15 sponsible for securing surface transportation assets re-
16 garding resource challenges, including the availability of
17 Federal funding, associated with securing such assets that
18 provides an opportunity for respondents to set forth infor-
19 mation on specific unmet needs.

20 (b) REPORT.—Not later than 120 days after begin-
21 ning the survey required under subsection (a), the Sec-
22 retary shall report to the appropriate committees of Con-
23 gress regarding the results of such survey and the Depart-
24 ment of Homeland Security's efforts to address any identi-
25 fied security vulnerabilities.

1 **SEC. 1984. NUCLEAR MATERIAL AND EXPLOSIVE DETEC-**
2 **TION TECHNOLOGY.**

3 The Secretary, in coordination with the Director of
4 the National Institute of Standards and Technology and
5 the head of each relevant Federal department or agency
6 researching nuclear material detection systems or explo-
7 sive detection systems, shall research, facilitate, and, to
8 the extent practicable, deploy next generation tech-
9 nologies, including active neutron interrogation, to detect
10 nuclear material and explosives in transportation systems
11 and transportation facilities.

12 **Subtitle H—Transportation**
13 **Security**

14 **SEC. 1985. NATIONAL STRATEGY FOR TRANSPORTATION SE-**
15 **CURITY REVIEW.**

16 (a) GAO REVIEW.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, the Comptroller
19 General of the United States shall evaluate the de-
20 gree to which the most recent National Strategy for
21 Transportation Security, as updated, under section
22 114(s) of title 49, United States Code, is reflected
23 in relevant Federal transportation security pro-
24 grams, budgets, research, staffing levels, and related
25 activities.

1 (2) CONSIDERATIONS.—In conducting the eval-
2 uation under paragraph (1), the Comptroller Gen-
3 eral shall consider the degree to which—

4 (A) the strategy is sufficiently forward-
5 looking to guide future Federal efforts relating
6 to transportation security;

7 (B) Federal transportation security pro-
8 grams, budgets, research, staffing levels, and
9 related activities for fiscal year 2019 and subse-
10 quent fiscal years would be guided by the strat-
11 egy; and

12 (C) any annual progress reports submitted
13 to Congress under that section after the strat-
14 egy is submitted would provide information on
15 the degree to which that strategy guides Fed-
16 eral efforts relating to transportation security.

17 **SEC. 1986. RISK SCENARIOS.**

18 (a) IN GENERAL.—The Administrator shall annually
19 develop, consistent with the transportation modal security
20 plans required under section 114(s) of title 49, United
21 States Code, risk-based priorities based on risk assess-
22 ments conducted or received by the Secretary across all
23 transportation modes that consider threats,
24 vulnerabilities, and consequences.

1 (b) SCENARIOS.—The Administrator shall ensure
2 that the risk-based priorities identified under subsection
3 (a) are informed by an analysis of terrorist attack sce-
4 narios for each transportation mode, including cyber-at-
5 tack scenarios and intelligence and open source informa-
6 tion about current and evolving threats.

7 (c) REPORT.—Not later than 120 days after the date
8 that annual risk-based priorities are developed under sub-
9 section (a), the Administrator shall submit to the appro-
10 priate committees of Congress a report that includes the
11 following:

12 (1) Copies of the risk assessments for each
13 transportation mode.

14 (2) A summary that ranks the risks within and
15 across modes.

16 (3) A description of the risk-based priorities for
17 securing the transportation sector that identifies and
18 prioritizes the greatest security needs of such trans-
19 portation sector, both across and within modes, in
20 the order that such priorities should be addressed.

21 (4) Information on the underlying methodolo-
22 gies used to assess risks across and within each
23 transportation mode and the basis for any assump-
24 tions regarding threats, vulnerabilities, and con-

1 sequences made in assessing and prioritizing risks
2 within each such mode and across modes.

3 (d) CLASSIFICATION.—The information provided
4 under subsection (c) may be submitted in a classified for-
5 mat or unclassified format, as the Administrator considers
6 appropriate.

7 **SEC. 1987. INTEGRATED AND UNIFIED OPERATIONS CEN-**
8 **TERS. —**

9 (a) FRAMEWORK.—Not later than 120 days after the
10 date of enactment of this Act, the Administrator, in con-
11 sultation with the heads of other appropriate offices or
12 components of the Department, shall make available to
13 public and private stakeholders a framework for estab-
14 lishing an integrated and unified operations center respon-
15 sible for overseeing daily operations of a transportation
16 facility that promotes coordination for responses to ter-
17 rorism, serious incidents, and other purposes, as deter-
18 mined appropriate by the Administrator.

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Administrator shall brief the
21 appropriate committees of Congress regarding the estab-
22 lishment and activities of integrated and unified oper-
23 ations centers at transportation facilities at which the
24 TSA has a presence.

1 **SEC. 1988. NATIONAL DEPLOYMENT FORCE.**

2 (a) IN GENERAL.—Subchapter II of chapter 449, as
3 amended by section __407 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, super-
18 visory transportation security officers and lead
19 transportation security officers, to provide the Ad-
20 ministration with rapid and efficient response capa-
21 bilities and augment the Department of Homeland
22 Security’s homeland security operations to mitigate
23 and reduce 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 mitiga-
2 tion, 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
6 Homeland Security.

7 “(C) Response in the aftermath of any
8 manmade disaster, including any terrorist at-
9 tack.

10 “(D) Other such situations, as determined
11 by the Administrator.

12 “(2) Educating transportation security officers
13 regarding how to participate in the Administration’s
14 National Deployment Force.

15 “(3) Recruiting officers to serve on the Na-
16 tional Deployment Force, in accordance with a staff-
17 ing model to be developed by the Administrator.

18 “(4) Approving 1-year appointments for officers
19 to serve on the National Deployment Force, with an
20 option to extend upon officer request and with the
21 approval of the appropriate Federal Security Direc-
22 tor.

23 “(5) Training officers to serve on the National
24 Deployment Force.”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 subchapter II of chapter 449, as amended by section
3 __407 of this Act, is further amended by adding after the
4 item relating to section 44947 the following:

“44948. National Deployment Office.”.

5 (c) CONFORMING AMENDMENT.—Section 114(f), as
6 amended by section __102 of this Act, is further amend-
7 ed—

8 (1) in paragraph (14), by striking “and” after
9 the semicolon at the end;

10 (2) by redesignating paragraph (15) as para-
11 graph (16); and

12 (3) by inserting after paragraph (14) the fol-
13 lowing:

14 “(15) establish and maintain a National De-
15 ployment Office as required under section 44948 of
16 this title; and”.

17 (d) CAREER DEVELOPMENT.—The Administrator
18 may consider service in the National Deployment Force
19 as a positive factor when evaluating applicants for pro-
20 motion opportunities within the TSA.

21 (e) REPORT.—Not later than 1 year after the date
22 of enactment of this Act and annually thereafter for 5
23 years, the Administrator shall submit to the appropriate
24 committees of Congress a report regarding activities of the
25 National Deployment Office, including the National De-

1 ployment Force, established under section 44948 of title
2 49, United States Code. Each such report shall include
3 information relating to the following:

4 (1) When, where, why, how many, and for how
5 long the National Deployment Force was deployed
6 throughout the 12-month period covered by such re-
7 port and the costs associated with such deployment.

8 (2) A description of collaboration between the
9 National Deployment Office and other components
10 of the Department, other Federal agencies, and
11 State and local transportation security stakeholders.

12 (3) The size of the National Deployment Force,
13 including information on the staffing model of the
14 National Deployment Force and adherence to such
15 model as established by the Administrator.

16 (4) Information on recruitment, appointment,
17 and training activities, including processes utilized to
18 attract, recruit, appoint, and train officers to serve
19 on the National Deployment Force.

20 **SEC. 1989. INFORMATION SHARING AND CYBERSECURITY.**

21 (a) FEDERAL SECURITY DIRECTORS.—Section
22 44933 is amended by adding at the end the following:

23 “(c) INFORMATION SHARING.—Not later than 1 year
24 after the date of the enactment of the TSA Modernization
25 Act, the Administrator shall—

1 “(1) require each Federal Security Director of
2 an airport to meet at least quarterly with the airport
3 director, airport security coordinator, and law en-
4 forcement agencies serving each such airport to dis-
5 cuss incident management protocols, including the
6 resolution of screening anomalies at passenger
7 screening checkpoints; and

8 “(2) require each Federal Security Director at
9 an airport to inform, consult, and coordinate, as ap-
10 propriate, with the respective airport security coordi-
11 nator in a timely manner on security matters im-
12 pacting airport operations and to establish and
13 maintain operational protocols with such airport op-
14 erators to ensure coordinated responses to security
15 matters.”.

16 (b) PLAN TO IMPROVE INFORMATION SHARING.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Adminis-
19 trator shall develop a plan to improve intelligence in-
20 formation sharing with State and local transpor-
21 tation entities that includes best practices to ensure
22 that the information shared is actionable, useful,
23 and not redundant.

24 (2) CONTENTS.—The plan required under para-
25 graph (1) shall include the following:

1 (A) The incorporation of best practices for
2 information sharing.

3 (B) The identification of areas of overlap
4 and redundancy.

5 (C) An evaluation and incorporation of
6 stakeholder input in the development of such
7 plan.

8 (D) The integration of any recommenda-
9 tions of the Comptroller General of the United
10 States on information sharing.

11 (3) SOLICITATION.—The Administrator shall
12 solicit on an annual basis input from appropriate
13 stakeholders, including State and local transpor-
14 tation entities, on the quality and quantity of intel-
15 ligence received by such stakeholders relating to in-
16 formation sharing.

17 (c) BEST PRACTICES SHARING.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this Act, the Adminis-
20 trator shall establish a mechanism to share with
21 State and local transportation entities best practices
22 from across the law enforcement spectrum, including
23 Federal, State, local, and tribal entities, that relate
24 to employee training, employee professional develop-
25 ment, technology development and deployment, hard-

1 ening tactics, and passenger and employee aware-
2 ness programs.

3 (2) CONSULTATION.—The Administrator shall
4 solicit and incorporate stakeholder input—

5 (A) in developing the mechanism for shar-
6 ing best practices as required under paragraph
7 (1); and

8 (B) not less frequently than annually on
9 the quality and quantity of information such
10 stakeholders receive through the mechanism es-
11 tablished under such paragraph.

12 (d) CYBERSECURITY.—

13 (1) IN GENERAL.—The Administrator, in con-
14 sultation with the Secretary, shall—

15 (A) not later than 120 days after the date
16 of enactment of this Act, implement the Frame-
17 work for Improving Critical Infrastructure Cy-
18 bersecurity (referred to in this section as the
19 “Framework” developed by the National Insti-
20 tute of Standards and Technology, and any up-
21 date to such Framework under section 2 of the
22 National Institute of Standards and Technology
23 Act (15 U.S.C. 272), to manage the agency’s
24 cybersecurity risks; and

1 (B) evaluate, on a periodic basis, but not
2 less often than biennially, the use of the Frame-
3 work under subparagraph (A).

4 (2) CYBERSECURITY ENHANCEMENTS TO AVIA-
5 TION SECURITY ACTIVITIES.—The Secretary, in con-
6 sultation with the Secretary of Transportation, shall,
7 upon request, conduct cybersecurity vulnerability as-
8 sessments for airports and air carriers.

9 (3) TSA TRUSTED TRAVELER AND
10 CREDENTIALING PROGRAM CYBER EVALUATION.—

11 (A) EVALUATION REQUIRED.—Not later
12 than 120 days after the date of enactment of
13 this Act, the Secretary shall—

14 (i) evaluate the cybersecurity of TSA
15 trusted traveler and credentialing pro-
16 grams that contain personal information of
17 specific individuals or information that
18 identifies specific individuals, including the
19 Transportation Worker Identification Cre-
20 dential and PreCheck programs;

21 (ii) identify any cybersecurity risks
22 under the programs described in clause (i);
23 and

1 (iii) develop remediation plans to ad-
2 dress the cybersecurity risks identified
3 under clause (ii).

4 (B) SUBMISSION TO CONGRESS.—Not later
5 than 30 days after the date the evaluation
6 under subparagraph (A) is complete, the Sec-
7 retary shall submit to the appropriate commit-
8 tees of Congress information relating to such
9 evaluation, including any cybersecurity
10 vulnerabilities identified and remediation plans
11 to address such vulnerabilities. Such submission
12 shall be provided in a classified form.

13 (4) DEFINITIONS.—In this subsection, the
14 terms “cybersecurity risk” and “incident” have the
15 meanings given the terms in section 227 of the
16 Homeland Security Act of 2002 (6 U.S.C. 148).

17 **SEC. 1990. SECURITY TECHNOLOGIES TIED TO FOREIGN**
18 **THREAT COUNTRIES.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary shall submit to the appropriate
21 committees of Congress an assessment of terrorist and
22 other threats to the transportation sector, including sur-
23 face transportation assets, posed by the use of security
24 technologies, including software and networked tech-
25 nologies, developed or manufactured by firms that are

1 owned or closely linked to the governments of countries
2 that are known to pose a cyber or homeland security
3 threat.

4 **Subtitle I—Conforming and** 5 **Miscellaneous Amendments**

6 **SEC. 1991. TITLE 49 AMENDMENTS.**

7 (a) DELETION OF DUTIES RELATED TO AVIATION
8 SECURITY.—Section 106(g) is amended to read as follows:

9 “(g) DUTIES AND POWERS OF ADMINISTRATOR.—

10 The Administrator shall carry out the following:

11 “(1) Duties and powers of the Secretary of
12 Transportation under subsection (f) of this section
13 related to aviation safety (except those related to
14 transportation, packaging, marking, or description of
15 hazardous material) and stated in the following:

16 “(A) Section 308(b).

17 “(B) Subsections (c) and (d) of section
18 1132.

19 “(C) Sections 40101(c), 40103(b),
20 40106(a), 40108, 40109(b), 40113(a),
21 40113(c), 40113(d), 40113(e), and 40114(a).

22 “(D) Chapter 445, except sections
23 44501(b), 44502(a)(2), 44502(a)(3),
24 44502(a)(4), 44503, 44506, 44509, 44510,
25 44514, and 44515.

1 “(E) Chapter 447, except sections 44717,
2 44718(a), 44718(b), 44719, 44720, 44721(b),
3 44722, and 44723.

4 “(F) Chapter 451.

5 “(G) Chapter 453.

6 “(H) Section 46104.

7 “(I) Subsections (d) and (h)(2) of section
8 46301 and sections 46303(e), 46304 through
9 46308, 46310, 46311, and 46313 through
10 46316.

11 “(J) Chapter 465.

12 “(K) Sections 47504(b) (related to flight
13 procedures), 47508(a), and 48107.

14 “(2) Additional duties and powers prescribed by
15 the Secretary of Transportation.”.

16 (b) TRANSPORTATION SECURITY OVERSIGHT
17 BOARD.—Section 115 is amended—

18 (1) in subsection (c)(1), by striking “Under
19 Secretary of Transportation for security” and insert-
20 ing “Administrator of the Transportation Security
21 Administration”; and

22 (2) in subsection (c)(6), by striking “Under
23 Secretary” and inserting “Administrator”.

24 (c) CHAPTER 401 AMENDMENTS.—Chapter 401 is
25 amended—

1 (1) in section 40109—

2 (A) in subsection (b), by striking “, 40119,
3 44901, 44903, 44906, and 44935–44937”; and

4 (B) in subsection (c), by striking “sections
5 44909 and” and inserting “sections 44909(a),
6 44909(b), and”;

7 (2) in section 40113—

8 (A) in subsection (a)—

9 (i) by striking “the Under Secretary
10 of Transportation for Security with respect
11 to security duties and powers designated to
12 be carried out by the Under Secretary or”
13 and inserting “the Administrator of the
14 Transportation Security Administration
15 with respect to security duties and powers
16 designated to be carried out by that Ad-
17 ministrator or”;

18 (ii) by striking “carried out by the
19 Administrator” and inserting “carried out
20 by that Administrator”; and

21 (iii) by striking “, Under Secretary, or
22 Administrator,” and inserting “, Adminis-
23 trator of the Transportation Security Ad-
24 ministration, or Administrator of the Fed-
25 eral Aviation Administration,”; and

1 (B) in subsection (d)—

2 (i) by striking “Under Secretary of
3 Transportation for Security or the”;

4 (ii) by striking “Transportation Secu-
5 rity Administration or Federal Aviation
6 Administration, as the case may be,” and
7 inserting “Federal Aviation Administra-
8 tion”; and

9 (iii) by striking “Under Secretary or
10 Administrator, as the case may be,” and
11 inserting “Administrator”;

12 (3) by striking section 40119; and

13 (4) in the table of contents, by striking the item
14 relating to section 40119 and inserting the fol-
15 lowing:

“40119. [Reserved].”.

16 (d) CHAPTER 449 AMENDMENTS.—Chapter 449 is
17 amended—

18 (1) in section 44901—

19 (A) in subsection (a)—

20 (i) by striking “Under Secretary of
21 Transportation for Security” and inserting
22 “Administrator of the Transportation Se-
23 curity Administration”; and

24 (ii) by striking “, United States
25 Code”;

1 (B) in subsection (c), by striking “but not
2 later than the 60th day following the date of
3 enactment of the Aviation and Transportation
4 Security Act”;

5 (C) in subsection (d)—

6 (i) in paragraph (1)—

7 (I) in the matter preceding sub-
8 paragraph (A), by striking “Under
9 Secretary of Transportation for Secu-
10 rity” and inserting “Administrator of
11 the Transportation Security Adminis-
12 tration”; and

13 (II) in subparagraph (A), by
14 striking “no later than December 31,
15 2002”;

16 (ii) by striking paragraphs (2) and
17 (3);

18 (iii) by redesignating paragraph (4) as
19 paragraph (2); and

20 (iv) in paragraph (2), as redesign-
21 ated—

22 (I) in subparagraph (A), by strik-
23 ing “Assistant Secretary (Transpor-
24 tation Security Administration)” and
25 inserting “Administrator of the

1 Transportation Security Administra-
2 tion”;

3 (II) in subparagraph (B), by
4 striking “Assistant Secretary” and in-
5 serting “Administrator of the Trans-
6 portation Security Administration”;
7 and

8 (III) in subparagraph (D)—

9 (aa) by striking “Assistant
10 Secretary” the first place it ap-
11 pears and inserting “Adminis-
12 trator of the Transportation Se-
13 curity Administration”; and

14 (bb) by striking “Assistant
15 Secretary” the second place it
16 appears and inserting “Adminis-
17 trator”;

18 (D) in subsection (e)—

19 (i) in that matter preceding para-
20 graph (1)—

21 (I) by striking “but not later
22 than the 60th day following the date
23 of enactment of the Aviation and
24 Transportation Security Act”; and

1 (II) by striking “Under Sec-
2 retary” and inserting “Administrator
3 of the Transportation Security Ad-
4 ministration”; and

5 (ii) in paragraph (4), by striking
6 “Under Secretary” and inserting “Admin-
7 istrator”;

8 (E) in subsection (f), by striking “after the
9 date of enactment of the Aviation and Trans-
10 portation Security Act”;

11 (F) in subsection (g)—

12 (i) in paragraph (1), by striking “Not
13 later than 3 years after the date of enact-
14 ment of the Implementing Recommenda-
15 tions of the 9/11 Commission Act of 2007,
16 the” and inserting “The”;

17 (ii) in paragraph (2), by striking “as
18 follows:” and all that follows and inserting
19 a period;

20 (iii) by amending paragraph (3) to
21 read as follows:

22 “(3) REGULATIONS.—The Secretary of Home-
23 land Security shall issue a final rule as a permanent
24 regulation to implement this subsection in accord-
25 ance with the provisions of chapter 5 of title 5.”;

- 1 (iv) by striking paragraph (4); and
- 2 (v) by redesignating paragraph (5) as
- 3 paragraph (4);
- 4 (G) in subsection (h)—
- 5 (i) in paragraph (1), by striking
- 6 “Under Secretary” and inserting “Admin-
- 7 istrator of the Transportation Security Ad-
- 8 ministration”; and
- 9 (ii) in paragraph (2)—
- 10 (I) by striking “Under Sec-
- 11 retary” the first place it appears and
- 12 inserting “Administrator of the
- 13 Transportation Security Administra-
- 14 tion”; and
- 15 (II) by striking “Under Sec-
- 16 retary” each place it appears and in-
- 17 serting “Administrator”;
- 18 (H) in subsection (i)—
- 19 (i) in the matter preceding paragraph
- 20 (1), by striking “Under Secretary” and in-
- 21 serting “Administrator of the Transpor-
- 22 tation Security Administration”; and
- 23 (ii) in paragraph (2), by striking
- 24 “Under Secretary” and inserting “Admin-
- 25 istrator”;

1 (I) in subsection (j)(1)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “Before January 1,
4 2008, the” and inserting “The”; and

5 (ii) in subparagraph (A), by striking
6 “the date of enactment of this subsection”
7 and inserting “August 3, 2007”;

8 (J) in subsection (k)—

9 (i) in paragraph (1), by striking “Not
10 later than one year after the date of enact-
11 ment of this subsection, the” and inserting
12 “The”;

13 (ii) in paragraph (2), by striking “Not
14 later than 6 months after the date of en-
15 actment of this subsection, the” and in-
16 sserting “The”; and

17 (iii) in paragraph (3), by striking
18 “Not later than 180 days after the date of
19 enactment of this subsection, the” in para-
20 graph (3) and inserting “The”; and

21 (K) in subsection (l)—

22 (i) in paragraph (2)—

23 (I) in the matter preceding sub-
24 paragraph (A), by striking “Begin-
25 ning June 1, 2012, the Assistant Sec-

1 retary of Homeland Security (Trans-
2 portation Security Administration)”
3 and inserting “The Administrator of
4 the Transportation Security Adminis-
5 tration”; and

6 (II) in subparagraph (B), by
7 striking “Assistant Secretary” and in-
8 serting “Administrator”;

9 (ii) in paragraph (3)—

10 (I) in subparagraph (A)—

11 (aa) by striking “Assistant
12 Secretary” the first place it ap-
13 pears and inserting “Adminis-
14 trator of the Transportation Se-
15 curity Administration”; and

16 (bb) by striking “Assistant
17 Secretary” the second place it
18 appears and inserting “Adminis-
19 trator”; and

20 (II) in subparagraph (B), by
21 striking “Assistant Secretary” and in-
22 serting “Administrator of the Trans-
23 portation Security Administration”;
24 and

25 (iii) in paragraph (4)—

1 (I) in subparagraph (A)—

2 (aa) by striking “60 days
3 after the deadline specified in
4 paragraph (2), and not later
5 than”;

6 (bb) by striking “Assistant
7 Secretary” the first place it ap-
8 pears and inserting “Adminis-
9 trator of the Transportation Se-
10 curity Administration”; and

11 (cc) by striking “Assistant
12 Secretary” the second place it
13 appears and inserting “Adminis-
14 trator”; and

15 (II) in subparagraph (B), by
16 striking “Assistant Secretary” each
17 place it appears and inserting “Ad-
18 ministrator of the Transportation Se-
19 curity Administration”;

20 (2) section 44902 is amended—

21 (A) in subsection (a), by striking “Under
22 Secretary of Transportation for Security” and
23 inserting “Administrator of the Transportation
24 Security Administration”; and

- 1 (B) in subsection (b), by striking “Under
2 Secretary” and inserting “Administrator of the
3 Transportation Security Administration”;
- 4 (3) section 44903 is amended—
- 5 (A) in subsection (a)—
- 6 (i) in the heading, by striking “DEFI-
7 NITION” and inserting “DEFINITIONS”;
- 8 (ii) by redesignating paragraphs (1)
9 through (3) as subparagraphs (A) through
10 (C), respectively;
- 11 (iii) in subparagraph (B), as redesi-
12 gnated, by striking “Under Secretary of
13 Transportation for Security” and inserting
14 “Administrator”;
- 15 (iv) in the matter preceding subpara-
16 graph (A), as redesignated, by striking “In
17 this section, ‘law enforcement personnel’
18 means individuals—” and inserting “In
19 this section:”;
- 20 (v) by inserting before subparagraph
21 (A), the following:
- 22 “(2) LAW ENFORCEMENT PERSONNEL.—The
23 term ‘law enforcement personnel’ means individ-
24 uals—”; and

1 (vi) by inserting before paragraph (2),
2 as redesignated, the following:

3 “(1) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Transpor-
5 tation Security Administration.”;

6 (B) in subsection (d), by striking “Sec-
7 retary of Transportation” and inserting “Ad-
8 ministrator”;

9 (C) in subsection (g), by striking “Under
10 Secretary’s” each place it appears and inserting
11 “Administrator’s”;

12 (D) in subsection (h)—

13 (i) in paragraph (3), by striking “Sec-
14 retary” and inserting “Secretary of Home-
15 land Security”;

16 (ii) in paragraph (4)—

17 (I) in subparagraph (A), by strik-
18 ing “, as soon as practicable after the
19 date of enactment of this subsection,”;

20 (II) in subparagraph (C), by
21 striking “section 44903(c)” and in-
22 serting “subsection (c)”;

23 (III) in subparagraph (E), by
24 striking “, not later than March 31,
25 2005,”;

1 (iii) in paragraph (5), by striking
2 “Assistant Secretary of Homeland Security
3 (Transportation Security Administration)”
4 and inserting “Administrator”;

5 (iv) in paragraph (6)(A)—

6 (I) in the matter preceding clause
7 (i), by striking “Not later than 18
8 months after the date of enactment of
9 the Implementing Recommendations
10 of the 9/11 Commission Act of 2007,
11 the” and inserting “The”; and

12 (II) in clause (i), by striking
13 “section” and inserting “paragraph”;
14 and

15 (v) in paragraph (6)(C), by striking
16 “Secretary” and inserting “Secretary of
17 Homeland Security”;

18 (E) in subsection (i)(3), by striking “,
19 after the date of enactment of this paragraph,”;

20 (F) in subsection (j)—

21 (i) by amending paragraph (1) to read
22 as follows:

23 “(1) IN GENERAL.—The Administrator shall
24 periodically recommend to airport operators commer-
25 cially available measures or procedures to prevent

1 access to secure airport areas by unauthorized per-
2 sons.”;

3 (ii) in paragraph (2)—

4 (I) in the heading, by striking
5 “COMPUTER-ASSISTED PASSENGER
6 PRESCREENING SYSTEM” and insert-
7 ing “SECURE FLIGHT PROGRAM”;

8 (II) in subparagraph (A)—

9 (aa) by striking “Computer-
10 Assisted Passenger Prescreening
11 System” and inserting “Secure
12 Flight program”;

13 (bb) by striking “Secretary
14 of Transportation” and inserting
15 “Administrator”; and

16 (cc) by striking “system”
17 each place it appears and insert-
18 ing “program”;

19 (III) in subparagraph (B)—

20 (aa) by striking “Computer-
21 Assisted Passenger Prescreening
22 System” and inserting “Secure
23 Flight program”;

1 (bb) by striking “Secretary
2 of Transportation” and inserting
3 “Administrator”; and

4 (cc) by striking “Secretary”
5 and inserting “Administrator”;
6 (IV) in subparagraph (C)—

7 (aa) in clause (i), by striking
8 “Not later than January 1, 2005,
9 the Assistant Secretary of Home-
10 land Security (Transportation
11 Security Administration), or the
12 designee of the Assistant Sec-
13 retary,” and inserting “The Ad-
14 ministrator”;

15 (bb) in clause (ii), by strik-
16 ing “Not later than 180 days
17 after completion of testing under
18 clause (i), the” and inserting
19 “The”; and

20 (cc) in clause (iv), by strik-
21 ing “Not later than 180 days
22 after” and inserting “After”;

23 (V) in subparagraph (D), by
24 striking “Assistant Secretary of
25 Homeland Security (Transportation

1 Security Administration)” and insert-
2 ing “Administrator”;

3 (VI) in subparagraph (E)(i), by
4 striking “Not later than 90 days after
5 the date on which the Assistant Sec-
6 retary assumes the performance of the
7 advanced passenger prescreening
8 function under subparagraph (C)(ii),
9 the” and inserting “The Adminis-
10 trator”; and

11 (VII) by striking “Assistant Sec-
12 retary” each place it appears and in-
13 serting “Administrator”;

14 (G) in subsection (l), by striking “Under
15 Secretary for Border and Transportation Secu-
16 rity of the Department of Homeland Security”
17 and inserting “Administrator”;

18 (H) in subsection (m)—

19 (i) in paragraph (1), by striking “As-
20 sistant Secretary of Homeland Security
21 (Transportation Security Administration)”
22 and inserting “Administrator”; and

23 (ii) by striking “Assistant Secretary”
24 each place it appears and inserting “Ad-
25 ministrator”; and

1 (I) by striking “Under Secretary” each
2 place it appears and inserting “Administrator”;
3 (4) section 44904 is amended—

4 (A) in subsection (a), by striking “Under
5 Secretary of Transportation for Security” and
6 inserting “Administrator of the Transportation
7 Security Administration”;

8 (B) in subsection (c)—

9 (i) by striking “section 114(t)(3)” and
10 inserting “section 114(s)(3)”; and

11 (ii) by striking “section 114(t)” and
12 inserting “section 114(s)”;

13 (C) in subsection (d)—

14 (i) by striking “Not later than 90
15 days after the date of the submission of
16 the National Strategy for Transportation
17 Security under section 114(t)(4)(A), the
18 Assistant Secretary of Homeland Security
19 (Transportation Security Administration)”
20 and inserting “The Administrator of the
21 Transportation Security Administration”;
22 and

23 (ii) by striking “section 114(t)(1)”
24 and inserting “section 114(s)(1)”; and

1 (D) by striking “Under Secretary” each
2 place it appears and inserting “Administrator
3 of the Transportation Security Administration”;
4 (5) section 44905 is amended—

5 (A) in subsection (a)—

6 (i) by striking “Secretary of Trans-
7 portation” and inserting “Administrator of
8 the Transportation Security Administra-
9 tion”; and

10 (ii) by striking “Secretary.” and in-
11 sserting “Administrator.”;

12 (B) in subsection (b), by striking “Under
13 Secretary of Transportation for Security” and
14 inserting “Administrator of the Transportation
15 Security Administration”; and

16 (C) in subsections (c), (d), and (f), by
17 striking “Under Secretary” each place it ap-
18 pears and inserting “Administrator of the
19 Transportation Security Administration”;

20 (6) section 44906 is amended—

21 (A) by striking “Under Secretary of
22 Transportation for Security” and inserting
23 “Administrator of the Transportation Security
24 Administration”; and

1 (B) by striking “Under Secretary” each
2 place it appears and inserting “Administrator”;
3 (7) section 44908 is amended—

4 (A) by striking “Secretary of Transpor-
5 tation” each place it appears and inserting
6 “Administrator of the Transportation Security
7 Administration”;

8 (B) in subsection (a), by striking “safety
9 or”; and

10 (C) in subsection (c), by striking “The
11 Secretary” and inserting “The Administrator”;
12 (8) section 44909 is amended—

13 (A) in subsection (a)(1), by striking “Not
14 later than March 16, 1991, the” and inserting
15 “The”; and

16 (B) in subsection (c)—

17 (i) in paragraph (1), by striking “Not
18 later than 60 days after the date of enact-
19 ment of the Aviation and Transportation
20 Security Act, each” and inserting “Each”;

21 (ii) in paragraphs (2)(F) and (5), by
22 striking “Under Secretary” and inserting
23 “Administrator of the Transportation Se-
24 curity Administration”; and

25 (iii) in paragraph (6)—

1 (I) in subparagraph (A), by strik-
2 ing “Not later than 60 days after date
3 of enactment of this paragraph, the”
4 and inserting “The”; and

5 (II) in subparagraph (B)(ii)—
6 (aa) by striking “the Sec-
7 retary will” and inserting “the
8 Secretary of Homeland Security
9 will”; and

10 (bb) by striking “the Sec-
11 retary to” and inserting “the
12 Secretary of Homeland Security
13 to”;

14 (9) section 44911 is amended—

15 (A) in subsection (b), by striking “Under
16 Secretary of Transportation for Security” and
17 inserting “Administrator of the Transportation
18 Security Administration”;

19 (B) in subsection (d), by striking “request
20 of the Secretary” and inserting “request of the
21 Secretary of Homeland Security”; and

22 (C) in subsection (e)—

23 (i) by striking “Secretary, and the
24 Under Secretary” and inserting “Secretary
25 of Homeland Security, and the Adminis-

1 trator of the Transportation Security Ad-
2 ministration”; and

3 (ii) by striking “intelligence commu-
4 nity and the Under Secretary” and insert-
5 ing “intelligence community and the Ad-
6 ministrators of the Transportation Security
7 Administration”;

8 (10) section 44912 is amended—

9 (A) in subsection (a)—

10 (i) in paragraph (1)—

11 (I) by striking “Under Secretary
12 of Transportation for Security” and
13 inserting “Administrator”; and

14 (II) by striking “, not later than
15 November 16, 1993,”; and

16 (ii) in paragraph (4)(C), by striking
17 “Research, Engineering and Development
18 Advisory Committee” and inserting “Ad-
19 ministrators”;

20 (B) in subsection (c)—

21 (i) in paragraph (1), by striking “, as
22 a subcommittee of the Research, Engineer-
23 ing, and Development Advisory Com-
24 mittee,”; and

1 (ii) in paragraph (4), by striking “Not
2 later than 90 days after the date of the en-
3 actment of the Aviation and Transpor-
4 tation Security Act, and every two years
5 thereafter,” and inserting “Biennially,”;

6 (C) by striking “Under Secretary” each
7 place it appears and inserting “Administrator”;
8 and

9 (D) by adding at the end the following:

10 “(d) SECURITY AND RESEARCH AND DEVELOPMENT
11 ACTIVITIES.—

12 “(1) IN GENERAL.—The Administrator shall
13 conduct research (including behavioral research) and
14 development activities appropriate to develop, mod-
15 ify, test, and evaluate a system, procedure, facility,
16 or device to protect passengers and property against
17 acts of criminal violence, aircraft piracy, and ter-
18 rorism and to ensure security.

19 “(2) DISCLOSURE.—

20 “(A) IN GENERAL.—Notwithstanding sec-
21 tion 552 of title 5, the Administrator shall pre-
22 scribe regulations prohibiting disclosure of in-
23 formation obtained or developed in ensuring se-
24 curity under this title if the Secretary of Home-

1 land Security decides disclosing the information
2 would—

3 “(i) be an unwarranted invasion of
4 personal privacy;

5 “(ii) reveal a trade secret or privileged
6 or confidential commercial or financial in-
7 formation; or

8 “(iii) be detrimental to transportation
9 safety.

10 “(B) INFORMATION TO CONGRESS.—Sub-
11 paragraph (A) does not authorize information
12 to be withheld from a committee of Congress
13 authorized to have the information.

14 “(C) RULE OF CONSTRUCTION.—Nothing
15 in subparagraph (A) shall be construed to au-
16 thorize the designation of information as sen-
17 sitive security information (as defined in section
18 15.5 of title 49, Code of Federal Regulations)—

19 “(i) to conceal a violation of law, inef-
20 ficiency, or administrative error;

21 “(ii) to prevent embarrassment to a
22 person, organization, or agency;

23 “(iii) to restrain competition; or

24 “(iv) to prevent or delay the release of
25 information that does not require protec-

1 tion in the interest of transportation secu-
2 rity, including basic scientific research in-
3 formation not clearly related to transpor-
4 tation security.

5 “(D) PRIVACY ACT.—Section 552a of title
6 5 shall not apply to disclosures that the Admin-
7 istrator of the Transportation Security Admin-
8 istration may make from the systems of records
9 of the Transportation Security Administration
10 to any Federal law enforcement, intelligence,
11 protective service, immigration, or national se-
12 curity official in order to assist the official re-
13 ceiving the information in the performance of
14 official duties.

15 “(3) TRANSFERS OF DUTIES AND POWERS PRO-
16 HIBITED.—Except as otherwise provided by law, the
17 Administrator may not transfer a duty or power
18 under this section to another department, agency, or
19 instrumentality of the United States Government.

20 “(e) DEFINITION OF ADMINISTRATOR.—In this sec-
21 tion, the term ‘Administrator’ means the Administrator of
22 the Transportation Security Administration.”;

23 (11) section 44913 is amended—

24 (A) in subsection (a)—

1 (i) in paragraph (1), by striking
2 “Under Secretary of Transportation for
3 Security” and inserting “Administrator of
4 the Transportation Security Administra-
5 tion (referred to in this section as ‘the Ad-
6 ministrator’)”;

7 (ii) by striking paragraph (2);

8 (iii) by redesignating paragraphs (3)
9 and (4) as paragraphs (2) and (3), respec-
10 tively; and

11 (iv) by striking “Under Secretary”
12 each place it appears and inserting “Ad-
13 ministrator”; and

14 (B) in subsection (b), by striking “Sec-
15 retary of Transportation” and inserting “Ad-
16 ministrator”;

17 (12) section 44914 is amended—

18 (A) by striking “Under Secretary of
19 Transportation for Security” and inserting
20 “Administrator of the Transportation Security
21 Administration”;

22 (B) by striking “Under Secretary” each
23 place it appears and inserting “Administrator”;
24 and

1 (C) by inserting “the Department of
2 Transportation,” before “air carriers, airport
3 authorities, and others”;

4 (13) section 44915 is amended by striking
5 “Under Secretary of Transportation for Security”
6 and inserting “Administrator of the Transportation
7 Security Administration”;

8 (14) section 44916 is amended—

9 (A) in subsection (a), by striking “Under
10 Secretary of Transportation for Security” and
11 inserting “Administrator of the Transportation
12 Security Administration”; and

13 (B) in subsection (b)—

14 (i) by striking “Under Secretary” the
15 first place it appears and inserting “Ad-
16 ministrator of the Transportation Security
17 Administration”; and

18 (ii) by striking “Under Secretary” the
19 second place it appears and inserting “Ad-
20 ministrator”;

21 (15) section 44917 is amended—

22 (A) in subsection (a)—

23 (i) in the matter preceding paragraph
24 (1), by striking “Under Secretary of
25 Transportation for Security” and inserting

1 “Administrator of the Transportation Se-
2 curity Administration”; and

3 (ii) in paragraph (2), by striking “by
4 the Secretary” and inserting “by the Ad-
5 ministrator”;

6 (B) in subsection (d)—

7 (i) in paragraph (1), by striking “As-
8 sistant Secretary for Immigration and Cus-
9 toms Enforcement of the Department of
10 Homeland Security” and inserting “Ad-
11 ministrator of the Transportation Security
12 Administration”; and

13 (ii) in paragraph (3), by striking “As-
14 sistant Secretary” each place it appears
15 and inserting “Administrator of the Trans-
16 portation Security Administration”;

17 (16) section 44918 is amended—

18 (A) in subsection (a)—

19 (i) in paragraph (2)(E), by striking
20 “Under Secretary for Border and Trans-
21 portation Security of the Department of
22 Homeland Security” and inserting “Ad-
23 ministrator of the Transportation Security
24 Administration”;

1 (ii) in paragraph (4), by striking “Not
2 later than one year after the date of enact-
3 ment of the Vision 100—Century of Avia-
4 tion Reauthorization Act, the” and insert-
5 ing “The”; and

6 (iii) in paragraph (5), by striking “the
7 date of enactment of the Vision 100—Cen-
8 tury of Aviation Reauthorization Act” and
9 inserting “December 12, 2003,”;

10 (B) in subsection (b)—

11 (i) in paragraph (1), by striking “Not
12 later than one year after the date of enact-
13 ment of the Vision 100—Century of Avia-
14 tion Reauthorization Act, the” and insert-
15 ing “The”; and

16 (ii) in paragraph (6), by striking
17 “Federal Air Marshals Service” and insert-
18 ing “Federal Air Marshal Service”; and

19 (C) by striking “Under Secretary” each
20 place it appears and inserting “Administrator
21 of the Transportation Security Administration”;
22 (17) section 44920 is amended—

23 (A) in subsection (g)(1), by striking “sub-
24 section (a) or section 44919” and inserting
25 “subsection (a)”; and

1 (B) by adding at the end the following:

2 “(i) DEFINITION OF ADMINISTRATOR.—In this sec-
3 tion, the term ‘Administrator’ means the Administrator of
4 the Transportation Security Administration.”;

5 (18) section 44922 is amended—

6 (A) in the heading, by striking “**Deputa-**
7 **tion**” and inserting “**Deputization**”;

8 (B) in subsection (a)—

9 (i) in the heading, by striking “DEPU-
10 TATION” and inserting “DEPUTIZATION”;

11 and

12 (ii) by striking “Under Secretary of
13 Transportation for Security” and inserting
14 “Administrator of the Transportation Se-
15 curity Administration”;

16 (C) in subsection (e), by striking “deputa-
17 tion” and inserting “deputization”; and

18 (D) by striking “Under Secretary” each
19 place it appears and inserting “Administrator
20 of the Transportation Security Administration”;

21 (19) section 44923 is amended—

22 (A) in subsection (a), by striking “Under
23 Secretary for Border and Transportation Secu-
24 rity of the Department of Homeland Security”

1 and inserting “Administrator of the Transpor-
2 tation Security Administration”;

3 (B) by striking “Under Secretary” each
4 place it appears and inserting “Administrator
5 of the Transportation Security Administration”;

6 (C) in subsection (e)—

7 (i) by striking paragraph (2); and

8 (ii) by striking “(1) IN GENERAL.—”;

9 and

10 (D) by striking subsection (j);

11 (20) section 44924 is amended—

12 (A) in subsection (a)—

13 (i) by striking “Under Secretary for
14 Border and Transportation Security of the
15 Department of Homeland Security” and
16 inserting “Administrator of the Transpor-
17 tation Security Administration”; and

18 (ii) by striking “Administrator under”
19 and inserting “Administrator of the Fed-
20 eral Aviation Administration under”;

21 (B) in subsections (b), (c), (d), (e), and
22 (f), by striking “Administrator” and inserting
23 “Administrator of the Federal Aviation Admin-
24 istration”;

1 (C) in subsection (f), by striking “Not
2 later than 240 days after the date of enactment
3 of this section, the” and inserting “The”; and

4 (D) by striking “Under Secretary” each
5 place it appears and inserting “Administrator
6 of the Transportation Security Administration”;
7 (21) section 44925 is amended—

8 (A) in subsection (b)(1), by striking “Not
9 later than 90 days after the date of enactment
10 of this section, the Assistant Secretary of
11 Homeland Security (Transportation Security
12 Administration)” and inserting “The Adminis-
13 trator of the Transportation Security Adminis-
14 tration”;

15 (B) in subsection (b), by striking para-
16 graph (3); and

17 (C) in subsection (d), by striking “Assist-
18 ant Secretary” each place it appears and insert-
19 ing “Administrator of the Transportation Secu-
20 rity Administration”;

21 (22) section 44926(b)(3) is amended by strik-
22 ing “an misidentified passenger” and inserting “a
23 misidentified passenger”;

24 (23) section 44927 is amended—

- 1 (A) by striking “Assistant Secretary” each
2 place it appears and inserting “Administrator
3 of the Transportation Security Administration”;
- 4 (B) in subsection (a), by striking “Veteran
5 Affairs” and inserting “Veterans Affairs”; and
- 6 (C) in subsection (f)—
- 7 (i) in the heading, by striking “RE-
8 PORT” and inserting “REPORTS”; and
- 9 (ii) by striking “Not later than 1 year
10 after the date of enactment of this section,
11 and annually thereafter,” and inserting
12 “Each year,”;
- 13 (24) section 44933 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 Se-
18 curity Administration”;
- 19 (ii) by striking “Federal Security
20 Manager” and inserting “Federal Security
21 Director”; and
- 22 (iii) by striking “Managers” each
23 place it appears and inserting “Federal Se-
24 curity Directors”;

1 (B) in subsection (b), by striking “Man-
2 ager” and inserting “Federal Security Direc-
3 tor”; and

4 (C) by striking “Under Secretary” each
5 place it appears and inserting “Administrator
6 of the Transportation Security Administration”;
7 (25) section 44934 is amended—

8 (A) in subsection (a)—

9 (i) by striking “Under Secretary of
10 Transportation for Security” and inserting
11 “Administrator of the Transportation Se-
12 curity Administration”;

13 (ii) by striking “airports. In coordina-
14 tion with the Secretary” and inserting
15 “airports. In coordination with the Sec-
16 retary of State”;

17 (iii) by striking “The Secretary shall
18 give high priority” and inserting “The Sec-
19 retary of State shall give high priority”;
20 and

21 (iv) by striking “Under Secretary”
22 each place it appears and inserting “Ad-
23 ministrator”; and

24 (B) in subsection (b)—

1 (i) in the matter preceding paragraph
2 (1), by striking “Under Secretary” and in-
3 sserting “Administrator of the Transpor-
4 tation Security Administration”; and

5 (ii) in paragraph (1), by striking
6 “Under Secretary” and inserting “Admin-
7 istrator”; and

8 (C) in subsection (e), by striking “the Sec-
9 retary and the chief” and inserting “the Sec-
10 retary of State and the chief”;

11 (26) section 44935 is amended—

12 (A) in subsection (a), by striking “Under
13 Secretary of Transportation for Security” and
14 inserting “Administrator”;

15 (B) in subsection (e)—

16 (i) in paragraph (1), by striking
17 “Under Secretary of Transportation for
18 Security” and inserting “Administrator”;
19 and

20 (ii) in paragraph (2)(A)—

21 (I) in the matter preceding clause

22 (i)—

23 (aa) by striking “Within 30
24 days after the date of enactment
25 of the Aviation and Transpor-

1 tation Security Act, the” and in-
2 serting “The”; and

3 (bb) by inserting “other” be-
4 fore “provision of law”; and

5 (II) in clause (ii), by striking
6 “section 1102(a)(22)” and inserting
7 “section 101(a)(22)”;

8 (C) in subsection (f)(1), by inserting
9 “other” before “provision of law”;

10 (D) in subsection (g)(2), by striking
11 “Within 60 days after the date of enactment of
12 the Aviation and Transportation Security Act,
13 the” and inserting “The”;

14 (E) by striking “Under Secretary” each
15 place it appears and inserting “Administrator”;
16 and

17 (F) by adding at the end the following:

18 “(1) DEFINITION OF ADMINISTRATOR.—In this sec-
19 tion, the term ‘Administrator’ means the Administrator of
20 the Transportation Security Administration.”;

21 (27) section 44936 is amended—

22 (A) in subsection (a)—

23 (i) by striking “Under Secretary of
24 Transportation for Security” each place it
25 appears and inserting “Administrator”;

1 (ii) in paragraph (1)—

2 (I) in subparagraph (A), by strik-
3 ing “,” and inserting a comma; and

4 (II) by striking subparagraph
5 (C); and

6 (iii) by redesignating subparagraph
7 (D) as subparagraph (C);

8 (B) in subsection (c)(1), by striking
9 “Under Secretary’s” and inserting “Adminis-
10 trator’s”;

11 (C) by striking “Under Secretary” each
12 place it appears and inserting “Administrator”;
13 and

14 (D) by adding at the end the following:

15 “(f) DEFINITION OF ADMINISTRATOR.—In this sec-
16 tion, the term ‘Administrator’ means the Administrator of
17 the Transportation Security Administration.”;

18 (28) section 44937 is amended by striking
19 “Under Secretary of Transportation for Security”
20 and inserting “Administrator of the Transportation
21 Security Administration”;

22 (29) section 44938 is amended—

23 (A) in subsection (a)—

24 (i) by striking “Under Secretary of
25 Transportation for Security” and inserting

1 “Administrator of the Transportation Se-
2 curity Administration”; and

3 (ii) by striking “Secretary of Trans-
4 portation” and inserting “Secretary of
5 Homeland Security”; and

6 (B) by striking “Under Secretary” each
7 place it appears and inserting “Administrator
8 of the Transportation Security Administration”;
9 (30) section 44939(d) is amended by striking
10 “Not later than 60 days after the date of enactment
11 of this section, the Secretary” and inserting “The
12 Secretary of Homeland Security”;

13 (31) section 44940 is amended—

14 (A) in subsection (a)—

15 (i) in paragraph (1)—

16 (I) by striking “Under Secretary
17 of Transportation for Security” and
18 inserting “Administrator of the
19 Transportation Security Administra-
20 tion”; and

21 (II) by striking the last two sen-
22 tences; and

23 (ii) by adding at the end the fol-
24 lowing:

25 “(2) DETERMINATION OF COSTS.—

1 “(A) IN GENERAL.—The amount of the
2 costs under paragraph (1) shall be determined
3 by the Administrator of the Transportation Se-
4 curity Administration and shall not be subject
5 to judicial review.

6 “(B) DEFINITION OF FEDERAL LAW EN-
7 FORCEMENT PERSONNEL.—For purposes of
8 paragraph (1)(A), the term ‘Federal law en-
9 forcement personnel’ includes State and local
10 law enforcement officers who are deputized
11 under section 44922.”;

12 (B) in subsections (b), (d), (e), (g), and
13 (h), by striking “Under Secretary” each place it
14 appears and inserting “Administrator of the
15 Transportation Security Administration”;

16 (C) in subsection (d)—

17 (i) in paragraph (1)—

18 (I) by striking “within 60 days of
19 the date of enactment of this Act, or”;
20 and

21 (II) by striking “thereafter”; and

22 (ii) in paragraph (2), by striking
23 “subsection (d)” each place it appears and
24 inserting “paragraph (1) of this sub-
25 section”;

1 (D) in subsection (e)(1), by striking “FEES
2 PAYABLE TO UNDER SECRETARY” in the head-
3 ing and inserting “FEES PAYABLE TO ADMINIS-
4 TRATOR”; and

5 (E) in subsection (i)(4)—

6 (i) by striking subparagraphs (A)
7 through (D); and

8 (ii) by redesignating subparagraphs
9 (E) through (L) as subparagraphs (A)
10 through (H), respectively;

11 (32) section 44941(a) is amended by inserting
12 “the Department of Homeland Security,” after “De-
13 partment of Transportation,”;

14 (33) section 44942 is amended—

15 (A) in subsection (a)—

16 (i) in paragraph (1)—

17 (I) in the matter preceding sub-
18 paragraph (A), by striking “Within
19 180 days after the date of enactment
20 of the Aviation and Transportation
21 Security Act, the Under Secretary for
22 Transportation Security may, in con-
23 sultation with” and inserting “The
24 Administrator of the Transportation
25 Security Administration may, in con-

1 sultation with other relevant Federal
2 agencies and”; and

3 (II) in subparagraph (A), by
4 striking “, and” and inserting “;
5 and”; and

6 (ii) in paragraph (2), by inserting a
7 comma after “Federal Aviation Adminis-
8 tration”;

9 (B) in subsection (b)—

10 (i) by striking “(1) PERFORMANCE
11 PLAN AND REPORT.—”;

12 (ii) by redesignating subparagraphs
13 (A) and (B) as paragraphs (1) and (2), re-
14 spectively;

15 (iii) in paragraph (1), as redesign-
16 nated—

17 (I) by redesignating clauses (i)
18 and (ii) as subparagraphs (A) and
19 (B), respectively;

20 (II) in subparagraph (A), as re-
21 designated, by striking “the Secretary
22 and the Under Secretary for Trans-
23 portation Security shall agree” and
24 inserting “the Secretary of Homeland
25 Security and the Administrator of the

1 Transportation Security Administra-
2 tion shall agree”; and

3 (III) in subparagraph (B), as re-
4 designated, by striking “the Sec-
5 retary, the Under Secretary for
6 Transportation Security” and insert-
7 ing “the Secretary of Homeland Secu-
8 rity, the Administrator of the Trans-
9 portation Security Administration,”;
10 and

11 (iv) in paragraph (2), as redesignated,
12 by striking “Under Secretary for Trans-
13 portation Security” and inserting “Admin-
14 istrator of the Transportation Security Ad-
15 ministration”;

16 (34) section 44943 is amended—

17 (A) in subsection (a), by striking “Under
18 Secretary for Transportation Security” and in-
19 serting “Administrator of the Transportation
20 Security Administration”;

21 (B) in subsection (b)—

22 (i) in paragraph (1)—

23 (I) by striking “Secretary and
24 Under Secretary of Transportation for
25 Security” and inserting “Secretary of

1 Homeland Security and Administrator
2 of the Transportation Security Ad-
3 ministration”; and

4 (II) by striking “Under Sec-
5 retary” and inserting “Administrator
6 of the Transportation Security Ad-
7 ministration”; and

8 (ii) in paragraph (2)—

9 (I) by striking “Under Sec-
10 retary” the first place it appears and
11 inserting “Administrator of the
12 Transportation Security Administra-
13 tion”; and

14 (II) by striking “Under Secretary
15 shall” each place it appears and in-
16 serting “Administrator shall”; and

17 (C) in subsection (c), by striking “Aviation
18 Security Act, the Under Secretary for Trans-
19 portation Security” and inserting “Aviation and
20 Transportation Security Act (Public Law 107–
21 71; 115 Stat. 597), the Administrator of the
22 Transportation Security Administration”;

23 (35) section 44944 is amended—

24 (A) in subsection (a)—

1 (i) in paragraph (1), by striking
2 “Under Secretary of Transportation for
3 Transportation Security” and inserting
4 “Administrator of the Transportation Se-
5 curity Administration”; and

6 (ii) in paragraph (4), by inserting
7 “the Administrator of the Federal Aviation
8 Administration,” after “consult with”; and

9 (B) by striking “Under Secretary” each
10 place it appears and inserting “Administrator
11 of the Transportation Security Administration”;

12 (36) section 44945(b) is amended by striking
13 “Assistant Secretary” each place it appears and in-
14 serting “Administrator of the Transportation Secu-
15 rity Administration”; and

16 (37) section 44946 is amended—

17 (A) in subsection (g)—

18 (i) by striking paragraph (2);

19 (ii) by redesignating paragraph (1) as
20 paragraph (2); and

21 (iii) 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) by striking “Assistant Secretary” each
2 place it appears and inserting “Administrator”;

3 (C) in subsection (b)(4)—

4 (i) by striking “the Secretary re-
5 ceives” and inserting “the Administrator
6 receives”; and

7 (ii) by striking “the Secretary shall”
8 and inserting “the Administrator shall”;
9 and

10 (D) in subsection (c)(1)(A), by striking
11 “Not later than 180 days after the date of en-
12 actment of the Aviation Security Stakeholder
13 Participation Act of 2014, the” and inserting
14 “The”.

15 (e) CHAPTER 451 AMENDMENTS.—Section 45107 is
16 amended—

17 (1) in subsection (a), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”; and

21 (2) in subsection (b), by striking the second
22 sentence.

23 (f) CHAPTER 461 AMENDMENTS.—Chapter 461 is
24 amended—

1 (1) in each of sections 46101(a)(1), 46102(a),
2 46103(a), 46104(a), 46105(a), 46106, 46107(b),
3 and 46110(a) by striking “Under Secretary of
4 Transportation for Security with respect to security
5 duties and powers designated to be carried out by
6 the Under Secretary” and inserting “Administrator
7 of the Transportation Security Administration with
8 respect to security duties and powers designated to
9 be carried out by the Administrator of the Transpor-
10 tation Security Administration”;

11 (2) in each of sections 46101, 46102(c), 46103,
12 46104, 46105, 46107, and 46110 by striking “or
13 Administrator” each place it appears and inserting
14 “or Administrator of the Federal Aviation Adminis-
15 tration”;

16 (3) in each of sections 46101(a)(1), 46102(a)
17 46103(a), 46104(a), 46105(a), 46106, 46107(b),
18 and 46110(a) by striking “by the Administrator”
19 and inserting “by the Administrator of the Federal
20 Aviation Administration”;

21 (4) in each of sections 46101, 46102, 46103,
22 46104, 46105, 46107, and 46110 by striking
23 “Under Secretary,” each place it appears and insert-
24 ing “Administrator of the Transportation Security
25 Administration,”;

1 (5) in section 46102—

2 (A) in subsection (b), by striking “the Ad-
3 ministrator” each place it appears and inserting
4 “the Administrator of the Federal Aviation Ad-
5 ministration”;

6 (B) in subsection (c), by striking “and Ad-
7 ministrator” each place it appears and inserting
8 “and Administrator of the Federal Aviation Ad-
9 ministration”; and

10 (C) in subsection (d), by striking “the Ad-
11 ministrator, or an officer or employee of the
12 Administration” in subsection (d) and inserting
13 “the Administrator of the Federal Aviation Ad-
14 ministration, or an officer or employee of the
15 Federal Aviation Administration”;

16 (6) in section 46104—

17 (A) by striking “subpena” each place it ap-
18 pears and inserting “subpoena”; and

19 (B) in subsection (b)—

20 (i) in the heading, by striking “SUB-
21 PENAS” and inserting “SUBPOENAS”; and

22 (ii) by striking “the Administrator,
23 or” and inserting “the Administrator of
24 the Federal Aviation Administration, or”;

1 (7) in section 46105(c), by striking “When the
2 Administrator” and inserting “When the Adminis-
3 trator of the Federal Aviation Administration”;

4 (8) in section 46109, by inserting “(or the Ad-
5 ministrator of the Transportation Security Adminis-
6 tration with respect to security duties and powers
7 designated to be carried out by the Administrator of
8 the Transportation Security Administration or the
9 Administrator of the Federal Aviation Administra-
10 tion with respect to aviation safety duties and pow-
11 ers designated to be carried out by the Adminis-
12 trator)” after “Secretary of Transportation”; and

13 (9) in section 46111—

14 (A) in subsection (a)—

15 (i) by inserting “the” before “Federal
16 Aviation Administration”;

17 (ii) by striking “Administrator is”
18 and inserting “Administrator of the Fed-
19 eral Aviation Administration is”; and

20 (iii) by striking “Under Secretary for
21 Border and Transportation Security of the
22 Department of Homeland Security” and
23 inserting “Administrator of the Transpor-
24 tation Security Administration”;

1 (B) in subsections (b), (c), (e), and (g), by
2 striking “Administrator” each place it appears
3 and inserting “Administrator of the Federal
4 Aviation Administration”;

5 (C) in subsection (g)(2)(A), by striking
6 “(18 U.S.C. App.)” and inserting “(18 U.S.C.
7 App.)”; and

8 (D) by striking “Under Secretary” each
9 place it appears and inserting “Administrator
10 of the Transportation Security Administration”.

11 (g) CHAPTER 463 AMENDMENTS.—Chapter 463 is
12 amended—

13 (1) in section 46301—

14 (A) in subsection (a)(5)—

15 (i) in subparagraph (A)(i), by striking
16 “or chapter 451” and inserting “chapter
17 451”; and

18 (ii) in subparagraph (D), by inserting
19 “of Transportation” after “Secretary”;

20 (B) in subsection (d)—

21 (i) in paragraph (2)—

22 (I) by striking “defined by the
23 Secretary” and inserting “defined by
24 the Secretary of Transportation”; and

1 (II) by striking “Administrator
2 shall” and inserting “Administrator of
3 the Federal Aviation Administration
4 shall”;

5 (ii) in paragraphs (3), (4), (5), (6),
6 (7), and (8), by striking “Administrator”
7 each place it appears and inserting “Ad-
8 ministrator of the Federal Aviation Admin-
9 istration”; and

10 (iii) in paragraph (8), by striking
11 “Under Secretary” and inserting “Admin-
12 istrator of the Transportation Security Ad-
13 ministration”;

14 (C) in subsection (e), by inserting “of
15 Transportation” after “Secretary”;

16 (D) in subsection (g), by striking “Admin-
17 istrator” and inserting “Administrator of the
18 Federal Aviation Administration”; and

19 (E) in subsection (h)(2)—

20 (i) by striking “Under Secretary of
21 Transportation for Security with respect to
22 security duties and powers designated to
23 be carried out by the Under Secretary”
24 and inserting “Administrator of the Trans-
25 portation Security Administration with re-

1 spect to security duties and powers des-
2 ignated to be carried out by the Adminis-
3 trator of the Transportation Security Ad-
4 ministration”; and

5 (ii) by striking “or the Administrator
6 with respect to aviation safety duties and
7 powers designated to be carried out by the
8 Administrator” and inserting “or the Ad-
9 ministrator of the Federal Aviation Admin-
10 istration with respect to aviation safety du-
11 ties and powers designated to be carried
12 out by the Administrator of the Federal
13 Aviation Administration”;

14 (2) in section 46304(b), by striking “or the Ad-
15 ministrator of the Federal Aviation Administration
16 with respect to aviation safety duties and powers
17 designated to be carried out by the Administrator”
18 and inserting “or the Administrator of the Federal
19 Aviation Administration with respect to aviation
20 safety duties and powers designated to be carried
21 out by the Administrator of the Federal Aviation
22 Administration”;

23 (3) in section 46311—

24 (A) in subsection (a)—

1 (i) in the matter preceding paragraph

2 (1)—

3 (I) by striking “Under Secretary
4 of Transportation for Security with
5 respect to security duties and powers
6 designated to be carried out by the
7 Under Secretary” and inserting “Ad-
8 ministrator of the Transportation Se-
9 curity Administration with respect to
10 security duties and powers designated
11 to be carried out by the Administrator
12 of the Transportation Security Ad-
13 ministration”;

14 (II) by striking “the Adminis-
15 trator of the Federal Aviation Admin-
16 istration with respect to aviation safe-
17 ty duties and powers designated to be
18 carried out by the Administrator” and
19 inserting “or the Administrator of the
20 Federal Aviation Administration with
21 respect to aviation safety duties and
22 powers designated to be carried out by
23 the Administrator of the Federal
24 Aviation Administration”;

1 (III) by striking “Administrator
2 shall” and inserting “Administrator of
3 the Federal Aviation Administration
4 shall”; and

5 (IV) by striking “Administrator,”
6 and inserting “Administrator of the
7 Federal Aviation Administration,”;
8 and

9 (ii) in paragraph (1), by striking “Ad-
10 ministrator” and inserting “Administrator
11 of the Federal Aviation Administration”;

12 (B) in subsections (b) and (c), by striking
13 “Administrator” each place it appears and in-
14 serting “Administrator of the Federal Aviation
15 Administration”; and

16 (C) by striking “Under Secretary” each
17 place it appears and inserting “Administrator
18 of the Transportation Security Administration”;

19 (4) in section 46313—

20 (A) by striking “Under Secretary of
21 Transportation for Security with respect to se-
22 curity duties and powers designated to be car-
23 ried out by the Under Secretary” and inserting
24 “Administrator of the Transportation Security
25 Administration with respect to security duties

1 and powers designated to be carried out by the
2 Administrator of the Transportation Security
3 Administration”;

4 (B) by striking “or the Administrator of
5 the Federal Aviation Administration with re-
6 spect to aviation safety duties and powers des-
7 ignated to be carried out by the Administrator”
8 and inserting “or the Administrator of the Fed-
9 eral Aviation Administration with respect to
10 aviation safety duties and powers designated to
11 be carried out by the Administrator of the Fed-
12 eral Aviation Administration”; and

13 (C) by striking “subpena” and inserting
14 “subpoena”; and

15 (5) in section 46316(a)—

16 (A) by striking “Under Secretary of
17 Transportation for Security with respect to se-
18 curity duties and powers designated to be car-
19 ried out by the Under Secretary” and inserting
20 “Administrator of the Transportation Security
21 Administration with respect to security duties
22 and powers designated to be carried out by the
23 Administrator of the Transportation Security
24 Administration”; and

1 (B) by striking “or the Administrator of
 2 the Federal Aviation Administration with re-
 3 spect to aviation safety duties and powers des-
 4 ignated to be carried out by the Administrator”
 5 and inserting “or the Administrator of the Fed-
 6 eral Aviation Administration with respect to
 7 aviation safety duties and powers designated to
 8 be carried out by the Administrator of the Fed-
 9 eral Aviation Administration”.

10 (h) CHAPTER 465 AMENDMENTS.—Chapter 465 is
 11 amended—

12 (1) in section 46505(d)(2), by striking “Under
 13 Secretary of Transportation for Security” and in-
 14 serting “Administrator of the Transportation Secu-
 15 rity Administration”; and

16 (2) in the table of contents for chapter 465 of
 17 subtitle VII, by striking the following:

“46503. Repealed.”.

18 (i) CHAPTER 483 REPEAL.—

19 (1) IN GENERAL.—Chapter 483 is repealed.

20 (2) CONFORMING AMENDMENT.—The table of
 21 contents for subtitle VII is amended by striking the
 22 following:

“483. Aviation security funding 48301”.

23 (j) AUTHORITY TO EXEMPT.—

1 (1) IN GENERAL.—Subchapter II of chapter
2 449 is amended by inserting before section 44933
3 the following:

4 **“§ 44931. Authority to exempt**

5 “‘The Secretary of Homeland Security may grant an
6 exemption from a regulation prescribed in carrying out
7 sections 44901, 44903, 44906, 44909(c), and 44935–
8 44937 of this title when the Secretary decides the exemp-
9 tion is in the public interest.

10 **“§ 44932. Administrative**

11 “(a) GENERAL AUTHORITY.—The Secretary of
12 Homeland Security or the Administrator of the Transpor-
13 tation Security Administration may take action the Sec-
14 retary or the Administrator considers necessary to carry
15 out this chapter and chapters 461, 463, and 465 of this
16 title, including conducting investigations, prescribing regu-
17 lations, standards, and procedures, and issuing orders.

18 “(b) INDEMNIFICATION.—The Administrator of the
19 Transportation Security Administration may indemnify an
20 officer or employee of the Transportation Security Admin-
21 istration against a claim or judgment arising out of an
22 act that the Administrator decides was committed within
23 the scope of the official duties of the officer or employee.”.

1 (2) TABLE OF CONTENTS.—The table of con-
2 tents of chapter 449 is amended by inserting before
3 the 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)
15 is amended—

16 (1) in paragraph (1), by striking “Assistant
17 Secretary for Immigration and Customs Enforce-
18 ment” and inserting “Administrator of the Trans-
19 portation Security Administration”; and

20 (2) in paragraph (2), by striking “Assistant
21 Secretary for Immigration and Customs Enforce-
22 ment and the Director of Federal Air Marshal Serv-
23 ice of the Department of Homeland Security, in co-

1 ordination with the Assistant Secretary of Homeland
2 Security (Transportation Security Administration),”
3 and inserting “Administrator of the Transportation
4 Security Administration and the Director of Federal
5 Air Marshal Service of the Department of Homeland
6 Security”.

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
11 precede the effective date of this Act shall be deemed to
12 refer, as appropriate, to the Administrator of the Trans-
13 portation Security Administration.

Amend the title so as to read: “A bill to provide pro-
tections for certain sports medicine professionals, to reau-
thorize Federal aviation programs, to improve aircraft
safety certification processes, and for other purposes.”.