

***In the House of Representatives, U. S.,***

*September 26, 2018.*

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

**HOUSE AMENDMENT TO SENATE AMENDMENT:**

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

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

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

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

*Sec. 1. Short title; table of contents.*

**DIVISION A—SPORTS MEDICINE LICENSURE**

*Sec. 11. Short title.*

*Sec. 12. Protections for covered sports medicine professionals.*

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

*Sec. 101. Definition of appropriate committees of Congress.*

**TITLE I—AUTHORIZATIONS**

**Subtitle A—Funding of FAA Programs**

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

*Sec. 112. Facilities and equipment.*

*Sec. 113. FAA operations.*

*Sec. 114. Weather reporting programs.*

*Sec. 115. Adjustment to AIP program funding.*

*Sec. 116. Funding for aviation programs.*

*Sec. 117. Extension of expiring authorities.*

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*Sec. 121. Passenger facility charge modernization.*

*Sec. 122. Future aviation infrastructure and financing study.*

*Sec. 123. Intermodal access projects.*

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*Sec. 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 aeronautical services to an airport sponsor.*

*Sec. 145. Sense of Congress on smart airports.*

*Sec. 146. Critical airfield markings.*

*Sec. 147. General facilities authority.*

*Sec. 148. Recycling plans; uncategorized small airports.*

*Sec. 149. Evaluation of airport master plans.*

*Sec. 150. Definition of small business concern.*

*Sec. 151. Small airport regulation relief.*

*Sec. 152. Construction of certain control towers.*

*Sec. 153. Nondiscrimination.*

*Sec. 154. Definition of airport development.*

*Sec. 155. General aviation airport expired funds.*

*Sec. 156. Priority review of construction projects in cold weather States.*

*Sec. 157. Minority and disadvantaged business participation.*

*Sec. 158. Supplemental discretionary funds.*

*Sec. 159. State taxation.*

*Sec. 160. Airport investment partnership program.*

*Sec. 161. Remote tower pilot program for rural and small communities.*

*Sec. 162. Airport access roads in remote locations.*

*Sec. 163. Limited regulation of non-federally sponsored property.*

*Sec. 164. Seasonal airports.*

*Sec. 165. Amendments to definitions.*

*Sec. 166. Pilot program sunsets.*

*Sec. 167. Buy America requirements.*

#### *Subtitle D—Airport Noise and Environmental Streamlining*

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*Sec. 172. Authorization of certain flights by stage 2 aircraft.*

*Sec. 173. Alternative airplane noise metric evaluation deadline.*

- Sec. 174. Updating airport noise exposure maps.*
- Sec. 175. Addressing community noise concerns.*
- Sec. 176. Community involvement in FAA NextGen projects located in metroplexes.*
- Sec. 177. Lead emissions.*
- Sec. 178. Terminal sequencing and spacing.*
- Sec. 179. Airport noise mitigation and safety study.*
- Sec. 180. Regional ombudsmen.*
- Sec. 181. FAA leadership on civil supersonic aircraft.*
- Sec. 182. Mandatory use of the New York North Shore Helicopter Route.*
- Sec. 183. State standards for airport pavements.*
- Sec. 184. Eligibility of pilot program airports.*
- Sec. 185. Grandfathering of certain deed agreements granting through-the-fence access to general aviation airports.*
- Sec. 186. Stage 3 aircraft study.*
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- Sec. 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.*
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- Sec. 212. Organization designation authorizations.*
- Sec. 213. ODA review.*
- Sec. 214. Type certification resolution process.*
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### *Subtitle C—Flight Standards Reform*

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- Sec. 222. FAA task force on flight standards reform.*
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- Sec. 242. Bilateral exchanges of safety oversight responsibilities.*
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- Sec. 355. Public UAS operations by Tribal governments.*
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*Sec. 404. Improved notification of insecticide use.*

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*Sec. 406. Consumer information on actual flight times.*

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*Sec. 1904. Administrator of the Transportation Security Administration; 5-year term.*

*Sec. 1905. Transportation Security Administration organization.*

*Sec. 1906. Transportation Security Administration efficiency.*

*Sec. 1907. Personnel management system review.*

*Sec. 1908. TSA leap pay reform.*

*Sec. 1909. Rank awards program for transportation security administration executives and senior professionals.*

*Sec. 1910. Transmittals to Congress.*

*Subtitle B—Security Technology*

- Sec. 1911. Third party testing and verification of screening technology.*
- Sec. 1912. Transportation security administration systems integration facility.*
- Sec. 1913. Opportunities to pursue expanded networks for business.*
- Sec. 1914. Reciprocal recognition of security standards.*
- Sec. 1915. Transportation Security Laboratory.*
- Sec. 1916. Innovation Task Force.*
- Sec. 1917. 5-Year technology investment plan update.*
- Sec. 1918. Maintenance of security-related technology.*
- Sec. 1919. Biometrics expansion.*
- Sec. 1920. Pilot program for automated exit lane technology.*
- Sec. 1921. Authorization of appropriations; exit lane security.*
- Sec. 1922. Real-time security checkpoint wait times.*
- Sec. 1923. GAO report on deployment of screening technologies across airports.*
- Sec. 1924. Screening technology review and performance objectives.*
- Sec. 1925. Computed tomography pilot programs.*

*Subtitle C—Public Area Security*

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

*Subtitle D—Passenger and Cargo Security*

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

*Subtitle E—Foreign Airport Security*

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

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

*Subtitle F—Cockpit and Cabin Security*

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

*Subtitle G—Surface Transportation Security*

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

*Subtitle H—Transportation Security*

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

*Subtitle I—Conforming and Miscellaneous Amendments*

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

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

3     **SEC. 11. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12           *(A) at a health care facility; or*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3                   **DIVISION B—FAA**

4                   **REAUTHORIZATION ACT OF 2018**

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

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

12                  **TITLE I—AUTHORIZATIONS**

13                  **Subtitle A—Funding of FAA**  
14                  **Programs**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18       (b) *AUTHORIZED EXPENDITURES*.—Section 48101(c)

19 of title 49, *United States Code*, is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

5       (a) *IN GENERAL.*—Section 106(k)(1) of title 49,  
6 *United States Code, is amended by striking subparagraphs*

7 *(A) through (F) and inserting the following:*

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

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

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

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

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

13           *and*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (a) *MARSHALL ISLANDS, MICRONESIA, AND PALAU.—*

5 *Section 47115 of title 49, United States Code, is amended—*

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

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

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

12 (b) *EXTENSION OF COMPATIBLE LAND USE PLANNING*

13 *AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.—*

14 *Section 47141(f) of title 49, United States Code, is amended*  
15 *by striking “September 30, 2018” and inserting “September*  
16 *30, 2023”.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8                 (b) CONSULTATION.—In carrying out the study, the  
9   qualified organization shall convene and consult with a  
10 panel of national experts, including representatives of—  
11                     (1) nonhub airports;  
12                     (2) small hub airports;  
13                     (3) medium hub airports;  
14                     (4) large hub airports;  
15                     (5) airports with international service;  
16                     (6) nonprimary airports;  
17                     (7) local elected officials;  
18                     (8) relevant labor organizations;  
19                     (9) passengers;  
20                     (10) air carriers;  
21                     (11) the tourism industry; and  
22                     (12) the business travel industry.  
23                 (c) CONSIDERATIONS.—In carrying out the study, the  
24 qualified organization shall consider—

- 1                   (1) the ability of airport infrastructure to meet  
2 current and projected passenger volumes;
- 3                   (2) the available financial tools and resources for  
4 airports of different sizes;
- 5                   (3) the available financing tools and resources  
6 for airports in rural areas;
- 7                   (4) the current debt held by airports, and its im-  
8 pact on future construction and capacity needs;
- 9                   (5) the impact of capacity constraints on pas-  
10 sengers and ticket prices;
- 11                  (6) the purchasing power of the passenger facil-  
12 ity charge from the last increase in 2000 to the year  
13 of enactment of this Act;
- 14                  (7) the impact to passengers and airports of in-  
15 dexing the passenger facility charge for inflation;
- 16                  (8) how long airports are constrained with cur-  
17 rent passenger facility charge collections;
- 18                  (9) the impact of passenger facility charges on  
19 promoting competition;
- 20                  (10) the additional resources or options to fund  
21 terminal construction projects;
- 22                  (11) the resources eligible for use toward noise  
23 reduction and emission reduction projects;

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

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

6                   (14) airline competition;

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

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

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

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

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

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

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

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

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

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

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

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

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

3   **SEC. 131. GRANT ASSURANCES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **SEC. 132. MOTHERS' ROOMS.**

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

13          “(w) MOTHERS' ROOMS.—

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

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

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

1           “(2) *APPLICABILITY.*—

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

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

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

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

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

1                 “(i) provides a location for members of  
2                 the public to express breast milk that is  
3                 shielded from view and free from intrusion  
4                 from the public;  
5                 “(ii) has a door that can be locked;  
6                 “(iii) includes a place to sit, a table or  
7                 other flat surface, a sink or sanitizing  
8                 equipment, and an electrical outlet;  
9                 “(iv) is readily accessible to and usable  
10                 by individuals with disabilities, including  
11                 individuals who use wheelchairs; and  
12                 “(v) is not located in a restroom; and  
13                 “(B) ‘sterile area’ has the same meaning  
14                 given that term in section 1540.5 of title 49,  
15                 Code of Federal Regulations.”.

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

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

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

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

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

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

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

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

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

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

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

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

## 1                   (3) CONSTRUCTION OF AIR TRAFFIC CONTROL

2                   TOWERS.—

3                   (A) GRANTS.—Section 47124(b)(4)(A) of  
4                   title 49, United States Code, is amended in each  
5                   of clauses (i)(III) and (ii)(III) by inserting “,  
6                   including remote air traffic control tower equip-  
7                   ment certified by the Federal Aviation Adminis-  
8                   tration” after “1996”.9                   (B) ELIGIBILITY.—Section  
10                  47124(b)(4)(B)(i)(I) of title 49, United States  
11                  Code, is amended by striking “contract tower  
12                  program established under subsection (a) and  
13                  continued under paragraph (1) or the pilot pro-  
14                  gram established under paragraph (3)” and in-  
15                  serting “Contract Tower Program or the Cost-  
16                  share Program”.17                  (C) LIMITATION ON FEDERAL SHARE.—Sec-  
18                  tion 47124(b)(4) of title 49, United States Code,  
19                  is amended by striking subparagraph (C).20                  (4) BENEFIT-TO-COST CALCULATION FOR PRO-  
21                  GRAM APPLICANTS.—Section 47124(b)(3) of title 49,  
22                  United States Code, is amended by adding at the end  
23                  the following:24                  “(G) BENEFIT-TO-COST CALCULATION.—Not  
25                  later than 90 days after receiving an application

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

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

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

11      “(1) *TIMING OF EVALUATIONS.—*

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

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

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

3           “*(i) by more than 25 percent from the  
4           previous year; or  
5           (ii) by more than 55 percent cumula-  
6           tively in the preceding 3-year period.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9                 “(e) DEFINITIONS.—In this section:

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

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

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

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

22                 (2) in paragraph (3)—

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

(D) in subparagraph (C), by striking “participate in the program” and inserting “participate in the Cost-share Program”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       *dom's Sentinel, or any successor contingency operation to such operations (whichever is later)".*

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

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

6           “(5) *USE OF STATE HIGHWAY SPECIFICATIONS.*—*The Secretary shall use the highway specifications of a State for airfield pavement construction and improvement using funds made available under this subsection at nonprimary airports serving aircraft that do not exceed 60,000 pounds gross weight if—*

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

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

16           “(i) *safety will not be negatively affected; and*

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

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

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

1                   (1) in paragraph (1)(C), by striking “or” at the  
2       end;  
3                   (2) in paragraph (2), by striking the period at  
4       the end and inserting “; or”; and  
5                   (3) by adding at the end the following:  
6                   “(3) the airport is—  
7                          “(A) a former military installation that, at  
8       any time after December 31, 1965, was owned  
9       and operated by the Department of Defense; and  
10                       “(B) a nonhub primary airport.”.

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

12                   **IMPROVEMENT PROGRAM.**

13       Section 47119(a)(1)(B) is amended—

14                   (1) by striking “; and” at the end and inserting  
15       “; or”;  
16                   (2) by striking “directly related to moving pas-  
17       sengers” and inserting the following: “directly related  
18       to—  
19                          “(i) moving passengers”; and  
20                   (3) by adding at the end the following:  
21                          “(ii) installing security cameras in the  
22       public area of the interior and exterior of  
23       the terminal; and”.

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

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

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

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

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

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

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

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

1       “(b) PROJECT GRANTS.—

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

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

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

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

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

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

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

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

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

20           “(B) is on-airport; and

21           “(C) is airport operated.”.

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

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

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

2       *Section 817(a) of the FAA Modernization and Reform*

3   *Act of 2012 (49 U.S.C. 47125 note) is amended—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12               “(f) AIRPORT SPACE.—

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

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

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

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

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

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

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

13           **POR TS.**

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

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

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

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

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

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

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

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

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

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

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

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

16                 “(C) During fiscal years 2019 and 2020—  
17                         “(i) an airport that accrued apportion-  
18                 ment funds under subparagraph (A) in fis-  
19                 cal year 2013 that is listed as having an  
20                 unclassified status under the most recent  
21                 national plan of integrated airport systems  
22                 shall continue to accrue apportionment  
23                 funds under subparagraph (A) at the same  
24                 amount the airport accrued apportionment

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

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

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

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

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

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

1       “(h) *EVALUATION OF AIRPORT MASTER PLANS.*—

2   When evaluating the master plan of an airport for purposes  
3 of this subchapter, the Secretary shall take into account—

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

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

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

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

12           “(1) ‘small business concern’—

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

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

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

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

1                 “(F) SPECIAL RULE FOR FISCAL YEARS 2018  
2                 *THROUGH 2020.—Notwithstanding subparagraph*  
3                 *(A) and subject to subparagraph (G), the Secretary*  
4                 *shall apportion to a sponsor of an airport under that subparagraph for each of fiscal years*  
5                 *2018 through 2020 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the 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 calculate the apportionment for fiscal year*  
10                 *2018, 2019, or 2020, as applicable, under subparagraph (A); and*

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

12                 “(G) LIMITATIONS AND WAIVERS.—The authority to make apportionments in the manner prescribed in subparagraph (F) may be utilized no more than 3 years in a row. The Secretary may waive this limitation if the Secretary determines that an airport’s enplanements are substantially close to 10,000 enplanements and the

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

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

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

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

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

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

3 **SEC. 153. NONDISCRIMINATION.**

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

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

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

9 and

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

11              “(b) INDIAN EMPLOYMENT.—

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

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

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

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

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

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

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

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

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

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

22           “(B) *additional hangar space.*”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7                     **TICIPATION.**

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

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

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

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

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

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

19 (b) *PROMPT PAYMENTS.—*

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

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

3           (2) *IMPROVING COMPLIANCE.—*

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

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

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

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

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

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

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

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

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

(vi) whether changes to prime contractor specifications need to be made to ensure prompt payment of retainage to subcontractors.

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

(B) *PROGRAM.*—The term “Program” means the airport disadvantaged business enterprise program referenced in subsection (a)(1) of

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

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

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

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

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

13       “*(2) TREATMENT OF GRANTS.—*

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

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

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

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

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

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

13           “(ii) nonhub and small hub airports.

14           “(4) *AUTHORIZATION.*—

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

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

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

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

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

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

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

6     **SEC. 159. STATE TAXATION.**

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

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

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

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

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

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

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

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

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

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

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

24 “(d) **PROGRAM PARTICIPATION.—**

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

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

(6) by striking subsections (l) and (m) and inserting the following:

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

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

*“47134. Airport investment partnership program.”.*

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

22 (a) *PILOT PROGRAM.*—

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

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

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

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

10                 (2) SAFETY CONSIDERATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

15           *(A) 1 nonhub airport;*  
16           *(B) 3 airports that are not primary air-*  
17          *ports and that do not have existing air traffic*  
18          *control towers;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21                  **SORED PROPERTY.**

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

- 1                   (1) *the acquisition, use, lease, encumbrance,*  
2                   *transfer, or disposal of land by an airport owner or*  
3                   *operator;*
- 4                   (2) *any facility upon such land; or*
- 5                   (3) *any portion of such land or facility.*
- 6                 (b) *EXCEPTIONS.*—Subsection (a) does not apply to—
- 7                   (1) *any regulation ensuring—*
- 8                      (A) *the safe and efficient operation of air-*  
9                      *craft or safety of people and property on the*  
10                  *ground related to aircraft operations;*
- 11                  (B) *that an airport owner or operator re-*  
12                  *ceives not less than fair market value in the con-*  
13                  *text of a commercial transaction for the use,*  
14                  *lease, encumbrance, transfer, or disposal of land,*  
15                  *any facilities on such land, or any portion of*  
16                  *such land or facilities; or*
- 17                  (C) *that the airport pays not more than*  
18                  *fair market value in the context of a commercial*  
19                  *transaction for the acquisition of land or facili-*  
20                  *ties on such land;*
- 21                  (2) *any regulation imposed with respect to land*  
22                  *or a facility acquired or modified using Federal fund-*  
23                  *ing; or*
- 24                  (3) *any authority contained in—*

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

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

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

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

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

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

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

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

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

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

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

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

14                 (1) in paragraph (3)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           (b) *CONFORMING AMENDMENTS*.—

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

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

1                   (A) by striking subsection (c); and  
2                   (B) by redesignating subsection (d) as sub-  
3                   section (c).

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

6                   (1) by striking the items relating to sections  
7                   47136, 47136a, 47140, and 47140a;  
8                   (2) by inserting after the item relating to section  
9                   47135 the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1   *that aircraft in nonrevenue service into not more than 4*

2   *medium hub airports or nonhub airports if—*

3           *(1) the airport—*

4               *(A) is certified under part 139 of title 14,*

5               *Code of Federal Regulations;*

6               *(B) has a runway that—*

7                   *(i) is longer than 8,000 feet and not*

8                   *less than 200 feet wide; and*

9                   *(ii) is load bearing with a pavement*

10               *classification number of not less than 38;*

11               *and*

12               *(C) has a maintenance facility with a*

13               *maintenance certificate issued under part 145 of*

14               *such title; and*

15               *(2) the operator of the stage 2 aircraft operates*

16               *not more than 10 flights per month using that air-*

17               *craft.*

18           *(b) TERMINATION.—The pilot program shall terminate*

19           *on the earlier of—*

20               *(1) the date that is 10 years after the date of the*

21               *enactment of this Act; or*

22               *(2) the date on which the Administrator deter-*

23               *mines that no stage 2 aircraft remain in service.*

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

1                   (1) *MEDIUM HUB AIRPORT; NONHUB AIRPORT.*—

2     *The terms “medium hub airport” and “nonhub air-*  
3     *port” have the meanings given those terms in section*  
4     *40102 of title 49, United States Code.*

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

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

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

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

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

20       “(b) *REVISED MAPS.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       (b) CONSIDERATIONS.—In conducting the study initiated under subsection (a), the Administrator shall determine—

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

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

10              (A) jeopardizes aviation safety; or

11              (B) decreases the efficiency of the National Airspace System, including lowering airport capacity, increasing travel times, or increasing fuel burn;

15           (3) the advisability of using jet aircraft approach or takeoff speeds as a noise mitigation technique; and

18           (4) if the Administrator determines that using jet aircraft approach or takeoff speeds as a noise mitigation technique is advisable, whether any of the metropolitan areas specifically identified in section 189(b)(2) would benefit from such a noise mitigation technique without a significant impact to aviation safety or the efficiency of the National Airspace System.

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

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

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

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

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

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

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

## 1 SEC. 181. FAA LEADERSHIP ON CIVIL SUPERSONIC AIR-

2 **CRAFT.**

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

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

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

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

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

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

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

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

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

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

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

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

1       (c) *INTERNATIONAL LEADERSHIP.*—The Administrator, in the appropriate international forums, shall take actions that—

4           (1) demonstrate global leadership under subsection (a);

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

8           (3) protect the public health and welfare.

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

13           (1) the Administrator's actions to exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft;

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

23           (3) a timeline for any actions to be taken to update or modify existing policies and regulations related to civil supersonic aircraft.

## 1       (e) LONG-TERM REGULATORY REFORM.—

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

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

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

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

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

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

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

12                         (B) address manufacturing of the aircraft;

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

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

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

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

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

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

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

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

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

16       (a) *PUBLIC COMMENT PERIOD.—*

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

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

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

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

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

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

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

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

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

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

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

4           “(2) PAVEMENT STANDARDS.—

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

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

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

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

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

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

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

2           “(1) AUTHORITY.—The Secretary may make  
3 grants with funds made available under this section  
4 for an airport participating in the program under  
5 section 47134 if—6           “(A) the Secretary has approved the appli-  
7 cation of an airport sponsor under section  
8 47134(b) in fiscal year 2019; and

9           “(B) the grant will—

10           “(i) satisfy an obligation incurred by  
11 an airport sponsor under section 47110(e)  
12 or funded by a nonpublic sponsor for an  
13 airport development project on the airport;  
14 or15           “(ii) provide partial Federal reim-  
16 bursement for airport development (as de-  
17 fined in section 47102) on the airport lay-  
18 out plan initiated in the fiscal year in  
19 which the application was approved, or  
20 later, for over a period of not more than 10  
21 years.22           “(2) NONAPPLICABILITY OF CERTAIN SEC-  
23 TIONS.—Grants made under this subsection shall not  
24 be subject to—

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

1               “(B) section 47117(e); or  
2               “(C) any other apportionment formula, spe-  
3               cial apportionment category, or minimum per-  
4               centage set forth in this chapter.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17               *(A) air carriers;*

18               *(B) airports;*

19               *(C) communities surrounding airports;*

20               *(D) aircraft and avionics manufacturers;*

21               *(E) operators of covered stage 3 aircraft  
22      other than air carriers; and*

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

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

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

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

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

15       (b) *REPORT.*—

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

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

1       *the results of the review and in coordination with*  
2       *other agencies.*

3       **SEC. 188. STUDY REGARDING DAY-NIGHT AVERAGE SOUND**  
4                   **LEVELS.**

5       *(a) STUDY.—The Administrator of the Federal Avia-*  
6       *tion Administration shall evaluate alternative metrics to*  
7       *the current average day-night level standard, such as the*  
8       *use of actual noise sampling and other methods, to address*  
9       *community airplane noise concerns.*

10       *(b) REPORT.—Not later than 1 year after the date of*  
11       *enactment of this Act, the Administrator shall submit to*  
12       *the appropriate committees of Congress a report on the re-*  
13       *sults of the study under subsection (a).*

14       **SEC. 189. STUDY ON POTENTIAL HEALTH AND ECONOMIC**  
15                   **IMPACTS OF OVERFLIGHT NOISE.**

16       *(a) IN GENERAL.—Not later than 180 days after the*  
17       *date of enactment of this Act, the Administrator of the Fed-*  
18       *eral Aviation Administration shall enter into an agreement*  
19       *with an eligible institution of higher education to conduct*  
20       *a study on the health impacts of noise from aircraft flights*  
21       *on residents exposed to a range of noise levels from such*  
22       *flights.*

23       *(b) SCOPE OF STUDY.—The study conducted under*  
24       *subsection (a) shall—*

1                   (1) include an examination of the incremental  
2        health impacts attributable to noise exposure that re-  
3        sult from aircraft flights, including sleep disturbance  
4        and elevated blood pressure;  
5                   (2) be focused on residents in the metropolitan  
6        area of—

7                   (A) Boston;  
8                   (B) Chicago;  
9                   (C) the District of Columbia;  
10                  (D) New York;  
11                  (E) the Northern California Metropolex;  
12                  (F) Phoenix;  
13                  (G) the Southern California Metropolex;  
14                  (H) Seattle; or  
15                  (I) such other area as may be identified by  
16        the Administrator;

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

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

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

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

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

11           *(1) has—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10                      (B) Public or private educational or research organizations located in the United  
11 States.

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

15                      (D) Federal laboratories.

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

19                      (A) introduces new environmental mitigation techniques or technologies that have been  
20 proven in laboratory demonstrations;

22                      (B) proposes methods for efficient adaptation or integration of new concepts into airport  
23 operations; and

1                   (C) will demonstrate whether new techniques or technologies for environmental mitigation are—

- 4                   (i) practical to implement at or near  
5                   multiple public-use airports; and  
6                   (ii) capable of reducing noise, airport  
7                   emissions, or water quality impacts in  
8                   measurably significant amounts.

9                   (k) AUTHORIZATION FOR THE TRANSFER OF FUNDS

10 FROM DEPARTMENT OF DEFENSE.—

11                   (1) IN GENERAL.—The Administrator of the Federal Aviation Administration may accept funds from the Secretary of Defense to increase the authorized funding for this section by the amount of such transfer only to carry out projects designed for environmental mitigation at a site previously, but not currently, managed by the Department of Defense.

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

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

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

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

5           (2) in subsection (b)—

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

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

10          “(2) GENERAL AVIATION AIRPORT CONSTRUCTION  
11       OR IMPROVEMENT PROJECT.—A general aviation air-  
12       port construction or improvement project shall be sub-  
13       ject to the coordinated and expedited environmental  
14       review process requirements set forth in this section.”;

15          (3) in subsection (c)(1), by striking “subsection  
16       (b)(2)” and inserting “subsection (b)(3);”

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

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

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

23          (b) DEFINITIONS.—Section 47175 of title 49, United  
24       States Code, is amended by adding at the end the following:

1           “(8) *GENERAL AVIATION AIRPORT CONSTRUCTION*  
2       *OR IMPROVEMENT PROJECT.*—The term ‘general avia-  
3       *tion airport construction or improvement project’*  
4       means—

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

13           “(B) *any other airport development project*  
14       *that the Secretary designates as facilitating*  
15       *aviation capacity building projects at a general*  
16       *aviation airport.”.*

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

18       (a) *IN GENERAL.*—Section 47136 of title 49, United

19 *States Code, as so redesignated, is amended—*

20           (1) *by striking subsections (a) and (b) and in-*  
21       *serting the following:*

22           “(a) *IN GENERAL.*—The Secretary of Transportation  
23       *may establish a pilot program under which the sponsors*  
24       *of public-use airports may use funds made available under*

1 *this chapter or section 48103 for use at such airports to*  
2 *carry out—*

3       “(1) *activities associated with the acquisition, by*  
4 *purchase or lease, and operation of eligible zero-emis-*  
5 *sion vehicles and equipment, including removable*  
6 *power sources for such vehicles; and*

7       “(2) *the construction or modification of infra-*  
8 *structure to facilitate the delivery of fuel, power or*  
9 *services necessary for the use of such vehicles.*

10      “(b) *ELIGIBILITY.—A public-use airport is eligible for*  
11 *participation in the program if the eligible vehicles or*  
12 *equipment are—*

13       “(1) *used exclusively on airport property; or*  
14       “(2) *used exclusively to transport passengers and*  
15 *employees between the airport and—*

16           “(A) *nearby facilities which are owned or*  
17 *controlled by the airport or which otherwise di-*  
18 *rectly support the functions or services provided*  
19 *by the airport; or*

20           “(B) *an intermodal surface transportation*  
21 *facility adjacent to the airport.”;*

22       (2) *by striking subsections (d) through (f) and*  
23 *inserting the following:*

1       “(d) *FEDERAL SHARE*.—The Federal share of the cost  
2 of a project carried out under the program shall be the Fed-  
3 eral share specified in section 47109.

4       “(e) *TECHNICAL ASSISTANCE*.—

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

9              “(A) technical assistance; and

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

14           “(2) *PROVIDERS OF TECHNICAL ASSISTANCE*.—

15 To receive the technical assistance or project manage-  
16 ment support described in paragraph (1), partici-  
17 pants in the program may use—

18              “(A) a nonprofit organization selected by  
19 the Secretary; or

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

23       “(f) *MATERIALS IDENTIFYING BEST PRACTICES*.—The  
24 Secretary may create and make available materials identi-  
25 fying best practices for carrying out activities funded under

1   *the program based on previous related projects and other*  
2   *sources.*

3       “(g) *ALLOWABLE PROJECT COST.*—*The allowable*  
4   *project cost for the acquisition of a zero-emission vehicle*  
5   *shall be the total cost of purchasing or leasing the vehicle,*  
6   *including the cost of technical assistance or project manage-*  
7   *ment support described in subsection (e).*

8       “(h) *FLEXIBLE PROCUREMENT.*—*A sponsor of a pub-*  
9   *lic-use airport may use funds made available under the pro-*  
10   *gram to acquire, by purchase or lease, a zero-emission vehi-*  
11   *cle and a removable power source in separate transactions,*  
12   *including transactions by which the airport purchases the*  
13   *vehicle and leases the removable power source.*

14       “(i) *TESTING REQUIRED.*—

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

21       “(2) *PENALTIES FOR FALSE STATEMENTS.*—*A*  
22   *certification of compliance under paragraph (1) shall*  
23   *be considered a certification required under this sub-*  
24   *chapter for purposes of section 47126.*

1       “(j) *DEFINITIONS.*—In this section, the following defi-  
2   nitions apply:

3           “(1) *ELIGIBLE ZERO-EMISSION VEHICLE AND*  
4   *EQUIPMENT.*—The term ‘eligible zero-emission vehicle  
5   and equipment’ means a zero-emission vehicle, equip-  
6   ment related to such a vehicle, or ground support  
7   equipment that includes zero-emission technology that  
8   is—

9           “(A) used exclusively on airport property;

10          or

11           “(B) used exclusively to transport pas-  
12   sengers and employees between the airport and—

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

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

19           “(2) *REMOVABLE POWER SOURCE.*—The term  
20   ‘removable power source’ means a power source that  
21   is separately installed in, and removable from, a zero-  
22   emission vehicle and may include a battery, a fuel  
23   cell, an ultra-capacitor, or other power source used in  
24   a zero-emission vehicle.

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

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

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

10          (b) *SPECIAL APPORTIONMENT CATEGORIES.*—Section  
11        47117(e)(1)(A) of title 49, United States Code, is amended  
12        by inserting “for airport development described in section  
13        47102(3)(Q),” after “under section 47141.”.

14          (c) *DEPLOYMENT OF ZERO EMISSION VEHICLE TECHNOLOGY.*—

16           (1) *ESTABLISHMENT.*—The Secretary of Transportation may establish a zero-emission airport technology program—

19           (A) to facilitate the deployment of commercially viable zero-emission airport vehicles, technology, and related infrastructure; and

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

24          (2) *GENERAL AUTHORITY.*—

1                             (A) ASSISTANCE TO NONPROFIT ORGANIZA-  
2                             TIONS.—The Secretary may provide assistance  
3                             under the program to not more than 3 geo-  
4                             graphically diverse, eligible organizations to con-  
5                             duct zero-emission airport technology and infra-  
6                             structure projects.

7                             (B) FORMS OF ASSISTANCE.—The Secretary  
8                             may provide assistance under the program in the  
9                             form of grants, contracts, and cooperative agree-  
10                             ments.

11                             (3) SELECTION OF PARTICIPANTS.—

12                             (A) NATIONAL SOLICITATION.—In selecting  
13                             participants, the Secretary shall—

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

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

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

22                                 (i) the ability of an applicant to con-  
23                             tribute significantly to deploying zero-emis-  
24                             sion technology as the technology relates to  
25                             airport operations;

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

(iii) other factors, as the Secretary determines appropriate.

12                   (4) *ELIGIBLE PROJECTS.*—A recipient of assist-  
13                   ance under the program shall use the assistance—

(A) to review and conduct demonstrations of zero-emission technologies and related infrastructure at airports;

(B) to evaluate the credibility of new, unproven vehicle and energy-efficient technologies in various aspects of airport operations prior to widespread investment in the technologies by airports and the aviation industry;

1                   (D) to report the recipient's findings to the  
2                   Secretary.

3                   (5) ADMINISTRATIVE PROVISIONS.—

4                   (A) FEDERAL SHARE.—The Federal share  
5                   of the cost of a project carried out under the pro-  
6                   gram may not exceed 80 percent.

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

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

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

16                  (B) ORGANIZATION.—The term “organiza-  
17                  tion” means—

18                   (i) described in section 501(c)(3) of the  
19                   Internal Revenue Code of 1986 and exempt  
20                  from tax under section 501(a) of the Inter-  
21                  nal Revenue Code of 1986;

22                   (ii) a university transportation center  
23                  receiving grants under section 5505 of title  
24                  49, United States Code; or

(iii) any other Federal or non-Federal entity as the Secretary considers appropriate.

4           ***TITLE II—FAA SAFETY***  
5           ***CERTIFICATION REFORM***  
6           ***Subtitle A—General Provisions***

## **7 SEC. 201. DEFINITIONS.**

*In this title, the following definitions apply:*

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the FAA.

11                             (2) *ADVISORY COMMITTEE*.—The term “*Advisory*  
12                             *Committee*” means the *Safety Oversight and Certifi-*  
13                             *cation Advisory Committee* established under section  
14                             202.

1    **SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**2                **SORY COMMITTEE.**

3                (a) *ESTABLISHMENT.*—Not later than 60 days after  
4    the date of enactment of this Act, the Secretary shall estab-  
5    lish a Safety Oversight and Certification Advisory Com-  
6    mittee.

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

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

15                (2) Implementation and oversight of safety man-  
16   agement systems.

17                (3) Risk-based oversight efforts.

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

21                (5) Regulatory interpretation standardization ef-  
22   forts.

23                (6) Training programs.

24                (7) Expediting the rulemaking process and giv-  
25   ing priority to rules related to safety.

1                   (8) *Enhancing global competitiveness of United  
2 States manufactured and United States certificated  
3 aerospace and aviation products and services throughout  
4 the world.*

5                   (c) *FUNCTIONS.—In carrying out its duties under sub-  
6 section (b), the Advisory Committee shall:*

7                   (1) *Foster industry collaboration in an open and  
8 transparent manner.*

9                   (2) *Consult with, and ensure participation by—  
10                   (A) the private sector, including representa-  
11                   tives of—*

12                   (i) *general aviation;*  
13                   (ii) *commercial aviation;*  
14                   (iii) *aviation labor;*  
15                   (iv) *aviation maintenance, repair, and  
16                   overhaul;*

17                   (v) *aviation, aerospace, and avionics  
18                   manufacturing;*

19                   (vi) *unmanned aircraft systems opera-  
20                   tors and manufacturers; and*

21                   (vii) *the commercial space transpor-  
22                   tation industry;*

23                   (B) *members of the public; and*

24                   (C) *other interested parties.*

1                   (3) Recommend consensus national goals, stra-  
2                   tegic objectives, and priorities for the most efficient,  
3                   streamlined, and cost-effective certification and safety  
4                   oversight processes in order to maintain the safety of  
5                   the aviation system and, at the same time, allow the  
6                   FAA to meet future needs and ensure that aviation  
7                   stakeholders remain competitive in the global market-  
8                   place.

9                   (4) Provide policy guidance recommendations for  
10                  the FAA's certification and safety oversight efforts.

11                  (5) On a regular basis, review and provide rec-  
12                  ommendations on the FAA's certification and safety  
13                  oversight efforts.

14                  (6) Periodically review and evaluate regis-  
15                  tration, certification, and related fees.

16                  (7) Provide appropriate legislative, regulatory,  
17                  and guidance recommendations for the air transpor-  
18                  tation system and the aviation safety regulatory envi-  
19                  ronment.

20                  (8) Recommend performance objectives for the  
21                  FAA and industry.

22                  (9) Recommend performance metrics and goals  
23                  to track and review the FAA and the regulated avia-  
24                  tion industry on their progress towards streamlining

1       certification reform, conducting flight standards re-  
2       form, and carrying out regulation consistency efforts.

3           (10) Provide a venue for tracking progress to-  
4       ward national goals and sustaining joint commit-  
5       ments.

6           (11) Recommend recruiting, hiring, training,  
7       and continuing education objectives for FAA aviation  
8       safety engineers and aviation safety inspectors.

9           (12) Provide advice and recommendations to the  
10      FAA on how to prioritize safety rulemaking projects.

11           (13) Improve the development of FAA regula-  
12       tions by providing information, advice, and rec-  
13       ommendations related to aviation issues.

14           (14) Facilitate the validation and acceptance of  
15       United States manufactured and United States cer-  
16       tified products and services throughout the world.

17       (d) *MEMBERSHIP.*—

18           (1) *IN GENERAL.*—The Advisory Committee shall  
19       be composed of the following members:

20           (A) The Administrator (or the Administra-  
21       tor's designee).

22           (B) At least 11 individuals, appointed by  
23       the Secretary, each of whom represents at least  
24       1 of the following interests:

1                             (i) *Transport aircraft and engine*  
2                             *manufacturers.*

3                             (ii) *General aviation aircraft and en-*  
4                             *gine manufacturers.*

5                             (iii) *Avionics and equipment manufac-*  
6                             *turers.*

7                             (iv) *Aviation labor organizations, in-*  
8                             *cluding collective bargaining representatives*  
9                             *of FAA aviation safety inspectors and avia-*  
10                             *tion safety engineers.*

11                             (v) *General aviation operators.*

12                             (vi) *Air carriers.*

13                             (vii) *Business aviation operators.*

14                             (viii) *Unmanned aircraft systems*  
15                             *manufacturers and operators.*

16                             (ix) *Aviation safety management ex-*  
17                             *perts.*

18                             (x) *Aviation maintenance, repair, and*  
19                             *overhaul.*

20                             (xi) *Airport owners and operators.*

21                             (2) *NONVOTING MEMBERS.—*

22                             (A) *IN GENERAL.—In addition to the mem-*  
23                             *bers appointed under paragraph (1), the Advi-*  
24                             *sory Committee shall be composed of nonvoting*  
25                             *members appointed by the Secretary from among*

1           *individuals representing FAA safety oversight*  
2           *program offices.*

3           (B) *DUTIES.—The nonvoting members*  
4           *may—*

5               (i) *take part in deliberations of the Ad-*  
6               *visory Committee; and*

7               (ii) *provide input with respect to any*  
8               *final reports or recommendations of the Ad-*  
9               *visory Committee.*

10          (C) *LIMITATION.—The nonvoting members*  
11          *may not represent any stakeholder interest other*  
12          *than that of an FAA safety oversight program*  
13          *office.*

14          (3) *TERMS.—Each voting member and non-*  
15          *voting member of the Advisory Committee appointed*  
16          *by the Secretary shall be appointed for a term of 2*  
17          *years.*

18          (4) *COMMITTEE CHARACTERISTICS.—The Advi-*  
19          *sory Committee shall have the following characteris-*  
20          *tics:*

21               (A) *Each voting member under paragraph*  
22               *(1)(B) shall be an executive officer of the organi-*  
23               *zation who has decisionmaking authority within*  
24               *the member's organization and can represent*

1           *and enter into commitments on behalf of such or-*  
2           *ganization.*

3           *(B) The ability to obtain necessary infor-*  
4           *mation from experts in the aviation and aero-*  
5           *space communities.*

6           *(C) A membership size that enables the Ad-*  
7           *visory Committee to have substantive discussions*  
8           *and reach consensus on issues in a timely man-*  
9           *ner.*

10          *(D) Appropriate expertise, including exper-*  
11          *tise in certification and risked-based safety over-*  
12          *sight processes, operations, policy, technology,*  
13          *labor relations, training, and finance.*

14          *(5) LIMITATION ON STATUTORY CONSTRUC-*  
15          *TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)*  
16          *may not be construed to prohibit or otherwise limit*  
17          *the appointment of any individual as a member of*  
18          *the Advisory Committee.*

19          *(e) CHAIRPERSON.—*

20          *(1) IN GENERAL.—The Chairperson of the Advi-*  
21          *sory Committee shall be appointed by the Secretary*  
22          *from among those members of the Advisory Committee*  
23          *that are voting members under subsection (d)(1)(B).*

1                   (2) *TERM.*—Each member appointed under  
2       paragraph (1) shall serve a term of 2 years as Chair-  
3       person.

4                   (f) *MEETINGS.*—

5                   (1) *FREQUENCY.*—The Advisory Committee shall  
6       meet at least twice each year at the call of the Chair-  
7       person.

8                   (2) *PUBLIC ATTENDANCE.*—The meetings of the  
9       Advisory Committee shall be open and accessible to  
10      the public.

11                  (g) *SPECIAL COMMITTEES.*—

12                  (1) *ESTABLISHMENT.*—The Advisory Committee  
13       may establish special committees composed of private  
14       sector representatives, members of the public, labor  
15       representatives, and other relevant parties in com-  
16       plying with consultation and participation require-  
17       ments under this section.

18                  (2) *RULEMAKING ADVICE.*—A special committee  
19       established by the Advisory Committee may—

20                   (A) provide rulemaking advice and rec-  
21       ommendations to the Advisory Committee with  
22       respect to aviation-related issues;

23                   (B) provide the FAA additional opportuni-  
24       ties to obtain firsthand information and insight

1           *from those parties that are most affected by exist-*  
2           *ing and proposed regulations; and*

3           *(C) assist in expediting the development, re-*  
4           *vision, or elimination of rules without circum-*  
5           *venting public rulemaking processes and proce-*  
6           *dures.*

7           *(3) APPLICABLE LAW.—Public Law 92–463 shall*  
8           *not apply to a special committee established by the*  
9           *Advisory Committee.*

10          *(h) SUNSET.—The Advisory Committee shall termi-*  
11       *nate on the last day of the 6-year period beginning on the*  
12       *date of the initial appointment of the members of the Advi-*  
13       *sory Committee.*

14          *(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVI-*  
15       *SORY COMMITTEE.—The Air Traffic Procedures Advisory*  
16       *Committee established by the FAA shall terminate on the*  
17       *date of the initial appointment of the members of the Advi-*  
18       *sory Committee.*

19       ***Subtitle B—Aircraft Certification  
Reform***

21       ***SEC. 211. AIRCRAFT CERTIFICATION PERFORMANCE OBJEC-***  
22       ***TIVES AND METRICS.***

23          *(a) IN GENERAL.—Not later than 120 days after the*  
24       *date on which the Advisory Committee is established under*  
25       *section 202, the Administrator shall establish performance*

1   *objectives and apply and track performance metrics for the*  
2   *FAA and the aviation industry relating to aircraft certifi-*  
3   *cation in accordance with this section.*

4           *(b) COLLABORATION.—The Administrator shall carry*  
5   *out this section in collaboration with the Advisory Com-*  
6   *mittee and update agency performance objectives and*  
7   *metrics after considering the recommendations of the Advi-*  
8   *sory Committee under paragraphs (8) and (9) of section*  
9   *202(c).*

10          *(c) PERFORMANCE OBJECTIVES.—In carrying out sub-*  
11   *section (a), the Administrator shall establish performance*  
12   *objectives for the FAA and the aviation industry to ensure*  
13   *that, with respect to aircraft certification, progress is made*  
14   *toward, at a minimum—*

15           *(1) eliminating certification delays and improv-*  
16   *ing cycle times;*

17           *(2) increasing accountability for both the FAA*  
18   *and the aviation industry;*

19           *(3) achieving full utilization of FAA delegation*  
20   *and designation authorities, including organizational*  
21   *designation authorization;*

22           *(4) fully implementing risk management prin-*  
23   *ciples and a systems safety approach;*

24           *(5) reducing duplication of effort;*

25           *(6) increasing transparency;*

1                   (7) developing and providing training, including  
2                   recurrent training, in auditing and a systems safety  
3                   approach to certification oversight;

4                   (8) improving the process for approving or ac-  
5                   cepting certification actions between the FAA and bi-  
6                   lateral partners;

7                   (9) maintaining and improving safety;

8                   (10) streamlining the hiring process for—

9                         (A) qualified systems safety engineers to  
10                      support the FAA's efforts to implement a systems  
11                      safety approach; and

12                         (B) qualified systems engineers to guide the  
13                      engineering of complex systems within the FAA;  
14                      and

15                         (11) maintaining the leadership of the United  
16                      States in international aviation and aerospace.

17                   (d) PERFORMANCE METRICS.—In carrying out sub-  
18                   section (a), the Administrator shall apply and track per-  
19                   formance metrics for the FAA and the regulated aviation  
20                   industry established by the Advisory Committee.

21                   (e) DATA GENERATION.—

22                         (1) BASELINES.—Not later than 1 year after the  
23                      date on which the Advisory Committee recommends  
24                      initial performance metrics for the FAA and the regu-  
25                      lated aviation industry under section 202, the Ad-

1       ministrator shall generate initial data with respect to  
2       each of the performance metrics applied and tracked  
3       under this section.

4           (2) *BENCHMARKS TO MEASURE PROGRESS TOWARD GOALS.*—The Administrator shall use the  
5       metrics applied and tracked under this section to generate  
6       data on an ongoing basis and to measure progress toward the achievement of national goals recommended by the Advisory Committee.

10         (6) *PUBLICATION.*—The Administrator shall make data  
11       generated using the performance metrics applied and  
12       tracked under this section available to the public in a  
13       searchable, sortable, and downloadable format through the  
14       internet website of the FAA or other appropriate methods  
15       and shall ensure that the data are made available in a manner that—

17           (1) does not provide identifying information regarding an individual or entity; and  
18           (2) prevents inappropriate disclosure of proprietary information.

21       **SEC. 212. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

22         (a) *IN GENERAL.*—Chapter 447 of title 49, United States Code, is amended by adding at the end the following:

24       **“§ 44736. Organization designation authorizations**

25       “(a) *DELEGATIONS OF FUNCTIONS.*—

1           “(1) *IN GENERAL.*—Except as provided in para-  
2       graph (3), when overseeing an ODA holder, the Ad-  
3       ministrator of the FAA shall—

4           “(A) require, based on an application sub-  
5       mitted by the ODA holder and approved by the  
6       Administrator (or the Administrator’s designee),  
7       a procedures manual that addresses all proce-  
8       dures and limitations regarding the functions to  
9       be performed by the ODA holder;

10          “(B) delegate fully to the ODA holder each  
11       of the functions to be performed as specified in  
12       the procedures manual, unless the Administrator  
13       determines, after the date of the delegation and  
14       as a result of an inspection or other investiga-  
15       tion, that the public interest and safety of air  
16       commerce requires a limitation with respect to 1  
17       or more of the functions;

18          “(C) conduct regular oversight activities by  
19       inspecting the ODA holder’s delegated functions  
20       and taking action based on validated inspection  
21       findings; and

22          “(D) for each function that is limited under  
23       subparagraph (B), work with the ODA holder to  
24       develop the ODA holder’s capability to execute

1           *that function safely and effectively and return to*  
2           *full authority status.*

3           “(2) DUTIES OF ODA HOLDERS.—*An ODA hold-*  
4           *er shall—*

5           “(A) *perform each specified function dele-*  
6           *gated to the ODA holder in accordance with the*  
7           *approved procedures manual for the delegation;*

8           “(B) *make the procedures manual available*  
9           *to each member of the appropriate ODA unit;*  
10          *and*

11          “(C) *cooperate fully with oversight activities*  
12          *conducted by the Administrator in connection*  
13          *with the delegation.*

14          “(3) EXISTING ODA HOLDERS.—*With regard to*  
15          *an ODA holder operating under a procedures manual*  
16          *approved by the Administrator before the date of en-*  
17          *actment of the FAA Reauthorization Act of 2018, the*  
18          *Administrator shall—*

19          “(A) *at the request of the ODA holder and*  
20          *in an expeditious manner, approve revisions to*  
21          *the ODA holder’s procedures manual;*

22          “(B) *delegate fully to the ODA holder each*  
23          *of the functions to be performed as specified in*  
24          *the procedures manual, unless the Administrator*  
25          *determines, after the date of the delegation and*

1           *as a result of an inspection or other investiga-*  
2           *tion, that the public interest and safety of air*  
3           *commerce requires a limitation with respect to*  
4           *one or more of the functions;*

5           “*(C) conduct regular oversight activities by*  
6           *inspecting the ODA holder’s delegated functions*  
7           *and taking action based on validated inspection*  
8           *findings; and*

9           “*(D) for each function that is limited under*  
10          *subparagraph (B), work with the ODA holder to*  
11          *develop the ODA holder’s capability to execute*  
12          *that function safely and effectively and return to*  
13          *full authority status.*

14          “(b) *ODA OFFICE.*—

15          “(1) *ESTABLISHMENT.*—*Not later than 120 days*  
16          *after the date of enactment of this section, the Admin-*  
17          *istrator of the FAA shall identify, within the FAA Of-*  
18          *fice of Aviation Safety, a centralized policy office to*  
19          *be known as the Organization Designation Authoriza-*  
20          *tion Office or the ODA Office.*

21          “(2) *PURPOSE.*—*The purpose of the ODA Office*  
22          *shall be to provide oversight and ensure the consist-*  
23          *ency of the FAA’s audit functions under the ODA*  
24          *program across the FAA.*

25          “(3) *FUNCTIONS.*—*The ODA Office shall—*

1               “(A)(i) at the request of an ODA holder,  
2               eliminate all limitations specified in a proce-  
3               dures manual in place on the day before the date  
4               of enactment of the FAA Reauthorization Act of  
5               2018 that are low and medium risk as deter-  
6               mined by a risk analysis using criteria estab-  
7               lished by the ODA Office and disclosed to the  
8               ODA holder, except where an ODA holder’s per-  
9               formance warrants the retention of a specific  
10               limitation due to documented concerns about in-  
11               adequate current performance in carrying out  
12               that authorized function;

13               “(ii) require an ODA holder to establish a  
14               corrective action plan to regain authority for  
15               any retained limitations;

16               “(iii) require an ODA holder to notify the  
17               ODA Office when all corrective actions have been  
18               accomplished; and

19               “(iv) make a reassessment to determine if  
20               subsequent performance in carrying out any re-  
21               tained limitation warrants continued retention  
22               and, if such reassessment determines perform-  
23               ance meets objectives, lift such limitation imme-  
24               diately;

1               “(B) improve FAA and ODA holder per-  
2               formance and ensure full utilization of the au-  
3               thorities delegated under the ODA program;

4               “(C) develop a more consistent approach to  
5               audit priorities, procedures, and training under  
6               the ODA program;

7               “(D) review, in a timely fashion, a random  
8               sample of limitations on delegated authorities  
9               under the ODA program to determine if the lim-  
10               itations are appropriate;

11               “(E) ensure national consistency in the in-  
12               terpretation and application of the requirements  
13               of the ODA program, including any limitations,  
14               and in the performance of the ODA program;  
15               and

16               “(F) at the request of an ODA holder, re-  
17               view and approve new limitations to ODA func-  
18               tions.

19               “(c) **DEFINITIONS.**—In this section, the following defi-  
20               nitions apply:

21               “(1) **FAA.**—The term ‘FAA’ means the Federal  
22               Aviation Administration.

23               “(2) **ODA HOLDER.**—The term ‘ODA holder’  
24               means an entity authorized to perform functions pur-

1       *suant to a delegation made by the Administrator of*  
 2       *the FAA under section 44702(d).*

3           “(3) ODA UNIT.—The term “ODA unit” means  
 4       *a group of 2 or more individuals who perform, under*  
 5       *the supervision of an ODA holder, authorized func-*  
 6       *tions under an ODA.*

7           “(4) ORGANIZATION.—The term “organization”  
 8       *means a firm, partnership, corporation, company, as-*  
 9       *sociation, joint-stock association, or governmental en-*  
 10      *tity.*

11          “(5) ORGANIZATION DESIGNATION AUTHORIZA-  
 12       *TION; ODA.—The term ‘Organization Designation Au-*  
 13       *thorization’ or ‘ODA’ means an authorization by the*  
 14       *FAA under section 44702(d) for an organization com-*  
 15       *posed of 1 or more ODA units to perform approved*  
 16       *functions on behalf of the FAA.”.*

17          (b) CLERICAL AMENDMENT.—*The analysis for chapter*  
 18      *447 of title 49, United States Code, is amended by adding*  
 19      *at the end the following:*

“44736. Organization designation authorizations.”.

20 **SEC. 213. ODA REVIEW.**

21          (a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

22           (1) EXPERT PANEL.—*Not later than 120 days*  
 23       *after the date of enactment of this Act, the Adminis-*  
 24       *trator shall convene a multidisciplinary expert review*  
 25       *panel (in this section referred to as the “Panel”).*

1                   (2) *COMPOSITION OF PANEL.*—2                   (A) *APPOINTMENT OF MEMBERS.*—*The*  
3                   *Panel shall be composed of not more than 20*  
4                   *members appointed by the Administrator.*5                   (B) *QUALIFICATIONS.*—*The members ap-*  
6                   *pointed to the Panel shall—*7                         (i) *each have a minimum of 5 years of*  
8                         *experience in processes and procedures*  
9                         *under the ODA program; and*10                         (ii) *represent, at a minimum, ODA*  
11                         *holders, aviation manufacturers, safety ex-*  
12                         *perts, and FAA labor organizations, includ-*  
13                         *ing labor representatives of FAA aviation*  
14                         *safety inspectors and aviation safety engi-*  
15                         *neers.*16                         (b) *SURVEY.*—*The Panel shall conduct a survey of*  
17                         *ODA holders and ODA program applicants to document*  
18                         *and assess FAA certification and oversight activities, in-*  
19                         *cluding use of the ODA program and the timeliness and*  
20                         *efficiency of the certification process. In carrying out this*  
21                         *subsection, the Panel shall consult with appropriate survey*  
22                         *experts to best design and conduct the survey.*23                         (c) *ASSESSMENT AND RECOMMENDATIONS.*—*The*  
24                         *Panel shall assess and make recommendations concerning—*

- 1                   (1) the FAA's processes and procedures under the  
2                   ODA program and whether the processes and proce-  
3                   dures function as intended;
- 4                   (2) the best practices of and lessons learned by  
5                   ODA holders and FAA personnel who provide over-  
6                   sight of ODA holders;
- 7                   (3) performance incentive policies that—  
8                         (A) are related to the ODA program for  
9                         FAA personnel; and  
10                         (B) do not conflict with the public interest;
- 11                   (4) training activities related to the ODA pro-  
12                   gram for FAA personnel and ODA holders;
- 13                   (5) the impact, if any, that oversight of the ODA  
14                   program has on FAA resources and the FAA's ability  
15                   to process applications for certifications outside of the  
16                   ODA program; and
- 17                   (6) the results of the survey conducted under sub-  
18                   section (b).
- 19                   (d) REPORT.—Not later than 180 days after the date  
20                   the Panel is convened under subsection (a), the Panel shall  
21                   submit to the Administrator, the Advisory Committee, and  
22                   the appropriate committees of Congress a report on the find-  
23                   ings and recommendations of the Panel.

1       (e) *DEFINITIONS.*—The definitions contained in section 44736 of title 49, United States Code, as added by this  
2     Act, apply to this section.

4       (f) *APPLICABLE LAW.*—Public Law 92–463 shall not  
5     apply to the Panel.

6       (g) *SUNSET.*—The Panel shall terminate on the date  
7     of submission of the report under subsection (d), or on the  
8     date that is 1 year after the Panel is convened under sub-  
9     section (a), whichever occurs first.

10 **SEC. 214. TYPE CERTIFICATION RESOLUTION PROCESS.**

11       (a) *IN GENERAL.*—Section 44704(a) of title 49, United  
12     States Code, is amended by adding at the end the following:

13               “(6) *TYPE CERTIFICATION RESOLUTION PROC-  
14     ESS.*—

15                       “(A) *IN GENERAL.*—Not later than 15  
16     months after the date of enactment of the FAA  
17     Reauthorization Act of 2018, the Administrator  
18     shall establish an effective, timely, and milestone-  
19     based issue resolution process for type certifi-  
20     cation activities under this subsection.

21                       “(B) *PROCESS REQUIREMENTS.*—The reso-  
22     lution process shall provide for—

23                               “(i) resolution of technical issues at  
24     pre-established stages of the certification

1           process, as agreed to by the Administrator  
2           and the type certificate applicant;

3                 “(ii) automatic elevation to appro-  
4                 priate management personnel of the Federal  
5                 Aviation Administration and the type cer-  
6                 tificate applicant of any major certification  
7                 process milestone that is not completed or  
8                 resolved within a specific period of time  
9                 agreed to by the Administrator and the type  
10                 certificate applicant; and

11                 “(iii) resolution of a major certifi-  
12                 cation process milestone elevated pursuant  
13                 to clause (ii) within a specific period of  
14                 time agreed to by the Administrator and the  
15                 type certificate applicant.

16                 “(C) MAJOR CERTIFICATION PROCESS MILE-  
17                 STONE DEFINED.—In this paragraph, the term  
18                 ‘major certification process milestone’ means a  
19                 milestone related to a type certification basis,  
20                 type certification plan, type inspection author-  
21                 ization, issue paper, or other major type certifi-  
22                 cation activity agreed to by the Administrator  
23                 and the type certificate applicant.”.

24                 (b) TECHNICAL AMENDMENT.—Section 44704 of title  
25                 49, United States Code, is amended in the section heading

1 by striking “**airworthiness certificates,**” and in-  
2 serting “**airworthiness certificates,**”.

3 **SEC. 215. REVIEW OF CERTIFICATION PROCESS FOR SMALL**  
4 **GENERAL AVIATION AIRPLANES.**

5 (a) *IN GENERAL.*—Not later than 1 year after the date  
6 of enactment of this Act, the Comptroller General of the  
7 United States shall initiate a review of the Federal Aviation  
8 Administration’s implementation of the final rule titled  
9 “Revision of Airworthiness Standards for Normal, Utility,  
10 Acrobatic, and Commuter Category Airplanes” (81 Fed.  
11 Reg. 96572).

12 (b) *CONSIDERATIONS.*—In carrying out the review, the  
13 Comptroller General shall assess—

14 (1) how the rule puts into practice the Adminis-  
15 tration’s efforts to implement performance and risk-  
16 based safety standards;

17 (2) the extent to which the rule has resulted in  
18 the implementation of a streamlined regulatory re-  
19 gime to improve safety, reduce regulatory burden, and  
20 decrease costs;

21 (3) whether the rule and its implementation have  
22 spurred innovation and technological adoption;

23 (4) how consensus standards accepted by the  
24 FAA facilitate the development of new safety equip-  
25 ment and aircraft capabilities; and

1                   (5) whether lessons learned from the rule and its  
2       implementation have resulted in best practices that  
3       could be applied to airworthiness standards for other  
4       categories of aircraft.

5                   (c) REPORT.—Not later than 180 days after the date  
6       of initiation of the review, the Comptroller General shall  
7       submit to the appropriate committees of Congress a report  
8       on the results of the review, including findings and rec-  
9       ommendations.

10 **SEC. 216. ODA STAFFING AND OVERSIGHT.**

11                   (a) REPORT TO CONGRESS.—Not later than 270 days  
12       after the date of enactment of this Act, the Administrator  
13       shall submit to the appropriate committees of Congress a  
14       report on the Administration’s progress with respect to—  
15                   (1) determining what additional model inputs  
16       and labor distribution codes are needed to identify  
17       ODA oversight staffing needs;

18                   (2) developing and implementing system-based  
19       evaluation criteria and risk-based tools to aid ODA  
20       team members in targeting their oversight activities;

21                   (3) developing agreements and processes for shar-  
22       ing resources to ensure adequate oversight of ODA  
23       personnel performing certification and inspection  
24       work at supplier and company facilities; and

25                   (4) ensuring full utilization of ODA authority.

(b) *ODA DEFINED.*—In this section, the term “*ODA*” has the meaning given that term in section 44736 of title 49, United States Code, as added by this Act.

## **4           *Subtitle C—Flight Standards***

## **5           *Reform***

## **6 SEC. 221. FLIGHT STANDARDS PERFORMANCE OBJECTIVES 7 AND METRICS.**

8           (a) *IN GENERAL.*—Not later than 120 days after the  
9 date on which the Advisory Committee is established under  
10 section 202, the Administrator shall establish performance  
11 objectives and apply and track performance metrics for the  
12 FAA and the aviation industry relating to flight standards  
13 activities in accordance with this section.

14       (b) *COLLABORATION.*—The Administrator shall carry  
15 out this section in collaboration with the Advisory Com-  
16 mittee, and update agency performance objectives and  
17 metrics after considering the recommendations of the Advi-  
18 sory Committee under paragraphs (8) and (9) of section  
19 202(c).

20           (c) PERFORMANCE OBJECTIVES.—In carrying out sub-  
21 section (a), the Administrator shall establish performance  
22 objectives for the FAA and the aviation industry to ensure  
23 that, with respect to flight standards activities, progress is  
24 made toward, at a minimum—

1                   (1) eliminating delays with respect to such ac-  
2                   tivities;

3                   (2) increasing accountability for both the FAA  
4                   and the aviation industry;

5                   (3) achieving full utilization of FAA delegation  
6                   and designation authorities, including organizational  
7                   designation authority;

8                   (4) fully implementing risk management prin-  
9                   ciples and a systems safety approach;

10                  (5) reducing duplication of effort;

11                  (6) eliminating inconsistent regulatory interpre-  
12                  tations and inconsistent enforcement activities;

13                  (7) improving and providing greater opportuni-  
14                  ties for training, including recurrent training, in au-  
15                  diting and a systems safety approach to oversight;

16                  (8) developing and allowing utilization of a sin-  
17                  gle master source for guidance;

18                  (9) providing and utilizing a streamlined appeal  
19                  process for the resolution of regulatory interpretation  
20                  questions;

21                  (10) maintaining and improving safety; and

22                  (11) increasing transparency.

23                  (d) PERFORMANCE METRICS.—In carrying out sub-  
24                  section (a), the Administrator shall apply and track per-

1 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 the  
5 date on which the Advisory Committee recommends  
6 initial performance metrics for the FAA and the regu-  
7 lated aviation industry under section 202, the Ad-  
8 ministrator shall generate initial data with respect to  
9 each of the performance metrics applied and tracked  
10 under this section.

11 (2) *BENCHMARKS TO MEASURE PROGRESS TO-  
12 WARD GOALS.*—The Administrator shall use the  
13 metrics applied and tracked under this section to gen-  
14 erate data on an ongoing basis and to measure  
15 progress toward the achievement of national goals rec-  
16 ommended by the Advisory Committee.

17 (f) *PUBLICATION.*—The Administrator shall make data  
18 generated using the performance metrics applied and  
19 tracked under this section available to the public in a  
20 searchable, sortable, and downloadable format through the  
21 internet website of the FAA or other appropriate methods  
22 and shall ensure that the data are made available in a man-  
23 ner that—

24 (1) does not provide identifying information re-  
25 garding an individual or entity; and

1                   (2) prevents inappropriate disclosure of propri-  
2                 etary information.

3   **SEC. 222. FAA TASK FORCE ON FLIGHT STANDARDS RE-**  
4                 **FORM.**

5                 (a) *ESTABLISHMENT*.—Not later than 90 days after  
6   the date of enactment of this Act, the Administrator shall  
7   establish the FAA Task Force on Flight Standards Reform  
8   (in this section referred to as the “Task Force”).

9                 (b) *MEMBERSHIP*.—

10                 (1) *APPOINTMENT*.—The membership of the Task  
11   Force shall be appointed by the Administrator.

12                 (2) *NUMBER*.—The Task Force shall be composed  
13   of not more than 20 members.

14                 (3) *REPRESENTATION REQUIREMENTS*.—The  
15   membership of the Task Force shall include representa-  
16   tives, with knowledge of flight standards regulatory  
17   processes and requirements, of—

18                 (A) air carriers;

19                 (B) general aviation;

20                 (C) business aviation;

21                 (D) repair stations;

22                 (E) unmanned aircraft systems operators;

23                 (F) flight schools;

1                   (G) labor unions, including those rep-  
2                   resenting FAA aviation safety inspectors and  
3                   those representing FAA aviation safety engineers;  
4                   (H) aviation and aerospace manufacturers;  
5                   and  
6                   (I) aviation safety experts.

7                 (c) *DUTIES.*—The duties of the Task Force shall in-  
8                 clude, at a minimum, identifying best practices and pro-  
9                 viding recommendations, for current and anticipated budg-  
10                etary environments, with respect to—

11                (1) simplifying and streamlining flight stand-  
12                ards regulatory processes, including issuance and  
13                oversight of certificates;

14                (2) reorganizing Flight Standards Services to es-  
15                tablish an entity organized by function rather than  
16                geographic region, if appropriate;

17                (3) FAA aviation safety inspector training op-  
18                portunities;

19                (4) ensuring adequate and timely provision of  
20                Flight Standards activities and responses necessary  
21                for type certification, operational evaluation, and  
22                entry into service of newly manufactured aircraft;

23                (5) FAA aviation safety inspector standards and  
24                performance; and

25                (6) achieving, across the FAA, consistent—

- 1                   (A) regulatory interpretations; and  
2                   (B) application of oversight activities.

3                 (d) REPORT.—Not later than 1 year after the date of  
4 the establishment of the Task Force, the Task Force shall  
5 submit to the appropriate committees of Congress a report  
6 detailing—

7                   (1) the best practices identified and rec-  
8ommendations provided by the Task Force under sub-  
9 section (c); and

10                  (2) any recommendations of the Task Force for  
11 additional regulatory, policy, or cost-effective legisla-  
12 tive action to improve the efficiency of agency activi-  
13 ties.

14                 (e) APPLICABLE LAW.—Public Law 92–463 shall not  
15 apply to the Task Force.

16                 (f) SUNSET.—The Task Force shall terminate on the  
17 earlier of—

18                   (1) the date on which the Task Force submits the  
19 report required under subsection (d); or

20                   (2) the date that is 18 months after the date on  
21 which the Task Force is established under subsection  
22 (a).

1   **SEC. 223. CENTRALIZED SAFETY GUIDANCE DATABASE.**

2           (a) *ESTABLISHMENT.*—Not later than 1 year after the  
3   date of enactment of this Act, the Administrator shall estab-  
4   lish a centralized safety guidance database that will—

5               (1) encompass all of the regulatory guidance doc-  
6   uments of the FAA Office of Aviation Safety;

7               (2) contain, for each such guidance document, a  
8   link to the Code of Federal Regulations provision to  
9   which the document relates; and

10              (3) be publicly available in a manner that—

11                 (A) protects from disclosure identifying in-  
12   formation regarding an individual or entity;

13                 and

14                 (B) prevents inappropriate disclosure pro-  
15   prietary information.

16           (b) *DATA ENTRY TIMING.*—

17               (1) *EXISTING DOCUMENTS.*—Not later than 14  
18   months after the date of enactment of this Act, the  
19   Administrator shall begin entering into the database  
20   established under subsection (a) all of the regulatory  
21   guidance documents of the Office of Aviation Safety  
22   that are in effect and were issued before the date on  
23   which the Administrator begins such entry process.

24               (2) *NEW DOCUMENTS AND CHANGES.*—On and  
25   after the date on which the Administrator begins the  
26   document entry process under paragraph (1), the Ad-

1       ministrator shall ensure that all new regulatory guid-  
2       ance documents of the Office of Aviation Safety and  
3       any changes to existing documents are included in the  
4       database established under subsection (a) as such doc-  
5       uments or changes to existing documents are issued.

6       (c) CONSULTATION REQUIREMENT.—In establishing  
7       the database under subsection (a), the Administrator shall  
8       consult and collaborate with appropriate stakeholders, in-  
9       cluding labor organizations (including those representing  
10      aviation workers, FAA aviation safety engineers and FAA  
11      aviation safety inspectors) and aviation industry stake-  
12      holders.

13       (d) REGULATORY GUIDANCE DOCUMENTS DEFINED.—  
14       In this section, the term “regulatory guidance documents”  
15       means all forms of written information issued by the FAA  
16       that an individual or entity may use to interpret or apply  
17       FAA regulations and requirements, including information  
18       an individual or entity may use to determine acceptable  
19       means of compliance with such regulations and require-  
20       ments, such as an order, manual, circular, policy statement,  
21       legal interpretation memorandum, or rulemaking docu-  
22       ment.

## 1 SEC. 224. REGULATORY CONSISTENCY COMMUNICATIONS

2 **BOARD.**

3       (a) *ESTABLISHMENT*.—Not later than 180 days after  
4 the date of enactment of this Act, the Administrator shall  
5 establish a Regulatory Consistency Communications Board  
6 (in this section referred to as the “Board”).

7       (b) *CONSULTATION REQUIREMENT*.—In establishing  
8 the Board, the Administrator shall consult and collaborate  
9 with appropriate stakeholders, including FAA labor organi-  
10 zations (including labor organizations representing FAA  
11 aviation safety inspectors) and industry stakeholders.

12       (c) *MEMBERSHIP*.—The Board shall be composed of  
13 FAA representatives, appointed by the Administrator,  
14 from—

15              (1) the Flight Standards Service;  
16              (2) the Aircraft Certification Service; and  
17              (3) the Office of the Chief Counsel.

18       (d) *FUNCTIONS*.—The Board shall carry out the fol-  
19 lowing functions:

20              (1) Establish, at a minimum, processes by  
21 which—

22                  (A) FAA personnel and persons regulated  
23 by the FAA may submit anonymous regulatory  
24 interpretation questions without fear of retalia-  
25 tion;

1                   (B) FAA personnel may submit written  
2                   questions, and receive written responses, as to  
3                   whether a previous approval or regulatory inter-  
4                   pretation issued by FAA personnel in another of-  
5                   fice or region is correct or incorrect; and

6                   (C) any other person may submit written  
7                   anonymous regulatory interpretation questions.

8                   (2) Meet on a regular basis to discuss and resolve  
9                   questions submitted pursuant to paragraph (1) and  
10                  the appropriate application of regulations and policy  
11                  with respect to each question.

12                  (3) Provide to a person that submitted a ques-  
13                  tion pursuant to subparagraph (A) or (B) of para-  
14                  graph (1) a timely written response to the question.

15                  (4) Establish a process to make resolutions of  
16                  common regulatory interpretation questions publicly  
17                  available to FAA personnel, persons regulated by the  
18                  FAA, and the public without revealing any identi-  
19                  fying data of the person that submitted the question  
20                  and in a manner that protects any proprietary infor-  
21                  mation.

22                  (5) Ensure the incorporation of resolutions of  
23                  questions submitted pursuant to paragraph (1) into  
24                  regulatory guidance documents, as such term is de-  
25                  fined in section 223(d).

1       (e) *PERFORMANCE METRICS, TIMELINES, AND  
2 GOALS.*—Not later than 180 days after the date on which  
3 the Advisory Committee recommends performance objectives  
4 and performance metrics for the FAA and the regulated  
5 aviation industry under section 202, the Administrator, in  
6 collaboration with the Advisory Committee, shall—

- 7              (1) establish performance metrics, timelines, and  
8 goals to measure the progress of the Board in resolv-  
9 ing regulatory interpretation questions submitted  
10 pursuant to subsection (d)(1); and  
11              (2) implement a process for tracking the progress  
12 of the Board in meeting the performance metrics,  
13 timelines, and goals established under paragraph (1).

## 14              **Subtitle D—Safety Workforce**

### 15      **SEC. 231. SAFETY WORKFORCE TRAINING STRATEGY.**

16       (a) *SAFETY WORKFORCE TRAINING STRATEGY.*—Not  
17 later than 60 days after the date of enactment of this Act,  
18 the Administrator shall review and revise its safety work-  
19 force training strategy to ensure that such strategy—

- 20              (1) aligns with an effective risk-based approach  
21 to safety oversight;  
22              (2) best uses available resources;  
23              (3) allows FAA employees participating in orga-  
24 nization management teams or conducting ODA pro-  
25 gram audits to complete, in a timely fashion, appro-

1       *priate training, including recurrent training, in au-*  
2       *diting and a systems safety approach to oversight;*

3           (4) *seeks knowledge-sharing opportunities be-*  
4       *tween the FAA and the aviation industry in new*  
5       *technologies, equipment and systems, best practices,*  
6       *and other areas of interest related to safety oversight;*

7           (5) *functions within the current and anticipated*  
8       *budgetary environments;*

9           (6) *fosters an inspector and engineer workforce*  
10      *that has the skills and training necessary to improve*  
11      *risk-based approaches that focus on requirements*  
12      *management and auditing skills; and*

13           (7) *includes, as appropriate, milestones and*  
14      *metrics for meeting the requirements of paragraphs*  
15      *(1) through (5).*

16       (b) *REPORT.—Not later than 270 days after the date*  
17      *of the revision of the strategy required under subsection (a),*  
18      *the Administrator shall submit to the appropriate commit-*  
19      *tees of Congress a report on the implementation of the strat-*  
20      *egy and progress in meeting any milestones and metrics*  
21      *included in the strategy.*

22       (c) *DEFINITIONS.—In this section, the following defi-*  
23      *nitions apply:*

24           (1) *ODA; ODA HOLDER.—The terms “ODA” and*  
25      *“ODA holder” have the meanings given those terms in*

1       *section 44736 of title 49, United States Code, as*  
2       *added by this Act.*

3           (2) *ODA PROGRAM.*—*The term “ODA program”*  
4       *means the program to standardize FAA management*  
5       *and oversight of the organizations that are approved*  
6       *to perform certain functions on behalf of the Adminis-*  
7       *tration under section 44702(d) of title 49, United*  
8       *States Code.*

9           (3) *ORGANIZATION MANAGEMENT TEAM.*—*The*  
10      *term “organization management team” means a team*  
11      *consisting of FAA aviation safety engineers, flight test*  
12      *pilots, and aviation safety inspectors overseeing an*  
13      *ODA holder and its certification activity.*

14 **SEC. 232. WORKFORCE REVIEW.**

15       (a) *WORKFORCE REVIEW.*—*Not later than 90 days*  
16      *after the date of enactment of this Act, the Comptroller Gen-*  
17      *eral of the United States shall conduct a review to assess*  
18      *the workforce and training needs of the FAA Office of Avia-*  
19      *tion Safety in the anticipated budgetary environment.*

20       (b) *CONTENTS.*—*The review required under subsection*  
21      *(a) shall include—*

22           (1) *a review of current aviation safety inspector*  
23       *and aviation safety engineer hiring, training, and re-*  
24       *current training requirements;*

- 1                   (2) *an analysis of the skills and qualifications*  
2                   *required of aviation safety inspectors and aviation*  
3                   *safety engineers for successful performance in the cur-*  
4                   *rent and future projected aviation safety regulatory*  
5                   *environment, including the need for a systems engi-*  
6                   *neering discipline within the FAA to guide the engi-*  
7                   *neering of complex systems, with an emphasis on au-*  
8                   *diting designated authorities;*
- 9                   (3) *a review of current performance incentive*  
10                  *policies of the FAA, as applied to the Office of Avia-*  
11                  *tion Safety, including awards for performance;*
- 12                  (4) *an analysis of ways the FAA can work with*  
13                  *industry and labor, including labor groups rep-*  
14                  *resenting FAA aviation safety inspectors and avia-*  
15                  *tion safety engineers, to establish knowledge-sharing*  
16                  *opportunities between the FAA and the aviation in-*  
17                  *dustry regarding new equipment and systems, best*  
18                  *practices, and other areas of interest; and*
- 19                  (5) *recommendations on the most effective quali-*  
20                  *fications, training programs (including e-learning*  
21                  *training), and performance incentive approaches to*  
22                  *address the needs of the future projected aviation safe-*  
23                  *ty regulatory system in the anticipated budgetary en-*  
24                  *vironment.*

1       (c) REPORT.—Not later than 270 days after the date  
2 of enactment of this Act, the Comptroller General shall sub-  
3 mit to the appropriate committees of Congress a report on  
4 the results of the review required under subsection (a).

## **5 Subtitle E—International Aviation**

## **6 SEC. 241. PROMOTION OF UNITED STATES AEROSPACE**

## **7                   STANDARDS, PRODUCTS, AND SERVICES**

8 *ABROAD.*

9       Section 40104 of title 49, United States Code, is  
10 amended by adding at the end the following:

11       “(d) PROMOTION OF UNITED STATES AEROSPACE  
12 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The  
13 Secretary shall take appropriate actions to—

“(1) promote United States aerospace-related safety standards abroad;

“(2) facilitate and vigorously defend approvals of  
United States aerospace products and services abroad;

18               “(3) with respect to bilateral partners, utilize bi-  
19               lateral safety agreements and other mechanisms to  
20               improve validation of United States certificated aero-  
21               nautical products, services, and appliances and en-  
22               hance mutual acceptance in order to eliminate  
23               redundancies and unnecessary costs; and

1           “(4) with respect to the aeronautical safety au-  
2        thorities of a foreign country, streamline validation  
3        and coordination processes.”.

4 **SEC. 242. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**

5 **RESPONSIBILITIES.**

6        Section 44701(e) of title 49, United States Code, is  
7        amended by adding at the end the following:

8           “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

9           “(A) ACCEPTANCE.—Subject to subparagraph  
10        (D), the Administrator may accept an  
11        airworthiness directive, as defined in section  
12        39.3 of title 14, Code of Federal Regulations,  
13        issued by an aeronautical safety authority of a  
14        foreign country, and leverage that authority’s  
15        regulatory process, if—

16           “(i) the country is the state of design  
17        for the product that is the subject of the air-  
18        worthiness directive;

19           “(ii) the United States has a bilateral  
20        safety agreement relating to aircraft certifi-  
21        cation with the country;

22           “(iii) as part of the bilateral safety  
23        agreement with the country, the Adminis-  
24        trator has determined that such aero-  
25        nautical safety authority has an aircraft

1           *certification system relating to safety that*  
2           *produces a level of safety equivalent to the*  
3           *level produced by the system of the Federal*  
4           *Aviation Administration;*

5           “(iv) *the aeronautical safety authority*  
6           *of the country utilizes an open and trans-*  
7           *parent notice and comment process in the*  
8           *issuance of airworthiness directives; and*

9           “(v) *the airworthiness directive is nec-*  
10          *essary to provide for the safe operation of*  
11          *the aircraft subject to the directive.*

12          “(B) *ALTERNATIVE APPROVAL PROCESS.—*  
13          *Notwithstanding subparagraph (A), the Admin-*  
14          *istrator may issue a Federal Aviation Adminis-*  
15          *tration airworthiness directive instead of accept-*  
16          *ing an airworthiness directive otherwise eligible*  
17          *for acceptance under such subparagraph, if the*  
18          *Administrator determines that such issuance is*  
19          *necessary for safety or operational reasons due to*  
20          *the complexity or unique features of the Federal*  
21          *Aviation Administration airworthiness directive*  
22          *or the United States aviation system.*

23          “(C) *ALTERNATIVE MEANS OF COMPLI-*  
24          *ANCE.—The Administrator may—*

1                   “(i) accept an alternative means of  
2                   compliance, with respect to an airworthi-  
3                   ness directive accepted under subparagraph  
4                   (A), that was approved by the aeronautical  
5                   safety authority of the foreign country that  
6                   issued the airworthiness directive; or

7                   “(ii) notwithstanding subparagraph  
8                   (A), and at the request of any person af-  
9                   fected by an airworthiness directive accept-  
10                  ed under such subparagraph, approve an al-  
11                  ternative means of compliance with respect  
12                  to the airworthiness directive.

13                  “(D) LIMITATION.—The Administrator may  
14                  not accept an airworthiness directive issued by  
15                  an aeronautical safety authority of a foreign  
16                  country if the airworthiness directive addresses  
17                  matters other than those involving the safe oper-  
18                  ation of an aircraft.”.

19 **SEC. 243. FAA LEADERSHIP ABROAD.**

20                  (a) IN GENERAL.—To promote United States aero-  
21                  space safety standards, reduce redundant regulatory activ-  
22                  ity, and facilitate acceptance of FAA design and production  
23                  approvals abroad, the Administrator shall—

24                  (1) attain greater expertise in issues related to  
25                  dispute resolution, intellectual property, and export

1       *control laws to better support FAA certification and*  
2       *other aerospace regulatory activities abroad;*

3           *(2) work with United States companies to more*  
4       *accurately track the amount of time it takes foreign*  
5       *authorities, including bilateral partners, to validate*  
6       *United States certificated aeronautical products;*

7           *(3) provide assistance to United States compa-*  
8       *nies that have experienced significantly long foreign*  
9       *validation wait times;*

10          *(4) work with foreign authorities, including bi-*  
11       *lateral partners, to collect and analyze data to deter-*  
12       *mine the timeliness of the acceptance and validation*  
13       *of FAA design and production approvals by foreign*  
14       *authorities and the acceptance and validation of for-*  
15       *ign-certified products by the FAA;*

16          *(5) establish appropriate benchmarks and*  
17       *metrics to measure the success of bilateral aviation*  
18       *safety agreements and to reduce the validation time*  
19       *for United States certificated aeronautical products*  
20       *abroad; and*

21          *(6) work with foreign authorities, including bi-*  
22       *lateral partners, to improve the timeliness of the ac-*  
23       *ceptance and validation of FAA design and produc-*  
24       *tion approvals by foreign authorities and the accept-*

1       ance and validation of foreign-certified products by  
2       the FAA.

3       (b) REPORT.—Not later than 1 year after the date of  
4       enactment of this Act, the Administrator shall submit to  
5       the appropriate committees of Congress a report that—

6               (1) describes the FAA's strategic plan for inter-  
7       national engagement;

8               (2) describes the structure and responsibilities of  
9       all FAA offices that have international responsibil-  
10      ties, including the Aircraft Certification Office, and  
11      all the activities conducted by those offices related to  
12      certification and production;

13               (3) describes current and forecasted staffing and  
14      travel needs for the FAA's international engagement  
15      activities, including the needs of the Aircraft Certifi-  
16      cation Office in the current and forecasted budgetary  
17      environment;

18               (4) provides recommendations, if appropriate, to  
19      improve the existing structure and personnel and  
20      travel policies supporting the FAA's international en-  
21      gagement activities, including the activities of the  
22      Aviation Certification Office, to better support the  
23      growth of United States aerospace exports; and

24               (5) identifies cost-effective policy initiatives, reg-  
25      ulatory initiatives, or legislative initiatives needed to

1       *improve and enhance the timely acceptance of United  
2       States aerospace products abroad.*

3           (c) *INTERNATIONAL TRAVEL.*—*The Administrator, or  
4       the Administrator's designee, may authorize international  
5       travel for any FAA employee, without the approval of any  
6       other person or entity, if the Administrator determines that  
7       the travel is necessary—*

8              (1) *to promote United States aerospace safety  
9       standards; or*

10             (2) *to support expedited acceptance of FAA de-  
11       sign and production approvals.*

12 **SEC. 244. REGISTRATION, CERTIFICATION, AND RELATED**

13           **FEES.**

14       Section 45305 of title 49, United States Code, is  
15 amended—

16             (1) *in subsection (a) by striking “Subject to sub-  
17       section (b)” and inserting “Subject to subsection (c)”;*

18             (2) *by redesignating subsections (b) and (c) as  
19       subsection (c) and (d), respectively; and*

20             (3) *by inserting after subsection (a) the fol-  
21       lowing:*

22             “(b) *CERTIFICATION SERVICES.*—*Subject to subsection  
23       (c), and notwithstanding section 45301(a), the Adminis-  
24       trator may establish and collect a fee from a foreign govern-*

1       ment or entity for services related to certification, regardless  
2       of where the services are provided, if the fee—  
3               “(1) is established and collected in a manner  
4       consistent with aviation safety agreements; and  
5               “(2) does not exceed the estimated costs of the  
6       services.”.

## **9 SEC. 301. DEFINITIONS.**

**10**      *In this title, the following definitions apply:*

11                   (1) *ADMINISTRATOR.*—The term “Administrator” means the Administrator of the FAA.  
12

## **15 SEC. 302. FAA TECHNICAL TRAINING.**

16       (a) *E-LEARNING TRAINING PILOT PROGRAM.*—Not  
17 later than 90 days after the date of enactment of this Act,  
18 the Administrator, in collaboration with the exclusive bar-  
19 gaining representatives of covered FAA personnel, shall es-  
20 tablish an e-learning training pilot program in accordance  
21 with the requirements of this section.

**22**      (b) *CURRICULUM.—The pilot program shall—*

(1) include a recurrent training curriculum for covered FAA personnel to ensure that the covered FAA

1       *personnel receive instruction on the latest aviation  
2        technologies, processes, and procedures;*

3           *(2) focus on providing specialized technical  
4        training for covered FAA personnel, as determined  
5        necessary by the Administrator;*

6           *(3) include training courses on applicable regu-  
7        lations of the Federal Aviation Administration; and*

8           *(4) consider the efficacy of instructor-led online  
9        training.*

10          *(c) PILOT PROGRAM TERMINATION.—The pilot pro-  
11        gram shall terminate 1 year after the date of establishment  
12        of the pilot program.*

13          *(d) E-LEARNING TRAINING PROGRAM.—Upon termi-  
14        nation of the pilot program, the Administrator shall assess  
15        and establish or update an e-learning training program  
16        that incorporates lessons learned for covered FAA personnel  
17        as a result of the pilot program.*

18          *(e) DEFINITIONS.—In this section, the following defini-  
19        tions apply:*

20           *(1) COVERED FAA PERSONNEL.—The term “cov-  
21        ered FAA personnel” means airway transportation  
22        systems specialists and aviation safety inspectors of  
23        the Federal Aviation Administration.*

24           *(2) E-LEARNING TRAINING.—The term “e-learn-  
25        ing training” means learning utilizing electronic*

1       *technologies to access educational curriculum outside*  
2       *of a traditional classroom.*

3   **SEC. 303. SAFETY CRITICAL STAFFING.**

4       *(a) UPDATE OF FAA'S SAFETY CRITICAL STAFFING*  
5   *MODEL.—Not later than 270 days after the date of enact-*  
6   *ment of this Act, the Administrator shall update the safety*  
7   *critical staffing model of the Administration to determine*  
8   *the number of aviation safety inspectors that will be needed*  
9   *to fulfill the safety oversight mission of the Administration.*

10      *(b) AUDIT BY DOT INSPECTOR GENERAL.—*

11       *(1) IN GENERAL.—Not later than 90 days after*  
12   *the date on which the Administrator has updated the*  
13   *safety critical staffing model under subsection (a), the*  
14   *Inspector General of the Department of Transpor-*  
15   *tation shall conduct an audit of the staffing model.*

16       *(2) CONTENTS.—The audit shall include, at a*  
17   *minimum—*

18       *(A) a review of the assumptions and meth-*  
19   *odologies used in devising and implementing the*  
20   *staffing model to assess the adequacy of the staff-*  
21   *ing model in predicting the number of aviation*  
22   *safety inspectors needed—*

23       *(i) to properly fulfill the mission of the*  
24   *Administration; and*

*(B) a determination on whether the staffing model takes into account the Administration's authority to fully utilize designees.*

18 SEC. 304. INTERNATIONAL EFFORTS REGARDING TRACKING  
19 OF CIVIL AIRCRAFT.

20        *The Administrator shall exercise leadership on cre-  
21 ating a global approach to improving aircraft tracking by  
22 working with—*

23                   (1) foreign counterparts of the Administrator in  
24                   the International Civil Aviation Organization and its  
25                   subsidiary organizations;

- 1                   (2) other international organizations and fora;  
2                   and  
3                   (3) the private sector.

4   **SEC. 305. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**  
5                   **TEMS.**

6                   (a) ASSESSMENT.—Not later than 90 days after the  
7   date of enactment of this Act, the Administrator shall ini-  
8   tiate an assessment of aircraft data access and retrieval sys-  
9   tems for part 121 air carrier aircraft that are used in ex-  
10 tended overwater operations to—

11                  (1) determine if the systems provide improved  
12   access and retrieval of aircraft data and cockpit voice  
13   recordings in the event of an aircraft accident; and  
14                  (2) assess the cost effectiveness of each system as-  
15   sessed.

16                  (b) SYSTEMS TO BE EXAMINED.—The systems to be  
17   examined under this section shall include, at a minimum—

18                  (1) various methods for improving detection and  
19   retrieval of flight data, including—  
20                      (A) low-frequency underwater locating de-  
21   vices; and

22                      (B) extended battery life for underwater lo-  
23   cating devices;

24                  (2) automatic deployable flight recorders;

25                  (3) emergency locator transmitters;

1                   (4) triggered transmission of flight data and  
2                   other satellite-based solutions;

3                   (5) distress-mode tracking; and

4                   (6) protections against disabling flight recorder  
5                   systems.

6                   (c) REPORT.—Not later than 1 year after the date of  
7   initiation of the assessment, the Administrator shall submit  
8   to the appropriate committees of Congress a report on the  
9   results of the assessment.

10                  (d) PART 121 AIR CARRIER DEFINED.—In this sec-  
11   tion, the term “part 121 air carrier” means an air carrier  
12   with authority to conduct operations under part 121 of title  
13   14, Code of Federal Regulations.

14   **SEC. 306. ADVANCED COCKPIT DISPLAYS.**

15                  (a) IN GENERAL.—Not later than 180 days after the  
16   date of enactment of this Act, the Administrator shall ini-  
17   tiate a review of heads-up display systems, heads-down dis-  
18   play systems employing synthetic vision systems, and en-  
19   hanced vision systems (in this section referred to as “HUD  
20   systems”, “SVS”, and “EVS”, respectively).

21                  (b) CONTENTS.—The review shall—

22                   (1) evaluate the impacts of single- and dual-in-  
23   stalled HUD systems, SVS, and EVS on the safety  
24   and efficiency of aircraft operations within the na-  
25   tional airspace system; and

1                   (2) review a sufficient quantity of commercial  
2                   aviation accidents or incidents in order to evaluate if  
3                   HUD systems, SVS, or EVS would have produced a  
4                   better outcome in each accident or incident.

5       (c) CONSULTATION.—In conducting the review, the Ad-  
6 ministrator shall consult with aviation manufacturers, rep-  
7 resentatives of pilot groups, aviation safety organizations,  
8 and any government agencies the Administrator considers  
9 appropriate.

10       (d) REPORT.—Not later than 1 year after the date of  
11 enactment of this Act, the Administrator shall submit to  
12 the appropriate committees of Congress a report containing  
13 the results of the review, the actions the Administrator  
14 plans to take with respect to the systems reviewed, and the  
15 associated timeline for such actions.

16 SEC. 307. EMERGENCY MEDICAL EQUIPMENT ON PAS-  
17 SENGER AIRCRAFT.

18       (a) IN GENERAL.—Not later than 1 year after the date  
19 of enactment of this Act, the Administrator shall evaluate  
20 and revise, as appropriate, regulations in part 121 of title  
21 14, Code of Federal Regulations, regarding emergency med-  
22 ical equipment, including the contents of first-aid kits, ap-  
23 plicable to all certificate holders operating passenger air-  
24 craft under that part.

1       (b) CONSIDERATION.—In carrying out subsection (a),  
2 the Administrator shall consider whether the minimum con-  
3 tents of approved emergency medical kits, including ap-  
4 proved first-aid kits, include appropriate medications and  
5 equipment to meet the emergency medical needs of children  
6 and pregnant women.

## **7 SEC. 308. FAA AND NTSB REVIEW OF GENERAL AVIATION**

8 SAFETY.

9       (a) *STUDY REQUIRED.*—Not later than 30 days after  
10 the date of enactment of this Act, the Administrator, in co-  
11 ordination with the Chairman of the National Transpor-  
12 tation Safety Board, shall initiate a study of general avia-  
13 tion safety.

14           (b) STUDY CONTENTS.—*The study required under sub-*  
15 *section (a) shall include—*

16                   (1) a review of all general aviation accidents  
17 since 2000, including a review of—

18 (A) the number of such accidents;

19                             (B) the number of injuries and fatalities,  
20                             including with respect to both occupants of air-  
21                             craft and individuals on the ground, as a result  
22                             of such accidents;

(C) the number of such accidents investigated by the National Transportation Safety Board;

- 1                   (D) the number of such accidents inves-  
2                   tigated by the FAA; and  
3                   (E) a summary of the factual findings and  
4                   probable cause determinations with respect to  
5                   such accidents;
- 6                   (2) an assessment of the most common probable  
7                   cause determinations issued for general aviation acci-  
8                   dents since 2000;
- 9                   (3) an assessment of the most common facts ana-  
10                  lyzed by the FAA and the National Transportation  
11                  Safety Board in the course of investigations of general  
12                  aviation accidents since 2000, including operational  
13                  details;
- 14                  (4) a review of the safety recommendations of the  
15                  National Transportation Safety Board related to gen-  
16                  eral aviation accidents since 2000;
- 17                  (5) an assessment of the responses of the FAA  
18                  and the general aviation community to the safety rec-  
19                  ommendations of the National Transportation Safety  
20                  Board related to general aviation accidents since  
21                  2000;
- 22                  (6) an assessment of the most common general  
23                  aviation safety issues;

1                   (7) a review of the total costs to the Federal Gov-  
2                   ernment to conduct investigations of general aviation  
3                   accidents over the last 10 years; and

4                   (8) other matters the Administrator or the  
5                   Chairman considers appropriate.

6                 (c) RECOMMENDATIONS AND ACTIONS TO ADDRESS  
7 GENERAL AVIATION SAFETY.—Based on the results of the  
8 study required under subsection (a), the Administrator, in  
9 consultation with the Chairman, shall make such rec-  
10ommendations, including with respect to regulations and  
11 enforcement activities, as the Administrator considers nec-  
12 essary to—

13                 (1) address general aviation safety issues identi-  
14                 fied under the study;

15                 (2) protect persons and property on the ground;  
16                 and

17                 (3) improve the safety of general aviation opera-  
18                 tors in the United States.

19                 (d) AUTHORITY.—Notwithstanding any other provi-  
20 sion of law, the Administrator shall have the authority to  
21 undertake actions to address the recommendations made  
22 under subsection (c).

23                 (e) REPORT.—Not later than 1 year after the date of  
24 enactment of this Act, the Administrator shall submit to  
25 the appropriate committees of Congress a report on the re-

1     *sults of the study required under subsection (a), including*  
2     *the recommendations described in subsection (c).*

3           (f) *GENERAL AVIATION DEFINED.*—*In this section, the*  
4     *term “general aviation” means aircraft operation for per-*  
5     *sonal, recreational, or other noncommercial purposes.*

6     **SEC. 309. CALL TO ACTION AIRLINE ENGINE SAFETY RE-**  
7               **VIEW.**

8           (a) *CALL TO ACTION AIRLINE ENGINE SAFETY RE-*  
9     *VIEW.*—*Not later than 90 days after the date of enactment*  
10   *of this Act, the Administrator shall initiate a Call to Action*  
11   *safety review on airline engine safety in order to bring*  
12   *stakeholders together to share best practices and implement*  
13   *actions to address airline engine safety.*

14           (b) *CONTENTS.*—*The Call to Action safety review re-*  
15   *quired pursuant to subsection (a) shall include—*

16               (1) *a review of Administration regulations, guid-*  
17   *ance, and directives related to airline engines during*  
18   *design and production, including the oversight of*  
19   *those processes;*

20               (2) *a review of Administration regulations, guid-*  
21   *ance, and directives related to airline engine oper-*  
22   *ation and maintenance and the oversight of those*  
23   *processes;*

24               (3) *a review of reportable accidents and inci-*  
25   *dents involving airline engines during calendar years*

1       *2014 through 2018, including any identified contrib-*  
2       *uting factors to the reportable accident or incident;*  
3       *and*

4           *(4) a process for stakeholders, including inspec-*  
5       *tors, manufacturers, maintenance providers, airlines,*  
6       *labor, and aviation safety experts, to provide feedback*  
7       *and share best practices.*

8       *(c) REPORT AND RECOMMENDATIONS.—Not later than*  
9       *90 days after the conclusion of the Call to Action safety*  
10      *review pursuant to subsection (a), the Administrator shall*  
11      *submit to the appropriate committees of Congress a report*  
12      *on the results of the review and any recommendations for*  
13      *actions or best practices to improve airline engine safety.*

14      **SEC. 310. SENSE OF CONGRESS ON ACCESS TO AIR CARRIER**  
15           **FLIGHT DECKS.**

16       *It is the sense of Congress that the Administrator*  
17      *should collaborate with other aviation authorities to ad-*  
18      *vance a global standard for access to air carrier flight decks*  
19      *and redundancy requirements consistent with the flight*  
20      *deck access and redundancy requirements in the United*  
21      *States.*

22      **SEC. 311. PART 135 ACCIDENT AND INCIDENT DATA.**

23       *(a) IN GENERAL.—Not later than 1 year after the date*  
24      *of enactment of this Act, the Administrator shall—*

1                   (1) determine, in collaboration with the National  
2                   Transportation Safety Board and part 135 industry  
3                   stakeholders, what, if any, additional data should be  
4                   reported as part of an accident or incident notice—  
5                   (A) to more accurately measure the safety of  
6                   on-demand part 135 aircraft activity;  
7                   (B) to pinpoint safety problems; and  
8                   (C) to form the basis for critical research  
9                   and analysis of general aviation issues; and  
10                  (2) provide a briefing to the appropriate com-  
11                  mittees of Congress on the findings under paragraph  
12                  (1), including a description of any additional data to  
13                  be collected, a timeframe for implementing the addi-  
14                  tional data collection, and any potential obstacles to  
15                  implementation.

16                 (b) *DEFINITION OF PART 135.*—In this section, the  
17                 term “part 135” means part 135 of title 14, *Code of Federal*  
18                 *Regulations.*

19                 **SEC. 312. SENSE OF CONGRESS; PILOT IN COMMAND AU-**  
20                 **THORITY.**

21                 It is the sense of Congress that the pilot in command  
22                 of an aircraft is directly responsible for, and is the final  
23                 authority as to, the operation of that aircraft, as set forth  
24                 in section 91.3(a) of title 14, *Code of Federal Regulations*  
25                 (or any successor regulation thereto).

1   **SEC. 313. REPORT ON CONSPICUITY NEEDS FOR SURFACE**  
2                   **VEHICLES OPERATING ON THE AIRSIDE OF**  
3                   **AIR CARRIER SERVED AIRPORTS.**

4       (a) *STUDY REQUIRED.*—*The Administrator shall*  
5   *carry out a study on the need for the FAA to prescribe con-*  
6   *spicuity standards for surface vehicles operating on the*  
7   *airside of the categories of airports that air carriers serve*  
8   *as specified in subsection (b).*

9       (b) *COVERED AIRPORTS.*—*The study required by sub-*  
10   *section (a) shall cover, at a minimum, 1 large hub airport,*  
11   *1 medium hub airport, and 1 small hub airport, as those*  
12   *terms are defined in section 40102 of title 49, United States*  
13   *Code.*

14       (c) *REPORT TO CONGRESS.*—*Not later than July 1,*  
15   *2019, the Administrator shall submit to the appropriate*  
16   *committees of Congress a report setting forth the results of*  
17   *the study required by subsection (a), including such rec-*  
18   *ommendations as the Administrator considers appropriate*  
19   *regarding the need for the Administration to prescribe con-*  
20   *spicuity standards as described in subsection (a).*

21   **SEC. 314. HELICOPTER AIR AMBULANCE OPERATIONS DATA**  
22                   **AND REPORTS.**

23       (a) *IN GENERAL.*—*Not later than 1 year after the date*  
24   *of enactment of this Act, the Administrator, in collaboration*  
25   *with helicopter air ambulance industry stakeholders, shall*  
26   *assess the availability of information to the general public*

1     *related to the location of heliports and helipads used by heli-*  
2     *copters providing air ambulance services, including*  
3     *helipads and helipads outside of those listed as part of any*  
4     *existing databases of Airport Master Record (5010) forms.*

5         *(b) REQUIREMENTS.—Based on the assessment under*  
6     *subsection (a), the Administrator shall—*

7             *(1) update, as necessary, any existing guidance*  
8     *on what information is included in the current data-*  
9     *bases of Airport Master Record (5010) forms to in-*  
10    *clude information related to heliports and helipads*  
11    *used by helicopters providing air ambulance services;*  
12    *or*

13             *(2) develop, as appropriate and in collaboration*  
14    *with helicopter air ambulance industry stakeholders,*  
15    *a new database of heliports and helipads used by heli-*  
16    *copters providing air ambulance services.*

17         *(c) REPORTS.—*

18             *(1) ASSESSMENT REPORT.—Not later than 30*  
19    *days after the date the assessment under subsection*  
20    *(a) is complete, the Administrator shall submit to the*  
21    *appropriate committees of Congress a report on the*  
22    *assessment, including any recommendations on how*  
23    *to make information related to the location of heli-*  
24    *ports and helipads used by helicopters providing air*  
25    *ambulance services available to the general public.*

1                   (2) *IMPLEMENTATION REPORT.*—Not later than  
2                   30 days after completing action under paragraph (1)  
3                   or paragraph (2) of subsection (b), the Administrator  
4                   shall submit to the appropriate committees of Con-  
5                   gress a report on such action.

6                   (d) *INCIDENT AND ACCIDENT DATA.*—Section 44731

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

8                   (1) *in subsection (a)—*

9                         (A) *in the matter preceding paragraph (1),*  
10                      *by striking “not later than 1 year after the date*  
11                      *of enactment of this section, and annually there-*  
12                      *after” and inserting “annually”;*

13                         (B) *in paragraph (2), by striking “flights*  
14                      *and hours flown, by registration number, during*  
15                      *which helicopters operated by the certificate hold-*  
16                      *er were providing helicopter air ambulance serv-*  
17                      *ices” and inserting “hours flown by the heli-*  
18                      *copters operated by the certificate holder”;*

19                         (C) *in paragraph (3)—*

20                             (i) *by striking “of flight” and inserting*  
21                              *“of patients transported and the number of*  
22                              *patient transport”;*

23                             (ii) *by inserting “or” after “inter-*  
24                              *facility transport,”; and*

(iii) by striking “, or ferry or repo-

*sitioning flight*’;

3 (D) in paragraph (5)—

4 (i) by striking ‘flights and’; and

(ii) by striking “while providing air

*ambulance services"; and*

7 (E) by amending paragraph (6) to read as

8 follows:

“(6) The number of hours flown at night by heli-

10       *copters operated by the certificate holder.”;*

11 (2) in subsection (d)—

(A) by striking “Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit” and inserting “The Administrator shall submit annually”; and

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

18        “The report shall include the number of acci-  
19        dents experienced by helicopter air ambulance  
20        operations, the number of fatal accidents experi-  
21        enced by helicopter air ambulance operations,  
22        and the rate, per 100,000 flight hours, of acci-  
23        dents and fatal accidents experienced by opera-  
24        tors providing helicopter air ambulance serv-  
25        ices.”;

1                   (3) by redesignating subsection (e) as subsection  
2                   (f); and

3                   (4) by inserting after subsection (d) the fol-  
4                   lowing:

5                 “(e) **IMPLEMENTATION.**—In carrying out this section,  
6                 the Administrator, in collaboration with part 135 certifi-  
7                 cate holders providing helicopter air ambulance services,  
8                 shall—

9                 “(1) propose and develop a method to collect and  
10                 store the data submitted under subsection (a), includ-  
11                 ing a method to protect the confidentiality of any  
12                 trade secret or proprietary information submitted;  
13                 and

14                 “(2) ensure that the database under subsection  
15                 (c) and the report under subsection (d) include data  
16                 and analysis that will best inform efforts to improve  
17                 the safety of helicopter air ambulance operations.”.

18 **SEC. 315. AVIATION RULEMAKING COMMITTEE FOR PART**  
19                   **135 PILOT REST AND DUTY RULES.**

20                 (a) **IN GENERAL.**—Not later than 180 days after the  
21                 date of enactment of this Act, the Administrator shall con-  
22                 vene an aviation rulemaking committee to review, and de-  
23                 velop findings and recommendations regarding, pilot rest  
24                 and duty rules under part 135 of title 14, *Code of Federal*  
25                 *Regulations.*

1           (b) DUTIES.—*The Administrator shall—*

2               (1) *not later than 2 years after the date of enact-*  
3               *ment of this Act, submit to the appropriate commit-*  
4               *tees of Congress a report based on the findings of the*  
5               *aviation rulemaking committee; and*

6               (2) *not later than 1 year after the date of sub-*  
7               *mission of the report under paragraph (1), issue a*  
8               *notice of proposed rulemaking based on any consensus*  
9               *recommendations reached by the aviation rulemaking*  
10               *committee.*

11           (c) COMPOSITION.—*The aviation rulemaking com-*  
12           *mittee shall consist of members appointed by the Adminis-*  
13           *trator, including—*

14               (1) *representatives of industry;*  
15               (2) *representatives of aviation labor organiza-*  
16               *tions, including collective bargaining units rep-*  
17               *resenting pilots who are covered by part 135 of title*  
18               *14, Code of Federal Regulations, and subpart K of*  
19               *part 91 of such title; and*

20               (3) *aviation safety experts with specific knowl-*  
21               *edge of flight crewmember education and training re-*  
22               *quirements under part 135 of such title.*

23           (d) CONSIDERATIONS.—*The Administrator shall direct*  
24           *the aviation rulemaking committee to consider—*

- 1                   (1) recommendations of prior part 135 rule-  
2 making committees;  
3                   (2) accommodations necessary for small busi-  
4 nesses;  
5                   (3) scientific data derived from aviation-related  
6 fatigue and sleep research;  
7                   (4) data gathered from aviation safety reporting  
8 programs;  
9                   (5) the need to accommodate the diversity of op-  
10 erations conducted under part 135, including the  
11 unique duty and rest time requirements of air ambu-  
12 lance pilots; and  
13                   (6) other items, as appropriate.

14 **SEC. 316. REPORT ON OBSOLETE TEST EQUIPMENT.**

15                   (a) REPORT.—Not later than 180 days after the date  
16 of enactment of this Act, the Administrator shall submit  
17 to the appropriate committees of Congress a report on the  
18 National Test Equipment Program of the FAA (in this sec-  
19 tion referred to as the “Program”).

20                   (b) CONTENTS.—The report shall include—

21                   (1) a list of all known outstanding requests for  
22 test equipment, cataloged by type and location, under  
23 the Program;

1                   (2) a description of the current method under the  
2 Program of ensuring calibrated equipment is in place  
3 for utilization;

4                   (3) a plan by the Administrator for appropriate  
5 inventory of such equipment;

6                   (4) the Administrator's recommendations for in-  
7 creasing multifunctionality in future test equipment  
8 and all known and foreseeable manufacturer techno-  
9 logical advances; and

10                  (5) a plan to replace, as appropriate, obsolete  
11 test equipment throughout the service areas.

12 **SEC. 317. HELICOPTER FUEL SYSTEM SAFETY.**

13                  (a) *IN GENERAL.*—Chapter 447 of title 49, United  
14 States Code, is further amended by adding at the end the  
15 following:

16 **“§ 44737. Helicopter fuel system safety”**

17                  “(a) PROHIBITION.—

18                  “(1) *IN GENERAL.*—A person may not operate a  
19 covered rotorcraft in United States airspace unless the  
20 design of the rotorcraft is certified by the Adminis-  
21 trator of the Federal Aviation Administration to—

22                  “(A) comply with the requirements applica-  
23 ble to the category of the rotorcraft under para-  
24 graphs (1), (2), (3), (5), and (6) of section  
25 27.952(a), section 27.952(c), section 27.952(f),

1           *section 27.952(g), section 27.963(g) (but allowing*  
2           *for a minimum puncture force of 250 pounds if*  
3           *successfully drop tested in-structure), and section*  
4           *27.975(b) or paragraphs (1), (2), (3), (5), and*  
5           *(6) of section 29.952(a), section 29.952(c), section*  
6           *29.952(f), section 29.952(g), section 29.963(b)*  
7           *(but allowing for a minimum puncture force of*  
8           *250 pounds if successfully drop tested in-structure), and 29.975(a)(7) of title 14, Code of Fed-*  
9           *eral Regulations, as in effect on the date of en-*  
10          *actment of this section; or*

12           *“(B) employ other means acceptable to the*  
13          *Administrator to provide an equivalent level of*  
14          *fuel system crash resistance.*

15          *“(2) COVERED ROTORCRAFT DEFINED.—In this*  
16          *subsection, the term ‘covered rotorcraft’ means a*  
17          *rotorcraft not otherwise required to comply with sec-*  
18          *tion 27.952, section 27.963, and section 27.975, or*  
19          *section 29.952, section 29.963, and section 29.975 of*  
20          *title 14, Code of Federal Regulations as in effect on*  
21          *the date of enactment of this section for which manu-*  
22          *facture was completed, as determined by the Adminis-*  
23          *trator, on or after the date that is 18 months after the*  
24          *date of enactment of this section.*

1        "(b) ADMINISTRATIVE PROVISIONS.—The Adminis-  
2 trator shall—

3                   “(1) expedite the certification and validation of  
4       United States and foreign type designs and retrofit  
5       kits that improve fuel system crashworthiness; and

6               “(2) not later than 180 days after the date of en-  
7 actment of this section, and periodically thereafter,  
8 issue a bulletin to—

9               “(A) inform rotorcraft owners and operators  
10              of available modifications to improve fuel system  
11              crashworthiness; and

12                   “(B) urge that such modifications be in-  
13                   stalled as soon as practicable.

14        "(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion may be construed to affect the operation of a rotorcraft  
16 by the Department of Defense.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

### **“44737. Helicopter fuel system safety.”**

20 SEC. 318. APPLICABILITY OF MEDICAL CERTIFICATION  
21                   STANDARDS TO OPERATORS OF AIR BAL-  
22                   LOONS.

(a) *SHORT TITLE.*—This section may be cited as the “Commercial Balloon Pilot Safety Act of 2018”.

1       (b) *IN GENERAL.*—Not later than 180 days after the  
2 date of enactment of this Act, the Administrator shall revise  
3 section 61.3(c) of title 14, Code of Federal Regulations (re-  
4 lating to second-class medical certificates), to apply to an  
5 operator of an air balloon to the same extent such regula-  
6 tions apply to a pilot flight crewmember of other aircraft.

7       (c) *AIR BALLOON DEFINED.*—In this section, the term  
8 “air balloon” has the meaning given the term “balloon” in  
9 section 1.1 of title 14, Code of Federal Regulations (or any  
10 corresponding similar regulation or ruling).

11 **SEC. 319. DESIGNATED PILOT EXAMINER REFORMS.**

12       (a) *IN GENERAL.*—The Administrator shall assign to  
13 the Aviation Rulemaking Advisory Committee (in this sec-  
14 tion referred to as the “Committee”) the task of reviewing  
15 all regulations and policies related to designated pilot ex-  
16 aminers appointed under section 183.23 of title 14, Code  
17 of Federal Regulations. The Committee shall focus on the  
18 processes and requirements by which the FAA selects,  
19 trains, and deploys individuals as designated pilot exam-  
20 iners, and provide recommendations with respect to the reg-  
21 ulatory and policy changes necessary to ensure an adequate  
22 number of designated pilot examiners are deployed and  
23 available to perform their duties. The Committee also shall  
24 make recommendations with respect to the regulatory and  
25 policy changes if necessary to allow a designated pilot ex-

1 amine perform a daily limit of 3 new check rides with  
2 no limit for partial check rides and to serve as a designed  
3 pilot examiner without regard to any individual managing  
4 office.

5       (b) ACTION BASED ON RECOMMENDATIONS.—Not later  
6 than 1 year after receiving recommendations under sub-  
7 section (a), the Administrator shall take such action as the  
8 Administrator considers appropriate with respect to those  
9 recommendations.

10 SEC. 320. VOLUNTARY REPORTS OF OPERATIONAL OR  
11 MAINTENANCE ISSUES RELATED TO AVIA-  
12 TION SAFETY.

13       (a) *IN GENERAL.*—There shall be a presumption that  
14   an individual's voluntary report of an operational or main-  
15   tenance issue related to aviation safety under an aviation  
16   safety action program meets the criteria for acceptance as  
17   a valid report under such program.

18       (b) *DISCLAIMER REQUIRED.*—Any dissemination,  
19    within the participating organization, of a report that was  
20    submitted and accepted under an aviation safety action  
21    program pursuant to the presumption under subsection (a),  
22    but that has not undergone review by an event review com-  
23    mittee, shall be accompanied by a disclaimer stating that  
24    the report—

1                   (1) has not been reviewed by an event review  
2 committee tasked with reviewing such reports; and  
3                   (2) may subsequently be determined to be ineli-  
4 gible for inclusion in the aviation safety action pro-  
5 gram.

6                   (c) *REJECTION OF REPORT.*—

7                   (1) *IN GENERAL.*—A report described under sub-  
8 section (a) shall be rejected from an aviation safety  
9 action program if, after a review of the report, an  
10 event review committee tasked with reviewing such re-  
11 port, or the Federal Aviation Administration member  
12 of the event review committee in the case that the re-  
13 view committee does not reach consensus, determines  
14 that the report fails to meet the criteria for acceptance  
15 under such program.

16                   (2) *PROTECTIONS.*—In any case in which a re-  
17 port of an individual described under subsection (a)  
18 is rejected under paragraph (1)—

19                   (A) the enforcement-related incentive offered  
20 to the individual for making such a report shall  
21 not apply; and

22                   (B) the protection from disclosure of the re-  
23 port itself under section 40123 of title 49, United  
24 States Code, shall not apply.

1                             (3) *AVIATION SAFETY ACTION PROGRAM DEFINITION.*—In this section, the term “aviation safety action program” means a program established in accordance with Federal Aviation Administration Advisory Circular 120–66B, issued November 15, 2002 (including any similar successor advisory circular), to allow an individual to voluntarily disclose operational or maintenance issues related to aviation safety.

10 **SEC. 321. EVALUATION REGARDING ADDITIONAL GROUND  
11 BASED TRANSMITTERS.**

12         The Administrator shall conduct an evaluation of providing additional ground based transmitters for Automatic Dependent Surveillance–Broadcasts (ADS–B) to provide a minimum operational network in Alaska along major flight routes.

17 **SEC. 322. IMPROVED SAFETY IN RURAL AREAS.**

18         The Administrator shall permit an air carrier operating pursuant to part 135 of title 14, Code of Federal Regulations, to operate to a destination with a published approach, in a noncontiguous State under instrument flight rules and conduct an instrument approach without a destination Meteorological Aerodrome Report (METAR) if a current Area Forecast, supplemented by noncertified local weather observations (such as weather cameras and human

1   *observations) is available, and an alternate airport that has*  
2   *a weather report is specified. The operator shall have ap-*  
3   *proved procedures for departure and en route weather eval-*  
4   *uation.*

5   **SEC. 323. EXIT ROWS.**

6       (a) *REVIEW.—The Administrator shall conduct a re-*  
7   *view of current safety procedures regarding unoccupied exit*  
8   *rows on a covered aircraft in passenger air transportation*  
9   *during all stages of flight.*

10      (b) *CONSULTATION.—In carrying out the review, the*  
11   *Administrator shall consult with air carriers, aviation*  
12   *manufacturers, and labor stakeholders.*

13      (c) *REPORT.—Not later than 1 year after the date of*  
14   *enactment of this Act, the Administrator shall submit to*  
15   *the appropriate committees of Congress a report on the re-*  
16   *sults of the review.*

17      (d) *COVERED AIRCRAFT DEFINED.—In this section,*  
18   *the term “covered aircraft” means an aircraft operating*  
19   *under part 121 of title 14, Code of Federal Regulations.*

20   **SEC. 324. COMPTROLLER GENERAL REPORT ON FAA EN-**  
21                   **FORCEMENT POLICY.**

22      *Not later than 1 year after the date of enactment of*  
23   *this Act, the Comptroller General of the United States shall*  
24   *complete a study, and report to the appropriate committees*  
25   *of Congress on the results thereof, on the effectiveness of*

1   Order 8000.373, *Federal Aviation Administration Compli-*  
2   *ance Philosophy*, announced on June 26, 2015. Such study  
3   shall include information about—

4                 (1) whether reports of safety incidents increased  
5         following the order;

6                 (2) whether reduced enforcement penalties in-  
7         creased the overall number of safety incidents that oc-  
8         curred; and

9                 (3) whether FAA enforcement staff registered  
10         complaints about reduced enforcement reducing com-  
11         pliance with safety regulations.

12   **SEC. 325. ANNUAL SAFETY INCIDENT REPORT.**

13         (a) *IN GENERAL.*—Not later than 1 year after the date  
14         of enactment of this Act, and annually thereafter for 5  
15         years, the Administrator, shall submit to the appropriate  
16         committees of Congress a report regarding part 121 airline  
17         safety oversight.

18         (b) *CONTENTS.*—The annual report shall include—

19                 (1) a description of the Federal Aviation Admin-  
20         istration's safety oversight process to ensure the safety  
21         of the traveling public;

22                 (2) a description of risk-based oversight methods  
23         applied to ensure aviation safety, including to spe-  
24         cific issues addressed in the year preceding the report

1       *that in the determination of the Administrator ad-*  
2       *dress safety risk; and*

3           *(3) in the instance of specific reviews of air car-*  
4       *rier performance to safety regulations, a description*  
5       *of cases where the timelines for recurrent reviews are*  
6       *advanced.*

7   **SEC. 326. AIRCRAFT AIR QUALITY.**

8       *(a) EDUCATIONAL MATERIALS.—Not later than 1 year*  
9       *after the date of enactment of this Act, the Administrator*  
10      *shall, in consultation with relevant stakeholders, establish*  
11      *and make available on a publicly available Internet website*  
12      *of the Administration, educational materials for flight at-*  
13      *tendants, pilots, and aircraft maintenance technicians on*  
14      *how to respond to incidents on board aircraft involving*  
15      *smoke or fumes.*

16       *(b) REPORTING OF INCIDENTS OF SMOKE OR FUMES*  
17      *ON BOARD AIRCRAFT.—Not later than 180 days after the*  
18      *date of enactment of this Act, the Administrator shall, in*  
19      *consultation with relevant stakeholders, issue guidance for*  
20      *flight attendants, pilots, and aircraft maintenance techni-*  
21      *cians to report incidents of smoke or fumes on board an*  
22      *aircraft operated by a commercial air carrier and with re-*  
23      *spect to the basis on which commercial air carriers shall*  
24      *report such incidents through the Service Difficulty Report-*  
25      *ing System.*

- 1       (c) *RESEARCH TO DEVELOP TECHNIQUES TO MON-*  
2 *ITOR BLEED AIR QUALITY.*—Not later than 180 days after  
3 the date of enactment of this Act, the Administrator shall  
4 commission a study by the Airliner Cabin Environment Re-  
5 search Center of Excellence—  
6             (1) to identify and measure the constituents and  
7 levels of constituents resulting from bleed air in the  
8 cabins of a representative set of commercial aircraft  
9 in operation of the United States;  
10             (2) to assess the potential health effects of such  
11 constituents on passengers and cabin and flight deck  
12 crew;  
13             (3) to identify technologies suitable to provide re-  
14 liable and accurate warning of bleed air contamina-  
15 tion, including technologies to effectively monitor the  
16 aircraft air supply system when the aircraft is in  
17 flight; and  
18             (4) to identify potential techniques to prevent  
19 fume events.  
20       (d) *REPORT REQUIRED.*—Not later than 18 months  
21 after the date of enactment of this Act, the Administrator  
22 shall submit to the appropriate committees of Congress a  
23 report on the feasibility, efficacy, and cost-effectiveness of  
24 certification and installation of systems to evaluate bleed  
25 air quality.

1       (e) PILOT PROGRAM.—The FAA may conduct a pilot  
2 program to evaluate the effectiveness of technologies identi-  
3 fied in subsection (c).

4 **SEC. 327. APPROACH CONTROL RADAR.**

5       The Administrator shall—

6           (1) identify airports that are currently served by  
7 FAA towers with nonradar approach and departure  
8 control (type 4 classification in the Federal Aviation  
9 Administration OPSNET); and

10          (2) develop an implementation plan, which takes  
11 into account budgetary and flight volume consider-  
12 ations, to provide an airport identified under para-  
13 graph (1), if appropriate, with approach control  
14 radar.

15 **SEC. 328. REPORT ON AIRLINE AND PASSENGER SAFETY.**

16       (a) REPORT.—Not later than 180 days after the date  
17 of enactment of this Act, the Administrator shall submit  
18 to the appropriate committees of Congress a report on air-  
19 line and passenger safety.

20       (b) CONTENTS.—The report required under subsection  
21 (a) shall include—

22           (1) the average age of commercial aircraft owned  
23 and operated by United States air carriers;

24           (2) the over-all use of planes, including average  
25 lifetime of commercial aircraft;

- 1                   (3) the number of hours aircraft are in flight  
2       over the life of the aircraft and the average number  
3       of hours on domestic and international flights, respec-  
4       tively;
- 5                   (4) the impact of metal fatigue on aircraft usage  
6       and safety;
- 7                   (5) a review on contractor assisted maintenance  
8       of commercial aircraft; and
- 9                   (6) a re-evaluation of the rules on inspection of  
10      aging airplanes.

11 **SEC. 329. PERFORMANCE-BASED STANDARDS.**

12       The Administrator shall, to the maximum extent pos-  
13       sible and consistent with Federal law, and based on input  
14       by the public, ensure that regulations, guidance, and poli-  
15       cies issued by the FAA on and after the date of enactment  
16       of this Act are issued in the form of performance-based  
17       standards, providing an equal or higher level of safety.

18 **SEC. 330. REPORT AND RECOMMENDATIONS ON CERTAIN  
19                   AVIATION SAFETY RISKS.**

20       Not later than 1 year after the date of the enactment  
21       of this Act, the Administrator shall submit to the appro-  
22       priate committees of Congress a report that—

23                   (1) identifies safety risks associated with power  
24       outages at airports caused by weather or other factors,  
25       and recommends actions to improve resilience of avia-

tion communication, navigation, and surveillance systems in the event of such outages; and

(2) reviews alerting mechanisms, devices, and procedures for enhancing the situational awareness of pilots and air traffic controllers in the event of a failure or an irregularity of runway lights, and provides recommendations on the further implementation of such mechanisms, devices, or procedures.

**9 SEC. 331. REVIEW OF FAA'S AVIATION SAFETY INFORMA-**

**10 TION ANALYSIS AND SHARING SYSTEM.**

(a) AUDIT BY DEPARTMENT OF TRANSPORTATION IN-  
SPECTOR GENERAL.—Not later than 90 days after the date  
of enactment of this Act, the inspector general of the Depart-  
ment of Transportation shall initiate a follow-up review of  
the FAA's Aviation Safety Information Analysis and Shar-  
ing (ASIAS) system to assess FAA's efforts and plans to  
improve the system.

18       (b) *REVIEW.*—The review shall include, at a min-  
19 imum, an evaluation of FAA's efforts to improve the ASIAS  
20 system's predictive capabilities and solutions developed to  
21 more widely disseminate results of ASIAS data analyses,  
22 as well as an update on previous inspector general rec-  
23 ommendations to improve this safety analysis and sharing  
24 system.

1       (c) *REPORT.*—The inspector general shall submit to  
2 the appropriate committees of Congress a report on the re-  
3 sults of the review carried out under this section and any  
4 recommendations to improve FAA's ASIAS system.

5 **SEC. 332. AIRPORT RESCUE AND FIREFIGHTING.**

6       (a) *FIREFIGHTING FOAM.*—Not later than 3 years  
7 after the date of enactment of this Act, the Administrator,  
8 using the latest version of National Fire Protection Associa-  
9 tion 403, “Standard for Aircraft Rescue and Fire-Fighting  
10 Services at Airports”, and in coordination with the Admin-  
11 istrator of the Environmental Protection Agency, aircraft  
12 manufacturers and airports, shall not require the use of  
13 fluorinated chemicals to meet the performance standards  
14 referenced in chapter 6 of AC No: 150/5210–6D and accept-  
15 able under 139.319(l) of title 14, Code of Federal Regula-  
16 tions.

17       (b) *TRAINING FACILITIES.*—Not later than 90 days  
18 after the date of enactment of this Act, the Administrator  
19 shall submit to the appropriate committees of Congress—  
20           (1) a report on the number and sufficiency of  
21           aircraft rescue and firefighting training facilities in  
22           each FAA region; and  
23           (2) a plan, if appropriate, to address any cov-  
24           erage gaps identified in the report.

1   **SEC. 333. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**2                   **AND BATTERIES.**3       (a) *HARMONIZATION WITH ICAO TECHNICAL IN-*4   *STRUCTIONS.—*5                   (1) *ADOPTION OF ICAO INSTRUCTIONS.—*

6                   (A) *IN GENERAL.—Pursuant to section 828*  
7                   *of the FAA Modernization and Reform Act of*  
8                   *2012 (49 U.S.C. 44701 note), not later than 90*  
9                   *days after the date of enactment of this Act, the*  
10                  *Secretary of Transportation shall conform*  
11                  *United States regulations on the air transport of*  
12                  *lithium cells and batteries with the lithium cells*  
13                  *and battery requirements in the 2015–2016 edi-*  
14                  *tion of the International Civil Aviation Organi-*  
15                  *zation’s (referred to in this subsection as*  
16                  *“ICAO”) Technical Instructions (to include all*  
17                  *addenda), including the revised standards adopt-*  
18                  *ed by ICAO which became effective on April 1,*  
19                  *2016 and any further revisions adopted by ICAO*  
20                  *prior to the effective date of the FAA Reauthor-*  
21                  *ization Act of 2018.*

22                   (B) *FURTHER PROCEEDINGS.—Beginning*  
23                  *on the date the revised regulations under sub-*  
24                  *paragraph (A) are published in the Federal Reg-*  
25                  *ister, any lithium cell and battery rulemaking*  
26                  *action or update commenced on or after that*

1           date shall continue to comply with the require-  
2           ments under section 828 of the FAA Moderniza-  
3           tion and Reform Act of 2012 (49 U.S.C. 44701  
4           note).

5           (2) *REVIEW OF OTHER REGULATIONS.*—Pursu-  
6           ant to section 828 of the FAA Modernization and Re-  
7           form Act of 2012 (49 U.S.C. 44701 note), the Sec-  
8           retary of Transportation may initiate a review of  
9           other existing regulations regarding the air transpor-  
10          tation, including passenger-carrying and cargo air-  
11          craft, of lithium batteries and cells.

12          (b) *MEDICAL DEVICE BATTERIES.*—

13           (1) *IN GENERAL.*—For United States applicants,  
14           the Secretary of Transportation shall consider and ei-  
15           ther grant or deny, not later than 45 days after re-  
16           ceipt of an application, an application submitted in  
17           compliance with part 107 of title 49, Code of Federal  
18           Regulations, for special permits or approvals for air  
19           transportation of lithium ion cells or batteries specifi-  
20           cally used by medical devices. Not later than 30 days  
21           after the date of application, the Pipeline and Haz-  
22           ardous Materials Safety Administration shall provide  
23           a draft special permit to the Federal Aviation Ad-  
24           ministration based on the application. The Federal  
25           Aviation Administration shall conduct an on-site in-

1       *spection for issuance of the special permit not later*  
2       *than 20 days after the date of receipt of the draft spe-*  
3       *cial permit from the Pipeline and Hazardous Mate-*  
4       *rials Safety Administration.*

5               (2) *LIMITED EXCEPTIONS TO RESTRICTIONS ON*  
6       *AIR TRANSPORTATION OF MEDICAL DEVICE BAT-*  
7       *TERIES.—The Secretary shall issue limited exceptions*  
8       *to the restrictions on transportation of lithium ion*  
9       *and lithium metal batteries to allow the shipment on*  
10      *a passenger aircraft of not more than 2 replacement*  
11      *batteries specifically used for a medical device if—*

12                  (A) *the intended destination of the batteries*  
13       *is not serviced daily by cargo aircraft if a bat-*  
14       *ttery is required for medically necessary care;*  
15       *and*

16                  (B) *with regard to a shipper of lithium ion*  
17       *or lithium metal batteries for medical devices*  
18       *that cannot comply with a charge limitation in*  
19       *place at the time, each battery is—*

20                          (i) *individually packed in an inner*  
21       *packaging that completely encloses the bat-*  
22       *ttery;*  
23                          (ii) *placed in a rigid outer packaging;*  
24       *and*

(iii) protected to prevent a short circuit.

(3) MEDIAL DEVICE DEFINED.—In this subsection, the term “medical device” means an instrument, apparatus, implement, machine, contrivance, implant, or in vitro reagent, including any component, part, or accessory thereof, which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, of a person.

11                             (4) *SAVINGS CLAUSE.—Nothing in this sub-*  
12                             *section shall be construed as expanding or con-*  
13                             *stricting any other authority the Secretary of Trans-*  
14                             *portation has under section 828 of the FAA Mod-*  
15                             *ernization and Reform Act of 2012 (49 U.S.C. 44701*  
16                             *note).*

17 (c) LITHIUM BATTERY SAFETY WORKING GROUP.—

18                             (1) *IN GENERAL.*—Not later than 90 days after  
19                             the date of enactment of this Act, the Secretary of  
20                             Transportation shall establish a lithium battery safe-  
21                             ty working group (referred to as the “working group”  
22                             in this section) to promote and coordinate efforts re-  
23                             lated to the promotion of the safe manufacture, use,  
24                             and transportation of lithium batteries and cells.

1                   (2) *DUTIES.*—The working group shall coordinate  
2                   and facilitate the transfer of knowledge and expertise  
3                   among the following Federal agencies:

4                   (A) *The Department of Transportation.*

5                   (B) *The Consumer Product Safety Commission.*

6                   (C) *The National Institute on Standards and Technology.*

7                   (D) *The Food and Drug Administration.*

8                   (3) *MEMBERS.*—The Secretary shall appoint not more than 8 members to the working group with expertise in the safe manufacture, use, or transportation of lithium batteries and cells.

9                   (4) *SUBCOMMITTEES.*—The Secretary, or members of the working group, may—

10                  (A) establish working group subcommittees to focus on specific issues related to the safe manufacture, use, or transportation of lithium batteries and cells; and

11                  (B) include in a subcommittee the participation of nonmember stakeholders with expertise in areas that the Secretary or members consider necessary.

12                  (5) *REPORT.*—Not later than 1 year after the date it is established, the working group shall—

- 1                   (A) identify and assess—  
2                   (i) additional ways to decrease the risk  
3                   of fires and explosions from lithium bat-  
4                   teries and cells;  
5                   (ii) additional ways to ensure uniform  
6                   transportation requirements for both bulk  
7                   and individual batteries; and  
8                   (iii) new or existing technologies that  
9                   may reduce the fire and explosion risk of  
10                  lithium batteries and cells; and  
11                  (B) transmit to the appropriate committees  
12                  of Congress a report on the assessments con-  
13                  ducted under subparagraph (A), including any  
14                  legislative recommendations to effectuate the safe-  
15                  ty improvements described in clauses (i) through  
16                  (iii) of that subparagraph.  
17                  (6) TERMINATION.—The working group, and any  
18                  working group subcommittees, shall terminate 90  
19                  days after the date the report is transmitted under  
20                  paragraph (5).  
21                  (d) LITHIUM BATTERY AIR SAFETY ADVISORY COM-  
22                  MITTEE.—  
23                  (1) ESTABLISHMENT.—Not later than 60 days  
24                  after the date of enactment of this Act, the Secretary  
25                  shall establish, in accordance with the requirements of

1       *the Federal Advisory Committee Act (5 U.S.C. App.),*  
2       *a lithium ion and lithium metal battery air safety*  
3       *advisory committee (in this subsection referred to as*  
4       *the “Committee”).*

5           (2) *DUTIES.—The Committee shall—*

6              (A) *facilitate communication between man-*  
7       *ufacturers of lithium ion and lithium metal cells*  
8       *and batteries, manufacturers of products incor-*  
9       *porating both large and small lithium ion and*  
10      *lithium metal batteries, air carriers, and the*  
11      *Federal Government regarding the safe air*  
12      *transportation of lithium ion and lithium metal*  
13      *cells and batteries and the effectiveness and eco-*  
14      *nomic and social impacts of the regulation of*  
15      *such transportation;*

16              (B) *provide the Secretary, the Federal Avia-*  
17      *tion Administration, and the Pipeline and Haz-*  
18      *ardous Materials Safety Administration with*  
19      *timely information about new lithium ion and*  
20      *lithium metal battery technology and transpor-*  
21      *tation safety practices and methodologies;*

22              (C) *provide a forum for the Secretary to*  
23      *provide information on and to discuss the activi-*  
24      *ties of the Department of Transportation relat-*  
25      *ing to lithium ion and lithium metal battery*

1           *transportation safety, the policies underlying the*  
2           *activities, and positions to be advocated in inter-*  
3           *national forums;*

4           (D) *provide a forum for the Secretary to*  
5           *provide information and receive advice on—*

6               (i) *activities carried out throughout the*  
7           *world to communicate and enforce relevant*  
8           *United States regulations and the ICAO*  
9           *Technical Instructions; and*

10              (ii) *the effectiveness of the activities;*

11           (E) *provide advice and recommendations to*  
12           *the Secretary with respect to lithium ion and*  
13           *lithium metal battery air transportation safety,*  
14           *including how best to implement activities to in-*  
15           *crease awareness of relevant requirements and*  
16           *their importance to travelers and shippers; and*

17           (F) *review methods to decrease the risk*  
18           *posed by air shipment of undeclared hazardous*  
19           *materials and efforts to educate those who pre-*  
20           *pare and offer hazardous materials for shipment*  
21           *via air transport.*

22           (3) *MEMBERSHIP.—The Committee shall be com-*  
23           *posed of the following members:*

24           (A) *Individuals appointed by the Secretary*  
25           *to represent—*

- 1                   (i) large volume manufacturers of lithium  
2                   ion and lithium metal cells and batteries;
- 3
- 4                   (ii) domestic manufacturers of lithium  
5                   ion and lithium metal batteries or battery  
6                   packs;
- 7                   (iii) manufacturers of consumer products  
8                   powered by lithium ion and lithium metal batteries;
- 9
- 10                  (iv) manufacturers of vehicles powered  
11                  by lithium ion and lithium metal batteries;
- 12                  (v) marketers of products powered by  
13                  lithium ion and lithium metal batteries;
- 14                  (vi) cargo air service providers based  
15                  in the United States;
- 16                  (vii) passenger air service providers  
17                  based in the United States;
- 18                  (viii) pilots and employees of air serv-  
19                  ice providers described in clauses (vi) and  
20                  (vii);
- 21                  (ix) shippers of lithium ion and lith-  
22                  ium metal batteries for air transportation;
- 23                  (x) manufacturers of battery-powered  
24                  medical devices or batteries used in medical  
25                  devices; and

*(xi) employees of the Department of Transportation, including employees of the Federal Aviation Administration and the Pipeline and Hazardous Materials Safety Administration.*

(B) Representatives of such other Government departments and agencies as the Secretary determines appropriate.

(C) Any other individuals the Secretary determines are appropriate to comply with Federal law.

(4) REPORT.—

(A) *IN GENERAL.*—Not later than 180 days after the establishment of the Committee, the Committee shall submit to the Secretary and the appropriate committees of Congress a report that—

*(i) describes and evaluates the steps being taken in the private sector and by international regulatory authorities to implement and enforce requirements relating to the safe transportation by air of bulk shipments of lithium ion cells and batteries; and*

(ii) identifies any areas of enforcement or regulatory requirements for which there is consensus that greater attention is needed.

*(B) INDEPENDENT STATEMENTS.—Each member of the Committee shall be provided an opportunity to submit an independent statement of views with the report submitted pursuant to subparagraph (A).*

(5) *MEETINGS.*—

(A) *IN GENERAL.*—The Committee shall meet at the direction of the Secretary and at least twice a year.

(B) PREPARATION FOR ICAO MEETINGS.—

*Notwithstanding subparagraph (A), the Secretary shall convene a meeting of the Committee in connection with and in advance of each meeting of the International Civil Aviation Organization, or any of its panels or working groups, addressing the safety of air transportation of lithium ion and lithium metal batteries to brief Committee members on positions to be taken by the United States at such meeting and provide Committee members a meaningful opportunity to comment.*

1                   (6) *TERMINATION.*—*The Committee shall termi-*  
2                   *nate on the date that is 6 years after the date on*  
3                   *which the Committee is established.*

4                   (7) *TERMINATION OF FUTURE OF AVIATION ADVI-*  
5                   *SORY COMMITTEE.*—*The Future of Aviation Advisory*  
6                   *Committee shall terminate on the date on which the*  
7                   *lithium ion battery air safety advisory committee is*  
8                   *established.*

9                   (e) *COOPERATIVE EFFORTS TO ENSURE COMPLIANCE*  
10                  *WITH SAFETY REGULATIONS.*—

11                  (1) *IN GENERAL.*—*The Secretary of Transpor-*  
12                  *tation, in coordination with appropriate Federal*  
13                  *agencies, shall carry out cooperative efforts to ensure*  
14                  *that shippers who offer lithium ion and lithium metal*  
15                  *batteries for air transport to or from the United*  
16                  *States comply with U.S. Hazardous Materials Regu-*  
17                  *lations and ICAO Technical Instructions.*

18                  (2) *COOPERATIVE EFFORTS.*—*The cooperative ef-*  
19                  *forts the Secretary shall carry out pursuant to para-*  
20                  *graph (1) include the following:*

21                  (A) *Encouraging training programs at lo-*  
22                  *cations outside the United States from which*  
23                  *substantial cargo shipments of lithium ion or*  
24                  *lithium metal batteries originate for manufac-*  
25                  *turers, freight forwarders, and other shippers*

1       *and potential shippers of lithium ion and lith-*  
2       *ium metal batteries.*

3           *(B) Working with Federal, regional, and*  
4       *international transportation agencies to ensure*  
5       *enforcement of U.S. Hazardous Materials Regu-*  
6       *lations and ICAO Technical Instructions with*  
7       *respect to shippers who offer noncompliant ship-*  
8       *ments of lithium ion and lithium metal bat-*  
9       *teries.*

10          *(C) Sharing information, as appropriate,*  
11       *with Federal, regional, and international trans-*  
12       *portation agencies regarding noncompliant ship-*  
13       *ments.*

14          *(D) Pursuing a joint effort with the inter-*  
15       *national aviation community to develop a proc-*  
16       *ess to obtain assurances that appropriate en-*  
17       *forcement actions are taken to reduce the likeli-*  
18       *hood of noncompliant shipments, especially with*  
19       *respect to jurisdictions in which enforcement ac-*  
20       *tivities historically have been limited.*

21          *(E) Providing information in brochures*  
22       *and on the internet in appropriate foreign lan-*  
23       *guages and dialects that describes the actions re-*  
24       *quired to comply with U.S. Hazardous Materials*  
25       *Regulations and ICAO Technical Instructions.*

1                   (F) *Developing joint efforts with the international aviation community to promote a better understanding of the requirements of and methods of compliance with U.S. Hazardous Materials Regulations and ICAO Technical Instructions.*

7                   (3) *REPORTING.—Not later than 120 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit to the appropriate committees of Congress a report on compliance with the policy set forth in subsection (e) and the cooperative efforts carried out, or planned to be carried out, under this subsection.*

14                  (f) *PACKAGING IMPROVEMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with interested stakeholders, shall submit to the appropriate committees of Congress an evaluation of current practices for the packaging of lithium ion batteries and cells for air transportation, including recommendations, if any, to improve the packaging of such batteries and cells for air transportation in a safe, efficient, and cost-effective manner.*

23                  (g) *DEPARTMENT OF TRANSPORTATION POLICY ON INTERNATIONAL REPRESENTATION.—*

1                   (1) *IN GENERAL.*—*It shall be the policy of the*  
2 *Department of Transportation to support the participation*  
3 *of industry and labor stakeholders in all panels and working*  
4 *groups of the dangerous goods panel of the ICAO and any other*  
5 *international test or standard setting organization that considers*  
6 *proposals on the safety or transportation of lithium ion and*  
7 *lithium metal batteries in which the United States*  
8 *participates.*

9  
10                 (2) *PARTICIPATION.*—*The Secretary of Transportation*  
11 *shall request that as part of the ICAO deliberations in the*  
12 *dangerous goods panel on these issues, that appropriate experts*  
13 *on issues under consideration be allowed to participate.*

14  
15                 (h) *DEFINITIONS.*—*In this section, the following defi-*  
16 *nitions apply:*

17                 (1) *ICAO TECHNICAL INSTRUCTIONS.*—*The term*  
18 *“ICAO Technical Instructions” has the meaning given that term in*  
19 *section 828(c) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701*  
20 *note).*

21  
22                 (2) *U.S. HAZARDOUS MATERIALS REGU-*  
23 *TIONS.*—*The term “U.S. Hazardous Materials Regulations” means the regulations in parts 100 through*  
24 *177 of title 49, Code of Federal Regulations (includ-*

1       *ing amendments adopted after the date of enactment*  
2       *of this Act).*

3   **SEC. 334. RUNWAY SAFETY.**

4       *(a) IN GENERAL.—Not later than 6 months after the*  
5       *date of enactment of this Act, the Administrator shall sub-*  
6       *mit to the appropriate committees of Congress a report on*  
7       *improving runway safety.*

8       *(b) CONTENTS.—In the report required under this sec-*  
9       *tion, the Administrator shall—*

10           *(1) review the relative benefits and risks of re-*  
11           *quiring the use of runway awareness and advisory*  
12           *systems in turbine-powered airplanes with a max-*  
13           *imum takeoff weight greater than 19,000 pounds;*

14           *(2) review systems capable of detecting wrong-*  
15           *surface alignment to determine whether the capability*  
16           *exists to detect imminent wrong-surface landings at*  
17           *each airport where such a system is in use;*

18           *(3) describe information gathered from the use of*  
19           *the Airport Surface Surveillance Capability system at*  
20           *San Francisco International Airport since July 2017;*

21           *(4) assess available technologies to determine*  
22           *whether it is feasible, cost-effective, and appropriate*  
23           *to install and deploy, at any airport, systems to pro-*  
24           *vide a direct warning capability to flight crews or air*

1       *traffic controllers, or both, of potential runway incur-*  
2       *sions; and*

3           *(5) describe FAA efforts to develop metrics that*  
4       *would allow the FAA to determine whether runway*  
5       *incursions are increasing and to assess the effective-*  
6       *ness of implemented runway safety initiatives.*

7           *(c) CONSULTATION.—The Administrator shall consult*  
8       *with the National Transportation Safety Board in devel-*  
9       *oping the report required under this section.*

10 **SEC. 335. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**

11           **AND REST REQUIREMENTS.**

12           *(a) MODIFICATION OF FINAL RULE.—*

13           *(1) IN GENERAL.—Not later than 30 days after*  
14       *the date of enactment of this Act, the Secretary of*  
15       *Transportation shall modify the final rule of the Fed-*  
16       *eral Aviation Administration published in the Fed-*  
17       *eral Register on August 19, 1994 (59 Fed. Reg.*  
18       *42974; relating to flight attendant duty period limi-*  
19       *tations and rest requirements) in accordance with the*  
20       *requirements of this subsection.*

21           *(2) CONTENTS.—The final rule, as modified*  
22       *under paragraph (1), shall ensure that—*

23           *(A) a flight attendant scheduled to a duty*  
24       *period of 14 hours or less is given a scheduled*  
25       *rest period of at least 10 consecutive hours; and*

1                   (B) the rest period is not reduced under any  
2                   circumstances.

3                   (b) *FATIGUE RISK MANAGEMENT PLAN.*—

4                   (1) *SUBMISSION OF PLAN BY PART 121 AIR CAR-*  
5                   *RIERS.*—Not later than 90 days after the date of en-  
6                   actment of this Act, each air carrier operating under  
7                   part 121 of title 14, Code of Federal Regulations (in  
8                   this section referred to as a “part 121 air carrier”),  
9                   shall submit to the Administrator of the Federal  
10                  Aviation Administration for review and acceptance a  
11                  fatigue risk management plan for the carrier’s flight  
12                  attendants.

13                  (2) *CONTENTS OF PLAN.*—A fatigue risk manage-  
14                  ment plan submitted by a part 121 air carrier under  
15                  paragraph (1) shall include the following:

16                  (A) Current flight time and duty period  
17                  limitations.

18                  (B) A rest scheme consistent with such limi-  
19                  tations that enables the management of flight at-  
20                  tendant fatigue, including annual training to  
21                  increase awareness of—

22                  (i) fatigue;

23                  (ii) the effects of fatigue on flight at-  
24                  tendants; and

25                  (iii) fatigue countermeasures.

- (i) to improve alertness; and
- (ii) to mitigate performance errors.

## 14 (4) PLAN UPDATES.—

*(B) REVIEW.—Not later than 1 year after the date of submission of a plan update under subparagraph (A), the Administrator shall review and accept or reject the update. If the Administrator rejects an update, the Administrator*

1           *shall provide suggested modifications for resub-*  
2           *mission of the update.*

3           *(5) COMPLIANCE.—A part 121 air carrier shall*  
4           *comply with the fatigue risk management plan of the*  
5           *air carrier that is accepted by the Administrator*  
6           *under this subsection.*

7           *(6) CIVIL PENALTIES.—A violation of this sub-*  
8           *section by a part 121 air carrier shall be treated as*  
9           *a violation of chapter 447 of title 49, United States*  
10          *Code, for purposes of the application of civil penalties*  
11          *under chapter 463 of that title.*

12 **SEC. 336. SECONDARY COCKPIT BARRIERS.**

13          *(a) SHORT TITLE.—This section may be cited as the*  
14          *“Saracini Aviation Safety Act of 2018”.*

15          *(b) REQUIREMENT.—Not later than 1 year after the*  
16          *date of the enactment of this Act, the Administrator of the*  
17          *Federal Aviation Administration shall issue an order re-*  
18          *quiring installation of a secondary cockpit barrier on each*  
19          *new aircraft that is manufactured for delivery to a pas-*  
20          *senger air carrier in the United States operating under the*  
21          *provisions of part 121 of title 14, Code of Federal Regula-*  
22          *tions.*

23 **SEC. 337. AIRCRAFT CABIN EVACUATION PROCEDURES.**

24          *(a) REVIEW.—The Administrator of the Federal Avia-*  
25          *tion Administration shall review—*

1                   (1) evacuation certification of transport-category  
2 aircraft used in air transportation, with regard to—  
3                   (A) emergency conditions, including im-  
4 pacts into water;  
5                   (B) crew procedures used for evacuations  
6 under actual emergency conditions;  
7                   (C) any relevant changes to passenger de-  
8 mographics and legal requirements, including  
9 the Americans with Disabilities Act of 1990 (42  
10 U.S.C. 12101 et seq.), that affect emergency eva-  
11 cations; and  
12                   (D) any relevant changes to passenger seat-  
13 ing configurations, including changes to seat  
14 width, padding, reclining, size, pitch, leg room,  
15 and aisle width; and  
16                   (2) recent accidents and incidents in which pas-  
17 sengers evacuated such aircraft.

18                 (b) *CONSULTATION; REVIEW OF DATA.*—In conducting  
19 the review under subsection (a), the Administrator shall—  
20                 (1) consult with the National Transportation  
21 Safety Board, transport-category aircraft manufac-  
22 turers, air carriers, and other relevant experts and  
23 Federal agencies, including groups representing pas-  
24 sengers, airline crew members, maintenance employ-  
25 ees, and emergency responders; and

1                   (2) review relevant data with respect to evacuation certification of transport-category aircraft.

2

3                   (c) REPORT TO CONGRESS.—Not later than 1 year

4 after the date of enactment of this Act, the Administrator

5 shall submit to the appropriate committees of Congress a

6 report on the results of the review under subsection (a) and

7 related recommendations, if any, including recommendations

8 for revisions to the assumptions and methods used for

9 assessing evacuation certification of transport-category air-

10 craft.

11 **SEC. 338. SENSE OF CONGRESS.**

12                  *It is the sense of Congress that—*

13                  (1) each air carrier should have in place policies

14 and procedures to address sexual misconduct, including

15 policies and procedures to—

16                  (B) facilitate the reporting of sexual mis-

17 conduct to appropriate law enforcement agencies;

18                  (C) communicate to personnel and pas-

19 sengers of the air carrier the rights of such indi-

20 viduals with respect to sexual misconduct;

21                  (D) train personnel of the air carrier to rec-

22 ognize and respond appropriately to, and to no-

23 tify the appropriate law enforcement agency of,

24 sexual misconduct; and

1                   (E) ensure other appropriate actions are  
2                   undertaken to respond effectively to sexual mis-  
3                   conduct; and  
4                   (2) individuals who perpetrate sexual mis-  
5                   conduct should be held accountable under all applica-  
6                   ble Federal and State laws.

7 **SEC. 339. CIVIL PENALTIES FOR INTERFERENCE.**

8                   (a) *INTERFERENCE WITH CABIN OR FLIGHT CREW.*—  
9                   Section 46318(a) of title 49, United States Code, is amend-  
10                  ed—  
11                   (1) by inserting “or sexually” after “physically”  
12                  each place it appears; and  
13                   (2) by striking “\$25,000” and inserting  
14                  “\$35,000”.

15 **SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT**  
16                  **TASK FORCE.**

17                   (a) *ESTABLISHMENT OF TASK FORCE.*—The Secretary  
18                  of Transportation shall establish a task force, to be known  
19                  as the “National In-Flight Sexual Misconduct Task Force”  
20                  (referred to in this section as “Task Force”) to—

21                   (1) review current practices, protocols and re-  
22                  quirements of air carriers in responding to allega-  
23                  tions of sexual misconduct by passengers onboard air-  
24                  craft, including training, reporting and data collec-  
25                  tion; and

1                   (2) provide recommendations on training, re-  
2 porting and data collection regarding allegations of  
3 sexual misconduct occurring on passenger airline  
4 flights that are informed by the review of information  
5 described in paragraph (1) and subsection (c)(5) on  
6 passengers who have experienced sexual misconduct  
7 onboard aircraft.

8                   (b) *MEMBERSHIP.*—The Task Force shall be composed  
9 of, at a minimum, representatives from—

- 10                   (1) Department of Transportation;
- 11                   (2) Department of Justice, including the Federal  
12 Bureau of Investigation, Office of Victims for Crimes,  
13 and the Office on Violence Against Women;
- 14                   (3) National organizations that specialize in  
15 providing services to sexual assault victims;
- 16                   (4) labor organizations that represent flight at-  
17 tendants;
- 18                   (5) labor organizations that represent pilots;
- 19                   (6) airports;
- 20                   (7) air carriers;
- 21                   (8) State and local law enforcement agencies;
- 22 and
- 23                   (9) such other Federal agencies and stakeholder  
24 organizations as the Secretary of Transportation con-  
25 siders appropriate.

1       (c) *PURPOSE OF TASK FORCE.*—The purpose of the  
2 *Task Force shall be to—*

3           (1) *issue recommendations for addressing allegations of sexual misconduct by passengers onboard aircraft, including airline employee and contractor training;*

7           (2) *issue recommendations on effective ways for passengers involved in incidents of alleged sexual misconduct to report such allegation of sexual misconduct;*

11          (3) *issue recommendations on how to most effectively provide data on instances of alleged sexual misconduct onboard aircraft and to whom the data collected should be reported in a manner that protects the privacy and confidentiality of individuals involved in incidents of alleged sexual misconduct and precludes the release of data that publically identifies an individual air carrier to enable better understanding of the frequency and severity of such misconduct;*

21          (4) *issue recommendations for flight attendants, pilots, and other appropriate airline personnel on law enforcement notification in incidents of alleged sexual misconduct;*

1                   (5) review and utilize first-hand accounts from  
2                   passengers who have experienced sexual misconduct  
3                   onboard aircraft; and

4                   (6) other matters deemed necessary by the Task  
5                   Force.

6                   (d) REPORT.—Not later than 1 year after the date of  
7                   enactment of this Act, the Task Force shall submit a report  
8                   with its recommendations and findings developed pursuant  
9                   to subsection (c) to the Secretary of Transportation.

10                  (e) PLAN.—Not later than 180 days after receiving the  
11                  report required under subsection (d) the Secretary of Trans-  
12                  portation, in coordination with relevant federal agencies,  
13                  shall submit to appropriate committees of Congress a plan  
14                  to address the recommendations in the report required  
15                  under subsection (d). The Secretary of Transportation shall  
16                  make changes to guidance, policies and regulations, as nec-  
17                  essary, within 1 year of submitting the plan required in  
18                  this subsection.

19                  (f) REGULATIONS.—Not later than 1 year after sub-  
20                  mitting the plan required in this subsection, the Secretary  
21                  of Transportation may issue regulations as deemed nec-  
22                  essary to require each air carrier and other covered entity  
23                  to develop a policy concerning sexual misconduct in accord-  
24                  ance with the recommendations and findings of the Task  
25                  Force under subsection (c).

1       (g) *SUNSET.*—The Task Force established pursuant to  
2 subsection (a) shall terminate upon the submission of the  
3 report pursuant to subsection (d).

**4 SEC. 339B. REPORTING PROCESS FOR SEXUAL MIS-**

**5 CONDUCT ONBOARD AIRCRAFT.**

6       (a) IN GENERAL.—Not later than two years after the  
7 date of the enactment of this Act, the Attorney General, in  
8 coordination with relevant Federal agencies, shall establish  
9 a streamlined process, based on the plan required under sec-  
10 tion 339A(e) of this Act, for individuals involved in inci-  
11 dents of alleged sexual misconduct onboard aircraft to re-  
12 port such allegations of sexual misconduct to law enforce-  
13 ment in a manner that protects the privacy and confiden-  
14 tiality of individuals involved in such allegations.

15           (b) *AVAILABILITY OF REPORTING PROCESS.*—The  
16 process for reporting established under subsection (a) shall  
17 be made available to the public on the primary Internet  
18 websites of—

19                   (1) the Office for Victims of Crime and the Office  
20                   on Violence Against Women of the Department of Jus-  
21                   tice;

(2) the Federal Bureau of Investigation; and  
(3) the Department of Transportation.

# ***Subtitle B—Unmanned Aircraft Systems***

**3 SEC. 341. DEFINITIONS; INTEGRATION OF CIVIL UNMANNED  
4 AIRCRAFT SYSTEMS INTO NATIONAL AIR-  
5 SPACE SYSTEM.**

6       (a) IN GENERAL.—Part A of subtitle VII of title 49,  
7 United States Code, is amended by inserting after chapter  
8 447 the following:

"See,

“44801. Definitions.

*"44802. Integration of civil unmanned aircraft systems into national airspace system.*

11 “§ 44801. Definitions

12        “In this chapter, the following definitions apply:

“(1) ACTIVELY TETHERED UNMANNED AIRCRAFT SYSTEM.—The term ‘actively tethered unmanned aircraft system’ means an unmanned aircraft system in which the unmanned aircraft component—

“(A) weighs 4.4 pounds or less, including payload but not including the tether;

19                 “(B) is physically attached to a ground sta-  
20                 tion with a taut, appropriately load-rated tether  
21                 that provides continuous power to the unmanned  
22                 aircraft and is unlikely to be separated from the  
23                 unmanned aircraft; and

1               “(C) is controlled and retrieved by such  
2               ground station through physical manipulation of  
3               the tether.

4               “(2) APPROPRIATE COMMITTEES OF CON-  
5               GRESS.—The term ‘appropriate committees of Con-  
6               gress’ means the Committee on Commerce, Science,  
7               and Transportation of the Senate and the Committee  
8               on Transportation and Infrastructure of the House of  
9               Representatives.

10               “(3) ARCTIC.—The term ‘Arctic’ means the  
11               United States zone of the Chukchi Sea, Beaufort Sea,  
12               and Bering Sea north of the Aleutian chain.

13               “(4) CERTIFICATE OF WAIVER; CERTIFICATE OF  
14               AUTHORIZATION.—The terms ‘certificate of waiver’  
15               and ‘certificate of authorization’ mean a Federal  
16               Aviation Administration grant of approval for a spe-  
17               cific flight operation.

18               “(5) COUNTER-UAS SYSTEM.—The term  
19               ‘counter-UAS system’ means a system or device capa-  
20               ble of lawfully and safely disabling, disrupting, or  
21               seizing control of an unmanned aircraft or unmanned  
22               aircraft system.

23               “(6) PERMANENT AREAS.—The term ‘permanent  
24               areas’ means areas on land or water that provide for

1       *launch, recovery, and operation of small unmanned*  
2       *aircraft.*

3           “(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—  
4       *The term ‘public unmanned aircraft system’ means*  
5       *an unmanned aircraft system that meets the quali-*  
6       *fications and conditions required for operation of a*  
7       *public aircraft.*

8           “(8) SENSE AND AVOID CAPABILITY.—*The term*  
9       *‘sense and avoid capability’ means the capability of*  
10      *an unmanned aircraft to remain a safe distance from*  
11      *and to avoid collisions with other airborne aircraft,*  
12      *structures on the ground, and other objects.*

13          “(9) SMALL UNMANNED AIRCRAFT.—*The term*  
14       *‘small unmanned aircraft’ means an unmanned air-*  
15       *craft weighing less than 55 pounds, including the*  
16       *weight of anything attached to or carried by the air-*  
17       *craft.*

18          “(10) TEST RANGE.—*The term ‘test range’*  
19       *means a defined geographic area where research and*  
20       *development are conducted as authorized by the Ad-*  
21       *ministrator of the Federal Aviation Administration,*  
22       *and includes any of the 6 test ranges established by*  
23       *the Administrator under section 332(c) of the FAA*  
24       *Modernization and Reform Act of 2012 (49 U.S.C.*  
25       *40101 note), as in effect on the day before the date*

1       *of enactment of the FAA Reauthorization Act of 2018,*  
2       *and any public entity authorized by the Federal*  
3       *Aviation Administration as an unmanned aircraft*  
4       *system flight test center before January 1, 2009.*

5           “(11) UNMANNED AIRCRAFT.—The term ‘un-  
6       *manned aircraft’ means an aircraft that is operated*  
7       *without the possibility of direct human intervention*  
8       *from within or on the aircraft.*

9           “(12) UNMANNED AIRCRAFT SYSTEM.—The term  
10      ‘unmanned aircraft system’ means an unmanned air-  
11     craft and associated elements (including communica-  
12     tion links and the components that control the un-  
13     manned aircraft) that are required for the operator to  
14     operate safely and efficiently in the national airspace  
15     system.

16           “(13) UTM.—The term ‘UTM’ means an un-  
17       *manned aircraft system traffic management system or*  
18       *service.*

19       **“§44802. Integration of civil unmanned aircraft sys-  
20                  tems into national airspace system”**

21           “(a) REQUIRED PLANNING FOR INTEGRATION.—

22           “(1) COMPREHENSIVE PLAN.—Not later than No-  
23       *November 10, 2012, the Secretary of Transportation, in*  
24       *consultation with representatives of the aviation in-*  
25       *dustry, Federal agencies that employ unmanned air-*

1       *craft systems technology in the national airspace sys-*  
2       *tem, and the unmanned aircraft systems industry,*  
3       *shall develop a comprehensive plan to safely accelerate*  
4       *the integration of civil unmanned aircraft systems*  
5       *into the national airspace system.*

6           “(2) CONTENTS OF PLAN.—The plan required  
7       under paragraph (1) shall contain, at a minimum,  
8       recommendations or projections on—

9                  “(A) the rulemaking to be conducted under  
10       subsection (b), with specific recommendations on  
11       how the rulemaking will—

12                  “(i) define the acceptable standards for  
13       operation and certification of civil un-  
14       manned aircraft systems;

15                  “(ii) ensure that any civil unmanned  
16       aircraft system includes a sense-and-avoid  
17       capability; and

18                  “(iii) establish standards and require-  
19       ments for the operator and pilot of a civil  
20       unmanned aircraft system, including stand-  
21       ards and requirements for registration and  
22       licensing;

23                  “(B) the best methods to enhance the tech-  
24       nologies and subsystems necessary to achieve the

1       *safe and routine operation of civil unmanned*  
2       *aircraft systems in the national airspace system;*

3           “(C) a phased-in approach to the integra-  
4       *tion of civil unmanned aircraft systems into the*  
5       *national airspace system;*

6           “(D) a timeline for the phased-in approach  
7       *described under subparagraph (C);*

8           “(E) creation of a safe airspace designation  
9       *for cooperative manned and unmanned flight op-*  
10      *erations in the national airspace system;*

11          “(F) establishment of a process to develop  
12       *certification, flight standards, and air traffic re-*  
13       *quirements for civil unmanned aircraft systems*  
14       *at test ranges where such systems are subject to*  
15       *testing;*

16          “(G) the best methods to ensure the safe op-  
17       *eration of civil unmanned aircraft systems and*  
18       *public unmanned aircraft systems simulta-*  
19       *neously in the national airspace system; and*

20          “(H) incorporation of the plan into the an-  
21       *nual NextGen Implementation Plan document*  
22       *(or any successor document) of the Federal Avia-*  
23       *tion Administration.*

24          “(3) DEADLINE.—The plan required under para-  
25       *graph (1) shall provide for the safe integration of civil*

1       *unmanned aircraft systems into the national airspace*  
2       *system as soon as practicable, but not later than Sep-*  
3       *tember 30, 2015.*

4           “(4) REPORT TO CONGRESS.—Not later than  
5       *February 14, 2013, the Secretary shall submit to Con-*  
6       *gress a copy of the plan required under paragraph*  
7       *(1).*

8           “(5) ROADMAP.—Not later than February 14,  
9       *2013, the Secretary shall approve and make available*  
10      *in print and on the Administration’s internet website*  
11      *a 5-year roadmap for the introduction of civil un-*  
12      *manned aircraft systems into the national airspace*  
13      *system, as coordinated by the Unmanned Aircraft*  
14      *Program Office of the Administration. The Secretary*  
15      *shall update, in coordination with the Administrator*  
16      *of the National Aeronautics and Space Administra-*  
17      *tion (NASA) and relevant stakeholders, including*  
18      *those in industry and academia, the roadmap annu-*  
19      *ally. The roadmap shall include, at a minimum—*

20           “(A) cost estimates, planned schedules, and  
21      *performance benchmarks, including specific*  
22      *tasks, milestones, and timelines, for unmanned*  
23      *aircraft systems integration into the national*  
24      *airspace system, including an identification of—*

1                   “(i) the role of the unmanned aircraft  
2 systems test ranges established under sub-  
3 section (c) and the Unmanned Aircraft Sys-  
4 tems Center of Excellence;

5                   “(ii) performance objectives for un-  
6 manned aircraft systems that operate in the  
7 national airspace system; and

8                   “(iii) research and development prior-  
9 ities for tools that could assist air traffic  
10 controllers as unmanned aircraft systems  
11 are integrated into the national airspace  
12 system, as appropriate;

13                  “(B) a description of how the Administra-  
14 tion plans to use research and development, in-  
15 cluding research and development conducted  
16 through NASA’s Unmanned Aircraft Systems  
17 Traffic Management initiatives, to accommodate,  
18 integrate, and provide for the evolution of un-  
19 manned aircraft systems in the national air-  
20 space system;

21                  “(C) an assessment of critical performance  
22 abilities necessary to integrate unmanned air-  
23 craft systems into the national airspace system,  
24 and how these performance abilities can be dem-  
25 onstrated; and

1               “(D) an update on the advancement of tech-  
2               nologies needed to integrate unmanned aircraft  
3               systems into the national airspace system, in-  
4               cluding decisionmaking by adaptive systems,  
5               such as sense-and-avoid capabilities and cyber  
6               physical systems security.

7               “(b) RULEMAKING.—Not later than 18 months after  
8               the date on which the plan required under subsection (a)(1)  
9               is submitted to Congress under subsection (a)(4), the Sec-  
10               retary shall publish in the Federal Register—

11               “(1) a final rule on small unmanned aircraft  
12               systems that will allow for civil operation of such sys-  
13               tems in the national airspace system, to the extent the  
14               systems do not meet the requirements for expedited  
15               operational authorization under section 44807;

16               “(2) a notice of proposed rulemaking to imple-  
17               ment the recommendations of the plan required under  
18               subsection (a)(1), with the final rule to be published  
19               not later than 16 months after the date of publication  
20               of the notice; and

21               “(3) an update to the Administration’s most re-  
22               cent policy statement on unmanned aircraft systems,  
23               contained in Docket No. FAA-2006-25714.”.

24               (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1                   (1) *TABLE OF CHAPTERS.*—*The table of chapters*  
2       *for subtitle VII of title 49, United States Code, is*  
3       *amended by inserting after the item relating to chap-*  
4       *ter 447 the following:*

“448 . Unmanned aircraft systems ..... 44801”.

5                   (2) *REPEAL.*—*Section 332 of the FAA Mod-*  
6       *ernization and Reform Act of 2012 (49 U.S.C. 40101*  
7       *note) and the item relating to that section in the table*  
8       *of contents under section 1(b) of that Act are repealed.*

9   **SEC. 342. UPDATE OF FAA COMPREHENSIVE PLAN.**

10                  (a) *IN GENERAL.*—*Not later than 270 days after the*  
11       *date of enactment of this Act, the Secretary of Transpor-*  
12       *tation shall update the comprehensive plan described in sec-*  
13       *tion 44802 of title 49, United States Code, to develop a con-*  
14       *cept of operations for the integration of unmanned aircraft*  
15       *into the national airspace system.*

16                  (b) *CONSIDERATIONS.*—*In carrying out the update*  
17       *under subsection (a), the Secretary shall consider, at a min-*  
18       *imum—*

19                   (1) *the potential use of UTM and other tech-*  
20       *nologies to ensure the safe and lawful operation of un-*  
21       *manned aircraft in the national airspace system;*

22                   (2) *the appropriate roles, responsibilities, and*  
23       *authorities of government agencies and the private*  
24       *sector in identifying and reporting unlawful or harm-*  
25       *ful operations and operators of unmanned aircraft;*

1                   (3) the use of models, threat assessments, probabilities, and other methods to distinguish between lawful and unlawful operations of unmanned aircraft; and

5                   (4) appropriate systems, training, intergovernmental processes, protocols, and procedures to mitigate risks and hazards posed by unlawful or harmful operations of unmanned aircraft systems.

9                   (c) CONSULTATION.—The Secretary shall carry out the  
10 update under subsection (a) in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national  
11 airspace system, and the unmanned aircraft systems industry.

12                   try.

15                   (d) PROGRAM ALIGNMENT REPORT.—Not later than  
16 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, a report that describes a strategy to—

19                   (1) avoid duplication;  
20                   (2) leverage capabilities learned across programs;  
21                   (3) support the safe integration of UAS into the national airspace; and

23                   (4) systematically and timely implement or execute—

24                   cute—

1                             (A) commercially-operated Low Altitude  
2                             Authorization and Notification Capability;  
3                             (B) the Unmanned Aircraft System Inte-  
4                             gration Pilot Program; and  
5                             (C) the Unmanned Traffic Management  
6                             Pilot Program.

7     **SEC. 343. UNMANNED AIRCRAFT TEST RANGES.**

8         (a) *IN GENERAL.*—Chapter 448 of title 49, United  
9     States Code, as added by this Act, is further amended by  
10   adding at the end the following:

11    **“§ 44803. Unmanned aircraft test ranges**

12         “(a) *IN GENERAL.*—The Administrator of the Federal  
13     Aviation Administration shall carry out and update, as ap-  
14     propriate, a program for the use of the test ranges to facili-  
15     tate the safe integration of unmanned aircraft systems into  
16     the national airspace system.

17         “(b) *PROGRAM REQUIREMENTS.*—In carrying out the  
18     program under subsection (a), the Administrator shall—

19             “(1) designate airspace for safely testing the in-  
20     tegration of unmanned flight operations in the na-  
21     tional airspace system;

22             “(2) develop operational standards and air traf-  
23     fic requirements for unmanned flight operations at  
24     test ranges;

1           “(3) coordinate with, and leverage the resources  
2       of, the National Aeronautics and Space Administra-  
3       tion and the Department of Defense;

4           “(4) address both civil and public unmanned  
5       aircraft systems;

6           “(5) ensure that the program is coordinated with  
7       relevant aspects of the Next Generation Air Transpor-  
8       tation System;

9           “(6) provide for verification of the safety of un-  
10      manned aircraft systems and related navigation pro-  
11      cedures as it relates to continued development of  
12      standards for integration into the national airspace  
13      system;

14           “(7) engage test range operators, as necessary  
15      and within available resources, in projects for re-  
16      search, development, testing, and evaluation of un-  
17      manned aircraft systems to facilitate the Federal  
18      Aviation Administration’s development of standards  
19      for the safe integration of unmanned aircraft into the  
20      national airspace system, which may include solu-  
21      tions for—

22           “(A) developing and enforcing geographic  
23      and altitude limitations;

24           “(B) providing for alerts by the manufac-  
25      turer of an unmanned aircraft system regarding

1           *any hazards or limitations on flight, including*  
2           *prohibition on flight as necessary;*  
3           “*(C) sense and avoid capabilities;*  
4           “*(D) beyond-visual-line-of-sight operations,*  
5           *nighttime operations, operations over people, op-*  
6           *eration of multiple small unmanned aircraft sys-*  
7           *tems, and unmanned aircraft systems traffic*  
8           *management, or other critical research priorities;*  
9           *and*  
10          “*(E) improving privacy protections through*  
11          *the use of advances in unmanned aircraft sys-*  
12          *tems technology;*  
13          “(8) coordinate periodically with all test range  
14          *operators to ensure test range operators know which*  
15          *data should be collected, what procedures should be*  
16          *followed, and what research would advance efforts to*  
17          *safely integrate unmanned aircraft systems into the*  
18          *national airspace system;*  
19          “(9) streamline to the extent practicable the ap-  
20          *proval process for test ranges when processing un-*  
21          *manned aircraft certificates of waiver or authoriza-*  
22          *tion for operations at the test sites;*  
23          “(10) require each test range operator to protect  
24          *proprietary technology, sensitive data, or sensitive re-*  
25          *search of any civil or private entity when using that*

1       *test range without the need to obtain an experimental*  
2       *or special airworthiness certificate;*

3           “(11) allow test range operators to receive Fed-  
4        *eral funding, other than from the Federal Aviation*  
5       *Administration, including in-kind contributions,*  
6       *from test range participants in the furtherance of re-*  
7       *search, development, and testing objectives.*

8           “(c) WAIVERS.—*In carrying out this section the Ad-*  
9       *ministrator may waive the requirements of section 44711*  
10      *of title 49, United States Code, including related regula-*  
11      *tions, to the extent consistent with aviation safety.*

12          “(d) REVIEW OF OPERATIONS BY TEST RANGE OPERA-  
13       *TORS.—The operator of each test range under subsection (a)*  
14       *shall—*

15           “(1) review the operations of unmanned aircraft  
16       *systems conducted at the test range, including—*

17              “(A) ongoing or completed research; and

18              “(B) data regarding operations by private  
19       *and public operators; and*

20           “(2) submit to the Administrator, in such form  
21       *and manner as specified by the Administrator, the re-*  
22       *sults of the review, including recommendations to fur-*  
23       *ther enable private research and development oper-*  
24       *ations at the test ranges that contribute to the Federal*  
25       *Aviation Administration’s safe integration of un-*

1       *manned aircraft systems into the national airspace  
2       system, on a quarterly basis until the program termi-  
3       nates.*

4       “(e) *TESTING.—The Secretary of Transportation may  
5       authorize an operator of a test range described in subsection  
6       (a) to administer testing requirements established by the  
7       Administrator for unmanned aircraft systems operations.*

8       “(f) *COLLABORATIVE RESEARCH AND DEVELOPMENT  
9       AGREEMENTS.—The Administrator may use the other  
10      transaction authority under section 106(l)(6) and enter  
11      into collaborative research and development agreements, to  
12      direct research related to unmanned aircraft systems, in-  
13      cluding at any test range under subsection (a), and in co-  
14      ordination with the Center of Excellence for Unmanned  
15      Aircraft Systems.*

16       “(g) *USE OF CENTER OF EXCELLENCE FOR UN-  
17      MANNED AIRCRAFT SYSTEMS.—The Administrator, in car-  
18      rying out research necessary to implement the consensus  
19      safety standards requirements in section 44805 shall, to the  
20      maximum extent practicable, leverage the research and test-  
21      ing capacity and capabilities of the Center of Excellence  
22      for Unmanned Aircraft Systems and the test ranges.*

23       “(h) *TERMINATION.—The program under this section  
24      shall terminate on September 30, 2023.”.*

1       (b) *TABLE OF CONTENTS.*—The table of contents for  
2 chapter 448, as added by this Act, is further amended by  
3 adding at the end the following:

“44803. Unmanned aircraft system test ranges.”.

4 **SEC. 344. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.**

5       (a) *IN GENERAL.*—Chapter 448 of title 49, United  
6 States Code, as added by this Act, is further amended by  
7 adding at the end the following:

8 **“§ 44804. Small unmanned aircraft in the Arctic**

9       “(a) *IN GENERAL.*—The Secretary of Transportation  
10 shall develop a plan and initiate a process to work with  
11 relevant Federal agencies and national and international  
12 communities to designate permanent areas in the Arctic  
13 where small unmanned aircraft may operate 24 hours per  
14 day for research and commercial purposes.

15       “(b) *PLAN CONTENTS.*—The plan under subsection (a)  
16 shall include the development of processes to facilitate the  
17 safe operation of small unmanned aircraft beyond the vis-  
18 ual line of sight.

19       “(c) *REQUIREMENTS.*—Each permanent area des-  
20 ignated under subsection (a) shall enable over-water flights  
21 from the surface to at least 2,000 feet in altitude, with in-  
22 gress and egress routes from selected coastal launch sites.

23       “(d) *AGREEMENTS.*—To implement the plan under  
24 subsection (a), the Secretary may enter into an agreement  
25 with relevant national and international communities.

1       “(e) AIRCRAFT APPROVAL.—

2           “(1) IN GENERAL.—Subject to paragraph (2),  
3       not later than 1 year after the entry into force of an  
4       agreement necessary to effectuate the purposes of this  
5       section, the Secretary shall work with relevant na-  
6       tional and international communities to establish and  
7       implement a process for approving the use of a small  
8       unmanned aircraft in the designated permanent areas  
9       in the Arctic without regard to whether the small un-  
10      manned aircraft is used as a public aircraft, a civil  
11      aircraft, or a model aircraft.

12          “(2) EXISTING PROCESS.—The Secretary may  
13       implement an existing process to meet the require-  
14       ments under paragraph (1).”.

15          (b) TABLE OF CONTENTS.—The table of contents for  
16       chapter 448 of title 49, United States Code, as added by  
17       this Act, is further amended by adding at the end the fol-  
18       lowing:

“44804. Small unmanned aircraft in the Arctic.”.

19   **SEC. 345. SMALL UNMANNED AIRCRAFT SAFETY STAND-  
20       ARDS.**

21          (a) IN GENERAL.—Chapter 448 of title 49, United  
22       States Code, as added by this Act, is further amended by  
23       adding at the end the following:

1     **“§ 44805. Small Unmanned aircraft safety standards**

2         “(a) *FAA PROCESS FOR ACCEPTANCE AND AUTHOR-*  
3     *IZATION.*—*The Administrator of the Federal Aviation Ad-*  
4     *ministration shall establish a process for—*

5             “(1) *accepting risk-based consensus safety stand-*  
6     *ards related to the design, production, and modifica-*  
7     *tion of small unmanned aircraft systems;*

8             “(2) *authorizing the operation of small un-*  
9     *manned aircraft system make and model designed,*  
10     *produced, or modified in accordance with the con-*  
11     *sensus safety standards accepted under paragraph*  
12     *(1);*

13             “(3) *authorizing a manufacturer to self-certify a*  
14     *small unmanned aircraft system make or model that*  
15     *complies with consensus safety standards accepted*  
16     *under paragraph (1); and*

17             “(4) *certifying a manufacturer of small un-*  
18     *manned aircraft systems, or an employee of such*  
19     *manufacturer, that has demonstrated compliance with*  
20     *the consensus safety standards accepted under para-*  
21     *graph (1) and met any other qualifying criteria, as*  
22     *determined by the Administrator, to alternatively sat-*  
23     *isfy the requirements of paragraph (1).*

24         “(b) *CONSIDERATIONS.*—*Before accepting consensus*  
25     *safety standards under subsection (a), the Administrator of*

1   *the Federal Aviation Administration shall consider the fol-*  
2   *lowing:*

3           “(1) Technologies or standards related to geo-  
4       graphic limitations, altitude limitations, and sense  
5       and avoid capabilities.

6           “(2) Using performance-based requirements.

7           “(3) Assessing varying levels of risk posed by dif-  
8       ferent small unmanned aircraft systems and their op-  
9       eration and tailoring performance-based requirements  
10      to appropriately mitigate risk.

11          “(4) Predetermined action to maintain safety in  
12       the event that a communications link between a small  
13       unmanned aircraft and its operator is lost or com-  
14       promised.

15          “(5) Detectability and identifiability to pilots,  
16       the Federal Aviation Administration, and air traffic  
17       controllers, as appropriate.

18          “(6) Means to prevent tampering with or modi-  
19       fication of any system, limitation, or other safety  
20       mechanism or standard under this section or any  
21       other provision of law, including a means to identify  
22       any tampering or modification that has been made.

23          “(7) Consensus identification standards under  
24       section 2202 of the FAA Extension, Safety, and Secu-

1       *rity Act of 2016 (Public Law 114–190; 130 Stat.*  
2       *615).*

3           “(8) To the extent not considered previously by  
4       the consensus body that crafted consensus safety  
5       standards, cost-benefit and risk analyses of consensus  
6       safety standards that may be accepted pursuant to  
7       subsection (a) for newly designed small unmanned  
8       aircraft systems.

9           “(9) Applicability of consensus safety standards  
10      to small unmanned aircraft systems that are not  
11      manufactured commercially.

12          “(10) Any technology or standard related to  
13      small unmanned aircraft systems that promotes avia-  
14      tion safety.

15          “(11) Any category of unmanned aircraft sys-  
16      tems that should be exempt from the consensus safety  
17      standards based on risk factors.

18          “(e) NONAPPLICABILITY OF OTHER LAWS.—The proc-  
19      ess for authorizing the operation of small unmanned air-  
20      craft systems under subsection (a) may allow for operation  
21      of any applicable small unmanned aircraft systems within  
22      the national airspace system without requiring—

23           “(1) airworthiness certification requirements  
24      under section 44704 of this title; or

1           “(2) type certification under part 21 of title 14,  
2        *Code of Federal Regulations.*

3           “(f) REVOCATION.—The Administrator may suspend  
4        or revoke the authorizations in subsection (a) if the Adminis-  
5        trator determines that the manufacturer or the small un-  
6        manned aircraft system is no longer in compliance with  
7        the standards accepted by the Administrator under sub-  
8        section (a)(1) or with the manufacturer’s statement of com-  
9        pliance under subsection (h).

10          “(g) REQUIREMENTS.—With regard to an authoriza-  
11        tion under the processes in subsection (a), the Adminis-  
12        trator may require a manufacturer of small unmanned air-  
13        craft systems to provide the Federal Aviation Administra-  
14        tion with the following:

15           “(1) The aircraft system’s operating instructions.  
16           “(2) The aircraft system’s recommended mainte-  
17        nance and inspection procedures.

18           “(3) The manufacturer’s statement of compliance  
19        described in subsection (h).

20           “(4) Upon request, a sample aircraft to be in-  
21        spected by the Federal Aviation Administration to en-  
22        sure compliance with the consensus safety standards  
23        accepted by the Administrator under subsection (a).

1       “(h) MANUFACTURER’S STATEMENT OF COMPLIANCE  
2 FOR SMALL UAS.—A manufacturer’s statement of compli-  
3 ance shall—

4           “(1) identify the aircraft make, model, range of  
5 serial numbers, and any applicable consensus safety  
6 standards used and accepted by the Administrator;

7           “(2) state that the aircraft make and model  
8 meets the provisions of the consensus safety standards  
9 identified in paragraph (1);

10          “(3) state that the aircraft make and model con-  
11 forms to the manufacturer’s design data and is manu-  
12 factured in a way that ensures consistency across  
13 units in the production process in order to meet the  
14 applicable consensus safety standards accepted by the  
15 Administrator;

16          “(4) state that the manufacturer will make  
17 available to the Administrator, operators, or cus-  
18 tomers—

19           “(A) the aircraft’s operating instructions,  
20 which conform to the consensus safety standards  
21 identified in paragraph (1); and

22           “(B) the aircraft’s recommended mainte-  
23 nance and inspection procedures, which conform  
24 to the consensus safety standards identified in  
25 paragraph (1);

1           “(5) state that the manufacturer will monitor  
2 safety-of-flight issues and take action to ensure it  
3 meets the consensus safety standards identified in  
4 paragraph (1) and report these issues and subsequent  
5 actions to the Administrator;

6           “(6) state that at the request of the Adminis-  
7 trator, the manufacturer will provide reasonable ac-  
8 cess for the Administrator to its facilities for the pur-  
9 poses of overseeing compliance with this section; and

10          “(7) state that the manufacturer, in accordance  
11 with the consensus safety standards accepted by the  
12 Federal Aviation Administration, has—

13           “(A) ground and flight tested random sam-  
14 ples of the aircraft;

15           “(B) found the sample aircraft performance  
16 acceptable; and

17           “(C) determined that the make and model of  
18 aircraft is suitable for safe operation.

19          “(i) PROHIBITIONS.—

20           “(1) FALSE STATEMENTS OF COMPLIANCE.—It  
21 shall be unlawful for any person to knowingly submit  
22 a statement of compliance described in subsection (h)  
23 that is fraudulent or intentionally false.

24           “(2) INTRODUCTION INTO INTERSTATE COM-  
25 MERCE.—Unless the Administrator determines oper-

1       ation of an unmanned aircraft system may be con-  
2       ducted without an airworthiness certificate or permis-  
3       sion, authorization, or approval under subsection (a),  
4       it shall be unlawful for any person to knowingly in-  
5       troduce or deliver for introduction into interstate  
6       commerce any small unmanned aircraft system that  
7       is manufactured after the date that the Administrator  
8       accepts consensus safety standards under this section  
9       unless—

10                 “(A) the make and model has been author-  
11       ized for operation under subsection (a); or

12                 “(B) the aircraft has alternatively received  
13       design and production approval issued by the  
14       Federal Aviation Administration.

15       “(j) *EXCLUSIONS.*—The Administrator may exempt  
16       from the requirements of this section small unmanned air-  
17       craft systems that are not capable of navigating beyond the  
18       visual line of sight of the operator through advanced flight  
19       systems and technology, if the Administrator determines  
20       that such an exemption does not pose a risk to the safety  
21       of the national airspace system.”.

22       (b) *UNMANNED AIRCRAFT SYSTEMS RESEARCH FACIL-  
23       ITY.*—The Center of Excellence for Unmanned Aircraft Sys-  
24       tems shall establish an unmanned aircraft systems research  
25       facility to study appropriate safety standards for un-

1 manned aircraft systems and to validate such standards,  
2 as directed by the Administrator of the Federal Aviation  
3 Administration, consistent with section 44805 of title 49,  
4 United States Code, as added by this section.

5 (c) TABLE OF CONTENTS.—The table of contents for  
6 chapter 448 of title 49, United States Code, as added by  
7 this Act, is further amended by adding at the end the fol-  
8 lowing:

“44805. Small unmanned aircraft safety standards.”.

9 **SEC. 346. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

10 (a) IN GENERAL.—Chapter 448 of title 49, United  
11 States Code, as added by this Act, is further amended by  
12 adding at the end the following:

13 **“§ 44806. Public unmanned aircraft systems**

14 “(a) GUIDANCE.—The Secretary of Transportation  
15 shall issue guidance regarding the operation of a public un-  
16 manned aircraft system—

17 “(1) to streamline and expedite the process for  
18 the issuance of a certificate of authorization or a cer-  
19 tificate of waiver;

20 “(2) to facilitate the capability of public agencies  
21 to develop and use test ranges, subject to operating re-  
22 strictions required by the Federal Aviation Adminis-  
23 tration, to test and operate public unmanned aircraft  
24 systems; and

1           “(3) to provide guidance on a public agency’s re-  
2 sponsibilities when operating an unmanned aircraft  
3 without a civil airworthiness certificate issued by the  
4 Administration.

5         “(b) AGREEMENTS WITH GOVERNMENT AGENCIES.—

6           “(1) IN GENERAL.—The Secretary shall enter  
7 into an agreement with each appropriate public agen-  
8 cy to simplify the process for issuing a certificate of  
9 waiver or a certificate of authorization with respect  
10 to an application for authorization to operate a pub-  
11 lic unmanned aircraft system in the national air-  
12 space system.

13           “(2) CONTENTS.—An agreement under para-  
14 graph (1) shall—

15           “(A) with respect to an application de-  
16 scribed in paragraph (1)—

17           “(i) provide for an expedited review of  
18 the application;

19           “(ii) require a decision by the Admin-  
20 istrator on approval or disapproval not  
21 later than 60 business days after the date of  
22 submission of the application; and

23           “(iii) allow for an expedited appeal if  
24 the application is disapproved;

1               “(B) allow for a one-time approval of simi-  
2               lar operations carried out during a fixed period  
3               of time; and

4               “(C) allow a government public safety agen-  
5               cy to operate an unmanned aircraft weighing 4.4  
6               pounds or less if that unmanned aircraft is oper-  
7               ated—

8                       “(i) within or beyond the visual line of  
9               sight of the operator;

10                      “(ii) less than 400 feet above the  
11               ground;

12                      “(iii) during daylight conditions;

13                      “(iv) within Class G airspace; and

14                      “(v) outside of 5 statute miles from  
15               any airport, heliport, seaplane base, space-  
16               port, or other location with aviation activi-  
17               ties.

18               “(c) *PUBLIC ACTIVELY TETHERED UNMANNED AIR-*  
19 *CRAFT SYSTEMS.*—

20                      “(1) *IN GENERAL.*—Not later than 180 days  
21               after the date of enactment of this Act, the Adminis-  
22               trator of the Federal Aviation Administration shall  
23               permit the use of, and may issue guidance regarding,  
24               the use of public actively tethered unmanned aircraft  
25               systems that are—

1               “(A) operated at an altitude of less than  
2               150 feet above ground level;

3               “(B) operated—

4               “(i) within class G airspace; or  
5               “(ii) at or below the ceiling depicted on  
6               the Federal Aviation Administration’s pub-  
7               lished UAS facility maps for class B, C, D,  
8               or E surface area airspace;

9               “(C) not flown directly over non-partici-  
10              pating persons;

11              “(D) operated within visual line of sight of  
12              the operator; and

13              “(E) operated in a manner that does not  
14              interfere with and gives way to any other air-  
15              craft.

16              “(2) REQUIREMENTS.—Public actively tethered  
17              unmanned aircraft systems may be operated —

18              “(A) without any requirement to obtain a  
19              certificate of authorization, certificate of waiver,  
20              or other approval by the Federal Aviation Ad-  
21              ministration;

22              “(B) without requiring airman certification  
23              under section 44703 of this title or any rule or  
24              regulation relating to airman certification; and

1               “(C) without requiring airworthiness cer-  
2               tification under section 44704 of this title or any  
3               rule or regulation relating to aircraft certifi-  
4               cation.

5               “(3) SAFETY STANDARDS.—Public actively teth-  
6               ered unmanned aircraft systems operated within the  
7               scope of the guidance issued pursuant to paragraph  
8               (1) shall be exempt from the requirements of section  
9               44805 of this title.

10               “(4) SAVINGS PROVISION.—Nothing in this sub-  
11               section shall be construed to preclude the Adminis-  
12               trator of the Federal Aviation Administration from  
13               issuing new regulations for public actively tethered  
14               unmanned aircraft systems in order to ensure the  
15               safety of the national airspace system.

16               “(d) FEDERAL AGENCY COORDINATION TO ENHANCE  
17               THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUB-  
18               LIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator  
19               shall assist Federal civilian Government agencies that oper-  
20               ate unmanned aircraft systems within civil-controlled air-  
21               space, in operationally deploying and integrating sense and  
22               avoid capabilities, as necessary to operate unmanned air-  
23               craft systems safely within the national airspace system.”.

24               (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1                   (1) *TABLE OF CONTENTS.*—*The table of contents*  
 2       *for chapter 448 of title 49, United States Code, as*  
 3       *added by this Act, is further amended by adding at*  
 4       *the end the following:*

“44806. *Public unmanned aircraft systems.*”.

5                   (2) *PUBLIC UNMANNED AIRCRAFT SYSTEMS.*—  
 6       *Section 334 of the FAA Modernization and Reform*  
 7       *Act of 2012 (49 U.S.C. 40101 note) and the item re-*  
 8       *lating to that section in the table of contents under*  
 9       *section 1(b) of that Act (126 Stat. 13) are repealed.*

10                  (3) *FACILITATING INTERAGENCY COOPERA-*  
 11       *TION.*—*Section 2204(a) of the FAA Extension, Safety,*  
 12       *and Security Act of 2016 (Public Law 114-190; 130*  
 13       *Stat. 615) is amended by striking “section 334(c) of*  
 14       *the FAA Modernization and Reform Act of 2012 (49*  
 15       *U.S.C. 40101 note)” and inserting “section 44806 of*  
 16       *title 49, United States Code”.*

17   **SEC. 347. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**  
 18                   **AIRCRAFT SYSTEMS.**

19                  (a) *IN GENERAL.*—*Chapter 448 of title 49, United*  
 20       *States Code, as added by this Act, is further amended by*  
 21       *adding at the end the following:*

22   **“§ 44807. Special authority for certain unmanned air-**  
 23                   **craft systems**

24                  “(a) *IN GENERAL.*—*Notwithstanding any other re-*  
 25       *quirement of this chapter, the Secretary of Transportation*

1 shall use a risk-based approach to determine if certain un-  
2 manned aircraft systems may operate safely in the national  
3 airspace system notwithstanding completion of the com-  
4 prehensive plan and rulemaking required by section 44802  
5 or the guidance required by section 44806.

6       “(b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-  
7 TEMS.—In making the determination under subsection (a),  
8 the Secretary shall determine, at a minimum—

9           “(1) which types of unmanned aircraft systems,  
10 if any, as a result of their size, weight, speed, oper-  
11 ational capability, proximity to airports and popu-  
12 lated areas, operation over people, and operation  
13 within or beyond the visual line of sight, or operation  
14 during the day or night, do not create a hazard to  
15 users of the national airspace system or the public;  
16 and

17           “(2) whether a certificate under section 44703 or  
18 section 44704 of this title, or a certificate of waiver  
19 or certificate of authorization, is required for the op-  
20 eration of unmanned aircraft systems identified  
21 under paragraph (1) of this subsection.

22       “(c) REQUIREMENTS FOR SAFE OPERATION.—If the  
23 Secretary determines under this section that certain un-  
24 manned aircraft systems may operate safely in the national  
25 airspace system, the Secretary shall establish requirements

1 for the safe operation of such aircraft systems in the na-  
2 tional airspace system, including operation related to re-  
3 search, development, and testing of proprietary systems.

4       “(d) SUNSET.—The authority under this section for  
5 the Secretary to determine if certain unmanned aircraft  
6 systems may operate safely in the national airspace system  
7 terminates effective September 30, 2023.”.

8       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

9           (1) TABLE OF CONTENTS.—The table of contents  
10 for chapter 448, as added by this Act, is further  
11 amended by adding at the end the following:

“44807. Special authority for certain unmanned aircraft systems.”.

12           (2) SPECIAL RULES FOR CERTAIN UNMANNED  
13 AIRCRAFT SYSTEMS.—Section 333 of the FAA Mod-  
14 ernization and Reform Act of 2012 (49 U.S.C. 40101  
15 note) and the item relating to that section in the table  
16 of contents under section 1(b) of that Act (126 Stat.  
17 13) are repealed.

18 SEC. 348. CARRIAGE OF PROPERTY BY SMALL UNMANNED  
19 AIRCRAFT SYSTEMS FOR COMPENSATION OR  
20 HIRE.

21       (a) IN GENERAL.—Chapter 448 of title 49, United  
22 States Code, as added by this Act, is further amended by  
23 adding at the end the following:

3       “(a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of the FAA Reauthorization Act of 2018,  
5 the Administrator of the Federal Aviation Administration  
6 shall update existing regulations to authorize the carriage  
7 of property by operators of small unmanned aircraft sys-  
8 tems for compensation or hire within the United States.

9       “(b) CONTENTS.—Any rulemaking conducted under  
10 subsection (a) shall provide for the following:

11           “(1) Use performance-based requirements.

“(2) Consider varying levels of risk to other aircraft and to persons and property on the ground posed by different unmanned aircraft systems and their operation and tailor performance-based requirements to appropriately mitigate risk.

“(3) Consider the unique characteristics of highly automated, small unmanned aircraft systems.

19           “(4) Include requirements for the safe operation  
20       of small unmanned aircraft systems that, at a min-  
21       imum, address—

“(A) airworthiness of small unmanned air-  
craft systems;

“(B) qualifications for operators and the type and nature of the operations;

1               “(C) operating specifications governing the  
2 type and nature of the unmanned aircraft sys-  
3 tem air carrier operations; and

4               “(D) the views of State, local, and tribal of-  
5 ficials related to potential impacts of the car-  
6 riage of property by operators of small un-  
7 manned aircraft systems for compensation or  
8 hire within the communities to be served.

9               “(5) SMALL UAS.—The Secretary may amend  
10 part 298 of title 14, Code of Federal Regulations, to  
11 update existing regulations to establish economic au-  
12 thority for the carriage of property by small un-  
13 manned aircraft systems for compensation or hire.  
14 Such authority shall only require—

15               “(A) registration with the Department of  
16 Transportation;

17               “(B) authorization from the Federal Avia-  
18 tion Administration to conduct operations; and

19               “(C) compliance with chapters 401, 411,  
20 and 417.

21               “(6) AVAILABILITY OF CURRENT CERTIFICATION  
22 PROCESSES.—Pending completion of the rulemaking  
23 required in subsection (a) of this section, a person  
24 may seek an air carrier operating certificate and cer-  
25 tificate of public convenience and necessity, or an ex-

1       emption from such certificate, using existing proc-  
2       esses.”.

(b) TABLE OF CONTENTS.—The table of contents for chapter 448 of title 49, United States Code, as added by this Act, is further amended by adding at the end the following:

*“44808. Carriage of property by small unmanned aircraft systems for compensation or hire.”.*

**7 SEC. 349. EXCEPTION FOR LIMITED RECREATIONAL OPERATIONS OF UNMANNED AIRCRAFT.**

9           (a) *IN GENERAL.*—Chapter 448 of title 49, United  
10 States Code, as added by this Act, is further amended by  
11 adding at the end the following:

“(a) *IN GENERAL.*—Except as provided in subsection (e), and notwithstanding chapter 447 of title 49, United States Code, a person may operate a small unmanned air-craft without specific certification or operating authority from the Federal Aviation Administration if the operation adheres to all of the following limitations:

“(1) The aircraft is flown strictly for recreational purposes.

22           “(2) The aircraft is operated in accordance with  
23       or within the programming of a community-based or-  
24       ganization’s set of safety guidelines that are developed

1       *in coordination with the Federal Aviation Adminis-*  
2       *tration.*

3           “(3) *The aircraft is flown within the visual line*  
4       *of sight of the person operating the aircraft or a vis-*  
5       *ual observer co-located and in direct communication*  
6       *with the operator.*

7           “(4) *The aircraft is operated in a manner that*  
8       *does not interfere with and gives way to any manned*  
9       *aircraft.*

10          “(5) *In Class B, Class C, or Class D airspace or*  
11       *within the lateral boundaries of the surface area of*  
12       *Class E airspace designated for an airport, the oper-*  
13       *ator obtains prior authorization from the Adminis-*  
14       *trator or designee before operating and complies with*  
15       *all airspace restrictions and prohibitions.*

16          “(6) *In Class G airspace, the aircraft is flown*  
17       *from the surface to not more than 400 feet above*  
18       *ground level and complies with all airspace restric-*  
19       *tions and prohibitions.*

20          “(7) *The operator has passed an aeronautical*  
21       *knowledge and safety test described in subsection (g)*  
22       *and maintains proof of test passage to be made avail-*  
23       *able to the Administrator or law enforcement upon re-*  
24       *quest.*

1           “(8) *The aircraft is registered and marked in ac-*  
2 *cordance with chapter 441 of this title and proof of*  
3 *registration is made available to the Administrator or*  
4 *a designee of the Administrator or law enforcement*  
5 *upon request.*

6           “(b) *OTHER OPERATIONS.—Unmanned aircraft oper-*  
7 *ations that do not conform to the limitations in subsection*  
8 *(a) must comply with all statutes and regulations generally*  
9 *applicable to unmanned aircraft and unmanned aircraft*  
10 *systems.*

11          “(c) *OPERATIONS AT FIXED SITES.—*

12           “(1) *OPERATING PROCEDURE REQUIRED.—Per-*  
13 *sons operating unmanned aircraft under subsection*  
14 *(a) from a fixed site within Class B, Class C, or Class*  
15 *D airspace or within the lateral boundaries of the*  
16 *surface area of Class E airspace designated for an*  
17 *airport, or a community-based organization con-*  
18 *ducting a sanctioned event within such airspace, shall*  
19 *make the location of the fixed site known to the Ad-*  
20 *ministrator and shall establish a mutually agreed*  
21 *upon operating procedure with the air traffic control*  
22 *facility.*

23           “(2) *UNMANNED AIRCRAFT WEIGHING MORE*  
24 *THAN 55 POUNDS.—A person may operate an un-*  
25 *manned aircraft weighing more than 55 pounds, in-*

1       *cluding the weight of anything attached to or carried*  
2       *by the aircraft, under subsection (a) if—*

3           *“(A) the unmanned aircraft complies with*  
4           *standards and limitations developed by a com-*  
5           *munity-based organization and approved by the*  
6           *Administrator; and*

7           *“(B) the aircraft is operated from a fixed*  
8           *site as described in paragraph (1).*

9       *“(d) UPDATES.—*

10      *“(1) IN GENERAL.—The Administrator, in con-*  
11      *sultation with government, stakeholders, and commu-*  
12      *nity-based organizations, shall initiate a process to*  
13      *periodically update the operational parameters under*  
14      *subsection (a), as appropriate.*

15      *“(2) CONSIDERATIONS.—In updating an oper-*  
16      *ational parameter under paragraph (1), the Adminis-*  
17      *trator shall consider—*

18          *“(A) appropriate operational limitations to*  
19          *mitigate risks to aviation safety and national se-*  
20          *curity, including risk to the uninvolved public*  
21          *and critical infrastructure;*

22          *“(B) operations outside the membership,*  
23          *guidelines, and programming of a community-*  
24          *based organization;*

1               “(C) physical characteristics, technical  
2               standards, and classes of aircraft operating  
3               under this section;

4               “(D) trends in use, enforcement, or inci-  
5               dents involving unmanned aircraft systems;

6               “(E) ensuring, to the greatest extent prac-  
7               ticable, that updates to the operational param-  
8               eters correspond to, and leverage, advances in  
9               technology; and

10               “(F) equipage requirements that facilitate  
11               safe, efficient, and secure operations and further  
12               integrate all unmanned aircraft into the na-  
13               tional airspace system.

14               “(3) SAVINGS CLAUSE.—Nothing in this sub-  
15               section shall be construed as expanding the authority  
16               of the Administrator to require a person operating an  
17               unmanned aircraft under this section to seek permis-  
18               sive authority of the Administrator, beyond that re-  
19               quired in subsection (a) of this section, prior to oper-  
20               ation in the national airspace system.

21               “(e) STATUTORY CONSTRUCTION.—Nothing in this sec-  
22               tion shall be construed to limit the authority of the Admin-  
23               istrator to pursue an enforcement action against a person  
24               operating any unmanned aircraft who endangers the safety  
25               of the national airspace system.

1       “(f) *EXCEPTIONS.*—Nothing in this section prohibits  
2 the Administrator from promulgating rules generally appli-  
3 cable to unmanned aircraft, including those unmanned air-  
4 craft eligible for the exception set forth in this section, relat-  
5 ing to—

6           “(1) updates to the operational parameters for  
7 unmanned aircraft in subsection (a);

8           “(2) the registration and marking of unmanned  
9 aircraft;

10          “(3) the standards for remotely identifying own-  
11 ers and operators of unmanned aircraft systems and  
12 associated unmanned aircraft; and

13          “(4) other standards consistent with maintain-  
14 ing the safety and security of the national airspace  
15 system.

16       “(g) *AERONAUTICAL KNOWLEDGE AND SAFETY*  
17 *TEST.*—

18           “(1) *IN GENERAL.*—Not later than 180 days  
19 after the date of enactment of this section, the Adminin-  
20 istrator, in consultation with manufacturers of un-  
21 manned aircraft systems, other industry stakeholders,  
22 and community-based organizations, shall develop an  
23 aeronautical knowledge and safety test, which can  
24 then be administered electronically by the Adminis-

1           *trator, a community-based organization, or a person*  
2           *designated by the Administrator.*

3           “*(2) REQUIREMENTS.—The Administrator shall*  
4           *ensure the aeronautical knowledge and safety test is*  
5           *designed to adequately demonstrate an operator’s—*

6           “*(A) understanding of aeronautical safety*  
7           *knowledge; and*

8           “*(B) knowledge of Federal Aviation Admin-*  
9           *istration regulations and requirements per-*  
10          *taining to the operation of an unmanned air-*  
11          *craft system in the national airspace system.*

12          “*(h) COMMUNITY-BASED ORGANIZATION DEFINED.—*  
13          *In this section, the term ‘community-based organization’*  
14          *means a membership-based association entity that—*

15          “*(1) is described in section 501(c)(3) of the In-*  
16          *ternal Revenue Code of 1986;*

17          “*(2) is exempt from tax under section 501(a) of*  
18          *the Internal Revenue Code of 1986;*

19          “*(3) the mission of which is demonstrably the*  
20          *furtherance of model aviation;*

21          “*(4) provides a comprehensive set of safety*  
22          *guidelines for all aspects of model aviation addressing*  
23          *the assembly and operation of model aircraft and that*  
24          *emphasize safe aeromodelling operations within the*  
25          *national airspace system and the protection and safe-*

1       *ty of individuals and property on the ground, and*  
2       *may provide a comprehensive set of safety rules and*  
3       *programming for the operation of unmanned aircraft*  
4       *that have the advanced flight capabilities enabling ac-*  
5       *tive, sustained, and controlled navigation of the air-*  
6       *craft beyond visual line of sight of the operator;*

7           “(5) provides programming and support for any  
8       *local charter organizations, affiliates, or clubs; and*

9           “(6) provides assistance and support in the de-  
10      *velopment and operation of locally designated model*  
11      *aircraft flying sites.*

12      “(i) *RECOGNITION OF COMMUNITY-BASED ORGANIZA-*  
13      *TIONS.—In collaboration with aeromodelling stakeholders,*  
14      *the Administrator shall publish an advisory circular within*  
15      *180 days of the date of enactment of this section that identi-*  
16      *fies the criteria and process required for recognition of com-*  
17      *munity-based organizations.”.*

18      (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

19           (1) *TABLE OF CONTENTS.—The table of contents*  
20      *for chapter 448 of title 49, United States Code, as*  
21      *added by this Act, is further amended by adding at*  
22      *the end the following:*

“44809. *Exception for limited recreational operations of unmanned aircraft.*”.

23           (2) *REPEAL.—Section 336 of the FAA Mod-*  
24      *ernization and Reform Act of 2012 (49 U.S.C. 40101*

1       *note) and the item relating to that section in the table*  
2       *of contents under section 1(b) of that Act are repealed.*

3       **SEC. 350. USE OF UNMANNED AIRCRAFT SYSTEMS AT INSTI-**  
4                   **TUTIONS OF HIGHER EDUCATION.**

5       *(a) EDUCATIONAL AND RESEARCH PURPOSES.—For*  
6       *the purposes of section 44809 of title 49, United States*  
7       *Code, as added by this Act, a “recreational purpose” as dis-*  
8       *tinguished in subsection (a)(1) of such section shall include*  
9       *an unmanned aircraft system operated by an institution*  
10      *of higher education for educational or research purposes.*

11      *(b) UPDATES.—In updating an operational parameter*  
12      *under subsection (d)(1) of such section for unmanned air-*  
13      *craft systems operated by an institution of higher education*  
14      *for educational or research purposes, the Administrator*  
15      *shall consider—*

16          *(1) use of small unmanned aircraft systems and*  
17          *operations at an accredited institution of higher edu-*  
18          *cation, for educational or research purposes, as a*  
19          *component of the institution’s curricula or research;*

20          *(2) the development of streamlined, risk-based*  
21          *operational approval for unmanned aircraft systems*  
22          *operated by institutions of higher education; and*

23          *(3) the airspace and aircraft operators that may*  
24          *be affected by such operations at the institution of*  
25          *higher education.*

1       (c) *DEADLINE FOR ESTABLISHMENT OF PROCEDURES*  
2    *AND STANDARDS.*—*Not later than 270 days after the date*  
3    *of enactment of this Act, the Administrator of the Federal*  
4    *Aviation Administration may establish regulations, proce-*  
5    *dures, and standards, as necessary, to facilitate the safe op-*  
6    *eration of unmanned aircraft systems operated by institu-*  
7    *tions of higher education for educational or research pur-*  
8    *poses.*

9       (d) *DEFINITIONS.*—*In this section:*

10       (1) *INSTITUTION OF HIGHER EDUCATION.*—*The*  
11    *term “institution of higher education” has the mean-*  
12    *ing given to that term by section 101(a) of the Higher*  
13    *Education Act of 1965 (20 U.S.C. 1001(a)).*

14       (2) *EDUCATIONAL OR RESEARCH PURPOSES.*—  
15    *The term “education or research purposes”, with re-*  
16    *spect to the operation of an unmanned aircraft sys-*  
17    *tem by an institution of higher education, includes—*

18       (A) *instruction of students at the institu-*  
19    *tion;*

20       (B) *academic or research related uses of un-*  
21    *manned aircraft systems that have been ap-*  
22    *proved by the institution, including Federal re-*  
23    *search;*

24       (C) *activities undertaken by the institution*  
25    *as part of research projects, including research*

1           *projects sponsored by the Federal Government;*

2           *and*

3           *(D) other academic activities approved by*  
4           *the institution.*

5           *(e) STATUTORY CONSTRUCTION.—*

6           *(1) ENFORCEMENT.—Nothing in this section*  
7           *shall be construed to limit the authority of the Ad-*  
8           *ministrator to pursue an enforcement action against*  
9           *a person operating any unmanned aircraft who en-*  
10          *dangers the safety of the national airspace system.*

11          *(2) REGULATIONS AND STANDARDS.—Nothing in*  
12          *this section prohibits the Administrator from promul-*  
13          *gating any rules or standards consistent with main-*  
14          *taining the safety and security of the national air-*  
15          *space system.*

16 **SEC. 351. UNMANNED AIRCRAFT SYSTEMS INTEGRATION**

17          **PILOT PROGRAM.**

18          *(a) AUTHORITY.—The Secretary of Transportation*  
19          *may establish a pilot program to enable enhanced drone*  
20          *operations as required in the October 25, 2017 Presidential*  
21          *Memorandum entitled “Unmanned Aircraft Systems Inte-*  
22          *gration Pilot Program” and described in 82 Federal Reg-*  
23          *ister 50301.*

24          *(b) APPLICATIONS.—The Secretary shall accept appli-*  
25          *cations from State, local, and Tribal governments, in part-*

1 *nership with unmanned aircraft system operators and other*  
2 *private-sector stakeholders, to test and evaluate the integra-*  
3 *tion of civil and public UAS operations into the low-alti-*  
4 *tude national airspace system.*

5       (c) *OBJECTIVES.—The purpose of the pilot program is*  
6 *to accelerate existing UAS integration plans by working to*  
7 *solve technical, regulatory, and policy challenges, while ena-*  
8 *bling advanced UAS operations in select areas subject to*  
9 *ongoing safety oversight and cooperation between the Fed-*  
10 *eral Government and applicable State, local, or Tribal ju-*  
11 *risdictions, in order to—*

12           (1) *accelerate the safe integration of UAS into*  
13 *the NAS by testing and validating new concepts of be-*  
14 *yond visual line of sight operations in a controlled*  
15 *environment, focusing on detect and avoid tech-*  
16 *nologies, command and control links, navigation,*  
17 *weather, and human factors;*

18           (2) *address ongoing concerns regarding the po-*  
19 *tential security and safety risks associated with UAS*  
20 *operating in close proximity to human beings and*  
21 *critical infrastructure by ensuring that operators*  
22 *communicate more effectively with Federal, State,*  
23 *local, and Tribal law enforcement to enable law en-*  
24 *forcement to determine if a UAS operation poses such*  
25 *a risk;*

1                   (3) promote innovation in and development of  
2       the United States unmanned aviation industry, espe-  
3       cially in sectors such as agriculture, emergency man-  
4       agement, inspection, and transportation safety, in  
5       which there are significant public benefits to be  
6       gained from the deployment of UAS; and

7                   (4) identify the most effective models of bal-  
8       ancing local and national interests in UAS integra-  
9       tion.

10          (d) APPLICATION SUBMISSION.—The Secretary shall  
11       establish application requirements and require applicants  
12       to include the following information:

13                   (1) Identification of the airspace to be used, in-  
14       cluding shape files and altitudes.

15                   (2) Description of the types of planned oper-  
16       ations.

17                   (3) Identification of stakeholder partners to test  
18       and evaluate planned operations.

19                   (4) Identification of available infrastructure to  
20       support planned operations.

21                   (5) Description of experience with UAS oper-  
22       ations and regulations.

23                   (6) Description of existing UAS operator and  
24       any other stakeholder partnerships and experience.

1                   (7) *Description of plans to address safety, security,*  
2                   *competition, privacy concerns, and community*  
3                   *outreach.*

4                   (e) *MONITORING AND ENFORCEMENT OF LIMITA-*  
5                   *TIONS.—*

6                   (1) *IN GENERAL.—Monitoring and enforcement*  
7                   *of any limitations enacted pursuant to this pilot*  
8                   *project shall be the responsibility of the jurisdiction.*

9                   (2) *SAVINGS PROVISION.—Nothing in paragraph*  
10                  *(1) may be construed to prevent the Secretary from*  
11                  *enforcing Federal law.*

12                  (3) *EXAMPLES OF LIMITATIONS.—Limitations*  
13                  *under this section may include—*

14                  (A) *prohibiting flight during specified*  
15                  *morning and evening rush hours or only permit-*  
16                  *ting flight during specified hours such as day-*  
17                  *light hours, sufficient to ensure reasonable air-*  
18                  *space access;*

19                  (B) *establishing designated take-off and*  
20                  *landing zones, limiting operations over moving*  
21                  *locations or fixed site public road and parks,*  
22                  *sidewalks or private property based on zoning*  
23                  *density, or other land use considerations;*

24                  (C) *requiring notice to public safety or zon-*  
25                  *ing or land use authorities before operating; and*

1                   (D) prohibiting operations in connection  
2                   with community or sporting events that do not  
3                   remain in one place (for example, parades and  
4                   running events).

5                   (f) *SELECTION CRITERIA.*—In making determinations,  
6                   the Secretary shall evaluate whether applications meet or  
7                   exceed the following criteria:

8                   (1) Overall economic, geographic, and climatic  
9                   diversity of the selected jurisdictions.

10                  (2) Overall diversity of the proposed models of  
11                  government involvement.

12                  (3) Overall diversity of the UAS operations to be  
13                  conducted.

14                  (4) The location of critical infrastructure.

15                  (5) The involvement of commercial entities in the  
16                  proposal and their ability to advance objectives that  
17                  may serve the public interest as a result of further in-  
18                  tegration of UAS into the NAS.

19                  (6) The involvement of affected communities in,  
20                  and their support for, participating in the pilot pro-  
21                  gram.

22                  (7) The commitment of the governments and  
23                  UAS operators involved in the proposal to comply  
24                  with requirements related to national defense, home-

1       *land security, and public safety and to address com-*  
2       *petition, privacy, and civil liberties concerns.*

3           *(8) The commitment of the governments and*  
4       *UAS operators involved in the proposal to achieve the*  
5       *following policy objectives:*

6           *(A) Promoting innovation and economic de-*  
7       *velopment.*

8           *(B) Enhancing transportation safety.*

9           *(C) Enhancing workplace safety.*

10          *(D) Improving emergency response and*  
11       *search and rescue functions.*

12          *(E) Using radio spectrum efficiently and*  
13       *competitively.*

14          *(g) IMPLEMENTATION.—The Secretary shall use the*  
15       *data collected and experience gained over the course of this*  
16       *pilot program to—*

17           *(1) identify and resolve technical challenges to*  
18       *UAS integration;*

19           *(2) address airspace use to safely and efficiently*  
20       *integrate all aircraft;*

21           *(3) inform operational standards and procedures*  
22       *to improve safety (for example, detect and avoid ca-*  
23       *pabilities, navigation and altitude performance, and*  
24       *command and control link);*

1                   (4) inform FAA standards that reduce the need  
2       for waivers (for example, for operations over human  
3       beings, night operations, and beyond visual line of  
4       sight); and

5                   (5) address competing interests regarding UAS  
6       operational expansion, safety, security, roles and re-  
7       sponsibilities of non-Federal Government entities, and  
8       privacy issues.

9                   (h) NOTIFICATION.—Prior to initiating any addi-  
10      tional rounds of agreements with State, local, or Tribal gov-  
11      ernments as part of the pilot program established under  
12      subsection (a), the Secretary shall notify the Committee on  
13      Transportation and Infrastructure and the Committee on  
14      Appropriations of the House of Representatives and the  
15      Committee on Commerce, Science, and Transportation and  
16      the Committee on Appropriations in the Senate.

17                  (i) SUNSET.—The pilot program established under  
18      subsection (a) shall terminate 3 years after the date on  
19      which the memorandum referenced in subsection (a) is  
20      signed by the President.

21                  (j) SAVINGS CLAUSE.— Nothing in this section shall  
22      affect any proposals, selections, imposition of conditions,  
23      operations, or other decisions made—

24                  (1) under the pilot program developed by the  
25      Secretary of Transportation pursuant to the Presi-

1       *dential memorandum titled “Unmanned Aircraft*  
2       *Systems Integration Pilot Program”, as published in*  
3       *the Federal Register on October 30, 2017 (82 Fed.*  
4       *Reg. 50301); and*

5               *(2) prior to the date of enactment of this Act.*

6       *(k) DEFINITIONS.—In this section:*

7               *(1) The term “Lead Applicant” means an eligi-*  
8       *ble State, local or Tribal government that has sub-*  
9       *mitted a timely application.*

10          *(2) The term “NAS” means the low-altitude na-*  
11       *tional airspace system.*

12          *(3) The term “UAS” means unmanned aircraft*  
13       *system.*

14       **SEC. 352. PART 107 TRANSPARENCY AND TECHNOLOGY IM-**  
15       **PROVEMENTS.**

16          *(a) TRANSPARENCY.—Not later than 30 days after the*  
17       *date of enactment of this Act, the Administrator shall pub-*  
18       *lish on the FAA website a representative sample of the safe-*  
19       *ty justifications, offered by applicants for small unmanned*  
20       *aircraft system waivers and airspace authorizations, that*  
21       *have been approved by the Administration for each regula-*  
22       *tion waived or class of airspace authorized, except that any*  
23       *published justification shall not reveal proprietary or com-*  
24       *mercially sensitive information.*

1       (b) *TECHNOLOGY IMPROVEMENTS.*—Not later than 90  
2 days after the date of enactment of this Act, the Adminis-  
3 trator shall revise the online waiver and certificates of au-  
4 thorization processes—

- 5             (1) to provide real time confirmation that an  
6 application filed online has been received by the Ad-  
7 ministration; and  
8             (2) to provide an applicant with an opportunity  
9 to review the status of the applicant's application.

10 **SEC. 353. EMERGENCY EXEMPTION PROCESS.**

11       (a) *SENSE OF CONGRESS.*—It is the sense of Congress  
12 that the use of unmanned aircraft systems by civil and pub-  
13 lic operators—

- 14             (1) is an increasingly important tool in response  
15 to a catastrophe, disaster, or other emergency;  
16             (2) helps facilitate emergency response oper-  
17 ations, such as firefighting and search and rescue;  
18 and  
19             (3) helps facilitate post-catastrophic response op-  
20 erations, such as utility and infrastructure restora-  
21 tion efforts and the safe and prompt processing, ad-  
22 justment, and payment of insurance claims.

23       (b) *UPDATES.*—The Administrator shall, as necessary,  
24 update and improve the Special Government Interest proc-  
25 ess described in chapter 7 of Federal Aviation Administra-

1 tion Order JO 7200.23A to ensure that civil and public op-  
2 erators, including local law enforcement agencies and first  
3 responders, continue to use unmanned aircraft system oper-  
4 ations quickly and efficiently in response to a catastrophe,  
5 disaster, or other emergency.

6       (c) *BEST PRACTICES.*—The Administrator shall de-  
7 velop best practices for the use of unmanned aircraft sys-  
8 tems by States and localities to respond to a catastrophe,  
9 disaster, or other emergency response and recovery oper-  
10 ation.

11 SEC. 354. TREATMENT OF UNMANNED AIRCRAFT OPER-  
12 ATING UNDERGROUND.

13       *An unmanned aircraft system that is operated under*  
14   *ground for mining purposes shall not be subject to regula-*  
15   *tion or enforcement by the FAA under title 49, United*  
16   *States Code.*

17 SEC. 355. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-  
18 MENTS.

19           (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-  
20 MENTS.—Section 40102(a)(41) of title 49, United States  
21 Code, is amended by adding at the end the following:

“(F) An unmanned aircraft that is owned and operated by, or exclusively leased for at least 90 continuous days by, an Indian Tribal government, as defined in section 102 of the Robert T.

*Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), except as provided in section 40125(b).”.*

(b) CONFORMING AMENDMENT.—Section 40125(b) of title 49, United States Code, is amended by striking “or (D)” and inserting “(D), or (F)”.

**7 SEC. 356. AUTHORIZATION OF APPROPRIATIONS FOR KNOW  
8 BEFORE YOU FLY CAMPAIGN.**

9        *There are authorized to be appropriated to the Admin-*  
10 *istrator of the Federal Aviation Administration \$1,000,000*  
11 *for each of fiscal years 2019 through 2023, out of funds*  
12 *made available under section 106(k), for the Know Before*  
13 *You Fly educational campaign or similar public informa-*  
14 *tional efforts intended to broaden unmanned aircraft sys-*  
15 *tems safety awareness.*

#### **16 SEC. 357. UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY.**

17        *It is the policy of the United States that the operation*  
18 *of any unmanned aircraft or unmanned aircraft system*  
19 *shall be carried out in a manner that respects and protects*  
20 *personal privacy consistent with the United States Con-*  
21 *stitution and Federal, State, and local law.*

22 SEC. 358. UAS PRIVACY REVIEW.

23       (a) REVIEW.—*The Comptroller General of the United*  
24   *States, in consideration of relevant efforts led by the Na-*  
25   *tional Telecommunications and Information Administra-*

1 *tion, shall carry out a review of the privacy issues and con-*  
2 *cerns associated with the operation of unmanned aircraft*  
3 *systems in the national airspace system.*

4       (b) *CONSULTATION.—In carrying out the review, the*  
5 *Comptroller General shall—*

6           (1) *consult with the Department of Transpor-*  
7 *tation and the National Telecommunications and In-*  
8 *formation Administration of the Department of Com-*  
9 *merce on its ongoing efforts responsive to the Presi-*  
10 *dential memorandum titled “Promoting Economic*  
11 *Competitiveness While Safeguarding Privacy, Civil*  
12 *Rights, and Civil Liberties in Domestic Use of Un-*  
13 *manned Aircraft Systems” and dated February 15,*  
14 *2015;*

15           (2) *examine and identify the existing Federal,*  
16 *State, or relevant local laws that address an individ-*  
17 *ual’s personal privacy;*

18           (3) *identify specific issues and concerns that*  
19 *may limit the availability of civil or criminal legal*  
20 *remedies regarding inappropriate operation of un-*  
21 *manned aircraft systems in the national airspace sys-*  
22 *tem;*

23           (4) *identify any deficiencies in Federal, State, or*  
24 *local privacy protections; and*

1                   (5) provide recommendations to address any lim-  
2                   itations and deficiencies identified in paragraphs (3)  
3                   and (4).

4                   (c) REPORT.—Not later than 180 days after the date  
5                   of enactment of this Act, the Secretary shall submit to the  
6                   appropriate committees of Congress a report on the results  
7                   of the review required under subsection (a).

8                   **SEC. 359. STUDY ON FIRE DEPARTMENT AND EMERGENCY**  
9                   **SERVICE AGENCY USE OF UNMANNED AIR-**  
10                  **CRAFT SYSTEMS.**

11                  (a) STUDY.—

12                  (1) IN GENERAL.—The Administrator shall con-  
13                  duct a study on the use of unmanned aircraft systems  
14                  by fire departments and emergency service agencies.  
15                  Such study shall include an analysis of—

16                  (A) how fire departments and emergency  
17                  service agencies currently use unmanned aircraft  
18                  systems;

19                  (B) obstacles to greater use of unmanned  
20                  aircraft systems by fire departments and emer-  
21                  gency service agencies;

22                  (C) the best way to provide outreach to sup-  
23                  port greater use of unmanned aircraft systems by  
24                  fire departments and emergency service agencies;

1                   (D) laws or regulations that present bar-  
2                   riers to career, combination, and volunteer fire  
3                   departments' ability to use unmanned aircraft  
4                   systems;

5                   (E) training and certifications required for  
6                   the use of unmanned aircraft systems by fire de-  
7                   partments and emergency service agencies;

8                   (F) airspace limitations and concerns in  
9                   the use of unmanned aircraft systems by fire de-  
10                  partments and emergency service agencies;

11                  (G) roles of unmanned aircraft systems in  
12                  the provision of fire and emergency services;

13                  (H) technological challenges to greater adop-  
14                  tion of unmanned aircraft systems by fire de-  
15                  partments and emergency service agencies; and

16                  (I) other issues determined appropriate by  
17                  the Administrator.

18                  (2) CONSULTATION.—In conducting the study  
19                  under paragraph (1), the Administrator shall consult  
20                  with national fire and emergency service organiza-  
21                  tions.

22                  (b) REPORT.—Not later than 180 days after the date  
23                  of enactment of this Act, the Administrator shall submit  
24                  to the appropriate committees of Congress a report on the

1 study conducted under subsection (a), including the Admin-  
2 istrator's findings, conclusions, and recommendations.

3 **SEC. 360. STUDY ON FINANCING OF UNMANNED AIRCRAFT**

4 **SERVICES.**

5 (a) *IN GENERAL.*—Not later than 60 days after the  
6 date of enactment of this Act, the Comptroller General of  
7 the United States shall initiate a study on appropriate fee  
8 mechanisms to recover the costs of—

9 (1) the regulation and safety oversight of un-  
10 manned aircraft and unmanned aircraft systems; and  
11 (2) the provision of air navigation services to  
12 unmanned aircraft and unmanned aircraft systems.

13 (b) *CONSIDERATIONS.*—In carrying out the study, the  
14 Comptroller General shall consider, at a minimum—

15 (1) any recommendations of Task Group 3 of the  
16 Drone Advisory Committee chartered by the Federal  
17 Aviation Administration on August 31, 2016;

18 (2) the total annual costs incurred by the Fed-  
19 eral Aviation Administration for the regulation and  
20 safety oversight of activities related to unmanned air-  
21 craft;

22 (3) the annual costs attributable to various  
23 types, classes, and categories of unmanned aircraft  
24 activities;

1                   (4) air traffic services provided to unmanned  
2 aircraft operating under instrument flight rules, ex-  
3 cluding public aircraft;

4                   (5) the number of full-time Federal Aviation Ad-  
5 ministration employees dedicated to unmanned air-  
6 craft programs;

7                   (6) the use of privately operated UTM and other  
8 privately operated unmanned aircraft systems;

9                   (7) the projected growth of unmanned aircraft  
10 operations for various applications and the estimated  
11 need for regulation, oversight, and other services;

12                   (8) the number of small businesses involved in  
13 the various sectors of the unmanned aircraft industry  
14 and operating as primary users of unmanned air-  
15 craft; and

16                   (9) any best practices or policies utilized by ju-  
17 risdictions outside the United States relating to par-  
18 tial or total recovery of regulation and safety over-  
19 sight costs related to unmanned aircraft and other  
20 emergent technologies.

21                   (c) REPORT TO CONGRESS.—Not later than 180 days  
22 after initiating the study, the Comptroller General shall  
23 submit to the appropriate committees of Congress a report  
24 containing recommendations on appropriate fee mecha-  
25 nisms to recover the costs of regulating and providing air

1 navigation services to unmanned aircraft and unmanned  
2 aircraft systems.

3 **SEC. 361. REPORT ON UAS AND CHEMICAL AERIAL APPLICA-**  
4 **TION.**

5 Not later than 1 year after the date of enactment of  
6 this Act, the Administrator shall submit to the appropriate  
7 committees of Congress a report evaluating which aviation  
8 safety requirements under part 137 of title 14, Code of Fed-  
9 eral Regulations, should apply to unmanned aircraft sys-  
10 tem operations engaged in aerial spraying of chemicals for  
11 agricultural purposes.

12 **SEC. 362. SENSE OF CONGRESS REGARDING UNMANNED**  
13 **AIRCRAFT SAFETY.**

14 It is the sense of Congress that—

15 (1) the unauthorized operation of unmanned air-  
16 craft near airports presents a serious hazard to avia-  
17 tion safety;

18 (2) a collision between an unmanned aircraft  
19 and a conventional aircraft in flight could jeopardize  
20 the safety of persons aboard the aircraft and on the  
21 ground;

22 (3) Federal aviation regulations, including sec-  
23 tions 91.126 through 91.131 of title 14, Code of Fed-  
24 eral Regulations, prohibit unauthorized operation of  
25 an aircraft in controlled airspace near an airport;

1                   (4) Federal aviation regulations, including sec-  
2                   tion 91.13 of title 14, Code of Federal Regulations,  
3                   prohibit the operation of an aircraft in a careless or  
4                   reckless manner so as to endanger the life or property  
5                   of another;

6                   (5) the Administrator should pursue all available  
7                   civil and administrative remedies available to the Ad-  
8                   ministrator, including referrals to other government  
9                   agencies for criminal investigations, with respect to  
10                  persons who operate unmanned aircraft in an unau-  
11                  thorized manner;

12                  (6) the Administrator should—

13                   (A) place particular priority in continuing  
14                  measures, including partnering with nongovern-  
15                  mental organizations and State and local agen-  
16                  cies, to educate the public about the dangers to  
17                  public safety of operating unmanned aircraft  
18                  over areas that have temporary flight restrictions  
19                  in place, for purposes such as wildfires, without  
20                  appropriate authorization; and

21                   (B) partner with State and local agencies to  
22                  effectively enforce relevant laws so that un-  
23                  manned aircrafts do not interfere with the efforts  
24                  of emergency responders;

1                   (7) the Administrator should place particular  
2 priority on continuing measures, including partner-  
3 ships with nongovernmental organizations, to educate  
4 the public about the dangers to the public safety of  
5 operating unmanned aircraft near airports without  
6 the appropriate approvals or authorizations; and  
7                   (8) manufacturers and retail sellers of small un-  
8 manned aircraft systems should take steps to educate  
9 consumers about the safe and lawful operation of such  
10 systems.

11 **SEC. 363. PROHIBITION REGARDING WEAPONS.**

12               (a) *IN GENERAL.*—Unless authorized by the Adminis-  
13 trator, a person may not operate an unmanned aircraft or  
14 unmanned aircraft system that is equipped or armed with  
15 a dangerous weapon.

16               (b) *DANGEROUS WEAPON DEFINED.*—In this section,  
17 the term “dangerous weapon” has the meaning given that  
18 term in section 930(g)(2) of title 18, United States Code.

19               (c) *PENALTY.*—A person who violates this section is  
20 liable to the United States Government for a civil penalty  
21 of not more than \$25,000 for each violation.

22 **SEC. 364. U.S. COUNTER-UAS SYSTEM REVIEW OF INTER-**

23                   **AGENCY COORDINATION PROCESSES.**

24               (a) *IN GENERAL.*—Not later than 60 days after that  
25 date of enactment of this Act, the Administrator, in con-

1 sultation with government agencies currently authorized to  
2 operate Counter-Unmanned Aircraft System (C-UAS) sys-  
3 tems within the United States (including the territories and  
4 possessions of the United States), shall initiate a review of  
5 the following:

6           (1) The process the Administration is using for  
7 interagency coordination of C-UAS activity pursuant  
8 to a relevant Federal statute authorizing such activity  
9 within the United States (including the territories  
10 and possessions of the United States).

11           (2) The standards the Administration is uti-  
12 lizing for operation of a C-UAS systems pursuant to  
13 a relevant Federal statute authorizing such activity  
14 within the United States (including the territories  
15 and possessions of the United States), including  
16 whether the following criteria are being taken into  
17 consideration in the development of the standards:

18               (A) Safety of the national airspace.

19               (B) Protecting individuals and property on  
20 the ground.

21               (C) Non-interference with avionics of  
22 manned aircraft, and unmanned aircraft, oper-  
23 ating legally in the national airspace.

24               (D) Non-interference with air traffic control  
25 systems.

1                   (E) Adequate coordination procedures and  
2                   protocols with the Federal Aviation Administra-  
3                   tion during the operation of C-UAS systems.

4                   (F) Adequate training for personnel oper-  
5                   ating C-UAS systems.

6                   (G) Assessment of the efficiency and effec-  
7                   tiveness of the coordination and review processes  
8                   to ensure national airspace safety while mini-  
9                   mizing bureaucracy.

10                  (H) Best practices for the consistent oper-  
11                  ation of C-UAS systems to the maximum extent  
12                  practicable.

13                  (I) Current airspace authorization informa-  
14                  tion shared by automated approval processes for  
15                  airspace authorizations, such as the Low Altitude  
16                  Authorization and Notification Capability.

17                  (J) Such other matters the Administrator  
18                  considers necessary for the safe and lawful oper-  
19                  ation of C-UAS systems.

20                  (3) Similar interagency coordination processes  
21                  already used for other matters that may be used as  
22                  a model for improving the interagency coordination  
23                  for the usage of C-UAS systems.

24                  (b) REPORT.—Not later than 180 days after the date  
25                  upon which the review in subsection (a) is initiated, the

1     Administrator shall submit to the Committee on Transpor-  
2     tation and Infrastructure of the House of Representatives,  
3     the Committee on Armed Services of the House of Represent-  
4     atives, and the Committee on Commerce, Science, and  
5     Transportation in the Senate, and the Committee on Armed  
6     Services of the Senate, a report on the Administration's ac-  
7     tivities related to C-UAS systems, including—  
8                 (1) any coordination with Federal agencies and  
9                 States, subdivisions and States, political authorities  
10                 of at least 2 States that operate C-UAS systems;  
11                 (2) an assessment of the standards being utilized  
12                 for the operation of a counter-UAS systems within the  
13                 United States (including the territories and posses-  
14                 sions of the United States);  
15                 (3) an assessment of the efficiency and effective-  
16                 ness of the interagency coordination and review proc-  
17                 esses to ensure national airspace safety while mini-  
18                 mizing bureaucracy; and  
19                 (4) a review of any additional authorities needed  
20                 by the Federal Aviation Administration to effectively  
21                 oversee the management of C-UAS systems within the  
22                 United States (including the territories and posses-  
23                 sions of the United States).

1   **SEC. 365. COOPERATION RELATED TO CERTAIN COUNTER-**2                 **UAS TECHNOLOGY.**

3         *In matters relating to the use of systems in the na-*  
4         *tional airspace system intended to mitigate threats posed*  
5         *by errant or hostile unmanned aircraft system operations,*  
6         *the Secretary of Transportation shall consult with the Sec-*  
7         *retary of Defense to streamline deployment of such systems*  
8         *by drawing upon the expertise and experience of the De-*  
9         *partment of Defense in acquiring and operating such sys-*  
10         *tems consistent with the safe and efficient operation of the*  
11         *national airspace system.*

12   **SEC. 366. STRATEGY FOR RESPONDING TO PUBLIC SAFETY**13                 **THREATS AND ENFORCEMENT UTILITY OF**  
14                 **UNMANNED AIRCRAFT SYSTEMS.**

15         *(a) IN GENERAL.—Not later than 1 year after the date*  
16         *of enactment of this Act, the Administrator of the Federal*  
17         *Aviation Administration shall develop a comprehensive*  
18         *strategy to provide outreach to State and local governments*  
19         *and provide guidance for local law enforcement agencies*  
20         *and first responders with respect to—*

21                 *(1) how to identify and respond to public safety*  
22         *threats posed by unmanned aircraft systems; and*

23                 *(2) how to identify and take advantage of oppor-*  
24         *tunities to use unmanned aircraft systems to enhance*  
25         *the effectiveness of local law enforcement agencies and*  
26         *first responders.*

1       (b) RESOURCES.—Not later than 180 days after the  
2 date of enactment of this Act, the Administrator shall estab-  
3 lish a publicly available Internet website that contains re-  
4 sources for State and local law enforcement agencies and  
5 first responders seeking—

6              (1) to respond to public safety threats posed by  
7 unmanned aircraft systems; and  
8              (2) to identify and take advantage of opportuni-  
9 ties to use unmanned aircraft systems to enhance the  
10 effectiveness of local law enforcement agencies and  
11 public safety response efforts.

12       (c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this  
13 section, the term “unmanned aircraft system” has the  
14 meaning given that term in section 44801 of title 49,  
15 United States Code, as added by this Act.

16 **SEC. 367. INCORPORATION OF FEDERAL AVIATION ADMIN-**  
17 **ISTRATION OCCUPATIONS RELATING TO UN-**  
18 **MANNED AIRCRAFT INTO VETERANS EMPLOY-**  
19 **MENT PROGRAMS OF THE ADMINISTRATION.**

20       Not later than 180 days after the date of the enactment  
21 of this Act, the Administrator of the Federal Aviation Ad-  
22 ministration, in consultation with the Secretary of Veterans  
23 Affairs, the Secretary of Defense, and the Secretary of  
24 Labor, shall determine whether occupations of the Adminis-  
25 tration relating to unmanned aircraft systems technology

1 and regulations can be incorporated into the Veterans' Em-  
2 ployment Program of the Administration, particularly in  
3 the interaction between such program and the New Sights  
4 Work Experience Program and the Vet-Link Cooperative  
5 Education Program.

6 **SEC. 368. PUBLIC UAS ACCESS TO SPECIAL USE AIRSPACE.**

7 Not later than 180 days after the date of enactment  
8 of this Act, the Secretary of Transportation shall issue guid-  
9 ance for the expedited and timely access to special use air-  
10 space for public unmanned aircraft systems in order to as-  
11 sist Federal, State, local, or tribal law enforcement organi-  
12 zations in conducting law enforcement, emergency response,  
13 or for other activities.

14 **SEC. 369. APPLICATIONS FOR DESIGNATION.**

15 Section 2209 of the FAA Extension, Safety, and Secu-  
16 rity Act of 2016 (Public Law 114–190; 130 Stat. 615) is  
17 amended—

18 (1) in subsection (b)(1)(C)(i), by striking “and  
19 distribution facilities and equipment” and inserting  
20 “distribution facilities and equipment, and railroad  
21 facilities”; and

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

23 “(e) DEADLINES.—

1           “(1) Not later than March 31, 2019, the Admin-  
2 istrator shall publish a notice of proposed rulemaking  
3 to carry out the requirements of this section.

4           “(2) Not later than 12 months after publishing  
5 the notice of proposed rulemaking under paragraph  
6 (1), the Administrator shall issue a final rule.”.

7 **SEC. 370. SENSE OF CONGRESS ON ADDITIONAL RULE-**  
8           **MAKING AUTHORITY.**

9           *It is the sense of Congress that—*

10           *(1) beyond visual line of sight operations, night-  
11 time operations, and operations over people of un-  
12 manned aircraft systems have tremendous potential—*

13           *(A) to enhance both commercial and aca-  
14 demic use;*

15           *(B) to spur economic growth and develop-  
16 ment through innovative applications of this  
17 emerging technology; and*

18           *(C) to improve emergency response efforts as  
19 it relates to assessing damage to critical infra-  
20 structure such as roads, bridges, and utilities, in-  
21 cluding water and power, ultimately speeding re-  
22 sponse time;*

23           *(2) advancements in miniaturization of safety  
24 technologies, including for aircraft weighing under  
25 4.4 pounds, have increased economic opportunities for*

1       *using unmanned aircraft systems while reducing ki-*  
2       *netic energy and risk compared to unmanned aircraft*  
3       *that may weigh 4.4 pounds or more, but less than 55*  
4       *pounds;*

5                   (3) advancements in unmanned technology will  
6       have the capacity to ultimately improve manned air-  
7       craft safety; and

8                   (4) integrating unmanned aircraft systems safely  
9                   into the national airspace, including beyond visual  
10                  line of sight operations, nighttime operations on a  
11                  routine basis, and operations over people should re-  
12                  main a top priority for the Federal Aviation Admin-  
13                  istration as it pursues additional rulemakings under  
14                  the amendments made by this section.

15 SEC. 371. ASSESSMENT OF AIRCRAFT REGISTRATION FOR  
16 SMALL UNMANNED AIRCRAFT.

17       (a) *EVALUATION.*—Not later than 180 days after the  
18 date of enactment of this Act, the Secretary of Transporta-  
19 tion shall enter into an agreement with the National  
20 Academy of Public Administration, to estimate and assess  
21 compliance with and the effectiveness of the registration of  
22 small unmanned aircraft systems by the Federal Aviation  
23 Administration pursuant to the interim final rule issued  
24 on December 16, 2015, titled “Registration and Marking

1   *Requirements for Small Unmanned Aircraft” (80 Fed. Reg.*  
2   *78593).*

3           *(b) METRICS.—Upon receiving the assessment, the Sec-*  
4   *retary shall, to the extent practicable, develop metrics to*  
5   *measure compliance with the interim final rule described*  
6   *in subsection (a), and any subsequent final rule, including*  
7   *metrics with respect to—*

8           *(1) the levels of compliance with the interim*  
9   *final rule and any subsequent final rule;*

10          *(2) the number of enforcement actions taken by*  
11   *the Administration for violations of or noncompliance*  
12   *with the interim final rule and any subsequent final*  
13   *rule, together with a description of the actions; and*  
14          *(3) the effect of the interim final rule and any*  
15   *subsequent final rule on compliance with any fees as-*  
16   *sociated with the use of small unmanned aircraft sys-*  
17   *tems.*

18          *(c) REPORT.—Not later than 1 year after the date of*  
19   *enactment of this Act, the Secretary shall submit to the to*  
20   *the appropriate committees of Congress a report con-*  
21   *taining—*

22          *(1) the results of the assessment required under*  
23   *subsection (a);*

24          *(2) the metrics required under subsection (b) and*  
25   *how the Secretary will track these metrics; and*

1                   (3) recommendations to Congress for improvements to the registration process for small unmanned  
2                   aircraft, if necessary.

4                   **SEC. 372. ENFORCEMENT.**

5                   (a) *UAS SAFETY ENFORCEMENT.*—The Administrator  
6                   of the Federal Aviation Administration shall establish a  
7                   pilot program to utilize available remote detection or iden-  
8                   tification technologies for safety oversight, including en-  
9                   forcement actions against operators of unmanned aircraft  
10                  systems that are not in compliance with applicable Federal  
11                  aviation laws, including regulations.

12                  (b) *REPORTING.*—As part of the pilot program, the Ad-  
13                  ministrator shall establish and publicize a mechanism for  
14                  the public and Federal, State, and local law enforcement  
15                  to report suspected operation of unmanned aircraft in vio-  
16                  lation of applicable Federal laws and regulations.

17                  (c) *REPORT TO CONGRESS.*—Not later than 1 year  
18                  after the date of enactment of the FAA Reauthorization Act  
19                  of 2018, and annually thereafter through the duration of  
20                  the pilot program established in subsection (a), the Admin-  
21                  istrator shall submit to the appropriate committees of Con-  
22                  gress a report on the following:

23                   (1) The number of unauthorized unmanned air-  
24                  craft operations detected in restricted airspace, in-

1       *cluding in and around airports, together with a de-*  
2       *scription of such operations.*

3           *(2) The number of enforcement cases brought by*  
4       *the Federal Aviation Administration or other Federal*  
5       *agencies for unauthorized operation of unmanned air-*  
6       *craft detected through the program, together with a*  
7       *description of such cases.*

8           *(3) Recommendations for safety and operational*  
9       *standards for unmanned aircraft detection and miti-*  
10      *gation systems.*

11          *(4) Recommendations for any legislative or regu-*  
12       *latory changes related to mitigation or detection or*  
13       *identification of unmanned aircraft systems.*

14          *(d) SUNSET.—The pilot program established in sub-*  
15      *section (a) shall terminate on September 30, 2023.*

16          *(e) CIVIL PENALTIES.—Section 46301 of title 49,*  
17      *United States Code, is amended—*

18           *(1) in subsection (a)(1)(A), by inserting “chapter*  
19       *448,” after “chapter 447 (except sections 44717 and*  
20       *44719–44723);”;*

21           *(2) in subsection (a)(5)(A)(i), by inserting*  
22       *“chapter 448,” after “chapter 447 (except sections*  
23       *44717–44723);”;*

1                   (3) in subsection (d)(2), by inserting “chapter  
2                  448,” after “chapter 447 (except sections 44717 and  
3                  44719–44723); and

4                   (4) in subsection (f)(1)(A)(i), by inserting “chap-  
5                  ter 448,” after “chapter 447 (except sections 44717  
6                  and 44719–44723).”.

7                 (f) RULE OF CONSTRUCTION.—Nothing in this section  
8 shall be construed to limit the authority of the Adminis-  
9 trator to pursue an enforcement action for a violation of  
10 this subtitle or any other applicable provision of aviation  
11 safety law or regulation using remote detection or identi-  
12 fication or other technology following the sunset of the pilot  
13 program.

14 **SEC. 373. FEDERAL AND LOCAL AUTHORITIES.**

15                 (a) IN GENERAL.—Not later than 180 days after the  
16 date of enactment of this Act, the Comptroller General of  
17 the United States shall—

18                   (1) conduct a study on the relative roles of the  
19 Federal Government, State, local and Tribal govern-  
20 ments in the regulation and oversight of low-altitude  
21 operations of unmanned aircraft systems in the na-  
22 tional airspace system; and

23                   (2) submit to the appropriate committees of Con-  
24 gress a report on the study, including the Comptroller  
25 General’s findings and conclusions.

1       (b) CONTENTS.—The study under subsection (a) shall  
2 review the following:

3           (1) The current state of the law with respect to  
4 Federal authority over low-altitude operations of un-  
5 manned aircraft systems in the national airspace sys-  
6 tem.

7           (2) The current state of the law with respect to  
8 State, local, and Tribal authority over low-altitude  
9 operations of unmanned aircraft systems in the na-  
10 tional airspace system.

11          (3) Potential gaps between authorities under  
12 paragraphs (1) and (2).

13          (4) The degree of regulatory consistency required  
14 among the Federal Government, State governments,  
15 local governments, and Tribal governments for the  
16 safe and financially viable growth and development of  
17 the unmanned aircraft industry.

18          (5) The interests of Federal, State, local, and  
19 Tribal governments affected by low-altitude oper-  
20 ations of unmanned aircraft systems and the authori-  
21 ties of those governments to protect such interests.

22          (6) The infrastructure requirements necessary for  
23 monitoring the low-altitude operations of small un-  
24 manned aircraft and enforcing applicable laws.

1 **SEC. 374. SPECTRUM.**

2       (a) *REPORT.—Not later than 270 days after the date  
3 of enactment of this Act, and after consultation with rel-  
4 evant stakeholders, the Administrator of the Federal Avia-  
5 tion Administration, the National Telecommunications and  
6 Information Administration, and the Federal Communi-  
7 cations Commission, shall submit to the Committee on Com-  
8 merce, Science, and Transportation of the Senate, the Com-  
9 mittee on Transportation and Infrastructure of the House  
10 of Representatives, and the Committee on Energy and Com-  
11 merce of the House of Representatives a report—*

12           (1) *on whether unmanned aircraft systems oper-  
13 ations should be permitted, but not required, to oper-  
14 ate on spectrum that was recommended for allocation  
15 for AM(R)S and control links for UAS by the World  
16 Radio Conferences in 2007 (L-band, 960-1164 MHz)  
17 and 2012 (C-band, 5030-5091 MHz), on an unli-  
18 censed, shared, or exclusive basis, for operations with-  
19 in the UTM system or outside of such a system;*

20           (2) *that addresses any technological, statutory,  
21 regulatory, and operational barriers to the use of such  
22 spectrum; and*

23           (3) *that, if it is determined that some spectrum  
24 frequencies are not suitable for beyond-visual-line-of-  
25 sight operations by unmanned aircraft systems, in-*

1       *cludes recommendations of other spectrum frequencies*  
2       *that may be appropriate for such operations.*

3       *(b) NO EFFECT ON OTHER SPECTRUM.—The report*  
4       *required under subsection (a) does not prohibit or delay use*  
5       *of any licensed spectrum to satisfy control links, tracking,*  
6       *diagnostics, payload communications, collision avoidance,*  
7       *and other functions for unmanned aircraft systems oper-*  
8       *ations.*

9       **SEC. 375. FEDERAL TRADE COMMISSION AUTHORITY.**

10      *(a) IN GENERAL.—A violation of a privacy policy by*  
11     *a person that uses an unmanned aircraft system for com-*  
12     *pensation or hire, or in the furtherance of a business enter-*  
13     *prise, in the national airspace system shall be an unfair*  
14     *and deceptive practice in violation of section 5(a) of the*  
15     *Federal Trade Commission Act (15 U.S.C. 45(a)).*

16      *(b) DEFINITIONS.—In this section, the terms “un-*  
17     *manned aircraft” and “unmanned aircraft system” have  
18     *the meanings given those terms in section 44801 of title 49,*  
19     *United States Code.**

20       **SEC. 376. PLAN FOR FULL OPERATIONAL CAPABILITY OF**  
21                   **UNMANNED AIRCRAFT SYSTEMS TRAFFIC**  
22                   **MANAGEMENT.**

23      *(a) IN GENERAL.—In conjunction with completing the*  
24     *requirements of section 2208 of the FAA Extension, Safety,*  
25     *and Security Act of 2016 (49 U.S.C. 40101 note), subject*

1 to subsection (b) of this section, the Administrator, in co-  
2 ordination with the Administrator of the National Aero-  
3 nautics and Space Administration, and in consultation  
4 with unmanned aircraft systems industry stakeholders,  
5 shall develop a plan to allow for the implementation of un-  
6 manned aircraft systems traffic management (UTM) serv-  
7 ices that expand operations beyond visual line of sight, have  
8 full operational capability, and ensure the safety and secu-  
9 rity of all aircraft.

10 (b) COMPLETION OF UTM SYSTEM PILOT PROGRAM.—  
11 The Administrator shall ensure that the UTM system pilot  
12 program, as established in section 2208 of the FAA Exten-  
13 sion, Safety, and Security Act of 2016 (49 U.S.C. 40101  
14 note), is conducted to meet the following objectives of a com-  
15 prehensive UTM system by the conclusion of the pilot pro-  
16 gram:

17 (1) In cooperation with the National Aeronautics  
18 and Space Administration and manned and un-  
19 manned aircraft industry stakeholders, allow testing  
20 of unmanned aircraft operations, of increasing vol-  
21 umes and density, in airspace above test ranges, as  
22 such term is defined in section 44801 of title 49,  
23 United States Code, as well as other sites determined  
24 by the Administrator to be suitable for UTM testing,  
25 including those locations selected under the pilot pro-

1       gram required in the October 25, 2017, Presidential  
2       Memorandum entitled, “Unmanned Aircraft Systems  
3       Integration Pilot Program” and described in 82 Fed-  
4       eral Register 50301.

5               (2) Permit the testing of various remote identi-  
6       fication and tracking technologies evaluated by the  
7       Unmanned Aircraft Systems Identification and  
8       Tracking Aviation Rulemaking Committee.

9               (3) Where the particular operational environ-  
10      ment permits, permit blanket waiver authority to  
11      allow any unmanned aircraft approved by a UTM  
12      system pilot program selectee to be operated under  
13      conditions currently requiring a case-by-case waiver  
14      under part 107, title 14, Code of Federal Regulations,  
15      provided that any blanket waiver addresses risks to  
16      airborne objects as well as persons and property on  
17      the ground.

18               (c) **IMPLEMENTATION PLAN CONTENTS.**—The plan re-  
19      quired by subsection (a) shall—

20               (1) include the development of safety standards  
21      to permit, authorize, or allow the use of UTM serv-  
22      ices, which may include the demonstration and vali-  
23      dation of such services at the test ranges, as defined  
24      in section 44801 of title 49, United States Code, or  
25      other sites as authorized by the Administrator;

- 1                   (2) outline the roles and responsibilities of industry  
2                   and government in establishing UTM services that  
3                   allow applicants to conduct commercial and non-  
4                   commercial operations, recognizing the primary pri-  
5                   vate sector role in the development and implementa-  
6                   tion of the Low Altitude Authorization and Notifica-  
7                   tion Capability and future expanded UTM services;
- 8                   (3) include an assessment of various components  
9                   required for necessary risk reduction and mitigation  
10                  in relation to the use of UTM services, including—
- 11                  (A) remote identification of both cooperative  
12                  and non-cooperative unmanned aircraft systems  
13                  in the national airspace system;
- 14                  (B) deconfliction of cooperative unmanned  
15                  aircraft systems in the national airspace system  
16                  by such services;
- 17                  (C) the manner in which the Federal Avia-  
18                  tion Administration will conduct oversight of  
19                  UTM systems, including interfaces between UTM  
20                  service providers and air traffic control;
- 21                  (D) the need for additional technologies to  
22                  detect cooperative and non-cooperative aircraft;
- 23                  (E) collaboration and coordination with air  
24                  traffic control, or management services and tech-

1           *nologies to ensure the safety oversight of manned*  
2           *and unmanned aircraft, including—*

3               (i) *the Federal Aviation Administra-*  
4               *tion responsibilities to collect and disseminate*  
5               *relevant data to UTM service pro-*  
6               *viders; and*

7               (ii) *data exchange protocols to share*  
8               *UAS operator intent, operational approvals,*  
9               *operational restraints, and other data nec-*  
10               *essary to ensure safety or security of the*  
11               *National Airspace System;*

12               (F) *the potential for UTM services to man-*  
13               *age unmanned aircraft systems carrying either*  
14               *cargo, payload, or passengers, weighing more*  
15               *than 55 pounds, and operating at altitudes high-*  
16               *er than 400 feet above ground level; and*

17               (G) *cybersecurity protections, data integ-*  
18               *rity, and national and homeland security bene-*  
19               *fits; and*

20               (4) *establish a process for—*

21               (A) *accepting applications for operation of*  
22               *UTM services in the national airspace system;*

23               (B) *setting the standards for independent*  
24               *private sector validation and verification that*  
25               *the standards for UTM services established pur-*

1           *suant to paragraph (1) enabling operations be-*  
2           *yond visual line of sight, have been met by ap-*  
3           *plicants; and*

4           *(C) notifying the applicant, not later than*  
5           *120 days after the Administrator receives a com-*  
6           *plete application, with a written approval, dis-*  
7           *approval, or request to modify the application.*

8       *(d) SAFETY STANDARDS.—In developing the safety*  
9       *standards in subsection (c)(1), the Administrator—*

10          *(1) shall require that UTM services help ensure*  
11          *the safety of unmanned aircraft and other aircraft*  
12          *operations that occur primarily or exclusively in air-*  
13          *space 400 feet above ground level and below, includ-*  
14          *ing operations conducted under a waiver issued pur-*  
15          *suant to subpart D of part 107 of title 14, Code of*  
16          *Federal Regulations;*

17          *(2) shall consider, as appropriate—*

18           *(A) protection of persons and property on*  
19           *the ground;*

20           *(B) remote identification and tracking of*  
21           *aircraft;*

22           *(C) collision avoidance with respect to ob-*  
23           *stacles and non-cooperative aircraft;*

- 1                   (D) deconfliction of cooperative aircraft and  
2                   integration of other relevant airspace consider-  
3                   ations;
- 4                   (E) right of way rules, inclusive of UAS op-  
5                   erations;
- 6                   (F) safe and reliable coordination between  
7                   air traffic control and other systems operated in  
8                   the national airspace system;
- 9                   (G) detection of non-cooperative aircraft;
- 10                  (H) geographic and local factors including  
11                  but not limited to terrain, buildings and struc-  
12                  tures;
- 13                  (I) aircraft equipage; and
- 14                  (J) qualifications, if any, necessary to oper-  
15                  ate UTM services; and
- 16                  (3) may establish temporary flight restrictions or  
17                  other means available such as a certificate of waiver  
18                  or authorization (COA) for demonstration and vali-  
19                  dation of UTM services.
- 20                  (e) *REVOCATION*.—The Administrator may revoke the  
21                  permission, authorization, or approval for the operation of  
22                  UTM services if the Administrator determines that the serv-  
23                  ices or its operator are no longer in compliance with appli-  
24                  cable safety standards.

1       (f) *LOW-RISK AREAS.*—The Administrator shall estab-  
2 lish expedited procedures for approval of UTM services op-  
3 erated in—

4              (1) airspace away from congested areas; or  
5              (2) other airspace above areas in which oper-  
6 ations of unmanned aircraft pose low risk, as deter-  
7 mined by the Administrator.

8       (g) *CONSULTATION.*—In carrying out this section, the  
9 Administrator shall consult with other Federal agencies, as  
10 appropriate.

11       (h) *SENSE OF CONGRESS.*—It is the sense of Congress  
12 that, in developing the safety standards for UTM services,  
13 the Federal Aviation Administration shall consider ongoing  
14 research and development efforts on UTM services conducted  
15 by—

16              (1) the National Aeronautics and Space Admin-  
17 istration in partnership with industry stakeholders;

18              (2) the UTM System pilot program required by  
19 section 2208 of the FAA Extension, Safety, and Secu-  
20 rity Act of 2016 (49 U.S.C. 40101 note); and

21              (3) the participants in the pilot program re-  
22 quired in the October 25, 2017, Presidential Memo-  
23 randum entitled, “Unmanned Aircraft Systems Inte-  
24 gration Pilot Program” and described in 82 Federal  
25 Register 50301.

1       (i) *DEADLINE.*—Not later than 1 year after the date  
2 of conclusion of the UTM pilot program established in sec-  
3 tion 2208 of the FAA Extension, Safety, and Security Act  
4 of 2016 (49 U.S.C. 40101 note), the Administrator shall—  
5           (1) complete the plan required by subsection (a);  
6           (2) submit the plan to—  
7              (A) the Committee on Commerce, Science,  
8 and Transportation of the Senate; and  
9              (B) the Committee on Science, Space, and  
10 Technology and the Committee on Transpor-  
11 tation and Infrastructure of the House of Rep-  
12 resentatives; and  
13           (3) publish the plan on a publicly accessible  
14 Internet website of the Federal Aviation Administra-  
15 tion.

16 **SEC. 377. EARLY IMPLEMENTATION OF CERTAIN UTM SERV-  
17 ICES.**

18       (a) *IN GENERAL.*—Not later than 120 days after the  
19 date of the enactment of this Act, the Administrator shall,  
20 upon request of a UTM service provider, determine if cer-  
21 tain UTM services may operate safely in the national air-  
22 space system before completion of the implementation plan  
23 required by section 376.

24       (b) *ASSESSMENT OF UTM SERVICES.*—In making the  
25 determination under subsection (a), the Administrator shall

1     *assess, at a minimum, whether the proposed UTM services,*  
2     *as a result of their operational capabilities, reliability, in-*  
3     *tended use, areas of operation, and the characteristics of*  
4     *the aircraft involved, will maintain the safety and effi-*  
5     *cieny of the national airspace system and address any*  
6     *identified risks to manned or unmanned aircraft and per-*  
7     *sons and property on the ground.*

8         (c) *REQUIREMENTS FOR SAFE OPERATION.—If the*  
9     *Administrator determines that certain UTM services may*  
10     *operate safely in the national airspace system, the Adminis-*  
11     *trator shall establish requirements for their safe operation*  
12     *in the national airspace system.*

13         (d) *EXPEDITED PROCEDURES.—The Administrator*  
14     *shall provide expedited procedures for making the assess-*  
15     *ment and determinations under this section where the UTM*  
16     *services will be provided primarily or exclusively in air-*  
17     *space above areas in which the operation of unmanned air-*  
18     *craft poses low risk, including but not limited to croplands*  
19     *and areas other than congested areas.*

20         (e) *CONSULTATION.—In carrying out this section, the*  
21     *Administrator shall consult with other Federal agencies, as*  
22     *appropriate.*

23         (f) *PREEEXISTING UTM SERVICES APPROVALS.—Noth-*  
24     *ing in this Act shall affect or delay approvals, waivers, or*  
25     *exemptions granted by the Administrator for UTM services*

1 already in existence or approved by the Administrator prior  
2 to the date of enactment of this Act, including approvals  
3 under the Low Altitude Authorization and Notification Ca-  
4 pability.

5 **SEC. 378. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) each person that uses an unmanned aircraft  
8 system for compensation or hire, or in the furtherance  
9 of a business enterprise, except those operated for pur-  
10 poses protected by the First Amendment of the Con-  
11 stitution, should have a written privacy policy con-  
12 sistent with section 357 that is appropriate to the na-  
13 ture and scope of the activities regarding the collec-  
14 tion, use, retention, dissemination, and deletion of  
15 any data collected during the operation of an un-  
16 manned aircraft system;

17 (2) each privacy policy described in paragraph  
18 (1) should be periodically reviewed and updated as  
19 necessary; and

20 (3) each privacy policy described in paragraph  
21 (1) should be publicly available.

22 **SEC. 379. COMMERCIAL AND GOVERNMENTAL OPERATORS.**

23 (a) IN GENERAL.—Not later than 270 days after the  
24 date of enactment of this Act, the Administrator shall, to  
25 the extent practicable and consistent with applicable law,

1 make available in a single location on the website of the  
2 Department of Transportation:

3 (1) Any certificate of waiver or authorization  
4 issued by the Administration to Federal, State, tribal  
5 or local governments for the operation of unmanned  
6 aircraft systems within 30 days of issuance of such  
7 certificate of waiver or authorization.

8 (2) A spreadsheet of UAS registrations, includ-  
9 ing the city, state, and zip code of each registered  
10 drone owner, on its website that is updated once per  
11 quarter each calendar year.

12 (3) Summary descriptions and general purposes  
13 of public unmanned aircraft operations, including the  
14 locations where such unmanned aircraft may gen-  
15 erally operate.

16 (4) Summary descriptions of common civil un-  
17 manned aircraft operations.

18 (5) The expiration date of any authorization of  
19 public or civil unmanned aircraft operations.

20 (6) Links to websites of State agencies that en-  
21 force any applicable privacy laws.

22 (7) For any unmanned aircraft system, except  
23 with respect to any operation protected by the First  
24 Amendment to the Constitution of the United States,  
25 that will collect personally identifiable information

1       *about individuals, including the use of facial recogni-*  
2       *tion—*

3               *(A) the circumstance under which the sys-*  
4       *tem will be used;*

5               *(B) the specific kinds of personally identifi-*  
6       *able information that the system will collect*  
7       *about individuals; and*

8               *(C) how the information referred to in sub-*  
9       *paragraph (B), and the conclusions drawn from*  
10      *such information, will be used, disclosed, and*  
11      *otherwise handled, including—*

12               *(i) how the collection or retention of*  
13       *such information that is unrelated to the*  
14       *specific use will be minimized;*

15               *(ii) under what circumstances such in-*  
16       *formation might be sold, leased, or otherwise*  
17       *provided to third parties;*

18               *(iii) the period during which such in-*  
19       *formation will be retained;*

20               *(iv) when and how such information,*  
21       *including information no longer relevant to*  
22       *the specified use, will be destroyed; and*

23               *(v) steps that will be used to protect*  
24       *against the unauthorized disclosure of any*  
25       *information or data, such as the use of*

1                   *encryption methods and other security fea-*  
2                   *tures.*

3                   *(8) With respect to public unmanned aircraft*  
4                   *systems—*

5                   *(A) the locations where the unmanned air-*  
6                   *craft system will operate;*

7                   *(B) the time during which the unmanned*  
8                   *aircraft system will operate;*

9                   *(C) the general purpose of the flight; and*

10                  *(D) the technical capabilities that the un-*  
11                  *manned aircraft system possesses.*

12                  *(b) EXCEPTIONS.—The Administrator shall not dis-*  
13                  *close information pursuant to subsection (a) if the Adminis-*  
14                  *trator determines that the release of such information—*

15                  *(1) is not applicable;*

16                  *(2) is not practicable, including when the infor-*  
17                  *mation is not available to the Administrator;*

18                  *(3) is not in compliance with applicable law;*

19                  *(4) would compromise national defense, home-*  
20                  *land security or law enforcement activity;*

21                  *(5) would be withheld pursuant to an exception*  
22                  *of the section 552 of title 5, United States Code (com-*  
23                  *monly known as the “Freedom of Information Act”);*

24                  *or*

25                  *(6) is otherwise contrary to the public interest.*

1       (c) *SUNSET.*—This section will cease to be effective on  
2 *the date that is the earlier of—*

3           (1) *the date of publication of a Notice of Pro-*  
4 *posed Rulemaking or guidance regarding remote iden-*  
5 *tification standards under section 2202 of the FAA*  
6 *Extension, Safety, and Security Act of 2016 (Public*  
7 *Law 114–190; 130 Stat. 615); or*  
8           (2) *September 30, 2023.*

9 **SEC. 380. TRANSITION LANGUAGE.**

10       (a) *REGULATIONS.*—Notwithstanding the repeals  
11 *under sections 341, 348, 347, and 383 of this Act, all orders,*  
12 *determinations, rules, regulations, permits, grants, and*  
13 *contracts, which have been issued under any law described*  
14 *under subsection (b) of this section before the effective date*  
15 *of this Act shall continue in effect until modified or revoked*  
16 *by the Secretary of Transportation, acting through the Ad-*  
17 *ministrator of the Federal Aviation Administration, as ap-*  
18 *plicable, by a court of competent jurisdiction, or by oper-*  
19 *ation of law other than this Act.*

20       (b) *LAWs DESCRIBED.*—The laws described under this  
21 *subsection are as follows:*

22           (1) *Section 332 of the FAA Modernization and*  
23 *Reform Act of 2012 (49 U.S.C. 40101 note).*

24           (2) *Section 333 of the FAA Modernization and*  
25 *Reform Act of 2012 (49 U.S.C. 40101 note).*

1                   (3) *Section 334 of the FAA Modernization and  
2 Reform Act of 2012 (49 U.S.C. 40101 note).*

3                   (4) *Section 2206 of the FAA Extension, Safety,  
4 and Security Act of 2016 (Public Law 114–190; 130  
5 Stat. 615).*

6                   (c) *EFFECT ON PENDING PROCEEDINGS.—This Act  
7 shall not affect administrative or judicial proceedings pend-  
8 ing on the effective date of this Act.*

9 **SEC. 381. UNMANNED AIRCRAFT SYSTEMS IN RESTRICTED**

10                   **BUILDINGS OR GROUNDS.**

11                  *Section 1752 of title 18, United States Code, is amend-  
12 ed by adding after subsection (a)(4) the following:*

13                  *“(5) knowingly and willfully operates an un-  
14 manned aircraft system with the intent to knowingly  
15 and willfully direct or otherwise cause such un-  
16 manned aircraft system to enter or operate within or  
17 above a restricted building or grounds;”.*

18 **SEC. 382. PROHIBITION.**

19                  (i) *AMENDMENT.—Chapter 2 of title 18, United States  
20 Code, is amended by adding at the end the following:*

21                  **“§ 40A. Operation of unauthorized unmanned aircraft  
22 over wildfires**

23                  “(a) *IN GENERAL.—Except as provided in subsection  
24 (b), an individual who operates an unmanned aircraft and  
25 knowingly or recklessly interferes with a wildfire suppres-*

1 sion, or law enforcement or emergency response efforts re-  
2 lated to a wildfire suppression, shall be fined under this  
3 title, imprisoned for not more than 2 years, or both.

4       “(b) *EXCEPTIONS*.—This section does not apply to the  
5 operation of an unmanned aircraft conducted by a unit or  
6 agency of the United States Government or of a State, trib-  
7 al, or local government (including any individual con-  
8 ducting such operation pursuant to a contract or other  
9 agreement entered into with the unit or agency) for the pur-  
10 pose of protecting the public safety and welfare, including  
11 firefighting, law enforcement, or emergency response.

12       “(c) *DEFINITIONS*.—In this section, the following defi-  
13 nitions apply:

14           “(1) *UNMANNED AIRCRAFT*.—The term ‘un-  
15 manned aircraft’ has the meaning given the term in  
16 section 44801 of title 49, United States Code.

17           “(2) *WILDFIRE*.—The term ‘wildfire’ has the  
18 meaning given that term in section 2 of the Emer-  
19 gency Wildfire Suppression Act (42 U.S.C. 1856m).

20           “(3) *WILDFIRE SUPPRESSION*.—The term ‘wild-  
21 fire suppression’ means an effort to contain, extin-  
22 guish, or suppress a wildfire.”.

23       (b) *CONFORMING AMENDMENT*.—The table of sections  
24 for chapter 2 of title 18, United States Code, is amended

1 by inserting after the item relating to section 40 the fol-  
2 lowing:

“40A. Operation of unauthorized unmanned aircraft over wildfires.”.

3 **SEC. 383. AIRPORT SAFETY AND AIRSPACE HAZARD MITIGA-**  
4 **TION AND ENFORCEMENT.**

5 (a) *IN GENERAL.*—Chapter 448 of title 49, United  
6 States Code, as amended by this Act, is further amended  
7 by inserting at the end the following:

8 **“§ 44810. Airport safety and airspace hazard mitigation and enforcement”**

9  
10 “(a) *COORDINATION.*—The Administrator of the Fed-  
11 eral Aviation Administration shall work with the Secretary  
12 of Defense, the Secretary of Homeland Security, and the  
13 heads of other relevant Federal departments and agencies  
14 for the purpose of ensuring that technologies or systems that  
15 are developed, tested, or deployed by Federal departments  
16 and agencies to detect and mitigate potential risks posed  
17 by errant or hostile unmanned aircraft system operations  
18 do not adversely impact or interfere with safe airport oper-  
19 ations, navigation, air traffic services, or the safe and effi-  
20 cient operation of the national airspace system.

21 “(b) *PLAN.*—

22 “(1) *IN GENERAL.*—The Administrator shall de-  
23 velop a plan for the certification, permitting, author-  
24 izing, or allowing of the deployment of technologies or

1       *systems for the detection and mitigation of unmanned*  
2       *aircraft systems.*

3           “(2) CONTENTS.—*The plan shall provide for the*  
4       *development of policies, procedures, or protocols that*  
5       *will allow appropriate officials of the Federal Avia-*  
6       *tion Administration to utilize such technologies or*  
7       *systems to take steps to detect and mitigate potential*  
8       *airspace safety risks posed by unmanned aircraft sys-*  
9       *tem operations.*

10          “(3) AVIATION RULEMAKING COMMITTEE.—*The*  
11       *Administrator shall charter an aviation rulemaking*  
12       *committee to make recommendations for such a plan*  
13       *and any standards that the Administrator determines*  
14       *may need to be developed with respect to such tech-*  
15       *nologies or systems. The Federal Advisory Committee*  
16       *Act (5 U.S.C. App.) shall not apply to an aviation*  
17       *rulemaking committee chartered under this para-*  
18       *graph.*

19          “(4) NON-DELEGATION.—*The plan shall not dele-*  
20       *gate any authority granted to the Administrator*  
21       *under this section to other Federal, State, local, terri-*  
22       *torial, or tribal agencies, or an airport sponsor, as*  
23       *defined in section 47102 of title 49, United States*  
24       *Code.*

1       “(c) AIRSPACE HAZARD MITIGATION PROGRAM.—In  
2 order to test and evaluate technologies or systems that detect  
3 and mitigate potential aviation safety risks posed by un-  
4 manned aircraft, the Administrator shall deploy such tech-  
5 nologies or systems at 5 airports, including 1 airport that  
6 ranks in the top 10 of the FAA’s most recent Passenger  
7 Boarding Data.

8       “(d) AUTHORITY.—Under the testing and evaluation  
9 in subsection (c), the Administrator shall use unmanned  
10 aircraft detection and mitigation systems to detect and  
11 mitigate the unauthorized operation of an unmanned air-  
12 craft that poses a risk to aviation safety.

13       “(e) AIP FUNDING ELIGIBILITY.—Upon the certifi-  
14 cation, permitting, authorizing, or allowing of such tech-  
15 nologies and systems that have been successfully tested  
16 under this section, an airport sponsor may apply for a  
17 grant under subchapter I of chapter 471 to purchase an  
18 unmanned aircraft detection and mitigation system. For  
19 purposes of this subsection, purchasing an unmanned air-  
20 craft detection and mitigation system shall be considered  
21 airport development (as defined in section 47102).

22       “(f) BRIEFING.—The Administrator shall annually  
23 brief the appropriate committees of Congress, including the  
24 Committee on Judiciary of the House of Representatives

1 and the Committee on the Judiciary of the Senate, on the  
2 implementation of this section.

3 “(g) APPLICABILITY OF OTHER LAWS.—Section 46502  
4 of this title, section 32 of title 18, United States Code (com-  
5 monly known as the Aircraft Sabotage Act), section 1031  
6 of title 18, United States Code (commonly known as the  
7 Computer Fraud and Abuse Act of 1986), sections 2510–  
8 2522 of title 18, United States Code (commonly known as  
9 the Wiretap Act), and sections 3121–3127 of title 18,  
10 United States Code (commonly known as the Pen/Trap  
11 Statute), shall not apply to activities authorized by the Ad-  
12 ministrator pursuant to subsection (c) and (d).

13 “(h) SUNSET.—This section ceases to be effective Sep-  
14 tember 30, 2023.

15 “(i) NON-DELEGATION.—The Administrator shall not  
16 delegate any authority granted to the Administrator under  
17 this section to other Federal, State, local, territorial, or trib-  
18 al agencies, or an airport sponsor, as defined in section  
19 47102 of title 49, United States Code. The Administrator  
20 may partner with other Federal agencies under this section,  
21 subject to any restrictions contained in such agencies’ au-  
22 thority to operate counter unmanned aircraft systems.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1                   (1) *TABLE OF CONTENTS.*—*The table of contents*  
2                   *for chapter 448, as amended by this Act, is further*  
3                   *amended by inserting at the end the following:*

“44810. *Airport safety and airspace hazard mitigation and enforcement.*”.

4                   (2) *PILOT PROJECT FOR AIRPORT SAFETY AND*  
5                   *AIRSPACE HAZARD MITIGATION.*—*Section 2206 of the*  
6                   *FAA Extension, Safety, and Security Act of 2016*  
7                   *(Public Law 114–190; 130 Stat. 615) and the item*  
8                   *relating to that section in the table of contents under*  
9                   *section 1(b) of that Act are repealed.*

10 **SEC. 384. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

11                   (a) *IN GENERAL.*—*Chapter 2 of title 18, United States*  
12 *Code, is amended by inserting after section 39A the fol-*  
13 *lowing:*

14 **“§ 39B. Unsafe operation of unmanned aircraft**

15                   “(a) *OFFENSE.*—*Any person who operates an un-*  
16 *manned aircraft and:*

17                   “(1) *Knowingly interferes with, or disrupts the*  
18 *operation of, an aircraft carrying 1 or more occu-*  
19 *pants operating in the special aircraft jurisdiction of*  
20 *the United States, in a manner that poses an immi-*  
21 *nent safety hazard to such occupants, shall be pun-*  
22 *ished as provided in subsection (c).*

23                   “(2) *Recklessly interferes with, or disrupts the*  
24 *operation of, an aircraft carrying 1 or more occu-*  
25 *pants operating in the special aircraft jurisdiction of*

1       *the United States, in a manner that poses an immin-*  
2       *ent safety hazard to such occupants, shall be pun-*  
3       *ished as provided in subsection (c).*

4       “(b) *OPERATION OF UNMANNED AIRCRAFT IN CLOSE*  
5       *PROXIMITY TO AIRPORTS.*—

6       “(1) *IN GENERAL.*—*Any person who, without au-*  
7       *thorization, knowingly operates an unmanned air-*  
8       *craft within a runway exclusion zone shall be pun-*  
9       *ished as provided in subsection (c).*

10      “(2) *RUNWAY EXCLUSION ZONE DEFINED.*—*In*  
11      *this subsection, the term ‘runway exclusion zone’*  
12      *means a rectangular area—*

13      “(A) *centered on the centerline of an active*  
14      *runway of an airport immediately around which*  
15      *the airspace is designated as class B, class C, or*  
16      *class D airspace at the surface under part 71 of*  
17      *title 14, Code of Federal Regulations; and*

18      “(B) *the length of which extends parallel to*  
19      *the runway’s centerline to points that are 1 stat-*  
20      *ute mile from each end of the runway and the*  
21      *width of which is ½ statute mile.*

22      “(c) *PENALTY.*—

23      “(1) *IN GENERAL.*—*Except as provided in para-*  
24      *graph (2), the punishment for an offense under sub-*

1       *sections (a) or (b) shall be a fine under this title, im-*  
2       *prisonment for not more than 1 year, or both.*

3           “(2) SERIOUS BODILY INJURY OR DEATH.—Any  
4       *person who:*

5           “(A) *Causes serious bodily injury or death*  
6       *during the commission of an offense under sub-*  
7       *section (a)(2) shall be fined under this title, im-*  
8       *prisoned for a term of up to 10 years, or both.*

9           “(B) *Causes, or attempts or conspires to*  
10      *cause, serious bodily injury or death during the*  
11      *commission of an offense under subsections*  
12      *(a)(1) and (b) shall be fined under this title, im-*  
13      *prisoned for any term of years or for life, or*  
14      *both.”.*

15       (b) TABLE OF CONTENTS.—*The table of contents for*  
16      *chapter 2 of title 18, United States Code, is amended by*  
17      *inserting after the item relating to section 39A the fol-*  
18      *lowing:*

“39B. *Unsafe operation of unmanned aircraft.”.*

19      **Subtitle C—General Aviation Safety**

20      **SEC. 391. SHORT TITLE.**

21       *This subtitle may be cited as the “Fairness for Pilots*  
22      *Act”.*

**1 SEC. 392. EXPANSION OF PILOT'S BILL OF RIGHTS.**

2       (a) *NOTIFICATION OF INVESTIGATION.*—Subsection (b)  
3 of section 2 of the Pilot's Bill of Rights (Public Law 112–  
4 153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—

5               (1) in paragraph (2)(A), by inserting “and the  
6 specific activity on which the investigation is based”  
7 after “nature of the investigation”;  
8               (2) in paragraph (3), by striking “timely”; and  
9               (3) in paragraph (5), by striking “section  
10 44709(c)(2)” and inserting “section 44709(e)(2)”.

11       (b) *RELEASE OF INVESTIGATIVE REPORTS.*—Section 2  
12 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat.  
13 1159; 49 U.S.C. 44703 note) is further amended by adding  
14 at the end the following:

15               “(f) *RELEASE OF INVESTIGATIVE REPORTS.*—

16               “(1) *IN GENERAL.*—

17                       “(A) *EMERGENCY ORDERS.*—In any pro-  
18 ceeding conducted under part 821 of title 49,  
19 Code of Federal Regulations, relating to the  
20 amendment, modification, suspension, or revoca-  
21 tion of an airman certificate, in which the Ad-  
22 ministrator issues an emergency order under  
23 subsections (d) and (e) of section 44709, section  
24 44710, or section 46105(c) of title 49, United  
25 States Code, or another order that takes effect  
26 immediately, the Administrator shall provide,

1       upon request, to the individual holding the air-  
2       man certificate the releasable portion of the in-  
3       vestigative report at the time the Administrator  
4       issues the order. If the complete Report of Inves-  
5       tigation is not available at the time of the re-  
6       quest, the Administrator shall issue all portions  
7       of the report that are available at the time and  
8       shall provide the full report not later than 5  
9       days after its completion.

10       “(B) OTHER ORDERS.—In any non-  
11       emergency proceeding conducted under part 821  
12       of title 49, Code of Federal Regulations, relating  
13       to the amendment, modification, suspension, or  
14       revocation of an airman certificate, in which the  
15       Administrator notifies the certificate holder of a  
16       proposed certificate action under subsections (b)  
17       and (c) of section 44709 or section 44710 of title  
18       49, United States Code, the Administrator shall,  
19       upon the written request of the covered certificate  
20       holder and at any time after that notification,  
21       provide to the covered certificate holder the re-  
22       leasable portion of the investigative report.

23       “(2) MOTION FOR DISMISSAL.—If the Adminis-  
24       trator does not provide the releasable portions of the  
25       investigative report to the individual holding the air-

1       *man certificate subject to the proceeding referred to in*  
2       *paragraph (1) by the time required by that para-*  
3       *graph, the individual may move to dismiss the com-*  
4       *plaint of the Administrator or for other relief and,*  
5       *unless the Administrator establishes good cause for the*  
6       *failure to provide the investigative report or for a lack*  
7       *of timeliness, the administrative law judge shall order*  
8       *such relief as the judge considers appropriate.*

9                 “(3) *RELEASABLE PORTION OF INVESTIGATIVE*  
10       *REPORT.*—*For purposes of paragraph (1), the releas-*  
11       *able portion of an investigative report is all informa-*  
12       *tion in the report, except for the following:*

13                 “(A) *Information that is privileged.*

14                 “(B) *Information that constitutes work*  
15       *product or reflects internal deliberative process.*

16                 “(C) *Information that would disclose the*  
17       *identity of a confidential source.*

18                 “(D) *Information the disclosure of which is*  
19       *prohibited by any other provision of law.*

20                 “(E) *Information that is not relevant to the*  
21       *subject matter of the proceeding.*

22                 “(F) *Information the Administrator can*  
23       *demonstrate is withheld for good cause.*

24                 “(G) *Sensitive security information, as de-*  
25       *fined in section 15.5 of title 49, Code of Federal*

*Regulations (or any corresponding similar ruling or regulation).*

3                 “(4) RULE OF CONSTRUCTION.—Nothing in this  
4 subsection shall be construed to prevent the Adminis-  
5 trator from releasing to an individual subject to an  
6 investigation described in subsection (b)(1)—

7               “(A) information in addition to the infor-  
8               mation included in the releasable portion of the  
9               investigative report; or

10                   “(B) a copy of the investigative report be-  
11                   fore the Administrator issues a complaint.”.

12 SEC. 393. NOTIFICATION OF REEXAMINATION OF CERTIFI-  
13 CATE HOLDERS.

14           (a) IN GENERAL.—Section 44709(a) of title 49, United  
15 States Code, is amended—

16                   (1) by striking “The Administrator” and insert-  
17                   ing the following:

18                   “(1) IN GENERAL.—*The Administrator*”:

(2) by adding at the end the following:

20                 “(2) NOTIFICATION OF REEXAMINATION OF AIR-  
21                 MAN.—Before taking any action to reexamine an air-  
22                 man under paragraph (1) the Administrator shall  
23                 provide to the airman—

“(A) a reasonable basis, described in detail,  
for requesting the reexamination; and

1               “(B) any information gathered by the Fed-  
2               eral Aviation Administration, that the Adminis-  
3               trator determines is appropriate to provide, such  
4               as the scope and nature of the requested reexam-  
5               ination, that formed the basis for that justifica-  
6               tion.”.

7   **SEC. 394. EXPEDITING UPDATES TO NOTAM PROGRAM.**

8               (a) *IN GENERAL.*—Beginning on the date that is 180  
9    days after the date of enactment of this Act, the Adminis-  
10   trator may not take any enforcement action against any  
11   individual for a violation of a NOTAM (as defined in sec-  
12   tion 3 of the Pilot’s Bill of Rights (49 U.S.C. 44701 note))  
13   until the Administrator certifies to the appropriate commit-  
14   tees of Congress that the Administrator has complied with  
15   the requirements of section 3 of the Pilot’s Bill of Rights,  
16   as amended by this section.

17               (b) *AMENDMENTS.*—Section 3 of the Pilot’s Bill of  
18   Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.  
19   44701 note) is amended—

20               (1) in subsection (a)(2)—

21               (A) in the matter preceding subparagraph  
22               (A)—

23               (i) by striking “this Act” and inserting  
24               “the Fairness for Pilots Act”; and

1                             (ii) by striking “begin” and inserting  
2                             “complete the implementation of”;

3                             (B) by amending subparagraph (B) to read  
4                             as follows:

5                             “(B) to continue developing and modern-  
6                             izing the NOTAM repository, in a public central  
7                             location, to maintain and archive all NOTAMs,  
8                             including the original content and form of the  
9                             notices, the original date of publication, and any  
10                            amendments to such notices with the date of each  
11                            amendment, in a manner that is Internet-acces-  
12                            sible, machine-readable, and searchable;”;

13                            (C) in subparagraph (C), by striking the  
14                             period at the end and inserting “; and”; and

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

16                             “(D) to specify the times during which tem-  
17                             porary flight restrictions are in effect and the  
18                             duration of a designation of special use airspace  
19                             in a specific area.”; and

20                            (2) by amending subsection (d) to read as fol-  
21                             lows:

22                             “(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE  
23                             FOR NOTAMs.—

24                             “(1) IN GENERAL.—The Administrator—

1           “(A) shall consider the repository for  
2       NOTAMs under subsection (a)(2)(B) to be the  
3       sole location for airmen to check for NOTAMs;  
4       and

5           “(B) may not consider a NOTAM to be an-  
6       nounced or published until the NOTAM is in-  
7       cluded in the repository for NOTAMs under sub-  
8       section (a)(2)(B).

9           “(2) PROHIBITION ON TAKING ACTION FOR VIO-  
10      LATIONS OF NOTAMS NOT IN REPOSITORY.—

11           “(A) IN GENERAL.—Except as provided in  
12       subparagraph (B), beginning on the date that  
13       the repository under subsection (a)(2)(B) is final  
14       and published, the Administrator may not take  
15       any enforcement action against an airman for a  
16       violation of a NOTAM during a flight if—

17           “(i) that NOTAM is not available  
18       through the repository before the commence-  
19       ment of the flight; and

20           “(ii) that NOTAM is not reasonably  
21       accessible and identifiable to the airman.

22           “(B) EXCEPTION FOR NATIONAL SECU-  
23       RITY.—Subparagraph (A) shall not apply in the  
24       case of an enforcement action for a violation of

1           *a NOTAM that directly relates to national secu-*  
2           *rity.”.*

3 **SEC. 395. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

4       (a) *IN GENERAL.*—Subchapter I of chapter 471 of title  
5 49, United States Code, is amended by inserting after sec-  
6 tion 47124 the following:

7 **“§ 47124a. Accessibility of certain flight data**

8       “(a) *DEFINITIONS.*—In this section:

9           “(1) *ADMINISTRATION.*—The term ‘Administra-  
10          tion’ means the Federal Aviation Administration.

11           “(2) *ADMINISTRATOR.*—The term ‘Adminis-  
12          trator’ means the Administrator of the Federal Avia-  
13          tion Administration.

14           “(3) *APPLICABLE INDIVIDUAL.*—The term ‘appli-  
15          cable individual’ means an individual who is the sub-  
16          ject of an investigation initiated by the Administrator  
17          related to a covered flight record.

18           “(4) *CONTRACT TOWER.*—The term ‘contract  
19          tower’ means an air traffic control tower providing  
20          air traffic control services pursuant to a contract  
21          with the Administration under section 47124.

22           “(5) *COVERED FLIGHT RECORD.*—The term ‘cov-  
23          ered flight record’ means any air traffic data (as de-  
24          fined in section 2(b)(4)(B) of the Pilot’s Bill of Rights  
25          (49 U.S.C. 44703 note)), created, maintained, or con-

1       *trolled by any program of the Administration, includ-*  
2       *ing any program of the Administration carried out*  
3       *by employees or contractors of the Administration,*  
4       *such as contract towers, flight service stations, and*  
5       *controller training programs.*

6       “(b) *PROVISION OF COVERED FLIGHT RECORD TO AD-*  
7       *MINISTRATION.—*

8       “(1) *REQUESTS.—Whenever the Administration*  
9       *receives a written request for a covered flight record*  
10      *from an applicable individual and the covered flight*  
11      *record is not in the possession of the Administration,*  
12      *the Administrator shall request the covered flight*  
13      *record from the contract tower or other contractor of*  
14      *the Administration in possession of the covered flight*  
15      *record.*

16      “(2) *PROVISION OF RECORDS.—Any covered*  
17      *flight record created, maintained, or controlled by a*  
18      *contract tower or another contractor of the Adminis-*  
19      *tration that maintains covered flight records shall be*  
20      *provided to the Administration if the Administration*  
21      *requests the record pursuant to paragraph (1).*

22      “(3) *NOTICE OF PROPOSED CERTIFICATE AC-*  
23      *TION.—If the Administrator has issued, or subse-*  
24      *quently issues, a Notice of Proposed Certificate Action*  
25      *relying on evidence contained in the covered flight*

1       *record and the individual who is the subject of an in-*  
2       *vestigation has requested the record, the Adminis-*  
3       *trator shall promptly produce the record and extend*  
4       *the time the individual has to respond to the Notice*  
5       *of Proposed Certificate Action until the covered flight*  
6       *record is provided.*

7       “*(c) IMPLEMENTATION.—*

8           “*(1) IN GENERAL.—Not later than 180 days*  
9       *after the date of enactment of the Fairness for Pilots*  
10      *Act, the Administrator shall promulgate regulations*  
11      *or guidance to ensure compliance with this section.*

12       “*(2) COMPLIANCE BY CONTRACTORS.—*

13           “*(A) IN GENERAL.—Compliance with this*  
14       *section by a contract tower or other contractor of*  
15       *the Administration that maintains covered flight*  
16       *records shall be included as a material term in*  
17       *any contract between the Administration and the*  
18       *contract tower or contractor entered into or re-*  
19       *newed on or after the date of enactment of the*  
20       *Fairness for Pilots Act.*

21           “*(B) NONAPPLICABILITY.—Subparagraph*  
22       *(A) shall not apply to any contract or agreement*  
23       *in effect on the date of enactment of the Fairness*  
24       *for Pilots Act unless the contract or agreement is*

1           *renegotiated, renewed, or modified after that*  
2           *date.*

3         “(d) *PROTECTION OF CERTAIN DATA.*—The Adminis-  
4     5     hold information that would otherwise be required to be  
6     made available under section only if—

7           “(1) *the Administrator determines, based on in-*  
8     formation in the possession of the Administrator, that  
9     the Administrator may withhold the information in  
10    accordance with section 552a of title 5, United States  
11    Code; or

12          “(2) *the information is submitted pursuant to a*  
13     *voluntary safety reporting program covered by section*  
14     *40123 of title 49, United States Code.”.*

15         (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
16     *The table of contents for chapter 471 is amended by insert-*  
17     *ing after the item relating to section 47124 the following:*  
18     *“47124a. Accessibility of certain flight data.”.*

19         **18 SEC. 396. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTI-**  
20           **TAIN NOTICES.**

21          *Not later than 90 days after the date of enactment of*  
22     *this Act, the Administrator shall designate the appropriate*  
23     *legal counsel of the Administration as an appropriate offi-*  
24     *cial for purposes of section 13.11 of title 14, Code of Federal*  
25     *Regulations.*

1                   **TITLE IV—AIR SERVICE**  
2                   **IMPROVEMENTS**  
3                   **Subtitle A—Airline Customer**  
4                   **Service Improvements**

5   **SEC. 401. DEFINITIONS.**

6       *In this title:*

7                   (1) *COVERED AIR CARRIER.*—The term “covered  
8       air carrier” means an air carrier or a foreign air  
9       carrier as those terms are defined in section 40102 of  
10      title 49, United States Code.

11                  (2) *ONLINE SERVICE.*—The term “online service”  
12      means any service available over the internet, or that  
13      connects to the internet or a wide-area network.

14                  (3) *TICKET AGENT.*—The term “ticket agent” has  
15      the meaning given the term in section 40102 of title  
16      49, United States Code.

17   **SEC. 402. RELIABLE AIR SERVICE IN AMERICAN SAMOA.**

18       Section 40109(g) of title 49, United States Code, is  
19      amended—

20                  (1) in paragraph (2) by striking subparagraph  
21      (C) and inserting the following:

22                   “(C) review the exemption at least every 30 days  
23      (or, in the case of an exemption that is necessary to  
24      provide and sustain air transportation in American  
25      Samoa between the islands of Tutuila and Manu’ā, at

1       *least every 180 days) to ensure that the unusual cir-*  
2       *cumstances that established the need for the exemption*  
3       *still exist.”; and*

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

6               “*(3) RENEWAL OF EXEMPTIONS.—*

7               “*(A) IN GENERAL.—Except as provided in*  
8       *subparagraph (B), the Secretary may renew an*  
9       *exemption (including renewals) under this sub-*  
10      *section for not more than 30 days.*

11               “*(B) EXCEPTION.—The Secretary may*  
12      *renew an exemption (including renewals) under*  
13      *this subsection that is necessary to provide and*  
14      *sustain air transportation in American Samoa*  
15      *between the islands of Tutuila and Manu'a for*  
16      *not more than 180 days.*

17               “*(4) CONTINUATION OF EXEMPTIONS.—An ex-*  
18      *emption granted by the Secretary under this sub-*  
19      *section may continue for not more than 5 days after*  
20      *the unusual circumstances that established the need*  
21      *for the exemption cease.”.*

22 **SEC. 403. CELL PHONE VOICE COMMUNICATION BAN.**

23               *(a) IN GENERAL.—Subchapter I of chapter 417 of title*  
24      *49, United States Code, is amended by adding at the end*  
25      *the following:*

1   **“§41725. Prohibition on certain cell phone voice com-**  
2                         **munications**

3       “(a) PROHIBITION.—*The Secretary of Transportation*  
4   *shall issue regulations—*

5               “(1) *to prohibit an individual on an aircraft*  
6   *from engaging in voice communications using a mo-*  
7   *bile communications device during a flight of that*  
8   *aircraft in scheduled passenger interstate or intra-*  
9   *state air transportation; and*

10          “(2) *that exempt from the prohibition described*  
11   *in paragraph (1) any—*

12               “(A) *member of the flight crew on duty on*  
13   *an aircraft;*

14               “(B) *flight attendant on duty on an air-*  
15   *craft; and*

16               “(C) *Federal law enforcement officer acting*  
17   *in an official capacity.*

18          “(b) DEFINITIONS.—*In this section, the following defi-*  
19   *nitions apply:*

20               “(1) FLIGHT.—*The term ‘flight’ means, with re-*  
21   *spect to an aircraft, the period beginning when the*  
22   *aircraft takes off and ending when the aircraft lands.*

23               “(2) MOBILE COMMUNICATIONS DEVICE.—

24               “(A) IN GENERAL.—*The term ‘mobile com-*  
25   *munications device’ means any portable wireless*

1           *telecommunications equipment utilized for the  
2 transmission or reception of voice data.*

3           *“(B) LIMITATION.—The term ‘mobile com-  
4 munications device’ does not include a phone in-  
5 stalled on an aircraft.”.*

6           *(b) CLERICAL AMENDMENT.—The analysis for chapter  
7 417 of title 49, United States Code, is amended by inserting  
8 after the item relating to section 41724 the following:*

“41725. Prohibition on certain cell phone voice communications.”.

9 **SEC. 404. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

10          *Section 42303(b) of title 49, United States Code, is  
11 amended to read as follows:*

12          *“(b) REQUIRED DISCLOSURES.—An air carrier, for-  
13 eign air carrier, or ticket agent selling, in the United  
14 States, a ticket for a flight in foreign air transportation  
15 to a country listed on the internet website established under  
16 subsection (a) shall—*

17          *“(1) disclose, on its own internet website or  
18 through other means, that the destination country  
19 may require the air carrier or foreign air carrier to  
20 treat an aircraft passenger cabin with insecticides  
21 prior to the flight or to apply an aerosol insecticide  
22 in an aircraft cabin used for such a flight when the  
23 cabin is occupied with passengers; and*

1           “(2) refer the purchaser of the ticket to the inter-  
2       net website established under subsection (a) for addi-  
3       tional information.”.

4 **SEC. 405. CONSUMER COMPLAINTS HOTLINE.**

5       Section 42302 of title 49, United States Code, is  
6 amended by adding at the end the following:

7           “(d) USE OF NEW TECHNOLOGIES.—The Secretary  
8 shall periodically evaluate the benefits of using mobile  
9 phone applications or other widely used technologies to pro-  
10 vide new means for air passengers to communicate com-  
11 plaints in addition to the telephone number established  
12 under subsection (a) and shall provide such new means as  
13 the Secretary determines appropriate.”.

14 **SEC. 406. CONSUMER INFORMATION ON ACTUAL FLIGHT**

15           **TIMES.**

16           (a) STUDY.—The Secretary of Transportation shall  
17 conduct a study on the feasibility and advisability of modi-  
18 fying regulations contained in section 234.11 of title 14,  
19 Code of Federal Regulations, to ensure that—

20           (1) a reporting carrier (including its contrac-  
21 tors), during the course of a reservation or ticketing  
22 discussion or other inquiry, discloses to a consumer  
23 upon reasonable request the projected period between  
24 the actual wheels-off and wheels-on times for a report-  
25 able flight; and

(b) *DEFINITIONS.*—In this section, the terms “reporting carrier” and “reportable flight” have the meanings given those terms in section 234.2 of title 14, Code of Federal Regulations (as in effect on the date of enactment of this Act).

10       (c) REPORT.—Not later than 1 year after the date of  
11 enactment of this Act, the Secretary shall submit to the  
12 Committee on Transportation and Infrastructure of the  
13 House of Representatives and the Committee on Commerce,  
14 Science, and Transportation of the Senate a report on the  
15 results of the study.

**16 SEC. 407. TRAINING POLICIES REGARDING RACIAL, ETHNIC,  
17 AND RELIGIOUS NONDISCRIMINATION.**

18       (a) *IN GENERAL.*—Not later than 180 days after the  
19 date of the enactment of this Act, the Comptroller General  
20 of the United States shall submit to the appropriate com-  
21 mittees of Congress and the Secretary of Transportation a  
22 report describing—

23                   (1) each air carrier's training policy for its em-  
24                   ployees and contractors regarding racial, ethnic, and  
25                   religious nondiscrimination; and

1                   (2) how frequently an air carrier is required to  
2                   train new employees and contractors because of turn-  
3                   over in positions that require such training.

4                   (b) *BEST PRACTICES*.—After the date the report is sub-  
5                   mitted under subsection (a), the Secretary shall develop and  
6                   disseminate to air carriers best practices necessary to im-  
7                   prove the training policies described in subsection (a), based  
8                   on the findings of the report and in consultation with—

9                         (1) passengers of diverse racial, ethnic, and reli-  
10                      gious backgrounds;  
11                         (2) national organizations that represent im-  
12                      pacted communities;  
13                         (3) air carriers;  
14                         (4) airport operators; and  
15                         (5) contract service providers.

16                   **SEC. 408. TRAINING ON HUMAN TRAFFICKING FOR CERTAIN**  
17                   **STAFF.**

18                   (a) *IN GENERAL*.—Chapter 447 of title 49, United  
19                   States Code, as amended by this Act, is further amended  
20                   by adding at the end the following:

21                   **“§44738. Training on human trafficking for certain**  
22                   **staff**

23                   “In addition to other training requirements, each air  
24                   carrier shall provide training to ticket counter agents, gate  
25                   agents, and other air carrier workers whose jobs require reg-

1 ular interaction with passengers on recognizing and re-  
2 sponding to potential human trafficking victims.”.

3       (b) CLERICAL AMENDMENT.—The analysis for chapter  
4 447 of title 49, United States Code, as amended by this  
5 Act, is further amended by adding at the end the following:

*“44738. Training on human trafficking for certain staff.”.*

6 SEC. 409. PROHIBITIONS AGAINST SMOKING ON PAS-  
7 SENDER FLIGHTS.

8       Section 41706 of title 49, United States Code, is  
9 amended—

10                   (1) by redesignating subsection (d) as subsection  
11                   (e); and

12                   (2) by inserting after subsection (c) the fol-  
13               lowing:

14        "(d) ELECTRONIC CIGARETTES.—

15               “(1) INCLUSION.—The use of an electronic cigarette  
16 shall be treated as smoking for purposes of this section.  
17

“(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term ‘electronic cigarette’ means a device that delivers nicotine to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.”.

1   **SEC. 410. REPORT ON BAGGAGE REPORTING REQUIRE-**  
2                         **MENTS.**

3                 *Not later than 6 months after the date of enactment*  
4     *of this Act, the Secretary of Transportation shall—*

5                         *(1) study and publicize for comment a cost-ben-*  
6     *efit analysis to air carriers and consumers of chang-*  
7     *ing the baggage reporting requirements of section*  
8     *234.6 of title 14, Code of Federal Regulations, before*  
9     *the implementation of such requirements; and*

10                        *(2) submit a report on the findings of the cost-*  
11     *benefit analysis to the appropriate committees of Con-*  
12     *gress.*

13   **SEC. 411. ENFORCEMENT OF AVIATION CONSUMER PROTEC-**  
14                         **TION RULES.**

15                 *(a) IN GENERAL.—The Comptroller General of the*  
16     *United States shall conduct a study to consider and evalu-*  
17     *ate Department of Transportation enforcement of aviation*  
18     *consumer protection rules.*

19                 *(b) CONTENTS.—The study under subsection (a) shall*  
20     *include an evaluation of—*

21                        *(1) available enforcement mechanisms;*  
22                        *(2) any obstacles to enforcement; and*  
23                        *(3) trends in Department of Transportation en-*  
24     *forcement actions.*

25                 *(c) REPORT.—Not later than 1 year after the date of*  
26     *enactment of this Act, the Comptroller General shall submit*

1 to the appropriate committees of Congress a report on the  
 2 study, including the Comptroller General's findings, conclu-  
 3 sions, and recommendations.

4 **SEC. 412. STROLLERS.**

5 (a) *IN GENERAL.*—Subchapter I of chapter 417 of title  
 6 49, United States Code, as amended by this Act, is further  
 7 amended by adding at the end the following:

8 **“§41726. Strollers**

9 “(a) *IN GENERAL.*—Except as provided in subsection  
 10 (b), a covered air carrier shall not deny a passenger the  
 11 ability to check a stroller at the departure gate if the stroller  
 12 is being used by a passenger to transport a child traveling  
 13 on the same flight as the passenger.

14 “(b) *EXCEPTION.*—Subsection (a) shall not apply in  
 15 instances where the size or weight of the stroller poses a  
 16 safety or security risk.

17 “(c) *COVERED AIR CARRIER DEFINED.*—In this sec-  
 18 tion, the term ‘covered air carrier’ means an air carrier  
 19 or a foreign air carrier as those terms are defined in section  
 20 40102 of title 49, United States Code.”.

21 (b) *TABLE OF CONTENTS.*—The analysis for chapter  
 22 417 of title 49, United States Code, is further amended by  
 23 inserting after the item relating to section 41725 the fol-  
 24 lowing:

“41726. Strollers.”.

1 **SEC. 413. CAUSES OF AIRLINE DELAYS OR CANCELLATIONS.**2 (a) *REVIEW.—*

3           (1) *IN GENERAL.*—Not later than 1 year after  
4       the date of enactment of this Act, the Secretary of  
5       Transportation, in consultation with the Adminis-  
6       trator of the Federal Aviation Administration, shall  
7       review the categorization of delays and cancellations  
8       with respect to air carriers that are required to report  
9       such data.

10           (2) *CONSIDERATIONS.*—In conducting the review  
11       under paragraph (1), the Secretary shall consider, at  
12       a minimum—

13               (A) whether delays and cancellations were  
14       the result of—

15                       (i) decisions or matters within the con-  
16       trol or within the discretion of the Federal  
17       Aviation Administration, including ground  
18       stop or delay management programs in re-  
19       sponse to adverse weather conditions;

20                       (ii) business decisions or other matters  
21       within the air carrier's control or discretion  
22       in response to adverse weather conditions,  
23       including efforts to disrupt the travel of the  
24       fewest number of passengers; or

25                       (iii) other factors;

1                   (B) if the data indicate whether and to  
2 what extent delays and cancellations attributed  
3 by an air carrier to weather disproportionately  
4 impact service to smaller airports and commu-  
5 nities;

6                   (C) whether it is an unfair or deceptive  
7 practice for an air carrier to inform a passenger  
8 that a flight is delayed or cancelled due to  
9 weather alone when other factors are involved;

10                  (D) limitations, if any, in the Federal  
11 Aviation Administration air traffic control sys-  
12 tems that reduce the capacity or efficiency of the  
13 national airspace system during adverse weather  
14 events; and

15                  (E) relevant analytical work by academic  
16 institutions.

17                  (3) CONSULTATION.—The Secretary may consult  
18 air carriers and the Advisory Committee for Aviation  
19 Consumer Protection, established under section 411 of  
20 the FAA Modernization and Reform Act of 2012 (49  
21 U.S.C. 42301 prec. note), to assist in conducting the  
22 review and providing recommendations on improving  
23 the quality and quantity of information provided to  
24 passengers adversely affected by a cancellation or  
25 delay.

1       (b) *REPORT.*—Not later than 90 days after the date  
2 the review under subsection (a) is complete, the Secretary  
3 shall submit to the appropriate committees of Congress a  
4 report on the review under subsection (a), including any  
5 recommendations.

6       (c) *SAVINGS PROVISION.*—Nothing in this section shall  
7 be construed as affecting or penalizing—  
8              (1) the decision of an air carrier to maximize its  
9 system capacity during weather-related events to ac-  
10 commodate the greatest number of passengers; or  
11              (2) any decisions of an air carrier or the Federal  
12 Aviation Administration in any matter related to or  
13 affecting the safety of any person.

14 **SEC. 414. INVOLUNTARY CHANGES TO ITINERARIES.**

15       (a) *REVIEW.*—  
16              (1) *IN GENERAL.*—Not later than 1 year after  
17 the date of enactment of this Act, the Secretary of  
18 Transportation shall review the rate at which air car-  
19 riers change passenger itineraries more than 24 hours  
20 before departure, where the new itineraries involve  
21 additional stops or depart 3 hours earlier or later  
22 than originally scheduled and compensation or other  
23 suitable air transportation is not offered. In con-  
24 ducting the review, the Secretary shall consider the

1       *compensation and alternative travel options provided*  
2       *or offered by the air carrier in such situations.*

3           *(2) CONSULTATION.—The Secretary may consult*  
4       *with air carriers and the Advisory Committee for*  
5       *Aviation Consumer Protection, established under sec-*  
6       *tion 411 of the FAA Modernization and Reform Act*  
7       *of 2012 (49 U.S.C. 42301 prec. note), to assist in con-*  
8       *ducting the review and providing recommendations.*

9           *(b) REPORT.—Not later than 90 days after the date*  
10      *the review under subsection (a) is complete, the Secretary*  
11      *shall submit to appropriate committees of Congress a report*  
12      *on the review under subsection (a).*

13      **SEC. 415. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**  
14                   **TION CONSUMER PROTECTION.**

15       *Section 411 of the FAA Modernization and Reform Act*  
16       *of 2012 (49 U.S.C. 42301 prec. note) is amended in sub-*  
17       *section (h) by striking “2018” and inserting “2023”.*

18      **SEC. 416. ONLINE ACCESS TO AVIATION CONSUMER PRO-**  
19                   **TECTION INFORMATION.**

20       *Not later than 180 days after the date of enactment*  
21      *of this Act, the Secretary of Transportation shall—*

22           *(1) complete an evaluation of the aviation con-*  
23       *sumer protection portion of the Department of Trans-*  
24       *portation’s public internet website to identify any*  
25       *changes to the user interface, including the interface*

1       *presented to individuals accessing the website from a  
2       mobile device, that will improve usability, accessibility,  
3       consumer satisfaction, and website performance;*

5           *(2) in completing the evaluation under para-  
6       graph (1)—*

7              *(A) consider the best practices of other Fed-  
8       eral agencies with effective websites; and*

9              *(B) consult with the Federal Web Managers  
10       Council;*

11           *(3) develop a plan, including an implementation  
12       timeline, for—*

13              *(A) making the changes identified under  
14       paragraph (1); and*

15              *(B) making any necessary changes to that  
16       portion of the website that will enable a con-  
17       sumer, in a manner that protects the privacy of  
18       consumers and employees, to—*

19                  *(i) access information regarding each  
20       complaint filed with the Aviation Consumer  
21       Protection Division of the Department of  
22       Transportation;*

23                  *(ii) search the complaints described in  
24       clause (i) by the name of the air carrier, the  
25       dates of departure and arrival, the airports*

1                   *of origin and departure, and the type of*  
2                   *complaint; and*

3                   *(iii) determine the date a complaint*  
4                   *was filed and the date a complaint was re-*  
5                   *solved; and*

6                   *(4) submit the evaluation and plan to appro-*  
7                   *priate committees of Congress.*

8           **SEC. 417. PROTECTION OF PETS ON AIRPLANES.**

9                   *(a) PROHIBITION.—Chapter 447 of title 49, United*  
10                 *States Code, is further amended by adding at the end the*  
11                 *following:*

12           **“§ 44739. Pets on airplanes**

13                 *“(a) PROHIBITION.—It shall be unlawful for any per-*  
14                 *son to place a live animal in an overhead storage compart-*  
15                 *ment of an aircraft operated under part 121 of title 14,*  
16                 *Code of Federal Regulations.*

17                 *“(b) CIVIL PENALTY.—The Administrator may impose*  
18                 *a civil penalty under section 46301 for each violation of*  
19                 *this section.”.*

20                 *(b) CONFORMING AMENDMENT.—The analysis for*  
21                 *chapter 447 of title 49, United States Code, is further*  
22                 *amended by adding at the end the following:*

“44739. Pets on airplanes.”.

1 **SEC. 418. ADVISORY COMMITTEE ON AIR AMBULANCE AND**2 **PATIENT BILLING.**

3       (a) *IN GENERAL.*—Not later than 60 days after the  
4 date of enactment of this Act, the Secretary of Transpor-  
5 tation, in consultation with the Secretary of Health and  
6 Human Services, shall establish an advisory committee for  
7 the purpose of reviewing options to improve the disclosure  
8 of charges and fees for air medical services, better inform  
9 consumers of insurance options for such services, and pro-  
10 tect consumers from balance billing.

11       (b) *COMPOSITION OF THE ADVISORY COMMITTEE.*—

12 The advisory committee shall be composed of the following  
13 members:

14           (1) The Secretary of Transportation, or the Sec-  
15 retary's designee.

16           (2) The Secretary of Health and Human Serv-  
17 ices, or the Secretary's designee.

18           (3) One representative, to be appointed by the  
19 Secretary of Transportation, of each of the following:

20              (A) Each relevant Federal agency, as deter-  
21 mined by the Secretary of Transportation.

22              (B) State insurance regulators

23              (C) Health insurance providers.

24              (D) Patient advocacy groups.

25              (E) Consumer advocacy groups.

1                   (F) Physician specializing in emergency,  
2                   trauma, cardiac, or stroke.

3                   (4) Three representatives, to be appointed by the  
4                   Secretary of Transportation, to represent the various  
5                   segments of the air ambulance industry.

6                   (5) Additional three representatives not covered  
7                   under paragraphs (1) through (4), as determined nec-  
8                   essary and appropriate by the Secretary.

9                   (c) CONSULTATION.—The advisory committee shall, as  
10                  appropriate, consult with relevant experts and stakeholders  
11                  not captured in (b) while conducting its review.

12                  (d) RECOMMENDATIONS.—The advisory committee  
13                  shall make recommendations with respect to disclosure of  
14                  charges and fees for air ambulance services and insurance  
15                  coverage, consumer protection and enforcement authorities  
16                  of both the Department of Transportation and State au-  
17                  thorities, and the prevention of balance billing to con-  
18                  sumers. The recommendations shall address, at a min-  
19                  imum—

20                  (1) the costs, benefits, practicability, and impact  
21                  on all stakeholders of clearly distinguishing between  
22                  charges for air transportation services and charges for  
23                  non-air transportation services in bills and invoices,  
24                  including the costs, benefits, and practicability of—

1                   (A) developing cost-allocation methodologies  
2                   to separate charges for air transportation serv-  
3                   ices from charges for non-air transportation  
4                   services; and

5                   (B) formats for bills and invoices that clear-  
6                   ly distinguish between charges for air transpor-  
7                   tation services and charges for non-air transpor-  
8                   tation services;

9                   (2) options, best practices, and identified stand-  
10                  ards to prevent instances of balance billing such as  
11                  improving network and contract negotiation, dispute  
12                  resolution between health insurance and air medical  
13                  service providers, and explanation of insurance cov-  
14                  erage and subscription programs to consumers;

15                  (3) steps that can be taken by State legislatures,  
16                  State insurance regulators, State attorneys general,  
17                  and other State officials as appropriate, consistent  
18                  with current legal authorities regarding consumer  
19                  protection;

20                  (4) recommendations made by the Comptroller  
21                  General study, GAO-17-637, including what addi-  
22                  tional data from air ambulance providers and other  
23                  sources should be collected by the Department of  
24                  Transportation to improve its understanding of the  
25                  air ambulance market and oversight of the air ambu-

lance industry for the purposes of pursuing action related to unfair or deceptive practices or unfair methods of competition, which may include—

(A) cost data;

(B) standard charges and payments received per transport;

(C) whether the provider is part of a hospital-sponsored program, municipality-sponsored program, hospital-independent partnership (hybrid) program, or independent program;

(D) number of transports per base and helicopter;

(E) market shares of air ambulance providers inclusive of any parent or holding companies;

(F) any data indicating the extent of competition among air ambulance providers on the basis of price and service;

(G) prices assessed to consumers and insurers for air transportation and any non-transportation services provided by air ambulance providers; and

(H) financial performance of air ambulance providers;

1                   (5) definitions of all applicable terms that are  
2                   not defined in statute or regulations; and

3                   (6) other matters as determined necessary or ap-  
4                   propriate.

5                   (e) REPORT.—Not later than 180 days after the date  
6                   of the first meeting of the advisory committee, the advisory  
7                   committee shall submit to the Secretary of Transportation,  
8                   the Secretary of Health and Human Services, and the ap-  
9                   propriate committees of Congress a report containing the  
10                  recommendations made under subsection (d).

11                  (f) RULEMAKING.—Upon receipt of the report under  
12                  subsection (e), the Secretary of Transportation shall con-  
13                  sider the recommendations of the advisory committee and  
14                  issue regulations or other guidance as deemed necessary—

15                   (1) to require air ambulance providers to regu-  
16                   larly report data to the Department of Transpor-  
17                   tation;

18                   (2) to increase transparency related to Depart-  
19                   ment of Transportation actions related to consumer  
20                   complaints; and

21                   (3) to provide other consumer protections for cus-  
22                   tomers of air ambulance providers.

23                  (g) ELIMINATION OF ADVISORY COUNCIL ON TRANS-  
24                  PORTATION STATISTICS.—The Advisory Council on Trans-

1 portation Statistics shall terminate on the date of enact-  
2 ment of this Act.

3 **SEC. 419. AIR AMBULANCE COMPLAINTS TO THE DEPART-**  
4 **MENT OF TRANSPORTATION.**

5 (a) *CONSUMER COMPLAINTS.*—Section 42302 of title  
6 49, United States Code, is further amended—

7 (1) in subsection (a) by inserting “(including  
8 transportation by air ambulance (as defined by the  
9 Secretary of Transportation))” after “air transpor-  
10 tation”; and

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

12 “(e) *AIR AMBULANCE PROVIDERS.*—Each air ambu-  
13 lance provider shall include the hotline telephone number,  
14 link to the Internet website established under subsection (a),  
15 and contact information for the Aviation Consumer Advo-  
16 cate established under section 425 on—

17 (1) any invoice, bill, or other communication  
18 provided to a passenger or customer of the provider;  
19 and

20 (2) its Internet Web site, and any related mo-  
21 bile device application.”.

22 (b) *UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR*  
23 *METHODS OF COMPETITION.*—Section 41712(a) of title 49,  
24 United States Code, is amended by inserting “air ambu-  
25 lance consumer (as defined by the Secretary of Transpor-

1 tation)," after "foreign air carrier," in the first place it  
2 appears.

3 **SEC. 420. REPORT TO CONGRESS ON AIR AMBULANCE**

4 **OVERSIGHT.**

5 (a) *IN GENERAL.*—Not later than 180 days after sub-  
6 mission of the report required under section 418, the Sec-  
7 retary of Transportation shall submit a report to the appro-  
8 priate committees of Congress on air ambulance oversight.

9 (b) *CONTENTS OF REPORT.*—The report required  
10 under subsection (a) shall include—

11 (1) a description of how the Secretary will con-  
12 duct oversight of air ambulance providers, including  
13 the information sources the Secretary will use to con-  
14 duct such oversight; and

15 (2) a timeline for the issuance of any guidance  
16 concerning unfair and deceptive practices among air  
17 ambulance providers, including guidance for States  
18 and political subdivisions of States to refer such mat-  
19 ters to the Secretary.

20 **SEC. 421. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**  
21 **ORED BY A COVERED AIR CARRIER.**

22 Not later than 1 year after the date of enactment of  
23 this Act, the Secretary of Transportation shall promulgate  
24 regulations that require each covered air carrier to prompt-  
25 ly provide a refund to a passenger of any ancillary fees

1 paid for services related to air travel that the passenger does  
2 not receive, including on the passenger's scheduled flight,  
3 on a subsequent replacement itinerary if there has been a  
4 rescheduling, or for a flight not taken by the passenger.

5 **SEC. 422. ADVANCE BOARDING DURING PREGNANCY .**

6 Not later than 180 days after the date of enactment  
7 of this Act, the Secretary of Transportation shall review air  
8 carrier policies regarding traveling during pregnancy and,  
9 if appropriate, may revise regulations, as the Secretary  
10 considers necessary, to require an air carrier to offer ad-  
11 vance boarding of an aircraft to a pregnant passenger who  
12 requests such assistance.

13 **SEC. 423. CONSUMER COMPLAINT PROCESS IMPROVEMENT.**

14 (a) *IN GENERAL.*—Section 42302(c) of title 49, United  
15 States Code is amended—

16 (1) in the matter preceding paragraph (1), by  
17 striking “An air carrier or foreign air carrier pro-  
18 viding scheduled air transportation using any air-  
19 craft that as originally designed has a passenger ca-  
20 pacity of 30 or more passenger seats” and inserting  
21 “Each air carrier and foreign air carrier”;

22 (2) in paragraph (1), by striking “air carrier”  
23 and inserting “carrier”; and

24 (3) in paragraph (2), by striking “air carrier”  
25 and inserting “carrier”.

1       (b) RULEMAKING.—Not later than 1 year after the date  
2 of enactment of this Act, the Secretary of Transportation  
3 shall promulgate regulations to implement the requirements  
4 of section 42302 of title 49, United States Code, as amended  
5 by this Act.

6 **SEC. 424. AVIATION CONSUMER ADVOCATE.**

7       (a) IN GENERAL.—The Secretary of Transportation  
8 shall review aviation consumer complaints received that al-  
9 lege a violation of law and, as appropriate, pursue enforce-  
10 ment or corrective actions that would be in the public inter-  
11 est.

12       (b) CONSIDERATIONS.—In considering which cases to  
13 pursue for enforcement or corrective action under subsection  
14 (a), the Secretary shall consider—

15           (1) the Air Carrier Access Act of 1986 (Public  
16 Law 99–435; 100 Stat. 1080);

17           (2) unfair and deceptive practices by air carriers  
18 (including air ambulance operators), foreign air car-  
19 riers, and ticket agents;

20           (3) the terms and conditions agreed to between  
21 passengers and air carriers (including air ambulance  
22 operators), foreign air carriers, or ticket agents;

23           (4) aviation consumer protection and tarmac  
24 delay contingency planning requirements for both air-  
25 ports and airlines;

1                   (5) protection of air ambulance consumers; and  
2                   (6) any other applicable law.

3                   (c) *AVIATION CONSUMER ADVOCATE.*—

4                   (1) *IN GENERAL.*—Within the Aviation Con-  
5                   sumer Protection Division of the Department of  
6                   Transportation, there shall be an Aviation Consumer  
7                   Advocate.

8                   (2) *FUNCTIONS.*—The Aviation Consumer Advo-  
9                   cate shall—

10                  (A) assist consumers in resolving carrier  
11                  service complaints filed with the Aviation Con-  
12                  sumer Protection Division;

13                  (B) review the resolution by the Department  
14                  of Transportation of carrier service complaints;

15                  (C) identify and recommend actions the De-  
16                  partment can take to improve the enforcement of  
17                  aviation consumer protection rules, protection of  
18                  air ambulance consumers, and resolution of car-  
19                  rier service complaints; and

20                  (D) identify and recommend regulations  
21                  and policies that can be amended to more effec-  
22                  tively resolve carrier service complaints.

23                  (d) *ANNUAL REPORTS.*—The Secretary, through the  
24                  Aviation Consumer Advocate, shall submit to the appro-

1 prial committees of Congress an annual report summa-  
2 rizing the following:

3 (1) The total number of annual complaints re-  
4 ceived by the Department, including the number of  
5 complaints by the name of each air carrier and for-  
6 eign air carrier.

7 (2) The total number of annual complaints by  
8 category of complaint.

9 (3) The number of complaints referred in the  
10 preceding year for enforcement or corrective action by  
11 the Department.

12 (4) Any recommendations under paragraphs  
13 (2)(C) and (2)(D) of subsection (c).

14 (5) Such other data as the Aviation Consumer  
15 Advocate considers appropriate.

16 (e) SUNSET ON REPORTING REQUIREMENT.—The re-  
17 porting requirement of subsection (d) shall terminate on  
18 September 30, 2023.

19 **SEC. 425. TICKETS ACT.**

20 (a) SHORT TITLE.—This section may be cited as the  
21 “Transparency Improvements and Compensation to Keep  
22 Every Ticketholder Safe Act of 2018” or the “TICKETS  
23 Act”.

24 (b) BOARDED PASSENGERS.—Beginning on the date  
25 of enactment of this Act, a covered air carrier may not deny

1   *a revenue passenger traveling on a confirmed reservation*  
2   *permission to board, or involuntarily remove that passenger*  
3   *from the aircraft, once a revenue passenger has—*

4           *(1) checked in for the flight prior to the check-*  
5           *in deadline; and*

6           *(2) had their ticket or boarding pass collected or*  
7           *electronically scanned and accepted by the gate agent.*

8        *(c) LIMITATIONS.—The prohibition pursuant to sub-*  
9        *section (b) shall not apply when—*

10          *(1) there is a safety, security, or health risk with*  
11          *respect to that revenue passenger or there is a safety*  
12          *or security issue requiring removal of a revenue pas-*  
13          *senger; or*

14          *(2) the revenue passenger is engaging in behavior*  
15          *that is obscene, disruptive, or otherwise unlawful.*

16        *(d) RULE OF CONSTRUCTION.—Nothing in this section*  
17        *may be construed to limit or otherwise affect the responsi-*  
18        *bility or authority of a pilot in command of an aircraft*  
19        *under section 121.533 of title 14, Code of Federal Regula-*  
20        *tions, or limit any penalty under section 46504 of title 49,*  
21        *United States Code.*

22        *(e) INVOLUNTARY DENIED BOARDING COMPENSA-*  
23        *TION.—Not later than 60 days after the date of enactment*  
24        *of this Act, the Secretary of Transportation shall issue a*

1 final rule to revise part 250 of title 14, Code of Federal  
2 Regulations, to clarify that—

3 (1) there is not a maximum level of compensa-  
4 tion an air carrier or foreign air carrier may pay to  
5 a passenger who is involuntarily denied boarding as  
6 the result of an oversold flight;

7 (2) the compensation levels set forth in that part  
8 are the minimum levels of compensation an air car-  
9 rier or foreign air carrier must pay to a passenger  
10 who is involuntarily denied boarding as the result of  
11 an oversold flight; and

12 (3) an air carrier or foreign air carrier must  
13 proactively offer to pay compensation to a passenger  
14 who is voluntarily or involuntarily denied boarding  
15 on an oversold flight, rather than waiting until the  
16 passenger requests the compensation.

17 (f) GAO REPORT ON OVERSALES.—

18 (1) IN GENERAL.—The Comptroller General of  
19 the United States shall review airline policies and  
20 practices related to oversales of flights.

21 (2) CONSIDERATIONS.—In conducting the review  
22 under paragraph (1), the Comptroller General shall  
23 examine—

1                   (A) the impact on passengers as a result of  
2                   an oversale, including increasing or decreasing  
3                   the costs of passenger air transportation;  
4                   (B) economic and operational factors which  
5                   result in oversales;  
6                   (C) whether, and if so how, the incidence of  
7                   oversales varies depending on markets;  
8                   (D) potential consequences on the limiting  
9                   of oversales; and  
10                  (E) best practices on how oversale policies  
11                  can be communicated to passengers at airline  
12                  check-in desks and airport gates.

13                  (3) REPORT.—Not later than 1 year after the  
14                  date of enactment of this Act, the Comptroller General  
15                  shall submit to the appropriate committees of Con-  
16                  gress a report on the review under paragraph (2).

17                  (g) GATE NOTICE OF POLICIES.—The Secretary may  
18                  provide guidance on how these policies should be commu-  
19                  nicated at covered air carrier check-in desks and airport  
20                  gates.

21                  **SEC. 426. REPORT ON AVAILABILITY OF LAVATORIES ON**  
22                  **COMMERCIAL AIRCRAFT.**

23                  Not later than 180 days after the date of enactment  
24                  of this Act, the Comptroller General of the United States

1 shall submit to the appropriate committees of Congress a  
2 report assessing—

3 (1) the availability of functional lavatories on  
4 commercial aircraft

5 (2) the extent to which flights take off without  
6 functional lavatories;

7 (3) the ability of passengers with disabilities to  
8 access lavatories on commercial aircraft;

9 (4) the extent of complaints to the Department of  
10 Transportation and air carriers related to lavatories  
11 and efforts they have taken to address complaints;  
12 and

13 (5) the extent to which air carriers are reducing  
14 the size and number of lavatories to add more seats  
15 and whether this creates passenger lavatory access  
16 issues.

17 **SEC. 427. CONSUMER PROTECTION REQUIREMENTS RELAT-**  
18 **ING TO LARGE TICKET AGENTS.**

19 (a) **IN GENERAL.**—Not later than 180 days after the  
20 date of enactment of this Act, the Secretary of Transpor-  
21 tation shall issue a final rule to require large ticket agents  
22 to adopt minimum customer service standards.

23 (b) **PURPOSE.**—The purpose of the final rule shall be  
24 to ensure that, to the extent feasible, there is a consistent

1 level of consumer protection regardless of where consumers  
2 purchase air fares and related air transportation services.

3 (c) STANDARDS.—In issuing the final rule, the Sec-  
4 retary shall consider, to the extent feasible, establishing  
5 standards consistent with all customer service and disclo-  
6 sure requirements applicable to covered air carriers under  
7 this title and associated regulations.

8 (d) DEFINITIONS.—In this section, the following defi-  
9 nitions apply:

10 (1) TICKET AGENT.—

11 (A) IN GENERAL.—Subject to subparagraph  
12 (B), the term “ticket agent” has the meaning  
13 given that term in section 40102(a) of title 49,  
14 United States Code.

15 (B) INCLUSION.—The term “ticket agent”  
16 includes a person who acts as an intermediary  
17 involved in the sale of air transportation directly  
18 or indirectly to consumers, including by oper-  
19 ating an electronic airline information system, if  
20 the person—

21 (i) holds the person out as a source of  
22 information about, or reservations for, the  
23 air transportation industry; and  
24 (ii) receives compensation in any way  
25 related to the sale of air transportation.

1                   (2) *LARGE TICKET AGENT.*—The term “large  
2                   *ticket agent*” means a ticket agent with annual reve-  
3                   *nues of \$100,000,000 or more.*

4                   (e) *ENFORCEMENT.*—No large ticket agent may be  
5                   *found in noncompliance of any standard or requirement*  
6                   *adopted in the final rule required by this section if—*

7                   (1) *the large ticket agent is unable to meet the*  
8                   *new standard or requirement due to the lack of infor-*  
9                   *mation or data from the covered air carrier and the*  
10                  *information is required for the large ticket agent to*  
11                  *comply with such standard or requirement; or*

12                  (2) *the sale of air transportation is made by a*  
13                  *large ticket agent pursuant to a specific corporate or*  
14                  *government fare management contract.*

15 **SEC. 428. WIDESPREAD DISRUPTIONS.**

16                  (a) *IN GENERAL.*—Chapter 423 of title 49, United  
17                  *States Code, is amended by adding at the end the following:*

18 **“§ 42304. Widespread disruptions**

19                  “(a) *GENERAL REQUIREMENTS.*—In the event of a  
20                  *widespread disruption, a covered air carrier shall imme-*  
21                  *dately publish, via a prominent link on the air carrier’s*  
22                  *public internet website, a clear statement indicating wheth-*  
23                  *er, with respect to a passenger of the air carrier whose trav-*  
24                  *el is interrupted as a result of the widespread disruption,*  
25                  *the air carrier will—*

1           “(1) provide for hotel accommodations;  
2           “(2) arrange for ground transportation;  
3           “(3) provide meal vouchers;  
4           “(4) arrange for air transportation on another  
5           air carrier or foreign air carrier to the passenger’s  
6           destination; and  
7           “(5) provide for sleeping facilities inside the air-  
8           port terminal.

9           “(b) *DEFINITIONS*.—In this section, the following defi-  
10           nitions apply:

11           “(1) *WIDESPREAD DISRUPTION*.—The term  
12           ‘widespread disruption’ means, with respect to a cov-  
13           ered air carrier, the interruption of all or the over-  
14           whelming majority of the air carrier’s systemwide  
15           flight operations, including flight delays and cancella-  
16           tions, as the result of the failure of 1 or more com-  
17           puter systems or computer networks of the air carrier.

18           “(2) *COVERED AIR CARRIER*.—The term ‘covered  
19           air carrier’ means an air carrier that provides sched-  
20           uled passenger air transportation by operating an  
21           aircraft that as originally designed has a passenger  
22           capacity of 30 or more seats.

23           “(c) *SAVINGS PROVISION*.—Nothing in this section  
24           may be construed to modify, abridge, or repeal any obliga-  
25           tion of an air carrier under section 42301.”.

1       (b) *CONFORMING AMENDMENT.*—The analysis for  
2 chapter 423 of title 49, United States Code, is amended by  
3 adding at the end the following:

“42304. Widespread disruptions.”.

4 **SEC. 429. PASSENGER RIGHTS.**

5       (a) *GUIDELINES.*—Not later than 90 days after the  
6 date of enactment of this Act, the Secretary of Transpor-  
7 tation shall require each covered air carrier to submit a  
8 summarized 1-page document that describes the rights of  
9 passengers in air transportation, including guidelines for  
10 the following:

11              (1) Compensation (regarding rebooking options,  
12 refunds, meals, and lodging) for flight delays of var-  
13 ious lengths.

14              (2) Compensation (regarding rebooking options,  
15 refunds, meals, and lodging) for flight diversions.

16              (3) Compensation (regarding rebooking options,  
17 refunds, meals, and lodging) for flight cancellations.

18              (4) Compensation for mishandled baggage, in-  
19 cluding delayed, damaged, pilfered, or lost baggage.

20              (5) Voluntary relinquishment of a ticketed seat  
21 due to overbooking or priority of other passengers.

22              (6) Involuntary denial of boarding and forced  
23 removal for whatever reason, including for safety and  
24 security reasons.

1       (b) *FILING OF SUMMARIZED GUIDELINES.*—Not later  
2 than 90 days after each air carrier submits its guidelines  
3 to the Secretary under subsection (a), the air carrier shall  
4 make available such 1-page document in a prominent loca-  
5 tion on its website.

6       **Subtitle B—Aviation Consumers  
7                          With Disabilities**

8       **SEC. 431. AVIATION CONSUMERS WITH DISABILITIES**

9                          **STUDY.**

10       (a) *STUDY.*—Not later than 1 year after the date of  
11 enactment of this Act, the Comptroller General of the United  
12 States shall conduct a study that includes—

13                         (1) a review of airport accessibility best practices  
14 for individuals with disabilities, including best prac-  
15 tices that improve infrastructure facilities and com-  
16 munications methods, including those related to  
17 wayfinding, amenities, and passenger care;

18                         (2) a review of air carrier and airport training  
19 policies related to section 41705 of title 49, United  
20 States Code;

21                         (3) a review of air carrier training policies re-  
22 lated to properly assisting passengers with disabil-  
23 ities; and

24                         (4) a review of accessibility best practices that  
25 exceed those recommended under Public Law 90–480

1       (popularly known as the Architectural Barriers Act of  
2       1968; 42 U.S.C. 4151 et seq.), the Rehabilitation Act  
3       of 1973 (29 U.S.C. 701 et seq.), the Air Carrier Access  
4       Act of 1986 (Public Law 99-435; 100 Stat. 1080 et  
5       seq.), and the Americans with Disabilities Act of 1990  
6       (42 U.S.C. 12101 et seq.).

7       (b) REPORT.—Not later than 1 year after the date the  
8 Comptroller General initiates the study under subsection  
9 (a), the Comptroller General shall submit to the Secretary  
10 of Transportation and the appropriate committees of Con-  
11 gress a report on the study, including findings and rec-  
12 ommendations.

13 SEC. 432. STUDY ON IN-CABIN WHEELCHAIR RESTRAINT  
14 SYSTEMS.

15       (a) STUDY.—Not later than 2 years after the date of  
16 enactment of this Act, the Architectural and Transportation  
17 Barriers Compliance Board, in consultation with the Sec-  
18 retary of Transportation, aircraft manufacturers, air car-  
19 riers, and disability advocates, shall conduct a study to de-  
20 termine—

21                   (1) the feasibility of in-cabin wheelchair re-  
22                   straint systems; and  
23                   (2) if feasible, the ways in which individuals  
24                   with significant disabilities using wheelchairs, includ-

*ing power wheelchairs, can be accommodated with in-cabin wheelchair restraint systems.*

3       (b) REPORT.—Not later than 1 year after the initi-  
4   ation of the study under subsection (a), the Architectural  
5   and Transportation Barriers Compliance Board shall sub-  
6   mit to the appropriate committees of Congress a report on  
7   the findings of the study.

**8 SEC. 433. IMPROVING WHEELCHAIR ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES .**

Following the receipt of the report required under section 2107 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 622), the Secretary of Transportation shall develop, if appropriate, specific recommendations regarding improvements to wheelchair assistance provided by air carriers and recommendations on how training programs by air carriers can address consumer complaints regarding wheelchair assistance.

18 SEC. 434. AIRLINE PASSENGERS WITH DISABILITIES BILL  
19 OF RIGHTS.

20           (a) AIRLINE PASSENGERS WITH DISABILITIES BILL  
21 OF RIGHTS.—The Secretary of Transportation shall develop  
22 a document, to be known as the “Airline Passengers with  
23 Disabilities Bill of Rights”, using plain language to de-  
24 scribe the basic protections and responsibilities of covered  
25 air carriers, their employees and contractors, and people

1   *with disabilities under the section 41705 of title 49, United  
2   States Code.*

3       *(b) CONTENT.—In developing the Airline Passengers  
4   with Disabilities Bill of Rights under subsection (a), the  
5   Secretary shall include, at a minimum, plain language de-  
6   scriptions of protections and responsibilities provided in  
7   law related to the following:*

8           *(1) The right of passengers with disabilities to be  
9   treated with dignity and respect.*

10          *(2) The right of passengers with disabilities to  
11   receive timely assistance, if requested, from properly  
12   trained covered air carrier and contractor personnel.*

13          *(3) The right of passengers with disabilities to  
14   travel with wheelchairs, mobility aids, and other as-  
15   sistive devices, including necessary medications and  
16   medical supplies, including stowage of such wheel-  
17   chairs, aids, and devices.*

18          *(4) The right of passengers with disabilities to  
19   receive seating accommodations, if requested, to ac-  
20   commodate a disability.*

21          *(5) The right of passengers with disabilities to  
22   receive announcements in an accessible format.*

23          *(6) The right of passengers with disabilities to  
24   speak with a complaint resolution officer or to file a*

1       complaint with a covered air carrier or the Depart-  
2       ment of Transportation.

3           (c) RULE OF CONSTRUCTION.—The development of the  
4 Airline Passengers with Disabilities Bill of Rights under  
5 subsections (a) and (b) shall not be construed as expanding  
6 or restricting the rights available to passengers with disabil-  
7 ities on the day before the date of the enactment of this Act  
8 pursuant to any statute or regulation.

9           (d) CONSULTATIONS.—In developing the Airline Pas-  
10 sengers with Disabilities Bill of Rights under subsection (a),  
11 the Secretary of Transportation shall consult with stake-  
12 holders, including disability organizations and covered air  
13 carriers and their contractors.

14           (e) DISPLAY.—Each covered air carrier shall include  
15 the Airline Passengers with Disabilities Bill of Rights—

16                  (1) on a publicly available internet website of the  
17 covered air carrier; and

18                  (2) in any pre-flight notifications or commu-  
19 nications provided to passengers who alert the covered  
20 air carrier in advance of the need for accommoda-  
21 tions relating to a disability.

22           (f) TRAINING.—Covered air carriers and contractors of  
23 covered air carriers shall submit to the Secretary of Trans-  
24 portation plans that ensure employees of covered air car-  
25 riers and their contractors receive training on the protec-

1 tions and responsibilities described in the Airline Pas-  
2 sengers with Disabilities Bill of Rights. The Secretary shall  
3 review such plans to ensure the plans address the matters  
4 described in subsection (b).

5 **SEC. 435. SENSE OF CONGRESS REGARDING EQUAL ACCESS**  
6 **FOR INDIVIDUALS WITH DISABILITIES.**

7 It is the sense of Congress that—

8 (1) the aviation industry and every relevant  
9 stakeholder must work to ensure that every individual  
10 who experiences a disability has equal access to air  
11 travel;

12 (2) as technology and ease of travel continue to  
13 advance, accessibility must be a priority; and

14 (3) accommodations must—

15 (A) extend to every airport and service or  
16 facility of an air carrier; and

17 (B) be inclusive of every disability.

18 **SEC. 436. CIVIL PENALTIES RELATING TO HARM TO PAS-**  
19 **SENGERS WITH DISABILITIES.**

20 Section 46301(a) of title 49, United States Code, is  
21 amended by adding at the end the following:

22 “(7) **PENALTIES RELATING TO HARM TO PASSENGERS**  
23 **WITH DISABILITIES.—**

24 “(A) **PENALTY FOR BODILY HARM OR DAMAGE**  
25 **TO WHEELCHAIR OR OTHER MOBILITY AID.—The**

1       *amount of a civil penalty assessed under this section*  
2       *for a violation of section 41705 that involves damage*  
3       *to a passenger's wheelchair or other mobility aid or*  
4       *injury to a passenger with a disability may be in-*  
5       *creased above the otherwise applicable maximum*  
6       *amount under this section for a violation of section*  
7       *41705 to an amount not to exceed 3 times the max-*  
8       *imum penalty otherwise allowed.*

9           “(B) **EACH ACT CONSTITUTES SEPARATE OF-**  
10       *FENSE.*—Notwithstanding paragraph (2), a separate  
11       *violation of section 41705 occurs for each act of dis-*  
12       *crimination prohibited by that section.”.*

13 **SEC. 437. HARMONIZATION OF SERVICE ANIMAL STAND-**  
14       **ARDS.**

15       (a) **RULEMAKING.**—The Secretary of Transportation  
16       shall conduct a rulemaking proceeding—

17           (1) to define the term “service animal” for pur-  
18       poses of air transportation; and

19           (2) to develop minimum standards for what is  
20       required for service and emotional support animals  
21       carried in aircraft cabins.

22       (b) **CONSIDERATIONS.**—In conducting the rulemaking  
23       under subsection (a), the Secretary shall consider, at a min-  
24       imum—

1                   (1) whether to align the definition of “service  
2       animal” with the definition of that term in regula-  
3       tions of the Department of Justice implementing the  
4       Americans with Disabilities Act of 1990 (Public Law  
5       101–336);

6                   (2) reasonable measures to ensure pets are not  
7       claimed as service animals, such as—

8                   (A) whether to require photo identification  
9       for a service animal identifying the type of ani-  
10      mal, the breed of animal, and the service the ani-  
11      mal provides to the passenger;

12                  (B) whether to require documentation indi-  
13      cating whether or not a service animal was  
14      trained by the owner or an approved training  
15      organization;

16                  (C) whether to require, from a licensed phy-  
17      sician, documentation indicating the mitigating  
18      task or tasks a service animal provides to its  
19      owner; and

20                  (D) whether to allow a passenger to be ac-  
21      companied by more than 1 service animal;

22                  (3) reasonable measures to ensure the safety of  
23      all passengers, such as—

24                  (A) whether to require health and vaccina-  
25      tion records for a service animal; and

1                   (B) whether to require third-party proof of  
2                   behavioral training for a service animal;  
3                   (4) the impact additional requirements on serv-  
4                   ice animals could have on access to air transportation  
5                   for passengers with disabilities; and  
6                   (5) if impacts on access to air transportation for  
7                   passengers with disabilities are found, ways to elimi-  
8                   nate or mitigate those impacts.

9                   (c) *FINAL RULE.*—Not later than 18 months after the  
10                  date of enactment of this Act, the Secretary shall issue a  
11                  final rule pursuant to the rulemaking conducted under this  
12                  section.

13                  **SEC. 438. REVIEW OF PRACTICES FOR TICKETING, PRE-**  
14                  **FLIGHT SEAT ASSIGNMENTS, AND STOWING**  
15                  **OF ASSISTIVE DEVICES FOR PASSENGERS**  
16                  **WITH DISABILITIES.**

17                  (a) *REVIEW.*—

18                  (1) *IN GENERAL.*—Not later than 30 days after  
19                  the first meeting of the advisory committee on the air  
20                  travel needs of passengers with disabilities established  
21                  in section 439 (referred to in this section as the “Ad-  
22                  visory Committee”), the Secretary of Transportation  
23                  shall direct the Advisory Committee to review current  
24                  regulations with respect to practices for ticketing, pre-

1       *flight seat assignments, and stowing of assistive de-*  
2       *vices for passengers with disabilities.*

3           (2) *RECOMMENDATIONS.*—*In carrying out the re-*  
4       *view under paragraph (1), the Advisory Committee*  
5       *shall, at a minimum, provide recommendations on*  
6       *whether current regulations should be modified or*  
7       *prescribed to—*

8           (A) *provide accommodations for passengers*  
9       *with disabilities, if requested, in ticketing and*  
10      *pre-flight assignments;*

11          (B) *require covered air carriers to provide*  
12       *priority access to bulkhead seating to passengers*  
13       *with disabilities who need access to features of*  
14       *those seats due to disabilities regardless of class*  
15       *of service of ticket purchased; and*

16          (C) *ensure passengers with disabilities are*  
17       *able to stow assistive devices without cost.*

18          (b) *REPORT.*—*Not later than 6 months after the date*  
19       *of their first meeting, the Advisory Committee shall submit*  
20       *to the Secretary of Transportation and the appropriate*  
21       *committees of Congress a report on the review conducted*  
22       *under subsection (a)(1), including the recommendations de-*  
23       *veloped under subsection (a)(2).*

1 **SEC. 439. ADVISORY COMMITTEE ON THE AIR TRAVEL**2 **NEEDS OF PASSENGERS WITH DISABILITIES.**

3       (a) *ESTABLISHMENT.—The Secretary of Transpor-*  
4 *tation shall establish an advisory committee on issues re-*  
5 *lated to the air travel needs of passengers with disabilities*  
6 *(referred to in this section as the “Advisory Committee”).*

7       (b) *DUTIES.—The Advisory Committee shall—*

8           (1) *identify and assess the disability-related ac-*  
9 *cess barriers encountered by passengers with disabil-*  
10 *ties;*

11          (2) *determine the extent to which the programs*  
12 *and activities of the Department of Transportation*  
13 *are addressing the barriers identified in paragraph*  
14 *(1);*

15          (3) *recommend consumer protection improve-*  
16 *ments to the air travel experience of passengers with*  
17 *disabilities;*

18          (4) *advise the Secretary with regard to the im-*  
19 *plementation of section 41705 of title 49, United*  
20 *States Code; and*

21          (5) *conduct such activities as the Secretary con-*  
22 *siders necessary to carry out this section.*

23       (c) *MEMBERSHIP.—*

24           (1) *IN GENERAL.—The Advisory Committee shall*  
25 *be composed of at least 1 representative of each of the*  
26 *following groups:*

- 1                   (A) Passengers with disabilities.
  - 2                   (B) National disability organizations.
  - 3                   (C) Air carriers.
  - 4                   (D) Airport operators.
  - 5                   (E) Contractor service providers.
  - 6                   (F) Aircraft manufacturers.
  - 7                   (G) Wheelchair manufacturers.
  - 8                   (H) National veterans organizations representing disabled veterans.
- 10                 (2) APPOINTMENT.—The Secretary of Transportation shall appoint each member of the Advisory Committee.
- 13                 (3) VACANCIES.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.
- 16                 (d) CHAIRPERSON.—The Secretary of Transportation shall designate, from among the members appointed under subsection (c), an individual to serve as chairperson of the Advisory Committee.
- 20                 (e) TRAVEL EXPENSES.—Members of the Advisory Committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.
- 25                 (f) REPORTS.—

1                   (1) *IN GENERAL.*—Not later than 14 months  
2        *after the date of establishment of the Advisory Com-*  
3        *mittee, and annually thereafter, the Advisory Com-*  
4        *mittee shall submit to the Secretary of Transportation*  
5        *a report on the needs of passengers with disabilities*  
6        *in air travel, including—*

7                   (A) *an assessment of existing disability-re-*  
8        *lated access barriers, and any emerging dis-*  
9        *ability-related access barriers that will likely be*  
10      *an issue in the next 5 calendar years;*

11                  (B) *an evaluation of the extent to which the*  
12      *Department of Transportation's programs and*  
13      *activities are eliminating disability-related ac-*  
14      *cess barriers;*

15                  (C) *a description of the Advisory Commit-*  
16      *tee's actions;*

17                  (D) *a description of improvements related*  
18      *to the air travel experience of passengers with*  
19      *disabilities; and*

20                  (E) *any recommendations for legislation,*  
21      *administrative action, or other action that the*  
22      *Advisory Committee considers appropriate.*

23                  (2) *REPORT TO CONGRESS.*—Not later than 60  
24      *days after the date the Secretary receives the report*  
25      *under paragraph (1), the Secretary shall submit to*

1       *the appropriate committees of Congress a copy of the*  
2       *report, including any additional findings or rec-*  
3       *ommendations that the Secretary considers appro-*  
4       *priate.*

5       (g) TERMINATION.—The Advisory Committee estab-  
6 lished under this section shall terminate on September 30,  
7 2023.

8           (h) TERMINATION OF THE NEXT GENERATION AIR  
9 TRANSPORTATION SYSTEM SENIOR POLICY COMMITTEE.—  
10 The Next Generation Air Transportation System Senior  
11 Policy Committee established by the Secretary of Transpor-  
12 tation shall terminate on the date of the initial appoint-  
13 ment of the members of the Advisory Committee.

## 14 SEC. 440. REGULATIONS ENSURING ASSISTANCE FOR PAS-

## 15 SENGERS WITH DISABILITIES IN AIR TRANS-

16 PORTATION.

17       (a) *IN GENERAL.*—Not later than 180 days after the  
18 date of enactment of this Act, the Secretary of Transporta-  
19 tion shall—

20                   (1) review, and if necessary revise, applicable  
21 regulations to ensure that passengers with disabilities  
22 who request assistance while traveling in air trans-  
23 portation receive dignified, timely, and effective as-  
24 sistance at airports and on aircraft from trained per-  
25 sonnel; and

1                   (2) review, and if necessary revise, applicable  
2       regulations related to covered air carrier training  
3       programs for air carrier personnel, including contrac-  
4       tors, who provide physical assistance to passengers  
5       with disabilities to ensure that training under such  
6       programs—

7                   (A) occurs on an annual schedule for all  
8       new and continuing personnel charged with pro-  
9       viding physical assistance; and

10                  (B) includes, as appropriate, instruction by  
11       personnel, with hands-on training for employees  
12       who physically lift or otherwise physically assist  
13       passengers with disabilities, including the use of  
14       relevant equipment.

15                  (b) *TYPES OF ASSISTANCE.*—The assistance referred to  
16       subsection (a)(1) may include requests for assistance in  
17       boarding or deplaning an aircraft, requests for assistance  
18       in connecting between flights, and other similar or related  
19       requests, as appropriate.

20       **SEC. 441. TRANSPARENCY FOR DISABLED PASSENGERS.**

21                  The compliance date of the final rule, dated November  
22       2, 2016, on the reporting of data for mishandled baggage  
23       and wheelchairs in aircraft cargo compartments (81 Fed.  
24       Reg. 76300) shall be effective not later than 60 days after  
25       the date of enactment of this Act.

# **1    *Subtitle C—Small Community Air***

## **2                              *Service***

### **3 SEC. 451. ESSENTIAL AIR SERVICE AUTHORIZATION.**

*(a) IN GENERAL.—Section 41742(a)(2) of title 49, United States Code, is amended by striking “\$150,000,000 for fiscal year 2011” and all that follows before “to carry out” and inserting “\$155,000,000 for fiscal year 2018, \$158,000,000 for fiscal year 2019, \$161,000,000 for fiscal year 2020, \$165,000,000 for fiscal year 2021, \$168,000,000 for fiscal year 2022, and \$172,000,000 for fiscal year 2023”.*

11       (b) *SEASONAL SERVICE.*—The Secretary of Transporta-  
12 tion may consider the flexibility of current operational  
13 dates and airport accessibility to meet local community  
14 needs when issuing requests for proposal of essential air  
15 service at seasonal airports.

## **16 SEC. 452. STUDY ON ESSENTIAL AIR SERVICE REFORM.**

17 (a) STUDY.—

18                             (1) *IN GENERAL.*—The Comptroller General of  
19                             the United States shall conduct a study on the effects  
20                             of section 6 of the Airport and Airway Extension Act  
21                             of 2011, Part IV (Public Law 112–27), section 421 of  
22                             the FAA Modernization and Reform Act of 2012  
23                             (Public Law 112–95), and other relevant Federal  
24                             laws enacted after 2010, including the amendments

1       *made by those laws, on the Essential Air Service pro-*  
2       *gram.*

3           (2) *SCOPE.—In conducting the study under*  
4       *paragraph (1), the Comptroller General shall analyze,*  
5       *at a minimum—*

6              (A) *the impact of each relevant Federal law,*  
7       *including the amendments made by each law, on*  
8       *the Essential Air Service program;*

9              (B) *what actions communities and air car-*  
10       *riers have taken to reduce ticket prices or in-*  
11       *crease enplanements as a result of each law;*

12              (C) *the issuance of waivers by the Secretary*  
13       *under section 41731(e) of title 49, United States*  
14       *Code;*

15              (D) *whether budgetary savings resulted*  
16       *from each law; and*

17              (E) *options for further reform of the Essen-*  
18       *tial Air Service program.*

19           (b) *REQUIRED ANALYSIS ON COMMUNITIES.—In car-*  
20       *rying out subsection (a)(2)(E) the Comptroller General*  
21       *shall include, for each option for further reform, an analysis*  
22       *of the impact on local economies of communities with air-*  
23       *ports receiving Essential Air Service funding, access to air*  
24       *travel for residents of rural communities and the impact*  
25       *to local businesses in such communities.*

*(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a).*

## **5 SEC. 453. AIR TRANSPORTATION TO NONELIGIBLE PLACES.**

(a) DEFINITIONS.—Section 41731(a)(1)(A)(ii) of title 49, United States Code, is amended by striking “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century,” and inserting “FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190),”.

11           (b) *PROGRAM SUNSET*.—Section 41736 of title 49,  
12 *United States Code*, is amended by adding at the end the  
13 following:

14      “(h) SUNSET.—

15           “(1) *PROPOSALS.*—No proposal under subsection  
16       (a) may be accepted by the Secretary after the date  
17       of enactment of this subsection.

18               “(2) *PROGRAM*.—The Secretary may not provide  
19               any compensation under this section after the date  
20               that is 2 years after the date of enactment of this sub-  
21               section.”.

24       (a) IN GENERAL.—Not later than 1 year after the date  
25 of enactment of this Act, the inspector general of the Depart-

1   ment of Transportation shall conduct and complete a review  
2   of orders issued by the Department of Transportation from  
3   2005 through the date of enactment of this Act to determine  
4   whether the carriers providing unsubsidized service pro-  
5   vided basic essential air service, and whether the Depart-  
6   ment conducted sufficient oversight of carriers providing  
7   unsubsidized service to ensure air service quality and com-  
8   munity satisfaction.

9                 (b) CONTENTS.—The review shall include, at a min-  
10   imum—

11                     (1) a review of the Department's efforts to com-  
12   municate to the community served by the unsub-  
13   sidized carrier on any material air service changes;  
14   and

15                     (2) a review of the Department's efforts to closely  
16   monitor the quality of air service provided by the un-  
17   subsidized carrier and request proposals for basic es-  
18   sential air service if necessary.

19                 (c) REPORT.—Not later than 30 days after the date  
20   of completion of the review, the inspector general shall sub-  
21   mit to the appropriate committees of Congress a report on  
22   the results of the review.

23   **SEC. 455. SMALL COMMUNITY AIR SERVICE.**

24                 (a) ELIGIBILITY.—Section 41743(c) of title 49, United  
25   States Code, is amended—

1                   (1) by striking paragraph (1) and inserting the  
2                   following:

3                   “(1) SIZE.—On the date of submission of the rel-  
4                   evant application under subsection (b), the airport  
5                   serving the community or consortium—

6                   “(A) is not larger than a small hub airport,  
7                   as determined using the Department of Trans-  
8                   portation’s most recently published classification;  
9                   and

10                  “(B) has—

11                  “(i) insufficient air carrier service; or  
12                  “(ii) unreasonably high air fares.”;

13                  (2) by striking paragraph (4) and inserting the  
14                  following:

15                  “(4) OVERALL LIMIT.—

16                  “(A) IN GENERAL.—No more than 40 com-  
17                  munities or consortia of communities, or a com-  
18                  bination thereof, may be selected to participate  
19                  in the program in each year for which funds are  
20                  appropriated for the program.

21                  “(B) SAME PROJECTS.—Except as provided  
22                  in subparagraph (C), no community, consortia  
23                  of communities, or combination thereof may par-  
24                  ticipate in the program in support of the same  
25                  project more than once in a 10-year period, but

1       *any community, consortia of communities, or*  
2       *combination thereof may apply, subsequent to*  
3       *such participation, to participate in the pro-*  
4       *gram in support of a different project at any*  
5       *time.*

6           “(C) *EXCEPTION.*—*The Secretary may*  
7       *waive the limitation under subparagraph (B) re-*  
8       *lated to projects that are the same if the Sec-*  
9       *retary determines that the community or consor-*  
10      *tium spent little or no money on its previous*  
11      *project or encountered industry or environmental*  
12      *challenges, due to circumstances that were rea-*  
13      *sonably beyond the control of the community or*  
14      *consortium.”;*

15      (3) *in paragraph (5)—*

16          (A) *by redesignating subparagraphs (E)*  
17          *and (F) as subparagraphs (F) and (G), respec-*  
18          *tively; and*

19          (B) *by inserting after subparagraph (D) the*  
20          *following:*

21           “(E) *the assistance will be used to help re-*  
22           *store scheduled passenger air service that has*  
23           *been terminated.”.*

24      (b) *AUTHORITY TO MAKE AGREEMENTS.—Section*  
25      *41743(e)(1) of title 49, United States Code, is amended by*

1 adding at the end the following: “The Secretary may amend  
2 the scope of a grant agreement at the request of the commu-  
3 nity or consortium and any participating air carrier, and  
4 may limit the scope of a grant agreement to only the ele-  
5 ments using grant assistance or to only the elements  
6 achieved, if the Secretary determines that the amendment  
7 is reasonably consistent with the original purpose of the  
8 project.”

9           (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
10 41743(e)(2) of title 49, United States Code, is amended to  
11 read as follows:

12           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
13 There is authorized to be appropriated to the Sec-  
14 retary \$10,000,000 for each of fiscal years 2018  
15 through 2023 to carry out this section. Such sums  
16 shall remain available until expended.”.

17 **SEC. 456. WAIVERS.**

18       Section 41732 is amended by adding at the end the  
19 following:

20       “(c) WAIVERS.—Notwithstanding section 41733(e),  
21 upon request by an eligible place, the Secretary may waive,  
22 in whole or in part, subsections (a) and (b) of this section  
23 or subsections (a) through (c) of section 41734. A waiver  
24 issued under this subsection shall remain in effect for a lim-  
25 ited period of time, as determined by the Secretary.”.

1 **SEC. 457. EXTENSION OF FINAL ORDER ESTABLISHING**2 **MILEAGE ADJUSTMENT ELIGIBILITY.**

3       *Section 409(d) of the Vision 100—Century of Aviation  
4 Reauthorization Act (49 U.S.C. 41731 note) is amended by  
5 striking “2018” and inserting “2023”.*

6 **SEC. 458. REDUCTION IN SUBSIDY-PER-PASSENGER.**

7       *Section 426 of the FAA Modernization and Reform Act  
8 of 2012 (126 Stat. 98) is amended by adding at the end  
9 the following:*

10      “(d) **REDUCTION IN SUBSIDY-PER-PASSENGER.**—

11       “(1) **IN GENERAL.**—The Secretary shall waive  
12 application of the subsidy-per-passenger cap described  
13 under subsection (c) if the Secretary finds that the  
14 community’s subsidy-per-passenger for a fiscal year is  
15 lower than the subsidy-per-passenger for any of the 3  
16 previous fiscal years.

17       “(2) **EXCEPTION.**—The Secretary shall waive ap-  
18 plication of the subsidy-per-passenger cap if the sub-  
19 sidy-per-passenger for a fiscal year is less than 10  
20 percent higher than the highest subsidy-per-passenger  
21 from any of the 3 previous fiscal years. The Secretary  
22 may only waive application of the subsidy-per-pas-  
23 senger cap under this paragraph once per commu-  
24 nity.

25       “(3) **RULE OF CONSTRUCTION.**—Nothing in this  
26 subsection shall be construed to limit the Secretary’s

1       ability under subsection (c) to waive application of  
2       the subsidy-per-passenger cap.”.

3       **TITLE V—MISCELLANEOUS**

4       **SEC. 501. DEFINITIONS.**

5       *In this title, the following definitions apply:*

6           (1) *ADMINISTRATION.*—The term “Administration” means the Federal Aviation Administration.

8           (2) *ADMINISTRATOR.*—The term “Administrator” means the Administrator of the FAA.

10          (3) *ADS-B.*—The term “ADS-B” means automatic dependent surveillance-broadcast.

12          (4) *ADS-B OUT.*—The term “ADS-B Out” means automatic dependent surveillance-broadcast with the ability to transmit information from the aircraft to ground stations and to other equipped aircraft.

17          (5) *FAA.*—The term “FAA” means the Federal Aviation Administration.

19          (6) *NEXTGEN.*—The term “NextGen” means the Next Generation Air Transportation System.

21       **SEC. 502. REPORT ON AIR TRAFFIC CONTROL MODERNIZATION.**

23          (a) *FAA REPORT.*—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report de-

1 scribing the multiyear effort of the Administration to mod-  
2 ernize the air transportation system (in this section referred  
3 to as the “modernization effort”), including—

4 (1) the number of years that the modernization  
5 effort has been underway as of the date of the report;

6 (2) the total amount of money expended on the  
7 modernization effort as of the date of the report (in-  
8 cluding a description of how that amount was cal-  
9 culated);

10 (3) the net present value of the benefits reported  
11 from aircraft operators resulting from the money ex-  
12 pended on the modernization effort as of the date of  
13 the report;

14 (4) a definition for NextGen, including a de-  
15 scription of any changes to that definition that oc-  
16 curred between 2003 and the date of the report;

17 (5) the net present value of the money expended  
18 on NextGen as of the date of the report if such money  
19 had been deposited into a Government trust fund in-  
20 stead of being expended on NextGen;

21 (6) a description of the benefits promised and  
22 benefits delivered with respect to NextGen as of the  
23 date of the report;

1                   (7) any changes to the benefits promised with re-  
2                   spect to NextGen between the date on which NextGen  
3                   began and the date of the report;

4                   (8) a description of each program or project that  
5                   comprises NextGen, including—

6                   (A) when the program or project was initi-  
7                   ated;

8                   (B) the total budget for the program or  
9                   project;

10                  (C) the initial budget for the program or  
11                  project;

12                  (D) the acquisition program baseline for the  
13                  program or project;

14                  (E) whether the program or project has ever  
15                  breached the acquisition program baseline and, if  
16                  so, a description of when, why, and how the  
17                  breach was resolved;

18                  (F) whether the program or project has been  
19                  re-baselined or divided into smaller segments  
20                  and, if so, a description of when, why, and the  
21                  impact to the cost of the program or project;

22                  (G) the initial schedule for the program or  
23                  project;

24                  (H) whether the program or project was de-  
25                  layed and, if so, a description of how long, why,

1           *and the impact to the cost of the program or  
2           project;*

3           *(I) whether the Administration changed any  
4           contract term or deliverable for the program or  
5           project and, if so, a description of the change,  
6           why it happened, and the impact to the cost of  
7           the program or project;*

8           *(J) benefits promised with respect to the  
9           program or project at initiation;*

10          *(K) benefits delivered with respect to the  
11           program or project as of the date of the report;*

12          *(L) whether the program or project was  
13           cancelled and, if so, a description of why and  
14           when;*

15          *(M) for cancelled programs or projects,  
16           whether there were any costs associated with the  
17           decision to cancel and, if so, a description of the  
18           amount of the costs (including for both the Ad-  
19           ministration and the private sector);*

20          *(N) the metrics, milestones, and deadlines  
21           set for the program or project and how the Ad-  
22           ministration tracked and ensured compliance  
23           with those metrics, milestones, and deadlines;*

1                   (O) how the Administration conducted over-  
2                   sight of the program or project and any related  
3                   stakeholder collaboration efforts;

4                   (P) the status of the program or project as  
5                   of the date of the report; and

6                   (Q) an assessment of the key risks to the full  
7                   implementation of the program and a descrip-  
8                   tion of how the Administration is mitigating, or  
9                   plans to mitigate, those risks;

10                  (9) the date upon which, or milestone by which,  
11                  the Administration anticipates NextGen will be com-  
12                  plete; and

13                  (10) any lessons learned during the NextGen ef-  
14                  fort, and whether, how, and to what effect those les-  
15                  sons have been applied.

16                  (b) *INSPECTOR GENERAL REPORT*.—Not later than  
17                  270 days after the date on which the report required under  
18                  subsection (a) is submitted, the inspector general of the De-  
19                  partment of Transportation shall review the report and sub-  
20                  mit to the appropriate committees of Congress a statement  
21                  of the inspector general that—

22                  (1) determines the accuracy of the information  
23                  reported;

24                  (2) describes any concerns with the accuracy of  
25                  the information reported;

1                   (3) summarizes concerns raised by the inspector  
2                   general, the Government Accountability Office, and  
3                   other sources with respect to the Administration's im-  
4                   plementation and oversight of NextGen since the date  
5                   on which NextGen began;

6                   (4) describes—

7                   (A) any pertinent recommendations made  
8                   by the inspector general related to the Adminis-  
9                   tration's implementation and oversight of  
10                  NextGen since the date on which NextGen began;  
11                  and

12                  (B) whether and how the Administration  
13                  addressed the recommendations; and

14                  (5) provides any other information that the in-  
15                  spector general determines is appropriate.

16 **SEC. 503. RETURN ON INVESTMENT REPORT.**

17                  (a) *IN GENERAL.*—Not later than 1 year after the date  
18                  of enactment of this Act, and annually thereafter until the  
19                  date that each NextGen program has a positive return on  
20                  investment, the Administrator shall submit to the appro-  
21                  priate committees of Congress a report on the status of each  
22                  NextGen program, including the most recent NextGen pri-  
23                  ority list under subsection (c).

24                  (b) *CONTENTS.*—The report under subsection (a) shall  
25                  include, for each NextGen program—

- 1                   (1) *an estimate of the date the program will have*  
2                   *a positive return on investment;*
  - 3                   (2) *an explanation for any delay in the delivery*  
4                   *of expected benefits from previously published esti-*  
5                   *mates on delivery of such benefits, in implementing or*  
6                   *utilizing the program;*
  - 7                   (3) *an estimate of the completion date;*
  - 8                   (4) *an assessment of the long-term and near-term*  
9                   *user benefits of the program for—*
  - 10                  (A) *the Federal Government; and*
  - 11                  (B) *the users of the national airspace sys-*  
12                  *tem; and*
  - 13                  (5) *a description of how the program directly*  
14                  *contributes to a safer and more efficient air traffic*  
15                  *control system.*
- 16                  (c) *NEXTGEN PRIORITY LIST.—Based on the assess-*  
17                  *ment under subsection (a), the Administrator shall—*
- 18                  (1) *develop, in coordination with the NextGen*  
19                  *Advisory Committee and considering the need for a*  
20                  *balance between long-term and near-term user bene-*  
21                  *fits, a prioritization of the NextGen programs;*
  - 22                  (2) *annually update the priority list under*  
23                  *paragraph (1); and*

1                   (3) prepare budget submissions to reflect the cur-  
2                   rent status of NextGen programs and projected re-  
3                   turns on investment for each NextGen program.

4                   (d) **DEFINITION OF RETURN ON INVESTMENT.**—In this  
5 section, the term “return on investment” means the cost as-  
6 sociated with technologies that are required by law or policy  
7 as compared to the financial benefits derived from such  
8 technologies by a government or a user of airspace.

9                   (e) **REPEAL OF NEXTGEN PRIORITIES.**—Section 202  
10 of the FAA Modernization and Reform Act of 2012 (Public  
11 Law 112–95; 49 U.S.C. 40101 note) and the item relating  
12 to that section in the table of contents under section 1(b)  
13 of that Act are repealed.

14 **SEC. 504. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-  
15 GENCY PLANS.**

16                   (a) **AIR TRAFFIC CONTROL OPERATIONAL CONTIN-  
17 GENCY PLANS.**—Not later than 1 year after the date of en-  
18 actment of this Act, the Administrator shall review the Ad-  
19 ministration’s air traffic control operational contingency  
20 plans (FAA Order JO 1900.47E), and, as the Adminis-  
21 trator considers appropriate, update such plans, to address  
22 potential air traffic facility outages that could have a major  
23 impact on the operation of the national airspace system,  
24 including the most recent findings and recommendations in  
25 the report under subsection (c).

1       (b) *UPDATES.*—Not later than 60 days after the date  
2 the air traffic control operational contingency plans are re-  
3 viewed under subsection (a), the Administrator shall submit  
4 to the appropriate committees of Congress a report on the  
5 review, including any recommendations for ensuring air  
6 traffic facility outages do not have a major impact on the  
7 operation of the national airspace system.

8       (c) *RESILIENCY RECOMMENDATIONS.*—Not later than  
9 180 days after the date of enactment of this Act, and peri-  
10 odically thereafter as the Administrator considers appro-  
11 priate, the Administrator shall convene NextGen program  
12 officials to evaluate, expedite, and complete a report on how  
13 planned NextGen capabilities can enhance the resiliency  
14 and continuity of national airspace system operations and  
15 mitigate the impact of future air traffic control disruptions.

16 **SEC. 505. 2020 ADS-B OUT MANDATE PLAN.**

17       The Administrator, in collaboration with the NextGen  
18 Advisory Committee, shall—

19           (1) not later than 90 days after the date of en-  
20 actment of this Act—

21              (A) identify any known and potential bar-  
22 riers to compliance with the 2020 ADS-B Out  
23 mandate under section 91.225 of title 14, Code  
24 of Federal Regulations;

1                   (B) develop a plan to address the known  
2                   barriers identified in paragraph (1), including a  
3                   schedule for—

4                   (i) periodically reevaluating the poten-  
5                   tial barriers identified in paragraph (1);  
6                   and

7                   (ii) developing solutions and imple-  
8                   menting actions to address the known and  
9                   potential barriers; and

10                  (C) submit the plan to the appropriate com-  
11                  mittees of Congress; and

12                  (2) not later than 90 days after the date the plan  
13                  is submitted under paragraph (1), submit to the ap-  
14                  propriate committees of Congress a report on the  
15                  progress made toward meeting the 2020 ADS-B Out  
16                  mandate.

17 **SEC. 506. SECURING AIRCRAFT AVIONICS SYSTEMS.**

18                  (a) *IN GENERAL.*—The Administrator shall consider,  
19                  where appropriate, revising Federal Aviation Administra-  
20                  tion regulations regarding airworthiness certification—

21                  (1) to address cybersecurity for avionics systems,  
22                  including software components; and

23                  (2) to require that aircraft avionics systems used  
24                  for flight guidance or aircraft control be secured  
25                  against unauthorized access via passenger in-flight

1       *entertainment systems through such means as the Ad-*  
2       *ministrator determines appropriate to protect the avi-*  
3       *onics systems from unauthorized external and inter-*  
4       *nal access.*

5       *(b) CONSIDERATION.—In carrying out subsection (a),*  
6       *the Administrator shall consider the recommendations of the*  
7       *Aircraft Systems Information Security Protection Working*  
8       *Group under section 2111 of the FAA Extension Safety and*  
9       *Security Act of 2016 (Public Law 114–190; 130 Stat. 615).*

10      **SEC. 507. HUMAN FACTORS.**

11       *(a) IN GENERAL.—In order to avoid having to subse-*  
12       *quently modify products and services developed as a part*  
13       *of NextGen, the Administrator shall—*

14           *(1) recognize and incorporate, in early design*  
15           *phases of all relevant NextGen programs, the human*  
16           *factors and procedural and airspace implications of*  
17           *stated goals and associated technical changes; and*

18           *(2) ensure that a human factors specialist, sepa-*  
19           *rate from the research and certification groups, is di-*  
20           *rectly involved with the NextGen approval process.*

21       *(b) REPORT.—Not later than 1 year after the date of*  
22       *enactment of this Act, the Administrator shall submit to*  
23       *the appropriate committees of Congress a report on the*  
24       *progress made toward implementing the requirements*  
25       *under subsection (a).*

1   **SEC. 508. PROGRAMMATIC RISK MANAGEMENT.**

2         To better inform the Administration's decisions re-  
3         garding the prioritization of efforts and allocation of re-  
4         sources for NextGen, the Administrator shall—

5             (1) solicit input from specialists in probability  
6         and statistics to identify and prioritize the pro-  
7         grammatic and implementation risks to NextGen;  
8         and

9             (2) develop a method to manage and mitigate the  
10         risks identified in paragraph (1).

11   **SEC. 509. REVIEW OF FAA STRATEGIC CYBERSECURITY  
12         PLAN.**

13         (a) *IN GENERAL.*—Not later than 1 year after the date  
14         of enactment of this Act, the Administrator shall initiate  
15         a review of the comprehensive and strategic framework of  
16         principles and policies (referred to in this section as the  
17         “framework”) developed pursuant to section 2111 of the  
18         FAA Extension, Safety, and Security Act of 2016 (49  
19         U.S.C. 44903 note).

20         (b) *CONTENTS.*—In undertaking the review under sub-  
21         section (a), the Administrator shall—

22             (1) assess the degree to which the framework  
23         identifies and addresses known cybersecurity risks as-  
24         sociated with the aviation system;

1                   (2) review existing short- and long-term objec-  
2                   tives for addressing cybersecurity risks to the national  
3                   airspace system; and

4                   (3) assess the Administration's level of engage-  
5                   ment and coordination with aviation stakeholders  
6                   and other appropriate agencies, organizations, or  
7                   groups with which the Administration consults to  
8                   carry out the framework.

9                   (c) UPDATES.—Upon completion of the review under  
10 subsection (a), the Administrator shall modify the frame-  
11 work, as appropriate, to address any deficiencies identified  
12 by the review.

13                   (d) REPORT TO CONGRESS.—Not later than 180 days  
14 after initiating the review required by subsection (a), the  
15 Administrator shall submit to the appropriate committees  
16 of Congress a report on the results of the review, including  
17 a description of any modifications made to the framework.

18 **SEC. 510. CONSOLIDATION AND REALIGNMENT OF FAA**  
19                   **SERVICES AND FACILITIES.**

20                   (a) PURPOSE AND INPUT.—Section 804(a) of the FAA  
21 Modernization and Reform Act of 2012 (49 U.S.C. 44501  
22 note) is amended—

23                   (1) in paragraph (2) by striking “The purpose  
24 of the report shall be—” and all that follows through

1       “(B) to reduce” and inserting “The purpose of the re-  
2       port shall be to reduce”; and

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

5               “(4) INPUT.—The report shall be prepared by the  
6       Administrator (or the Administrator’s designee) with  
7       the participation of—

8               “(A) representatives of labor organizations  
9       representing air traffic control system employees  
10      of the FAA; and

11               “(B) industry stakeholders.”.

12       (b) *MILITARY OPERATIONS EXCLUSION*.—Section 804  
13      of the *FAA Modernization and Reform Act of 2012* (49  
14      U.S.C. 44501 note) is amended—

15               (1) by redesignating subsection (e) as subsection  
16      (f); and

17               (2) by inserting after subsection (d) the fol-  
18      lowing:

19               “(e) *MILITARY OPERATIONS EXCLUSION*.—

20               “(1) *IN GENERAL*.—The Administrator may not  
21      realign or consolidate a combined TRACON and  
22      tower with radar facility of the FAA under this sec-  
23      tion if, in 2015, the total annual military operations  
24      at the facility comprised at least 40 percent of the  
25      total annual TRACON operations at the facility.

1           “(2) *TRACON DEFINED.*—In this subsection, the  
2       term ‘*TRACON*’ means terminal radar approach con-  
3       trol.”.

4 **SEC. 511. FAA REVIEW AND REFORM.**

5           (a) *AGENCY REPORT.*—Not later than 60 days after  
6       the date of enactment of this Act, the Administrator shall  
7       submit to the appropriate committees of Congress a detailed  
8       analysis of any actions taken to address the findings and  
9       recommendations included in the report required under sec-  
10      tion 812(d) of the *FAA Modernization and Reform Act of*  
11      *2012* (*49 U.S.C. 106 note*), including—

12           (1) consolidating, phasing-out, or eliminating  
13       duplicative positions, programs, roles, or offices;  
14           (2) eliminating or streamlining wasteful prac-  
15       tices;

16           (3) eliminating or phasing-out redundant, obso-  
17       lete, or unnecessary functions;

18           (4) reforming and streamlining inefficient proc-  
19       esses so that the activities of the Administration are  
20       completed in an expedited and efficient manner; and

21           (5) reforming or eliminating ineffectual or out-  
22       dated policies.

23           (b) *ADDITIONAL REVIEW.*—Not later than 18 months  
24       after the date of enactment of this Act, the Administrator  
25       shall undertake and complete a thorough review of each pro-

1 gram, office, and organization within the Administration  
2 to identify—

- 3 (1) duplicative positions, programs, roles, or of-  
4 fices;  
5 (2) wasteful practices;  
6 (3) redundant, obsolete, or unnecessary functions;  
7 (4) inefficient processes; and  
8 (5) ineffectual or outdated policies.

9 (c) ACTIONS TO STREAMLINE AND REFORM FAA.—

10 Not later than 60 days after the date of completion of the  
11 review under subsection (b), the Administrator shall under-  
12 take such actions as may be necessary to address the find-  
13 ings of the Administrator under such subsection.

14 (d) REPORT TO CONGRESS.—Not later than 120 days  
15 after the date of completion of the review under subsection  
16 (b), the Administrator shall submit to the appropriate com-  
17 mittees of Congress a report on the actions taken by the  
18 Administrator pursuant to subsection (c), including any  
19 recommendations for legislative or administrative actions.

20 **SEC. 512. AIR SHOWS.**

21 On an annual basis, the Administrator shall work  
22 with representatives of Administration-approved air shows,  
23 the general aviation community, and stadiums and other  
24 large outdoor events and venues to identify and resolve, to  
25 the maximum extent practicable, scheduling conflicts be-

1 *tween Administration-approved air shows and large out-*  
2 *door events and venues where—*

3           *(1) flight restrictions will be imposed pursuant*  
4           *to section 521 of title V of division F of Public Law*  
5           *108–199 (118 Stat. 343); or*

6           *(2) any other restriction will be imposed pursu-*  
7           *ant to Federal Aviation Administration Flight Data*  
8           *Center Notice to Airmen 4/3621 (or any successor no-*  
9           *tice to airmen).*

10 **SEC. 513. PART 91 REVIEW, REFORM, AND STREAMLINING.**

11       *(a) ESTABLISHMENT OF TASK FORCE.—Not later than*  
12       *90 days after the date of enactment of this Act, the Adminis-*  
13       *trator shall establish a task force comprised of representa-*  
14       *tives of the general aviation industry who regularly perform*  
15       *part 91 operations, labor unions (including those rep-*  
16       *resenting FAA aviation safety inspectors and FAA aviation*  
17       *safety engineers), manufacturers, and the Government to—*

18           *(1) conduct an assessment of the FAA oversight*  
19           *and authorization processes and requirements for air-*  
20           *craft under part 91; and*

21           *(2) make recommendations to streamline the ap-*  
22           *plicable authorization and approval processes, im-*  
23           *prove safety, and reduce regulatory cost burdens and*  
24           *delays for the FAA and aircraft owners and operators*  
25           *who operate pursuant to part 91.*

1       (b) *CONTENTS.*—In conducting the assessment and  
2 making recommendations under subsection (a), the task  
3 force shall consider—

4           (1) process reforms and improvements to allow  
5 the FAA to review and approve applications in a fair  
6 and timely fashion;

7           (2) the appropriateness of requiring an author-  
8 ization for each experimental aircraft rather than  
9 using a broader all-makes-and-models approach;

10          (3) ways to improve the timely response to letters  
11 of authorization applications for aircraft owners and  
12 operators who operate pursuant to part 91, including  
13 setting deadlines and granting temporary or auto-  
14 matic authorizations if deadlines are missed by the  
15 FAA;

16          (4) methods for enhancing the effective use of del-  
17 egation systems;

18          (5) methods for training the FAA's field office  
19 employees in risk-based and safety management sys-  
20 tem oversight; and

21          (6) such other matters related to streamlining  
22 part 91 authorization and approval processes as the  
23 task force considers appropriate.

24       (c) *REPORT TO CONGRESS.*—

1                   (1) *IN GENERAL.*—Not later than 1 year after  
2                   the date of enactment of this Act, the Administrator  
3                   shall submit to the appropriate committees of Con-  
4                   gress a report on the results of the task force's assess-  
5                   ment.

6                   (2) *CONTENTS.*—The report shall include an ex-  
7                   planation of how the Administrator will—

8                         (A) implement the recommendations of the  
9                         task force;

10                         (B) measure progress in implementing the  
11                         recommendations; and

12                         (C) measure the effectiveness of the imple-  
13                         mented recommendations.

14                   (d) *IMPLEMENTATION OF RECOMMENDATIONS.*—Not  
15                   later than 18 months after the date of enactment of this  
16                   Act, the Administrator shall implement the recommenda-  
17                   tions made under this section.

18                   (e) *DEFINITION.*—In this section, the term “part 91”  
19                   means part 91 of title 14, Code of Federal Regulations.

20                   (f) *APPLICABLE LAW.*—Public Law 92–463 shall not  
21                   apply to the task force.

22                   (g) *SUNSET.*—The task force shall terminate on the  
23                   day the Administrator submits the report required under  
24                   subsection (c).

1   **SEC. 514. AIRCRAFT LEASING.**

2       *Section 44112(b) of title 49, United States Code, is*

3   *amended—*

4           *(1) by striking “on land or water”; and*

5           *(2) by inserting “operational” before “control”.*

6   **SEC. 515. PILOTS SHARING FLIGHT EXPENSES WITH PAS-**

7           **SENGERS.**

8       *(a) GUIDANCE.—*

9           *(1) IN GENERAL.—Not later than 90 days after*  
10      *the date of enactment of this Act, the Administrator*  
11      *shall make publicly available, in a clear and concise*  
12      *format, advisory guidance that describes how a pilot*  
13      *may share flight expenses with passengers in a man-*  
14      *ner consistent with Federal law, including regula-*  
15      *tions.*

16           *(2) EXAMPLES INCLUDED.—The guidance shall*  
17      *include examples of—*

18           *(A) flights for which pilots and passengers*  
19      *may share expenses;*

20           *(B) flights for which pilots and passengers*  
21      *may not share expenses;*

22           *(C) the methods of communication that pi-*  
23      *lots and passengers may use to arrange flights*  
24      *for which expenses are shared; and*

1                   (D) the methods of communication that pi-  
2                   lots and passengers may not use to arrange  
3                   flights for which expenses are shared.

4                   (b) REPORT.—

5                   (1) IN GENERAL.—Not later than 180 days after  
6                   the date on which guidance is made publicly available  
7                   under subsection (a), the Comptroller General of the  
8                   United States shall submit to the appropriate com-  
9                   mittees of Congress a report analyzing Federal policy  
10                  with respect to pilots sharing flight expenses with  
11                  passengers.

12                  (2) EVALUATIONS INCLUDED.—The report sub-  
13                  mitted under paragraph (1) shall include an evalua-  
14                  tion of—

15                  (A) the rationale for such Federal policy;  
16                  (B) safety and other concerns related to pi-  
17                  lots sharing flight expenses with passengers; and  
18                  (C) benefits related to pilots sharing flight  
19                  expenses with passengers.

20 **SEC. 516. TERMINAL AERODROME FORECAST.**

21                  (a) IN GENERAL.—The Administrator shall permit a  
22                  covered air carrier to operate to or from a location in a  
23                  noncontiguous State without a Terminal Aerodrome Fore-  
24                  cast or Meteorological Aerodrome Report if—

1           (1) such location is determined to be under vis-  
2       ual meteorological conditions;

3           (2) a current Area Forecast, supplemented by  
4       other local weather observations or reports, is avail-  
5       able; and

6           (3) an alternate airport that has an available  
7       Terminal Aerodrome Forecast and weather report is  
8       specified.

9           (b) *PROCEDURES.*—A covered air carrier shall—

10          (1) have approved procedures for dispatch or re-  
11       lease and enroute weather evaluation; and

12          (2) operate under instrument flight rules enroute  
13       to the destination.

14          (c) *LIMITATION.*—Without a written finding of neces-  
15       sity, based on objective and historical evidence of imminent  
16       threat to safety, the Administrator shall not promulgate  
17       any operation specification, policy, or guidance document  
18       pursuant to this section that is more restrictive than, or  
19       requires procedures that are not expressly stated in, the reg-  
20       ulations.

21          (d) *COVERED AIR CARRIER DEFINED.*—In this sec-  
22       tion, the term “covered air carrier” means an air carrier  
23       operating in a noncontiguous State under part 121 of title  
24       14, *Code of Federal Regulations*.

1 **SEC. 517. PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING**2 ***FLIGHT TIMES.***

3       *The Administrator shall issue regulations modifying*  
4 *section 61.51(j)(4) of title 14, Code of Federal Regulations,*  
5 *so as to include aircraft under the direct operational control*  
6 *of forestry and fire protection agencies as public aircraft*  
7 *eligible for logging flight times.*

8 **SEC. 518. AIRCRAFT REGISTRY OFFICE.**

9       *The Administrator shall designate employees at the*  
10 *Aircraft Registry Office in Oklahoma City, Oklahoma, as*  
11 *excepted employees in the event of a shutdown or emergency*  
12 *furlough to ensure that the office remains open for the dura-*  
13 *tion of the lapse in Federal Government appropriations to*  
14 *the Federal Aviation Administration.*

15 **SEC. 519. FAA DATA TRANSPARENCY.**

16       *Section 45303 of title 49, United States Code, is*  
17 *amended by adding at the end the following:*

18       “*(g) DATA TRANSPARENCY.—*

19           “*(1) AIR TRAFFIC SERVICES INITIAL DATA RE-*  
20 *PORT.—*

21           “*(A) INITIAL REPORT.—Not later than 6*  
22 *months after the date of enactment of the FAA*  
23 *Reauthorization Act of 2018, the Administrator*  
24 *and the Chief Operating Officer of the Air Traf-*  
25 *fic Organization shall, based upon the most re-*  
26 *cently available full fiscal year data, complete*

1           *the following calculations for each segment of air*  
2           *traffic services users:*

3                 “(i) *The total costs allocable to the use*  
4                 *of air traffic services for that segment dur-*  
5                 *ing such fiscal year.*

6                 “(ii) *The total revenues received from*  
7                 *that segment during such fiscal year.*

8                 “(B) *VALIDATION OF MODEL.—*

9                 “(i) *REVIEW AND DETERMINATION.—*  
10                 *Not later than 3 months after completion of*  
11                 *the initial report required under subparagraph*  
12                 *(A), the inspector general of the De-*  
13                 *partment of Transportation shall review*  
14                 *and determine the validity of the model*  
15                 *used by the Administrator and the Chief*  
16                 *Operating Officer to complete the calcula-*  
17                 *tions required under subparagraph (A).*

18                 “(ii) *VALIDATION PROCESS.—In the*  
19                 *event that the inspector general determines*  
20                 *that the model used by the Administrator*  
21                 *and the Chief Operating Officer to complete*  
22                 *the calculations required by subparagraph*  
23                 *(A) is not valid—*

24                 “(I) *the inspector general shall*  
25                 *provide the Administrator and Chief*

1                   *Operating Officer recommendations on*  
2                   *how to revise the model;*

3                   “(II) the Administrator and the  
4                   Chief Operating Officer shall complete  
5                   the calculations required by subparagraph  
6                   (A) utilizing the revised model  
7                   and resubmit the revised initial report  
8                   required under subparagraph (A) to  
9                   the inspector general; and

10                  “(III) not later than 3 months  
11                  after completion of the revised initial  
12                  report required under subparagraph  
13                  (A), the inspector general shall review  
14                  and determine the validity of the re-  
15                  vised model used by the Administrator  
16                  and the Chief Operating Officer to  
17                  complete the calculations required by  
18                  subparagraph (A).

19                  “(iii) ACCESS TO DATA.—The Admin-  
20                  istrator and the Chief Operating Officer  
21                  shall provide the inspector general of the  
22                  Department of Transportation with unfet-  
23                  tered access to all data produced by the cost  
24                  accounting system operated and maintained  
25                  pursuant to subsection (e).

1                 “(C) REPORT TO CONGRESS.—Not later  
2                 than 60 days after completion of the review and  
3                 receiving a determination that the model used is  
4                 valid under subparagraph (B), the Administrator and the Chief Operating Officer shall sub-  
5                 mit to the Committee on Transportation and In-  
6                 frastructure, the Committee on Appropriations,  
7                 and the Committee on Ways and Means of the  
8                 House of Representatives, and the Committee on  
9                 Commerce, Science, and Transportation, the  
10                 Committee on Appropriations, and the Com-  
11                 mittee on Finance of the Senate a report describ-  
12                 ing the results of the calculations completed  
13                 under subparagraph (A).

15                 “(D) PUBLICATION.—Not later than 60  
16                 days after submission of the report required  
17                 under subparagraph (C), the Administrator and  
18                 Chief Operating Officer shall publish the initial  
19                 report, including any revision thereto if required  
20                 as a result of the validation process for the  
21                 model.

22                 “(2) AIR TRAFFIC SERVICES BIENNIAL DATA RE-  
23                 PORTING.—

24                 “(A) BIENNIAL DATA REPORTING.—Not  
25                 later than March 31, 2019, and biennially there-

1           *after for 8 years, the Administrator and the*  
2           *Chief Operating Officer shall, using the validated*  
3           *model, complete the following calculations for*  
4           *each segment of air traffic services users for the*  
5           *most recent full fiscal year:*

6                 “(i) *The total costs allocable to the use*  
7                 *of the air traffic services for that segment.*

8                 “(ii) *The total revenues received from*  
9                 *that segment.*

10                 “(B) *REPORT TO CONGRESS.—Not later*  
11                 *than 15 days after completing the calculations*  
12                 *under subparagraph (A), the Administrator and*  
13                 *the Chief Operating Officer shall complete and*  
14                 *submit to the Committee on Transportation and*  
15                 *Infrastructure, the Committee on Appropriations,*  
16                 *and the Committee on Ways and Means of*  
17                 *the House of Representatives, and the Committee*  
18                 *on Commerce, Science, and Transportation, the*  
19                 *Committee on Appropriations, and the Com-*  
20                 *mittee on Finance of the Senate a report con-*  
21                 *taining the results of such calculations.*

22                 “(C) *PUBLICATION.—Not later than 60 days*  
23                 *after completing the calculations pursuant to*  
24                 *subparagraph (A), the Administrator and the*

1           *Chief Operating Officer shall publish the results  
2           of such calculations.*

3           “(3) *SEGMENTS OF AIR TRAFFIC SERVICES  
4           USERS.—*

5           “(A) *IN GENERAL.—For purposes of this  
6           subsection, each of the following shall constitute  
7           a separate segment of air traffic services users:*

8           “(i) *Passenger air carriers conducting  
9           operations under part 121 of title 14, Code  
10          of Federal Regulations.*

11          “(ii) *All-cargo air carriers conducting  
12          operations under part 121 of such title.*

13          “(iii) *Operators covered by part 125 of  
14          such title.*

15          “(iv) *Air carriers and operators of pis-  
16          ton-engine aircraft operating under part  
17          135 of such title.*

18          “(v) *Air carriers and operators of tur-  
19          bine-engine aircraft operating under part  
20          135 of such title.*

21          “(vi) *Foreign air carriers providing  
22          passenger air transportation.*

23          “(vii) *Foreign air carriers providing  
24          all-cargo air transportation.*

1                 “(viii) Operators of turbine-engine air-  
2                 craft operating under part 91 of such title,  
3                 excluding those operating under subpart (K)  
4                 of such part.

5                 “(ix) Operators of piston-engine air-  
6                 craft operating under part 91 of such title,  
7                 excluding those operating under subpart (K)  
8                 of such part.

9                 “(x) Operators covered by subpart (K)  
10                 of part 91 of such title.

11                 “(xi) Operators covered by part 133 of  
12                 such title.

13                 “(xii) Operators covered by part 136 of  
14                 such title.

15                 “(xiii) Operators covered by part 137  
16                 of such title.

17                 “(xiv) Operators of public aircraft that  
18                 qualify under section 40125.

19                 “(xv) Operators of aircraft that neither  
20                 take off from, nor land in, the United  
21                 States.

22                 “(B) ADDITIONAL SEGMENTS.—The Sec-  
23                 retary may identify and include additional seg-  
24                 ments of air traffic users under subparagraph  
25                 (A) as revenue and air traffic services cost data

1           *become available for that additional segment of*  
2           *air traffic services users.*

3           “(4) *DEFINITIONS.*—For purposes of this sub-  
4           section:

5           “(A) *AIR TRAFFIC SERVICES.*—The term  
6           ‘air traffic services’ means services—

7                 “(i) used for the monitoring, directing,  
8                 control, and guidance of aircraft or flows of  
9                 aircraft and for the safe conduct of flight,  
10                 including communications, navigation, and  
11                 surveillance services and provision of aero-  
12                 nautical information; and

13                 “(ii) provided directly, or contracted  
14                 for, by the Federal Aviation Administra-  
15                 tion.

16           “(B) *AIR TRAFFIC SERVICES USER.*—The  
17           term ‘air traffic services user’ means any indi-  
18           vidual or entity using air traffic services pro-  
19           vided directly, or contracted for, by the Federal  
20           Aviation Administration within United States  
21           airspace or international airspace delegated to  
22           the United States.”.

1   **SEC. 520. INTRA-AGENCY COORDINATION.**

2       *Not later than 120 days after the date of enactment*  
3   *of this Act, the Administrator shall implement a policy*  
4   *that—*

5           *(1) designates the Associate Administrator for*  
6   *Commercial Space Transportation as the primary li-*  
7   *aision between the commercial space transportation*  
8   *industry and the Administration;*

9           *(2) recognizes the necessity of, and set forth proc-*  
10   *esses for, launch license and permit holder coordina-*  
11   *tion with the Air Traffic Organization on matters in-*  
12   *cluding—*

13           *(A) the use of air navigation facilities;*

14           *(B) airspace safety; and*

15           *(C) planning of commercial space launch*  
16   *and launch support activities;*

17           *(3) designates a single point of contact within*  
18   *the Air Traffic Organization who is responsible for—*

19           *(A) maintaining letters of agreement be-*  
20   *tween a launch license or permit holder and a*  
21   *Federal Aviation Administration facility;*

22           *(B) making such letters of agreement avail-*  
23   *able to the Associate Administrator for Commer-*  
24   *cial Space Transportation;*

1                   (C) ensuring that a facility that has entered  
2                   into such a letter of agreement is aware of and  
3                   fulfills its responsibilities under the letter; and  
4                   (D) liaising between the Air Traffic Organiza-  
5                   zation and the Associate Administrator for Com-  
6                   mercial Space Transportation on any matter re-  
7                   lating to such a letter of agreement; and  
8                   (4) requires the Associate Administrator for  
9                   Commercial Space Transportation to facilitate, upon  
10                  the request of a launch license or permit holder—  
11                  (A) coordination between a launch license  
12                  and permit holder and the Air Traffic Organiza-  
13                  tion; and  
14                  (B) the negotiation of letters of agreement  
15                  between a launch license or permit holder and a  
16                  Federal Aviation Administration facility or the  
17                  Air Traffic Organization.

18 **SEC. 521. ADMINISTRATIVE SERVICES FRANCHISE FUND.**

19                  (a) *IN GENERAL.*—Not later than 30 days after the  
20                  date of enactment of this section, the inspector general of  
21                  the Department of Transportation shall initiate an audit  
22                  of the Administrative Services Franchise Fund of the FAA  
23                  (in this section referred to as the “Franchise Fund”).

24                  (b) *CONSIDERATIONS.*—In conducting the audit pursu-  
25                  ant to subsection (a), the inspector general shall—

- 1                   (1) review the history, intended purpose, and ob-  
2 jectives of the Franchise Fund;
- 3                   (2) describe and assess each program, service, or  
4 activity that uses the Franchise Fund, including—
- 5                   (A) the agencies or government bodies that  
6 use each program, service, or activity;
- 7                   (B) the number of employees, including full-  
8 time equivalents and contractors, associated with  
9 each program, service, or activity;
- 10                  (C) the costs associated with the employees  
11 described in subparagraph (B) and the extent to  
12 which such costs are covered by Federal appro-  
13 priations or Franchise Fund revenue;
- 14                  (D) the revenue, expenses, and profits or  
15 losses associated with each program, service, or  
16 activity;
- 17                  (E) overhead rates associated with each pro-  
18 gram, service, or activity; and
- 19                  (F) a breakdown of the revenue collected  
20 from services provided to the FAA, Department  
21 of Transportation, other Federal entities, and  
22 non-Federal entities;
- 23                  (3) assess the FAA's governance and oversight of  
24 the Franchise Fund and the programs, service, and  
25 activities that use the Franchise Fund, including the

1       *use of internal and publicly available performance*  
2       *metrics;*

6                   (5) assess the degree to which FAA policies and  
7 controls associated with the Franchise Fund conform  
8 with generally accepted accounting principles, Federal  
9 policies, best practices, or other guidance relating  
10 to revolving funds.

11       (c) REPORT.—Not later than 180 days after the date  
12 of initiation of the audit described in subsection (a), the  
13 inspector general shall submit to the appropriate commit-  
14 tees of Congress a report on the results of the audit, includ-  
15 ing findings and recommendations.

16 SEC. 522. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-

17 CAST.

18           (a) REPEAL.—Subsection (b) of section 211 of the FAA  
19 Modernization and Reform Act of 2012 (49 U.S.C. 40101  
20 note) is repealed.

21       (b) REQUIREMENT.—The Administrator shall ensure  
22 that any regulation issued pursuant to such subsection has  
23 no force or effect.

1   **SEC. 523. CONTRACT WEATHER OBSERVERS.**

2       *Section 2306(b) of the FAA Extension, Safety, and Se-*  
3       *curity Act of 2016 (Public Law 114–190; 130 Stat. 641)*  
4       *is amended by striking “2018” and inserting “2023”.*

5   **SEC. 524. REGIONS AND CENTERS.**

6       *(a) IN GENERAL.—Section 44507 of title 49, United*  
7       *States Code, is amended—*

8           *(1) by striking the section heading and inserting*  
9           **“Regions and centers”;**

10          *(2) by striking “The Civil Aeromedical Insti-*  
11          *tute” and inserting the following:*

12          *“(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil*  
13          *Aeromedical Institute”; and*

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

15          *“(b) WILLIAM J. HUGHES TECHNICAL CENTER.—The*  
16          *Secretary of Transportation shall define the roles and re-*  
17          *sponsibilities of the William J. Hughes Technical Center*  
18          *in a manner that is consistent with the defined roles and*  
19          *responsibilities of the Civil Aeromedical Institute under*  
20          *subsection (a).”.*

21          *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
22          *445 of title 49, United States Code, is amended by striking*  
23          *the item relating to section 44507 and inserting the fol-*  
24          *lowing:*

“44507. Regions and centers.”.

1   **SEC. 525. GEOSYNTHETIC MATERIALS.**

2         *The Administrator, to the extent practicable, shall en-*  
3         *courage the use of durable, resilient, and sustainable mate-*  
4         *rials and practices, including the use of geosynthetic mate-*  
5         *rials and other innovative technologies, in carrying out the*  
6         *activities of the Federal Aviation Administration.*

7   **SEC. 526. NATIONAL AIRMAIL MUSEUM.**

8         *(a) FINDINGS.—Congress finds that—*

9             *(1) in 1930, commercial airmail carriers began*  
10          *operations at Smith Field in Fort Wayne, Indiana;*  
11             *(2) the United States lacks a national museum*  
12          *dedicated to airmail; and*  
13             *(3) the airmail hangar at Smith Field in Fort*  
14          *Wayne, Indiana—*

15             *(A) will educate the public on the role of*  
16          *airmail in aviation history; and*  
17             *(B) honor the role of the hangar in the his-*  
18          *tory of the Nation’s airmail service.*

19         *(b) DESIGNATION.—*

20             *(1) IN GENERAL.—The airmail museum located*  
21          *at the Smith Field in Fort Wayne, Indiana, is des-*  
22          *ignated as the “National Airmail Museum”.*

23             *(2) EFFECT OF DESIGNATION.—The national*  
24          *museum designated by this section is not a unit of the*  
25          *National Park System and the designation of the Na-*  
26          *tional Airmail Museum shall not require or permit*

1       *Federal funds to be expended for any purpose related  
2       to that national memorial.*

3   **SEC. 527. STATUS OF AGREEMENT BETWEEN FAA AND LIT-**

4           **TLE ROCK PORT AUTHORITY.**

5       *(a) BRIEFING REQUIREMENT.—Not later than 30 days  
6       after the date of enactment of this Act, the Administrator  
7       shall provide to the appropriate committees of Congress a  
8       briefing on the agreement between the FAA and the Little  
9       Rock Port Authority to relocate the Little Rock Very High  
10      Frequency Omnidirectional Range with Collocated Tactical  
11      Air Control and Navigation (LIT VORTAC).*

12       *(b) BRIEFING CONTENTS.—The briefing required  
13      under subsection (a) shall include the following:*

14           *(1) The status of the efforts by the Federal Avia-  
15      tion Administration to relocate the LIT VORTAC.*

16           *(2) The long-term and short-term budget projec-  
17      tions for the relocation project.*

18           *(3) A description of and timeline for each phase  
19      of the relocation project.*

20           *(4) A description of and explanation for the re-  
21      quired location radius.*

22           *(5) A description of work completed by the Fed-  
23      eral Aviation Administration as of the date of the  
24      briefing.*

1   **SEC. 528. BRIEFING ON AIRCRAFT DIVERSIONS FROM LOS  
2                   ANGELES INTERNATIONAL AIRPORT TO HAW-  
3                   THORNE MUNICIPAL AIRPORT.**

4       *Not later than 1 year after the date of the enactment  
5   of this Act, the Administrator shall provide a briefing to  
6   appropriate committees of Congress on diversions of air-  
7   craft from Los Angeles International Airport to Hawthorne  
8   Municipal Airport, also known as Jack Northrop Field, in  
9   the City of Hawthorne, California. This briefing shall cover  
10   at least the previous one-year period and include the total  
11   number of aircraft diversions, the average number of diver-  
12   sions per day, the types of aircraft diverted, and the reasons  
13   for the diversions.*

14   **SEC. 529. TFR REPORT.**

15       *(a) IN GENERAL.—Not later than 1 year after the date  
16   of enactment of this Act (except as described in subsection  
17   (d)), the Administrator shall submit to the appropriate  
18   committees of Congress a report containing the results of  
19   the study described in subsection (b).*

20       *(b) RECOMMENDATIONS.—The Administrator shall  
21   make recommendations based on—*

22           *(1) an analysis of—  
23                  (A) the economic effects of temporary flight  
24                  restrictions, particularly temporary flight re-  
25                  strictions issued pursuant to section 91.141 of  
26                  title 14, Code of Federal Regulations, on airports*

1       *or aviation-related businesses located or based in  
2       an area covered by the temporary flight restric-  
3       tion; and*

4           *(B) potential options and recommendations  
5       for mitigating identified negative economic ef-  
6       fects on airports or aviation-related businesses  
7       located or based in an area frequently covered by  
8       a temporary flight restriction; and*

9           *(2) an analysis of the potential for using secu-  
10      rity procedures similar to those described in the  
11      Maryland Three Program (allowing properly vetted  
12      private pilots to fly to, from, or between the three gen-  
13      eral aviation airports closest to the National Capital  
14      Region) during temporary flight restrictions in the  
15      following airports:*

16           *(A) Solberg Airport.*

17           *(B) Somerset Airport.*

18           *(C) Palm Beach County Park Airport (also  
19      known as Lantana Airport).*

20           *(c) COLLABORATION.—In making the recommenda-  
21      tions described in subsection (b), the Administrator shall  
22      consult with—*

23           *(1) industry stakeholders; and*

24           *(2) the head of any other agency that, in the Ad-  
25      ministrator's determination, is a stakeholder agency.*

1       (d) *SPECIAL DEADLINE.*—Not later than 90 days after  
2 the date of enactment of this Act, the Administrator shall  
3 submit to the appropriate committees of Congress a report  
4 containing the results of the portion of the study described  
5 in subsection (b)(1)(A).

6 **SEC. 530. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

7       (a) *REQUIREMENT TO PROVIDE SERVICES AND RE-*  
8 *LATED SUPPORT.*—The Administrator shall provide air  
9 traffic services and aviation safety support for large,  
10 multiday aviation events, including airshows and fly-ins,  
11 where the average daily number of manned operations were  
12 1,000 or greater in at least one of the preceding two years,  
13 without the imposition or collection of any fee, tax, or other  
14 charge for that purpose. Amounts for the provision of such  
15 services and support shall be derived from amounts appro-  
16 priated or otherwise available for the Administration.

17       (b) *DETERMINATION OF SERVICES AND SUPPORT TO*  
18 *BE PROVIDED.*—In determining the services and support  
19 to be provided for an aviation event for purposes of sub-  
20 section (a), the Administrator shall take into account the  
21 following:

22           (1) The services and support required to meet  
23 levels of activity at prior events, if any, similar to the  
24 event.

1                   (2) *The anticipated need for services and support  
2                  at the event.*

3   **SEC. 531. APPLICATION OF VETERANS' PREFERENCE TO**  
4                   **FEDERAL AVIATION ADMINISTRATION PER-**  
5                   **SONNEL MANAGEMENT SYSTEM.**

6       *Section 40122(g)(2)(B) of title 49, United States Code,  
7   is amended—*

8                   (1) *by inserting “3304(f), to the extent consistent  
9                  with the Federal Aviation Administration’s status as  
10                 an excepted service agency,” before “3308-3320”; and  
11                 (2) by inserting “3330a, 3330b, 3330c, and  
12                 3330d,” before “relating”.*

13   **SEC. 532. CLARIFICATION OF REQUIREMENTS FOR LIVING**  
14                   **HISTORY FLIGHTS.**

15       (a) *IN GENERAL.—Notwithstanding any other law or  
16                  regulation, in administering sections 61.113(c), 91.9,  
17                 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and 119.21(a)  
18                 of title 14, Code of Federal Regulations (or any successor  
19                 regulations), the Administrator shall allow an aircraft  
20                 owner or operator to accept monetary or in-kind donations  
21                 for a flight operated by a living history flight experience  
22                 provider, if the aircraft owner or operator has—*

23                   (1) *volunteered to provide such transportation;*  
24                  *and*

1                   (2) notified any individual that will be on the  
2                   flight, at the time of inquiry about the flight, that the  
3                   flight operation is for charitable purposes and is not  
4                   subject to the same requirements as a commercial  
5                   flight.

6                   (b) CONDITIONS TO ENSURE PUBLIC SAFETY.—The  
7                   Administrator, consistent with current standards of the Ad-  
8                   ministration for such operations, shall impose minimum  
9                   standards with respect to training and flight hours for oper-  
10                  ations conducted by an owner or operator of an aircraft  
11                  providing living history flight experience operations, in-  
12                  cluding mandating that the pilot in command of such air-  
13                  craft hold a commercial pilot certificate with instrument  
14                  rating and be current and qualified with respect to all rat-  
15                  ings or authorizations applicable to the specific aircraft  
16                  being flown to ensure the safety of flight operations de-  
17                  scribed in subsection (a).

18                  (c) LIVING HISTORY FLIGHT EXPERIENCE PROVIDER  
19                  DEFINED.—In this section, the term “living history flight  
20                  experience provider” means an aircraft owner, aircraft op-  
21                  erator, or organization that provides, arranges, or otherwise  
22                  fosters living history flight experiences for the purpose of  
23                  fulfilling its mission.

## 1 SEC. 533. REVIEW AND REFORM OF FAA PERFORMANCE

2 **MANAGEMENT SYSTEM.**

3       (a) ESTABLISHMENT OF ADVISORY PANEL.—Not later  
4 than 90 days after the date of enactment of this section,  
5 the Secretary of Transportation shall establish an advisory  
6 panel comprising no more than 7 independent, nongovern-  
7 mental experts in budget, finance, or personnel management  
8 to review and evaluate the effectiveness of the FAA's per-  
9 sonnel management system and performance management  
10 program for employees not covered by collective bargaining  
11 agreements.

12       (b) REVIEW, EVALUATION, AND RECOMMENDATIONS.—

13 The advisory panel shall, at a minimum—

14           (1) review all appropriate FAA orders, policies,  
15 procedures, guidance, and the Human Resources Pol-  
16 icy Manual;

17           (2) review any applicable reports regarding  
18 FAA's personnel management system, including re-  
19 ports of the Department of Transportation Office of  
20 Inspector General, Government Accountability Office,  
21 and National Academy of Public Administration, and  
22 determine the status of recommendations made in  
23 those reports;

24           (3) review the personnel management system of  
25 any other agency or governmental entity with a simi-

1       *lar system to the FAA for best practices with regard*  
2       *to personnel management;*

3           *(4) assess the unique personnel authorities granted-*  
4       *ed to the FAA, determine whether the FAA has taken*  
5       *full advantage of those authorities, and identify those*  
6       *authorities the FAA has not fully taken advantage of;*

7           *(5) review and determine the overall effectiveness*  
8       *of the FAA's compensation, bonus pay, performance*  
9       *metrics, and evaluation processes for employees not*  
10      *covered by collective bargaining agreements;*

11       *(6) review whether existing performance metrics*  
12      *and bonus pay practices align with the FAA's mis-*  
13      *sion and significantly improve the FAA's provision of*  
14      *air traffic services, implementation of air traffic con-*  
15      *trol modernization initiatives, and accomplishment of*  
16      *other FAA operational objectives;*

17       *(7) identify the highest, lowest, and average com-*  
18      *plete compensation for each position of employees not*  
19      *covered by collective bargaining agreements;*

20       *(8) survey interested parties and stakeholders,*  
21      *including representatives of the aviation industry, for*  
22      *their views and recommendations regarding improve-*  
23      *ments to the FAA's personnel management system*  
24      *and performance management program;*

1                   (9) develop recommendations to address the find-  
2                   ings of the work done pursuant to paragraphs (1)  
3                   through (7), and to address views and recommenda-  
4                   tions raised by interested parties pursuant to para-  
5                   graph (8); and

6                   (10) develop recommendations to improve the  
7                   FAA's personnel management system and perform-  
8                   ance management program, including the compensa-  
9                   tion, bonus pay, performance metrics, and evaluation  
10                  processes, for employees not covered by collective bar-  
11                  gaining agreements.

12                 (c) REPORT.—Not later than 1 year after initiating  
13                 the review and evaluation pursuant to subsection (a), the  
14                 advisory panel shall submit a report on the results of the  
15                 review and evaluation and its recommendations to the Sec-  
16                 retary, the Administrator, the appropriate committees of  
17                 Congress.

18                 (d) REPORT TO CONGRESS.—Not later than 3 months  
19                 after submittal of the report pursuant to subsection (c), the  
20                 Administrator shall transmit to the appropriate committees  
21                 of Congress a report summarizing the findings of the advi-  
22                 sory panel that—

23                   (1) contains an explanation of how the Adminis-  
24                 trator will implement the recommendations of the ad-

1       *visory panel and measure the effectiveness of the rec-*  
2       *ommendations; and*

3           *(2) specifies any recommendations that the Ad-*  
4       *ministrator will not implement and the reasons for*  
5       *not implementing such recommendations.*

6           *(e) SUNSET.—The advisory panel shall terminate on*  
7       *the date that is 60 days after the transmittal of the report*  
8       *pursuant to subsection (d).*

9       **SEC. 534. NEXTGEN DELIVERY STUDY.**

10          *(a) STUDY.—Not later than 180 days after the enact-*  
11       *ment of this Act, the inspector general of the Department*  
12       *of Transportation shall initiate a study of the potential im-*  
13       *pacts of a significantly delayed, significantly diminished,*  
14       *or completely failed delivery of the Next Generation Air*  
15       *Transportation System modernization initiative by the*  
16       *Federal Aviation Administration, including impacts to the*  
17       *air traffic control system and the national airspace system*  
18       *as a whole.*

19          *(b) SCOPE OF STUDY.—In carrying out the study*  
20       *under subsection (a), the inspector general shall assess the*  
21       *Administration’s performance related to the NextGen mod-*  
22       *ernization initiative, including—*

23           *(1) the potential impacts on the operational effi-*  
24       *cency of our aviation system;*

1                   (2) *an analysis of potential economic losses and  
2 stranded investments directly related to NextGen;*

3                   (3) *an analysis of the potential impacts to our  
4 international competitiveness in aviation innovation;*

5                   (4) *an analysis of the main differences that  
6 would be seen in our air traffic control system;*

7                   (5) *the potential impacts on the flying public,  
8 including potential impacts to flight times, fares, and  
9 delays in the air and on the ground;*

10                  (6) *the effects on supply chains reliant on air  
11 transportation of cargo;*

12                  (7) *the potential impacts on the long-term bene-  
13 fits promised by NextGen;*

14                  (8) *an analysis of the potential impacts on air-  
15 craft noise and flight paths;*

16                  (9) *the potential changes in separation stand-  
17 ards, fuel consumption, flight paths, block times, and  
18 landing procedures or lack thereof;*

19                  (10) *the potential impacts on aircraft taxi times  
20 and aircraft emissions or lack thereof;*

21                  (11) *a determination of the total potential costs  
22 and logistical challenges of the failure of NextGen, in-  
23 cluding a comparison of the potential loss of the re-  
24 turn on public and private sector investment related  
25 to NextGen, as compared to other available invest-*

1       ment alternatives, between December 12, 2003, and  
2       the date of enactment of this Act; and

3                 (12) other matters arising in the course of the  
4       study.

5       (c) REPORT.—Not later than 1 year after the date of  
6       initiation of the study under subsection (a), the inspector  
7       general shall submit to the appropriate committees of Con-  
8       gress a report on the results of the study.

9       **SEC. 535. STUDY ON ALLERGIC REACTIONS.**

10       Not later than 120 days after the date of enactment  
11       of this Act, the Administrator shall—

12                 (1) study the prevalence of allergic reactions on  
13       board flights, whether airlines universally report reac-  
14       tions to the Federal Aviation Administration, and the  
15       frequency of first aid inventory checks to ensure medi-  
16       cine to prevent anaphylactic shock is in an aircraft;  
17       and

18                 (2) submit a report to the Committees on Trans-  
19       portation and Infrastructure, Energy and Commerce,  
20       and Appropriations of the House of Representatives  
21       and the Committees on Commerce, Science, and  
22       Transportation, Health, Education, Labor, and Pen-  
23       sions, and Appropriations of the Senate.

1   **SEC. 536. OXYGEN MASK DESIGN STUDY.**

2       *Not later than 180 days after the date of enactment*  
3   *of this Act, the Administrator shall conduct a study to re-*  
4   *view and evaluate the design and effectiveness of commer-*  
5   *cial aircraft oxygen masks. In conducting the study, the Ad-*  
6   *ministrator shall determine whether the current design of*  
7   *oxygen masks is adequate, and whether changes to the de-*  
8   *sign could increase correct passenger usage of the masks.*

9   **SEC. 537. AIR CARGO STUDY.**

10      (a) *IN GENERAL.—Not later than 6 months after the*  
11   *date of enactment of this Act, the Comptroller General of*  
12   *the United States shall begin a study of international air*  
13   *cargo services among the United States and Central Amer-*  
14   *ican, South American, and Caribbean Basin countries,*  
15   *that—*

16          (1) *analyzes the supply of and demand for air*  
17   *cargo transportation services among the United States*  
18   *and Central American, South American, and Carib-*  
19   *bean Basin countries;*

20          (2) *analyzes the supply of and demand for air*  
21   *cargo transportation services between—*

22                  (A) *the United States, Central American,*  
23   *South American, and Caribbean Basin countries;*  
24   *and*

25                  (B) *African and European countries;*

1                   (3) identifies the busiest routes in terms of cargo  
2                   capacity and frequency of air service;

3                   (4) identifies any air carrier or foreign air car-  
4                   rier hubs in Central American, South American, and  
5                   Caribbean Basin countries at which a significant  
6                   amount of air cargo is sorted, handled, or consoli-  
7                   dated for transportation to or from the United States;

8                   (5) identifies any air carrier or foreign air car-  
9                   rier hubs in the United States at which a significant  
10                  amount of air cargo is sorted, handled, or consoli-  
11                  dated for transportation to or from Central Amer-  
12                  ican, South American, and Caribbean Basin coun-  
13                  tries.

14                  (6) identifies any significant gaps in the air  
15                  cargo services or cargo air carrier networks—

16                  (A) among the countries described in para-  
17                  graph (2)(A);

18                  (B) between such countries and African  
19                  countries; and

20                  (C) between such countries and European  
21                  countries; and

22                  (7) assesses the possible impact of the establish-  
23                  ment of an air carrier hub in Puerto Rico at which  
24                  air cargo is sorted, handled, or consolidated for trans-

1       portation to or from the United States, including the  
2       impact on—

3                   (A) the employment rate and economy of

4                   Puerto Rico;

5                   (B) domestic and foreign air transportation  
6                   of cargo;

7                   (C) United States competitiveness in the air  
8                   transportation of cargo;

9                   (D) air cargo operations at other airports  
10                  in the United States; and

11                  (E) domestic air carrier employment.

12                  (b) REPORT.—Not later than 12 months after the date  
13                  of enactment of this Act, the Comptroller General shall sub-  
14                  mit to the appropriate committees of Congress a report on  
15                  the results of the study described in subsection (a).

16                  (c) DEFINITION.—In this section, the term “Caribbean  
17                  Basin countries” has the same meaning given the term  
18                  “Caribbean Basin country” in section 501 of the Food for  
19                  Peace Act (7 U.S.C. 1737).

20   **SEC. 538. SENSE OF CONGRESS ON PREVENTING THE**  
21                   **TRANSPORTATION OF DISEASE-CARRYING**  
22                   **MOSQUITOES AND OTHER INSECTS ON COM-**  
23                   **MERCIAL AIRCRAFT.**

24       It is the sense of Congress that the Secretary of Trans-  
25       portation and the Secretary of Agriculture should, in co-

1 ordination and consultation with the World Health Organi-  
2 zation, develop a framework and guidance for the use of  
3 safe, effective, and nontoxic means of preventing the trans-  
4 portation of disease-carrying mosquitoes and other insects  
5 on commercial aircraft.

6 **SEC. 539. TECHNICAL CORRECTIONS.**

7 (a) *AIRPORT CAPACITY ENHANCEMENT PROJECTS AT*  
8 *CONGESTED AIRPORTS.*—Section 40104(c) of title 49,  
9 *United States Code*, is amended by striking “section 47176”  
10 and inserting “section 47175”.

11 (b) *PASSENGER FACILITY CHARGES.*—Section  
12 40117(a)(5) of title 49, *United States Code*, is amended by  
13 striking “charge or charge” and inserting “charge”.

14 (c) *OVERFLIGHTS OF NATIONAL PARKS.*—Section  
15 40128(a)(3) of title 49, *United States Code*, is amended by  
16 striking “under part 91 of the title 14,” and inserting  
17 “under part 91 of title 14.”

18 (d) *PLANS TO ADDRESS NEEDS OF FAMILIES OF PAS-*  
19 *SENGERS INVOLVED IN FOREIGN AIR CARRIER ACCI-*  
20 *DENTS.*—Section 41313(c)(16) of title 49, *United States*  
21 *Code*, is amended by striking “An assurance that the foreign  
22 air carrier” and inserting “An assurance that”.

23 (e) *OPERATIONS OF CARRIERS.*—The analysis for  
24 chapter 417 of title 49, *United States Code*, is amended by

1 *striking the item relating to section 41718 and inserting*  
2 *the following:*

“41718. Special rules for Ronald Reagan Washington National Airport.”.

3       (f) *SCHEDULES FOR CERTAIN TRANSPORTATION OF*  
4 *MAIL.*—Section 41902(a) of title 49, *United States Code*,  
5 *is amended by striking “section 41906” and inserting “sec-*  
6 *tion 41905”.*

7       (g) *WEIGHING MAIL.*—Section 41907 of title 49,  
8 *United States Code*, *is amended by striking “and” and all*  
9 *that follows through “administrative” and inserting “and*  
10 *administrative”.*

11       (h) *STRUCTURES INTERFERING WITH AIR COMMERCE*  
12 *OR NATIONAL SECURITY.*—Section 44718(b)(1) of title 49,  
13 *United States Code*, *is amended—*

14           (1) *in the matter preceding subparagraph (A) by*  
15 *striking “air navigation facilities and equipment”*  
16 *and inserting “air or space navigation facilities and*  
17 *equipment”; and*

18           (2) *in subparagraph (A)—*

19              (A) *in clause (v) by striking “and” at the*  
20 *end;*

21              (B) *by redesignating clause (vi) as clause*  
22 *(vii); and*

23              (C) *by inserting after clause (v) the fol-*  
24 *lowing:*

1                   “(vi) the impact on launch and reentry  
2                   for launch and reentry vehicles arriving or  
3                   departing from a launch site or reentry site  
4                   licensed by the Secretary of Transportation;  
5                   and”.

6         (i) *FLIGHT ATTENDANT CERTIFICATION.*—Section

7    *44728 of title 49, United States Code, is amended—*

8                   (1) in subsection (c), by striking “chapter” and  
9                   inserting “title”; and

10                  (2) in subsection (d)(3), by striking “is” and in-  
11                  serting “be”.

12         (j) *FEES INVOLVING AIRCRAFT NOT PROVIDING AIR*  
13    *TRANSPORTATION.*—Section 45302 of title 49, United  
14    *States Code, is amended by striking “44703(f)(2)” each*  
15   *place it appears and inserting “44703(g)(2)”.*

16         (k) *SCHEDULE OF FEES.*—Section 45301(a)(1) of title  
17    *49, United States Code, is amended by striking “United*  
18   *States government” and inserting “United States Govern-*  
19   *ment”.*

20         (l) *CLASSIFIED EVIDENCE.*—Section 46111(g)(2)(A) of  
21   *title 49, United States Code, is amended by striking “(18*  
22   *U.S.C. App.)” and inserting “(18 U.S.C. App.)”).*

23         (m) *CHAPTER 465.*—The analysis for chapter 465 of  
24   *title 49, United States Code, is amended by striking the*  
25   *following item:*

“46503. Repealed.”.

1       (n) ALLOWABLE COST STANDARDS.—Section  
2 47110(b)(2) of title 49, United States Code, is amended—

3           (1) in subparagraph (B), by striking  
4 “compatability” and inserting “compatibility”; and  
5           (2) in subparagraph (D)(i), by striking “cli-  
6 mactic” and inserting “climatic”.

7       (o) DEFINITION OF QUALIFIED HUBZONE SMALL  
8 BUSINESS CONCERN.—Section 47113(a)(3) of title 49,  
9 United States Code, is amended by striking “(15 U.S.C.  
10 632(o))” and inserting “(15 U.S.C. 632(p))”.

11       (p) SPECIAL APPORTIONMENT CATEGORIES.—Section  
12 47117(e)(1)(B) is amended by striking “at least” and in-  
13 serting “At least”.

14       (q) SOLICITATION AND CONSIDERATION OF COM-  
15 MENTS.—Section 47171(l) of title 49, United States Code,  
16 is amended by striking “4371” and inserting “4321”.

17       (r) OPERATIONS AND MAINTENANCE.—Section 48104  
18 is amended by striking “(a) AUTHORIZATION OF APPRO-  
19 PRIATIONS.—the” and inserting “The”.

20       (s) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-  
21 CANTLY INCREASED COSTS.—Section 426 of the FAA Mod-  
22 ernization and Reform Act of 2012 is amended—

23           (1) in subsection (a) (49 U.S.C. 41737 note) by  
24 striking “Secretary” and inserting “Secretary of  
25 Transportation”; and

1                   (2) in subsection (c) (49 U.S.C. 41731 note) by  
2                   striking “the Secretary may waive” and inserting  
3                   “the Secretary of Transportation may waive”.

4                   (t) AIRCRAFT DEPARTURE QUEUE MANAGEMENT  
5 PILOT PROGRAM.—Section 507(a) of the FAA Moderniza-  
6 tion and Reform Act of 2012 (49 U.S.C. 44505 note) is  
7 amended by striking “section 48101(a)” and inserting “sec-  
8 tion 48101(a) of title 49, United States Code.”.

9 **SEC. 540. REPORT ON ILLEGAL CHARTER FLIGHTS.**

10                  Not later than 180 days after the date of enactment  
11 of this Act, the Secretary of Transportation shall submit  
12 to the appropriate committees of Congress an analysis of  
13 reports filed during the 10-year period preceding such date  
14 of enactment through the illegal charter hotline of the FAA  
15 and other sources that includes—

16                  (1) what followup action the Department of  
17 Transportation or the Administration takes when a  
18 report of illegal charter operations is received;

19                  (2) how the Department of Transportation or the  
20 Administration decides to allocate resources;

21                  (3) challenges the Department of Transportation  
22 or the Administration face in identifying illegal oper-  
23 ators; and

1                   (4) recommendations for improving the efforts of  
2                   the Department of Transportation or the Administra-  
3                   tion to combat illegal charter carrier operations.

4   **SEC. 541. USE OF NASA'S SUPER GUPPY AIRCRAFT FOR**  
5                   **COMMERCIAL TRANSPORT.**

6                 *Notwithstanding section 40125 of title 49, United*  
7                 *States Code, the Aero Spacelines Super Guppy Turbine B-*  
8                 *377-SGT aircraft, serial number 0004, may be used to pro-*  
9                 *vide the transport, for compensation or hire, of oversized*  
10               *space launch vehicle components or oversized spacecraft*  
11               *components while continuing to qualify as a public aircraft*  
12               *operation pursuant to section 40102(a)(41)(A) of title 49,*  
13               *United States Code, if—*

14               (1) *the aircraft is owned and operated by the*  
15               *National Aeronautics and Space Administration;*  
16               (2) *commercial operation is limited to operations*  
17               *conducted wholly in United States airspace; and*  
18               (3) *no commercially available domestic air*  
19               *transport alternative exists.*

20   **SEC. 542. PROHIBITED AIRSPACE ASSESSMENT.**

21               (a) *IN GENERAL.—Not later than 1 year after the date*  
22               *of enactment of this Act, the Secretary of Transportation,*  
23               *in coordination with appropriate Federal agencies, shall*  
24               *conduct an assessment on the security of United States pro-*  
25               *hibited airspace designated by the Federal Aviation Adminin-*

1 *istration, with a focus on permanent prohibited airspace*  
2 *(in this section referred to as “United States prohibited air-*  
3 *space”).*

4       (b) *MINIMUM COMPONENTS.—The assessment devel-*  
5 *oped under subsection (a) shall be unclassified but may con-*  
6 *tain a classified annex. It shall, at a minimum, include—*

7           (1) *a summary of the number and types of viola-*  
8 *tions of United States prohibited airspace and histor-*  
9 *ical trends of such numbers and types;*

10          (2) *an assessment of the processes used to estab-*  
11 *lish United States prohibited airspace;*

12          (3) *an assessment of manned and unmanned air-*  
13 *craft, current and future, with the ability to penetrate*  
14 *United States prohibited airspace undetected;*

15          (4) *an assessment of the current and future ca-*  
16 *pabilities of the United States to mitigate threats to*  
17 *United States prohibited airspace;*

18          (5) *recommendations on how to improve security*  
19 *of United States prohibited airspace; and*

20          (6) *a process to modify section 99.7 of title 14,*  
21 *Code of Federal Regulations, to expand the Adminis-*  
22 *trator’s authority to establish temporary flight restric-*  
23 *tions in cooperation with State and local law enforce-*  
24 *ment agencies, or as required for purposes of national*

1       *security, homeland security, or law enforcement sup-*  
2       *port.*

3       **SEC. 543. REPORT ON MULTIAGENCY USE OF AIRSPACE AND**  
4                   **ENVIRONMENTAL REVIEW.**

5       *(a) IN GENERAL.—Not later than 180 days after the*  
6       *date of the enactment of this Act, the Administrator, in con-*  
7       *sultation with the Secretary of Defense, shall submit to the*  
8       *covered committees of Congress a report documenting efforts*  
9       *made toward improving processes to resolve persistent chal-*  
10      *lenges for special use airspace requests in support of, or as-*  
11      *sociated with, short notice testing requirements at Major*  
12      *Range and Test Facility Bases, including the establishment*  
13      *of temporary military operations areas used for conducting*  
14      *short-term, scheduled exercises.*

15      *(b) ELEMENTS.—The report required under subsection*  
16      *(a) shall include the following elements:*

17       *(1) Analysis of previous efforts to streamline in-*  
18       *ternal processes associated with the designation of*  
19       *temporary military operations areas at Major Range*  
20       *and Test Facility Bases and the use of such areas for*  
21       *scheduled exercises.*

22       *(2) Analysis of progress made to ensure consist-*  
23       *ency of environmental review, including impact anal-*  
24       *ysis, associated environmental studies, or consulta-*  
25       *tion, while complying with the National Environ-*

1       *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*  
2       *and other environmental requirements.*

3           *(3) Identification of challenges, if any, in com-*  
4       *plying with the National Environmental Policy Act*  
5       *of 1969.*

6           *(4) A description of airspace requirements, cur-*  
7       *rent test and training needs statements completed*  
8       *during the 10-year period preceding the report, and*  
9       *future 5-year requirements, including all temporary*  
10      *military operating areas, special use airspaces, in-*  
11      *strument routes, visual routes, and unfulfilled user re-*  
12      *quirements.*

13           *(5) Proposed options and solutions to overcome*  
14       *identified challenges, if any, including identifying*  
15       *whether—*

16           *(A) a solution or solutions can be incor-*  
17       *porated within the existing Federal Aviation Ad-*  
18       *ministration and Department of Defense Memo-*  
19       *randum of Understanding; or*

20           *(B) changes to current law are required.*

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

22           *(1) COVERED COMMITTEES OF CONGRESS.—The*  
23       *term “covered committees of Congress” means—*

1                   (A) the Committee on Commerce, Science,  
2                   and Transportation and the Committee on  
3                   Armed Services of the Senate; and

4                   (B) the Committee on Transportation and  
5                   Infrastructure and the Committee on Armed  
6                   Services of the House of Representatives.

7                   (2) MAJOR RANGE AND TEST FACILITY BASE.—  
8                   The term “Major Range and Test Facility Base” has  
9                   the meaning given the term in section 196(i) of title  
10                  10, United States Code.

11                  (3) SPECIAL USE AIRSPACE.—The term “special  
12                  use airspace” means certain designations of airspace  
13                  designated by the Federal Aviation Administration,  
14                  as administered by the Secretary of Defense.

15                  **SEC. 544. AGENCY PROCUREMENT REPORTING REQUIRE-**  
16                  **MENTS.**

17                  Section 40110(d) of title 49, United States Code, is  
18                  amended by adding at the end the following:

19                  “(5) ANNUAL REPORT ON THE PURCHASE OF  
20                  FOREIGN MANUFACTURED ARTICLES.—

21                  “(A) REPORT.—(i) Not later than 90 days  
22                  after the end of the fiscal year, the Secretary of  
23                  Transportation shall submit a report to Congress  
24                  on the dollar amount of acquisitions subject to  
25                  the Buy American Act made by the agency from

1       *entities that manufacture the articles, materials,*  
2       *or supplies outside of the United States in such*  
3       *fiscal year.*

4           “(ii) *The report required by clause (i) shall*  
5       *only include acquisitions with total value exceeding*  
6       *the micro-purchase level.*

7           “(B) *CONTENTS.—The report required by*  
8       *subparagraph (A) shall separately indicate—*

9              “(i) *the dollar value of any articles,*  
10       *materials, or supplies purchased that were*  
11       *manufactured outside of the United States;*  
12       *and*

13              “(ii) *a summary of the total procurement funds spent on goods manufactured in*  
14       *the United States versus funds spent on*  
15       *goods manufactured outside of the United*  
16       *States.*

18           “(C) *AVAILABILITY OF REPORT.—The Secretary shall make the report under subparagraph*  
19       *(A) publicly available on the agency’s website*  
20       *not later than 30 days after submission to Congress.”.*

23 **SEC. 545. FAA ORGANIZATIONAL REFORM.**

24       (a) *CHIEF TECHNOLOGY OFFICER.—Section 106(s) of*  
25 *title 49, United States Code, is amended to read as follows:*

1       “(s) CHIEF TECHNOLOGY OFFICER.—

2           “(1) IN GENERAL.—

3               “(A) APPOINTMENT.—*There shall be a Chief*  
4               *Technology Officer appointed by the Chief Oper-*  
5               *ating Officer. The Chief Technology Officer shall*  
6               *report directly to the Chief Operating Officer.*

7               “(B) MINIMUM QUALIFICATIONS.—*The Chief*  
8               *Technology Officer shall have—*

9                   “(i) at least 10 years experience in en-  
10               *gineering management or another relevant*  
11               *technical management field; and*  
12                   “(ii) knowledge of or experience in the

13               *aviation industry.*

14               “(C) REMOVAL.—*The Chief Technology Of-*  
15               *ficer shall serve at the pleasure of the Adminis-*  
16               *trator.*

17               “(D) RESTRICTION.—*The Chief Technology*  
18               *Officer may not also be the Deputy Adminis-*  
19               *trator.*

20               “(2) RESPONSIBILITIES.—*The responsibilities of*  
21               *the Chief Technology Officer shall include—*

22                   “(A) ensuring the proper operation, mainte-  
23               *nance, and cybersecurity of technology systems*  
24               *relating to the air traffic control system across*  
25               *all program offices of the Administration;*

1               “(B) coordinating the implementation, op-  
2 eration, maintenance, and cybersecurity of tech-  
3 nology programs relating to the air traffic con-  
4 trol system with the aerospace industry and  
5 other Federal agencies;

6               “(C) reviewing and providing advice to the  
7 Secretary, the Administrator, and the Chief Op-  
8 erating Officer on the Administration’s budget,  
9 cost-accounting system, and benefit-cost analyses  
10 with respect to technology programs relating to  
11 the air traffic control system;

12               “(D) consulting with the Administrator on  
13 the Capital Investment Plan of the Administra-  
14 tion prior to its submission to Congress;

15               “(E) developing an annual air traffic con-  
16 trol system technology operation and mainte-  
17 nance plan that is consistent with the annual  
18 performance targets established under paragraph  
19 (4); and

20               “(F) ensuring that the air traffic control  
21 system architecture remains, to the maximum  
22 extent practicable, flexible enough to incorporate  
23 future technological advances developed and di-  
24 rectly procured by aircraft operators.

25               “(3) COMPENSATION.—

1                 “(A) IN GENERAL.—*The Chief Technology  
2 Officer shall be paid at an annual rate of basic  
3 pay to be determined by the Administrator, in  
4 consultation with the Chief Operating Officer.  
5 The annual rate may not exceed the annual com-  
6 pensation paid under section 102 of title 3. The  
7 Chief Technology Officer shall be subject to the  
8 postemployment provisions of section 207 of title  
9 18 as if the position of Chief Technology Officer  
10 were described in section 207(c)(2)(A)(i) of that  
11 title.*

12                 “(B) BONUS.—*In addition to the annual  
13 rate of basic pay authorized by subparagraph  
14 (A), the Chief Technology Officer may receive a  
15 bonus for any calendar year not to exceed 30  
16 percent of the annual rate of basic pay, based  
17 upon the Administrator’s evaluation of the Chief  
18 Technology Officer’s performance in relation to  
19 the performance targets established under para-  
20 graph (4).*

21                 “(4) ANNUAL PERFORMANCE TARGETS.—

22                 “(A) IN GENERAL.—*The Administrator and  
23 the Chief Operating Officer, in consultation with  
24 the Chief Technology Officer, shall establish  
25 measurable annual performance targets for the*

1           *Chief Technology Officer in key operational  
2           areas.*

3           “*(B) REPORT.—The Administrator shall  
4           transmit to the Committee on Transportation  
5           and Infrastructure of the House of Representa-  
6           tives and the Committee on Commerce, Science,  
7           and Transportation of the Senate a report de-  
8           scribing the annual performance targets estab-  
9           lished under subparagraph (A).*

10          “(5) ANNUAL PERFORMANCE REPORT.—*The  
11           Chief Technology Officer shall prepare and transmit  
12           to the Secretary of Transportation, the Committee on  
13           Transportation and Infrastructure of the House of  
14           Representatives, and the Committee on Commerce,  
15           Science, and Transportation of the Senate an annual  
16           report containing—*

17          “(A) *detailed descriptions and metrics of  
18           how successful the Chief Technology Officer was  
19           in meeting the annual performance targets estab-  
20           lished under paragraph (4); and*

21          “(B) *other information as may be requested  
22           by the Administrator and the Chief Operating  
23           Officer.”.*

24          *(b) CONFORMING AMENDMENTS.—*

1                   (1) *Section 709(a)(3)(L) of the Vision 100–Cen-*  
2                   *tury of Aviation Reauthorization Act (49 U.S.C.*  
3                   *40101 note) is amended by striking “Chief NextGen*  
4                   *Officer” and inserting “Chief Technology Officer”.*

5                   (2) *Section 804(a)(4)(A) of the FAA Moderniza-*  
6                   *tion and Reform Act of 2012 (49 U.S.C. 44501 note)*  
7                   *is amended by striking “Chief NextGen Officer” and*  
8                   *inserting “Chief Technology Officer”.*

9                   **SEC. 546. FAA CIVIL AVIATION REGISTRY UPGRADE.**

10                  (a) *IN GENERAL.—Not later than 3 years after the*  
11                  *date of enactment of this Act, the Administrator of the Fed-*  
12                  *eral Aviation Administration shall complete covered up-*  
13                  *grades of the Administration’s Civil Aviation Registry (in*  
14                  *this section referred to as the “Registry”).*

15                  (b) *COVERED UPGRADE DEFINED.—In this section, the*  
16                  *term “covered upgrades” means—*

17                   (1) *the digitization of nondigital Registry infor-*  
18                  *mation, including paper documents, microfilm im-*  
19                  *ages, and photographs, from an analog or nondigital*  
20                  *format to a digital format;*

21                   (2) *the digitalization of Registry manual and*  
22                  *paper-based processes, business operations, and func-*  
23                  *tions by leveraging digital technologies and a broader*  
24                  *use of digitized data;*

1                   (3) the implementation of systems allowing a  
2 member of the public to submit any information or  
3 form to the Registry and conduct any transaction  
4 with the Registry by electronic or other remote means;  
5 and

6                   (4) allowing more efficient, broader, and remote  
7 access to the Registry.

8                 (c) APPLICABILITY.—The requirements of subsection  
9 (a) shall apply to the entire Civil Aviation Registry, includ-  
10 ing the Aircraft Registration Branch and the Airmen Cer-  
11 tification Branch.

12                 (d) MANUAL SURCHARGE.—Chapter 453 of title 49,  
13 United States Code, is amended by adding at the end the  
14 following:

15                 **“§ 45306. Manual surcharge**

16                 “(a) IN GENERAL.—Not later 3 years after the date  
17 of enactment of the FAA Reauthorization Act of 2018, the  
18 Administrator shall impose and collect a surcharge on a  
19 Civil Aviation Registry transaction that—

20                   “(1) is conducted in person at the Civil Aviation  
21 Registry;

22                   “(2) could be conducted, as determined by the  
23 Administrator, with the same or greater level of effi-  
24 ciency by electronic or other remote means; and

1           “(3) is not related to research or other non-com-  
2       mercial activities.

3           “(b) *MAXIMUM SURCHARGE*.—A surcharge imposed  
4 and collected under subsection (a) shall not exceed twice the  
5 maximum fee the Administrator is authorized to charge for  
6 the registration of an aircraft, not used to provide air  
7 transportation, after the transfer of ownership under section  
8 45302(b)(2).

9           “(c) *CREDIT TO ACCOUNT AND AVAILABILITY*.—Monies  
10 collected from a surcharge imposed under subsection (a)  
11 shall be treated as monies collected under section 45302 and  
12 subject to the terms and conditions set forth in section  
13 45302(d).”.

14           “(e) *REPORT*.—Not later than 1 year after date of en-  
15 actment of this Act, and annually thereafter until the cov-  
16 ered upgrades required under subsection (a) are complete,  
17 the Administrator shall submit a report to the appropriate  
18 committees of Congress describing—

19                  (1) the schedule for the covered upgrades to the  
20 Registry;

21                  (2) the office responsible for the implementation  
22 of the such covered upgrades;

23                  (3) the metrics being used to measure progress in  
24 implementing the covered upgrades; and

1                   (4) the status of the covered upgrades as of the  
2                   date of the report.

3   **SEC. 547. ENHANCED AIR TRAFFIC SERVICES.**

4                   (a) *IN GENERAL.*—Not later than 180 days after the  
5   date of enactment of this Act, the Administrator shall estab-  
6   lish a pilot program to provide air traffic control services  
7   on a preferential basis to aircraft equipped with certain  
8   NextGen avionics that—

9                   (1) lasts at least 2 years; and  
10                  (2) operates in at least 3 suitable airports.

11                  (b) *DURATION OF DAILY SERVICE.*—The air traffic  
12   control services provided under the pilot program estab-  
13   lished under subsection (a) shall occur for at least 3 con-  
14   secutive hours between 0600 and 2200 local time during  
15   each day of the pilot program.

16                  (c) *AIRPORT SELECTION.*—The Administrator shall  
17   designate airports for participation in the pilot program  
18   after consultation with aircraft operators, manufacturers,  
19   and airport sponsors.

20                  (d) *DEFINITIONS.*—

21                   (1) *CERTAIN NEXTGEN AVIONICS.*—The term  
22   “certain NextGen avionics” means those avionics and  
23   related software designated by the Administrator after  
24   consultations with aircraft operators and manufac-  
25   turers.

1                             (2) *PREFERENTIAL BASIS.*—The term “preferential basis” means—

3                             (A) prioritizing aircraft equipped with certain NextGen avionics during a Ground Delay Program by assigning them fewer minutes of delay relative to other aircraft based upon principles established after consultation with aircraft operators and manufacturers; or

9                             (B) sequencing aircraft equipped with certain NextGen avionics ahead of other aircraft in the Traffic Flow Management System to the maximum extent consistent with safety.

13                         (e) *SUNSET.*—The pilot program established under subsection (a) shall terminate on September 30, 2023.

15                         (f) *REPORT.*—Not later than 90 days after the date on which the pilot program terminates, the Administrator shall submit to the appropriate committees of Congress a report on the results of the pilot program.

19                         **SEC. 548. SENSE OF CONGRESS ON ARTIFICIAL INTELLIGENCE IN AVIATION.**

21                         It is the sense of Congress that the Administration should, in consultation with appropriate Federal agencies and industry stakeholders, periodically review the use or proposed use of artificial intelligence technologies within the aviation system and assess whether the Administration

1   *needs a plan regarding artificial intelligence standards and*  
2   *best practices to carry out its mission.*

3   **SEC. 549. STUDY ON CYBERSECURITY WORKFORCE OF FAA.**

4       *(a) STUDY.—Not later than 1 year after the date of*  
5   *the enactment of this Act, the Administrator shall enter into*  
6   *an agreement with the National Academy of Sciences to*  
7   *conduct a study on the cybersecurity workforce of the Ad-*  
8   *ministration in order to develop recommendations to in-*  
9   *crease the size, quality, and diversity of such workforce, in-*  
10   *cluding cybersecurity researchers and specialists.*

11      *(b) REPORT TO CONGRESS.—Not later than 180 days*  
12   *after the completion of the study conducted under subsection*  
13   *(a), the Administrator shall submit to the appropriate com-*  
14   *mittees of Congress a report on the results of such study.*

15   **SEC. 550. TREATMENT OF MULTIYEAR LESSEES OF LARGE**  
16                   **AND TURBINE-POWERED MULTIENGINE AIR-**  
17                   **CRAFT.**

18       *The Secretary of Transportation shall revise such regu-*  
19   *lations as may be necessary to ensure that multiyear lessees*  
20   *and owners of large and turbine-powered multiengine air-*  
21   *craft are treated equally for purposes of joint ownership*  
22   *policies of the FAA.*

1   **SEC. 551. EMPLOYEE ASSAULT PREVENTION AND RE-**  
2                   **SPONSE PLANS.**

3       (a) *IN GENERAL.*—Not later than 90 days after the  
4   date of enactment of this Act, each air carrier operating  
5   under part 121 of title 14, Code of Federal Regulations (in  
6   this section referred to as a “part 121 air carrier”), shall  
7   submit to the Administrator for review and acceptance an  
8   Employee Assault Prevention and Response Plan related to  
9   the customer service agents of the air carrier and that is  
10   developed in consultation with the labor union representing  
11   such agents.

12     (b) *CONTENTS OF PLAN.*—An Employee Assault Pre-  
13  vention and Response Plan submitted under subsection (a)  
14  shall include the following:

15       (1) *Reporting protocols for air carrier customer*  
16  *service agents who have been the victim of a verbal or*  
17  *physical assault.*

18       (2) *Protocols for the immediate notification of*  
19  *law enforcement after an incident of verbal or phys-*  
20  *ical assault committed against an air carrier cus-*  
21  *tomer service agent.*

22       (3) *Protocols for informing Federal law enforce-*  
23  *ment with respect to violations of section 46503 of*  
24  *title 49, United States Code.*

25       (4) *Protocols for ensuring that a passenger in-*  
26  *volved in a violent incident with a customer service*

1       *agent of an air carrier is not allowed to move through*  
2       *airport security or board an aircraft until appropriate*  
3       *law enforcement has had an opportunity to assess the incident and take appropriate action.*

5           *(5) Protocols for air carriers to inform passengers of Federal laws protecting Federal, airport, and air carrier employees who have security duties within an airport.*

9           *(c) EMPLOYEE TRAINING.—A part 121 air carrier shall conduct initial and recurrent training for all employees, including management, of the air carrier with respect to the plan required under subsection (a), which shall include training on de-escalating hostile situations, written protocols on dealing with hostile situations, and the reporting of relevant incidents.*

16           *(d) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—*

19           *(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and*

1                   (2) submit the findings of the study, including  
2                   any recommendations, to the appropriate committees  
3                   of Congress.

4                   (e) *GAP ANALYSIS.*—The study required under sub-  
5 section (d) shall include a gap analysis to determine if  
6 State and local laws and resources are adequate to deter-  
7 or otherwise address the crimes of violence described in sub-  
8 section (a) and recommendations on how to address any  
9 identified gaps.

10 **SEC. 552. STUDY ON TRAINING OF CUSTOMER-FACING AIR  
11 CARRIER EMPLOYEES.**

12                   (a) *IN GENERAL.*—Not later than 1 year after the date  
13 of enactment of this Act, the Secretary of Transportation  
14 shall conduct a study on the training received by customer-  
15 facing employees of air carriers.

16                   (b) *CONTENTS.*—The study shall include—  
17                   (1) an analysis of the training received by cus-  
18 tomer-facing employees with respect to the manage-  
19 ment of disputes on aircraft;  
20                   (2) an examination of how institutions of higher  
21 learning, in coordination with air carriers, customer-  
22 facing employees and their representatives, consumer  
23 advocacy organizations, and other stakeholders,  
24 could—

1                   (A) review such training and related practices;

2                   (B) produce recommendations; and

3                   (C) if determined appropriate, provide supplemental training; and

4                   (3) the effectiveness of air carriers' Employee Assault Prevention and Response Plans required under section 551.

5

6

7

8

9                   (c) REPORT.—Not later than 1 year after the date of

10 enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of

11 the study.

12

13 **SEC. 553. AUTOMATED WEATHER OBSERVING SYSTEMS POL-**

14                   **ICY.**

15                   (a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall—

16

17                   (1) update automated weather observing systems standards to maximize the use of new technologies that promote the reduction of equipment or maintenance cost for non-Federal automated weather observing systems, including the use of remote monitoring and maintenance, unless demonstrated to be ineffective;

18

19

20

21

22

23

1                   (2) review, and if necessary update, existing  
2        *policies in accordance with the standards developed*  
3        *under paragraph (1); and*

4                   (3) establish a process under which appropriate  
5        *onsite airport personnel or an aviation official may,*  
6        *with appropriate manufacturer training or alter-*  
7        *native training as determined by the Administrator,*  
8        *be permitted to conduct the minimum triannual pre-*  
9        *ventative maintenance checks under the advisory cir-*  
10      *cular for non-Federal automated weather observing*  
11      *systems (AC 150/5220-16E) and any other similar,*  
12      *successor checks.*

13                  (b) *PERMISSION.—Permission to conduct the min-*  
14      *imum triannual preventative maintenance checks described*  
15      *under subsection (a)(3) and any similar, successor checks*  
16      *shall not be withheld but for specific cause.*

17                  (c) *STANDARDS.—In updating the standards under*  
18      *subsection (a)(1), the Administrator shall—*

19                   (1) *ensure the standards are performance-based;*  
20                   (2) *use risk analysis to determine the accuracy*  
21      *of the automated weather observing systems outputs*  
22      *required for pilots to perform safe aircraft operations;*  
23      *and*

1                   (3) provide a cost-benefit analysis to determine  
2 whether the benefits outweigh the cost for any require-  
3 ment not directly related to safety.

4                   (d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—

5                   (1) IN GENERAL.—Notwithstanding any other  
6 law, the Administrator is authorized to and shall  
7 waive any positive benefit-cost ratio requirement for  
8 automated weather-observing system equipment under  
9 subchapter I of chapter 471, of title 49, United States  
10 Code, if—

11                  (A) the airport sponsor or State, as appli-  
12 cable, certifies that a grant for such automated  
13 weather observing systems equipment under that  
14 chapter will assist an applicable airport to re-  
15 spond to regional emergency needs, including  
16 medical, firefighting, and search and rescue  
17 needs;

18                  (B) the Secretary determines, after consulta-  
19 tion with the airport sponsor or State, as appli-  
20 cable, that the placement of automated weather-  
21 observing equipment at the airport will not  
22 cause unacceptable radio frequency congestion;  
23 and

24                  (C) the other requirements under that chap-  
25 ter are met.

1                   **(2) APPLICABILITY TO LOW POPULATION DENSITY**

2                 *STATES.—This subsection is applicable only to air-*  
3                 *ports located in states with a population density,*  
4                 *based on the most recent decennial census, of 50 or*  
5                 *fewer persons per square mile.*

6                 *(e) REPORT.—Not later than September 30, 2025, the*  
7                 *Administrator shall submit to the appropriate committees*  
8                 *of Congress a report on the implementation of the require-*  
9                 *ments under this section.*

10                 **SEC. 554. PRIORITIZING AND SUPPORTING THE HUMAN**  
11                   **INTERVENTION MOTIVATION STUDY (HIMS)**  
12                   **PROGRAM AND THE FLIGHT ATTENDANT**  
13                   **DRUG AND ALCOHOL PROGRAM (FADAP).**

14                 *(a) IN GENERAL.—The Administration shall continue*  
15                 *to prioritize and support the Human Intervention Motiva-*  
16                 *tion Study (HIMS) program for flight crewmembers and*  
17                 *the Flight Attendant Drug and Alcohol Program (FADAP)*  
18                 *for flight attendants.*

19                 *(b) STUDY AND RECOMMENDATIONS.—*

20                 *(1) IN GENERAL.—The Secretary of Transpor-*  
21                 *tation shall enter into an agreement with the Trans-*  
22                 *portation Research Board (in this subsection referred*  
23                 *to as the “Board”) under which the Board shall—*

24                 *(A) conduct a study on the Human Inter-*  
25                 *vention Motivation Study (HIMS) program, the*

1           *Flight Attendant Drug and Alcohol Program*  
2           *(FADAP), and any other drug and alcohol pro-*  
3           *grams within the other modal administrations*  
4           *within the Department of Transportation;*

5           *(B) to the extent justified by the findings*  
6           *from the study described in subparagraph (A),*  
7           *make recommendations to the Federal Aviation*  
8           *Administration and other administrations within*  
9           *the Department of Transportation on how to*  
10          *implement programs, or changes to existing pro-*  
11          *grams, that seek to help transportation workers*  
12          *get treatment for drug and alcohol abuse and re-*  
13          *turn to work; and*

14          *(C) upon the completion of the study de-*  
15          *scribed in subparagraph (A), submit to the ap-*  
16          *propriate committees of Congress a report on*  
17          *such study, including the Board's findings, con-*  
18          *clusions, and recommendations.*

19          *(2) REQUIREMENT.—In conducting the study*  
20          *under paragraph (1), the Board shall identify—*

21          *(A) best policies and practices within exist-*  
22          *ing programs; and*

23          *(B) best prevention, early intervention, and*  
24          *return to work practices specifically around pre-*

1           scription medication abuse, with a special em-  
2           phasis on employee use of opioids.

3   **SEC. 555. COST-EFFECTIVENESS ANALYSIS OF EQUIPMENT**

4           **RENTAL.**

5           (a) *AGENCY ANALYSIS OF EQUIPMENT ACQUISITION.*—

6           (1) *IN GENERAL.*—Except as provided for under  
7           subsection (d), the head of each executive agency shall  
8           acquire equipment using the method of acquisition  
9           most advantageous to the Federal Government based  
10          on a case-by-case analysis of comparative costs and  
11          other factors, including those factors listed in section  
12          7.401 of the Federal Acquisition Regulation.

13          (2) *METHODS OF ACQUISITION.*—The methods of  
14          acquisition to be compared in the analysis under  
15          paragraph (1) shall include, at a minimum, pur-  
16          chase, short-term rental or lease, long-term rental or  
17          lease, interagency acquisition, and acquisition agree-  
18          ments with a State or a local government as described  
19          in subsection (c).

20          (3) *AMENDMENT OF FEDERAL ACQUISITION REG-  
21          ULATION.*—Not later than 180 days after the date of  
22          the enactment of this Act, the Federal Acquisition  
23          Regulatory Council shall amend the Federal Acquisi-  
24          tion Regulation to implement the requirement of this  
25          subsection, including a determination of the factors

1       *for executive agencies to consider for purposes of per-*  
2       *forming the analysis under paragraph (1).*

3           *(4) RULE OF CONSTRUCTION.—Nothing in this*  
4       *subsection shall be construed to affect the requirements*  
5       *of chapter 37 of title 41, United States Code, section*  
6       *2305 of title 10, United States Code, or section 1535*  
7       *of title 31, United States Code.*

8           *(b) DATE OF IMPLEMENTATION.—The analysis de-*  
9       *scribed in subsection (a) shall be applied to contracts for*  
10      *the acquisition of equipment entered into on or after the*  
11      *date that the Federal Acquisition Regulation is amended*  
12      *pursuant to paragraph (3) of such subsection.*

13           *(c) ACQUISITION AGREEMENTS WITH STATES OR*  
14      *LOCAL GOVERNMENTS.—*

15           *(1) IN GENERAL.—Notwithstanding any other*  
16      *provision of law, including chapter 37 of title 41,*  
17      *United States Code, the Small Business Act (15*  
18      *U.S.C. 631 et seq.), and section 2305 of title 10,*  
19      *United States Code, the head of an executive agency*  
20      *may enter into an acquisition agreement authorized*  
21      *by this section directly with a State or a local govern-*  
22      *ment if the agency head determines that the agree-*  
23      *ment otherwise satisfies the requirements of subsection*  
24      *(a)(1).*

1                   (2) *TERMS AND CONDITIONS.*—Any agreement  
2       under paragraph (1) shall contain such terms and  
3       conditions as the head of the agency deems necessary  
4       or appropriate to protect the interests of the United  
5       States.

6                   (d) *EXCEPTIONS.*—The analysis otherwise required  
7       under subsection (a) is not required—

8                   (1) when the President has issued an emergency  
9       declaration or a major disaster declaration pursuant  
10      to the Robert T. Stafford Disaster Relief and Emer-  
11      gency Assistance Act (42 U.S.C. 5121 et seq.);

12                  (2) in other emergency situations if the agency  
13       head makes a determination that obtaining such  
14       equipment is necessary in order to protect human life  
15       or property; or

16                  (3) when otherwise authorized by law.

17                  (e) *STUDY OF AGENCY ANALYSES.*—Not later than 2  
18       years after the date of the enactment of this Act, the Com-  
19       troller General of the United States shall submit to the Com-  
20       mittee on Oversight and Government Reform of the House  
21       of Representatives and the Committee on Homeland Secu-  
22       rity and Governmental Affairs of the Senate a compre-  
23       hensive report on the decisions made by the executive agencies  
24       with the highest levels of acquisition spending, and a sam-  
25       ple of executive agencies with lower levels of acquisition

1 spending, to acquire high-value equipment by lease, rental,  
2 or purchase pursuant to subpart 7.4 of the Federal Acquisi-  
3 tion Regulation.

4 (f) DEFINITIONS.—In this section:

5 (1) EXECUTIVE AGENCY.—The term “executive  
6 agency” has the meaning given that term in section  
7 102 of title 40, United States Code.

8 (2) INTERAGENCY ACQUISITION.—The term  
9 “interagency acquisition” has the meaning given that  
10 term in section 2.101 of the Federal Acquisition Reg-  
11 ulation.

12 (3) STATE.—The term “State” has the meaning  
13 given the term in section 6501 of title 31, United  
14 States Code.

15 (4) LOCAL GOVERNMENT.—The term “local gov-  
16 ernment” means any unit of local government within  
17 a State, including a county, municipality, city, bor-  
18 ough, town, township, parish, local public authority,  
19 school district, special district, intrastate district,  
20 council of governments, or regional or interstate gov-  
21 ernment entity, and any agency or instrumentality of  
22 a local government.

23 **SEC. 556. AIRCRAFT REGISTRATION.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of enactment of this Act, the Administrator shall ini-

1 tiate a rulemaking to increase the duration of aircraft reg-  
2 istrations for noncommercial general aviation aircraft to  
3 7 years.

4 (b) CONSIDERATIONS.—In promulgating the notice of  
5 proposed rulemaking described in subsection (a), the Ad-  
6 ministrator may consider any events, circumstances,  
7 changes in any ownership entity or structure, or other con-  
8 dition that would necessitate renewal prior to the expira-  
9 tion of an aircraft registration.

10 **SEC. 557. REQUIREMENT TO CONSULT WITH STAKE-**  
11  **HOLDERS IN DEFINING SCOPE AND REQUIRE-**  
12 **MENTS FOR FUTURE FLIGHT SERVICE PRO-**  
13 **GRAM.**

14 Not later than 180 days after the date of enactment  
15 of this Act, the Administrator shall consult with stake-  
16 holders in defining the scope and requirements for any new  
17 Future Flight Service Program of the Administration to be  
18 used in a competitive source selection for the next flight  
19 service contract with the Administration.

20 **SEC. 558. FEDERAL AVIATION ADMINISTRATION PERFORM-**  
21 **ANCE MEASURES AND TARGETS.**

22 (a) PERFORMANCE MEASURES.—Not later than 180  
23 days after the date of enactment of this Act, the Secretary  
24 of Transportation shall establish performance measures re-

1 lating to the management of the Administration, which  
2 shall, at a minimum, include measures to assess—

8           (b) *PERFORMANCE TARGETS.*—Not later than 180  
9 days after the date on which the Secretary establishes per-  
10 formance measures in accordance with subsection (a), the  
11 Secretary shall establish performance targets relating to  
12 each of the measures described in that subsection.

13       (c) REPORT.—Not later than 2 years after the date of  
14 enactment of this Act, the inspector general of the Depart-  
15 ment of Transportation shall submit to the appropriate  
16 committees of Congress a report describing the progress of  
17 the Secretary in meeting the performance targets established  
18 under subsection (b).

19 SEC. 559. REPORT ON PLANS FOR AIR TRAFFIC CONTROL  
20                   **FACILITIES IN THE NEW YORK CITY AND NEW-**  
21                   **ARK REGION.**

22       *Not later than 90 days after the date of enactment of*  
23    *this Act, the Administrator shall submit to the appropriate*  
24    *committees of Congress a report on the Administration's*  
25    *staffing and scheduling plans for air traffic control facili-*

1 ties in the New York City and Newark region for the 1-  
2 year period beginning on such date of enactment.

3 **SEC. 560. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**  
4 **PHILADELPHIA METROPOLITAN AREA AIR-**  
5 **SPACE PROJECT.**

6 Not later than 90 days after the date of enactment of  
7 this Act, the Administrator shall develop and publish in  
8 the Federal Register a work plan for the New York/New Jer-  
9 sey/Philadelphia Metropolitan Area Airspace Project.

10 **SEC. 561. ANNUAL REPORT ON INCLUSION OF DISABLED**  
11 **VETERAN LEAVE IN PERSONNEL MANAGE-**  
12 **MENT SYSTEM.**

13 Not later than 1 year after the date of enactment of  
14 this Act, and not less frequently than annually there after  
15 until the date that is 5 years after the date of enactment  
16 of this Act, the Administrator shall publish on a publicly  
17 accessible internet website a report on—

18 (1) the effect of the amendments made by sub-  
19 sections (a) and (b) of section 2 of the Federal Avia-  
20 tion Administration Veteran Transition Improvement  
21 Act of 2016 (Public Law 114–242), on the Adminis-  
22 tration's work force; and

23 (2) the number of disabled veterans benefitting  
24 from such subsections.

1 **SEC. 562. ENHANCED SURVEILLANCE CAPABILITY.**

2       Not later than 120 days after the date of enactment  
3 of this Act, the Administrator shall identify and implement  
4 a strategy to—

5                 (1) advance near-term and long-term uses of en-  
6 hanced surveillance systems, such as space-based  
7 ADS-B, within United States airspace or inter-  
8 national airspace delegated to the United States;

9                 (2) exercise leadership on setting global stand-  
10 ards for the separation of aircraft in oceanic airspace  
11 by working with—

12                     (A) foreign counterparts of the Adminis-  
13 trator in the International Civil Aviation Orga-  
14 nization and its subsidiary organizations;

15                     (B) other international organizations and  
16 fora; and

17                     (C) the private sector; and

18                 (3) ensure the participation of the Administra-  
19 tion in the analysis of trials of enhanced surveillance  
20 systems, such as space-based ADS-B, performed by  
21 foreign air navigation service providers in North At-  
22 lantic airspace.

## 1 SEC. 563. ACCESS OF AIR CARRIERS TO INFORMATION

2 **ABOUT APPLICANTS TO BE PILOTS FROM NA-**3 **TIONAL DRIVER REGISTER.**

4 Section 30305(b)(8) of title 49, United States Code, is

5 amended to read as follows:

6       “(8)(A) An individual who is seeking employ-  
7       ment by an air carrier as a pilot may request the  
8       chief driver licensing official of a State to provide in-  
9       formation about the individual under subsection (a)  
10      of this section to the prospective employer of the indi-  
11      vidual, the authorized agent of the prospective em-  
12      ployer, or the Secretary of Transportation.

13       “(B) An air carrier that is the prospective em-  
14      ployer of an individual described in subparagraph  
15      (A), or an authorized agent of such an air carrier,  
16      may request and receive information about that indi-  
17      vidual from the National Driver Register through an  
18      organization approved by the Secretary for purposes  
19      of requesting, receiving, and transmitting such infor-  
20      mation directly to the prospective employer of such an  
21      individual or the authorized agent of the prospective  
22      employer. This paragraph shall be carried out in ac-  
23      cordance with paragraphs (2) and (11) of section  
24      44703(h) and the Fair Credit Reporting Act (15  
25      U.S.C. 1681 et seq.).

1           “(C) Information may not be obtained from the  
2        National Driver Register under this paragraph if the  
3        information was entered in the Register more than 5  
4        years before the request unless the information is  
5        about a revocation or suspension still in effect on the  
6        date of the request.”.

7   **SEC. 564. REGULATORY REFORM.**

8        Section 106(p)(5) of title 49, United States Code, is  
9        amended—

10           (1) by striking “Committee, or” and inserting  
11        “Committee,”; and

12           (2) by striking the period at the end and inserting  
13        “, or such aerospace rulemaking committees as the  
14        Secretary shall designate.”.

15   **SEC. 565. AVIATION FUEL.**

16           (a) **USE OF UNLEADED AVIATION GASOLINE.**—The  
17        Administrator shall allow the use of an unleaded aviation  
18        gasoline in an aircraft as a replacement for a leaded gaso-  
19        line if the Administrator—

20           (1) determines that the unleaded aviation gaso-  
21        line qualifies as a replacement for an approved leaded  
22        gasoline;

23           (2) identifies the aircraft and engines that are  
24        eligible to use the qualified replacement unleaded gas-  
25        oline; and

1                   (3) adopts a process (other than the traditional  
2                   means of certification) to allow eligible aircraft and  
3                   engines to operate using qualified replacement un-  
4                   leaded gasoline in a manner that ensures safety.

5                   (b) *TIMING.*—The Administrator shall adopt the proc-  
6                   ess described in subsection (a)(3) not later than 180 days  
7                   after the later of—

8                   (1) the date on which the Administration com-  
9                   pletes the Piston Aviation Fuels Initiative; or

10                  (2) the date on which the American Society for  
11                  Testing and Materials publishes a production speci-  
12                  fication for an unleaded aviation gasoline.

13                  (c) *TYPE CERTIFICATION.*—Existing regulatory mech-  
14                  anisms by which an unleaded aviation gasoline can be ap-  
15                  proved for use in an engine or aircraft by Type or Supple-  
16                  mental Type Certificate for individual aircraft and engine  
17                  types or by Approved Model List Supplemental Type Cer-  
18                  tificate providing coverage for a broad range of applicable  
19                  types of aircraft or engines identified in the application  
20                  shall continue to be fully available as a means of approving  
21                  and bringing an unleaded aviation gasoline into general  
22                  use in the United States. Such approvals shall be issued  
23                  when the Administrator finds that the aircraft or engine  
24                  performs properly and meets the applicable regulations and  
25                  minimum standards under the normal certification process.

1 **SEC. 566. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**2 **CONTROL SYSTEM.**

3 *Notwithstanding any other provision of law, the Ad-*  
4 *ministrator shall, upon request of a private aircraft owner*  
5 *or operator, block the registration number of the aircraft*  
6 *of the owner or operator from any public dissemination or*  
7 *display, except in data made available to a Government*  
8 *agency, for the noncommercial flights of the owner or oper-*  
9 *ator.*

10 **SEC. 567. FEDERAL AVIATION ADMINISTRATION WORK-**11 **FORCE REVIEW.**

12 *(a) IN GENERAL.—Not later than 120 days after the*  
13 *date of enactment of this Act, the Comptroller General of*  
14 *the United States shall conduct a review to assess the work-*  
15 *force and training needs of the FAA in the anticipated*  
16 *budgetary environment.*

17 *(b) CONTENTS.—In conducting the review, the Comp-*  
18 *troller General shall—*

19 *(1) identify the long-term workforce and training*  
20 *needs of the FAA workforce;*

21 *(2) assess the impact of automation, digitaliza-*  
22 *tion, and artificial intelligence on the FAA workforce;*

23 *(3) analyze the skills and qualifications required*  
24 *of the FAA workforce for successful performance in the*  
25 *current and future projected aviation environment;*

1                   (4) review current performance incentive policies  
2                   of the FAA, including awards for performance;

3                   (5) analyze ways in which the FAA can work  
4                   with industry and labor, including labor groups rep-  
5                   resenting the FAA workforce, to establish knowledge-  
6                   sharing opportunities between the FAA and the avia-  
7                   tion industry regarding new equipment and systems,  
8                   best practices, and other areas of interest; and

9                   (6) develop recommendations on the most effec-  
10                  tive qualifications, training programs (including e-  
11                  learning training), and performance incentive ap-  
12                  proaches to address the needs of the future projected  
13                  aviation regulatory system in the anticipated budg-  
14                  etary environment.

15                  (c) REPORT.—Not later than 270 days after the date  
16                  of enactment of this Act, the Comptroller General shall sub-  
17                  mit to the appropriate committees of Congress a report on  
18                  the results of the review.

19                  **SEC. 568. REVIEW OF APPROVAL PROCESS FOR USE OF**  
20                  **LARGE AIR TANKERS AND VERY LARGE AIR**  
21                  **TANKERS FOR WILDLAND FIREFIGHTING.**

22                  (a) REVIEW AND IMPROVEMENT OF CURRENT AP-  
23                  PROVAL PROCESS.—The Chief of the Forest Service, in con-  
24                  sultation with the Administrator, shall conduct a review of  
25                  the process used by the Forest Service to approve the use

1   of large air tankers and very large air tankers for wildland  
2   firefighting for the purpose of—  
3                 (1) determining the current effectiveness, safety,  
4                 and consistency of the approval process;  
5                 (2) developing recommendations for improving  
6                 the effectiveness, safety, and consistency of the ap-  
7                 proval process; and  
8                 (3) assisting in developing standardized next-  
9                 generation requirements for air tankers used for fire-  
10                 fighting.

11         (b) REPORTING REQUIREMENT.—Not later than 1 year  
12         after the date of enactment of this Act, the Chief of the For-  
13         est Service shall submit to Congress a report describing the  
14         outcome of the review conducted under subsection (a).

15         **SEC. 569. FAA TECHNICAL WORKFORCE.**

16         (a) IN GENERAL.—Not later than 1 year after the date  
17         of enactment of this Act, the Administrator shall—

18                 (1) identify and assess barriers to attracting, de-  
19                 veloping, training, and retaining a talented workforce  
20                 in the areas of systems engineering, architecture, sys-  
21                 tems integration, digital communications, and cyber-  
22                 security;

23                 (2) develop a comprehensive plan to attract, de-  
24                 velop, train, and retain talented individuals in those  
25                 fields; and

1                   (3) identify existing authorities available to the  
2                   Administrator, through personnel reform, to attract,  
3                   develop, and retain this talent.

4                   (b) REPORT.—The Administrator shall submit to the  
5                   appropriate committees of Congress a report on the progress  
6                   made toward implementing the requirements under sub-  
7                   section (a).

8 **SEC. 570. STUDY ON AIRPORT CREDIT ASSISTANCE.**

9                   (a) REVIEW.—

10                  (1) IN GENERAL.—The Secretary of Transpor-  
11                  tation shall conduct a review to determine whether a  
12                  Federal credit assistance program would be beneficial  
13                  and feasible for airport-related projects as defined in  
14                  section 40117(a) of title 49, United States Code.

15                  (2) CONSIDERATIONS.—In carrying out the re-  
16                  view under paragraph (1), the Secretary may con-  
17                  sider—

18                   (A) expanding eligibility under an existing  
19                   Federal credit assistance program to include  
20                   such projects; and

21                   (B) establishing a new credit assistance  
22                   program for such projects.

23                  (b) REPORT.—Not later than 270 days after the date  
24                  of enactment of this section, the Secretary shall submit to  
25                  the Committee on Transportation and Infrastructure of the

1 *House of Representatives, the Committee on Commerce,*  
2 *Science, and Transportation of the Senate, and the Com-*  
3 *mittee on the Environment and Public Works of the Senate*  
4 *a report on the results of the review carried out under sub-*  
5 *section (a). The report shall include a description of—*

6           *(1) the benefits and other effects;*  
7           *(2) potential projects;*  
8           *(3) the budgetary impacts, including an estimate*  
9           *of—*

10           *(A) the average annual loan volume;*  
11           *(B) the average subsidy rate; and*  
12           *(C) any loss of Federal revenue;*  
13           *(4) impacts on existing programs;*  
14           *(5) the administrative costs; and*  
15           *(6) any personnel changes.*

16 **SEC. 571. SPECTRUM AVAILABILITY.**

17       *(a) FINDINGS.—Congress makes the following findings:*

18           *(1) The Spectrum Pipeline Act of 2015 (47*  
19           *U.S.C. 921 note) requires the Secretary of Commerce*  
20           *to identify 30 megahertz of electromagnetic spectrum*  
21           *below the frequency of 3 gigahertz to be reallocated to*  
22           *non-Federal use, to shared Federal and non-Federal*  
23           *use, or to a combination thereof.*

24           *(2) The Spectrum Pipeline Act of 2015 (47*  
25           *U.S.C. 921 note) authorized the Director of the Office*

1       *of Management and Budget to use amounts made*  
2       *available through the Spectrum Relocation Fund to*  
3       *make payments to Federal entities for research and*  
4       *development, engineering studies, economic analyses,*  
5       *and other activities intended to improve the efficiency*  
6       *and effectiveness of Federal spectrum use in order to*  
7       *make such spectrum available for reallocation for*  
8       *non-Federal use, for shared Federal and non-Federal*  
9       *use, or for a combination thereof.*

10      *(3) The Federal Aviation Administration, in co-*  
11      *ordination with the Department of Commerce, the De-*  
12      *partment of Defense, and the Department of Home-*  
13      *land Security, established the Spectrum Efficient Na-*  
14      *tional Surveillance Radar (referred to in this section*  
15      *as “SENSR”) Program to assess the feasibility of*  
16      *consolidating certain long-range, short-range, and*  
17      *weather radar systems in order to make available the*  
18      *1300–1350 megahertz band.*

19      *(4) The SENSР Program received approval and*  
20      *approximately \$71,500,000 from Office of Manage-*  
21      *ment and Budget on June 2, 2017, to proceed with*  
22      *Phase I of the SENSР Spectrum Pipeline Plan,*  
23      *which will focus on requirements and concept develop-*  
24      *ment as well as documenting expected costs and infor-*  
25      *mation for all impacted Federal spectrum systems.*

1       (b) *SENSE OF CONGRESS.*—It is the sense of Congress  
2 that the SENSR Program of the FAA should continue its  
3 assessment of the feasibility of making the 1300–1350 mega-  
4 hertz band of electromagnetic spectrum available for non-  
5 Federal use.

6 **SEC. 572. SPECIAL REVIEW RELATING TO AIR SPACE**

7                   **CHANGES.**

8       (a) *IN GENERAL.*—Not later than 180 days after the  
9 date of enactment of this Act, the Federal Aviation Manage-  
10 ment Advisory Council established under section 106(p) of  
11 title 49, United States Code (in this section referred to as  
12 the “Council”) shall initiate a special review of the Federal  
13 Aviation Administration.

14       (b) *REVIEW.*—The special review of the Administra-  
15 tion required under subsection (a) shall consist of the fol-  
16 lowing:

17                  (1) A review of the practices and procedures of  
18 the Federal Aviation Administration for developing  
19 proposals with respect to changes in regulations, poli-  
20 cies, or guidance of the Federal Aviation Administra-  
21 tion relating to airspace that affect airport oper-  
22 ations, airport capacity, the environment, or commu-  
23 nities in the vicinity of airports, including an assess-  
24 ment of the extent to which there is consultation, or

1       *a lack of consultation, with respect to such pro-*  
2       *posals—*

3               *(A) between and among the affected ele-*  
4       *ments of the Federal Aviation Administration,*  
5       *including the Air Traffic Organization, the Of-*  
6       *fice of Airports, the Flight Standards Service,*  
7       *the Office of NextGen, and the Office of Energy*  
8       *and Environment; and*

9               *(B) between the Federal Aviation Adminis-*  
10      *tration and affected entities, including airports,*  
11      *aircraft operators, communities, and State and*  
12      *local governments.*

13       *(2) Recommendations for revisions to such prac-*  
14      *tices and procedures to improve communications and*  
15      *coordination between and among affected elements of*  
16      *the Federal Aviation Administration and with other*  
17      *affected entities with respect to proposals described in*  
18      *paragraph (1) and the potential effects of such pro-*  
19      *posals.*

20       *(c) CONSULTATION.—In conducting the special review,*  
21      *the Council shall consult with—*

22               *(1) air carriers, including passenger and cargo*  
23      *air carriers;*

24               *(2) general aviation, including business aviation*  
25      *and fixed wing aircraft and rotorcraft;*

1                   (3) airports of various sizes and types;  
2                   (4) exclusive bargaining representatives of air  
3                   traffic controllers certified under section 7111 of title  
4                   5, United States Code; and  
5                   (5) State aviation officials.

6                   (d) REPORT REQUIRED.—Not later than 2 years after  
7   the date of enactment of this Act, the Administrator shall  
8   submit to the appropriate committees of Congress a report  
9   on the results of the special review conducted by the Council,  
10   including a description of the comments, recommendations,  
11   and dissenting views received from the Council and a de-  
12   scription of how the Administrator plans to implement the  
13   recommendations of the Council.

14   **SEC. 573. REIMBURSEMENT FOR IMMIGRATION INSPEC-**  
15                   **TIONS.**

16                   Section 286(i) of the Immigration and Nationality Act  
17   (8 U.S.C. 1356(i)) is amended—  
18                   (1) by inserting “, train,” after “commercial air-  
19                   craft”; and  
20                   (2) by inserting “, rail line,” after “airport”.

21   **SEC. 574. FAA EMPLOYEES IN GUAM.**

22                   (a) IN GENERAL.—The Secretary of Transportation  
23   shall use existing authorities to negotiate an agreement that  
24   shall be renegotiated after no sooner than 3 years with the  
25   Secretary of Defense—

1                   (1) to authorize Federal Aviation Administra-  
2       tion employees assigned to Guam, their spouses, and  
3       their dependent children access to Department of De-  
4       fense health care facilities located in Guam on a  
5       space available basis; and

6                   (2) to provide for payments by the Federal Avia-  
7       tion Administration to the Department of Defense for  
8       the administrative and any other costs associated  
9       with—

10                  (A) enrolling Federal Aviation Administra-  
11       tion employees assigned to Guam, their spouses,  
12       and their dependent children in any Department  
13       of Defense health care facility necessary to allow  
14       access pursuant to paragraph (1); and

15                  (B) third-party billing for any medical  
16       costs incurred as a result of Federal Aviation  
17       Administration employees, their spouses, or their  
18       dependent children accessing and receiving med-  
19       ical treatment or services at a Department of  
20       Defense health care facility located in Guam.

21                  (b) FUNDS SUBJECT TO APPROPRIATIONS.—Funds for  
22       payments by the Federal Aviation Administration described  
23       in subsection (a)(2) are subject to the availability of  
24       amounts specifically provided in advance for that purpose  
25       in appropriations Acts.

1       (c) REPORT ON ACCESS TO FACILITIES OF THE DE-  
2 PARTMENT OF DEFENSE IN GUAM.—

3                 (1) IN GENERAL.—Not later than 180 days after  
4 the date of the enactment of this Act, the Secretary of  
5 Transportation and the Secretary of Defense shall  
6 jointly submit a report to the Committees on Armed  
7 Services of the Senate and the House of Representa-  
8 tives, the Committee on Commerce of the Senate, and  
9 the Committee on Transportation and Infrastructure  
10 of the House of Representatives on eligibility for and  
11 access to Department of Defense support facilities by  
12 Federal Aviation Administration employees in the  
13 U.S. territory of Guam.

14                 (2) SCOPE.—The report required under para-  
15 graph (1) shall:

16                         (A) Evaluate the ability of Department of  
17 Defense support facilities in Guam to adequately  
18 serve current military personnel and dependent  
19 populations.

20                         (B) Determine how any substantial in-  
21 creases to military personnel and dependent pop-  
22 ulations in Guam would impact the ability of  
23 existing Department of Defense support facilities  
24 to provide services for military personnel and de-  
25 pendents stationed in Guam.

1                   (C) Provide recommendations on any im-  
2                   provements to existing Department of Defense fa-  
3                   cilities which may be needed to ensure those fa-  
4                   cilities in Guam can support an increased popu-  
5                   lation of military personnel and dependent pop-  
6                   ulation in Guam.

7                   (D) Consider the impact of expanded access  
8                   to Department of Defense support facilities in  
9                   Guam to Federal Aviation Administration em-  
10                  ployees and their families on the ability of those  
11                  facilities to provide services to military per-  
12                  sonnel and their families.

13                  (E) Recognize the Federal Aviation Admin-  
14                  istration's vital role as the sole provider of radar  
15                  air traffic control services for aircraft traversing  
16                  into and out of the airspace near and above  
17                  Guam the vast majority of which are military  
18                  operations, Department of Defense aircraft, or  
19                  other aircraft traveling to Guam in order to  
20                  interact with Department of Defense facilities.

21                  (F) Review the existing authorities author-  
22                  izing eligibility and access for non-military per-  
23                  sonnel and their dependents to Department of  
24                  Defense support facilities, including health care

*facilities, commissaries, and exchanges, outside  
the continental United States.*

(H) Outline the specific conditions on Guam, which may necessitate access to Department of Defense support facilities in Guam by Federal Aviation Administration personnel and their families.

11                             (I) Determine any changes in laws or regu-  
12                             lations that may be necessary to authorize Fed-  
13                             eral Aviation Administration employees and  
14                             their families access to Department of Defense  
15                             health care facilities, commissaries, and ex-  
16                             changes in Guam.

17 SEC. 575. GAO STUDY ON AIRLINE COMPUTER NETWORK  
18 DISRUPTIONS.

19       *Not later than 1 year after the date of enactment of*  
20 *this Act, the Comptroller General of the United States shall*  
21 *submit to the appropriate committees of Congress a report*  
22 *containing a review of the following:*

(1) Direct and indirect effects on passengers, if any, resulting from significant computer network disruptions of part 121 (of title 49, Code of Federal Reg-

1       

- 1       *ulations) air carriers between January 1, 2014, and*
- 2       *the date of enactment of this section, including—*

- 3
  - 3       *(A) systemwide delays;*
  - 4       *(B) flight cancellations; and*
  - 5       *(C) disrupted or broken itineraries.*

6           

- 6       *(2) An estimate of any expenses incurred by pas-*
- 7       *sengers during significant computer network disrup-*
- 8       *tions, including—*

- 9
  - 9
    - 10       *(A) meals, lodging, and ancillary expenses*
    - 10       *per persons;*
    - 11       *(B) late hotel check-in or car rental fees;*
    - 12       *(C) missed cruise-ship departures; and*
    - 13       *(D) lost productivity.*

14           

- 14       *(3) Air carriers' contracts of carriage and inter-*
- 15       *line agreements to determine if and how air carriers*
- 16       *accommodate passengers affected by significant com-*
- 17       *puter network disruptions on other air carriers or for-*
- 18       *eign air carriers.*

19           

- 19       *(4) Whether passengers who have been displaced*
- 20       *by significant computer network disruptions are fur-*
- 21       *nished with alternative transportation aboard another*
- 22       *air carrier or foreign air carrier.*

23           

- 23       *(5) Costs incurred by airports, if any, to meet*
- 24       *the essential needs of passengers, including increased*
- 25       *demands on utilities, food concessionaires, restroom*

1       *facilities, and security staffing, during significant*  
2       *computer network disruptions.*

3           *(6) Other costs, if any, incurred by passengers,*  
4       *airports, and other entities as a direct result of sig-*  
5       *nificant computer network disruptions.*

6           *(7) Processes, plans, and redundancies in place*  
7       *at air carriers to respond to and recover from such*  
8       *network disruptions.*

9       **SEC. 576. TOWER MARKING.**

10       *Section 2110 of the FAA Extension, Safety, and Secu-*  
11       *rity Act of 2016 (49 U.S.C. 44718 note) is amended to read*  
12       *as follows:*

13       **“SEC. 2110. TOWER MARKING.**

14       “(a) APPLICATION.—

15           *“(1) IN GENERAL.—Except as provided by para-*  
16       *graph (2), not later than 18 months after the date of*  
17       *enactment of the FAA Reauthorization Act of 2018 or*  
18       *the date of availability of the database developed by*  
19       *the Administrator pursuant to subsection (c), whichever*  
20       *is later, all covered towers shall be either—*

21           *“(A) clearly marked consistent with appli-*  
22       *cable guidance in the advisory circular of the*  
23       *FAA issued December 4, 2015 (AC 70/7460-IL);*

24       *or*

1           “(B) included in the database described in  
2           subsection (c).

3           “(2) METEOROLOGICAL EVALUATION TOWER.—A  
4           covered tower that is a meteorological evaluation  
5           tower shall be subject to the requirements of subparagraphs  
6           (A) and (B) of paragraph (1).

7           “(b) DEFINITIONS.—

8           “(1) IN GENERAL.—In this section, the following  
9           definitions apply:

10          “(A) COVERED TOWER.—

11          “(i) IN GENERAL.—The term ‘covered  
12           tower’ means a structure that—

13           “(I) is a meteorological evaluation  
14           tower, a self-standing tower, or tower  
15           supported by guy wires and ground  
16           anchors;

17           “(II) is 10 feet or less in diameter  
18           at the above-ground base, excluding  
19           concrete footing;

20           “(III) at the highest point of the  
21           structure is at least 50 feet above  
22           ground level;

23           “(IV) at the highest point of the  
24           structure is not more than 200 feet  
25           above ground level;

1               “(V) has accessory facilities on  
2 which an antenna, sensor, camera, me-  
3 teorological instrument, or other equip-  
4 ment is mounted; and

5               “(VI) is located on land that is—  
6                “(aa) in a rural area; and  
7                “(bb) used for agricultural  
8                purposes or immediately adjacent  
9                to such land.

10              “(ii) EXCLUSIONS.—The term ‘covered  
11 tower’ does not include any structure that—

12              “(I) is adjacent to a house, barn,  
13 electric utility station, or other build-  
14 ing;

15              “(II) is within the curtilage of a  
16 farmstead or adjacent to another build-  
17 ing or visible structure;

18              “(III) supports electric utility  
19 transmission or distribution lines;

20              “(IV) is a wind-powered electrical  
21 generator with a rotor blade radius  
22 that exceeds 6 feet;

23              “(V) is a street light erected or  
24 maintained by a Federal, State, local,  
25 or tribal entity;

1               “(VI) is designed and constructed  
2               to resemble a tree or visible structure  
3               other than a tower;

4               “(VII) is an advertising billboard;  
5               “(VIII) is located within the  
6               right-of-way of a rail carrier, includ-  
7               ing within the boundaries of a rail  
8               yard, and is used for a railroad pur-  
9               pose;

10              “(IX)(aa) is registered with the  
11              Federal Communications Commission  
12              under the Antenna Structure Registra-  
13              tion program set forth under part 17  
14              of title 47, Code of Federal Regula-  
15              tions; and

16              “(bb) is determined by the Admin-  
17              istrator to pose no hazard to air navi-  
18              gation; or

19              “(X) has already mitigated any  
20              hazard to aviation safety in accord-  
21              ance with Federal Aviation Adminis-  
22              tration guidance or as otherwise ap-  
23              proved by the Administrator.

24              “(B) RURAL AREA.—The term ‘rural area’  
25              has the meaning given the term in section

1           *609(a)(5) of the Public Utility Regulatory Poli-*  
2           *cies Act of 1978 (7 U.S.C. 918c(a)(5)).*

3           “*(C) AGRICULTURAL PURPOSES.*—*The term*  
4           *‘agricultural purposes’ means farming in all its*  
5           *branches and the cultivation and tillage of the*  
6           *soil, the production, cultivation, growing, and*  
7           *harvesting of any agricultural or horticultural*  
8           *commodities performed by a farmer or on a*  
9           *farm, or on pasture land or rangeland.*

10          “*(2) OTHER DEFINITIONS.*—*The Administrator*  
11          *shall define such other terms as may be necessary to*  
12          *carry out this section.*

13          “*(c) DATABASE.*—*The Administrator shall—*

14           “*(1) develop a new database, or if appropriate*  
15           *use an existing database that meets the requirements*  
16           *under this section, that contains the location and*  
17           *height of each covered tower that, pursuant to sub-*  
18           *section (a), the owner or operator of such tower elects*  
19           *not to mark (unless the Administrator has determined*  
20           *that there is a significant safety risk requiring that*  
21           *the tower be marked), except that meteorological eval-*  
22           *uation towers shall be marked and contained in the*  
23           *database;*

24          “*(2) keep the database current to the extent prac-*  
25          *ticable;*

1           “(3) ensure that any proprietary information in  
2       the database is protected from disclosure in accord-  
3       ance with law;

4           “(4) ensure that, by virtue of accessing the data-  
5       base, users agree and acknowledge that information in  
6       the database—

7           “(A) may only be used for aviation safety  
8       purposes; and

9           “(B) may not be disclosed for purposes  
10      other than aviation safety, regardless of whether  
11      or not the information is marked or labeled as  
12      proprietary or with a similar designation;

13          “(5) ensure that the tower information in the  
14       database is de-identified and that the information  
15       only includes the location and height of covered tow-  
16       ers and whether the tower has guy wires;

17          “(6) ensure that information in the dataset is  
18       encrypted at rest and in transit and is protected from  
19       unauthorized access and acquisition;

20          “(7) ensure that towers excluded from the defini-  
21       tion of covered tower under subsection  
22       (d)(1)(B)(ii)(VIII) must be registered by its owner in  
23       the database;

24          “(8) ensure that a tower to be included in the  
25       database pursuant to subsection (c)(1) and con-

1       *structured after the date on which the database is fully  
2       operational is submitted by its owner to the FAA for  
3       inclusion in the database before its construction;*

4       “(9) ensure that pilots who intend to conduct  
5       low-altitude operations in locations described in sub-  
6       section (b)(1)(A)(i)(VI) consult the relevant parts of  
7       the database before conducting such operations; and

8       “(10) make the database available for use not  
9       later than 1 year after the date of enactment of the  
10      FAA Reauthorization Act of 2018.

11      “(d) EXCLUSION AND WAIVER AUTHORITIES.—As part  
12     of a rulemaking conducted pursuant to this section, the Ad-  
13     ministrator—

14       “(1) may exclude a class, category, or type of  
15       tower that is determined by the Administrator, after  
16       public notice and comment, to not pose a hazard to  
17       aviation safety;

18       “(2) shall establish a process to waive specific  
19       covered towers from the marking requirements under  
20       this section as required under the rulemaking if the  
21       Administrator later determines such tower or towers  
22       do not pose a hazard to aviation safety;

23       “(3) shall consider, in establishing exclusions  
24       and granting waivers under this subsection, factors  
25       that may sufficiently mitigate risks to aviation safe-

1       *ty, such as the length of time the tower has been in*  
2       *existence or alternative marking methods or tech-*  
3       *nologies that maintains a tower's level of conspicuous-*  
4       *ness to a degree which adequately maintains the safe-*  
5       *ty of the airspace; and*

6       “*(4) shall consider excluding towers located in a*  
7       *State that has enacted tower marking requirements*  
8       *according to the Federal Aviation Administration’s*  
9       *recommended guidance for the voluntary marking of*  
10      *meteorological evaluation towers erected in remote*  
11      *and rural areas that are less than 200 feet above*  
12      *ground level to enhance the conspicuity of the towers*  
13      *for low level agricultural operations in the vicinity of*  
14      *those towers.*

15      “(e) PERIODIC REVIEW.—*The Administrator shall, in*  
16      *consultation with the Federal Communications Commis-*  
17      *sion, periodically review any regulations or guidance re-*  
18      *garding the marking of covered towers issued pursuant to*  
19      *this section and update them as necessary, consistent with*  
20      *this section, and in the interest of safety of low-altitude air-*  
21      *craft operations.*

22      “(f) FCC REGULATIONS.—*The Federal Communica-*  
23      *tions Commission shall amend section 17.7 of title 47, Code*  
24      *of Federal Regulations, to require a notification to the Fed-*  
25      *eral Aviation Administration for any construction or alter-*

1 action of an antenna structure, as defined in section 17.2(a)  
2 of title 47, Code of Federal Regulations, that is a covered  
3 tower as defined by this section.”.

#### **4 SEC. 577. MINIMUM DIMENSIONS FOR PASSENGER SEATS.**

5       (a) IN GENERAL.—Not later than 1 year after the date  
6 of enactment of this Act, and after providing notice and  
7 an opportunity for comment, the Administrator of the Fed-  
8 eral Aviation Administration shall issue regulations that  
9 establish minimum dimensions for passenger seats on air-  
10 craft operated by air carriers in interstate air transpor-  
11 tation or intrastate air transportation, including mini-  
12 mums for seat pitch, width, and length, and that are nec-  
13 essary for the safety of passengers.

14           (b) *DEFINITIONS.*—The definitions contained in sec-  
15 tion 40102(a) of title 49, United States Code, apply to this  
16 section.

17 ***SEC. 578. JUDICIAL REVIEW FOR PROPOSED ALTERNATIVE***  
18                   ***ENVIRONMENTAL REVIEW AND APPROVAL***  
19                   ***PROCEDURES.***

20       *Section 330 of title 23, United States Code, is amend-*  
21    *ed—*

22                   (1) in subsection (a)(2), by striking “5 States”  
23                   and inserting “2 States”; and  
24                   (2) in subsection (e)—

- 1                   (A) in paragraph (2)(A), by striking “2  
2                   years” and inserting “150 days as set forth in  
3                   section 139(l)”; and  
4                   (B) in paragraph (3)(B)(i), by striking “2  
5                   years” and inserting “150 days as set forth in  
6                   section 139(l)”.

7 **SEC. 579. REGULATORY STREAMLINING.**

8                 Not later than 1 year after the date of enactment of  
9 this Act, the Administrator of the Federal Aviation Admin-  
10 istration shall issue a final regulation revising section  
11 121.333(c)(3) of title 14, Code of Federal Regulations, to  
12 apply only to flight altitudes above flight level 410.

13 **SEC. 580. SPACEPORTS.**

14                 (a) **SENSE OF CONGRESS ON STATE SPACEPORT CON-**  
15 **TRIBUTIONS.**—It is the Sense of Congress that—

16                 (1) State and local government-owned or -oper-  
17                 ated spaceports have contributed hundreds of millions  
18                 of dollars in infrastructure improvements to the na-  
19                 tional space launch infrastructure, providing the  
20                 United States Government and commercial customers  
21                 with world-class space launch and processing infra-  
22                 structure that is necessary to support continued  
23                 American leadership in space;

24                 (2) State and local government-owned or -oper-  
25                 ated spaceports play a critical role in providing resil-

1       *iency and redundancy in the national launch infra-*  
2       *structure to support national security and civil gov-*  
3       *ernment capabilities, and should be recognized as a*  
4       *critical infrastructure in Federal strategy and plan-*  
5       *nning;*

6           (3) *continued State and local government invest-*  
7       *ments at launch and reentry facilities should be en-*  
8       *couraged and to the maximum extent practicable sup-*  
9       *ported in Federal policies, planning and infrastruc-*  
10      *ture investment considerations, including through*  
11      *Federal, State, and local partnerships;*

12       (4) *Federal investments in space infrastructure*  
13      *should enable partnerships between Federal agencies*  
14      *and state and local spaceports to modernize and en-*  
15      *able expanded 21st century space transportation in-*  
16      *rastructure, especially multi-modal networks needed*  
17      *for robust space transportation that support national*  
18      *security, civil, and commercial launch customers; and*

19       (5) *States and local governments that have made*  
20      *investments to build, maintain, operate, and improve*  
21      *capabilities for national security, civil, and commer-*  
22      *cial customers should be commended for their infra-*  
23      *structure contributions to launch and reentry sites,*  
24      *and encouraged through a variety of programs and*

1       *policies to continue these investments in the national  
2       interest.*

3       *(b) ESTABLISHMENT OF OFFICE OF SPACEPORTS.—*

4           *(1) ESTABLISHMENT OF OFFICE OF SPACE-  
5       PORTS.—Title 51, United States Code, is amended by  
6       adding at the end of subtitle V the following:*

7       **“CHAPTER 515—OFFICE OF SPACEPORTS**

8       **“§ 51501. Establishment of Office of Spaceports**

9           *“(a) ESTABLISHMENT OF OFFICE.—Not later than 90  
10 days after the date of enactment of this section, the Sec-  
11 retary of Transportation shall identify, within the Office  
12 of Commercial Space Transportation, a centralized policy  
13 office to be known as the Office of Spaceports.*

14           *“(b) FUNCTIONS.—The Office of Spaceports shall—*

15           *“(1) support licensing activities for operation of  
16 launch and reentry sites;*

17           *“(2) develop policies that promote infrastructure  
18 improvements at spaceports;*

19           *“(3) provide technical assistance and guidance to  
20 spaceports;*

21           *“(4) promote United States spaceports within  
22 the Department; and*

23           *“(5) strengthen the Nation’s competitiveness in  
24 commercial space transportation infrastructure and*

1       increase resilience for the Federal Government and  
2       commercial customers.

3       “(c) RECOGNITION.—In carrying out the functions as-  
4 signed in subsection (b), the Secretary shall recognize the  
5 unique needs and distinctions of spaceports that host—

6           “(1) launches to or reentries from orbit; and

7           “(2) are involved in suborbital launch activities.

8       “(d) DIRECTOR.—The head of the Office of the Asso-  
9 ciate Administrator for Commercial Space Transportation  
10 shall designate a Director of the Office of Spaceports.

11       “(e) DEFINITION.—In this section the term ‘spaceport’  
12 means a launch or reentry site that is operated by an entity  
13 licensed by the Secretary of Transportation.”.

14           (2) TECHNICAL AND CONFORMING AMEND-  
15 MENT.—The table of chapters of title 51, United State  
16 Code, is amended by adding at the end of subtitle V  
17 the following:

“515. Office of Spaceports ..... 51501”.

18       (c) REPORT ON NATIONAL SPACEPORTS POLICY.—

19           (1) SENSE OF CONGRESS.—It is the sense of  
20 Congress that—

21                  (A) A robust network of space transpor-  
22 tation infrastructure, including spaceports, is  
23 vital to the growth of the domestic space industry  
24 and America’s competitiveness and access to  
25 space.

1                   (B) Non-Federal spaceports have significantly increased the space transportation infrastructure of the United States through significant investments by State and local governments, which have encouraged greater private investment.

7                   (C) These spaceports have led to the development of a growing number of orbital and suborbital launch and reentry sites that are available to the national security, civil, and commercial space customers at minimal cost to the Federal Government.

13                  (D) The Federal Government, led by the Secretary of Transportation, should seek to promote the growth, resilience, and capabilities of this space transportation infrastructure through policies and through partnerships with State and local governments.

19                  (2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report that—

22                  (A) evaluates the Federal Government's national security and civil space transportation demands and the needs of the United States and international commercial markets;

1                   (B) proposes policies and programs de-  
2                   signed to ensure a robust and resilient orbital  
3                   and suborbital spaceport infrastructure to serve  
4                   and capitalize on these space transportation op-  
5                   portunities;

6                   (C) reviews the development and invest-  
7                   ments made by international competitors in for-  
8                   eign spaceports, to the extent practicable;

9                   (D) makes recommendations on how the  
10                  Federal Government can support, encourage,  
11                  promote, and facilitate greater investments in  
12                  infrastructure at spaceports; and

13                  (E) considers and makes recommendations  
14                  about how spaceports can fully support and en-  
15                  able the national space policy.

16                  (3) *UPDATES TO THE REPORT.*—Not later than  
17                  3 years after the date of enactment of this Act and  
18                  every 2 years until December 2024, the Secretary  
19                  shall—

20                  (A) update the previous report prepared  
21                  under this subsection; and

22                  (B) submit the updated report to Congress.

23                  (4) *CONSULTATIONS REQUIRED.*—In preparing  
24                  the reports required by this subsection, the Secretary  
25                  shall consult with individuals including—

1                   (A) the Secretary of Defense;  
2                   (B) the Secretary of Commerce;  
3                   (C) the Administrator of the National Aero-  
4                   nautics and Space Administration; and  
5                   (D) interested persons at spaceports, State  
6                   and local governments, and industry.

7       (d) *REPORT ON SPACE TRANSPORTATION INFRA-  
8                   STRUCTURE MATCHING GRANTS.—*

9                   (1) *GAO STUDY AND REPORT.—The Comptroller  
10                   General of the United States shall conduct a study re-  
11                   garding spaceport activities carried out pursuant to  
12                   chapters 509 and 511 of title 51, United States Code,  
13                   including—*

14                   (A) *an assessment of potential mechanisms  
15                   to provide Federal support to spaceports, includ-  
16                   ing the airport improvement program established  
17                   under subchapter I of chapter 471 of title 49,  
18                   United States Code, and the program established  
19                   under chapter 511 of title 51, United States  
20                   Code;*

21                   (B) *recommendations for potential funding  
22                   options; and*

23                   (C) *any necessary changes to improve the  
24                   spaceport application review process.*

1                   (2) *CONSULTATION.*—*In carrying out the study*  
2 *described in paragraph (1), the Comptroller General*  
3 *shall consult with sources from each component of the*  
4 *commercial space transportation sector, including in-*  
5 *terested persons in industry and government officials*  
6 *at the Federal, State, and local levels.*

7                   (3) *USER-FUNDED SPACEPORTS.*—*In reviewing*  
8 *funding options, the Comptroller General shall distin-*  
9 *guish between spaceports that are funded by users and*  
10 *those that are not.*

11                  (4) *REPORT.*—*Not later than 1 year after the*  
12 *date of enactment of this Act, the Comptroller General*  
13 *shall submit to Congress a report containing results*  
14 *of the study conducted under paragraph (1).*

15                  (e) *DEFINITION.*—*In this section, the term “spaceport”*  
16 *means a launch or reentry site that is operated by an entity*  
17 *licensed by the Secretary of Transportation.*

18 **SEC. 581. SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-**  
19 **ATIONS (SPACE SUPPORT VEHICLES).**

20                  (a) *SPACE SUPPORT VEHICLE DEFINITIONS.*—*Section*  
21 *50902 of title 51, United States Code, is amended—*

22                   (1) *by redesignating paragraphs (21) through*  
23 *(25) as paragraphs (23) through (27), respectively;*  
24 *and*

1                   (2) by inserting after paragraph (20) the fol-  
2                   lowing:

3                   “(21) ‘space support vehicle flight’ means a flight  
4                   in the air that—

5                   “(A) is not a launch or reentry; but  
6                   “(B) is conducted by a space support vehi-  
7                   cle.

8                   “(22) ‘space support vehicle’ means a vehicle  
9                   that is—

10                  “(A) a launch vehicle;  
11                  “(B) a reentry vehicle; or  
12                  “(C) a component of a launch or reentry ve-  
13                  hicle.”.

14                  (b) SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-  
15                  ATIONS.—

16                  (1) IN GENERAL.—Chapter 447, of title 49,  
17                  United States Code, as amended by this Act, is fur-  
18                  ther amended by adding at the end the following:

19                  **“§44737. Special rule for certain aircraft operations.”**

20                  “(a) IN GENERAL.—The operator of an aircraft with  
21                  a special airworthiness certification in the experimental  
22                  category may—

23                  “(1) operate the aircraft for the purpose of con-  
24                  ducting a space support vehicle flight (as that term  
25                  is defined in chapter 50902 of title 51); and

1           “(2) conduct such flight under such certificate  
2        carrying persons or property for compensation or hire  
3        —

4           “(A) notwithstanding any rule or term of a  
5        certificate issued by the Administrator of the  
6        Federal Aviation Administration that would  
7        prohibit flight for compensation or hire; or

8           “(B) without obtaining a certificate issued  
9        by the Administrator to conduct air carrier or  
10       commercial operations.

11          “(b) *LIMITED APPLICABILITY*.—Subsection (a) shall  
12        apply only to a space support vehicle flight that satisfies  
13        each of the following:

14           “(1) (1) The aircraft conducting the space sup-  
15        port vehicle flight—

16           “(A) takes flight and lands at a single site  
17        that is operated by an entity licensed for oper-  
18        ation under chapter 509 of title 51;

19           “(B) is owned or operated by a launch or  
20        reentry vehicle operator licensed under chapter  
21        509 of title 51, or on behalf of a launch or re-  
22        entry vehicle operator licensed under chapter 509  
23        of title 51;

24           “(C) is a launch vehicle, a reentry vehicle,  
25        or a component of a launch or reentry vehicle li-

1           *censed for operations pursuant to chapter 509 of*  
2           *title 51; and*

3           “(D) *is used only to simulate space flight*  
4           *conditions in support of—*

5           “(i) *training for potential space flight*  
6           *participants, government astronauts, or*  
7           *crew (as those terms are defined in chapter*  
8           *509 of title 51);*

9           “(ii) *the testing of hardware to be used*  
10          *in space flight; or*

11          “(iii) *research and development tasks,*  
12          *which require the unique capabilities of the*  
13          *aircraft conducting the flight.*

14          “(c) *RULES OF CONSTRUCTION.—*

15          “(1) *SPACE SUPPORT VEHICLES.—Section*  
16          *44711(a)(1) shall not apply to a person conducting a*  
17          *space support vehicle flight under this section only to*  
18          *the extent that a term of the experimental certificate*  
19          *under which the person is operating the space support*  
20          *vehicle prohibits the carriage of persons or property*  
21          *for compensation or hire.*

22          “(2) *AUTHORITY OF ADMINISTRATOR.—Nothing*  
23          *in this section shall be construed to limit the author-*  
24          *ity of the Administrator of the Federal Aviation Ad-*  
25          *ministration to exempt a person from a regulatory*

1       prohibition on the carriage of persons or property for  
2       compensation or hire subject to terms and conditions  
3       other than those described in this section”.

4                     (2) TECHNICAL AMENDMENT.—The table of con-  
5       tents of 447 of title 49, United States Code, as amend-  
6       ed by this Act, is further amended by adding at the  
7       end the following:

“Sec. 44737. Special rule for certain aircraft operations.”.

8                     (3) RULE OF CONSTRUCTION RELATING TO ROLE  
9       OF NASA.—Nothing in this subsection shall be con-  
10       strued as limiting the ability of National Aeronautics  
11       and Space Administration (NASA) to place condi-  
12       tions on or otherwise qualify the operations of NASA  
13       contractors providing NASA services.

14 **SEC. 582. PORTABILITY OF REPAIRMAN CERTIFICATES.**

15                     (a) IN GENERAL.—The Administrator shall assign to  
16       the Aviation Rulemaking Advisory Committee the task of  
17       making recommendations with respect to the regulatory and  
18       policy changes, as appropriate, to allow a repairman cer-  
19       tificate issued under section 65.101 of title 14, Code of Fed-  
20       eral Regulations, to be portable from one employing certifi-  
21       cate holder to another.

22                     (b) ACTION BASED ON RECOMMENDATIONS.—Not later  
23       than 1 year after receiving recommendations under sub-  
24       section (a), the Administrator may take such action as the

1 Administrator considers appropriate with respect to those  
2 recommendations.

**3 SEC. 583. UNDECLARED HAZARDOUS MATERIALS PUBLIC  
4 AWARENESS CAMPAIGN.**

5       (a) *IN GENERAL.*—The Secretary of Transportation  
6 shall carry out a public awareness campaign to reduce the  
7 amount of undeclared hazardous materials traveling  
8 through air commerce.

(b) CAMPAIGN REQUIREMENTS.—The public awareness campaign required under subsection (a) shall do the following:

(1) Focus on targeting segments of the hazardous materials industry with high rates of undeclared shipments through air commerce and educate air carriers, shippers, manufacturers, and other relevant stakeholders of such segments on properly packaging and classifying such shipments.

18                   (2) *Educate the public on proper ways to declare*  
19                   *and ship hazardous materials, examples of everyday*  
20                   *items that are considered hazardous materials, and*  
21                   *penalties associated with intentional shipments of*  
22                   *undeclared hazardous materials.*

23 (c) *INTERAGENCY WORKING GROUP.—*

24                           (1) *ESTABLISHMENT.*—Not later than 30 days  
25 after the date of enactment of this Act, the Secretary

1       *of Transportation shall establish an interagency*  
2       *working group to promote collaboration and engage-*  
3       *ment between the Department of Transportation and*  
4       *other relevant agencies, and develop recommendations*  
5       *and guidance on how best to conduct the public*  
6       *awareness campaign required under subsection (a).*

7           (2) *DUTIES.—The interagency working group*  
8       *shall consult with relevant stakeholders, including*  
9       *cargo air carriers, passenger air carriers, and labor*  
10      *organizations representing pilots for cargo and pas-*  
11      *senger air carriers operating under part 121 of title*  
12      *14, Code of Federal Regulations.*

13          (d) *UPDATE.—Not later than 1 year after the date of*  
14       *enactment of this Act, the Secretary of Transportation shall*  
15       *provide to the appropriate committees of Congress an up-*  
16       *date on the status of the public awareness campaign re-*  
17       *quired under subsection (a).*

18      **SEC. 584. LIABILITY PROTECTION FOR VOLUNTEER PILOTS**

19           **WHO FLY FOR THE PUBLIC BENEFIT.**

20          *Section 4 of the Volunteer Protection Act of 1997 (42*  
21       *U.S.C. 14503) is amended—*

22           (1) *by redesignating subsections (b) through (f)*  
23       *as subsections (c) through (g), respectively;*

1                   (2) in subsection (a), by striking “subsections (b)  
2                   and (d)” and inserting “subsections (b), (c), and (e)”;  
3                   and

4                   (3) by inserting after subsection (a) the fol-  
5                   lowing:

6                 “(b) *LIABILITY PROTECTION FOR PILOTS THAT FLY  
FOR PUBLIC BENEFIT.*—Except as provided in subsections  
7                 (c) and (e), no volunteer of a volunteer pilot nonprofit orga-  
8                 nization that arranges flights for public benefit shall be lia-  
9                 ble for harm caused by an act or omission of the volunteer  
10               on behalf of the organization if, at the time of the act or  
11               omission, the volunteer—

13               “(1) was operating an aircraft in furtherance of  
14               the purpose of, and acting within the scope of the vol-  
15               unteer’s responsibilities on behalf of, the nonprofit or-  
16               ganization to provide patient and medical transport  
17               (including medical transport for veterans), disaster  
18               relief, humanitarian assistance, or other similar char-  
19               itable missions;

20               “(2) was properly licensed and insured for the  
21               operation of the aircraft;

22               “(3) was in compliance with all requirements of  
23               the Federal Aviation Administration for recent flight  
24               experience; and

1           “(4) did not cause the harm through willful or  
2        criminal misconduct, gross negligence, reckless mis-  
3        conduct, or a conscious, flagrant indifference to the  
4        rights or safety of the individual harmed by the vol-  
5        unteer.”; and

6           (4) in subsection (g)(2), as redesignated, by  
7        striking “(e)” and inserting “(f)”.

8           **TITLE VI—AVIATION  
9           WORKFORCE**

10          **Subtitle A—Youth in Aviation**

11          **SEC. 601. STUDENT OUTREACH REPORT.**

12          Not later than 180 days after the date of enactment  
13        of this Act, the Administrator of the Federal Aviation Ad-  
14        ministration shall submit to the appropriate committees of  
15        Congress a report that describes the Administration’s exist-  
16        ing outreach efforts, such as the STEM Aviation and Space  
17        Education Outreach Program, to elementary and secondary  
18        students who are interested in careers in science, technology,  
19        engineering, art, and mathematics—

20           (1) to prepare and inspire such students for  
21        aviation and aeronautical careers; and  
22           (2) to mitigate an anticipated shortage of pilots  
23        and other aviation professionals.

1 **SEC. 602. YOUTH ACCESS TO AMERICAN JOBS IN AVIATION**2 **TASK FORCE.**

3       (a) *IN GENERAL.*—Not later than 90 days after the  
4 date of enactment of this Act, the Administrator of the Fed-  
5 eral Aviation Administration shall establish a Youth Access  
6 to American Jobs in Aviation Task Force (in this section  
7 referred to as the “Task Force”).

8       (b) *DUTIES.*—Not later than 12 months after its estab-  
9 lishment under subsection (a), the Task Force shall develop  
10 and submit to the Administrator recommendations and  
11 strategies for the Administration to—

12           (1) facilitate and encourage high school students  
13 in the United States, beginning in their junior year,  
14 to enroll in and complete career and technical edu-  
15 cation courses, including STEM, that would prepare  
16 them to enroll in a course of study related to an avia-  
17 tion career at an institution of higher education, in-  
18 cluding a community college or trade school;

19           (2) facilitate and encourage the students de-  
20 scribed in paragraph (1) to enroll in a course of  
21 study related to an aviation career, including avia-  
22 tion manufacturing, engineering and maintenance, at  
23 an institution of higher education, including a com-  
24 munity college or trade school; and

25           (3) identify and develop pathways for students  
26 who complete a course of study described in para-

1       *graph (2) to secure registered apprenticeships, work-*  
2       *force development programs, or careers in the avia-*  
3       *tion industry of the United States.*

4       *(c) CONSIDERATIONS.—When developing recommenda-*  
5       *tions and strategies under subsection (b), the Task Force*  
6       *shall—*

7           *(1) identify industry trends that encourage or*  
8       *discourage youth in the United States from pursuing*  
9       *careers in aviation;*

10          *(2) consider how the Administration; air car-*  
11       *riers; aircraft, powerplant, and avionics manufactur-*  
12       *ers; aircraft repair stations; and other aviation stake-*  
13       *holders can coordinate efforts to support youth in*  
14       *pursuing careers in aviation;*

15          *(3) identify methods of enhancing aviation ap-*  
16       *prenticeships, job skills training, mentorship, edu-*  
17       *cation, and outreach programs that are exclusive to*  
18       *youth in the United States; and*

19          *(4) identify potential sources of government and*  
20       *private sector funding, including grants and scholar-*  
21       *ships, that may be used to carry out the recommenda-*  
22       *tions and strategies described in subsection (b) and to*  
23       *support youth in pursuing careers in aviation.*

24       *(d) REPORT.—Not later than 30 days after submission*  
25       *of the recommendations and strategies under subsection (b),*

1   *the Task Force shall submit to the appropriate committees*  
2   *of Congress a report outlining such recommendations and*  
3   *strategies.*

4       (e) *COMPOSITION OF TASK FORCE.—The Adminis-*  
5   *trator shall appoint members of the Task Force, including*  
6   *representatives from the following:*

- 7              (1) *Air carriers.*  
8              (2) *Aircraft, powerplant, and avionics manufac-*  
9              *turers.*

10             (3) *Aircraft repair stations.*  
11             (4) *Local educational agencies or high schools.*  
12             (5) *Institutions of higher education, including*  
13             *community colleges and aviation trade schools.*

14             (6) *Such other aviation and educational stake-*  
15             *holders and experts as the Administrator considers*  
16             *appropriate.*

17       (f) *PERIOD OF APPOINTMENT.—Members shall be ap-*  
18   *pointed to the Task Force for the duration of the existence*  
19   *of the Task Force.*

20       (g) *COMPENSATION.—Task Force members shall serve*  
21   *without compensation.*

22       (h) *SUNSET.—The Task Force shall terminate upon*  
23   *the submittal of the report pursuant to subsection (d).*

24       (i) *DEFINITION OF STEM.—The term “STEM”*  
25   *means—*

1                   (1) science, technology, engineering, and mathematics; and

3                   (2) other career and technical education subjects  
4                 that build on the subjects described in paragraph (1).

5                   **Subtitle B—Women in Aviation**

6                   **SEC. 611. SENSE OF CONGRESS REGARDING WOMEN IN**  
7                   **AVIATION.**

8                   It is the sense of Congress that the aviation industry  
9                 should explore all opportunities, including pilot training,  
10               science, technology, engineering, and mathematics edu-  
11               cation, and mentorship programs, to encourage and support  
12               female students and aviators to pursue a career in aviation.

13                  **SEC. 612. SUPPORTING WOMEN'S INVOLVEMENT IN THE**  
14                  **AVIATION FIELD.**

15                  (a) ADVISORY BOARD.—To encourage women and girls  
16                 to enter the field of aviation, the Administrator of the Fed-  
17                 eral Aviation Administration shall create and facilitate the  
18                 Women in Aviation Advisory Board (referred to in this sec-  
19                 tion as the “Board”), with the objective of promoting orga-  
20                 nizations and programs that are providing education,  
21                 training, mentorship, outreach, and recruitment of women  
22                 into the aviation industry.

23                  (b) COMPOSITION.—The Board shall consist of mem-  
24                 bers whose diverse background and expertise allow them to

1 contribute balanced points of view and ideas regarding the  
2 strategies and objectives set forth in subsection (f).

3 (c) *SELECTION.*—Not later than 9 months after the  
4 date of enactment of this Act, the Administrator shall ap-  
5 point members of the Board, including representatives from  
6 the following:

7 (1) Major airlines and aerospace companies.

8 (2) Nonprofit organizations within the aviation  
9 industry.

10 (3) Aviation business associations.

11 (4) Engineering business associations.

12 (5) United States Air Force Auxiliary, Civil Air  
13 Patrol.

14 (6) Institutions of higher education and aviation  
15 trade schools.

16 (d) *PERIOD OF APPOINTMENT.*—Members shall be ap-  
17 pointed to the Board for the duration of the existence of  
18 the Board.

19 (e) *COMPENSATION.*—Board members shall serve with-  
20 out compensation.

21 (f) *DUTIES.*—Not later than 18 months after the date  
22 of enactment of this Act, the Board shall present a com-  
23 prehensive plan for strategies the Administration can take,  
24 which include the following objectives:

1                   (1) *Identifying industry trends that directly or  
2 indirectly encourage or discourage women from pur-  
3 suing careers in aviation.*

4                   (2) *Coordinating the efforts of airline companies,  
5 nonprofit organizations, and aviation and engineer-  
6 ing associations to facilitate support for women pur-  
7 suing careers in aviation.*

8                   (3) *Creating opportunities to expand existing  
9 scholarship opportunities for women in the aviation  
10 industry.*

11                  (4) *Enhancing aviation training, mentorship,  
12 education, and outreach programs that are exclusive  
13 to women.*

14                  (g) *REPORTS.—*

15                  (1) *IN GENERAL.—Not later than 2 years after  
16 the date of enactment of this Act, the Board shall sub-  
17 mit a report outlining the comprehensive plan for  
18 strategies pursuant to subsection (f) to the Adminis-  
19 trator and the appropriate committees of Congress.*

20                  (2) *AVAILABILITY ONLINE.—The Administrator  
21 shall make the report publicly available online and in  
22 print.*

23                  (h) *SUNSET.—The Board shall terminate upon the  
24 submittal of the report pursuant to subsection (g).*

1       **Subtitle C—Future of Aviation**  
2                   **Workforce**

3   **SEC. 621. AVIATION AND AEROSPACE WORKFORCE OF THE**  
4                   **FUTURE.**

5       (a) *FINDINGS.*—Congress finds that—

6               (1) *in 2016, United States air carriers carried*  
7               *a record high number of passengers on domestic*  
8               *flights, 719 million passengers;*

9               (2) *the United States aerospace and defense in-*  
10              *dustry employed 1.7 million workers in 2015, or*  
11              *roughly 2 percent of the Nation’s total employment*  
12              *base;*

13              (3) *the average salary of an employee in the*  
14              *aerospace and defense industry is 44 percent above*  
15              *the national average;*

16              (4) *in 2015, the aerospace and defense industry*  
17              *contributed nearly \$202.4 billion in value added to*  
18              *the United States economy;*

19              (5) *an effective aviation industry relies on indi-*  
20              *viduals with unique skill sets, many of which can be*  
21              *directly obtained through career and technical edu-*  
22              *cation opportunities; and*

23              (6) *industry and the Federal Government have*  
24              *taken some actions to attract qualified individuals to*

1       *careers in aviation and aerospace and to retain*  
2       *qualified individuals in such careers.*

3       *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
4       *that—*

5           *(1) public and private education institutions*  
6       *should make available to students and parents infor-*  
7       *mation on approved programs of study and career*  
8       *pathways, including career exploration, work-based*  
9       *learning opportunities, dual and concurrent enroll-*  
10      *ment opportunities, and guidance and advisement re-*  
11      *sources;*

12      *(2) public and private education institutions*  
13      *should partner with aviation and aerospace compa-*  
14      *nies to promote career paths available within the in-*  
15      *dustry and share information on the unique benefits*  
16      *and opportunities the career paths offer;*

17      *(3) aviation companies, including air carriers,*  
18      *manufacturers, commercial space companies, un-*  
19      *manned aircraft system companies, and repair sta-*  
20      *tions, should create opportunities, through apprentice-*  
21      *ships or other mechanisms, to attract young people to*  
22      *aviation and aerospace careers and to enable individ-*  
23      *uals to gain the critical skills needed to thrive in such*  
24      *professions; and*

1                   (4) the Federal Government should consider the  
2       needs of men and women interested in pursuing ca-  
3       reers in the aviation and aerospace industry, the  
4       long-term personnel needs of the aviation and aero-  
5       space industry, and the role of aviation in the United  
6       States economy in the creation and administration of  
7       educational and financial aid programs.

8   **SEC. 622. AVIATION AND AEROSPACE WORKFORCE OF THE**  
9                   **FUTURE STUDY.**

10                  (a) *IN GENERAL.*—Not later than 90 days after the  
11       date of enactment of this Act, the Comptroller General of  
12       the United States shall initiate a study—

13                   (1) to evaluate the current and future supply of  
14       individuals in the aviation and aerospace workforce;

15                   (2) to identify the factors influencing the supply  
16       of individuals pursuing a career in the aviation or  
17       aerospace industry, including barriers to entry into  
18       the workforce; and

19                   (3) to identify methods to increase the future  
20       supply of individuals in the aviation and aerospace  
21       workforce, including best practices or programs to  
22       incentivize, recruit, and retain young people in avia-  
23       tion and aerospace professions.

24                  (b) *CONSULTATION.*—The Comptroller General shall  
25       conduct the study in consultation with—

1                   (1) appropriate Federal agencies; and  
2                   (2) the aviation and aerospace industry, institu-  
3                   tions of higher education, and labor stakeholders.  
4                   (c) REPORT TO CONGRESS.—Not later than 1 year  
5 after the date of enactment of this Act, the Comptroller Gen-  
6 eral shall submit to the appropriate committees of Congress  
7 a report on the results of the study and related recommenda-  
8 tions.

9 **SEC. 623. SENSE OF CONGRESS ON HIRING VETERANS.**

10                  It is the sense of Congress that the aviation industry,  
11 including certificate holders under parts 121, 135, and 145  
12 of title 14, Code of Federal Regulations, should hire more  
13 of the Nation's veterans.

14 **SEC. 624. AVIATION MAINTENANCE INDUSTRY TECHNICAL  
15 WORKFORCE.**

16                  (a) REGULATIONS.—Not later than 180 days after the  
17 date of enactment of this Act, the Administrator of the Fed-  
18 eral Aviation Administration shall issue a final rule to  
19 modernize training programs at aviation maintenance  
20 technician schools governed by part 147 of title 14, Code  
21 of Federal Regulations.

22                  (b) GUIDANCE.—Not later than 180 days after the date  
23 of enactment of this Act, the Administrator shall coordinate  
24 with government, educational institutions, labor organiza-  
25 tions representing aviation maintenance workers, and busi-

1     nesses to develop and publish guidance or model curricula  
2     for aviation maintenance technician schools referred to in  
3     subsection (a) to ensure workforce readiness for industry  
4     needs, including curricula related to training in avionics,  
5     troubleshooting, and other areas of industry needs.

6         (c) REVIEW AND PERIODIC UPDATES.—The Adminis-  
7     trator shall—

8             (1) ensure training programs referred to in sub-  
9     section (a) are revised and updated in correlation  
10    with aviation maintenance technician airman certifi-  
11    cation standards as necessary to reflect current tech-  
12    nology and maintenance practices; and

13             (2) publish updates to the guidance or model  
14    curricula required under subsection (b) at least once  
15    every 2 years, as necessary, from the date of initial  
16    publication.

17         (d) REPORT TO CONGRESS.—If the Administrator does  
18    not issue such final rule by the deadline specified in sub-  
19    section (a), the Administrator shall, not later than 30 days  
20    after such deadline, submit to the appropriate committees  
21    of Congress a report containing—

22             (1) an explanation as to why such final rule was  
23    not issued by such deadline; and  
24             (2) a schedule for issuing such final rule .

1       (e) STUDY.—*The Comptroller General of the United  
2 States shall conduct a study on technical workers in the  
3 aviation maintenance industry.*

4       (f) CONTENTS.—*In conducting the study under sub-  
5 section (e), the Comptroller General shall—*

6              (1) *analyze the current Standard Occupational  
7 Classification system with regard to the aviation pro-  
8 fession, particularly technical workers in the aviation  
9 maintenance industry;*

10             (2) *analyze how changes to the Federal employ-  
11 ment classification of aviation maintenance industry  
12 workers might affect government data on unemploy-  
13 ment rates and wages;*

14             (3) *analyze how changes to the Federal employ-  
15 ment classification of aviation maintenance industry  
16 workers might affect projections for future aviation  
17 maintenance industry workforce needs and project  
18 technical worker shortfalls;*

19             (4) *analyze the impact of Federal regulation, in-  
20 cluding Federal Aviation Administration oversight of  
21 certification, testing, and education programs, on em-  
22 ployment of technical workers in the aviation mainte-  
23 nance industry;*

24             (5) *develop recommendations on how Federal  
25 Aviation Administration regulations and policies*

1       *could be improved to modernize training programs at*  
2       *aviation maintenance technical schools and address*  
3       *aviation maintenance industry needs for technical*  
4       *workers;*

5           *(6) develop recommendations for better coordi-*  
6       *nating actions by government, educational institu-*  
7       *tions, and businesses to support workforce growth in*  
8       *the aviation maintenance industry; and*

9           *(7) develop recommendations for addressing the*  
10      *needs for government funding, private investment,*  
11      *equipment for training purposes, and other resources*  
12      *necessary to strengthen existing training programs or*  
13      *develop new training programs to support workforce*  
14      *growth in the aviation industry.*

15       *(g) REPORT.—Not later than 1 year after the date of*  
16      *enactment of this Act, the Comptroller General shall submit*  
17      *to the appropriate committees of Congress a report on the*  
18      *results of the study.*

19       *(h) DEFINITIONS.—In this section, the following defi-*  
20      *nitions apply:*

21           *(1) AVIATION MAINTENANCE INDUSTRY.—The*  
22      *term “aviation maintenance industry” means repair*  
23      *stations certificated under part 145 of title 14, Code*  
24      *of Federal Regulations.*

1                   (2) *TECHNICAL WORKER.*—The term “technical  
2                   worker” means an individual authorized under part  
3                   43 of title 14, *Code of Federal Regulations*, to main-  
4                   tain, rebuild, alter, or perform preventive mainte-  
5                   nance on an aircraft, airframe, aircraft engine, pro-  
6                   peller, appliance, or component part or employed by  
7                   an entity so authorized to perform such a function.

8                   **SEC. 625. AVIATION WORKFORCE DEVELOPMENT PRO-**

9                   **GRAMS.**

10                  (a) *IN GENERAL.*—The Secretary of Transportation  
11 shall establish—

12                  (1) a program to provide grants for eligible  
13 projects to support the education of future aircraft pi-  
14 lots and the development of the aircraft pilot work-  
15 force; and

16                  (2) a program to provide grants for eligible  
17 projects to support the education and recruitment of  
18 aviation maintenance technical workers and the de-  
19 velopment of the aviation maintenance workforce.

20                  (b) *PROJECT GRANTS.*—

21                  (1) *IN GENERAL.*—Out of amounts made avail-  
22 able under section 48105 of title 49, *United States*  
23 *Code*, not more than \$5,000,000 for each of fiscal  
24 years 2019 through 2023 is authorized to be expended  
25 to provide grants under the program established

1       under subsection (a)(1), and \$5,000,000 for each of  
2       fiscal years 2019 through 2023 is authorized to pro-  
3       vide grants under the program established under sub-  
4       section (a)(2).

5                 (2) *DOLLAR AMOUNT LIMIT.*—Not more than  
6       \$500,000 shall be available for any 1 grant in any  
7       1 fiscal year under the programs established under  
8       subsection (a).

9                 (c) *ELIGIBLE APPLICATIONS.*—

10                (1) An application for a grant under the pro-  
11       gram established under subsection (a)(1) shall be sub-  
12       mitted, in such form as the Secretary may specify,  
13       by—

14                (A) an air carrier, as defined in section  
15       40102 of title 49, *United States Code*, or a labor  
16       organization representing aircraft pilots;

17                (B) an accredited institution of higher edu-  
18       cation (as defined in section 101 of the *Higher*  
19       *Education Act of 1965* (20 U. S. C. 1001)) or a  
20       high school or secondary school (as defined in  
21       section 7801 of the *Higher Education Act of*  
22       *1965* (20 U.S.C. 7801));

23                (C) a flight school that provides flight train-  
24       ing, as defined in part 61 of title 14, *Code of*  
25       *Federal Regulations*, or that holds a pilot school

1           *certificate under part 141 of title 14, Code of  
2           Federal Regulations; or*

3           *(D) a State or local governmental entity.*

4           *(2) An application for a grant under the pilot  
5           program established under subsection (a)(2) shall be  
6           submitted, in such form as the Secretary may specify,  
7           by—*

8           *(A) a holder of a certificate issued under  
9           part 21, 121, 135, or 145 of title 14, Code of  
10          Federal Regulations or a labor organization rep-  
11          resenting aviation maintenance workers;*

12           *(B) an accredited institution of higher edu-  
13          cation (as defined in section 101 of the Higher  
14          Education Act of 1965 (20 U.S.C. 1001)) or a  
15          high school or secondary school (as defined in  
16          section 7801 of the Elementary and Secondary  
17          Education Act of 1965 (20 U.S.C. 7801); and*

18           *(C) a State or local governmental entity.*

19           *(d) ELIGIBLE PROJECTS.—*

20           *(1) For purposes of the program established  
21          under subsection (a)(1), an eligible project is a  
22          project—*

23           *(A) to create and deliver curriculum de-  
24          signed to provide high school students with  
25          meaningful aviation education that is designed*

1           *to prepare the students to become aircraft pilots,*  
2           *aerospace engineers, or unmanned aircraft sys-*  
3           *tems operators; or*

4           *(B) to support the professional development*  
5           *of teachers using the curriculum described in*  
6           *subparagraph (A).*

7           *(2) For purposes of the pilot program established*  
8           *under subsection (a)(2), an eligible project is a*  
9           *project—*

10          *(A) to establish new educational programs*  
11          *that teach technical skills used in aviation main-*  
12          *tenance, including purchasing equipment, or to*  
13          *improve existing such programs;*

14          *(B) to establish scholarships or apprenticeships*  
15          *for individuals pursuing employment in*  
16          *the aviation maintenance industry;*

17          *(C) to support outreach about careers in the*  
18          *aviation maintenance industry to—*

19           *(i) primary, secondary, and post-sec-*  
20           *ondary school students; or*

21           *(ii) to communities underrepresented*  
22           *in the industry;*

23          *(D) to support educational opportunities re-*  
24          *lated to aviation maintenance in economically*  
25          *disadvantaged geographic areas;*

1                   (E) to support transition to careers in aviation  
2                   maintenance, including for members of the  
3                   Armed Forces; or

4                   (F) to otherwise enhance aviation maintenance  
5                   technical education or the aviation main-  
6                   tenance industry workforce.

7                 (e) *GRANT APPLICATION REVIEW.*—In reviewing and  
8                 selecting applications for grants under the programs estab-  
9                 lished under subsection (a), the Secretary shall—

10                 (1) prior to selecting among competing applica-  
11                 tions, consult, as appropriate, with representatives of  
12                 aircraft repair stations, design and production ap-  
13                 proval holders, air carriers, labor organizations, busi-  
14                 ness aviation, general aviation, educational institu-  
15                 tions, and other relevant aviation sectors; and

16                 (2) ensure that the applications selected for  
17                 projects established under subsection (a)(1) will allow  
18                 participation from a diverse collection of public and  
19                 private schools in rural, suburban, and urban areas.

1       ***Subtitle D—Unmanned Aircraft***  
2                   ***Systems Workforce***

3       ***SEC. 631. COMMUNITY AND TECHNICAL COLLEGE CENTERS***  
4                   ***OF EXCELLENCE IN SMALL UNMANNED AIR-***  
5                   ***CRAFT SYSTEM TECHNOLOGY TRAINING.***

6       (a) *DESIGNATION.—Not later than 180 days after the*  
7   *date of enactment of this Act, the Secretary of Transpor-*  
8   *tation, in consultation with the Secretary of Education and*  
9   *the Secretary of Labor, shall establish a process to designate*  
10   *consortia of public, 2-year institutions of higher education*  
11   *as Community and Technical College Centers of Excellence*  
12   *in Small Unmanned Aircraft System Technology Training*  
13   *(in this section referred to as the “Centers of Excellence”).*

14     (b) *FUNCTIONS.—A Center of Excellence designated*  
15   *under subsection (a) shall have the capacity to train stu-*  
16   *dents for career opportunities in industry and government*  
17   *service related to the use of small unmanned aircraft sys-*  
18   *tems.*

19     (c) *EDUCATION AND TRAINING REQUIREMENTS.—In*  
20   *order to be designated as a Center of Excellence under sub-*  
21   *section (a), a consortium shall be able to address education*  
22   *and training requirements associated with various types of*  
23   *small unmanned aircraft systems, components, and related*  
24   *equipment, including with respect to—*

1                   (1) *multirotor and fixed-wing small unmanned*  
2                   *aircraft;*

3                   (2) *flight systems, radio controllers, components,*  
4                   *and characteristics of such aircraft;*

5                   (3) *routine maintenance, uses and applications,*  
6                   *privacy concerns, safety, and insurance for such air-*  
7                   *craft;*

8                   (4) *hands-on flight practice using small un-*  
9                   *manned aircraft systems and computer simulator*  
10                  *training;*

11                  (5) *use of small unmanned aircraft systems in*  
12                  *various industry applications and local, State, and*  
13                  *Federal government programs and services, including*  
14                  *in agriculture, law enforcement, monitoring oil and*  
15                  *gas pipelines, natural disaster response and recovery,*  
16                  *fire and emergency services, and other emerging*  
17                  *areas;*

18                  (6) *Federal policies concerning small unmanned*  
19                  *aircraft;*

20                  (7) *dual credit programs to deliver small un-*  
21                  *manned aircraft training opportunities to secondary*  
22                  *school students; or*

23                  (8) *training with respect to sensors and the proc-*  
24                  *essing, analyzing, and visualizing of data collected by*  
25                  *small unmanned aircraft.*

*(d) COLLABORATION.—Each Center of Excellence shall seek to collaborate with institutions participating in the Alliance for System Safety of UAS through Research Excellence of the Federal Aviation Administration and with the test ranges defined under section 44801 of title 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.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a collegiate training initiative program relating to unmanned aircraft systems by making new agreements or continuing existing agreements with institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) under which the institutions prepare students for careers involving unmanned aircraft systems. The Administrator may establish standards for the entry of such institutions into the program and for their continued participation in the program.

1       (b) *UNMANNED AIRCRAFT SYSTEM DEFINED.*—In this  
2 section, the term “unmanned aircraft system” has the  
3 meaning given that term by section 44801 of title 49,  
4 United States Code, as added by this Act.

5       **TITLE VII—FLIGHT R&D ACT**  
6       **Subtitle A—General Provisions**

7       **SEC. 701. SHORT TITLE.**

8       This title may be cited as the “FAA Leadership in  
9 Groundbreaking High-Tech Research and Development  
10 Act” or the “FLIGHT R&D Act”.

11     **SEC. 702. DEFINITIONS.**

12     In this title, the following definitions apply:

13       (1) *ADMINISTRATOR.*—The term “Administrator” means the Administrator of the Federal Aviation Administration.

16       (2) *FAA.*—The term “FAA” means the Federal Aviation Administration.

18       (3) *NASA.*—The term “NASA” means the National Aeronautics and Space Administration.

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

22     **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

23       (a) *AUTHORIZATIONS.*—Section 48102(a) of title 49, United States Code, is amended—

1                   (1) in the matter preceding paragraph (1), by  
2 striking “and, for each of fiscal years 2012 through  
3 2015, under subsection (g)”;

4                   (2) in paragraph (9), by striking “and” at the  
5 end; and

6                   (3) by striking paragraph (10) and inserting the  
7 following:

8                   “(10) \$189,000,000 for fiscal year 2018;

9                   “(11) \$194,000,000 for fiscal year 2019;

10                  “(12) \$199,000,000 for fiscal year 2020;

11                  “(13) \$204,000,000 for fiscal year 2021;

12                  “(14) \$209,000,000 for fiscal year 2022; and

13                  “(15) \$214,000,000 for fiscal year 2023.”.

14                  (b) RESEARCH PRIORITIES.—Section 48102(b) of title  
15 49, United States Code, is amended—

16                  (1) in paragraph (1), by striking “consider” and  
17 inserting “prioritize safety in considering”;

18                  (2) by striking paragraph (3);

19                  (3) by redesignating paragraph (2) as para-  
20 graph (3); and

21                  (4) by inserting after paragraph (1) the fol-  
22 lowing:

23                  “(2) As safety related activities shall be the high-  
24 est research priority, at least 70 percent of the  
25 amount appropriated under subsection (a) of this sec-

1       tion shall be for safety research and development  
2       projects.”.

3           (c) ANNUAL SUBMISSION OF THE NATIONAL AVIATION  
4 RESEARCH PLAN.—Section 48102(g) of title 49, United  
5 States, Code, is amended to read as follows:

6           “(g) ANNUAL SUBMISSION OF THE NATIONAL AVIA-  
7 TION RESEARCH PLAN.—The Administrator shall submit  
8 the national aviation research plan to Congress no later  
9 than the date of submission of the President’s budget request  
10 to Congress for that fiscal year, as required under section  
11 44501(c).”.

12       **Subtitle B—FAA Research and  
13              Development Organization**

14       **SEC. 711. ASSISTANT ADMINISTRATOR FOR RESEARCH AND  
15              DEVELOPMENT.**

16           (a) APPOINTMENT.—Not later than 3 months after the  
17 date of enactment of this Act, the Administrator shall ap-  
18 point an Assistant Administrator for Research and Devel-  
19 opment.

20           (b) RESPONSIBILITIES.—The Assistant Administrator  
21 for Research and Development shall, at a minimum, be re-  
22 sponsible for—

23                  (1) management and oversight of all the FAA’s  
24 research and development programs and activities;  
25 and

1                   (2) production of all congressional reports from  
2                   the FAA relevant to research and development, in-  
3                   cluding the national aviation research plan required  
4                   under section 44501(c) of title 49, United States Code.

5                   (c) DUAL APPOINTMENT.—The Assistant Adminis-  
6 trator for Research and Development may be a dual-ap-  
7 pointment, holding the responsibilities of another Assistant  
8 Administrator.

9 **SEC. 712. RESEARCH ADVISORY COMMITTEE.**

10                 (a) ADVICE AND RECOMMENDATIONS.—Section  
11 44508(a)(1)(A) of title 49, United States Code, is amended  
12 to read as follows:

13                 “(A) provide advice and recommendations to the  
14 Administrator of the Federal Aviation Administra-  
15 tion and Congress about needs, objectives, plans, ap-  
16 proaches, content, and accomplishments of all avia-  
17 tion research and development activities and pro-  
18 grams carried out, including those under sections  
19 40119, 44504, 44505, 44507, 44511–44513, and  
20 44912 of this title;”.

21                 (b) WRITTEN REPLY TO RESEARCH ADVISORY COM-  
22 MITTEE.—Section 44508 of title 49, United States Code, is  
23 amended by adding at the end the following:

24                 “(f) WRITTEN REPLY.—

1           “(1) *IN GENERAL.*—Not later than 60 days after  
2 receiving any recommendation from the research ad-  
3 visory committee, the Administrator shall provide a  
4 written reply to the research advisory committee that,  
5 at a minimum—

6           “(A) clearly states whether the Adminis-  
7 trator accepts or rejects the recommendation;

8           “(B) explains the rationale for the Adminis-  
9 trator’s decision;

10           “(C) sets forth the timeframe in which the  
11 Administrator will implement the recommenda-  
12 tion; and

13           “(D) describes the steps the Administrator  
14 will take to implement the recommendation.

15           “(2) *TRANSPARENCY.*—The written reply to the  
16 research advisory committee, when transmitted to the  
17 research advisory committee, shall be—

18           “(A) made publicly available on the re-  
19 search advisory committee website; and

20           “(B) transmitted to the Committee on  
21 Science, Space, and Technology of the House of  
22 Representatives and the Committee on Com-  
23 merce, Science, and Transportation of the Sen-  
24 ate.

1                   “(3) NATIONAL AVIATION RESEARCH PLAN.—The  
2        *national aviation research plan required under sec-*  
3        *tion 44501(c) shall include a summary of all research*  
4        *advisory committee recommendations and a descrip-*  
5        *tion of the status of their implementation.”.*

**8 SEC. 721. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND**

**9 DEVELOPMENT ROADMAP.**

10        *The Secretary shall submit the unmanned aircraft sys-*  
11        *tems roadmap to Congress on an annual basis as required*  
12        *under section 48802(a) of title 49, United States Code, as*  
13        *added by this Act.*

## **14      *Subtitle D—Cybersecurity and***

## **15      *Responses to Other Threats***

16 SEC. 731. CYBER TESTBED.

17       *Not later than 6 months after the date of enactment*  
18    *of this Act, the Administrator shall develop an integrated*  
19    *Cyber Testbed for research, development, evaluation, and*  
20    *validation of air traffic control modernization technologies,*  
21    *before they enter the national airspace system, as being*  
22    *compliant with FAA data security regulations. The Cyber*  
23    *Testbed shall be part of an integrated research and develop-*  
24    *ment test environment capable of creating, identifying, de-*  
25    *fending, and solving cybersecurity-related problems for the*

1 national airspace system. This integrated test environment  
2 shall incorporate integrated test capacities within the FAA  
3 related to the national airspace system and NextGen.

4 **SEC. 732. STUDY ON THE EFFECT OF EXTREME WEATHER**

5 **ON AIR TRAVEL.**

6 (a) *STUDY REQUIRED.*—Not later than 1 year after  
7 the date of enactment of this Act, the Administrator of the  
8 National Oceanic and Atmospheric Administration and the  
9 Administrator of the Federal Aviation Administration shall  
10 jointly complete a study on the effect of extreme weather  
11 on commercial air travel.

12 (b) *ELEMENTS.*—The study required by subsection (a)  
13 shall include assessment of the following:

14 (1) Whether extreme weather may result in an  
15 increase in turbulence.

16 (2) The effect of extreme weather on current com-  
17 mercial air routes.

18 (3) The effect of extreme weather on domestic  
19 airports, air traffic control facilities, and associated  
20 facilities.

1       ***Subtitle E—FAA Research and***  
2       ***Development Activities***

3       ***SEC. 741. RESEARCH PLAN FOR THE CERTIFICATION OF***  
4                   ***NEW TECHNOLOGIES INTO THE NATIONAL***  
5                   ***AIRSPACE SYSTEM.***

6       *Not later than 1 year after the date of enactment of*  
7       *this Act, the Administrator, in consultation with NASA,*  
8       *shall transmit a comprehensive research plan for the certifi-*  
9       *cation of new technologies into the national airspace system*  
10      *to the Committee on Science, Space, and Technology of the*  
11      *House of Representatives and the Committee on Commerce,*  
12      *Science, and Transportation of the Senate. This plan shall*  
13      *identify research necessary to support the certification and*  
14      *implementation of NextGen, including both ground and air*  
15      *elements, and explain the plan's relationship to other ac-*  
16      *tivities and procedures required for certification and imple-*  
17      *mentation of new technologies into the national airspace*  
18      *system. This plan shall be informed by the recomenda-*  
19      *tions of the National Research Council report titled "Trans-*  
20      *formation in the Air—A Review of the FAA Research*  
21      *Plan", issued on June 8, 2015. This plan shall include, at*  
22      *a minimum—*

23                  *(1) a description of the strategic and prescriptive*  
24                  *value of the research plan;*

1                   (2) an explanation of the expected outcomes from  
2 executing the plan;  
3                   (3) an assessment of the FAA's plan to use re-  
4 search and development to improve cybersecurity over  
5 the next 5 years;  
6                   (4) an assessment of the current software assur-  
7 ance practices, and the desired level or attributes to  
8 target in the software assurance program; and  
9                   (5) best practices in research and development  
10 used by other organizations, such as NASA,  
11 NavCanada, and Eurocontrol.

12 **SEC. 742. TECHNOLOGY REVIEW.**

13 (a) *REVIEW.—*

14                   (1) *IN GENERAL.*—The Administrator of the Fed-  
15 eral Aviation Administration, in coordination with  
16 the Administrator of the National Aeronautics and  
17 Space Administration, shall conduct a review of cur-  
18 rent and planned research on the use of advanced air-  
19 craft technologies, innovative materials, alternative  
20 fuels, additive manufacturing, and novel aircraft de-  
21 signs, to increase aircraft fuel efficiency.

22                   (2) *SUMMARIES.*—The review conducted under  
23 paragraph (1) shall include summaries of projects  
24 and missions to examine—

1                   (A) the effectiveness of such technologies,  
2                   materials, fuels, and aircraft designs to enhance  
3                   fuel efficiency and aerodynamic performance,  
4                   and reduce drag, weight, noise, and fuel con-  
5                   sumption; and

6                   (B) the potential for novel flight pattern  
7                   planning and communications systems to reduce  
8                   aircraft taxiing and airport circling.

9                   (3) RECOMMENDATIONS.—The review conducted  
10                  under paragraph (1) shall identify potential opportu-  
11                  nities for additional research and development, public  
12                  or private, to increase aircraft fuel efficiency.

13                  (b) REPORT.—Not later than 1 year after the date of  
14                  enactment of this Act, the Administrator of the Federal  
15                  Aviation Administration shall submit to the appropriate  
16                  committees of Congress a report containing the results of  
17                  the review conducted under subsection (a).

18                  **SEC. 743. CLEEN AIRCRAFT AND ENGINE TECHNOLOGY  
19                  PARTNERSHIP.**

20                  (a) COOPERATIVE AGREEMENT.—Subchapter I of  
21                  chapter 475 of title 49, United States Code, is amended by  
22                  adding at the end the following:

## 1 “§47511. CLEEN engine and airframe technology 2 partnership

3       “(a) IN GENERAL.—The Administrator of the Federal  
4 Aviation Administration shall enter into a cost-sharing co-  
5 operative agreement, using a competitive process, with in-  
6 stitutions, entities, or consortiums to carry out a program  
7 for the development, maturation, and testing of certifiable  
8 CLEEN aircraft, engine technologies, and jet fuels for civil  
9 subsonic airplanes.

“(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY  
*DEFINED.—In this section, the term ‘CLEEN aircraft and engine technology’ means continuous lower energy, emissions, and noise aircraft and engine technology.*

14       “(c) *PERFORMANCE OBJECTIVE*.—The Administrator  
15 shall establish the performance objectives for the program  
16 in terms of the specific objectives to reduce fuel burn, emis-  
17 sions and noise.”.

18       (b) TECHNICAL AND CONFORMING AMENDMENT.—The  
19 table of contents of subchapter I of chapter 475 is amended  
20 by inserting after the item relating to section 47510 the fol-  
21 lowing:

## *"47511, CLEEN engine and airframe technology partnership."*

22 SEC. 744. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-  
23 FIELD PAVEMENT TECHNOLOGIES.

24       *Using amounts made available under section 48102(a)*  
25   *of title 49, United States Code, the Administrator of the*

1   *Federal Aviation Administration may carry out a program*  
2   *for the research and development of aircraft pavement tech-*  
3   *nologies under which the Administrator makes grants to,*  
4   *and enters into cooperative agreements with, institutions of*  
5   *higher education and nonprofit organizations that—*

6           *(1) research concrete and asphalt airfield pave-*  
7           *ment technologies that extend the life of airfield pave-*  
8           *ments;*

9           *(2) develop and conduct training;*

10          *(3) provide for demonstration projects; and*

11          *(4) promote the latest airfield pavement tech-*  
12          *nologies to aid in the development of safer, more cost*  
13          *effective, and more durable airfield pavements.*

## 14       **Subtitle F—Geospatial Data**

### 15   **SEC. 751. SHORT TITLE; FINDINGS.**

16          *(a) SHORT TITLE.—This subtitle may be cited as the*  
17          *“Geospatial Data Act of 2018”.*

18          *(b) FINDINGS.—Congress finds that—*

19           *(1) open and publicly available data is essential*  
20          *to the successful operation of the GeoPlatform;*

21           *(2) the private sector in the United States, for*  
22          *the purposes of acquiring and producing quality*  
23          *geospatial data and geospatial data services, has been*  
24          *and continues to be invaluable in carrying out the*  
25          *varying missions of Federal departments and agen-*

1       *cies, as well as contributing positively to the United  
2       States economy; and*

3               *(3) over the last 2 decades, Congress has passed  
4       legislation that promotes greater access and use of  
5       Government information and data, which has—*

6               *(A) sparked new, innovative start-ups and  
7       services;*

8               *(B) spurred economic growth in many sec-  
9       tors, such as in the geospatial services;*

10               *(C) advanced scientific research;*

11               *(D) promoted public access to Federally  
12       funded services and data; and*

13               *(E) improved access to geospatial data for  
14       the purposes of promoting public health, weather  
15       forecasting, economic development, environ-  
16       mental protection, flood zone research, and other  
17       purposes.*

18 **SEC. 752. DEFINITIONS.**

19       *In this subtitle—*

20               *(1) the term “Advisory Committee” means the  
21       National Geospatial Advisory Committee established  
22       under section 754(a);*

23               *(2) the term “Committee” means the Federal Ge-  
24       ographic Data Committee established under section  
25       753(a);*

1                   (3) the term “covered agency”—

2                   (A) means—

3                   (i) an Executive department, as de-  
4                   fined in section 101 of title 5, United States  
5                   Code, that collects, produces, acquires,  
6                   maintains, distributes, uses, or preserves  
7                   geospatial data on paper or in electronic  
8                   form to fulfill the mission of the Executive  
9                   department, either directly or through a re-  
10                  lationship with another organization, in-  
11                  cluding a State, local government, Indian  
12                  tribe, institution of higher education, busi-  
13                  ness partner or contractor of the Federal  
14                  Government, and the public;

15                  (ii) the National Aeronautics and  
16                  Space Administration; or

17                  (iii) the General Services Administra-  
18                  tion; and

19                  (B) does not include the Department of De-  
20                  fense (including 30 components and agencies  
21                  performing national missions) or any element of  
22                  the intelligence community;

23                  (4) the term “GeoPlatform” means the  
24                  GeoPlatform described in section 758(a);

25                  (5) the term “geospatial data”—

- 1                   (A) means information that is tied to a lo-  
2                   cation on the Earth, including by identifying the  
3                   geographic location and characteristics of nat-  
4                   ural or constructed features and boundaries on  
5                   the Earth, and that is generally represented in  
6                   vector datasets by points, lines, polygons, or  
7                   other complex geographic features or phenomena;
- 8                   (B) may be derived from, among other  
9                   things, remote sensing, mapping, and surveying  
10                  technologies;
- 11                  (C) includes images and raster datasets,  
12                  aerial photographs, and other forms of geospatial  
13                  data or datasets in digitized or non-digitized  
14                  form; and
- 15                  (D) does not include—
- 16                   (i) geospatial data and activities of an  
17                   Indian tribe not carried out, in whole or in  
18                   part, using Federal funds, as determined by  
19                   the tribal government;
- 20                   (ii) classified national security-related  
21                   geospatial data and activities of the Depart-  
22                   ment of Defense, unless declassified;
- 23                   (iii) classified national security-related  
24                   geospatial data and activities of the Depart-  
25                   ment of Energy, unless declassified;

- 1                             (iv) geospatial data and activities  
2                             under chapter 22 of title 10, United States  
3                             Code, or section 110 of the National Secu-  
4                             rity Act of 1947 (50 U.S.C. 3045);  
5                             (v) intelligence geospatial data and ac-  
6                             tivities, as determined by the Director of  
7                             National Intelligence; or  
8                             (vi) certain declassified national secu-  
9                             rity-related geospatial data and activities of  
10                            the intelligence community, as determined  
11                            by the Secretary of Defense, the Secretary of  
12                            Energy, or the Director of National Intel-  
13                            ligence;
- 14                           (6) the term “Indian tribe” has the meaning  
15                            given that term under section 4 of the Indian Self-De-  
16                            termination and Education Assistance Act (25 U.S.C.  
17                            450b);
- 18                           (7) the term “institution of higher education”  
19                            has the meaning given that term under section 102 of  
20                            the Higher Education Act of 1965 (20 U.S.C. 1002);  
21                           (8) the term “intelligence community” has the  
22                            meaning given that term in section 3 of the National  
23                            Security Act of 1947 (50 U.S.C. 3003);

1                   (9) the term “lead covered agency” means a lead  
2                   covered agency for a National Geospatial Data Asset  
3                   data theme designated under section 756(b)(1);

4                   (10) the term “local government” means any  
5                   city, county, township, town, borough, parish, village,  
6                   or other general purpose political subdivision of a  
7                   State;

8                   (11) the term “metadata for geospatial data”  
9                   means information about geospatial data, including  
10                  the content, source, vintage, accuracy, condition, pro-  
11                  jection, method of collection, and other characteristics  
12                  or descriptions of the geospatial data;

13                  (12) the term “National Geospatial Data Asset  
14                  data theme” means the National Geospatial Data  
15                  Asset core geospatial datasets (including electronic  
16                  records and coordinates) relating to a topic or subject  
17                  designated under section 756;

18                  (13) the term “National Spatial Data Infra-  
19                  structure” means the technology, policies, criteria,  
20                  standards, and employees necessary to promote  
21                  geospatial data sharing throughout the Federal Gov-  
22                  ernment, State, tribal, and local governments, and the  
23                  private sector (including nonprofit organizations and  
24                  institutions of higher education); and

1                   (14) the term “proven practices” means methods  
2                   and activities that advance the use of geospatial data  
3                   for the benefit of society.

4 **SEC. 753. FEDERAL GEOGRAPHIC DATA COMMITTEE.**

5                   (a) *IN GENERAL.*—There is established within the De-  
6 partment of the Interior an interagency committee to be  
7 known as the Federal Geographic Data Committee, which  
8 shall act as the lead entity in the executive branch for the  
9 development, implementation, and review of policies, prac-  
10 tices, and standards relating to geospatial data.

11                  (b) *MEMBERSHIP.*—

12                  (1) *CHAIRPERSON AND VICE CHAIRPERSON.*—The  
13                  Secretary of the Interior and the Director of the Office  
14                  of Management and Budget shall serve as Chair-  
15                  person of the Committee and Vice Chairperson of the  
16                  Committee, respectively.

17                  (2) *OTHER MEMBERS.*—

18                  (A) *IN GENERAL.*—The head of each covered  
19                  agency and the Director of the National  
20                  Geospatial-Intelligence Agency shall each des-  
21                  ignate a representative of their respective agency  
22                  to serve as a member of the Committee.

23                  (B) *REQUIREMENT FOR APPOINTMENTS.*—  
24                  An officer appointed to serve as a member of the  
25                  Committee shall hold a position as an assistant

1           *secretary, or an equivalent position, or a higher*  
2           *ranking position.*

3           *(3) GUIDANCE.—Not later than 1 year after the*  
4           *date of enactment of this Act, and as needed there-*  
5           *after, the Director of the Office of Management and*  
6           *Budget shall update guidance with respect to member-*  
7           *ship of the Committee and the roles of members of the*  
8           *Committee.*

9           *(c) DUTIES.—The Committee shall—*

10           *(1) lead the development and management of*  
11           *and operational decision making for the National*  
12           *Spatial Data Infrastructure strategic plan and*  
13           *geospatial data policy in accordance with section 755;*

14           *(2) designate National Geospatial Data Asset*  
15           *data themes and oversee the coordinated management*  
16           *of the National Geospatial Data Asset data themes in*  
17           *accordance with section 756;*

18           *(3) establish and maintain geospatial data*  
19           *standards in accordance with section 757;*

20           *(4) periodically review and determine the extent*  
21           *to which covered agencies comply with geospatial data*  
22           *standards;*

23           *(5) ensure that the GeoPlatform operates in ac-*  
24           *cordance with section 758;*

- 1                   (6) direct and facilitate national implementation  
2                   of the system of National Geospatial Data Asset data  
3                   themes;
- 4                   (7) communicate with and foster communication  
5                   among covered agencies and other entities and indi-  
6                   viduals relating to geospatial data technology develop-  
7                   ment, transfer, and exchange in order to—
- 8                   (A) identify and meet the needs of users of  
9                   geospatial data;
- 10                  (B) promote cost-effective data collection,  
11                  documentation, maintenance, distribution, and  
12                  preservation strategies; and
- 13                  (C) leverage Federal and non-Federal re-  
14                  sources, such as promoting Federal shared serv-  
15                  ices and cross-agency coordination for market-  
16                  place solutions;
- 17                  (8) define roles and responsibilities and promote  
18                  and guide cooperation and coordination among agen-  
19                  cies of the Federal Government, State, tribal, and  
20                  local governments, institutions of higher education,  
21                  and the private sector in the collection, production,  
22                  sharing, and use of geospatial information, the imple-  
23                  mentation of the National Spatial Data Infrastruc-  
24                  ture, and the identification of proven practices;

1                   (9) coordinate with international organizations  
2                   having an interest in the National Spatial Data In-  
3                   frastructure or global spatial data infrastructures;

4                   (10) make available online and update at least  
5                   annually—

6                   (A) a summary of the status for each Na-  
7                   tional Geospatial Data Asset data theme, based  
8                   on the report submitted by the applicable lead  
9                   covered agency under section 756(b)(3)(E)(ii)(I),  
10                  which shall include—

11                  (i) an evaluation of the progress of  
12                  each lead covered agency in achieving the  
13                  requirements under subparagraphs (A), (B),  
14                  (C), and (D) of section 756(b)(3); and

15                  (ii) a determination of whether, for  
16                  each of subparagraphs (A), (B), (C), and  
17                  (D) of section 756(b)(3), each lead covered  
18                  agency meets expectations, has made  
19                  progress toward expectations, or fails to  
20                  meet expectations;

21                  (B) a summary and evaluation of the  
22                  achievements of each covered agency, based on  
23                  the annual report submitted by the covered agen-  
24                  cy under section 759(b)(1), which shall include a  
25                  determination of whether the covered agency

1       *meets expectations, has made progress toward ex-*  
2       *pectations, or fails to meet expectations for each*  
3       *of paragraphs (1) through (13) of section 759(a);*

4           *(C) a collection of periodic technical publi-*  
5       *cations, management articles, and reports related*  
6       *to the National Spatial Data Infrastructure; and*

7           *(D) a membership directory for the Com-*  
8       *mittee, including identifying members of any*  
9       *subcommittee or working group of the Com-*  
10      *mittee;*

11       *(11)(A) make available to and request comments*  
12      *from the Advisory Committee regarding the sum-*  
13      *maries and evaluations required under subparagraphs*  
14      *(A) and (B) of paragraph (10);*

15       *(B) if requested by the Advisory Committee, re-*  
16      *spond to any comments by the Advisory Committee;*  
17      *and*

18       *(C) not less than once every 2 years, submit to*  
19      *Congress a report that includes the summaries and*  
20      *evaluations required under subparagraphs (A) and*  
21      *(B) of paragraph (10), the comments of the Advisory*  
22      *Committee, and the responses of the Committee to the*  
23      *comments;*

24       *(12)(A) make available to and request comments*  
25      *from covered agencies regarding the summaries and*

1       *evaluations required under subparagraphs (A) and*  
2       *(B) of paragraph (10); and*

3               *(B) not less than once every 2 years, submit to*  
4       *Congress a report that includes the comments of the*  
5       *covered agencies and the responses of the Committee*  
6       *to the comments; and*

7               *(13) support and promote the infrastructure of*  
8       *networks, systems, services, and standards that pro-*  
9       *vide a digital representation of the Earth to users for*  
10      *many applications.*

11       *(d) STAFF SUPPORT.—The Committee shall establish*  
12      *an Office of the Secretariat within the Department of the*  
13      *Interior to provide administrative support, strategic plan-*  
14      *ning, funding, and technical support to the Committee.*

15      **SEC. 754. NATIONAL GEOSPATIAL ADVISORY COMMITTEE.**

16       *(a) ESTABLISHMENT.—The Secretary of the Interior*  
17      *shall establish within the Department of the Interior the*  
18      *National Geospatial Advisory Committee to provide advice*  
19      *and recommendations to the Chairperson of the Committee.*

20       *(b) MEMBERSHIP.—*

21               *(1) COMPOSITION.—The Advisory Committee*  
22      *shall be composed of not more than 30 members, at*  
23      *least one of which will be from the National*  
24      *Geospatial-Intelligence Agency, who shall—*

- 1                   (A) be appointed by the Chairperson of the  
2                   Committee;
- 3                   (B) be selected—
- 4                         (i) to generally achieve a balanced rep-  
5                         resentation of the viewpoints of various in-  
6                         terested parties involved in national  
7                         geospatial activities and the development of  
8                         the National Spatial Data Infrastructure;  
9                         and
- 10                         (ii) with consideration of a geographic  
11                         balance of residence of the members; and
- 12                   (C) be selected from among groups involved  
13                         in the geospatial community, including—
- 14                         (i) States;
- 15                         (ii) local governments;
- 16                         (iii) regional governments;
- 17                         (iv) tribal governments;
- 18                         (v) private sector entities;
- 19                         (vi) geospatial information user indus-  
20                         tries;
- 21                         (vii) professional associations;
- 22                         (viii) scholarly associations;
- 23                         (ix) nonprofit organizations;
- 24                         (x) academia;

(xi) licensed geospatial data acquisition professionals; and

(xii) *the Federal Government.*

**7**                   (3) *PERIOD OF APPOINTMENT; VACANCIES.*—

(A) *IN GENERAL.*—Members shall be appointed for a term of 3 years, with the term of  $\frac{1}{3}$  of the members expiring each year.

(B) *VACANCIES.—Any vacancy in the Advisory Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.*

(A) may not be appointed to more than 2 consecutive terms as a member of the Advisory Committee; and

(B) after serving for 2 consecutive terms, is eligible to be appointed as a member of the Advisory Committee on and after the date that is 2 years after the end of the second consecutive term

1           *of the individual as a member of the Advisory*  
2           *Committee.*

3           *(5) ETHICAL REQUIREMENTS.—A member of the*  
4           *Advisory Committee may not participate in any spe-*  
5           *cific-party matter (including a lease, license, permit,*  
6           *contract, claim, agreement, or related litigation) with*  
7           *the Department of the Interior in which the member*  
8           *has a direct financial interest.*

9           *(6) INCUMBENTS.—*

10          *(A) IN GENERAL.—An individual serving*  
11          *on the day before the date of enactment of this*  
12          *Act as a member of the National Geospatial Ad-*  
13          *visory Committee established by the Secretary of*  
14          *the Interior may serve as a member of the Advi-*  
15          *sory Committee until the end of the term of the*  
16          *individual under the appointment.*

17          *(B) LIMIT ON TERMS.—Any period of serv-*  
18          *ice as a member of the National Geospatial Ad-*  
19          *visory Committee established by the Secretary of*  
20          *the Interior shall be considered a period of serv-*  
21          *ice as a member of the Advisory Committee for*  
22          *purposes of paragraph (4).*

23          *(c) SUBCOMMITTEES.—A subcommittee of the Advisory*  
24          *Committee—*

1                   *(1) may be formed for the purposes of compiling*  
2                   *information or conducting research;*

3                   *(2) shall be composed of members appointed by*  
4                   *the Chairperson of the Advisory Committee;*

5                   *(3) shall act under the direction of the Chair-*  
6                   *person of the Advisory Committee and the officer or*  
7                   *employee designated under section 10(e) of the Fed-*  
8                   *eral Advisory Committee Act (5 U.S.C. App.) with re-*  
9                   *spect to the Advisory Committee;*

10                  *(4) shall report the recommendations of the sub-*  
11                  *committee to the Advisory Committee for consider-*  
12                  *ation; and*

13                  *(5) shall meet as necessary to accomplish the ob-*  
14                  *jectives of the subcommittee, subject to the approval of*  
15                  *the Chairperson of the Advisory Committee and the*  
16                  *availability of resources.*

17                  *(d) MEETINGS.—*

18                  *(1) IN GENERAL.—The Advisory Committee shall*  
19                  *meet at the call of the Chairperson, not less than 1*  
20                  *time each year and not more than 4 times each year.*

21                  *(2) QUORUM.—A majority of the members of the*  
22                  *Advisory Committee shall constitute a quorum, but a*  
23                  *lesser number of members may hold meetings or hear-*  
24                  *ings.*

1       (e) *DUTIES OF THE ADVISORY COMMITTEE.*—*The Ad-*  
2 *visory Committee shall—*

3              (1) *provide advice and recommendations relating*  
4 *to—*

5                  (A) *the management of Federal and na-*  
6 *tional geospatial programs;*

7                  (B) *the development of the National Spatial*  
8 *Data Infrastructure; and*

9                  (C) *implementation of this subtitle;*

10             (2) *review and comment on geospatial policy*  
11 *and management issues; and*

12             (3) *ensure the views of representatives of non-*  
13 *Federal interested parties involved in national*  
14 *geospatial activities are conveyed to the Committee.*

15       (f) *POWERS OF THE ADVISORY COMMITTEE.*—

16             (1) *MEETINGS.*—*The Advisory Committee may*  
17 *hold meetings (which shall be open to the public) and*  
18 *sit and act at such times and places as the Advisory*  
19 *Committee considers advisable to carry out this sub-*  
20 *title.*

21             (2) *INFORMATION FROM COVERED AGENCIES.*—

22                  (A) *IN GENERAL.*—*The Advisory Com-*  
23 *mittee, with the concurrence of the Chairperson*  
24 *of the Committee, may secure directly from any*  
25 *covered agency such information as the Advisory*

1           *Committee considers necessary to carry out this*  
2           *subtitle. Upon request of the Chairperson of the*  
3           *Advisory Committee, the head of such agency*  
4           *shall furnish such information to the Advisory*  
5           *Committee.*

6           (B)     *NONCOOPERATION.—The Advisory*  
7           *Committee shall include in the comments of the*  
8           *Advisory Committee submitted under section*  
9           *753(c)(11) a discussion of any failure by a cov-*  
10          *ered agency to furnish information in response*  
11          *to a request under subparagraph (A) of this*  
12          *paragraph.*

13          (3)    *POSTAL SERVICES.—The Advisory Com-*  
14          *mittee may use the United States mails in the same*  
15          *manner and under the same conditions as other agen-*  
16          *cies of the Federal Government.*

17          (g)    *ADVISORY COMMITTEE PERSONNEL MATTERS.—*

18          (1)    *NO COMPENSATION OF MEMBERS.—*

19          (A)    *NON-FEDERAL EMPLOYEES.—A member*  
20          *of the Advisory Committee who is not an officer*  
21          *or employee of the Federal Government shall*  
22          *serve without compensation.*

23          (B)    *FEDERAL EMPLOYEES.—A member of*  
24          *the Advisory Committee who is an officer or em-*  
25          *ployee of the Federal Government shall serve*

1           *without compensation in addition to the com-*  
2           *pensation received for the services of the member*  
3           *as an officer or employee of the Federal Govern-*  
4           *ment.*

5           (2) *TRAVEL EXPENSES.*—*The members of the Ad-*  
6           *visory Committee shall be allowed travel expenses, in-*  
7           *cluding per diem in lieu of subsistence, at rates au-*  
8           *thorized for employees of agencies under subchapter I*  
9           *of chapter 57 of title 5, United States Code, while*  
10          *away from their homes or regular places of business*  
11          *in the performance of services for the Advisory Com-*  
12          *mittee.*

13          (3) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Any*  
14          *Federal Government employee may be detailed to the*  
15          *Committee to support the Advisory Committee with-*  
16          *out reimbursement, and such detail shall be without*  
17          *interruption or loss of civil service status or privilege.*

18          (4) *STAFF SUPPORT.*—*The Office of the Secre-*  
19          *tariat established by the Committee under section*  
20          *753(d) shall provide administrative support to the*  
21          *Advisory Committee.*

22          (h) *APPLICABILITY OF FACA.*—

23          (1) *IN GENERAL.*—*Except as provided in para-*  
24          *graph (2), the Federal Advisory Committee Act (5*  
25          *U.S.C. App.) shall apply to the Advisory Committee.*

1                   (2) *NO TERMINATION.*—Section 14(a)(2) of the  
2                   *Federal Advisory Committee Act* (5 U.S.C. App.)  
3                   *shall not apply to the Advisory Committee.*

4                   (i) *TERMINATION.*—

5                   (1) *IN GENERAL.*—*Except as provided in para-*  
6                   *graph (2), the Advisory Committee shall terminate 10*  
7                   *years after the date of enactment of this Act.*

8                   (2) *CONTINUATION.*—*The Advisory Committee*  
9                   *may be continued for successive 10-year periods by*  
10                   *action taken by the Secretary of the Interior to renew*  
11                   *the Advisory Committee before the date on which the*  
12                   *Advisory Committee would otherwise terminate.*

13                   **SEC. 755. NATIONAL SPATIAL DATA INFRASTRUCTURE.**

14                   (a) *IN GENERAL.*—*The National Spatial Data Infra-*  
15                   *structure shall ensure that geospatial data from multiple*  
16                   *sources (including the covered agencies, State, local, and*  
17                   *tribal governments, the private sector, and institutions of*  
18                   *higher education) is available and easily integrated to en-*  
19                   *hance the understanding of the physical and cultural world.*

20                   (b) *GOALS.*—*The goals of the National Spatial Data*  
21                   *Infrastructure are to—*

22                   (1) *ensure—*

23                   (A) *that geospatial data are reviewed prior*  
24                   *to disclosure to ensure—*

(i) compliance with section 552a of title 5 (commonly known as the "Privacy Act of 1974"); and

(ii) that personally identifiable information is not disclosed, which shall include an assessment of re-identification risk when determining what data constitute personally identifiable information;

(B) that geospatial data are designed to enhance the accuracy of statistical information, both in raw form and in derived information products;

(C) free and open access for the public to geospatial data, information, and interpretive products, in accordance with Office of Management and Budget Circular A-130, or any successor thereto;

(D) the protection of proprietary interests related to licensed information and data; and

*(E) the interoperability and sharing capabilities of Federal information systems and data to enable the drawing of resources from covered agencies and partners of covered agencies; and*

(2) support and advance the establishment of a global Spatial Data Infrastructure, consistent with

1       national security, national defense, national intel-  
2       ligence, and international trade requirements, includ-  
3       ing ensuring that covered agencies develop inter-  
4       national geospatial data in accordance with inter-  
5       national voluntary consensus standards, as defined in  
6       Office of Management and Budget Circular A-119, or  
7       any successor thereto.

8       (c) *STRATEGIC PLAN.*—The Committee shall prepare  
9 and maintain a strategic plan for the development and im-  
10 plementation of the National Spatial Data Infrastructure  
11 in a manner consistent with national security, national de-  
12 fense, and emergency preparedness program policies regard-  
13 ing data accessibility.

14       (d) *ADVISORY ROLE.*—The Committee shall advise  
15 *Federal and non-Federal users of geospatial data on their*  
16 *responsibilities relating to implementation of the National*  
17 *Spatial Data Infrastructure.*

18 SEC. 756. NATIONAL GEOSPATIAL DATA ASSET DATA  
19 *THEMES.*

20       (a) *IN GENERAL.*—The Committee shall designate as  
21    *National Geospatial Data Asset* data themes the primary  
22    topics and subjects for which the coordinated development,  
23    maintenance, and dissemination of geospatial data will  
24    benefit the Federal Government and the interests of the peo-  
25    ple of the United States, which shall—

1                   (1) be representations of conceptual topics de-  
2 scribing digital spatial information for the Nation;  
3 and

4                   (2) contain associated datasets (with attribute  
5 records and coordinates)—

6                   (A) that are documented, verifiable, and of-  
7 ficially designated to meet recognized standards;

8                   (B) that may be used in common; and

9                   (C) from which other datasets may be de-  
10 rived.

11                 (b) *LEAD COVERED AGENCIES.*—

12                 (1) *IN GENERAL.*—For each National Geospatial  
13 Data Asset data theme, the Committee shall designate  
14 one or more covered agencies as the lead covered agen-  
15 cies for the National Geospatial Data Asset data  
16 theme.

17                 (2) *GENERAL RESPONSIBILITY.*—The lead cov-  
18 ered agencies for a National Geospatial Data Asset  
19 data theme shall be responsible for ensuring the co-  
20 ordinated management of the data, supporting re-  
21 sources (including technology and personnel), and re-  
22 lated services and products of the National Geospatial  
23 Data Asset data theme.

24                 (3) *SPECIFIC RESPONSIBILITIES.*—To assist in  
25 fulfilling the responsibilities under paragraph (2)

1       *with respect to a National Geospatial Data Asset data*  
2       *theme, the lead covered agencies shall—*

3               *(A) provide leadership and facilitate the de-*  
4               *velopment and implementation of geospatial*  
5               *data standards for the National Geospatial Data*  
6               *Asset data theme, with a particular emphasis on*  
7               *a data content standard for the National*  
8               *Geospatial Data Asset data theme, including*  
9               *by—*

10               *(i) assessing existing standards;*  
11               *(ii) identifying anticipated or needed*  
12               *data standards; and*

13               *(iii) developing a plan to originate*  
14               *and implement needed standards with rel-*  
15               *evant community and international prac-*  
16               *tices—*

17               *(I) in accordance with Office of*  
18               *Management and Budget Circular A–*  
19               *119, or any successor thereto; and*

20               *(II) consistent with or as a part*  
21               *of the plan described in subparagraph*  
22               *(B);*

23               *(B) provide leadership and facilitate the de-*  
24               *velopment and implementation of a plan for na-*

1           *tionwide population of the National Geospatial*  
2           *Data Asset data theme, which shall—*

3                 *(i) include developing partnership pro-*  
4                 *grams with States, Indian tribes, institu-*  
5                 *tions of higher education, private sector en-*  
6                 *tities, other Federal agencies, and local gov-*  
7                 *ernments;*

8                 *(ii) meet the needs of users of*  
9                 *geospatial data;*

10                 *(iii) address human and financial re-*  
11                 *source needs;*

12                 *(iv) identify needs relating to stand-*  
13                 *ards, metadata for geospatial data within*  
14                 *the National Geospatial Data Asset data*  
15                 *theme, and the GeoPlatform; and*

16                 *(v) expedite the development of nec-*  
17                 *essary National Geospatial Data Asset data*  
18                 *themes;*

19                 *(C) establish goals that support the strategic*  
20                 *plan for the National Spatial Data Infrastruc-*  
21                 *ture prepared under section 755(c);*

22                 *(D) as necessary, collect and analyze infor-*  
23                 *mation from users of geospatial data within the*  
24                 *National Geospatial Data Asset data theme re-*  
25                 *garding the needs of the users for geospatial data*

1       *and incorporate the needs of users in strategies*  
2       *relating to the National Geospatial Data Asset*  
3       *data theme; and*

4               *(E) as part of administering the National*  
5       *Geospatial Data Asset data theme—*

6                       *(i) designate a point of contact within*  
7       *the lead covered agency who shall be respon-*  
8       *sible for developing, maintaining, coordina-*  
9       *tion relating to, and disseminating data*  
10      *using the GeoPlatform;*

11                       *(ii) submit to the Committee—*

12                               *(I) a performance report, at least*  
13      *annually, that documents the activities*  
14      *relating to and implementation of the*  
15      *National Geospatial Data Asset data*  
16      *theme, including progress in achieving*  
17      *the requirements under subparagraphs*  
18      *(A), (B), (C), and (D); and*

19                               *(II) comments, as appropriate, re-*  
20      *garding the summary and evaluation*  
21      *of the performance report provided by*  
22      *the Committee under section*  
23      *753(c)(12);*

24                               *(iii) publish maps or comparable*  
25      *graphics online (in accordance with the*

1           *mapping conventions specified by the Com-*  
2           *mittee) showing the extent and status of the*  
3           *National Geospatial Data Asset data themes*  
4           *for which the covered agency is a lead cov-*  
5           *ered agency;*

6                 *(iv) encourage individuals and entities*  
7                 *that are a source of geospatial data or*  
8                 *metadata for geospatial data for the Na-*  
9                 *tional Geospatial Data Asset data theme to*  
10                 *provide access to such data through the*  
11                 *GeoPlatform;*

12                 *(v) coordinate with the GeoPlatform;*  
13                 *and*

14                 *(vi) identify and publish proven prac-*  
15                 *tices for the use and application of*  
16                 *geospatial data of the lead covered agency.*

17     **SEC. 757. GEOSPATIAL DATA STANDARDS.**

18         (a) *IN GENERAL.—In accordance with section 216 of*  
19         *the E-Government Act of 2002 (44 U.S.C. 3501 note), the*  
20         *Committee shall establish standards for each National*  
21         *Geospatial Data Asset data theme, which—*

22                 *(1) shall include—*

23                     *(A) rules, conditions, guidelines, and char-*  
24                     *acteristics for the geospatial data within the Na-*  
25                     *tional Geospatial Data Asset data theme and re-*

1           *lated processes, technology, and organization;*

2           *and*

3           *(B) content standards for metadata for*  
4           *geospatial data within the National Geospatial*  
5           *Data Asset data theme;*

6           *(2) to the maximum extent practicable, shall be*  
7           *consistent with international standards and protocols;*

8           *(3) shall include universal data standards that*  
9           *shall be acceptable for the purposes of declassified in-*  
10          *telligence community data; and*

11          *(4) the Committee shall periodically review and*  
12          *update as necessary for the standards to remain cur-*  
13          *rent, relevant, and effective.*

14          *(b) DEVELOPMENT OF STANDARDS.—The Committee*  
15          *shall—*

16          *(1) develop and promulgate standards under this*  
17          *section—*

18          *(A) in accordance with Office of Manage-*  
19          *ment and Budget Circular A-119, or any suc-*  
20          *cessor thereto; and*

21          *(B) after consultation with a broad range of*  
22          *data users and providers;*

23          *(2) to the maximum extent possible, use national*  
24          *and international standards adopted by voluntary*  
25          *standards consensus bodies; and*

1                   (3) establish new standards only to the extent  
2                   standards described in paragraph (2) do not exist.

3                   (c) EXCLUSION.—The Secretary of the Interior shall  
4                   withhold from public disclosure any information the disclo-  
5                   sure of which reasonably could be expected to cause damage  
6                   to the national interest, security, or defense of the United  
7                   States, including information relating to geospatial intel-  
8                   ligence data activities, as determined in consultation with  
9                   the Director of National Intelligence.

10 **SEC. 758. GEOPLATFORM.**

11                   (a) IN GENERAL.—The Committee shall operate an  
12                   electronic service that provides access to geospatial data and  
13                   metadata for geospatial data to the general public, to be  
14                   known as the GeoPlatform.

15                   (b) IMPLEMENTATION.—

16                   (1) IN GENERAL.—The GeoPlatform—

17                   (A) shall—

18                   (i) be available through the internet  
19                   and other communications means;

20                   (ii) be accessible through a common  
21                   interface;

22                   (iii) include metadata for all  
23                   geospatial data collected by covered agen-  
24                   cies, directly or indirectly;

1                             (iv) include download access to all  
2                             open geospatial data directly or indirectly  
3                             collected by covered agencies; and

4                             (v) include a set of programming in-  
5                             structions and standards providing an  
6                             automated means of accessing available  
7                             geospatial data, which—

8                                 (I) harmonize sources and data  
9                             standards associated with geospatial  
10                            data, including metadata; and

11                                 (II) to the maximum extent prac-  
12                             ticable, as determined by the Chair-  
13                             person of the Committee, shall be made  
14                             publicly available;

15                             (B) may include geospatial data from a  
16                             source other than a covered agency, if determined  
17                             appropriate by the Committee; and

18                                 (C) shall not store or serve proprietary in-  
19                             formation or data acquired under a license by  
20                             the Federal Government, unless authorized by the  
21                             data provider.

22                             (2) **MANAGING PARTNER.**—The Chairperson of  
23                             the Committee shall designate an agency to serve as  
24                             the managing partner for developing and operating  
25                             the GeoPlatform, taking direction from the Committee

1       on the scope, functionality, and performance of the  
2       GeoPlatform.

3           (c) CLARIFICATION.—Although the GeoPlatform is in-  
4 tended to include all National Geospatial Data Asset and  
5 other Federal datasets, nothing in this subtitle shall be con-  
6 strued to prevent a covered agency from also presenting,  
7 providing, or disseminating data that is—

8              (1) specific to the functions of the covered agen-  
9 cy; or

10             (2) targeted to information consumers that di-  
11 rectly interface with the services, portals, or other  
12 mechanisms of the covered agency.

13 **SEC. 759. COVERED AGENCY RESPONSIBILITIES.**

14           (a) IN GENERAL.—Each covered agency shall—

15              (1) prepare, maintain, publish, and implement a  
16 strategy for advancing geographic information and  
17 related geospatial data and activities appropriate to  
18 the mission of the covered agency, in support of the  
19 strategic plan for the National Spatial Data Infra-  
20 structure prepared under section 755(c);

21              (2) collect, maintain, disseminate, and preserve  
22 geospatial data such that the resulting data, informa-  
23 tion, or products can be readily shared with other  
24 Federal agencies and non-Federal users;

1                   (3) promote the integration of geospatial data  
2                   from all sources;

3                   (4) ensure that data information products and  
4                   other records created in geospatial data and activities  
5                   are included on agency record schedules that have  
6                   been approved by the National Archives and Records  
7                   Administration;

8                   (5) allocate resources to fulfill the responsibilities  
9                   of effective geospatial data collection, production, and  
10                  stewardship with regard to related activities of the  
11                  covered agency, and as necessary to support the ac-  
12                  tivities of the Committee;

13                  (6) use the geospatial data standards, including  
14                  the standards for metadata for geospatial data, and  
15                  other appropriate standards, including documenting  
16                  geospatial data with the relevant metadata and mak-  
17                  ing metadata available through the GeoPlatform;

18                  (7) coordinate and work in partnership with  
19                  other Federal agencies, agencies of State, tribal, and  
20                  local governments, institutions of higher education,  
21                  and the private sector to efficiently and cost-effic-  
22                  tively collect, integrate, maintain, disseminate, and  
23                  preserve geospatial data, building upon existing non-  
24                  Federal geospatial data to the extent possible;

25                  (8) use geospatial information to—

- 1                             (A) make Federal geospatial information  
2                             and services more useful to the public;  
3                             (B) enhance operations;  
4                             (C) support decision making; and  
5                             (D) enhance reporting to the public and to  
6                             Congress;
- 7                             (9) protect personal privacy and maintain con-  
8                             fidentiality in accordance with Federal policy and  
9                             law;
- 10                            (10) participate in determining, when applica-  
11                             ble, whether declassified data can contribute to and  
12                             become a part of the National Spatial Data Infra-  
13                             structure;
- 14                            (11) search all sources, including the  
15                             GeoPlatform, to determine if existing Federal, State,  
16                             local, or private geospatial data meets the needs of the  
17                             covered agency before expending funds for geospatial  
18                             data collection;
- 19                            (12) to the maximum extent practicable, ensure  
20                             that a person receiving Federal funds for geospatial  
21                             data collection provides high-quality data; and
- 22                            (13) appoint a contact to coordinate with the  
23                             lead covered agencies for collection, acquisition, main-  
24                             tenance, and dissemination of the National

1       *Geospatial Data Asset data themes used by the cov-*  
2       *ered agency.*

3       *(b) REPORTING.—*

4           *(1) IN GENERAL.—Each covered agency shall*  
5       *submit to the Committee an annual report regarding*  
6       *the achievements of the covered agency in preparing*  
7       *and implementing the strategy described in subsection*  
8       *(a)(1) and complying with the other requirements*  
9       *under subsection (a).*

10          *(2) BUDGET SUBMISSION.—Each covered agency*  
11       *shall—*

12           *(A) include geospatial data in preparing*  
13       *the budget submission of the covered agency to*  
14       *the President under sections 1105(a) and 1108 of*  
15       *title 31, United States Code;*

16           *(B) maintain an inventory of all geospatial*  
17       *data assets in accordance with OMB Circular*  
18       *A-130, or any successor thereto; and*

19           *(C) prepare an annual report to Congress*  
20       *identifying Federal-wide geospatial data assets,*  
21       *as defined in OMB Circular A-16, as set forth*  
22       *in OMB memo M-11-03, Issuance of OMB Cir-*  
23       *cular A-16 Supplemental Guidance (November*  
24       *10, 2010), or any successor thereto.*

1                   (3) *DISCLOSURE.*—Each covered agency shall  
2 disclose each contract, cooperative agreement, grant,  
3 or other transaction that deals with geospatial data,  
4 which may include posting information relating to  
5 the contract, cooperative agreement, grant, or other  
6 transaction on [www.USAspending.gov](http://www.USAspending.gov) and  
7 [www.itdashboard.gov](http://www.itdashboard.gov), or any successors thereto.

8                   (4) *OMB REVIEW.*—In reviewing the annual  
9 budget justifications submitted by covered agencies,  
10 the Office of Management and Budget shall take into  
11 consideration the summary and evaluations required  
12 under subparagraphs (A) and (B) of section  
13 753(c)(10), comments, and replies to comments as re-  
14 quired under paragraphs (11) and (12) of section  
15 753(c), in its annual evaluation of the budget jus-  
16 tification of each covered agency.

17                   (5) *REPORTING.*—The Office of Management and  
18 Budget shall include a discussion of the summaries  
19 and evaluation of the progress in establishing the Na-  
20 tional Spatial Data Infrastructure in each E-Govern-  
21 ment status report submitted under section 3606 of  
22 title 44, United States Code.

23                   (c) *AUDITS.*—Not less than once every 2 years, the in-  
24 spector general of a covered agency (or senior ethics official  
25 of the covered agency for a covered agency without an in-

1 *spector general) shall submit to Congress an audit of the*  
2 *collection, production, acquisition, maintenance, distribu-*  
3 *tion, use, and preservation of geospatial data by the covered*  
4 *agency, which shall include a review of—*

5           *(1) the compliance of the covered agency with the*  
6           *standards for geospatial data, including metadata for*  
7           *geospatial data, established under section 757;*

8           *(2) the compliance of the covered agency with the*  
9           *requirements under subsection (a); and*

10          *(3) the compliance of the covered agency on the*  
11          *limitation on the use of Federal funds under section*  
12          *759A.*

13 **SEC. 759A. LIMITATION ON USE OF FEDERAL FUNDS.**

14          *(a) DEFINITION.—In this section, the term “implemen-*  
15          *tation date” means the date that is 5 years after the date*  
16          *on which standards for each National Geospatial Data*  
17          *Asset data theme are established under section 757.*

18          *(b) LIMITATION.—Except as provided otherwise in this*  
19          *section, on and after the implementation date, a covered*  
20          *agency may not use Federal funds for the collection, produc-*  
21          *tion, acquisition, maintenance, or dissemination of*  
22          *geospatial data that does not comply with the applicable*  
23          *standards established under section 757, as determined by*  
24          *the Committee.*

1       (c) *EXCEPTION FOR EXISTING GEOSPATIAL DATA.*—

2   *On and after the implementation date, a covered agency*  
3   *may use Federal funds to maintain and disseminate*  
4   *geospatial data that does not comply with the applicable*  
5   *standards established under section 757 if the geospatial*  
6   *data was collected, produced, or acquired by the covered*  
7   *agency before the implementation date.*

8       (d) *WAIVER.*—

9           (1) *IN GENERAL.*—*The Chairperson of the Com-*  
10   *mittee may grant a waiver of the limitation under*  
11   *subsection (b), upon a request from a covered agency*  
12   *submitted in accordance with paragraph (2).*

13           (2) *REQUIREMENTS.*—*A request for a waiver*  
14   *under paragraph (1) shall—*

15                  (A) *be submitted not later than 30 days be-*  
16   *fore the implementation date;*

17                  (B) *provide a detailed explanation of the*  
18   *reasons for seeking a waiver;*

19                  (C) *provide a detailed plan to achieve com-*  
20   *pliance with the applicable standards established*  
21   *under section 757; and*

22                  (D) *provide the date by which the covered*  
23   *agency shall achieve compliance with the appli-*  
24   *cable standards established under section 757.*

1       (e) *BEST EFFORTS TO COMPLY DURING TRANSI-*  
2 *TION.*—During the period beginning on the date on which  
3 standards for a National Geospatial Data Asset data theme  
4 are established under section 757 and ending on the imple-  
5 mentation date, each covered agency, to the maximum ex-  
6 tent practicable, shall collect, produce, acquire, maintain,  
7 and disseminate geospatial data within the National  
8 Geospatial Data Asset data theme in accordance with the  
9 standards.

10 **SEC. 759B. SAVINGS PROVISION.**

11       *Nothing in this subtitle shall repeal, amend, or super-*  
12 *sede any existing law unless specifically provided in this*  
13 *subtitle.*

14 **SEC. 759C. PRIVATE SECTOR.**

15       *The Committee and each covered agency may, to the*  
16 *maximum extent practical, rely upon and use the private*  
17 *sector in the United States for the provision of geospatial*  
18 *data and services.*

19       **Subtitle G—Miscellaneous**

20 **SEC. 761. NEXTGEN RESEARCH.**

21       *Not later than 1 year after the date of enactment of*  
22 *this Act, the Administrator shall submit to the Committee*  
23 *on Science, Space, and Technology and the Committee on*  
24 *Transportation and Infrastructure of the House of Rep-*  
25 *resentatives and the Committee on Commerce, Science, and*

1 *Transportation of the Senate a report specifying the top*  
2 *5 priority research areas for the implementation and ad-*  
3 *vancement of NextGen, including—*

4           *(1) an assessment of why the research areas are*  
5           *a priority for the implementation and advancement*  
6           *of NextGen;*

7           *(2) an identification of the other Federal agen-*  
8           *cies and private organizations assisting the Adminis-*  
9           *tration with the research; and*

10          *(3) an estimate of when the research will be com-*  
11          *pleted.*

12 **SEC. 762. ADVANCED MATERIALS CENTER OF EXCELLENCE.**

13          *(a) IN GENERAL.—Chapter 445 of title 49, United*  
14 *States Code, is amended by adding at the end the following:*

15 **“§ 44518. Advanced Materials Center of Excellence**

16          *“(a) IN GENERAL.—The Administrator of the Federal*  
17 *Aviation Administration shall continue operation of the*  
18 *Advanced Materials Center of Excellence (referred to in this*  
19 *section as the ‘Center’) under its structure as in effect on*  
20 *March 1, 2016, which shall focus on applied research and*  
21 *training on the durability and maintainability of advanced*  
22 *materials in transport airframe structures.*

23          *“(b) RESPONSIBILITIES.—The Center shall—*

24          *“(1) promote and facilitate collaboration among*  
25 *academia, the Transportation Division of the Federal*

1       *Aviation Administration, and the commercial aircraft*  
2       *industry, including manufacturers, commercial air*  
3       *carriers, and suppliers; and*

4           “(2) establish goals set to advance technology,  
5       improve engineering practices, and facilitate con-  
6       tinuing education in relevant areas of study.”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8 chapter 445 of title 49, United States Code, is amended by  
9 adding at the end the following:

“44518. Advanced Materials Center of Excellence.”

10      **TITLE VIII—AVIATION REVENUE**  
11                    **PROVISIONS**

12 SEC. 801. EXPENDITURE AUTHORITY FROM AIRPORT AND  
13 AIRWAY TRUST FUND.

14       (a) IN GENERAL.—Section 9502(d)(1) of the Internal  
15 Revenue Code of 1986 is amended—

16                   (1) in the matter preceding subparagraph (A) by  
17                   striking “October 1, 2018” and inserting “October 1,  
18                   2023”; and

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking “October 1, 2018” and inserting “October 1, 2023”.

1   **SEC. 802. EXTENSION OF TAXES FUNDING AIRPORT AND**  
2                   **AIRWAY TRUST FUND.**

3       (a) *FUEL TAXES.*—Section 4081(d)(2)(B) of the Inter-  
4    nal Revenue Code of 1986 is amended by striking “Sep-  
5   tember 30, 2018” and inserting “September 30, 2023”.

6       (b) *TICKET TAXES.*—

7               (1) *PERSONS.*—Section 4261(k)(1)(A)(ii) of such  
8    Code is amended by striking “September 30, 2018”  
9   and inserting “September 30, 2023”.

10             (2) *PROPERTY.*—Section 4271(d)(1)(A)(ii) of  
11   such Code is amended by striking “September 30,  
12   2018” and inserting “September 30, 2023”.

13       (c) *FRACTIONAL OWNERSHIP PROGRAMS.*—

14             (1) *FUEL TAX.*—Section 4043(d) of such Code is  
15   amended by striking “September 30, 2021” and in-  
16   serting “September 30, 2023”.

17             (2) *TREATMENT AS NONCOMMERCIAL AVIA-*  
18   *TION.*—Section 4083(b) of such Code is amended by  
19   striking “October 1, 2018” and inserting “October 1,  
20   2023”.

21             (3) *EXEMPTION FROM TICKET TAXES.*—Section  
22   4261(j) of such Code is amended by striking “Sep-  
23   tember 30, 2018” and inserting “September 30,  
24   2023”.

1   **DIVISION C—NATIONAL TRANS-**  
2   **PORTATION SAFETY BOARD**  
3   **REAUTHORIZATION ACT OF**  
4   **2018**

5   **SEC. 1101. SHORT TITLE.**

6         *This division may be cited as the “National Transpor-*  
7         *tation Safety Board Reauthorization Act”.*

8   **SEC. 1102. DEFINITIONS.**

9         *In this division, the following definitions apply:*

10             (1) *BOARD.—The term “Board” means the Na-*  
11         *tional Transportation Safety Board.*

12             (2) *CHAIRMAN.—The term “Chairman” means*  
13         *the Chairman of the National Transportation Safety*  
14         *Board.*

15             (3) *MOST WANTED LIST.—The term “Most Want-*  
16         *ed List” means the Board publication entitled “Most*  
17         *Wanted List”.*

18   **SEC. 1103. AUTHORIZATION OF APPROPRIATIONS.**

19         *Section 1118(a) of title 49, United States Code, is*  
20         *amended to read as follows:*

21             “(a) *IN GENERAL.—There are authorized to be appro-*  
22         *priated for the purposes of this chapter \$111,400,000 for*  
23         *fiscal year 2019, \$112,400,000 for fiscal year 2020,*  
24         *\$113,400,000 for fiscal year 2021, and \$114,400,000 for fis-*

1   *cal year 2022. Such sums shall remain available until ex-*  
2   *pended.”.*

3   **SEC. 1104. STILL IMAGES.**

4       (a) *STILL IMAGES, VOICE RECORDERS, AND VIDEO*  
5   *RECORDERS.—*

6           (1) *COCKPIT RECORDINGS AND TRANSCRIPTS.—*

7       *Section 1114(c) of title 49, United States Code, is*  
8   *amended—*

9               (A) *by redesignating paragraph (2) as*  
10   *paragraph (3);*

11               (B) *in paragraph (3), as so redesignated, by*  
12   *inserting “REFERENCES TO INFORMATION IN*  
13   *MAKING SAFETY RECOMMENDATIONS.—” before*  
14   *“This”; and*

15               (C) *in paragraph (1)—*

16                   (i) *in the first sentence, by striking*  
17   *“The Board” and inserting “CONFIDEN-*  
18   *TIALITY OF RECORDINGS.—Except as pro-*  
19   *vided in paragraph (2), the Board”;* and

20                   (ii) *by amending the second sentence to*  
21   *read as follows:*

22               “(2) *EXCEPTION.—Subject to subsections (b) and*  
23   *(g), the Board shall make public any part of a tran-*  
24   *script, any written depiction of visual information*  
25   *obtained from a video recorder, or any still image ob-*

1       *tained from a video recorder the Board decides is relevant to the accident or incident—*

3             *“(A) if the Board holds a public hearing on the accident or incident, at the time of the hearing; or*

6             *“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident or incident are placed in the public docket.”.*

10      (2) *SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.*—Section 1114(d) of title 49, *United States Code*, is amended—

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

15             (B) in paragraph (1)—

16                 (i) in the first sentence, by striking “*The Board*” and inserting “*Except as provided in paragraph (2), the Board*”; and

19                 (ii) by amending the second sentence to read as follows:

21             “(2) *EXCEPTION.*—Subject to subsections (b) and (g), the Board shall make public any part of a transcript, any written depiction of visual information obtained from a video recorder, or any still image ob-

1       *tained from a video recorder the Board decides is relevant to the accident—*

3           *“(A) if the Board holds a public hearing on the accident, at the time of the hearing; or*

5           *“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.”.*

9           *(3) PRIVACY PROTECTIONS.—Section 1114 of title 49, United States Code, is amended by adding at the end the following:*

12          *“(g) PRIVACY PROTECTIONS.—Before making public any still image obtained from a video recorder under subsection (c)(2) or subsection (d)(2), the Board shall take such action as appropriate to protect from public disclosure any information that readily identifies an individual, including a decedent.”.*

18          *(b) COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—Section 1154(a) of title 49, United States Code, is amended—*

21           *(1) in the heading, by striking “TRANSCRIPTS AND RECORDINGS” and inserting “IN GENERAL”;*

23           *(2) in paragraph (1)—*

1                   (A) by redesignating subparagraphs (A)  
2                   and (B) as subparagraphs (B) and (C), respec-  
3                   tively; and

4                   (B) by inserting before subparagraph (B),  
5                   as so redesignated, the following:

6                   “(A) any still image that the National  
7                   Transportation Safety Board has not made  
8                   available to the public under section 1114(c) or  
9                   1114(d) of this title;”;

10                  (3) in paragraph (3)—

11                  (A) in the matter preceding subparagraph  
12                  (A), by striking “recorder recording” and insert-  
13                  ing “recorder recording, including with regard to  
14                  a video recording any still image that the Na-  
15                  tional Transportation Safety Board has not  
16                  made available to the public under section  
17                  1114(c) or 1114(d) of this title,”; and

18                  (B) in subparagraph (B), by striking “re-  
19                  corder recording” and inserting “recorder record-  
20                  ing, including with regard to a video recording  
21                  any still image that the National Transportation  
22                  Safety Board has not made available to the pub-  
23                  lic under section 1114(c) or 1114(d) of this  
24                  title,”;

25                  (4) in paragraph (4)—

- 1                   (A) in subparagraph (A)—  
2                   (i) by inserting “a still image or” be-  
3                   fore “a part of a cockpit”; and  
4                   (ii) by striking “the part of the tran-  
5                   script or the recording” each place it ap-  
6                   pears and inserting “the still image, the  
7                   part of the transcript, or the recording”;  
8                   (B) in subparagraph (B)—  
9                   (i) by inserting “a still image or” be-  
10                  fore “a part of a cockpit”; and  
11                  (ii) by striking “the part of the tran-  
12                  script or the recording” each place it ap-  
13                  pears and inserting “the still image, the  
14                  part of the transcript, or the recording”;  
15                  and  
16                  (5) in paragraph (6)—  
17                  (A) by redesignating subparagraph (B) as  
18                  subparagraph (C); and  
19                  (B) by inserting after subparagraph (A) the  
20                  following:  
21                  “(B) STILL IMAGE.—The term ‘still image’  
22                  means any still image obtained from a video re-  
23                  corder.”.

1   **SEC. 1105. ELECTRONIC RECORDS.**

2       *Section 1134(a)(2) of title 49, United States Code, is  
3       amended by inserting “including an electronic record,”  
4       after “record.”.*

5   **SEC. 1106. REPORT ON MOST WANTED LIST METHODOLOGY.**

6       *(a) IN GENERAL.—Not later than the date on which  
7       the first Most Wanted List to be published after the date  
8       of enactment of this Act is published, the Chairman shall  
9       publish on a publicly available website of the Board and  
10      submit to appropriate committees of Congress a report on  
11      the methodology used to prioritize and select recommenda-  
12      tions to be included by the Board in the Most Wanted List.*

13       *(b) ELEMENTS.—The report under subsection (a) shall  
14      include—*

15           *(1) a detailed description of how the Board ac-  
16      counts for the risk to safety addressed in each of its  
17      recommendations, including the extent to which the  
18      Board considers—*

19           *(A) the types of data and other information,  
20      including studies and reports, used to identify  
21      the amount and probability of risk to safety;*

22           *(B) the reduction of the risk to safety, esti-  
23      mated over a period of time, by implementing  
24      each recommendation;*

(C) the practicality and feasibility of achieving the reduction of the risk to safety described in subparagraph (B); and

(D) any alternate means of reducing the risk;

6                   (2) a detailed description of the extent to which  
7                   the Board considers any prior, related investigation,  
8                   safety recommendation, or other safety action when  
9                   prioritizing and selecting recommendations; and

10                   (3) a description of the extent of coordination  
11                 and consultation when prioritizing and selecting the  
12                 recommendations.

(c) GAO REPORT.—Not later than 15 months after the date that the methodology report is published under subsection (a), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report examining the methodology used by the Board to prioritize and select safety recommendations for inclusion in the Most Wanted List.

## **20 SEC. 1107. METHODOLOGY.**

(a) *REDESIGNATION.*—Section 1116 of title 49, United States Code, is amended by adding at the end the following:

23        "(c) ANNUAL REPORT.—The National Transportation  
24 Safety Board shall submit a report to Congress on July 1  
25 of each year. The report shall include—

1           “(1) a statistical and analytical summary of the  
2 transportation accident investigations conducted and  
3 reviewed by the Board during the prior calendar  
4 year;

5           “(2) a survey and summary of the recommenda-  
6 tions made by the Board to reduce the likelihood of  
7 recurrence of those accidents together with the ob-  
8 served response to each recommendation;

9           “(3) a detailed appraisal of the accident inves-  
10 tigation and accident prevention activities of other  
11 departments, agencies, and instrumentalities of the  
12 United States Government and State and local gov-  
13 ernmental authorities having responsibility for those  
14 activities under a law of the United States or a State;

15           “(4) a description of the activities and oper-  
16 ations of the National Transportation Safety Board  
17 Training Center during the prior calendar year;

18           “(5) a list of accidents, during the prior cal-  
19 endar year, that the Board was required to inves-  
20 tigate under section 1131 but did not investigate and  
21 an explanation of why they were not investigated;  
22 and

23           “(6) a list of ongoing investigations that have ex-  
24 ceeded the expected time allotted for completion by

1       *Board order and an explanation for the additional  
2       time required to complete each such investigation.”.*

3       *(b) METHODOLOGY.—*

4           *(1) IN GENERAL.—Section 1117 of title 49,  
5       United States Code, is amended to read as follows:*

6       **“§ 1117. Methodology**

7           *“(a) IN GENERAL.—Not later than 2 years after the  
8       date of enactment of the National Transportation Safety  
9       Board Reauthorization Act, the Chairman shall include  
10      with each investigative report in which a recommendation  
11      is issued by the Board a methodology section detailing the  
12      process and information underlying the selection of each  
13      recommendation.*

14          *“(b) ELEMENTS.—Except as provided in subsection  
15      (c), the methodology section under subsection (a) shall in-  
16      clude, for each recommendation—*

17           *“(1) a brief summary of the Board’s collection  
18      and analysis of the specific accident investigation in-  
19      formation most relevant to the recommendation;*

20           *“(2) a description of the Board’s use of external  
21      information, including studies, reports, and experts,  
22      other than the findings of a specific accident inves-  
23      tigation, if any were used to inform or support the  
24      recommendation, including a brief summary of the*

1       *specific safety benefits and other effects identified by*  
2       *each study, report, or expert; and*

3           “(3) *a brief summary of any examples of actions*  
4       *taken by regulated entities before the publication of*  
5       *the safety recommendation, to the extent such actions*  
6       *are known to the Board, that were consistent with the*  
7       *recommendation.*

8           “(c) *ACCEPTABLE LIMITATION.—If the Board knows of*  
9       *more than 3 examples taken by regulated entities before the*  
10      *publication of the safety recommendation that were con-*  
11      *sistent with the recommendation, the brief summary under*  
12      *subsection (b)(3) may be limited to only 3 of those examples.*

13          “(d) *EXCEPTION.—Subsection (a) shall not apply if*  
14      *the recommendation is only for a person to disseminate in-*  
15      *formation on—*

16           “(1) *an existing agency best practices document;*  
17          *or*

18           “(2) *an existing regulatory requirement.*

19          “(e) *RULE OF CONSTRUCTION.—Nothing in this sec-*  
20      *tion may be construed to require any change to a rec-*  
21      *ommendation made by the Board before the date of enact-*  
22      *ment of the National Transportation Safety Board Reau-*  
23      *thorization Act, unless the recommendation is a repeat rec-*  
24      *ommendation issued on or after the date of enactment of*  
25      *such Act.*

1       “(f) SAVINGS CLAUSE.—Nothing in this section may  
2 be construed—

3           “(1) to delay publication of the findings, cause,  
4 or probable cause of a Board investigation;

5           “(2) to delay the issuance of an urgent rec-  
6 ommendation that the Board has determined must be  
7 issued to avoid immediate loss, death, or injury; or

8           “(3) to limit the number of examples the Board  
9 may consider before issuing a recommendation.”.

10          (2) CLERICAL AMENDMENT.—The analysis for  
11 chapter 11 of title 49, United States Code, is amended  
12 by inserting after the item relating to section 1116 the  
13 following:

“117. Methodology.”.

14 **SEC. 1108. MULTIMODAL ACCIDENT DATABASE MANAGE-  
15 MENT SYSTEM.**

16          (a) ESTABLISHMENT.—Not later than 1 year after the  
17 date of enactment of this Act, the Board shall establish and  
18 maintain a multimodal accident database management sys-  
19 tem for Board investigators.

20          (b) PURPOSES.—The purposes of the system shall be  
21 to support the Board in improving—

22            (1) the quality of accident data the Board makes  
23 available to the public; and

24            (2) the selection of accidents for investigation  
25 and allocation of limited resources.

1           (c) REQUIREMENTS.—*The system shall—*

2           (1) *Maintain a historical record of accidents that*  
3           *are investigated by the Board; and*

4           (2) *be capable of the secure storage, retrieval,*  
5           *and management of information associated with the*  
6           *investigations of such accidents.*

7   **SEC. 1109. ADDRESSING THE NEEDS OF FAMILIES OF INDIVI-**

8           **VIDUALS INVOLVED IN ACCIDENTS.**

9           (a) *AIR CARRIERS HOLDING CERTIFICATES OF PUB-*  
10   *LIC CONVENIENCE AND NECESSITY.*—*Section 41113 of title*  
11   *49, United States Code, is amended—*

12           (1) *in subsection (a), by striking “a major” and*  
13           *inserting “any”; and*

14           (2) *in subsection (b)—*

15           (A) *in paragraph (9), by striking “(and*  
16           *any other victim of the accident)” and inserting*  
17           *“(and any other victim of the accident, including*  
18           *any victim on the ground)”;*

19           (B) *in paragraph (16), by striking “major”*  
20           *and inserting “any”; and*

21           (C) *in paragraph (17)(A), by striking “sig-*  
22           *nificant” and inserting “any”.*

23           (b) *FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR*  
24   *TRANSPORTATION.*—*Section 41313 of title 49, United*  
25   *States Code, is amended—*

1                   (1) in subsection (b), by striking “a major” and  
2                   inserting “any”; and

3                   (2) in subsection (c)—

4                   (A) in paragraph (1), by striking “a sig-  
5                   nificant” and inserting “any”;

6                   (B) in paragraph (2), by striking “a sig-  
7                   nificant” and inserting “any”;

8                   (C) by amending paragraph (9) to read as  
9                   follows:

10                  “(9) EQUAL TREATMENT OF PASSENGERS.—An  
11                  assurance that the treatment of the families of nonrev-  
12                  enue passengers (and any other victim of the accident,  
13                  including any victim on the ground) will be the same  
14                  as the treatment of the families of revenue pas-  
15                  sengers.”;

16                  (D) in paragraph (16)—

17                   (i) by striking “major” and inserting  
18                   “any”; and

19                   (ii) by striking “the foreign air carrier  
20                   will consult” and inserting “will consult”;  
21                   and

22                  (E) in paragraph (17)(A), by striking “sig-  
23                  nificant” and inserting “any”.

1       (c) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.—Section 1136 of title  
2       49, *United States Code*, is amended—

3                  (1) in subsection (a), by striking “aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life” and inserting “aircraft accident involving an air carrier or foreign air carrier, resulting in any loss of life, and for which the National Transportation Safety Board will serve as the lead investigative agency”; and

4                  (2) in subsection (h)—

5                          (A) by amending paragraph (1) to read as follows:

6                          “(1) AIRCRAFT ACCIDENT.—The term ‘aircraft accident’ means any aviation disaster, regardless of its cause or suspected cause, for which the National Transportation Safety Board is the lead investigative agency.”; and

7                          (B) in paragraph (2)—

8                                  (i) in subparagraph (A), by striking “; and” and inserting a semicolon;

9                                  (ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

3                   “(C) any other person injured or killed in  
4                   the aircraft accident, as determined appropriate  
5                   by the Board.”.

6           (d) ASSISTANCE TO FAMILIES OF PASSENGERS IN-  
7 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 of  
8 title 49, United States Code, is amended—

9                             (1) in subsection (a), by striking “resulting in a  
10                             major loss of life” and inserting “resulting in any  
11                             loss of life, and for which the National Transpor-  
12                             tation Safety Board will serve as the lead investiga-  
13                             tive agency”; and

16               “(1) RAIL PASSENGER ACCIDENT.—The term  
17       ‘rail passenger accident’ means any rail passenger  
18       disaster that—

19                   “(A) results in any loss of life;

“(B) the National Transportation Safety Board will serve as the lead investigative agency for; and

23                   “(C) occurs in the provision of—

1                 “(i) *interstate intercity rail passenger*  
2                 *transportation (as such term is defined in*  
3                 *section 24102); or*

4                 “(ii) *high-speed rail (as such term is*  
5                 *defined in section 26105) transportation,*  
6                 *regardless of its cause or suspected cause.”.*

7         (e) *INFORMATION FOR FAMILIES OF INDIVIDUALS INVOLVED IN ACCIDENTS.—*

9                 (1) *IN GENERAL.—Subchapter III of chapter 11*  
10                 *of subtitle II of title 49, United States Code, is*  
11                 *amended by adding at the end the following:*

12         **“§ 1140. Information for families of individuals involved in accidents**

14                 “In the course of an investigation of an accident de-  
15 scribed in section 1131(a)(1), except an aircraft accident  
16 described in section 1136 or a rail passenger accident de-  
17 scribed in section 1139, the Board may, to the maximum  
18 extent practicable, ensure that the families of individuals  
19 involved in the accident, and other individuals the Board  
20 deems appropriate—

21                 “(1) are informed as to the roles, with respect to  
22 the accident and the post-accident activities, of the  
23 Board;

1           “(2) are briefed, before any public briefing, about  
2       the accident, its causes, and any other findings from  
3       the investigation; and

4           “(3) are individually informed of and allowed to  
5       attend any public hearings and meetings of the Board  
6       about the accident.”.

7           (2) *TABLE OF CONTENTS.—The table of contents*  
8       *of chapter 11 of subtitle II of title 49, United States*  
9       *Code, is amended by inserting after the item relating*  
10      *to section 1139 the following:*

“1140. *Information for families of individuals involved in accidents.*”.

11      **SEC. 1110. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
12                   **ON INVESTIGATION LAUNCH DECISION-MAK-**  
13                   **ING PROCESSES.**

14       Section 1138 of title 49, United States Code, is amend-  
15      ed—

16           (1) *in subsection (b)—*

17           (A) *by redesignating paragraphs (5) and*  
18       *(6) as paragraphs (6) and (7), respectively; and*  
19           (B) *by inserting after paragraph (4) the fol-*  
20       *lowing:*

21           “(5) *the process and procedures to select an acci-*  
22       *dent to investigate;*”; and

23           (2) *in subsection (c), by inserting a comma after*  
24       *“Science”.*

1 SEC. 1111. PERIODIC REVIEW OF SAFETY RECOMMENDA-  
2 TIONS.

3       (a) REPORTS.—Section 1116 of title 49, United States  
4 Code, as amended by this Act, is further amended—

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

9        "(d) RETROSPECTIVE REVIEWS.—

“(1) *IN GENERAL.*—Subject to paragraph (2), not later than June 1, 2019, and at least every 5 years thereafter, the Chairman shall complete a retrospective review of recommendations issued by the Board that are classified as open by the Board.

15           “(2) CONTENTS.—A review under paragraph (1)  
16        shall include—

17                   “(A) a determination of whether the rec-  
18                   ommendation should be updated, closed, or re-  
19                   issued in light of—

20                   “(i) changed circumstances;

“(ii) more recently issued recommendations:

“(iii) the availability of new technologies; or

1                   “(iv) new information making the rec-  
2                   ommendation ineffective or insufficient for  
3                   achieving its objective; and

4                   “(B) a justification for each determination  
5                   under subparagraph (A).

6                   “(3) REPORT.—Not later than 180 days after the  
7                   date a review under paragraph (1) is complete, the  
8                   Chairman shall submit to the Committee on Com-  
9                   merce, Science, and Transportation of the Senate and  
10                  the Committee on Transportation and Infrastructure  
11                  of the House of Representatives a report that in-  
12                  cludes—

13                  “(A) the findings of the review under para-  
14                  graph (1);

15                  “(B) each determination under paragraph  
16                  (2)(A) and justification under paragraph (2)(B);  
17                  and

18                  “(C) if applicable, a schedule for updating,  
19                  closing, or reissuing a recommendation.”.

20                  (b) CLERICAL AMENDMENT.—The analysis for chapter  
21                  11 of title 49, United States Code, is amended by striking  
22                  the item relating to section 1116 and inserting the fol-  
23                  lowing:

“1116. Reports, studies, and retrospective reviews.”.

24                  (c) SAVINGS CLAUSE.—Nothing in this section or the  
25                  amendments made by this section may be construed to limit

1 or otherwise affect the authority of the Board to update,  
2 close, or reissue a recommendation.

3 **SEC. 1112. GENERAL ORGANIZATION.**

4 (a) *TERMS OF THE CHAIRMAN AND VICE CHAIRMAN.*—  
5 Section 1111(d) of title 49, United States Code, is amended  
6 by striking “2 years” and inserting “3 years”.

7 (b) *NONPUBLIC COLLABORATIVE DISCUSSIONS.*—Section  
8 1111 of such title is further amended by adding at  
9 the end the following:

10 (k) *OPEN MEETINGS.*—

11 (1) *IN GENERAL.*—The Board shall be deemed  
12 to be an agency for purposes of section 552b of title  
13 5.

14 (2) *NONPUBLIC COLLABORATIVE DISCUS-*  
15 *SIONS.*—

16 (A) *IN GENERAL.*—Notwithstanding sec-  
17 tion 552b of title 5, a majority of the members  
18 may hold a meeting that is not open to public  
19 observation to discuss official agency business  
20 if—

21 (i) no formal or informal vote or  
22 other official agency action is taken at the  
23 meeting;

1                   “(ii) each individual present at the  
2 meeting is a member or an employee of the  
3 Board;

4                   “(iii) at least 1 member of the Board  
5 from each political party is present at the  
6 meeting, if applicable; and

7                   “(iv) the General Counsel of the Board  
8 is present at the meeting.

9                   “(B) DISCLOSURE OF NONPUBLIC COLLABO-  
10 RATIVE DISCUSSIONS.—Except as provided  
11 under subparagraphs (C) and (D), not later than  
12 2 business days after the conclusion of a meeting  
13 under subparagraph (A), the Board shall make  
14 available to the public, in a place easily acces-  
15 sible to the public—

16                   “(i) a list of the individuals present at  
17 the meeting; and

18                   “(ii) a summary of the matters, in-  
19 cluding key issues, discussed at the meeting,  
20 except for any matter the Board properly  
21 determines may be withheld from the public  
22 under section 552b(c) of title 5.

23                   “(C) SUMMARY.—If the Board properly de-  
24 termines a matter may be withheld from the  
25 public under section 552b(c) of title 5, the Board

1       *shall provide a summary with as much general  
2       information as possible on each matter withheld  
3       from the public.*

4             “(D) ACTIVE INVESTIGATIONS.—*If a discus-*  
5       *sion under subparagraph (A) directly relates to*  
6       *an active investigation, the Board shall make the*  
7       *disclosure under subparagraph (B) on the date*  
8       *the Board adopts the final report.*

9             “(E) PRESERVATION OF OPEN MEETINGS  
10      REQUIREMENTS FOR AGENCY ACTION.—*Nothing*  
11       *in this paragraph may be construed to limit the*  
12       *applicability of section 552b of title 5 with re-*  
13       *spect to a meeting of the members other than*  
14       *that described in this paragraph.*

15             “(F) STATUTORY CONSTRUCTION.—*Nothing*  
16       *in this paragraph may be construed—*

17                 “(i) *to limit the applicability of section*  
18       *552b of title 5 with respect to any informa-*  
19       *tion which is proposed to be withheld from*  
20       *the public under subparagraph (B)(ii); or*

21                 “(ii) *to authorize the Board to with-*  
22       *hold from any individual any record that is*  
23       *accessible to that individual under section*  
24       *552a of title 5.”.*

1       (c) AUTHORITY TO ACQUIRE SMALL UNMANNED AIR-  
2 CRAFT SYSTEMS FOR INVESTIGATION PURPOSES.—Section  
3 1113(b)(1) of such title is amended—

4           (1) in subparagraph (H), by striking “and” at  
5 the end;

6           (2) in subparagraph (I), by striking the period  
7 at the end and inserting “; and”; and

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

9                 “(J) notwithstanding section 1343 of title  
10 31, acquire 1 or more small unmanned aircraft  
11 (as defined in section 44801) for use in inves-  
12 tigations under this chapter.”.

13       (d) INVESTIGATIVE OFFICERS.—Section 1113 of such  
14 title is amended by striking subsection (h).

15       (e) TECHNICAL AMENDMENT.—Section 1113(a)(1) of  
16 such title is amended by striking “subpena” and inserting  
17 “subpoena”.

18 **SEC. 1113. TECHNICAL AND CONFORMING AMENDMENTS.**

19       (a) TABLE OF CONTENTS.—The table of contents of  
20 subchapter III of chapter 11 of subtitle II of title 49, United  
21 States Code, is amended in the item relating to section 1138  
22 by striking “Board” and inserting “Board.”.

23       (b) GENERAL AUTHORITY.—Section 1131(a)(1)(A) of  
24 title 49, United States Code, is amended by striking “a pub-  
25 lic aircraft as defined by section 40102(a)(37) of this title”

1 and inserting “a public aircraft as defined by section  
2 40102(a) of this title”.

3           **DIVISION D—DISASTER**  
4           **RECOVERY REFORM**

5   **SEC. 1201. SHORT TITLE.**

6         This division may be cited as the “Disaster Recovery  
7 Reform Act of 2018”.

8   **SEC. 1202. APPLICABILITY.**

9         (a) *APPLICABILITY FOR STAFFORD ACT.*—Except as  
10 otherwise expressly provided, the amendments in this divi-  
11 sion to the Robert T. Stafford Disaster Relief and Emer-  
12 gency Assistance Act (42 U.S.C. 5121 et seq.) apply to each  
13 major disaster and emergency declared by the President on  
14 or after August 1, 2017, under the Robert T. Stafford Dis-  
15 aster Relief and Emergency Assistance Act.

16         (b) *DIVISION APPLICABILITY.*—Except as otherwise ex-  
17 pressly provided, the authorities provided under this divi-  
18 sion apply to each major disaster and emergency declared  
19 by the President under the Robert T. Stafford Disaster Re-  
20 lief and Emergency Assistance Act on or after January 1,  
21 2016.

22   **SEC. 1203. DEFINITIONS.**

23         In this division:

1                   (1) *ADMINISTRATOR.*—The term “Administrator” means the Administrator of the Federal  
2                   Emergency Management Agency.

3  
4                   (2) *AGENCY.*—The term “Agency” means the Federal Emergency Management Agency.

5  
6                   (3) *STATE.*—The term “State” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act  
7                   (42 U.S.C. 5122).

8  
9  
10     **SEC. 1204. WILDFIRE PREVENTION.**

11               (a) *MITIGATION ASSISTANCE.*—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended—

12               (1) by redesignating subsection (d) as subsection (e); and

13               (2) by inserting after subsection (c) the following:

14               “(d) *HAZARD MITIGATION ASSISTANCE.*—Whether or not a major disaster is declared, the President may provide hazard mitigation assistance in accordance with section 404 in any area affected by a fire for which assistance was provided under this section.”.

15               (b) *CONFORMING AMENDMENTS.*—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

1                   (1) in section 404(a) (42 U.S.C. 5170c(a)) (as  
2                   amended by this division)—

3                   (A) by inserting before the first period “, or  
4                   any area affected by a fire for which assistance  
5                   was provided under section 420”; and

6                   (B) in the third sentence by inserting “or  
7                   event under section 420” after “major disaster”  
8                   each place it appears; and

9                   (2) in section 322(e)(1) (42 U.S.C. 5165(e)(1)),  
10                  by inserting “or event under section 420” after  
11                  “major disaster” each place it appears.

12                  (c) REPORTING REQUIREMENT.—Not later than 1 year  
13                  after the date of enactment of this Act and annually there-  
14                  after, the Administrator shall submit to the Committee on  
15                  Homeland Security and Governmental Affairs of the Sen-  
16                  ate, the Committee on Transportation and Infrastructure  
17                  of the House of Representatives, and the Committees on Ap-  
18                  propriations of the Senate and the House of Representatives  
19                  a report containing a summary of any projects carried out,  
20                  and any funding provided to those projects, under sub-  
21                  section (d) of section 420 of the Robert T. Stafford Disaster  
22                  Relief and Emergency Assistance Act (42 U.S.C. 5187) (as  
23                  amended by this section).

**1 SEC. 1205. ADDITIONAL ACTIVITIES.**

2       *Section 404 of the Robert T. Stafford Disaster Relief  
3 and Emergency Assistance Act (42 U.S.C. 5170c) is amend-  
4 ed by adding at the end the following:*

5       “*(f) USE OF ASSISTANCE.—Recipients of hazard miti-  
6 gation assistance provided under this section and section  
7 203 may use the assistance to conduct activities to help re-  
8 duce the risk of future damage, hardship, loss, or suffering  
9 in any area affected by a wildfire or windstorm, such as—*

10       “*(1) reseeding ground cover with quick-growing  
11 or native species;*

12       “*(2) mulching with straw or chipped wood;*

13       “*(3) constructing straw, rock, or log dams in  
14 small tributaries to prevent flooding;*

15       “*(4) placing logs and other erosion barriers to  
16 catch sediment on hill slopes;*

17       “*(5) installing debris traps to modify road and  
18 trail drainage mechanisms;*

19       “*(6) modifying or removing culverts to allow  
20 drainage to flow freely;*

21       “*(7) adding drainage dips and constructing  
22 emergency spillways to keep roads and bridges from  
23 washing out during floods;*

24       “*(8) planting grass to prevent the spread of nox-  
25 ious weeds;*

26       “*(9) installing warning signs;*

1           “(10) establishing defensible space measures;

2           “(11) reducing hazardous fuels;

3           “(12) mitigating windstorm damage, including

4           replacing or installing electrical transmission or dis-

5           tribution utility pole structures with poles that are

6           resilient to extreme wind and combined ice and wind

7           loadings for the basic wind speeds and ice conditions

8           associated with the relevant location;

9           “(13) removing standing burned trees; and

10          “(14) replacing water systems that have been

11          burned and have caused contamination.”.

12 **SEC. 1206. ELIGIBILITY FOR CODE IMPLEMENTATION AND**

13           **ENFORCEMENT.**

14          (a) *IN GENERAL.*—Section 402 of the Robert T. Staf-

15          ford Disaster Relief and Emergency Assistance Act (42

16          U.S.C. 5170a) is amended—

17           (1) in paragraph (4), by striking “and” at the

18          end;

19           (2) by redesignating paragraph (5) as para-

20          graph (6); and

21           (3) by inserting after paragraph (4) the fol-

22          lowing:

23           “(5) provide assistance to State and local gov-

24          ernments for building code and floodplain manage-

25          ment ordinance administration and enforcement, in-

1       *cluding inspections for substantial damage compli-*  
2       *ance; and”.*

3       *(b) REPAIR, RESTORATION, AND REPLACEMENT OF*  
4       *DAMAGED FACILITIES.—Section 406(a)(2) of the Robert T.*  
5       *Stafford Disaster Relief and Emergency Assistance Act (42*  
6       *U.S.C. 5172(a)(2)) is amended—*

7           *(1) in subparagraph (B), by striking “and” at*  
8       *the end;*

9           *(2) in subparagraph (C), by striking the period*  
10      *at the end and inserting “; and”; and*

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

12           *“(D) base and overtime wages for extra*  
13      *hires to facilitate the implementation and en-*  
14      *forcement of adopted building codes for a period*  
15      *of not more than 180 days after the major dis-*  
16      *aster is declared.”.*

17      **SEC. 1207. PROGRAM IMPROVEMENTS.**

18       *(a) HAZARD MITIGATION.—Section 406(c) of the Rob-*  
19      *ert T. Stafford Disaster Relief and Emergency Assistance*  
20      *Act (42 U.S.C. 5172(c)) is amended—*

21           *(1) in paragraph (1)(A), by striking “90 percent*  
22      *of”; and*

23           *(2) in paragraph (2)(A), by striking “75 percent*  
24      *of”.*

1       (b) *FLOOD INSURANCE.*—Section 406(d)(1) of the Rob-  
2 ert T. Stafford Disaster Relief and Emergency Assistance  
3 Act (42 U.S.C. 5172(d)(1)) is amended by adding at the  
4 end the following: “This section shall not apply to more  
5 than one building of a multi-structure educational, law en-  
6 forcement, correctional, fire, or medical campus, for any  
7 major disaster or emergency declared by the President  
8 under section 401 or 501, respectively, of the Robert T. Staf-  
9 ford Disaster Relief and Emergency Assistance Act (42  
10 U.S.C. 5170, 5191) on or after January 1, 2016, through  
11 December 31, 2018.”.

12       (c) *PARTICIPATION.*—Section 428(d) of the Robert T.  
13 Stafford Disaster Relief and Emergency Assistance Act (42  
14 U.S.C. 5189f(d)) is amended—

15               (1) by striking “Participation in” and inserting  
16 the following:

17               “(1) *IN GENERAL.*—Participation in”; and

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

19               “(2) *NO CONDITIONS.*—The President may not  
20 condition the provision of Federal assistance under  
21 this Act on the election by a State, local, or Indian  
22 tribal government, or owner or operator of a private  
23 nonprofit facility to participate in the alternative  
24 procedures adopted under this section.”.

1       (d) CERTIFICATION.—Section 428(e)(1) of the Robert  
2 T. Stafford Disaster Relief and Emergency Assistance Act  
3 (42 U.S.C. 5189f(e)(1)) is amended—

4                 (1) in subparagraph (E), by striking “and” at  
5 the end;

6                 (2) in subparagraph (F), by striking the period  
7 at the end and inserting “; and”; and

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

9                         “(G) once certified by a professionally li-  
10 censed engineer and accepted by the Adminis-  
11 trator, the estimates on which grants made pur-  
12 suant to this section are based shall be presumed  
13 to be reasonable and eligible costs, as long as  
14 there is no evidence of fraud.”.

15 **SEC. 1208. PRIORITIZATION OF FACILITIES.**

16       Not later than 180 days after the date of enactment  
17 of this Act, the Administrator shall provide guidance and  
18 training on an annual basis to State, local, and Indian  
19 tribal governments, first responders, and utility companies  
20 on—

21                 (1) the need to prioritize assistance to hospitals,  
22 nursing homes, and other long-term care facilities to  
23 ensure that such health care facilities remain func-  
24 tioning or return to functioning as soon as prac-

1       *ticable during power outages caused by natural haz-*  
2       *ards, including severe weather events;*

3           *(2) how hospitals, nursing homes and other long-*  
4       *term care facilities should adequately prepare for*  
5       *power outages during a major disaster or emergency,*  
6       *as those terms are defined in section 102 of the Robert*  
7       *T. Stafford Disaster Relief and Emergency Assistance*  
8       *Act (42 U.S.C. 5122); and*

9           *(3) how State, local, and Indian tribal govern-*  
10      *ments, first responders, utility companies, hospitals,*  
11      *nursing homes, and other long-term care facilities*  
12      *should develop a strategy to coordinate emergency re-*  
13      *sponse plans, including the activation of emergency*  
14      *response plans, in anticipation of a major disaster,*  
15      *including severe weather events.*

16 **SEC. 1209. GUIDANCE ON EVACUATION ROUTES.**

17       *(a) IN GENERAL.—*

18           *(1) IDENTIFICATION.—The Administrator, in co-*  
19      *ordination with the Administrator of the Federal*  
20      *Highway Administration, shall develop and issue*  
21      *guidance for State, local, and Indian tribal govern-*  
22      *ments regarding the identification of evacuation*  
23      *routes.*

24           *(2) GUIDANCE.—The Administrator of the Fed-*  
25      *eral Highway Administration, in coordination with*

1       *the Administrator, shall revise existing guidance or*  
2       *issue new guidance as appropriate for State, local,*  
3       *and Indian tribal governments regarding the design,*  
4       *construction, maintenance, and repair of evacuation*  
5       *routes.*

6       *(b) CONSIDERATIONS.—*

7           *(1) IDENTIFICATION.—In developing the guid-*  
8       *ance under subsection (a)(1), the Administrator shall*  
9       *consider—*

10           *(A) whether evacuation routes have resisted*  
11       *impacts and recovered quickly from disasters, re-*  
12       *gardless of cause;*

13           *(B) the need to evacuate special needs popu-*  
14       *lations, including—*

15           *(i) individuals with a physical or men-*  
16       *tal disability;*

17           *(ii) individuals in schools, daycare*  
18       *centers, mobile home parks, prisons, nursing*  
19       *homes and other long-term care facilities,*  
20       *and detention centers;*

21           *(iii) individuals with limited-English*  
22       *proficiency;*

23           *(iv) the elderly; and*

24           *(v) individuals who are tourists, sea-*  
25       *sonal workers, or homeless;*

1                   (C) the sharing of information and other  
2                   public communications with evacuees during  
3                   evacuations;

4                   (D) the sheltering of evacuees, including the  
5                   care, protection, and sheltering of animals;

6                   (E) the return of evacuees to their homes;

7                   and

8                   (F) such other items the Administrator con-  
9                   siders appropriate.

10                  (2) DESIGN, CONSTRUCTION, MAINTENANCE, AND  
11                  REPAIR.—In revising or issuing guidance under sub-  
12                  section (a)(2), the Administrator of the Federal High-  
13                  way Administration shall consider—

14                  (A) methods that assist evacuation routes  
15                  to—

16                   (i) withstand likely risks to viability,  
17                   including flammability and hydrostatic  
18                   forces;

19                   (ii) improve durability, strength (in-  
20                   cluding the ability to withstand tensile  
21                   stresses and compressive stresses), and sus-  
22                   tainability; and

23                   (iii) provide for long-term cost savings;

24                  (B) the ability of evacuation routes to effec-  
25                  tively manage contraflow operations;

(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

9           (c) STUDY.—The Administrator, in coordination with  
10 the Administrator of the Federal Highway Administration  
11 and State, local, territorial, and Indian tribal governments,  
12 may—

13                   (1) conduct a study of the adequacy of available  
14                   evacuation routes to accommodate the flow of eva-  
15                   uees; and

16                   (2) submit recommendations on how to help with  
17                   anticipated evacuation route flow, based on the study  
18                   conducted under paragraph (1), to—

## 20 (B) the Agency:

(C) State, local, territorial, and Indian tribal governments; and

23 (D) Congress.

## **24 SEC. 1210. DUPLICATION OF BENEFITS.**

25 (a) IN GENERAL.—

1                   (1) *AUTHORITY.*—Section 312(b) of the Robert T.  
2                   *Stafford Disaster Relief and Emergency Assistance*  
3                   *Act (42 U.S.C. 5155(b)) is amended by adding at the*  
4                   *end the following:*

5                   “(4) *WAIVER OF GENERAL PROHIBITION.*—

6                   “(A) *IN GENERAL.*—The President may  
7                   *waive the general prohibition provided in sub-*  
8                   *section (a) upon request of a Governor on behalf*  
9                   *of the State or on behalf of a person, business*  
10                   *concern, or any other entity suffering losses as a*  
11                   *result of a major disaster or emergency, if the*  
12                   *President finds such waiver is in the public in-*  
13                   *terest and will not result in waste, fraud, or*  
14                   *abuse. In making this decision, the President*  
15                   *may consider the following:*

16                   “(i) *The recommendations of the Ad-*  
17                   *ministrator of the Federal Emergency Man-*  
18                   *agement Agency made in consultation with*  
19                   *the Federal agency or agencies admin-*  
20                   *istering the duplicative program.*

21                   “(ii) *If a waiver is granted, the assist-*  
22                   *ance to be funded is cost effective.*

23                   “(iii) *Equity and good conscience.*

24                   “(iv) *Other matters of public policy*  
25                   *considered appropriate by the President.*

1                 “(B) GRANT OR DENIAL OF WAIVER.—A re-  
2                 quest under subparagraph (A) shall be granted  
3                 or denied not later than 45 days after submis-  
4                 sion of such request.

5                 “(C) PROHIBITION ON DETERMINATION  
6                 THAT LOAN IS A DUPLICATION.—Notwith-  
7                 standing subsection (c), in carrying out subpara-  
8                 graph (A), the President may not determine that  
9                 a loan is a duplication of assistance, provided  
10                 that all Federal assistance is used toward a loss  
11                 suffered as a result of the major disaster or emer-  
12                 gency.”.

13                 (2) LIMITATION.—This subsection, including the  
14                 amendment made by paragraph (1), shall not be con-  
15                 strued to apply to section 406 or 408 of the Robert  
16                 T. Stafford Disaster Relief and Emergency Assistance  
17                 Act (42 U.S.C. 5172, 5174).

18                 (3) APPLICABILITY.—The amendment made by  
19                 paragraph (1) shall apply to any major disaster or  
20                 emergency declared by the President under section  
21                 401 or 501, respectively, of the Robert T. Stafford  
22                 Disaster Relief and Emergency Assistance Act (42  
23                 U.S.C. 5170, 5191) between January 1, 2016, and  
24                 December 31, 2021.

1                   (4) *SUNSET.*—On the date that is 5 years after  
2 the date of enactment of this Act, section 312(b) of the  
3 Robert T. Stafford Disaster Relief and Emergency As-  
4 sistance Act (42 U.S.C. 5155(b)) is amended by strik-  
5 ing paragraph (4), as added by subsection (a)(1) of  
6 this section.

7                   (5) *REPORT.*—

8                   (A) *IN GENERAL.*—Not later than 1 year  
9 after the date of enactment of this Act, the Ad-  
10 ministrator, in coordination with other relevant  
11 Federal agencies, shall submit to the congres-  
12 sional committees of jurisdiction a report con-  
13 ducted by all relevant Federal agencies to im-  
14 prove the comprehensive delivery of disaster as-  
15 sistance to individuals following a major dis-  
16 aster or emergency declaration under the Robert  
17 T. Stafford Disaster Relief and Emergency As-  
18 sistance Act.

19                   (B) *CONTENTS.*—The report required under  
20 subparagraph (A) shall include both administra-  
21 tive actions taken, or planned to be taken, by the  
22 agencies as well as legislative proposals, where  
23 appropriate, of the following:

24                   (i) Efforts to improve coordination be-  
25 tween the Agency and other relevant Federal

1           *agencies when delivering disaster assistance*  
2           *to individuals.*

3           *(ii) Clarify the sequence of delivery of*  
4           *disaster assistance to individuals from the*  
5           *Agency, and other relevant Federal agencies.*

6           *(iii) Clarify the interpretation and im-*  
7           *plementation of section 312 of the Robert T.*  
8           *Stafford Disaster Relief and Emergency As-*  
9           *sistance Act (42 U.S.C. 5155) when pro-*  
10          *viding disaster assistance to individuals,*  
11          *including providing a common interpreta-*  
12          *tion across the Agency, and other relevant*  
13          *Federal agencies, of the definitions and re-*  
14          *quirements under such section 312.*

15          *(iv) Increase the effectiveness of com-*  
16          *munication to applicants for assistance pro-*  
17          *grams for individuals after a disaster dec-*  
18          *laration, including the breadth of programs*  
19          *available and the potential impacts of uti-*  
20          *lizing one program versus another.*

21          *(C) REPORT UPDATE.—Not later than 4*  
22          *years after the date of enactment of this sub-*  
23          *section, the Administrator, in coordination with*  
24          *other relevant Federal agencies, shall submit to*  
25          *the congressional committees of jurisdiction an*

1           update to the report required under subparagraph  
2           (A).

3         (b) *FUNDING OF A FEDERALLY AUTHORIZED WATER  
4 RESOURCES DEVELOPMENT PROJECT.*—

5           (1) *ELIGIBLE ACTIVITIES.*—Notwithstanding section  
6           312 of the Robert T. Stafford Disaster Relief and  
7           Emergency Assistance Act (42 U.S.C. 5155) and its  
8           implementing regulations, assistance provided pursuant  
9           to section 404 of such Act may be used to fund  
10          activities authorized for construction within the scope  
11          of a federally authorized water resources development  
12          project of the Army Corps of Engineers if such activities  
13          are also eligible activities under such section.

14           (2) *FEDERAL FUNDING.*—All Federal funding  
15          provided under section 404 pursuant to this section  
16          shall be applied toward the Federal share of such  
17          project.

18           (3) *NON-FEDERAL MATCH.*—All non-Federal  
19          matching funds required under section 404 pursuant  
20          to this section shall be applied toward the non-Federal  
21          share of such project.

22           (4) *TOTAL FEDERAL SHARE.*—Funding provided  
23          under section 404 pursuant to this section may not  
24          exceed the total Federal share for such project.

25           (5) *NO EFFECT.*—Nothing in this section shall—

- 1                   (A) affect the cost-share requirement of a  
2                   hazard mitigation measure under section 404;  
3                   (B) affect the eligibility criteria for a haz-  
4                   ard mitigation measure under section 404;  
5                   (C) affect the cost share requirements of a  
6                   federally authorized water resources development  
7                   project; and  
8                   (D) affect the responsibilities of a non-Fed-  
9                   eral interest with respect to the project, including  
10                  those related to the provision of lands, easements,  
11                  rights-of-way, dredge material disposal areas,  
12                  and necessary relocations.

13                 (6) *LIMITATION.—If a federally authorized water*  
14                 *resources development project of the Army Corps of*  
15                 *Engineers is constructed with funding provided under*  
16                 *section 404 pursuant to this subsection, no further*  
17                 *Federal funding shall be provided for construction of*  
18                 *such project*

19                 **SEC. 1211. STATE ADMINISTRATION OF ASSISTANCE FOR DI-**  
20                 **RECT TEMPORARY HOUSING AND PERMA-**  
21                 **NENT HOUSING CONSTRUCTION.**

- 22                 (a) *STATE ROLE.—Section 408(f) of the Robert T.*  
23                 *Stafford Disaster Relief and Emergency Assistance Act (42*  
24                 *U.S.C. 5174(f)) is amended—*  
25                 (1) *in paragraph (1)—*

1                   (A) by striking the paragraph heading and  
2                   inserting “STATE- OR INDIAN TRIBAL GOVERN-  
3                   MENT-ADMINISTERED ASSISTANCE AND OTHER  
4                   NEEDS ASSISTANCE.—”;

5                   (B) in subparagraph (A)—  
6                         (i) by striking “financial”; and  
7                         (ii) by striking “subsection (e)” and  
8                         inserting “subsections (c)(1)(B), (c)(4), and  
9                         (e) if the President and the State or Indian  
10                         tribal government comply, as determined by  
11                         the Administrator, with paragraph (3)”;  
12                         and  
13                   (C) in subparagraph (B)—  
14                         (i) by striking “financial”; and  
15                         (ii) by striking “subsection (e)” and  
16                         inserting “subsections (c)(1)(B), (c)(4), and  
17                         (e)”;  
18                         and  
19                         (2) by adding at the end the following:  
20                         “(3) REQUIREMENTS.—  
21                             (A) APPLICATION.—A State or Indian  
22                         tribal government desiring to provide assistance  
23                         under subsection (c)(1)(B), (c)(4), or (e) shall  
24                         submit to the President an application for a  
25                         grant to provide financial assistance under the  
                               program.

1                 “(B) CRITERIA.—*The President, in con-*  
2                 *sultation and coordination with State and In-*  
3                 *dian tribal governments, shall establish criteria*  
4                 *for the approval of applications submitted under*  
5                 *subparagraph (A). The criteria shall include, at*  
6                 *a minimum—*

7                     “(i) *a requirement that the State or*  
8                 *Indian tribal government submit a housing*  
9                 *strategy under subparagraph (C);*

10                  “(ii) *the demonstrated ability of the*  
11                 *State or Indian tribal government to man-*  
12                 *age the program under this section;*

13                  “(iii) *there being in effect a plan ap-*  
14                 *proved by the President as to how the State*  
15                 *or Indian tribal government will comply*  
16                 *with applicable Federal laws and regula-*  
17                 *tions and how the State or Indian tribal*  
18                 *government will provide assistance under*  
19                 *its plan;*

20                  “(iv) *a requirement that the State or*  
21                 *Indian tribal government comply with rules*  
22                 *and regulations established pursuant to sub-*  
23                 *section (j); and*

1                   “(v) a requirement that the President,  
2                   or the designee of the President, comply  
3                   with subsection (i).

4                   “(C) REQUIREMENT OF HOUSING STRAT-  
5                   EGY.—

6                   “(i) IN GENERAL.—A State or Indian  
7                   tribal government submitting an applica-  
8                   tion under this paragraph shall have an ap-  
9                   proved housing strategy, which shall be de-  
10                  veloped and submitted to the President for  
11                  approval.

12                  “(ii) REQUIREMENTS.—The housing  
13                  strategy required under clause (i) shall—

14                  “(I) outline the approach of the  
15                  State in working with Federal part-  
16                  ners, Indian tribal governments, local  
17                  communities, nongovernmental organi-  
18                  zations, and individual disaster sur-  
19                  vivors to meet disaster-related shel-  
20                  tering and housing needs; and

21                  “(II) include the establishment of  
22                  an activation plan for a State Disaster  
23                  Housing Task Force, as outlined in the  
24                  National Disaster Housing Strategy, to  
25                  bring together State, tribal, local, Fed-

1                   *eral, nongovernmental, and private*  
2                   *sector expertise to evaluate housing re-*  
3                   *quirements, consider potential solu-*  
4                   *tions, recognize special needs popu-*  
5                   *lations, and propose recommendations.*

6                   “(D) *QUALITY ASSURANCE.*—*Before approv-*  
7                   *ing an application submitted under this section,*  
8                   *the President, or the designee of the President,*  
9                   *shall institute adequate policies, procedures, and*  
10                  *internal controls to prevent waste, fraud, abuse,*  
11                  *and program mismanagement for this program*  
12                  *and for programs under subsections (c)(1)(B),*  
13                  *(c)(4), and (e). The President shall monitor and*  
14                  *conduct quality assurance activities on a State*  
15                  *or Indian tribal government’s implementation of*  
16                  *programs under subsections (c)(1)(B), (c)(4),*  
17                  *and (e). If, after approving an application of a*  
18                  *State or Indian tribal government submitted*  
19                  *under this paragraph, the President determines*  
20                  *that the State or Indian tribal government is not*  
21                  *administering the program established by this*  
22                  *section in a manner satisfactory to the Presi-*  
23                  *dent, the President shall withdraw the approval.*

24                  “(E) *AUDITS.*—*The Inspector General of the*  
25                  *Department of Homeland Security shall provide*

1       *for periodic audits of the programs administered*  
2       *by States and Indian tribal governments under*  
3       *this subsection.*

4             “(F) APPLICABLE LAWS.—All Federal laws  
5       applicable to the management, administration,  
6       or contracting of the programs by the Federal  
7       Emergency Management Agency under this sec-  
8       tion shall be applicable to the management, ad-  
9       ministration, or contracting by a non-Federal  
10      entity under this section.

11           “(G) REPORT ON EFFECTIVENESS.—Not  
12      later than 18 months after the date of enactment  
13      of this paragraph, the Inspector General of the  
14      Department of Homeland Security shall submit  
15      a report to the Committee on Homeland Security  
16      and Governmental Affairs of the Senate and the  
17      Committee on Transportation and Infrastructure  
18      of the House of Representatives on the State or  
19      Indian tribal government’s role to provide assist-  
20      ance under this section. The report shall contain  
21      an assessment of the effectiveness of the State or  
22      Indian tribal government’s role in providing as-  
23      sistance under this section, including—

1                   “(i) whether the State or Indian tribal  
2                   government’s role helped to improve the gen-  
3                   eral speed of disaster recovery;

4                   “(ii) whether the State or Indian tribal  
5                   government providing assistance under this  
6                   section had the capacity to administer this  
7                   section; and

8                   “(iii) recommendations for changes to  
9                   improve the program if the State or Indian  
10                  tribal government’s role to administer the  
11                  programs should be continued.

12                  “(H) REPORT ON INCENTIVES.—Not later  
13                  than 12 months after the date of enactment of  
14                  this paragraph, the Administrator of the Federal  
15                  Emergency Management Agency shall submit a  
16                  report to the Committee on Homeland Security  
17                  and Governmental Affairs of the Senate and the  
18                  Committee on Transportation and Infrastructure  
19                  of the House of Representatives on a potential  
20                  incentive structure for awards made under this  
21                  section to encourage participation by eligible  
22                  States and Indian tribal governments. In devel-  
23                  oping this report, the Administrator of the Fed-  
24                  eral Emergency Management Agency shall con-  
25                  sult with State, local, and Indian tribal entities

1       *to gain their input on any such incentive struc-*  
2       *ture to encourage participation and shall include*  
3       *this information in the report. This report*  
4       *should address, among other options, potential*  
5       *adjustments to the cost-share requirement and*  
6       *management costs to State and Indian tribal*  
7       *governments.*

8           “(I) PROHIBITION.—*The President may not*  
9       *condition the provision of Federal assistance*  
10      *under this Act on a State or Indian tribal gov-*  
11      *ernment requesting a grant under this section.*

12           “(J) MISCELLANEOUS.—

13           “(i) NOTICE AND COMMENT.—*The Ad-*  
14       *ministrator of the Federal Emergency Man-*  
15       *agement Agency may waive notice and com-*  
16       *ment rulemaking with respect to rules to*  
17       *carry out this section, if the Administrator*  
18       *determines doing so is necessary to expedi-*  
19       *tiously implement this section, and may*  
20       *carry out this section as a pilot program*  
21       *until such regulations are promulgated.*

22           “(ii) FINAL RULE.—*Not later than 2*  
23       *years after the date of enactment of this*  
24       *paragraph, the Administrator of the Federal*  
25       *Emergency Management Agency shall issue*

1                   final regulations to implement this sub-  
2                   section as amended by the Disaster Recov-  
3                   ery Reform Act of 2018.

4                   “(iii) WAIVER AND EXPIRATION.—The  
5                   authority under clause (i) and any pilot  
6                   program implemented pursuant to such  
7                   clause shall expire 2 years after the date of  
8                   enactment of this paragraph or upon  
9                   issuance of final regulations pursuant to  
10                  clause (ii), whichever occurs sooner.”.

11                  (b) REIMBURSEMENT.—The Federal Emergency Man-  
12 agement Agency (FEMA) shall reimburse State and local  
13 units of government (for requests received within a period  
14 of 3 years after the declaration of a major disaster under  
15 section 401 of the Robert T. Stafford Disaster Relief and  
16 Emergency Assistance Act (42 U.S.C. 5170)) upon deter-  
17 mination that a locally implemented housing solution, im-  
18 plemented by State or local units of government—

19                  (1) costs 50 percent of comparable FEMA solu-  
20 tion or whatever the locally implemented solution  
21 costs, whichever is lower;

22                  (2) complies with local housing regulations and  
23 ordinances; and

24                  (3) the housing solution was implemented within  
25 90 days of the disaster.

## 1 SEC. 1212. ASSISTANCE TO INDIVIDUALS AND HOUSE-

2                   **HOLDS.**

3                 *Section 408(h) of the Robert T. Stafford Disaster Relief  
4 and Emergency Assistance Act (42 U.S.C. 5174(h)) is  
5 amended—*

6                 *(1) in paragraph (1), by inserting “, excluding  
7 financial assistance to rent alternate housing accom-  
8 modations under subsection (c)(1)(A)(i) and financial  
9 assistance to address other needs under subsection (e)”  
10 after “disaster”;*

11                 *(2) by redesignating paragraph (2) as para-  
12 graph (3);*

13                 *(3) by inserting after paragraph (1) the fol-  
14 lowing:*

15                 *“(2) OTHER NEEDS ASSISTANCE.—The max-  
16 imum financial assistance any individual or house-  
17 hold may receive under subsection (e) shall be equiva-  
18 lent to the amount set forth in paragraph (1) with re-  
19 spect to a single major disaster.”;*

20                 *(4) in paragraph (3) (as so redesignated), by  
21 striking “paragraph (1)” and inserting “paragraphs  
22 (1) and (2)”;* and

23                 *(5) by inserting after paragraph (3) (as so redes-  
24 ignated) the following:*

25                 *“(4) EXCLUSION OF NECESSARY EXPENSES FOR  
26 INDIVIDUALS WITH DISABILITIES.—*

1                 “(A) *IN GENERAL.*—The maximum amount  
2                 of assistance established under paragraph (1)  
3                 shall exclude expenses to repair or replace dam-  
4                 aged accessibility-related improvements under  
5                 paragraphs (2), (3), and (4) of subsection (c) for  
6                 individuals with disabilities.

7                 “(B) *OTHER NEEDS ASSISTANCE.*—The  
8                 maximum amount of assistance established  
9                 under paragraph (2) shall exclude expenses to re-  
10                pair or replace accessibility-related personal  
11                property under subsection (e)(2) for individuals  
12                with disabilities.”.

13 **SEC. 1213. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.**

14                 (a) *LEASE AND REPAIR OF RENTAL UNITS FOR TEM-*  
15 *PORARY HOUSING.*—Section 408(c)(1)(B)(ii)(II) of the  
16 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
17 *ance Act* (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended to  
18 *read as follows:*

19                 “(II) *IMPROVEMENTS OR RE-*  
20 *PAIRS.*—Under the terms of any lease  
21 agreement for property entered into  
22 under this subsection, the value of the  
23 improvements or repairs shall be de-  
24 ducted from the value of the lease  
25 agreement.”.

1       (b) *RENTAL PROPERTIES IMPACTED.*—Section  
2 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster  
3 Relief and Emergency Assistance Act (42 U.S.C.  
4 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

5                     “(aa) enter into lease agree-  
6                     ments with owners of multifamily  
7                     rental property impacted by a  
8                     major disaster or located in areas  
9                     covered by a major disaster dec-  
10                   laration to house individuals and  
11                   households eligible for assistance  
12                   under this section; and”.

13       (c) *INSPECTOR GENERAL REPORT.*—Not later than 2  
14 years after the date of the enactment of this Act, the inspec-  
15 tor general of the Department of Homeland Security  
16 shall—

17                 (1) assess the use of the authority provided under  
18 section 408(c)(1)(B) of the Robert T. Stafford Disaster  
19 Relief and Emergency Assistance Act (42 U.S.C.  
20 5174(c)(1)(B)), as amended by this division, includ-  
21 ing the adequacy of any benefit-cost analysis done to  
22 justify the use of this alternative; and

23                 (2) submit a report on the results of the assess-  
24 ment conducted under paragraph (1) to the appro-  
25 priate committees of Congress.

1   **SEC. 1214. PRIVATE NONPROFIT FACILITY.**

2       *Section 102(11)(B) of the Robert T. Stafford Disaster  
3     Relief and Emergency Assistance Act (42 U.S.C.  
4     5122(11)(B)) is amended by inserting “food banks,” after  
5     “shelter workshops,”.*

6   **SEC. 1215. MANAGEMENT COSTS.**

7       *Section 324 of the Robert T. Stafford Disaster Relief  
8     and Emergency Assistance Act (42 U.S.C. 5165b) is amend-  
9     ed—*

10           *(1) in subsection (a) by striking “any adminis-  
11     trative expense, and any other expense not directly  
12     chargeable to” and inserting “any direct administra-  
13     tive cost, and any other administrative expense asso-  
14     ciated with”; and*

15           *(2) in subsection (b)—*

16              *(A) by striking “Notwithstanding” and in-  
17     serting the following:*

18              *“(1) IN GENERAL.—Notwithstanding”;*

19              *(B) in paragraph (1), as added by subpara-  
20     graph (A), by striking “establish” and inserting  
21     “implement”; and*

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

23              *“(2) SPECIFIC MANAGEMENT COSTS.—The Ad-  
24     ministrator of the Federal Emergency Management  
25     Agency shall provide the following percentage rates,  
26     in addition to the eligible project costs, to cover direct*

1       *and indirect costs of administering the following pro-*  
2       *grams:*

3             “(A) *HAZARD MITIGATION.*—*A grantee*  
4       *under section 404 may be reimbursed not more*  
5       *than 15 percent of the total amount of the grant*  
6       *award under such section of which not more*  
7       *than 10 percent may be used by the grantee and*  
8       *5 percent by the subgrantee for such costs.*

9             “(B) *PUBLIC ASSISTANCE.*—*A grantee*  
10      *under sections 403, 406, 407, and 502 may be*  
11      *reimbursed not more than 12 percent of the total*  
12      *award amount under such sections, of which not*  
13      *more than 7 percent may be used by the grantee*  
14      *and 5 percent by the subgrantee for such costs.”.*

15 **SEC. 1216. FLEXIBILITY.**

16       (a) *WAIVER AUTHORITY.*—

17             (1) *DEFINITION.*—*In this subsection, the term*  
18      *“covered assistance” means assistance provided—*

19                 (A) *under section 408 of the Robert T. Staf-*  
20      *ford Disaster Relief and Emergency Assistance*  
21      *Act (42 U.S.C. 5174); and*

22                 (B) *in relation to a major disaster or emer-*  
23      *gency declared by the President under section*  
24      *401 or 501, respectively, of the Robert T. Staf-*  
25      *ford Disaster Relief and Emergency Assistance*

1           *Act (42 U.S.C. 5170, 5191) on or after October*  
2           *28, 2012.*

3           *(2) AUTHORITY.—Notwithstanding section*  
4           *3716(e) of title 31, United States Code, the Adminis-*  
5           *trator—*

6           *(A) subject to subparagraph (B), may waive*  
7           *a debt owed to the United States related to cov-*  
8           *ered assistance provided to an individual or*  
9           *household if—*

10           *(i) the covered assistance was distrib-*  
11           *uted based on an error by the Agency;*

12           *(ii) there was no fault on behalf of the*  
13           *debtor; and*

14           *(iii) the collection of the debt would be*  
15           *against equity and good conscience; and*

16           *(B) may not waive a debt under subpara-*  
17           *graph (A) if the debt involves fraud, the presen-*  
18           *tation of a false claim, or misrepresentation by*  
19           *the debtor or any party having an interest in the*  
20           *claim.*

21           *(3) MONITORING OF COVERED ASSISTANCE DIS-*  
22           *TRIBUTED BASED ON ERROR.—*

23           *(A) IN GENERAL.—The Inspector General of*  
24           *the Department of Homeland Security shall*  
25           *monitor the distribution of covered assistance to*

1           *individuals and households to determine the per-*  
2           *centage of such assistance distributed based on*  
3           *an error.*

4                         (B)    *REMOVAL OF WAIVER AUTHORITY*  
5           *BASED ON EXCESSIVE ERROR RATE.—If the In-*  
6           *spector General of the Department of Homeland*  
7           *Security determines, with respect to any 12-*  
8           *month period, that the amount of covered assist-*  
9           *ance distributed based on an error by the Agency*  
10          *exceeds 4 percent of the total amount of covered*  
11          *assistance distributed—*

12                             (i)    *the Inspector General shall notify*  
13                             *the Administrator and publish the deter-*  
14                             *mination in the Federal Register; and*

15                             (ii)    *with respect to any major disaster*  
16                             *or emergency declared by the President*  
17                             *under section 401 or section 501, respec-*  
18                             *tively, of the Robert T. Stafford Disaster*  
19                             *Relief and Emergency Assistance Act (42*  
20                             *U.S.C. 5170; 42 U.S.C. 5191) after the date*  
21                             *on which the determination is published*  
22                             *under subparagraph (A), the authority of*  
23                             *the Administrator to waive debt under*  
24                             *paragraph (2) shall no longer be effective.*

1       (b) *RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-*2 *ITED.—*

3                     (1) *IN GENERAL.*—Notwithstanding section  
4     3716(e) of title 31, United States Code, and unless  
5     there is evidence of civil or criminal fraud, the Agency  
6     may not take any action to recoup covered assist-  
7     ance from the recipient of such assistance if the re-  
8     ceipt of such assistance occurred on a date that is  
9     more than 3 years before the date on which the Agency  
10    first provides to the recipient written notification  
11    of an intent to recoup.

12                     (2) *COVERED ASSISTANCE DEFINED.*—In this  
13    subsection, the term “covered assistance” means as-  
14    sistance provided—

15                         (A) under section 408 of the Robert T. Staf-  
16    ford Disaster Relief and Emergency Assistance  
17    Act (42 U.S.C. 5174); and

18                         (B) in relation to a major disaster or emer-  
19    gency declared by the President under section  
20    401 or 501, respectively, of such Act (42 U.S.C.  
21    5170; 42 U.S.C. 5191) on or after January 1,  
22    2012.

23       (c) *STATUTE OF LIMITATIONS.*—

1                             (1) *IN GENERAL.*—Section 705 of the Robert T.  
2                             *Stafford Disaster Relief and Emergency Assistance*  
3                             *Act (42 U.S.C. 5205)* is amended—  
4                                 (A) in subsection (a)(1)—  
5                                     (i) by striking “Except” and inserting  
6                                     “Notwithstanding section 3716(e) of title  
7                                     31, United States Code, and except”; and  
8                                     (ii) by striking “report for the disaster  
9                                     or emergency” and inserting “report for  
10                                     project completion as certified by the grant-  
11                                     ee”; and  
12                                 (B) in subsection (b)—  
13                                     (i) in paragraph (1) by striking “re-  
14                                     port for the disaster or emergency” and in-  
15                                     serting “report for project completion as  
16                                     certified by the grantee”; and  
17                                     (ii) in paragraph (3) by inserting “for  
18                                     project completion as certified by the grant-  
19                                     ee” after “final expenditure report”.  
20                                 (2) *APPLICABILITY.*—  
21                                 (A) *IN GENERAL.*—With respect to disaster  
22                                     or emergency assistance provided to a State or  
23                                     local government on or after January 1, 2004—  
24                                     (i) no administrative action may be  
25                                     taken to recover a payment of such assist-

1                   ance after the date of enactment of this Act  
2                   if the action is prohibited under section  
3                   705(a)(1) of the Robert T. Stafford Disaster  
4                   Relief and Emergency Assistance Act (42  
5                   U.S.C. 5205(a)(1)), as amended by para-  
6                   graph (1); and

7                   (ii) any administrative action to re-  
8                   cover a payment of such assistance that is  
9                   pending on such date of enactment shall be  
10                  terminated if the action is prohibited under  
11                  section 705(a)(1) of that Act, as amended  
12                  by paragraph (1).

13                  (B) **LIMITATION.**—This section, including  
14                  the amendments made by this section, may not  
15                  be construed to invalidate or otherwise affect any  
16                  administration action completed before the date  
17                  of enactment of this Act.

18 **SEC. 1217. ADDITIONAL DISASTER ASSISTANCE.**

19                  (a) **DISASTER MITIGATION.**—Section 209 of the Public  
20                  Works and Economic Development Act of 1965 (42 U.S.C.  
21                  3149) is amended by adding at the end the following:

22                  “(e) **DISASTER MITIGATION.**—In providing assistance  
23                  pursuant to subsection (c)(2), if appropriate and as appli-  
24                  cable, the Secretary may encourage hazard mitigation in  
25                  assistance provided pursuant to such subsection.”.

1       (b) *EMERGENCY MANAGEMENT ASSISTANCE COMPACT*

2   ~~GRANTS.~~—Section 661(d) of the Post-Katrina Emergency  
3   Management Reform Act of 2006 (6 U.S.C. 761(d)) is  
4   amended by striking “for fiscal year 2008” and inserting  
5   “for each of fiscal years 2018 through 2022”.

6       (c) *EMERGENCY MANAGEMENT PERFORMANCE*

7   ~~GRANTS PROGRAM.~~—Section 662(f) of the Post-Katrina  
8   Emergency Management Reform Act of 2006 (6 U.S.C.  
9   762(f)) is amended by striking “the program” and all that  
10   follows through “2012” and inserting “the program, for  
11   each of fiscal years 2018 through 2022”.

12       (d) *TECHNICAL AMENDMENT.*—Section 403(a)(3) of  
13   the Robert T. Stafford Disaster Relief and Emergency As-  
14   sistance Act (42 U.S.C. 5170b(a)(3)) is amended by striking  
15   the second subparagraph (J).

16   **SEC. 1218. NATIONAL VETERINARY EMERGENCY TEAMS.**

17       (a) *IN GENERAL.*—The Administrator of the Federal  
18   Emergency Management Agency may establish one or more  
19   national veterinary emergency teams at accredited colleges  
20   of veterinary medicine.

21       (b) *RESPONSIBILITIES.*—A national veterinary emer-  
22   gency team shall—

23               (1) deploy with a team of the National Urban  
24               Search and Rescue Response System to assist with—  
25                       (A) veterinary care of canine search teams;

- 1                   (B) locating and treating companion ani-  
2                   mals, service animals, livestock, and other ani-  
3                   mals; and
- 4                   (C) surveillance and treatment of zoonotic  
5                   diseases;
- 6                   (2) recruit, train, and certify veterinary profes-  
7                   sionals, including veterinary students, in accordance  
8                   with an established set of plans and standard oper-  
9                   ating guidelines to carry out the duties associated  
10                  with planning for and responding to major disasters  
11                  and emergencies as described in paragraph (1);
- 12                  (3) assist State governments, Indian tribal gov-  
13                  ernments, local governments, and nonprofit organiza-  
14                  tions in developing emergency management and eva-  
15                  cuation plans that account for the care and rescue of  
16                  animals and in improving local readiness for pro-  
17                  viding veterinary medical response during an emer-  
18                  gency or major disaster; and
- 19                  (4) coordinate with the Department of Homeland  
20                  Security, the Department of Health and Human  
21                  Services, the Department of Agriculture, State, local,  
22                  and Indian tribal governments (including depart-  
23                  ments of animal and human health), veterinary and  
24                  health care professionals, and volunteers.

1 **SEC. 1219. RIGHT OF ARBITRATION.**

2       *Section 423 of the Robert T. Stafford Disaster Relief  
3 and Emergency Assistance Act (42 U.S.C. 5189a) is amend-  
4 ed by adding at the end the following:*

5       “(d) **RIGHT OF ARBITRATION.**—

6           “(1) **IN GENERAL.**—Notwithstanding this section,  
7       an applicant for assistance under this title may re-  
8       quest arbitration to dispute the eligibility for assist-  
9       ance or repayment of assistance provided for a dis-  
10      pute of more than \$500,000 for any disaster that oc-  
11      curred after January 1, 2016. Such arbitration shall  
12      be conducted by the Civilian Board of Contract Ap-  
13      peals and the decision of such Board shall be binding.

14           “(2) **REVIEW.**—The Civilian Board of Contract  
15      Appeals shall consider from the applicant all original  
16      and additional documentation, testimony, or other  
17      such evidence supporting the applicant’s position at  
18      any time during arbitration.

19           “(3) **RURAL AREAS.**—For an applicant for as-  
20      sistance in a rural area under this title, the assist-  
21      ance amount eligible for arbitration pursuant to this  
22      subsection shall be \$100,000.

23           “(4) **RURAL AREA DEFINED.**—For the purposes  
24      of this subsection, the term ‘rural area’ means an  
25      area with a population of less than 200,000 outside  
26      an urbanized area.

1       “(5) *ELIGIBILITY.*—To participate in arbitration  
2       under this subsection, an applicant—

3           “(A) shall submit the dispute to the arbitration  
4       process established under the authority  
5       granted under section 601 of Public Law 111-5;  
6       and

7           “(B) may submit a request for arbitration  
8       after the completion of the first appeal under  
9       subsection (a) at any time before the Administrator  
10      of the Federal Emergency Management  
11      Agency has issued a final agency determination  
12      or 180 days after the Administrator’s receipt of  
13      the appeal if the Administrator has not provided  
14      the applicant with a final determination on the  
15      appeal. The applicant’s request shall contain  
16      documentation from the administrative record  
17      for the first appeal and may contain additional  
18      documentation supporting the applicant’s posi-  
19      tion.”.

20 **SEC. 1220. UNIFIED FEDERAL ENVIRONMENTAL AND HIS-**  
21           **TORIC PRESERVATION REVIEW.**

22       (a) *REVIEW AND ANALYSIS.*—Not later than 180 days  
23       after the date of enactment of this Act, the Administrator  
24       shall review the Unified Federal Environmental and His-  
25       toric Preservation review process established pursuant to

1 section 429 of the Robert T. Stafford Disaster Relief and  
2 Emergency Assistance Act (42 U.S.C. 5189g), and submit  
3 a report to the Committee on Transportation and Infra-  
4 structure of the House of Representatives and the Committee  
5 on Homeland Security and Governmental Affairs of the  
6 Senate that includes the following:

7           (1) An analysis of whether and how the unified  
8 process has expedited the interagency review process  
9 to ensure compliance with the environmental and his-  
10 toric requirements under Federal law relating to dis-  
11 aster recovery projects.

12           (2) A survey and analysis of categorical exclu-  
13 sions used by other Federal agencies that may be ap-  
14 plicable to any activity related to a major disaster or  
15 emergency declared by the President under section  
16 401 or 501, respectively, of the Robert T. Stafford  
17 Disaster Relief and Emergency Assistance Act (42  
18 U.S.C. 5170, 5191).

19           (3) Recommendations on any further actions, in-  
20 cluding any legislative proposals, needed to expedite  
21 and streamline the review process.

22           (b) REGULATIONS.—After completing the review, sur-  
23 vey, and analyses under subsection (a), but not later than  
24 2 years after the date of enactment of this Act, and after  
25 providing notice and opportunity for public comment, the

1   Administrator shall issue regulations to implement any reg-  
2   ulatory recommendations, including any categorical exclu-  
3   sions identified under subsection (a), to the extent that the  
4   categorical exclusions meet the criteria for a categorical ex-  
5   clusion under section 1508.4 of title 40, Code of Federal  
6   Regulations, and section II of DHS Instruction Manual  
7   023–01–001–01.

8   **SEC. 1221. CLOSEOUT INCENTIVES.**

9         (a) *FACILITATING CLOSEOUT.*—Section 705 of the  
10   *Robert T. Stafford Disaster Relief and Emergency Assist-*  
11   *ance Act* (42 U.S.C. 5205) is amended by adding at the  
12   end the following:

13         “(d) *FACILITATING CLOSEOUT.*—

14             “(1) *INCENTIVES.*—The Administrator of the  
15   *Federal Emergency Management Agency* may develop  
16   incentives and penalties that encourage State, local,  
17   or Indian tribal governments to close out expenditures  
18   and activities on a timely basis related to disaster or  
19   emergency assistance.

20             “(2) *AGENCY REQUIREMENTS.*—The Federal  
21   *Emergency Management Agency* shall, consistent with  
22   applicable regulations and required procedures, meet  
23   its responsibilities to improve closeout practices and  
24   reduce the time to close disaster program awards.”.

1       (b) REGULATIONS.—The Administrator shall issue reg-  
2 ulations to implement the amendment made by this section.

3 **SEC. 1222. PERFORMANCE OF SERVICES.**

4       Section 306 of the Robert T. Stafford Disaster Relief  
5 and Emergency Assistance Act (42 U.S.C. 5149) is amend-  
6 ed by adding at the end the following:

7       “(c) The Administrator of the Federal Emergency  
8 Management Agency is authorized to appoint temporary  
9 personnel, after serving continuously for 3 years, to posi-  
10 tions in the Federal Emergency Management Agency in the  
11 same manner that competitive service employees with com-  
12 petitive status are considered for transfer, reassignment, or  
13 promotion to such positions. An individual appointed  
14 under this subsection shall become a career-conditional em-  
15 ployee, unless the employee has already completed the serv-  
16 ice requirements for career tenure.”.

17 **SEC. 1223. STUDY TO STREAMLINE AND CONSOLIDATE IN-**  
18 **FORMATION COLLECTION.**

19       Not later than 1 year after the date of enactment of  
20 this Act, the Administrator—

21           (1) in coordination with the Small Business Ad-  
22 ministration, the Department of Housing and Urban  
23 Development, the Disaster Assistance Working Group  
24 of the Council of the Inspectors General on Integrity  
25 and Efficiency, and other appropriate agencies, con-

1       *duct a study and develop a plan, consistent with law,*  
2       *under which the collection of information from dis-*  
3       *aster assistance applicants and grantees will be modi-*  
4       *fied, streamlined, expedited, efficient, flexible, consoli-*  
5       *dated, and simplified to be less burdensome, dupli-*  
6       *cative, and time consuming for applicants and grantees;*

7               *(2) in coordination with the Small Business Ad-*  
8       *ministration, the Department of Housing and Urban*  
9       *Development, the Disaster Assistance Working Group*  
10      *of the Council of the Inspectors General on Integrity*  
11      *and Efficiency, and other appropriate agencies, de-*  
12      *velop a plan for the regular collection and reporting*  
13      *of information on Federal disaster assistance award-*  
14      *ed, including the establishment and maintenance of a*  
15      *website for presenting the information to the public;*  
16      *and*

17               *(3) submit the plans developed under paragraphs*  
18      *(1) and (2) to the Committee on Transportation and*  
19      *Infrastructure of the House of Representatives and the*  
20      *Committee on Homeland Security and Governmental*  
21      *Affairs of the Senate.*

22      **SEC. 1224. AGENCY ACCOUNTABILITY.**

23       *Title IV of the Robert T. Stafford Disaster Relief and*  
24       *Emergency Assistance Act (42 U.S.C. 5170 et seq.) is*  
25       *amended by adding at the end the following:*

1   **“SEC. 430. AGENCY ACCOUNTABILITY.**

2       “(a) *PUBLIC ASSISTANCE.*—Not later than 5 days  
3    after an award of a public assistance grant is made under  
4    section 406 that is in excess of \$1,000,000, the Administrator  
5    of the Federal Emergency Management Agency shall  
6    publish on the website of the Federal Emergency Manage-  
7    ment Agency the specifics of each such grant award, includ-  
8    ing—

9           “(1) identifying the Federal Emergency Manage-  
10   ment Agency Region;

11           “(2) the disaster or emergency declaration num-  
12   ber;

13           “(3) the State, county, and applicant name;

14           “(4) if the applicant is a private nonprofit orga-  
15   nization;

16           “(5) the damage category code;

17           “(6) the amount of the Federal share obligated;  
18   and

19           “(7) the date of the award.

20       “(b) *MISSION ASSIGNMENTS.*—

21           “(1) *IN GENERAL.*—Not later than 5 days after  
22   the issuance of a mission assignment or mission as-  
23   signment task order, the Administrator of the Federal  
24   Emergency Management Agency shall publish on the  
25   website of the Federal Emergency Management Agen-  
26   cy any mission assignment or mission assignment

1       task order to another Federal department or agency  
2       regarding a major disaster in excess of \$1,000,000,  
3       including—

4                 “(A) the name of the impacted State or In-  
5                 dian Tribe;

6                 “(B) the disaster declaration for such State  
7                 or Indian Tribe;

8                 “(C) the assigned agency;

9                 “(D) the assistance requested;

10                 “(E) a description of the disaster;

11                 “(F) the total cost estimate;

12                 “(G) the amount obligated;

13                 “(H) the State or Indian tribal government  
14                 cost share, if applicable;

15                 “(I) the authority under which the mission  
16                 assignment or mission assignment task order  
17                 was directed; and

18                 “(J) if applicable, the date a State or In-  
19                 dian Tribe requested the mission assignment.

20                 “(2) RECORDING CHANGES.—Not later than 10  
21                 days after the last day of each month until a mission  
22                 assignment or mission assignment task order de-  
23                 scribed in paragraph (1) is completed and closed out,  
24                 the Administrator of the Federal Emergency Manage-

1       *ment Agency shall update any changes to the total  
2       cost estimate and the amount obligated.*

3       “(c) *DISASTER RELIEF MONTHLY REPORT.*—Not later  
4       than 10 days after the first day of each month, the Adminis-  
5       trator of the Federal Emergency Management Agency shall  
6       publish on the website of the Federal Emergency Manage-  
7       ment Agency reports, including a specific description of the  
8       methodology and the source data used in developing such  
9       reports, including—

10       “(1) *an estimate of the amounts for the fiscal  
11       year covered by the President’s most recent budget  
12       pursuant to section 1105(a) of title 31, United States  
13       Code, including—*

14           “(A) *the unobligated balance of funds to be  
15       carried over from the prior fiscal year to the  
16       budget year;*

17           “(B) *the unobligated balance of funds to be  
18       carried over from the budget year to the budget  
19       year plus 1;*

20           “(C) *the amount of obligations for noncata-  
21       strophic events for the budget year;*

22           “(D) *the amount of obligations for the budg-  
23       et year for catastrophic events delineated by  
24       event and by State;*

1           “(E) the total amount that has been pre-  
2         viously obligated or will be required for cata-  
3         strophic events delineated by event and by State  
4         for all prior years, the current fiscal year, the  
5         budget year, and each fiscal year thereafter;

6           “(F) the amount of previously obligated  
7         funds that will be recovered for the budget year;

8           “(G) the amount that will be required for  
9         obligations for emergencies, as described in sec-  
10         tion 102(1), major disasters, as described in sec-  
11         tion 102(2), fire management assistance grants,  
12         as described in section 420, surge activities, and  
13         disaster readiness and support activities; and

14           “(H) the amount required for activities not  
15         covered under section 251(b)(2)(D)(iii) of the  
16         Balanced Budget and Emergency Deficit Control  
17         Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)); and

18           “(2) an estimate or actual amounts, if available,  
19         of the following for the current fiscal year, which shall  
20         be submitted not later than the fifth day of each  
21         month, published by the Administrator of the Federal  
22         Emergency Management Agency on the website of the  
23         Federal Emergency Management Agency not later  
24         than the fifth day of each month:

1           “(A) A summary of the amount of appro-  
2 priations made available by source, the transfers  
3 executed, the previously allocated funds recov-  
4 ered, and the commitments, allocations, and obli-  
5 gations made.

6           “(B) A table of disaster relief activity delin-  
7 eated by month, including—

8               “(i) the beginning and ending bal-  
9 ances;

10              “(ii) the total obligations to include  
11 amounts obligated for fire assistance, emer-  
12 gencies, surge, and disaster support activi-  
13 ties;

14              “(iii) the obligations for catastrophic  
15 events delineated by event and by State;  
16 and

17              “(iv) the amount of previously obli-  
18 gated funds that are recovered.

19           “(C) A summary of allocations, obligations,  
20 and expenditures for catastrophic events delin-  
21 eated by event.

22           “(D) The cost of the following categories of  
23 spending:

24               “(i) Public assistance.

25               “(ii) Individual assistance.

1                 “(iii) *Mitigation*.  
2                 “(iv) *Administrative*.  
3                 “(v) *Operations*.  
4                 “(vi) *Any other relevant category (including emergency measures and disaster resources) delineated by disaster*.

7                 “(E) *The date on which funds appropriated will be exhausted*.

9                 “(d) *CONTRACTS*.—

10                 “(1) *INFORMATION*.—Not later than 10 days after the first day of each month, the Administrator of the Federal Emergency Management Agency shall publish on the website of the Federal Emergency Management Agency the specifics of each contract in excess of \$1,000,000 that the Federal Emergency Management Agency enters into, including—

17                 “(A) the name of the party;

18                 “(B) the date the contract was awarded;

19                 “(C) the amount and scope of the contract;

20                 “(D) if the contract was awarded through a competitive bidding process;

22                 “(E) if no competitive bidding process was used, the reason why competitive bidding was not used; and

1               “(F) the authority used to bypass the com-  
2               petitive bidding process.

3               The information shall be delineated by disaster, if ap-  
4               plicable, and specify the damage category code, if ap-  
5               plicable.

6               “(2) REPORT.—Not later than 10 days after the  
7               last day of the fiscal year, the Administrator of the  
8               Federal Emergency Management Agency shall provide  
9               a report to the appropriate committees of Congress  
10              summarizing the following information for the pre-  
11              ceding fiscal year:

12              “(A) The number of contracts awarded  
13              without competitive bidding.

14              “(B) The reasons why a competitive bidding  
15              process was not used.

16              “(C) The total amount of contracts awarded  
17              with no competitive bidding.

18              “(D) The damage category codes, if applica-  
19              ble, for contracts awarded without competitive  
20              bidding.

21              “(e) COLLECTION OF PUBLIC ASSISTANCE RECIPIENT  
22              AND SUBRECIPIENT CONTRACTS.—

23              “(1) IN GENERAL.—Not later than 180 days  
24              after the date of enactment of this subsection, the Ad-  
25              ministrator of the Federal Emergency Management

1       *Agency shall initiate and maintain an effort to collect*  
2       *and store information, prior to the project closeout*  
3       *phase on any contract entered into by a public assist-*  
4       *ance recipient or subrecipient that through the base*  
5       *award, available options, or any subsequent modifica-*  
6       *tions has an estimated value of more than \$1,000,000*  
7       *and is funded through section 324, 403, 404, 406,*  
8       *407, 428, or 502, including—*

9                 “(A) the disaster number, project worksheet  
10          number, and the category of work associated  
11          with each contract;

12                 “(B) the name of each party;

13                 “(C) the date the contract was awarded;

14                 “(D) the amount of the contract;

15                 “(E) the scope of the contract;

16                 “(F) the period of performance for the con-  
17          tract; and

18                 “(G) whether the contract was awarded  
19          through a competitive bidding process.

20                 “(2) AVAILABILITY OF INFORMATION COL-  
21          LECTED.—The Administrator of the Federal Emer-  
22          gency Management Agency shall make the informa-  
23          tion collected and stored under paragraph (1) avail-  
24          able to the Inspector General of the Department of  
25          Homeland Security, the Government Accountability

1       *Office, and appropriate committees of Congress, upon*  
2       *request.*

3       “(3) REPORT.—Not later than 365 days after the  
4       date of enactment of this subsection, the Adminis-  
5       trator of the Federal Emergency Management Agency  
6       shall submit a report to the Committee on Homeland  
7       Security and Governmental Affairs of the Senate and  
8       the Committee on Transportation and Infrastructure  
9       of the House of Representatives on the efforts of the  
10      Federal Emergency Management Agency to collect the  
11      information described in paragraph (1).”.

12 **SEC. 1225. AUDIT OF CONTRACTS.**

13       *Notwithstanding any other provision of law, the Ad-*  
14 *ministrator of the Federal Emergency Management Agency*  
15 *shall not reimburse a State or local government, an Indian*  
16 *tribal government (as defined in section 102 of the Robert*  
17 *T. Stafford Disaster Relief and Emergency Assistance Act*  
18 *(42 U.S.C. 5122), or the owner or operator of a private*  
19 *nonprofit facility (as defined in section 102 of the Robert*  
20 *T. Stafford Disaster Relief and Emergency Assistance Act*  
21 *(42 U.S.C. 5122) for any activities made pursuant to a con-*  
22 *tract entered into after August 1, 2017, that prohibits the*  
23 *Administrator or the Comptroller General of the United*  
24 *States from auditing or otherwise reviewing all aspects re-*  
25 *lating to the contract.*

## 1 SEC. 1226. INSPECTOR GENERAL AUDIT OF FEMA CON-

2 **TRACTS FOR TARPS AND PLASTIC SHEETING.**

3       (a) *IN GENERAL.*—Not later than 30 days after the  
4 date of enactment of this Act, the Inspector General of the  
5 Department of Homeland Security shall initiate an audit  
6 of the contracts awarded by the Agency for tarps and plastic  
7 sheeting for the Commonwealth of Puerto Rico and the  
8 United States Virgin Islands in response to Hurricane  
9 Irma and Hurricane Maria.

10     (b) *CONSIDERATIONS.*—In carrying out the audit  
11 under subsection (a), the inspector general shall review—

12           (1) the contracting process used by the Agency to  
13 evaluate offerors and award the relevant contracts to  
14 contractors;

15           (2) the assessment conducted by the Agency of the  
16 past performance of the contractors, including any  
17 historical information showing that the contractors  
18 had supported large-scale delivery quantities in the  
19 past;

20           (3) the assessment conducted by the Agency of the  
21 capacity of the contractors to carry out the relevant  
22 contracts, including with respect to inventory, pro-  
23 duction, and financial capabilities;

24           (4) how the Agency ensured that the contractors  
25 met the terms of the relevant contracts; and

1                   (5) whether the failure of the contractors to meet  
2                   the terms of the relevant contracts and the subsequent  
3                   cancellation by the Agency of the relevant contracts  
4                   affected the provision of tarps and plastic sheeting to  
5                   the Commonwealth of Puerto Rico and the United  
6                   States Virgin Islands.

7                   (c) REPORT.—Not later than 270 days after the date  
8                   of initiation of the audit under subsection (a), the inspector  
9                   general shall submit to the Committee on Transportation  
10                  and Infrastructure of the House of Representatives and the  
11                  Committee on Homeland Security and Governmental Af-  
12                  fairs of the Senate a report on the results of the audit, in-  
13                  cluding findings and recommendations.

14                  **SEC. 1227. RELIEF ORGANIZATIONS.**

15                  Section 309 of the Robert T. Stafford Disaster Relief  
16                  and Emergency Assistance Act (42 U.S.C. 5152) is amend-  
17                  ed—

18                  (1) in subsection (a), by striking “and other re-  
19                  lief or” and inserting “long-term recovery groups, do-  
20                  mestic hunger relief, and other relief, or”; and

21                  (2) in subsection (b), by striking “and other re-  
22                  lief or” and inserting “long-term recovery groups, do-  
23                  mestic hunger relief, and other relief, or”.

1   **SEC. 1228. GUIDANCE ON INUNDATED AND SUBMERGED**  
2                     **ROADS.**

3       *The Administrator of the Federal Emergency Manage-*  
4   *ment Agency, in coordination with the Administrator of the*  
5   *Federal Highway Administration, shall develop and issue*  
6   *guidance for State, local, and Indian tribal governments*  
7   *regarding repair, restoration, and replacement of inundated*  
8   *and submerged roads damaged or destroyed by a major dis-*  
9   *aster, and for associated expenses incurred by the Govern-*  
10   *ment, with respect to roads eligible for assistance under sec-*  
11   *tion 406 of the Robert T. Stafford Disaster Relief and*  
12   *Emergency Assistance Act (42 U.S.C. 5172).*

13   **SEC. 1229. EXTENSION OF ASSISTANCE.**

14       *(a) IN GENERAL.—Notwithstanding any other provi-*  
15   *sion of law, in the case of an individual eligible to receive*  
16   *unemployment assistance under section 410(a) of the Robert*  
17   *T. Stafford Disaster Relief and Emergency Assistance Act*  
18   *(42 U.S.C. 5177(a)) as a result of a disaster declaration*  
19   *made for Hurricane Irma and Hurricane Maria in the*  
20   *Commonwealth of Puerto Rico and the United States Virgin*  
21   *Islands, the President shall make such assistance available*  
22   *for 52 weeks after the date of the disaster declaration effec-*  
23   *tive as if enacted at the time of the disaster declaration.*

24       *(b) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-*  
25   *tional funds are authorized to carry out the requirements*  
26   *of this section.*

1   **SEC. 1230. GUIDANCE AND RECOMMENDATIONS.**

2       (a) *GUIDANCE.—The Administrator shall provide*  
3   *guidance to a common interest community that provides*  
4   *essential services of a governmental nature on actions that*  
5   *a common interest community may take in order to be eligi-*  
6   *ble to receive reimbursement from a grantee that receives*  
7   *funds from the Agency for certain activities performed after*  
8   *an event that results in a major disaster declared by the*  
9   *President under section 401 of the Robert T. Stafford Dis-*  
10   *aster Relief and Emergency Assistance Act (42 U.S.C.*  
11   *5170).*

12       (b) *RECOMMENDATIONS.—Not later than 90 days after*  
13   *the date of enactment of this Act, the Administrator shall*  
14   *provide to the Committee on Transportation and Infra-*  
15   *structure of the House of Representatives and the Committee*  
16   *on Homeland Security and Governmental Affairs of the*  
17   *Senate a legislative proposal on how to provide eligibility*  
18   *for disaster assistance with respect to common areas of con-*  
19   *dominiums and housing cooperatives.*

20       (c) *EFFECTIVE DATE.—This section shall be effective*  
21   *on the date of enactment of this Act.*

22   **SEC. 1231. GUIDANCE ON HAZARD MITIGATION ASSIST-  
23                   ANCE.**

24       (a) *IN GENERAL.—Not later than 180 days after the*  
25   *date of enactment of this Act, the Administrator shall issue*  
26   *guidance regarding the acquisition of property for open*

1 space as a mitigation measure under section 404 of the Rob-  
2 ert T. Stafford Disaster Relief and Emergency Assistance  
3 Act (42 U.S.C. 5170c) that includes—

4 (1) a process by which the State hazard mitiga-  
5 tion officer appointed for such an acquisition shall,  
6 not later than 60 days after the applicant for assist-  
7 ance enters into an agreement with the Administrator  
8 regarding the acquisition, provide written notification  
9 to each affected unit of local government for such ac-  
10 quisition that includes—

11 (A) the location of the acquisition;  
12 (B) the State-local assistance agreement for  
13 the hazard mitigation grant program;  
14 (C) a description of the acquisition; and  
15 (D) a copy of the deed restriction; and

16 (2) recommendations for entering into and im-  
17 plementing a memorandum of understanding between  
18 units of local government and covered entities that in-  
19 cludes provisions to allow an affected unit of local  
20 government notified under paragraph (1) to—

21 (A) use and maintain the open space cre-  
22 ated by such a project, consistent with section  
23 404 (including related regulations, standards,  
24 and guidance) and consistent with all adjoining  
25 property, subject to the notification of the adjoin-

1           *ing property, so long as the cost of the mainte-*  
2           *nance is borne by the local government; and*

3           *(B) maintain the open space pursuant to*  
4           *standards exceeding any local government stand-*  
5           *ards defined in the agreement with the Adminis-*  
6           *trator described under paragraph (1).*

7           *(b) DEFINITIONS.—In this section:*

8           *(1) AFFECTED UNIT OF LOCAL GOVERNMENT.—*  
9           *The term “affected unit of local government” means*  
10          *any entity covered by the definition of local govern-*  
11          *ment in section 102 of the Robert T. Stafford Disaster*  
12          *Relief and Emergency Assistance Act (42 U.S.C.*  
13          *5122), that has jurisdiction over the property subject*  
14          *to the acquisition described in subsection (a).*

15          *(2) COVERED ENTITY.—The term “covered enti-*  
16          *ty” means—*

17           *(A) the grantee or subgrantee receiving as-*  
18           *sistance for an open space project described in*  
19           *subsection (a);*

20           *(B) the State in which such project is lo-*  
21           *cated; and*

22           *(C) the applicable Regional Administrator*  
23           *of the Agency.*

1   **SEC. 1232. LOCAL IMPACT.**

2       (a) *IN GENERAL.—In making recommendations to the*  
3   *President regarding a major disaster declaration, the Ad-*  
4   *ministrator of the Federal Emergency Management Agency*  
5   *shall give greater consideration to severe local impact or*  
6   *recent multiple disasters. Further, the Administrator shall*  
7   *make corresponding adjustments to the Agency's policies*  
8   *and regulations regarding such consideration. Not later*  
9   *than 1 year after the date of enactment of this section, the*  
10   *Administrator shall report to the Committee on Transpor-*  
11   *tation and Infrastructure of the House of Representatives*  
12   *and the Committee on Homeland Security and Govern-*  
13   *mental Affairs of the Senate on the changes made to regula-*  
14   *tions and policies and the number of declarations that have*  
15   *been declared based on the new criteria.*

16       (b) *EFFECTIVE DATE.—This section shall be effective*  
17   *on the date of enactment of this Act.*

18   **SEC. 1233. ADDITIONAL HAZARD MITIGATION ACTIVITIES.**

19       *Section 404 of the Robert T. Stafford Disaster Relief*  
20   *and Emergency Assistance Act (42 U.S.C. 5170c), as*  
21   *amended by this division, is further amended by adding*  
22   *at the end the following:*

23       “(g) *USE OF ASSISTANCE FOR EARTHQUAKE HAZ-*  
24   *ARDS.—Recipients of hazard mitigation assistance pro-*  
25   *vided under this section and section 203 may use the assist-*  
26   *ance to conduct activities to help reduce the risk of future*

1   *damage, hardship, loss, or suffering in any area affected*  
2   *by earthquake hazards, including—*  
3       “(1) improvements to regional seismic networks  
4       in support of building a capability for earthquake  
5       early warning;  
6       “(2) improvements to geodetic networks in sup-  
7       port of building a capability for earthquake early  
8       warning; and  
9       “(3) improvements to seismometers, Global Posi-  
10      tioning System receivers, and associated infrastruc-  
11      ture in support of building a capability for earth-  
12      quake early warning.”.

13   **SEC. 1234. NATIONAL PUBLIC INFRASTRUCTURE**  
14                   **PREDISASTER HAZARD MITIGATION.**

15    (a) *PREDISASTER HAZARD MITIGATION.*—Section 203  
16    of the Robert T. Stafford Disaster Relief and Emergency  
17    Assistance Act (42 U.S.C. 5133) is amended—

18       (1) in subsection (c) by inserting “Public Infra-  
19       structure” after “the National”;

20       (2) in subsection (e)(1)(B)—

21               (A) by striking “or” at the end of clause  
22               (ii);

23               (B) by striking the period at the end of  
24               clause (iii) and inserting “; or”; and

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

1                     “(iv) to establish and carry out enforcement activities and implement the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters.”;

13                     (3) in subsection (f)—

14                         (A) in paragraph (1) by inserting “for mitigation activities that are cost effective” after “competitive basis”; and

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

18                     “(3) REDISTRIBUTION OF UNOBLIGATED  
19 AMOUNTS.—The President may—

20                         “(A) withdraw amounts of financial assistance made available to a State (including amounts made available to local governments of a State) under this subsection that remain unobligated by the end of the third fiscal year after

1           *the fiscal year for which the amounts were allo-*  
2           *cated; and*

3           “*(B) in the fiscal year following a fiscal*  
4           *year in which amounts were withdrawn under*  
5           *subparagraph (A), add the amounts to any other*  
6           *amounts available to be awarded on a competi-*  
7           *tive basis pursuant to paragraph (1).”;*

8           *(4) in subsection (g)—*

9           *(A) by inserting “provide financial assist-*  
10          *ance only in States that have received a major*  
11          *disaster declaration in the previous 7 years, or*  
12          *to any Indian tribal government located par-*  
13          *tially or entirely within the boundaries of such*  
14          *States, and” after “the President shall”;*

15          *(B) in paragraph (9) by striking “and” at*  
16          *the end;*

17          *(C) by redesignating paragraph (10) as*  
18          *paragraph (12); and*

19          *(D) by adding after paragraph (9) the fol-*  
20          *lowing:*

21          *“(10) the extent to which the State, local, Indian*  
22          *tribal, or territorial government has facilitated the*  
23          *adoption and enforcement of the latest published edi-*  
24          *tions of relevant consensus-based codes, specifications,*  
25          *and standards, including amendments made by State,*

1       *local, Indian tribal, or territorial governments during*  
2       *the adoption process that incorporate the latest haz-*  
3       *ard-resistant designs and establish criteria for the de-*  
4       *sign, construction, and maintenance of residential*  
5       *structures and facilities that may be eligible for as-*  
6       *sistance under this Act for the purpose of protecting*  
7       *the health, safety, and general welfare of the build-*  
8       *ings' users against disasters;*

9           “(11) *the extent to which the assistance will fund*  
10       *activities that increase the level of resiliency; and”;*

11           (5) *by striking subsection (i) and inserting the*  
12       *following:*

13       “*(i) NATIONAL PUBLIC INFRASTRUCTURE*  
14       *PREDISASTER MITIGATION ASSISTANCE.—*

15           “(1) *IN GENERAL.—The President may set aside*  
16       *from the Disaster Relief Fund, with respect to each*  
17       *major disaster, an amount equal to 6 percent of the*  
18       *estimated aggregate amount of the grants to be made*  
19       *pursuant to sections 403, 406, 407, 408, 410, 416,*  
20       *and 428 for the major disaster in order to provide*  
21       *technical and financial assistance under this section*  
22       *and such set aside shall be deemed to be related to ac-*  
23       *tivities carried out pursuant to major disasters under*  
24       *this Act.*

1           “(2) *ESTIMATED AGGREGATE AMOUNT.*—Not  
2        *later than 180 days after each major disaster declara-*  
3        *tion pursuant to this Act, the estimated aggregate*  
4        *amount of grants for purposes of paragraph (1) shall*  
5        *be determined by the President and such estimated*  
6        *amount need not be reduced, increased, or changed*  
7        *due to variations in estimates.*

8           “(3) *NO REDUCTION IN AMOUNTS.*—*The amount*  
9        *set aside pursuant to paragraph (1) shall not reduce*  
10      *the amounts otherwise made available for sections*  
11      *403, 404, 406, 407, 408, 410, 416, and 428 under this*  
12      *Act.”; and*

13        *(6) by striking subsections (j) and (m);*  
14        *(7) by redesignating subsections (k), (l), and (n)*  
15        *as subsections (j), (k), and (l), respectively and*

16        *(8) by adding at the end the following:*

17        *“(m) *LATEST PUBLISHED EDITIONS.*—For purposes of*  
18        *subsections (e)(1)(B)(iv) and (g)(10), the term ‘latest pub-*  
19        *lished editions’ means, with respect to relevant consensus-*  
20        *based codes, specifications, and standards, the 2 most re-*  
21        *cently published editions.”.*

22        *(b) *APPLICABILITY.*—The amendments made to section*  
23        *203 of the Robert T. Stafford Disaster Relief and Emer-*  
24        *gency Assistance Act (42 U.S.C. 5133) by paragraphs (3)*

1 and (5) of subsection (a) shall apply to funds appropriated  
2 on or after the date of enactment of this Act.

3 (c) SENSE OF CONGRESS.—It is the sense of Congress  
4 that—

5 (1) all funding expended from the National Pub-  
6 lic Infrastructure Predisaster Mitigation Assistance  
7 created by Section 203(i)(1) of the Robert T. Stafford  
8 Disaster Relief and Emergency Assistance Act (42  
9 U.S.C. 5133), as added by this section, shall not be  
10 considered part of FEMA's regular appropriations for  
11 non-Stafford activities, also known as the Federal  
12 Emergency Management Agency's Disaster Relief  
13 Fund base; and

14 (2) the President should have the funds related to  
15 the National Public Infrastructure Predisaster Miti-  
16 gation Assistance created by Section 203(i)(1) of the  
17 Robert T. Stafford Disaster Relief and Emergency As-  
18 sistance Act (42 U.S.C. 5133), as added by this sec-  
19 tion, identified in and allocated from the Federal  
20 Emergency Management Agency's Disaster Relief  
21 Fund for major disasters declared pursuant to the  
22 Robert T. Stafford Disaster Relief and Emergency As-  
23 sistance Act (42 U.S.C. 5121 et seq.).

24 (d) SUNSET.—On the date that is 5 years after the  
25 date of enactment of this Act, section 203 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance Act (42  
2 U.S.C. 5133) is amended by striking subsection (m), as  
3 added by subsection (a)(8) of this section.

4 **SEC. 1235. ADDITIONAL MITIGATION ACTIVITIES.**

5 (a) HAZARD MITIGATION CLARIFICATION.—Section  
6 404(a) of the Robert T. Stafford Disaster Relief and Emer-  
7 gency Assistance Act (42 U.S.C. 5170c(a)) is amended by  
8 striking the first sentence and inserting the following: “The  
9 President may contribute up to 75 percent of the cost of  
10 hazard mitigation measures which the President has deter-  
11 mined are cost effective and which substantially reduce the  
12 risk of, or increase resilience to, future damage, hardship,  
13 loss, or suffering in any area affected by a major disaster.”.

14 (b) ELIGIBLE COST.—Section 406(e)(1)(A) of the Rob-  
15 ert T. Stafford Disaster Relief and Emergency Assistance  
16 Act (42 U.S.C. 5172(e)(1)(A)) is amended—

17 (1) in the matter preceding clause (i), by insert-  
18 ing after “section,” the following: “for disasters de-  
19 clared on or after August 1, 2017, or a disaster in  
20 which a cost estimate has not yet been finalized for  
21 a project, or for any project for which the finalized  
22 cost estimate is on appeal,”;

23 (2) in clause (i), by striking “and” at the end;  
24 (3) in clause (ii)—

1                   (A) by striking “codes, specifications, and  
2                   standards” and inserting “the latest published  
3                   editions of relevant consensus-based codes, speci-  
4                   fications, and standards that incorporate the lat-  
5                   est hazard-resistant designs and establish min-  
6                   imum acceptable criteria for the design, con-  
7                   struction, and maintenance of residential struc-  
8                   tures and facilities that may be eligible for as-  
9                   sistance under this Act for the purposes of pro-  
10                  tecting the health, safety, and general welfare of  
11                  a facility’s users against disasters”;

12                  (B) by striking “applicable at the time at  
13                  which the disaster occurred”; and

14                  (C) by striking the period at the end and  
15                  inserting “; and”; and

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

17                         “(iii) in a manner that allows the fa-  
18                         cility to meet the definition of resilient de-  
19                         veloped pursuant to this subsection.”.

20                  (c) OTHER ELIGIBLE COST.—Section 406(e)(1) of the  
21                  Robert T. Stafford Disaster Relief and Emergency Assist-  
22                  ance Act (42 U.S.C. 5172(e)(1)) is further amended by add-  
23                  ing at the end the following:

24                         “(C) CONTRIBUTIONS.—Contributions for  
25                         the eligible cost made under this section may be

1           *provided on an actual cost basis or on cost-esti-*  
2           *mation procedures.”.*

3       (d) *NEW RULES.*—Section 406(e) of the Robert T.  
4 *Stafford Disaster Relief and Emergency Assistance Act (42*  
5 *U.S.C. 5172(e)) is further amended by adding at the end*  
6 *the following:*

7           “(5) *NEW RULES.*—

8           “(A) *IN GENERAL.*—Not later than 18  
9           months after the date of enactment of this para-  
10          graph, the President, acting through the Admin-  
11          istrator of the Federal Emergency Management  
12          Agency, and in consultation with the heads of  
13          relevant Federal departments and agencies, shall  
14          issue a final rulemaking that defines the terms  
15          ‘resilient’ and ‘resiliency’ for purposes of this  
16          subsection.

17           “(B) *INTERIM GUIDANCE.*—Not later than  
18          60 days after the date of enactment of this para-  
19          graph, the Administrator shall issue interim  
20          guidance to implement this subsection. Such in-  
21          terim guidance shall expire 18 months after the  
22          date of enactment of this paragraph or upon  
23          issuance of final regulations pursuant to sub-  
24          paragraph (A), whichever occurs first.

1               “(C) *GUIDANCE*.—Not later than 90 days  
2               after the date on which the Administrator issues  
3               the final rulemaking under this paragraph, the  
4               Administrator shall issue any necessary guid-  
5               ance related to the rulemaking.

6               “(D) *REPORT*.—Not later than 2 years after  
7               the date of enactment of this paragraph, the Ad-  
8               ministrator shall submit to Congress a report  
9               summarizing the regulations and guidance  
10              issued pursuant to this paragraph.”.

11              (e) *CONFORMING AMENDMENT*.—Section 205(d)(2) of  
12             the *Disaster Mitigation Act of 2000* (42 U.S.C. 5172 note)  
13             is amended by inserting “(B)” after “except that paragraph  
14             (1)”.

15              **SEC. 1236. GUIDANCE AND TRAINING BY FEMA ON COORDI-**  
16              **NATION OF EMERGENCY RESPONSE PLANS.**

17              (a) *TRAINING REQUIREMENT*.—The Administrator, in  
18             coordination with other relevant agencies, shall provide  
19             guidance and training on an annual basis to State, local,  
20             and Indian tribal governments, first responders, and facili-  
21             ties that store hazardous materials on coordination of emer-  
22             gency response plans in the event of a major disaster or  
23             emergency, including severe weather events. The guidance  
24             and training shall include the following:

1                   (1) *Providing a list of equipment required in the  
2 event a hazardous substance is released into the envi-  
3 ronment.*

4                   (2) *Outlining the health risks associated with ex-  
5 posure to hazardous substances to improve treatment  
6 response.*

7                   (3) *Publishing best practices for mitigating fur-  
8 ther danger to communities from hazardous sub-  
9 stances.*

10                 (b) *IMPLEMENTATION.—The requirement of subsection  
11 (a) shall be implemented not later than 180 days after the  
12 date of enactment of this Act.*

13 **SEC. 1237. CERTAIN RECOUPMENT PROHIBITED.**

14                 (a) *IN GENERAL.—Notwithstanding any other provi-  
15 sion of law, the Agency shall deem any covered disaster as-  
16 sistance to have been properly procured, provided, and uti-  
17 lized, and shall restore any funding of covered disaster as-  
18 sistance previously provided but subsequently withdrawn or  
19 deobligated.*

20                 (b) *COVERED DISASTER ASSISTANCE DEFINED.—In  
21 this section, the term “covered disaster assistance” means  
22 assistance—*

23                   (1) *provided to a local government pursuant to  
24 section 403, 406, or 407 of the Robert T. Stafford Dis-*

*1           Disaster Relief and Emergency Assistance Act (42 U.S.C.*

(2) with respect to which the inspector general of the Department of Homeland Security has determined, after an audit, that—

17       (c) EFFECTIVE DATE.—This section shall be effective  
18 on the date of enactment of this Act.

**21           (a) CRITICAL DOCUMENT FEE WAIVER.—**

(1) *IN GENERAL.*—Notwithstanding section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214) or any other provision of law, the President, in consultation with the Governor of a State, may provide a

1 waiver under this subsection to an individual or  
2 household described in section 408(e)(1) of the Robert  
3 T. Stafford Disaster Relief and Emergency Assistance  
4 Act (42 U.S.C. 5174(e)(1)) for the following document  
5 replacement fees:

6 (A) The passport application fee for individuals who lost their United States passport in  
7 a major disaster within the preceding three calendar years.

8 (B) The file search fee for a United States  
9 passport.

10 (C) The Application for Waiver of Passport  
11 and/or Visa form (Form I-193) fee.

12 (D) The Permanent Resident Card replacement form (Form I-90) filing fee.

13 (E) The Declaration of Intention form  
14 (Form N-300) filing fee.

15 (F) The Naturalization/Citizenship Document replacement form (Form N-565) filing fee.

16 (G) The Employment Authorization form  
17 (Form I-765) filing fee.

18 (H) The biometric service fee.

19 (2) EXEMPTION FROM FORM REQUIREMENT.—  
20 The authority of the President to waive fees under  
21 subparagraphs (C) through (H) of paragraph (1) ap-

1       plies regardless of whether the individual or household  
2       qualifies for a Form I-912 Request for Fee Waiver,  
3       or any successor thereto.

4                     (3) EXEMPTION FROM ASSISTANCE MAXIMUM.—  
5       The assistance limit in section 408(h) of the Robert  
6       T. Stafford Disaster Relief and Emergency Assistance  
7       Act (42 U.S.C. 5174(h)) shall not apply to any fee  
8       waived under this subsection.

9                     (4) REPORT.—Not later than 365 days after the  
10      date of enactment of this subsection, the Administrator and the head of any other agency given critical  
11      document fee waiver authority under this subsection  
12      shall submit a report to the Committee on Homeland  
13      Security and Governmental Affairs of the Senate and  
14      the Committee on Transportation and Infrastructure  
15      of the House of Representatives on the costs associated  
16      with providing critical document fee waivers as de-  
17      scribed in paragraph (1).

19                     (b) FEDERAL ASSISTANCE TO PRIVATE NONPROFIT  
20      CHILDCARE FACILITIES.—Section 102(11)(A) of the Robert  
21      T. Stafford Disaster Relief and Emergency Assistance Act  
22      (42 U.S.C. 5122(11)(A)) is amended—

23                         (1) in the second subparagraph (A) (as added by  
24      Public Law 115-123), by inserting “center-based  
25      childcare,” after “facility);”;

1                   (2) in the first subparagraph (A), by striking  
2                   “(A) IN GENERAL.—The term ‘private nonprofit facil-  
3                   ity’ means private nonprofit educational, utility” and  
4                   all that follows through “President.”.

5                   (c) APPLICABILITY.—The amendment made by sub-  
6 section (b)(1) shall apply to any major disaster or emer-  
7 gency declared by the President under section 401 or 501,  
8 respectively, of the Robert T. Stafford Disaster Relief and  
9 Emergency Assistance Act (42 U.S.C. 5170, 5191) on or  
10 after the date of enactment of this Act.

11 **SEC. 1239. COST OF ASSISTANCE ESTIMATES.**

12                   (a) IN GENERAL.—Not later than 270 days after the  
13 date of enactment of this Act, the Administrator shall re-  
14 view the factors considered when evaluating a request for  
15 a major disaster declaration under the Robert T. Stafford  
16 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
17 5121 et seq.), specifically the estimated cost of the assist-  
18 ance, and provide a report and briefing to the Committee  
19 on Homeland Security and Governmental Affairs of the  
20 Senate and the Committee on Transportation and Infra-  
21 structure of the House of Representatives.

22                   (b) RULEMAKING.—Not later than 2 years after the  
23 date of enactment of this Act, the Administrator shall re-  
24 view and initiate a rulemaking to update the factors consid-  
25 ered when evaluating a Governor’s request for a major dis-

1   *aster declaration, including reviewing how the Agency esti-*  
2   *mates the cost of major disaster assistance, and consider*  
3   *other impacts on the capacity of a jurisdiction to respond*  
4   *to disasters. In determining the capacity of a jurisdiction*  
5   *to respond to disasters, and prior to the issuance of such*  
6   *a rule, the Administrator shall engage in meaningful con-*  
7   *sultation with relevant representatives of State, regional,*  
8   *local, and Indian tribal government stakeholders.*

9   **SEC. 1240. REPORT ON INSURANCE SHORTFALLS.**

10   *Not later than 2 years after the date of enactment of*  
11   *this section, and each year thereafter until 2023, the Ad-*  
12   *ministrator of the Federal Emergency Management Agency*  
13   *shall submit a report to Congress on the number of instances*  
14   *and the estimated amounts involved, by State, for cases in*  
15   *which self-insurance amounts have been insufficient to ad-*  
16   *dress flood damages.*

17   **SEC. 1241. POST DISASTER BUILDING SAFETY ASSESSMENT.**

18    (a) *BUILDING SAFETY ASSESSMENT TEAM.—*

19       (1) *IN GENERAL.—The Administrator shall co-*  
20       *ordinate with State and local governments and orga-*  
21       *nizations representing design professionals, such as*  
22       *architects and engineers, to develop guidance, includ-*  
23       *ing best practices, for post-disaster assessment of*  
24       *buildings by licensed architects and engineers to en-*  
25       *sure the design professionals properly analyze the*

1       *structural integrity and livability of buildings and*  
2       *structures.*

3           (2) *PUBLICATION.—The Administrator shall*  
4       *publish the guidance required to be developed under*  
5       *paragraph (1) not later than 1 year after the date of*  
6       *enactment of this Act.*

7           (b) *NATIONAL INCIDENT MANAGEMENT SYSTEM.—The*  
8       *Administrator shall revise or issue guidance as required to*  
9       *the National Incident Management System Resource Man-*  
10      *agement component to ensure the functions of post-disaster*  
11      *building safety assessment, such as those functions per-*  
12      *formed by design professionals are accurately resource typed*  
13      *within the National Incident Management System.*

14          (c) *EFFECTIVE DATE.—This section shall be effective*  
15      *on the date of enactment of this Act.*

16 **SEC. 1242. FEMA UPDATES ON NATIONAL PREPAREDNESS**

17           **ASSESSMENT.**

18          *Not later than 6 months after the date of enactment*  
19      *of this Act, and every 6 months thereafter until completion,*  
20      *the Administrator shall submit to the Committee on Home-*  
21      *land Security and Governmental Affairs of the Senate and*  
22      *the Committees on Transportation and Infrastructure and*  
23      *Homeland Security of the House of Representatives an up-*  
24      *date on the progress of the Agency in completing action 6*  
25      *with respect to the report published by the Government Ac-*

1 countability Office entitled “2012 Annual Report: Opportu-  
2 nities to Reduce Duplication, Overlap and Fragmentation,  
3 Achieve Savings, and Enhance Revenue” (February 28,  
4 2012), which recommends the Agency to—

5                 (1) complete a national preparedness assessment  
6                 of capability gaps at each level based on tiered, capa-  
7                 bility-specific performance objectives to enable  
8                 prioritization of grant funding; and

9                 (2) identify the potential costs for establishing  
10                 and maintaining those capabilities at each level and  
11                 determine what capabilities Federal agencies should  
12                 provide.

13 **SEC. 1243. FEMA REPORT ON DUPLICATION IN NON-NAT-  
14                 URAL DISASTER PREPAREDNESS GRANT PRO-  
15                 GRAMS.**

16                 Not later than 180 days after the date of enactment  
17                 of this Act, the Administrator shall submit to the Commit-  
18                 tees on Homeland Security and Governmental Affairs of the  
19                 Senate and the Committees on Transportation and Infra-  
20                 structure and Homeland Security of the House of Rep-  
21                 resentatives a report on the results of the efforts of the Agen-  
22                 cy to identify and prevent unnecessary duplication within  
23                 and across the non-natural disaster preparedness grant pro-  
24                 grams of the Agency, as recommended in the report pub-  
25                 lished by the Government Accountability Office entitled

1   “2012 Annual Report: Opportunities to Reduce Duplica-  
2   tion, Overlap and Fragmentation, Achieve Savings, and  
3   Enhance Revenue” (February 28, 2012), including with re-  
4   spect to—

5                 (1) the Urban Area Security Initiative estab-  
6         lished under section 2003 of the Homeland Security

7         Act of 2002 (6 U.S.C. 604);

8                 (2) the Port Security Grant Program authorized  
9         under section 70107 of title 46, United States Code;

10                 (3) the State Homeland Security Grant Program  
11         established under section 2004 of the Homeland Secu-  
12         rity Act of 2002 (6 U.S.C. 605); and

13                 (4) the Transit Security Grant Program author-  
14         ized under titles XIV and XV of the Implementing  
15         Recommendations of the 9/11 Commission Act of 2007  
16         (6 U.S.C. 1131 et seq.).

17   **SEC. 1244. STUDY AND REPORT.**

18                 (a) *IN GENERAL.*—Not later than 90 days after the  
19         date of enactment of this Act, the Administrator shall enter  
20         into a contract with the National Academy of Medicine to  
21         conduct a study and prepare a report as described in sub-  
22         section (b).

23                 (b) *STUDY AND REPORT.*—

24                 (1) *STUDY.*—

1                             (A) *IN GENERAL.*—The study described in  
2     this subsection shall be a study of matters con-  
3     cerning best practices in mortality counts as a  
4     result of a major disaster (as defined in section  
5     102 of the Robert T. Stafford Disaster Relief and  
6     Emergency Assistance Act (42 U.S.C. 5122)).

7                             (B) *CONTENTS.*—The study described in  
8     this subsection shall address approaches to quan-  
9     tifying mortality and significant morbidity  
10    among populations affected by major disasters,  
11    which shall include best practices and policy rec-  
12    ommendations for—

13                             (i) equitable and timely attribution, in  
14    order to facilitate access to available bene-  
15    fits, among other things;

16                             (ii) timely prospective tracking of pop-  
17    ulation levels of mortality and significant  
18    morbidity, and their causes, in order to  
19    continuously inform response efforts; and

20                             (iii) a retrospective study of disaster-  
21    related mortality and significant morbidity  
22    to inform after-action analysis and improve  
23    subsequent preparedness efforts.

24                             (2) *REPORT.*—Not later than 2 years after the  
25    date on which the contract described in subsection (a)

1       is entered into, the National Academy of Medicine  
2       shall complete and transmit to the Administrator a  
3       report on the study described in paragraph (1).

4           (c) *NO ADDITIONAL FUNDS AUTHORIZED.*—No addi-  
5      tional funds are authorized to carry out the requirements  
6      of this section.

**7 SEC. 1245. REVIEW OF ASSISTANCE FOR DAMAGED UNDER-**

**8 GROUND WATER INFRASTRUCTURE.**

9                 (a) DEFINITION OF PUBLIC ASSISTANCE GRANT PRO-  
10         GRAM.—The term “public assistance grant program” means  
11         the public assistance grant program authorized under sec-  
12         tions 403, 406, 407, 428, and 502(a) of the Robert T. Staf-  
13         ford Disaster Relief and Emergency Assistance Act (42  
14         U.S.C. 5170b, 5172, 5173, 5192(a)).

15           (b) REVIEW AND BRIEFING.—Not later than 60 days  
16 after the date of enactment of this Act, the Administrator  
17 shall—

18                             (1) conduct a review of the assessment and eligi-  
19                             bility process under the public assistance grant pro-  
20                             gram with respect to assistance provided for damaged  
21                             underground water infrastructure as a result of a  
22                             major disaster declared under section 401 of such Act  
23                             (42 U.S.C. 5170), including wildfires, and shall in-  
24                             clude the extent to which local technical memoranda,  
25                             prepared by a local unit of government in consulta-

1       *tion with the relevant State or Federal agencies, iden-*  
2       *tified damaged underground water infrastructure that*  
3       *should be eligible for the public assistance grant pro-*  
4       *gram; and*

5           *(2) provide to the Committee on Homeland Secu-*  
6       *rity and Governmental Affairs of the Senate and the*  
7       *Committee on Transportation and Infrastructure of*  
8       *the House of Representatives a briefing on the review*  
9       *conducted under paragraph (1).*

10      *(c) REPORT AND RECOMMENDATIONS.—The Adminis-*  
11     *trator shall—*

12           *(1) not later than 180 days after the date of en-*  
13       *actment of this Act, issue a report on the review con-*  
14       *ducted under subsection (b)(1); and*

15           *(2) not later than 180 days after the date on*  
16       *which the Administrator issues the report required*  
17       *under paragraph (1), initiate a rulemaking, if appro-*  
18       *priate, to address any recommendations contained in*  
19       *the report.*

20   **SEC. 1246. EXTENSION.**

21       *The Administrator shall extend the deadlines to imple-*  
22       *ment the reasonable and prudent alternative outlined in the*  
23       *jeopardy biological opinion dated April 14, 2016, by up to*  
24       *3 years from the date of enactment of this Act. Within 18*  
25       *months from the date of enactment of this Act, the Adminis-*

1 *trator shall submit to the Committee on Homeland Security*  
2 *and Governmental Affairs, the Committee on Banking,*  
3 *Housing, and Urban Affairs, and the Committee on Envi-*  
4 *ronment and Public Works of the Senate; and the Com-*  
5 *mittee on Homeland Security, the Committee on Natural*  
6 *Resources, and the Committee on Transportation and In-*  
7 *frastructure of the House of Representatives a report on the*  
8 *status of implementing these reasonable and prudent alter-*  
9 *natives.*

10           **DIVISION E—CONCRETE**  
11           **MASONRY**

12   **SEC. 1301. SHORT TITLE.**

13         *This division may be cited as the “Concrete Masonry*  
14 *Products Research, Education, and Promotion Act of*  
15 *2018”.*

16   **SEC. 1302. DECLARATION OF POLICY.**

17         (i) *PURPOSE.—The purpose of this division is to au-*  
18 *thorize the establishment of an orderly program for devel-*  
19 *oping, financing, and carrying out an effective, continuous,*  
20 *and coordinated program of research, education, and pro-*  
21 *motion, including funds for marketing and market research*  
22 *activities, that is designed to—*

23           (1) *strengthen the position of the concrete ma-*  
24 *sonry products industry in the domestic marketplace;*

1                   (2) maintain, develop, and expand markets and  
2       uses for concrete masonry products in the domestic  
3       marketplace; and

4                   (3) promote the use of concrete masonry products  
5       in construction and building.

6       (b) *LIMITATION.*—Nothing in this division may be  
7       construed to provide for the control of production or other-  
8       wise limit the right of any person to manufacture concrete  
9       masonry products.

10 **SEC. 1303. DEFINITIONS.**

11       For the purposes of this division:

12                   (1) *BLOCK MACHINE.*—The term “block ma-  
13       chine” means a piece of equipment that utilizes vibra-  
14       tion and compaction to form concrete masonry prod-  
15       ucts.

16                   (2) *BOARD.*—The term “Board” means the Con-  
17       crete Masonry Products Board established under sec-  
18       tion 1305.

19                   (3) *CAVITY.*—The term “cavity” means the open  
20       space in the mold of a block machine capable of form-  
21       ing a single concrete masonry unit having nominal  
22       plan dimensions of 8 inches by 16 inches.

23                   (4) *CONCRETE MASONRY PRODUCTS.*—The term  
24       “concrete masonry products” refers to a broader class  
25       of products, including concrete masonry units as well

1       as hardscape products such as concrete pavers and  
2       segmental retaining wall units, manufactured on a  
3       block machine using dry-cast concrete.

4             (5) CONCRETE MASONRY UNIT.—The term “con-  
5       crete masonry unit”—

6                 (A) means a concrete masonry product that  
7       is a manmade masonry unit having an actual  
8       width of 3 inches or greater and manufactured  
9       from dry-cast concrete using a block machine;  
10       and

11                 (B) includes concrete block and related con-  
12       crete units used in masonry applications.

13             (6) CONFLICT OF INTEREST.—The term “conflict  
14       of interest” means, with respect to a member or em-  
15       ployee of the Board, a situation in which such mem-  
16       ber or employee has a direct or indirect financial or  
17       other interest in a person that performs a service for,  
18       or enters into a contract with, for anything of eco-  
19       nomic value.

20             (7) DEPARTMENT.—The term “Department”  
21       means the Department of Commerce.

22             (8) DRY-CAST CONCRETE.—The term “dry-cast  
23       concrete” means a composite material that is com-  
24       posed essentially of aggregates embedded in a binding  
25       medium composed of a mixture of cementitious mate-

1       *rials (including hydraulic cement, pozzolans, or other*  
2       *cementitious materials) and water of such a consist-*  
3       *ency to maintain its shape after forming in a block*  
4       *machine.*

5               (9) *EDUCATION.*—The term “education” means  
6       *programs that will educate or communicate the bene-*  
7       *fits of concrete masonry products in safe and environ-*  
8       *mentally sustainable development, advancements in*  
9       *concrete masonry product technology and develop-*  
10      *ment, and other information and programs designed*  
11      *to generate increased demand for commercial, residen-*  
12      *tial, multifamily, and institutional projects using*  
13      *concrete masonry products and to generally enhance*  
14      *the image of concrete masonry products.*

15               (10) *MACHINE CAVITIES.*—The term “machine

16       *cavities” means the cavities with which a block ma-*  
17       *chine could be equipped.*

18               (11) *MACHINE CAVITIES IN OPERATION.*—The

19       *term “machine cavities in operation” means those*  
20       *machine cavities associated with a block machine that*  
21       *have produced concrete masonry units within the last*  
22       *6 months of the date set for determining eligibility*  
23       *and is fully operable and capable of producing con-*  
24       *crete masonry units.*

1                   (12) *MANUFACTURER.*—The term “manufacturer” means any person engaged in the manufacturing of commercial concrete masonry products in the United States.

5                   (13) *MASONRY UNIT.*—The term “masonry unit” means a noncombustible building product intended to be laid by hand or joined using mortar, grout, surface bonding, post-tensioning or some combination of these methods.

10                  (14) *ORDER.*—The term “order” means an order issued under section 1304.

12                  (15) *PERSON.*—The term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

15                  (16) *PROMOTION.*—The term “promotion” means any action, including paid advertising, to advance the image and desirability of concrete masonry products with the express intent of improving the competitive position and stimulating sales of concrete masonry products in the marketplace.

21                  (17) *RESEARCH.*—The term “research” means studies testing the effectiveness of market development and promotion efforts, studies relating to the improvement of concrete masonry products and new product

1       *development, and studies documenting the perform-*  
2       *ance of concrete masonry.*

3           (18) *SECRETARY.*—*The term “Secretary” means*  
4       *the Secretary of Commerce.*

5           (19) *UNITED STATES.*—*The term “United*  
6       *States” means the several States and the District of*  
7       *Columbia.*

8       **SEC. 1304. ISSUANCE OF ORDERS.**

9           (a) *IN GENERAL.*—

10           (1) *ISSUANCE.*—*The Secretary, subject to the*  
11       *procedures provided in subsection (b), shall issue or-*  
12       *ders under this division applicable to manufacturers*  
13       *of concrete masonry products.*

14           (2) *SCOPE.*—*Any order shall be national in*  
15       *scope.*

16           (3) *ONE ORDER.*—*Not more than 1 order shall be*  
17       *in effect at any one time.*

18           (b) *PROCEDURES.*—

19           (1) *DEVELOPMENT OR RECEIPT OF PROPOSED*  
20       *ORDER.*—*A proposed order with respect to the generic*  
21       *research, education, and promotion with regards to*  
22       *concrete masonry products may be—*

23           (A) *proposed by the Secretary at any time;*  
24           *or*

1                   (B) requested by or submitted to the Sec-  
2                   retary by—

3                   (i) an existing national organization  
4                   of concrete masonry product manufacturers;  
5                   or

6                   (ii) any person that may be affected by  
7                   the issuance of an order.

8                   (2) PUBLICATION OF PROPOSED ORDER.—If the  
9                   Secretary determines that a proposed order received  
10                  in accordance with paragraph (1)(B) is consistent  
11                  with and will effectuate the purpose of this division,  
12                  the Secretary shall publish such proposed order in the  
13                  Federal Register not later than 90 days after receiv-  
14                  ing the order, and give not less than 30 days notice  
15                  and opportunity for public comment on the proposed  
16                  order.

17                   (3) ISSUANCE OF ORDER.—

18                   (A) IN GENERAL.—After notice and oppor-  
19                  tunity for public comment are provided in ac-  
20                  cordance with paragraph (2), the Secretary shall  
21                  issue the order, taking into consideration the  
22                  comments received and including in the order  
23                  such provisions as are necessary to ensure that  
24                  the order is in conformity with this division.

1                   (B) *EFFECTIVE DATE.*—If there is an af-  
2                   firmative vote in a referendum as provided in  
3                   section 1307, the Secretary shall issue the order  
4                   and such order shall be effective not later than  
5                   140 days after publication of the proposed order.

6                   (c) *AMENDMENTS.*—The Secretary may, from time to  
7                   time, amend an order. The provisions of this division appli-  
8                   cable to an order shall be applicable to any amendment to  
9                   an order.

10 **SEC. 1305. REQUIRED TERMS IN ORDERS.**

11                   (a) *IN GENERAL.*—Any order issued under this divi-  
12                   sion shall contain the terms and provisions specified in this  
13                   section.

14                   (b) *CONCRETE MASONRY PRODUCTS BOARD.*—

15                   (1) *ESTABLISHMENT AND MEMBERSHIP.*—

16                   (A) *ESTABLISHMENT.*—The order shall pro-  
17                   vide for the establishment of a Concrete Masonry  
18                   Products Board to carry out a program of ge-  
19                   neric promotion, research, and education regard-  
20                   ing concrete masonry products.

21                   (B) *MEMBERSHIP.*—

22                   (i) *NUMBER OF MEMBERS.*—The Board  
23                   shall consist of not fewer than 15 and not  
24                   more than 25 members.

1                             (ii) *APPOINTMENT.*—*The members of*  
2                             *the Board shall be appointed by the Sec-*  
3                             *retary from nominations submitted as pro-*  
4                             *vided in the order.*

5                             (iii) *COMPOSITION.*—*The Board shall*  
6                             *consist of manufacturers. No employee of an*  
7                             *industry trade organization exempt from*  
8                             *tax under paragraph (3) or (6) of section*  
9                             *501(c) of the Internal Revenue Code of 1986*  
10                             *representing the concrete masonry industry*  
11                             *or related industries shall serve as a mem-*  
12                             *ber of the Board and no member of the*  
13                             *Board may serve concurrently as an officer*  
14                             *of the board of directors of a national con-*  
15                             *crete masonry products industry trade asso-*  
16                             *ciation. Only 2 individuals from any single*  
17                             *company or its affiliates may serve on the*  
18                             *Board at any one time.*

19                             (2) *DISTRIBUTION OF APPOINTMENTS.*—

20                             (A) *REPRESENTATION.*—*To ensure fair and*  
21                             *equitable representation of the concrete masonry*  
22                             *products industry, the composition of the Board*  
23                             *shall reflect the geographical distribution of the*  
24                             *manufacture of concrete masonry products in the*  
25                             *United States, the types of concrete masonry*

1           *products manufactured, and the range in size of*  
2           *manufacturers in the United States.*

3           *(B) ADJUSTMENT IN BOARD REPRESENTA-*  
4           *TION.—Three years after the assessment of con-*  
5           *crete masonry products commences pursuant to*  
6           *an order, and at the end of each 3-year period*  
7           *thereafter, the Board, subject to the review and*  
8           *approval of the Secretary, shall, if warranted,*  
9           *recommend to the Secretary the reapportionment*  
10          *of the Board membership to reflect changes in the*  
11          *geographical distribution of the manufacture of*  
12          *concrete masonry products and the types of con-*  
13          *crete masonry products manufactured.*

14          *(3) NOMINATIONS PROCESS.—The Secretary may*  
15          *make appointments from nominations by manufac-*  
16          *turers pursuant to the method set forth in the order.*

17          *(4) FAILURE TO APPOINT.—If the Secretary fails*  
18          *to make an appointment to the Board within 60 days*  
19          *of receiving nominations for such appointment, the*  
20          *first nominee for such appointment shall be deemed*  
21          *appointed, unless the Secretary provides reasonable*  
22          *justification for the delay to the Board and to Con-*  
23          *gress and provides a reasonable date by which ap-*  
24          *proval or disapproval will be made.*

1                   (5) *ALTERNATES.*—*The order shall provide for*  
2                   *the selection of alternate members of the Board by the*  
3                   *Secretary in accordance with procedures specified in*  
4                   *the order.*

5                   (6) *TERMS.*—

6                   (A) *IN GENERAL.*—*The members and any*  
7                   *alternates of the Board shall each serve for a*  
8                   *term of 3 years, except that members and any al-*  
9                   *ternates initially appointed to the Board shall*  
10                  *serve for terms of not more than 2, 3, and 4*  
11                  *years, as specified by the order.*

12                  (B) *LIMITATION ON CONSECUTIVE TERMS.*—  
13                  *A member or an alternate may serve not more*  
14                  *than 2 consecutive terms.*

15                  (C) *CONTINUATION OF TERM.*—*Notwith-*  
16                  *standing subparagraph (B), each member or al-*  
17                  *ternate shall continue to serve until a successor*  
18                  *is appointed by the Secretary.*

19                  (D) *VACANCIES.*—*A vacancy arising before*  
20                  *the expiration of a term of office of an incum-*  
21                  *bent member or alternate of the Board shall be*  
22                  *filled in a manner provided for in the order.*

23                  (7) *DISQUALIFICATION FROM BOARD SERVICE.*—  
24                  *The order shall provide that if a member or alternate*  
25                  *of the Board who was appointed as a manufacturer*

1       *ceases to qualify as a manufacturer, such member or*  
2       *alternate shall be disqualified from serving on the*  
3       *Board.*

4           (8) *COMPENSATION.—*

5           (A) *IN GENERAL.—Members and any alter-*  
6       *nates of the Board shall serve without compensa-*  
7       *tion.*

8           (B) *TRAVEL EXPENSES.—If approved by the*  
9       *Board, members or alternates shall be reimbursed*  
10      *for reasonable travel expenses, which may in-*  
11      *clude per diem allowance or actual subsistence*  
12      *incurred while away from their homes or regular*  
13      *places of business in the performance of services*  
14      *for the Board.*

15           (c) *POWERS AND DUTIES OF THE BOARD.—The order*  
16      *shall specify the powers and duties of the Board, including*  
17      *the power and duty—*

18           (1) *to administer the order in accordance with*  
19      *its terms and conditions and to collect assessments;*  
20           (2) *to develop and recommend to the Secretary*  
21      *for approval such bylaws as may be necessary for the*  
22      *functioning of the Board and such rules as may be*  
23      *necessary to administer the order, including activities*  
24      *authorized to be carried out under the order;*

- 1                   (3) to meet, organize, and select from among  
2       members of the Board a chairperson, other officers,  
3       and committees and subcommittees, as the Board de-  
4       termines appropriate;
- 5                   (4) to establish regional organizations or com-  
6       mittees to administer regional initiatives;
- 7                   (5) to establish working committees of persons  
8       other than Board members;
- 9                   (6) to employ such persons, other than the mem-  
10     bers, as the Board considers necessary, and to deter-  
11     mine the compensation and specify the duties of the  
12     persons;
- 13                  (7) to prepare and submit for the approval of the  
14     Secretary, before the beginning of each fiscal year,  
15     rates of assessment under section 1306 and an annual  
16     budget of the anticipated expenses to be incurred in  
17     the administration of the order, including the prob-  
18     able cost of each promotion, research, and information  
19     activity proposed to be developed or carried out by the  
20     Board;
- 21                  (8) to borrow funds necessary for the startup ex-  
22     penses of the order;
- 23                  (9) to carry out generic research, education, and  
24     promotion programs and projects relating to concrete  
25     masonry products, and to pay the costs of such pro-

1       *grams and projects with assessments collected under*  
2       *section 1306;*

3           *(10) subject to subsection (e), to enter into con-*  
4       *tracts or agreements to develop and carry out pro-*  
5       *grams or projects of research, education, and pro-*  
6       *motion relating to concrete masonry products;*

7           *(11) to keep minutes, books, and records that re-*  
8       *flect the actions and transactions of the Board, and*  
9       *promptly report minutes of each Board meeting to the*  
10      *Secretary;*

11          *(12) to receive, investigate, and report to the Sec-*  
12      *retary complaints of violations of the order;*

13          *(13) to furnish the Secretary with such informa-*  
14      *tion as the Secretary may request;*

15          *(14) to recommend to the Secretary such amend-*  
16      *ments to the order as the Board considers appro-*  
17      *priate; and*

18          *(15) to provide the Secretary with advance no-*  
19      *tice of meetings to permit the Secretary, or the rep-*  
20      *resentative of the Secretary, to attend the meetings.*

21      *(d) PROGRAMS AND PROJECTS; BUDGETS; EX-*  
22      *PENSES.—*

23          *(1) PROGRAMS AND PROJECTS.—*

24          *(A) IN GENERAL.—The order shall require*  
25      *the Board to submit to the Secretary for ap-*

1           *proval any program or project of research, edu-*  
2           *cation, or promotion relating to concrete ma-*  
3           *sonry products.*

4           (B) *STATEMENT REQUIRED.—Any edu-*  
5           *ctional or promotional activity undertaken*  
6           *with funds provided by the Board shall include*  
7           *a statement that such activities were supported*  
8           *in whole or in part by the Board.*

9           (2) *BUDGETS.—*

10          (A) *SUBMISSION.—The order shall require*  
11          *the Board to submit to the Secretary for ap-*  
12          *proval a budget of the anticipated expenses and*  
13          *disbursements of the Board in the implemen-*  
14          *tation of the order, including the projected costs of*  
15          *concrete masonry products research, education,*  
16          *and promotion programs and projects.*

17          (B) *TIMING.—The budget shall be submitted*  
18          *before the beginning of a fiscal year and as fre-*  
19          *quently as may be necessary after the beginning*  
20          *of the fiscal year.*

21          (C) *APPROVAL.—If the Secretary fails to*  
22          *approve or reject a budget within 60 days of re-*  
23          *ceipt, such budget shall be deemed approved, un-*  
24          *less the Secretary provides to the Board and to*  
25          *Congress, in writing, reasonable justification for*

1           *the delay and provides a reasonable date by*  
2           *which approval or disapproval will be made.*

3           *(3) ADMINISTRATIVE EXPENSES.—*

4           *(A) INCURRING EXPENSES.—The Board*  
5           *may incur the expenses described in paragraph*  
6           *(2) and other expenses for the administration,*  
7           *maintenance, and functioning of the Board as*  
8           *authorized by the Secretary.*

9           *(B) PAYMENT OF EXPENSES.—Expenses in-*  
10          *curred under subparagraph (A) shall be paid by*  
11          *the Board using assessments collected under sec-*  
12          *tion 1306, earnings obtained from assessments,*  
13          *and other income of the Board. Any funds bor-*  
14          *rowed by the Board shall be expended only for*  
15          *startup costs and capital outlays.*

16          *(C) LIMITATION ON SPENDING.—For fiscal*  
17          *years beginning 3 or more years after the date*  
18          *of the establishment of the Board, the Board may*  
19          *not expend for administration (except for reim-*  
20          *bursement to the Secretary required under sub-*  
21          *paragraph (D)), maintenance, and functioning*  
22          *of the Board in a fiscal year an amount that ex-*  
23          *ceeds 10 percent of the assessment and other in-*  
24          *come received by the Board for the fiscal year.*

1                             (D) REIMBURSEMENT OF SECRETARY.—The  
2                             order shall require that the Secretary be reim-  
3                             bursed by the Board from assessments for all ex-  
4                             penses incurred by the Secretary in the imple-  
5                             mentation, administration, and supervision of  
6                             the order, including all referenda costs incurred  
7                             in connection with the order.

8                             (e) CONTRACTS AND AGREEMENTS.—

9                             (1) IN GENERAL.—The order shall provide that,  
10                             with the approval of the Secretary, the Board may—  
11                                 (A) enter into contracts and agreements to  
12                             carry out generic research, education, and pro-  
13                             motion programs and projects relating to con-  
14                             crete masonry products, including contracts and  
15                             agreements with manufacturer associations or  
16                             other entities as considered appropriate by the  
17                             Secretary;

18                                 (B) enter into contracts and agreements for  
19                             administrative services; and

20                                 (C) pay the cost of approved generic re-  
21                             search, education, and promotion programs and  
22                             projects using assessments collected under section  
23                             1306, earnings obtained from assessments, and  
24                             other income of the Board.

1                   (2) *REQUIREMENTS.*—*Each contract or agree-*  
2 *ment shall provide that any person who enters into*  
3 *the contract or agreement with the Board shall—*

4                   (A) *develop and submit to the Board a pro-*  
5 *posed program or project together with a budget*  
6 *that specifies the cost to be incurred to carry out*  
7 *the program or project;*

8                   (B) *keep accurate records of all transactions*  
9 *relating to the contract or agreement;*

10                  (C) *account for funds received and expended*  
11 *in connection with the contract or agreement;*

12                  (D) *make periodic reports to the Board of*  
13 *activities conducted under the contract or agree-*  
14 *ment; and*

15                  (E) *make such other reports as the Board or*  
16 *the Secretary considers relevant.*

17                  (3) *FAILURE TO APPROVE.*—*If the Secretary fails*  
18 *to approve or reject a contract or agreement entered*  
19 *into under paragraph (1) within 60 days of receipt,*  
20 *the contract or agreement shall be deemed approved,*  
21 *unless the Secretary provides to the Board and to*  
22 *Congress, in writing, reasonable justification for the*  
23 *delay and provides a reasonable date by which ap-*  
24 *proval or disapproval will be made.*

25                  (f) *BOOKS AND RECORDS OF BOARD.*—

1                   (1) *IN GENERAL.*—*The order shall require the*  
2                   *Board to—*

3                   (i) *Maintain such books and records (which*  
4                   *shall be available to the Secretary for inspection*  
5                   *and audit) as the Secretary may require;*

6                   (ii) *Collect and submit to the Secretary, at*  
7                   *any time the Secretary may specify, any infor-*  
8                   *mation the Secretary may request; and*

9                   (iii) *Account for the receipt and disburse-*  
10                  *ment of all funds in the possession, or under the*  
11                  *control, of the Board.*

12                  (2) *AUDITS.*—*The order shall require the Board*  
13                  *to have—*

14                  (i) *The books and records of the Board au-*  
15                  *dited by an independent auditor at the end of*  
16                  *each fiscal year; and*

17                  (ii) *A report of the audit submitted directly*  
18                  *to the Secretary.*

19                  (g) *PROHIBITED ACTIVITIES.*—

20                  (1) *IN GENERAL.*—*Subject to paragraph (2), the*  
21                  *Board shall not engage in any program or project to,*  
22                  *nor shall any funds received by the Board under this*  
23                  *division be used to—*

24                  (i) *Influence legislation, elections, or gov-*  
25                  *ernmental action;*

1                   (B) engage in an action that would be a  
2 conflict of interest;

3                   (C) engage in advertising that is false or  
4 misleading;

5                   (D) engage in any promotion, research, or  
6 education that would be disparaging to other  
7 construction materials; or

8                   (E) engage in any promotion or project that  
9 would benefit any individual manufacturer.

10                 (2) EXCEPTIONS.—Paragraph (1) does not pre-  
11 clude—

12                 (A) the development and recommendation of  
13 amendments to the order;

14                 (B) the communication to appropriate gov-  
15 ernment officials of information relating to the  
16 conduct, implementation, or results of research,  
17 education, and promotion activities under the  
18 order except communications described in para-  
19 graph (1)(A); or

20                 (C) any lawful action designed to market  
21 concrete masonry products directly to a foreign  
22 government or political subdivision of a foreign  
23 government.

24                 (h) PERIODIC EVALUATION.—The order shall require  
25 the Board to provide for the independent evaluation of all

1 research, education, and promotion programs or projects  
2 undertaken under the order, beginning 5 years after the date  
3 of enactment of this Act and every 3 years thereafter. The  
4 Board shall submit to the Secretary and make available to  
5 the public the results of each such evaluation.

6 (i) OBJECTIVES.—The Board shall establish annual re-  
7 search, education, and promotion objectives and perform-  
8 ance metrics for each fiscal year subject to approval by the  
9 Secretary.

10 (j) BIENNIAL REPORT.—Every 2 years the Board shall  
11 prepare and make publicly available a comprehensive and  
12 detailed report that includes an identification and descrip-  
13 tion of all programs and projects undertaken by the Board  
14 during the previous 2 years as well as those planned for  
15 the subsequent 2 years and detail the allocation or planned  
16 allocation of Board resources for each such program or  
17 project. Such report shall also include—

18 (1) the overall financial condition of the Board;  
19 (2) a summary of the amounts obligated or ex-  
20 pended during the 2 preceding fiscal years; and  
21 (3) a description of the extent to which the objec-  
22 tives of the Board were met according to the metrics  
23 required under subsection (i).

24 (k) BOOKS AND RECORDS OF PERSONS COVERED BY  
25 ORDER.—

1                   (1) *IN GENERAL.*—*The order shall require that*  
2                   *manufacturers shall—*

3                   (A) *Maintain records sufficient to ensure*  
4                   *compliance with the order and regulations; and*  
5                   (B) *make the records described in subparagraph*  
6                   *(A) available, during normal business*  
7                   *hours, for inspection by employees or agents of*  
8                   *the Board or the Department.*

9                   (2) *TIME REQUIREMENT.*—*Any record required*  
10                  *to be maintained under paragraph (1) shall be main-*  
11                  *tained for such time period as the Secretary may pre-*  
12                  *scribe.*

13                  (3) *CONFIDENTIALITY OF INFORMATION.*—

14                  (A) *IN GENERAL.*—*Except as otherwise pro-*  
15                  *vided in this paragraph, trade secrets and com-*  
16                  *mmercial or financial information that is privi-*  
17                  *leged or confidential reported to, or otherwise ob-*  
18                  *tained by the Board or the Secretary (or any*  
19                  *representative of the Board or the Secretary)*  
20                  *under this division shall not be disclosed by any*  
21                  *officers, employees, and agents of the Department*  
22                  *or the Board.*

23                  (B) *SUITS AND HEARINGS.*—*Information*  
24                  *referred to in subparagraph (A) may be disclosed*  
25                  *only if—*

1                             (i) the Secretary considers the information relevant; and

3                             (ii) the information is revealed in a judicial proceeding or administrative hearing brought at the direction or on the request of the Secretary or to which the Secretary or any officer of the Department is a party.

8                             (C) GENERAL STATEMENTS AND PUBLICATIONS.—This paragraph does not prohibit—

10                             (i) the issuance of general statements based on reports or on information relating to a number of persons subject to an order if the statements do not identify the information furnished by any person; or

15                             (ii) the publication, by direction of the Secretary, of the name of any person violating any order and a statement of the particular provisions of the order violated by the person.

20                             (D) PENALTY.—Any officer, employee, or agent of the Department of Commerce or any officer, employee, or agent of the Board who willfully violates this paragraph shall be fined not more than \$1,000 and imprisoned for not more than 1 year, or both.

1                             (4) *WITHHOLDING INFORMATION.*—This sub-  
2        section does not authorize the withholding of informa-  
3        tion from Congress.

4 **SEC. 1306. ASSESSMENTS.**

5                             (a) *ASSESSMENTS.*—The order shall provide that as-  
6        sessments shall be paid by a manufacturer if the manufac-  
7        turer has manufactured concrete masonry products during  
8        a period of at least 180 days prior to the date the assessment  
9        is to be remitted.

10                          (b) *COLLECTION.*—

11                          (1) *IN GENERAL.*—Assessments required under  
12        the order shall be remitted by the manufacturer to the  
13        Board in the manner prescribed by the order.

14                          (2) *TIMING.*—The order shall provide that assess-  
15        ments required under the order shall be remitted to  
16        the Board not less frequently than quarterly.

17                          (3) *RECORDS.*—As part of the remittance of as-  
18        sessments, manufacturers shall identify the total  
19        amount due in assessments on all sales receipts, in-  
20        voices or other commercial documents of sale as a re-  
21        sult of the sale of concrete masonry units in a manner  
22        as prescribed by the Board to ensure compliance with  
23        the order.

24                          (c) *ASSESSMENT RATES.*—With respect to assessment  
25        rates, the order shall contain the following terms:

1                   (1) *INITIAL RATE.*—*The assessment rate on con-*  
2 *crete masonry products shall be \$0.01 per concrete*  
3 *masonry unit sold.*

4                   (2) *CHANGES IN THE RATE.*—

5                   (A) *AUTHORITY TO CHANGE RATE.*—*The*  
6 *Board shall have the authority to change the as-*  
7 *sessment rate. A two-thirds majority of voting*  
8 *members of the Board shall be required to ap-*  
9 *prove a change in the assessment rate.*

10                  (B) *LIMITATION ON INCREASES.*—*An in-*  
11 *crease or decrease in the assessment rate with re-*  
12 *spect to concrete masonry products may not ex-*  
13 *ceed \$0.01 per concrete masonry unit sold.*

14                  (C) *MAXIMUM RATE.*—*The assessment rate*  
15 *shall not be in excess of \$0.05 per concrete ma-*  
16 *sonry unit.*

17                  (D) *LIMITATION ON FREQUENCY OF*  
18 *CHANGES.*—*The assessment rate may not be in-*  
19 *creased or decreased more than once annually.*

20                  (d) *LATE-PAYMENT AND INTEREST CHARGES.*—

21                  (1) *IN GENERAL.*—*Late-payment and interest*  
22 *charges may be levied on each person subject to the*  
23 *order who fails to remit an assessment in accordance*  
24 *with subsection (b).*

1                   (2) *RATE.*—*The rate for late-payment and inter-*  
2                   *est charges shall be specified by the Secretary.*

3                   (e) *INVESTMENT OF ASSESSMENTS.*—*Pending dis-*  
4                   *bursement of assessments under a budget approved by the*  
5                   *Secretary, the Board may invest assessments collected under*  
6                   *this section in—*

7                   (1) *obligations of the United States or any agen-*  
8                   *cy of the United States;*

9                   (2) *general obligations of any State or any polit-*  
10                  *ical subdivision of a State;*

11                  (3) *interest-bearing accounts or certificates of de-*  
12                  *posit of financial institutions that are members of the*  
13                  *Federal Reserve System; or*

14                  (4) *obligations fully guaranteed as to principal*  
15                  *and interest by the United States.*

16                  (f) *ASSESSMENT FUNDS FOR REGIONAL INITIA-*  
17                  *TIVES.*—

18                  (1) *IN GENERAL.*—*The order shall provide that*  
19                  *not less than 50 percent of the assessments (less ad-*  
20                  *ministration expenses) paid by a manufacturer shall*  
21                  *be used to support research, education, and promotion*  
22                  *programs and projects in support of the geographic*  
23                  *region of the manufacturer.*

24                  (2) *GEOGRAPHIC REGIONS.*—*The order shall pro-*  
25                  *vide for the following geographic regions:*

1                   (A) *Region I shall comprise Connecticut,*  
2                   *Delaware, the District of Columbia, Maine,*  
3                   *Maryland, Massachusetts, New Hampshire, New*  
4                   *Jersey, New York, Pennsylvania, Rhode Island,*  
5                   *Vermont, and West Virginia.*

6                   (B) *Region II shall comprise Alabama,*  
7                   *Florida, Georgia, Mississippi, North Carolina,*  
8                   *South Carolina, Tennessee, and Virginia.*

9                   (C) *Region III shall comprise Illinois, Indiana,*  
10                  *Iowa, Kentucky, Michigan, Minnesota, Nebraska,*  
11                  *North Dakota, Ohio, South Dakota, and*  
12                  *Wisconsin.*

13                  (D) *Region IV shall comprise Arizona, Arkansas,*  
14                  *Kansas, Louisiana, Missouri, New Mexico,*  
15                  *Oklahoma, and Texas.*

16                  (E) *Region V shall comprise Alaska, California,*  
17                  *Colorado, Hawaii, Idaho, Montana, Nevada,*  
18                  *Oregon, Utah, Washington, and Wyoming.*

19                  (3) **ADJUSTMENT OF GEOGRAPHIC REGIONS.—**  
20                  *The order shall provide that the Secretary may, upon*  
21                  *recommendation of the Board, modify the composition*  
22                  *of the geographic regions described in paragraph (2).*

23                  **SEC. 1307. REFERENDA.**

24                  (a) **INITIAL REFERENDUM.—**

1                   (1) *REFERENDUM REQUIRED.*—During the 60-  
2 day period immediately preceding the proposed effec-  
3 tive date of the order issued under section 1304, the  
4 Secretary shall conduct a referendum among manu-  
5 facturers eligible under subsection (b)(2) subject to as-  
6 sessments under section 1306.

7                   (2) *APPROVAL OF ORDER NEEDED.*—The order  
8 shall become effective only if the Secretary determines  
9 that the order has been approved by a majority of  
10 manufacturers voting who also represent a majority  
11 of the machine cavities in operation of those manufac-  
12 turers voting in the referendum.

13                   (b) *VOTES PERMITTED.*—

14                   (1) *IN GENERAL.*—Each manufacturer eligible to  
15 vote in a referendum conducted under this section  
16 shall be entitled to cast 1 vote.

17                   (2) *ELIGIBILITY.*—For purposes of paragraph  
18 (1), a manufacturer shall be considered to be eligible  
19 to vote if the manufacturer has manufactured concrete  
20 masonry products during a period of at least 180  
21 days prior to the first day of the period during which  
22 voting in the referendum will occur.

23                   (c) *MANNER OF CONDUCTING REFERENDA.*—

1                   (1) *IN GENERAL.*—Referenda conducted pursuant  
2       to this section shall be conducted in a manner deter-  
3       mined by the Secretary.

4                   (2) *ADVANCE REGISTRATION.*—A manufacturer  
5       who chooses to vote in any referendum conducted  
6       under this section shall register with the Secretary  
7       prior to the voting period, after receiving notice from  
8       the Secretary concerning the referendum under para-  
9       graph (4).

10                  (3) *VOTING.*—The Secretary shall establish pro-  
11       cedures for voting in any referendum conducted under  
12       this section. The ballots and other information or re-  
13       ports that reveal or tend to reveal the identity or vote  
14       of voters shall be strictly confidential.

15                  (4) *NOTICE.*—Not later than 30 days before a  
16       referendum is conducted under this section with re-  
17       spect to an order, the Secretary shall notify all manu-  
18       facturers, in such a manner as determined by the Sec-  
19       retary, of the period during which voting in the ref-  
20       erendum will occur. The notice shall explain any reg-  
21       istration and voting procedures established under this  
22       subsection.

23                  (d) *SUBSEQUENT REFERENDA.*—If an order is ap-  
24       proved in a referendum conducted under subsection (a), the  
25       Secretary shall conduct a subsequent referendum—

1                   (1) at the request of the Board, subject to the voting  
2                   requirements of subsections (b) and (c), to ascertain  
3                   whether eligible manufacturers favor suspension,  
4                   termination, or continuance of the order; or

5                   (2) effective beginning on the date that is 5 years  
6                   after the date of the approval of the order, and at 5-  
7                   year intervals thereafter, at the request of 25 percent  
8                   or more of the total number of persons eligible to vote  
9                   under subsection (b).

10                 ( e ) SUSPENSION OR TERMINATION.—If, as a result of  
11                 a referendum conducted under subsection (d), the Secretary  
12                 determines that suspension or termination of the order is  
13                 favored by a majority of all votes cast in the referendum  
14                 as provided in subsection (a)(2), the Secretary shall—

15                 (1) not later than 180 days after the referendum,  
16                 suspend or terminate, as appropriate, collection of assessments under the order; and

18                 (2) suspend or terminate, as appropriate, programs and projects under the order as soon as practicable and in an orderly manner.

21                 ( f ) COSTS OF REFERENDA.—The Board established  
22                 under an order with respect to which a referendum is con-  
23                 ducted under this section shall reimburse the Secretary from  
24                 assessments for any expenses incurred by the Secretary to  
25                 conduct the referendum.

1 **SEC. 1308. PETITION AND REVIEW.**2 (a) *PETITION.—*3 (1) *IN GENERAL.—A person subject to an order*  
4 *issued under this division may file with the Secretary*  
5 *a petition—*6 (A) *stating that the order, any provision of*  
7 *the order, or any obligation imposed in connec-*  
8 *tion with the order, is not established in accord-*  
9 *ance with law; and*10 (B) *requesting a modification of the order*  
11 *or an exemption from the order.*12 (2) *HEARING.—The Secretary shall give the peti-*  
13 *tioner an opportunity for a hearing on the petition,*  
14 *in accordance with regulations issued by the Sec-*  
15 *retary.*16 (3) *RULING.—After the hearing, the Secretary*  
17 *shall make a ruling on the petition. The ruling shall*  
18 *be final, subject to review as set forth in subsection*  
19 *(b).*20 (4) *LIMITATION ON PETITION.—Any petition*  
21 *filed under this subsection challenging an order, any*  
22 *provision of the order, or any obligation imposed in*  
23 *connection with the order, shall be filed not less than*  
24 *2 years after the effective date of the order, provision,*  
25 *or obligation subject to challenge in the petition.*26 (b) *REVIEW.—*

1                   (1) *COMMENCEMENT OF ACTION.*—*The district*  
2       *courts of the United States in any district in which*  
3       *a person who is a petitioner under subsection (a) re-*  
4       *sides or conducts business shall have jurisdiction to*  
5       *review the ruling of the Secretary on the petition of*  
6       *the person, if a complaint requesting the review is*  
7       *filed no later than 30 days after the date of the entry*  
8       *of the ruling by the Secretary.*

9                   (2) *PROCESS.*—*Service of process in proceedings*  
10      *under this subsection shall be conducted in accordance*  
11      *with the Federal Rules of Civil Procedure.*

12                  (3) *REMANDS.*—*If the court in a proceeding*  
13      *under this subsection determines that the ruling of the*  
14      *Secretary on the petition of the person is not in ac-*  
15      *cordance with law, the court shall remand the matter*  
16      *to the Secretary with directions—*

17                   (A) *to make such ruling as the court shall*  
18      *determine to be in accordance with law; or*

19                   (B) *to take such further action as, in the*  
20      *opinion of the court, the law requires.*

21                  (c) *ENFORCEMENT.*—*The pendency of proceedings in-*  
22      *stituted under this section shall not impede, hinder, or*  
23      *delay the Attorney General or the Secretary from obtaining*  
24      *relief under section 1309.*

1 **SEC. 1309. ENFORCEMENT.**

2       (a) *JURISDICTION.*—A district court of the United  
3 States shall have jurisdiction to enforce, and to prevent and  
4 restrain any person from violating, this division or an  
5 order or regulation issued by the Secretary under this divi-  
6 sion.

7       (b) *REFERRAL TO ATTORNEY GENERAL.*—A civil ac-  
8 tion authorized to be brought under this section shall be  
9 referred to the Attorney General of the United States for  
10 appropriate action.

11       (c) *CIVIL PENALTIES AND ORDERS.*—

12           (1) *CIVIL PENALTIES.*—A person who willfully  
13 violates an order or regulation issued by the Secretary  
14 under this division may be assessed by the Secretary  
15 a civil penalty of not more than \$5,000 for each vio-  
16 lation.

17           (2) *SEPARATE OFFENSE.*—Each violation and  
18 each day during which there is a failure to comply  
19 with an order or regulation issued by the Secretary  
20 shall be considered to be a separate offense.

21           (3) *CEASE-AND-DESIST ORDERS.*—In addition  
22 to, or in lieu of, a civil penalty, the Secretary may  
23 issue an order requiring a person to cease and desist  
24 from violating the order or regulation.

25           (4) *NOTICE AND HEARING.*—No order assessing a  
26 penalty or cease-and-desist order may be issued by the

1       Secretary under this subsection unless the Secretary  
2       provides notice and an opportunity for a hearing on  
3       the record with respect to the violation.

4           (5) *FINALITY*.—An order assessing a penalty or  
5       a cease-and-desist order issued under this subsection  
6       by the Secretary shall be final and conclusive unless  
7       the person against whom the order is issued files an  
8       appeal from the order with the appropriate district  
9       court of the United States.

10          (d) *ADDITIONAL REMEDIES*.—The remedies provided  
11       in this division shall be in addition to, and not exclusive  
12       of, other remedies that may be available.

13 **SEC. 1310. INVESTIGATION AND POWER TO SUBPOENA.**

14          (a) *INVESTIGATIONS*.—The Secretary may conduct  
15       such investigations as the Secretary considers necessary for  
16       the effective administration of this division, or to determine  
17       whether any person has engaged or is engaging in any act  
18       that constitutes a violation of this division or any order  
19       or regulation issued under this division.

20          (b) *SUBPOENAS, OATHS, AND AFFIRMATIONS*.—

21            (1) *INVESTIGATIONS*.—For the purpose of con-  
22       ducting an investigation under subsection (a), the  
23       Secretary may administer oaths and affirmations,  
24       subpoena witnesses, compel the attendance of wit-  
25       nesses, take evidence, and require the production of

1       *any records that are relevant to the inquiry. The pro-*  
2       *duction of the records may be required from any place*  
3       *in the United States.*

4           (2) *ADMINISTRATIVE HEARINGS.—For the pur-*  
5       *pose of an administrative hearing held under section*  
6       *1308(a)(2) or section 1309(c)(4), the presiding officer*  
7       *may administer oaths and affirmations, subpoena*  
8       *witnesses, compel the attendance of witnesses, take*  
9       *evidence, and require the production of any records*  
10      *that are relevant to the inquiry. The attendance of*  
11      *witnesses and the production of the records may be re-*  
12      *quired from any place in the United States.*

13           (c) *AID OF COURTS.—*

14           (1) *IN GENERAL.—In the case of contumacy by,*  
15       *or refusal to obey a subpoena issued under subsection*  
16       *(b) to, any person, the Secretary may invoke the aid*  
17       *of any court of the United States within the jurisdic-*  
18       *tion of which the investigation or proceeding is con-*  
19       *ducted, or where the person resides or conducts busi-*  
20       *ness, in order to enforce a subpoena issued under sub-*  
21       *section (b).*

22           (2) *ORDER.—The court may issue an order re-*  
23       *quiring the person referred to in paragraph (1) to*  
24       *comply with a subpoena referred to in paragraph (1).*

1                   (3) *FAILURE TO OBEY.*—Any failure to obey the  
2                   order of the court may be punished by the court as  
3                   a contempt of court.

4                   (4) *PROCESS.*—Process in any proceeding under  
5                   this subsection may be served in the United States ju-  
6                   dicial district in which the person being proceeded  
7                   against resides or conducts business, or wherever the  
8                   person may be found.

9                   **SEC. 1311. SUSPENSION OR TERMINATION.**

10                  (a) *MANDATORY SUSPENSION OR TERMINATION.*—The  
11                  Secretary shall suspend or terminate an order or a provi-  
12                  sion of an order if the Secretary finds that an order or pro-  
13                  vision of an order obstructs or does not tend to effectuate  
14                  the purpose of this division, or if the Secretary determines  
15                  that the order or a provision of an order is not favored  
16                  by a majority of all votes cast in the referendum as provided  
17                  in section 1307(a)(2).

18                  (b) *IMPLEMENTATION OF SUSPENSION OR TERMI-*  
19                  *NATION.*—If, as a result of a referendum conducted under  
20                  section 1307, the Secretary determines that the order is not  
21                  approved, the Secretary shall—

22                  (1) not later than 180 days after making the de-  
23                  termination, suspend or terminate, as the case may  
24                  be, collection of assessments under the order; and

1                   (2) as soon as practicable, suspend or terminate,  
2                   as the case may be, activities under the order in an  
3                   orderly manner.

4 **SEC. 1312. AMENDMENTS TO ORDERS.**

5                   The provisions of this division applicable to the order  
6                   shall be applicable to any amendment to the order, except  
7                   that section 1308 shall not apply to an amendment.

8 **SEC. 1313. EFFECT ON OTHER LAWS.**

9                   This division shall not affect or preempt any other  
10                  Federal or State law authorizing research, education, and  
11                  promotion relating to concrete masonry products.

12 **SEC. 1314. REGULATIONS.**

13                  The Secretary may issue such regulations as may be  
14                  necessary to carry out this division and the power vested  
15                  in the Secretary under this division.

16 **SEC. 1315. LIMITATION ON EXPENDITURES FOR ADMINIS-**

17                  **TRATIVE EXPENSES.**

18                  Funds appropriated to carry out this division may not  
19                  be used for the payment of the expenses or expenditures of  
20                  the Board in administering the order.

21 **SEC. 1316. LIMITATIONS ON OBLIGATION OF FUNDS.**

22                  (a) **IN GENERAL.**—In each fiscal year of the covered  
23                  period, the Board may not obligate an amount greater than  
24                  the sum of—

1                   (1) 73 percent of the amount of assessments esti-  
2       mated to be collected under section 1306 in such fiscal  
3       year;

4                   (2) 73 percent of the amount of assessments actu-  
5       ally collected under section 1306 in the most recent  
6       fiscal year for which an audit report has been sub-  
7       mitted under section 1305(f)(2)(B) as of the begin-  
8       ning of the fiscal year for which the amount that may  
9       be obligated is being determined, less the estimate  
10      made pursuant to paragraph (1) for such most recent  
11      fiscal year; and

12                  (3) amounts permitted in preceding fiscal years  
13      to be obligated pursuant to this subsection that have  
14      not been obligated.

15                  (b) *EXCESS AMOUNTS DEPOSITED IN ESCROW AC-*  
16 *COUNT.*—Assessments collected under section 1306 in excess  
17      of the amount permitted to be obligated under subsection  
18      (a) in a fiscal year shall be deposited in an escrow account  
19      for the duration of the covered period.

20                  (c) *TREATMENT OF AMOUNTS IN ESCROW ACCOUNT.*—  
21      During the covered period, the Board may not obligate, ex-  
22      pend, or borrow against amounts required under subsection  
23      (b) to be deposited in the escrow account. Any interest  
24      earned on such amounts shall be deposited in the escrow

1 account and shall be unavailable for obligation for the dura-  
2 tion of the covered period.

3 (d) RELEASE OF AMOUNTS IN ESCROW ACCOUNT.—  
4 After the covered period, the Board may withdraw and obli-  
5 gate in any fiscal year an amount in the escrow account  
6 that does not exceed  $\frac{1}{5}$  of the amount in the escrow account  
7 on the last day of the covered period.

8 (e) SPECIAL RULE FOR ESTIMATES FOR PARTICULAR  
9 FISCAL YEARS.—

10 (1) RULE.—For purposes of subsection (a)(1),  
11 the amount of assessments estimated to be collected  
12 under section 1306 in a fiscal year specified in para-  
13 graph (2) shall be equal to 62 percent of the amount  
14 of assessments actually collected under such section in  
15 the most recent fiscal year for which an audit report  
16 has been submitted under section 1305(f)(2)(B) as of  
17 the beginning of the fiscal year for which the amount  
18 that may be obligated is being determined.

19 (2) FISCAL YEARS SPECIFIED.—The fiscal years  
20 specified in this paragraph are the 9th and 10th fis-  
21 cal years that begin on or after the date of enactment  
22 of this Act.

23 (f) COVERED PERIOD DEFINED.—In this section, the  
24 term “covered period” means the period that begins on the  
25 date of enactment of this Act and ends on the last day of

1   *the 11th fiscal year that begins on or after such date of*  
2   *enactment.*

3   **SEC. 1317. STUDY AND REPORT BY THE GOVERNMENT AC-**  
4                   **COUNTABILITY OFFICE.**

5       *Not later than 5 years after the date of enactment of*  
6   *this Act, the Comptroller General of the United States shall*  
7   *prepare a study, and not later than 8 years after the date*  
8   *of enactment of this Act, the Comptroller General shall sub-*  
9   *mit to Congress and the Secretary a report, examining—*

- 10              (1) *how the Board spends assessments collected;*  
11              (2) *the extent to which the reported activities of*  
12   *the Board help achieve the annual objectives of the*  
13   *Board;*  
14              (3) *any changes in demand for concrete masonry*  
15   *products relative to other building materials;*  
16              (4) *any impact of the activities of the Board on*  
17   *the market share of competing products;*  
18              (5) *any impact of the activities of the Board on*  
19   *the overall size of the market for building products;*  
20              (6) *any impact of the activities of the Board on*  
21   *the total number of concrete-masonry-related jobs, in-*  
22   *cluding manufacturing, sales, and installation;*  
23              (7) *any significant effects of the activities of the*  
24   *Board on downstream purchasers of concrete masonry*

1       *products and real property into which concrete ma-*  
2       *sonry products are incorporated;*

3           *(8) effects on prices of concrete masonry products*  
4       *as a result of the activities of the Board;*

5           *(9) the cost to the Federal Government of an in-*  
6       *crease in concrete masonry product prices, if any, as*  
7       *a result of the program established by this division;*

8           *(10) the extent to which key statutory require-*  
9       *ments are met;*

10          *(11) the extent and strength of Federal oversight*  
11       *of the program established by this division;*

12          *(12) the appropriateness of administering the*  
13       *program from within the Office of the Secretary of*  
14       *Commerce and the appropriateness of administering*  
15       *the program from within any division of the Depart-*  
16       *ment, including whether the Department has the ex-*  
17       *pertise, knowledge, or other capabilities necessary to*  
18       *adequately administer the program; and*

19          *(13) any other topic that the Comptroller Gen-*  
20       *eral considers appropriate.*

21   **SEC. 1318. STUDY AND REPORT BY THE DEPARTMENT OF**  
22                   **COMMERCE.**

23       *Not later than 3 years after the date of enactment of*  
24       *this Act, the Secretary shall prepare a study and submit*  
25       *to Congress a report examining the appropriateness and ef-*

1 *effectiveness of applying the commodity check-off program*  
2 *model (such as those programs established under the Com-*  
3 *modity Promotion, Research, and Information Act of 1996*  
4 *(7 U.S.C. 7411 et seq.)) to a nonagricultural industry, tak-*  
5 *ing into account the program established by this division*  
6 *and any other check-off program involving a non-*  
7 *agricultural industry.*

## 8 **DIVISION F—BUILD ACT OF 2018**

### 9 **SEC. 1401. SHORT TITLE.**

10       *This division may be cited as the “Better Utilization*  
11 *of Investments Leading to Development Act of 2018” or the*  
12 *“BUILD Act of 2018”.*

### 13 **SEC. 1402. DEFINITIONS.**

14       *In this division:*

15           (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
16 *TEES.—The term “appropriate congressional commit-*  
17 *tees” means—*

18              (A) *the Committee on Foreign Relations*  
19 *and the Committee on Appropriations of the*  
20 *Senate; and*

21              (B) *the Committee on Foreign Affairs and*  
22 *the Committee on Appropriations of the House of*  
23 *Representatives.*

24           (2) *LESS DEVELOPED COUNTRY.—The term “less*  
25 *developed country” means a country with a low-in-*

1       *come economy, lower-middle-income economy, or*  
2       *upper-middle-income economy, as defined by the*  
3       *International Bank for Reconstruction and Develop-*  
4       *ment and the International Development Association*  
5       *(collectively referred to as the “World Bank”).*

6             (3) *PREDECESSOR AUTHORITY.*—The term  
7       “*predecessor authority*” means authorities repealed by  
8       title VI.

9             (4) *QUALIFYING SOVEREIGN ENTITY.*—The term  
10      “*qualifying sovereign entity*” means—

11                 (A) *any agency or instrumentality of a for-*  
12       *eign state (as defined in section 1603 of title 28,*  
13       *United States Code) that has a purpose that is*  
14       *similar to the purpose of the Corporation as de-*  
15       *scribed in section 1412(b); or*

16                 (B) *any international financial institution*  
17       *(as defined in section 1701(c) of the Inter-*  
18       *national Financial Institutions Act (22 U.S.C.*  
19       *262r(c))).*

## 20             **TITLE I—ESTABLISHMENT**

### 21     **SEC. 1411. STATEMENT OF POLICY.**

22       *It is the policy of the United States to facilitate mar-*  
23       *ket-based private sector development and inclusive economic*  
24       *growth in less developed countries through the provision of*  
25       *credit, capital, and other financial support—*

- 1                   (1) to mobilize private capital in support of sus-  
2 tainable, broad-based economic growth, poverty reduc-  
3 tion, and development through demand-driven part-  
4 nerships with the private sector that further the for-  
5 eign policy interests of the United States;
- 6                   (2) to finance development that builds and  
7 strengthens civic institutions, promotes competition,  
8 and provides for public accountability and trans-  
9 parency;
- 10                  (3) to help private sector actors overcome identi-  
11 fiable market gaps and inefficiencies without dis-  
12 torting markets;
- 13                  (4) to achieve clearly defined economic and so-  
14 cial development outcomes;
- 15                  (5) to coordinate with institutions with purposes  
16 similar to the purposes of the Corporation to leverage  
17 resources of those institutions to produce the greatest  
18 impact;
- 19                  (6) to provide countries a robust alternative to  
20 state-directed investments by authoritarian govern-  
21 ments and United States strategic competitors using  
22 best practices with respect to transparency and envi-  
23 ronmental and social safeguards, and which take into  
24 account the debt sustainability of partner countries;

1                   (7) to leverage private sector capabilities and in-  
2                   novative development tools to help countries transi-  
3                   tion from recipients of bilateral development assist-  
4                   ance toward increased self-reliance; and  
5                   (8) to complement and be guided by overall  
6                   United States foreign policy, development, and na-  
7                   tional security objectives, taking into account the pri-  
8                   orities and needs of countries receiving support.

9                   **SEC. 1412. UNITED STATES INTERNATIONAL DEVELOPMENT**

10                   **FINANCE CORPORATION.**

11                   (a) ESTABLISHMENT.—There is established in the exec-  
12 utive branch the United States International Development  
13 Finance Corporation (in this division referred to as the  
14 “Corporation”), which shall be a wholly owned Government  
15 corporation for purposes of chapter 91 of title 31, United  
16 States Code, under the foreign policy guidance of the Sec-  
17 retary of State.

18                   (b) PURPOSE.—The purpose of the Corporation shall  
19 be to mobilize and facilitate the participation of private  
20 sector capital and skills in the economic development of less  
21 developed countries, as described in subsection (c), and  
22 countries in transition from nonmarket to market econo-  
23 mics, in order to complement the development assistance ob-  
24 jectives, and advance the foreign policy interests, of the  
25 United States. In carrying out its purpose, the Corporation,

1 utilizing broad criteria, shall take into account in its fi-  
2 nancing operations the economic and financial soundness  
3 and development objectives of projects for which it provides  
4 support under title II.

5 (c) LESS DEVELOPED COUNTRY FOCUS.—

6 (1) IN GENERAL.—The Corporation shall  
7 prioritize the provision of support under title II in  
8 less developed countries with a low-income economy  
9 or a lower-middle-income economy.

10 (2) SUPPORT IN UPPER-MIDDLE-INCOME COUN-  
11 TRIES.—The Corporation shall restrict the provision  
12 of support under title II in a less developed country  
13 with an upper-middle-income economy unless—

14 (A) the President certifies to the appro-  
15 priate congressional committees that such sup-  
16 port furthers the national economic or foreign  
17 policy interests of the United States; and

18 (B) such support is designed to produce sig-  
19 nificant developmental outcomes or provide de-  
20 velopmental benefits to the poorest population of  
21 that country.

22 SEC. 1413. MANAGEMENT OF CORPORATION.

23 (a) STRUCTURE OF CORPORATION.—There shall be in  
24 the Corporation a Board of Directors (in this division re-  
25 ferred to as the “Board”), a Chief Executive Officer, a Dep-

1     uty Chief Executive Officer, a Chief Risk Officer, a Chief  
2     Development Officer, and such other officers as the Board  
3     may determine.

4                 (b) *BOARD OF DIRECTORS.*—

5                     (1) *DUTIES.*—All powers of the Corporation  
6     shall vest in and be exercised by or under the author-  
7     ity of the Board. The Board—

8                         (A) shall perform the functions specified to  
9     be carried out by the Board in this division;

10                         (B) may prescribe, amend, and repeal by-  
11     laws, rules, regulations, policies, and procedures  
12     governing the manner in which the business of  
13     the Corporation may be conducted and in which  
14     the powers granted to the Corporation by law  
15     may be exercised; and

16                         (C) shall develop, in consultation with  
17     stakeholders, other interested parties, and the ap-  
18     propriate congressional committees, a publicly  
19     available policy with respect to consultations,  
20     hearings, and other forms of engagement in order  
21     to provide for meaningful public participation  
22     in the Board's activities.

23                         (2) *MEMBERSHIP OF BOARD.*—

24                         (A) *IN GENERAL.*—The Board shall consist  
25     of—

- 1                             (i) the Chief Executive Officer of the  
2                             Corporation;
- 3                             (ii) the officers specified in subparagraph  
4                             (B); and
- 5                             (iii) four other individuals who shall  
6                             be appointed by the President, by and with  
7                             the advice and consent of the Senate, of  
8                             which—
- 9                                 (I) one individual should be ap-  
10                             pointed from among a list of at least  
11                             5 individuals submitted by the major-  
12                             ity leader of the Senate after consulta-  
13                             tion with the chairman of the Com-  
14                             mittee on Foreign Relations of the Sen-  
15                             ate;
- 16                                 (II) one individual should be ap-  
17                             pointed from among a list of at least  
18                             5 individuals submitted by the minor-  
19                             ity leader of the Senate after consulta-  
20                             tion with the ranking member of the  
21                             Committee on Foreign Relations of the  
22                             Senate;
- 23                                 (III) one individual should be ap-  
24                             pointed from among a list of at least  
25                             5 individuals submitted by the Speaker

1                   *of the House of Representatives after*  
2                   *consultation with the chairman of the*  
3                   *Committee on Foreign Affairs of the*  
4                   *House of Representatives; and*

5                   *(IV) one individual should be ap-*  
6                   *pointed from among a list of at least*  
7                   *5 individuals submitted by the minor-*  
8                   *ity leader of the House of Representa-*  
9                   *tives after consultation with the rank-*  
10                  *ing member of the Committee on For-*  
11                  *ign Affairs of the House of Represent-*  
12                  *atives.*

13                  *(B) OFFICERS SPECIFIED.—*

14                  *(i) IN GENERAL.—The officers specified*  
15                  *in this subparagraph are the following:*

16                  *(I) The Secretary of State or a*  
17                  *designee of the Secretary.*

18                  *(II) The Administrator of the*  
19                  *United States Agency for International*  
20                  *Development or a designee of the Ad-*  
21                  *ministrator.*

22                  *(III) The Secretary of the Treas-*  
23                  *ury or a designee of the Secretary.*

24                  *(IV) The Secretary of Commerce*  
25                  *or a designee of the Secretary.*

(ii) *REQUIREMENTS FOR DES-*

*IGNEES.—A designee under clause (i) shall  
be selected from among officers—*

(iii) shall be appointed for a term of 3 years and may be reappointed for one additional term;

1                             (iv) shall serve until the member's suc-  
2                             cessor is appointed and confirmed;

3                             (v) shall be compensated at a rate  
4                             equivalent to that of level IV of the Execu-  
5                             tive Schedule under section 5315 of title 5,  
6                             United States Code, when engaged in the  
7                             business of the Corporation; and

8                             (vi) may be paid per diem in lieu of  
9                             subsistence at the applicable rate under the  
10                             Federal Travel Regulation under subtitle F  
11                             of title 41, Code of Federal Regulations,  
12                             from time to time, while away from the  
13                             home or usual place of business of the mem-  
14                             ber.

15                             (3) CHAIRPERSON.—The Secretary of State, or  
16                             the designee of the Secretary under paragraph  
17                             (2)(B)(i)(I), shall serve as the Chairperson of the  
18                             Board.

19                             (4) VICE CHAIRPERSON.—The Administrator of  
20                             the United States Agency for International Develop-  
21                             ment, or the designee of the Administrator under  
22                             paragraph (2)(B)(i)(II), shall serve as the Vice Chair-  
23                             person of the Board.

1                   (5) *QUORUM.*—*Five members of the Board shall*  
2                   *constitute a quorum for the transaction of business by*  
3                   *the Board.*

4                   (6) *(c) PUBLIC HEARINGS.*—*The Board shall hold at least*  
5                   *2 public hearings each year in order to afford an oppor-*  
6                   *tunity for any person to present views with respect to*  
7                   *whether—*

8                   (1) *the Corporation is carrying out its activities*  
9                   *in accordance with this division; and*

10                  (2) *any support provided by the Corporation*  
11                  *under title II in any country should be suspended, ex-*  
12                  *panded, or extended.*

13                  (d) *CHIEF EXECUTIVE OFFICER.*—

14                  (1) *APPOINTMENT.*—*There shall be in the Cor-*  
15                  *poration a Chief Executive Officer, who shall be ap-*  
16                  *pointed by the President, by and with the advice and*  
17                  *consent of the Senate, and who shall serve at the*  
18                  *pleasure of the President.*

19                  (2) *AUTHORITIES AND DUTIES.*—*The Chief Exec-*  
20                  *utive Officer shall be responsible for the management*  
21                  *of the Corporation and shall exercise the powers and*  
22                  *discharge the duties of the Corporation subject to the*  
23                  *bylaws, rules, regulations, and procedures established*  
24                  *by the Board.*

1                   (3) *RELATIONSHIP TO BOARD.*—*The Chief Executive*  
2                   *Officer shall report to and be under the direct*  
3                   *authority of the Board.*

4                   (4) *COMPENSATION.*—*Section 5313 of title 5,*  
5                   *United States Code, is amended by adding at the end*  
6                   *the following:*

7                   “*Chief Executive Officer, United States International Development Finance Corporation.*”.

9                   (e) *DEPUTY CHIEF EXECUTIVE OFFICER.*—*There shall*  
10                  *be in the Corporation a Deputy Chief Executive Officer,*  
11                  *who shall be appointed by the President, by and with the*  
12                  *advice and consent of the Senate, and who shall serve at*  
13                  *the pleasure of the President.*

14                  (f) *CHIEF RISK OFFICER.*—

15                  (1) *APPOINTMENT.*—*Subject to the approval of*  
16                  *the Board, the Chief Executive Officer of the Corporation*  
17                  *shall appoint a Chief Risk Officer, from among*  
18                  *individuals with experience at a senior level in financial*  
19                  *risk management, who—*

20                  (A) *shall report directly to the Board; and*  
21                  (B) *shall be removable only by a majority*  
22                  *vote of the Board.*

23                  (2) *DUTIES.*—*The Chief Risk Officer shall, in coordination with the audit committee of the Board established under section 1441, develop, implement, and*

1       *manage a comprehensive process for identifying, as-*  
2       *sessing, monitoring, and limiting risks to the Cor-*  
3       *poration, including the overall portfolio diversifica-*  
4       *tion of the Corporation.*

5       *(g) CHIEF DEVELOPMENT OFFICER.—*

6           *(1) APPOINTMENT.—Subject to the approval of*  
7       *the Board, the Chief Executive Officer, with the con-*  
8       *currence of the Administrator of the United States*  
9       *Agency for International Development, shall appoint*  
10      *a Chief Development Officer, from among individuals*  
11      *with experience in development, who—*

12       *(A) shall report directly to the Board; and*  
13       *(B) shall be removable only by a majority*  
14      *vote of the Board.*

15       *(2) DUTIES.—The Chief Development Officer*  
16      *shall—*

17       *(A) coordinate the Corporation’s develop-*  
18       *ment policies and implementation efforts with*  
19       *the United States Agency for International De-*  
20       *velopment, the Millennium Challenge Corpora-*  
21       *tion, and other relevant United States Govern-*  
22       *ment departments and agencies, including di-*  
23       *rectly liaising with missions of the United States*  
24       *Agency for International Development, to ensure*  
25       *that departments, agencies, and missions have*

1           *training, awareness, and access to the Corporation’s tools in relation to development policy and*  
2           *projects in countries;*

3  
4           *(B) under the guidance of the Chief Executive Officer, manage employees of the Corporation that are dedicated to structuring, monitoring, and evaluating transactions and projects co-designed with the United States Agency for International Development and other relevant*  
5           *United States Government departments and*  
6           *agencies;*

7  
8           *(C) authorize and coordinate transfers of funds or other resources to and from such agencies, departments, or missions upon the concurrence of those institutions in support of the Corporation’s projects or activities;*

9  
10          *(D) manage the responsibilities of the Corporation under paragraphs (1) and (4) of section 1442(b) and paragraphs (1)(A) and (3)(A) of section 1443(b);*

11          *(E) coordinate and implement the activities of the Corporation under section 1445; and*

12          *(F) be an ex officio member of the Development Advisory Council established under sub-*

1           *section (i) and participate in or send a rep-*  
2           *resentative to each meeting of the Council.*

3           *(h) OFFICERS AND EMPLOYEES.—*

4           *(1) IN GENERAL.—Except as otherwise provided*  
5           *in this section, officers, employees, and agents shall be*  
6           *selected and appointed by the Corporation, and shall*  
7           *be vested with such powers and duties as the Corpora-*  
8           *tion may determine.*

9           *(2) ADMINISTRATIVELY DETERMINED EMPLOY-*  
10          *EES.—*

11          *(A) APPOINTMENT; COMPENSATION; RE-*  
12          *MOVAL.—Of officers and employees employed by*  
13          *the Corporation under paragraph (1), not more*  
14          *than 50 may be appointed, compensated, or re-*  
15          *moved without regard to title 5, United States*  
16          *Code.*

17          *(B) REINSTATEMENT.—Under such regula-*  
18          *tions as the President may prescribe, officers and*  
19          *employees appointed to a position under sub-*  
20          *paragraph (A) may be entitled, upon removal*  
21          *from such position (unless the removal was for*  
22          *cause), to reinstatement to the position occupied*  
23          *at the time of appointment or to a position of*  
24          *comparable grade and salary.*

1                             (C) ADDITIONAL POSITIONS.—*Positions au-*  
2                             *thorized by subparagraph (A) shall be in addi-*  
3                             *tion to those otherwise authorized by law, includ-*  
4                             *ing positions authorized under section 5108 of*  
5                             *title 5, United States Code.*

6                             (D) RATES OF PAY FOR OFFICERS AND EM-  
7                             *PLOYEES.—The Corporation may set and adjust*  
8                             *rates of basic pay for officers and employees ap-*  
9                             *pointed under subparagraph (A) without regard*  
10                            *to the provisions of chapter 51 or subchapter III*  
11                            *of chapter 53 of title 5, United States Code, re-*  
12                            *lating to classification of positions and General*  
13                            *Schedule pay rates, respectively.*

14                            (3) LIABILITY OF EMPLOYEES.—

15                            (A) IN GENERAL.—*An individual who is a*  
16                            *member of the Board or an officer or employee*  
17                            *of the Corporation has no liability under this di-*  
18                            *vision with respect to any claim arising out of*  
19                            *or resulting from any act or omission by the in-*  
20                            *dividual within the scope of the employment of*  
21                            *the individual in connection with any trans-*  
22                            *action by the Corporation.*

23                            (B) RULE OF CONSTRUCTION.—*Subpara-*  
24                            *graph (A) shall not be construed to limit per-*  
25                            *sonal liability of an individual for criminal acts*

1       *or omissions, willful or malicious misconduct,*  
2       *acts or omissions for private gain, or any other*  
3       *acts or omissions outside the scope of the individ-*  
4       *ual's employment.*

5                 (C) *CONFLICTS OF INTEREST.*—*The Cor-*  
6       *poration shall establish and publish procedures*  
7       *for avoiding conflicts of interest on the part of*  
8       *officers and employees of the Corporation and*  
9       *members of the Development Advisory Council*  
10      *established under subsection (i).*

11                 (D) *SAVINGS PROVISION.*—*This paragraph*  
12      *shall not be construed—*

13                         (i) *to affect—*

14                                 (I) *any other immunities and*  
15      *protections that may be available to an*  
16      *individual described in subparagraph*  
17      *(A) under applicable law with respect*  
18      *to a transaction described in that sub-*  
19      *paragraph; or*

20                                 (II) *any other right or remedy*  
21      *against the Corporation, against the*  
22      *United States under applicable law, or*  
23      *against any person other than an indi-*  
24      *vidual described in subparagraph (A)*  
25      *participating in such a transaction; or*

**5 (i) DEVELOPMENT ADVISORY COUNCIL.—**

6                   (1) *IN GENERAL.*—*There is established a Development*  
7 *Advisory Council (in this subsection referred*  
8 *to as the “Council”) to advise the Board on development*  
9 *objectives of the Corporation.*

1                   (4) *FEDERAL ADVISORY COMMITTEE ACT.*—The  
2                   *Council shall not be subject to the Federal Advisory*  
3                   *Committee Act (5 U.S.C. App.).*

4 **SEC. 1414. INSPECTOR GENERAL OF THE CORPORATION.**

5                   (a) *IN GENERAL.*—Section 8G(a)(2) of the *Inspector*  
6 *General Act of 1978 (5 U.S.C. App.) is amended by insert-*  
7 *ing “the United States International Development Finance*  
8 *Corporation,” after “the Smithsonian Institution,”.*

9                   (b) *OVERSIGHT INDEPENDENCE.*—Section 8G(a)(4) of  
10 *the Inspector General Act of 1978 (5 U.S.C. App.) is*  
11 *amended—*

12                   (1) *in subparagraph (H), by striking “; and”*  
13 *and inserting a semicolon;*

14                   (2) *in subparagraph (I), by striking the semi-*  
15 *colon and inserting “; and”; and*

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

17                   “(J) *with respect to the United States Inter-*  
18 *national Development Finance Corporation, such*  
19 *term means the Board of Directors of the United*  
20 *States International Development Finance Cor-*  
21 *poration;”.*

22 **SEC. 1415. INDEPENDENT ACCOUNTABILITY MECHANISM.**

23                   (a) *IN GENERAL.*—*The Board shall establish a trans-*  
24 *parent and independent accountability mechanism.*

1       (b) *FUNCTIONS.*—The independent accountability  
2 mechanism established pursuant to subsection (a) shall—  
3           (1) annually evaluate and report to the Board  
4 and Congress regarding compliance with environmental,  
5 social, labor, human rights, and transparency  
6 standards, consistent with Corporation statutory  
7 mandates;  
8           (2) provide a forum for resolving concerns re-  
9 garding the impacts of specific Corporation-supported  
10 projects with respect to such standards; and  
11          (3) provide advice regarding Corporation  
12 projects, policies, and practices.

## 13           **TITLE II—AUTHORITIES**

### 14   **SEC. 1421. AUTHORITIES RELATING TO PROVISION OF SUP- 15           PORT.**

16       (a) *IN GENERAL.*—The authorities in this title shall  
17 only be exercised to—  
18           (1) carry out of the policy of the United States  
19 in section 1411 and the purpose of the Corporation in  
20 section 1412;  
21           (2) mitigate risks to United States taxpayers by  
22 sharing risks with the private sector and qualifying  
23 sovereign entities through co-financing and struc-  
24 turing of tools; and

1                   (3) ensure that support provided under this title  
2        *is additional to private sector resources by mobilizing*  
3        *private capital that would otherwise not be deployed*  
4        *without such support.*

5                   (b) *LENDING AND GUARANTIES.*—

6                   (1) *IN GENERAL.*—The Corporation may make  
7        *loans or guaranties upon such terms and conditions*  
8        *as the Corporation may determine.*

9                   (2) *DENOMINATION.*—Loans and guaranties  
10      *issued under paragraph (1) may be denominated and*  
11      *repayable in United States dollars or foreign cur-*  
12      *rencies. Foreign currency denominated loans and*  
13      *guaranties should only be provided if the Board deter-*  
14      *mines there is a substantive policy rationale for such*  
15      *loans and guaranties.*

16                   (3) *APPLICABILITY OF FEDERAL CREDIT REFORM*  
17      *ACT OF 1990.*—Loans and guaranties issued under  
18      *paragraph (1) shall be subject to the requirements of*  
19      *the Federal Credit Reform Act of 1990 (2 U.S.C. 661*  
20      *et seq.).*

21                   (c) *EQUITY INVESTMENTS.*—

22                   (1) *IN GENERAL.*—The Corporation may, as a  
23      *minority investor, support projects with funds or use*  
24      *other mechanisms for the purpose of purchasing, and*  
25      *may make and fund commitments to purchase, invest*

1       *in, make pledges in respect of, or otherwise acquire,*  
2       *equity or quasi-equity securities or shares or financial*  
3       *interests of any entity, including as a limited partner*  
4       *or other investor in investment funds, upon such*  
5       *terms and conditions as the Corporation may deter-*  
6       *mine.*

7           (2) *DENOMINATION.—Support provided under*  
8       *paragraph (1) may be denominated and repayable in*  
9       *United States dollars or foreign currency. Foreign*  
10      *currency denominated support provided by paragraph*  
11      *(1) should only be provided if the Board determines*  
12      *there is a substantive policy rationale for such sup-*  
13      *port.*

14           (3) *GUIDELINES AND CRITERIA.—The Corpora-*  
15      *tion shall develop guidelines and criteria to require*  
16      *that the use of the authority provided by paragraph*  
17      *(1) with respect to a project has a clearly defined de-*  
18      *velopment and foreign policy purpose, taking into ac-*  
19      *count the following objectives:*

20           (A) *The support for the project would be*  
21      *more likely than not to substantially reduce or*  
22      *overcome the effect of an identified market fail-*  
23      *ure in the country in which the project is carried*  
24      *out.*

1                   (B) *The project would not have proceeded or  
2                  would have been substantially delayed without  
3                  the support.*

4                   (C) *The support would meaningfully con-  
5                  tribute to transforming local conditions to pro-  
6                  mote the development of markets.*

7                   (D) *The support can be shown to be aligned  
8                  with commercial partner incentives.*

9                   (E) *The support can be shown to have sig-  
10                 nificant developmental impact and will con-  
11                 tribute to long-term commercial sustainability.*

12                  (F) *The support furthers the policy of the  
13                 United States described in section 1411.*

14                  (4) **LIMITATIONS ON EQUITY INVESTMENTS.—**

15                  (A) **PER PROJECT LIMIT.**—*The aggregate  
16                 amount of support provided under this sub-  
17                 section with respect to any project shall not ex-  
18                 ceed 30 percent of the aggregate amount of all eq-  
19                 uity investment made to the project at the time  
20                 that the Corporation approves support of the  
21                 project.*

22                  (B) **TOTAL LIMIT.**—*Support provided pur-  
23                 suant to this subsection shall be limited to not  
24                 more than 35 percent of the Corporation's aggre-*

1           *gate exposure on the date that such support is*  
2           *provided.*

3           (5) *SALES AND LIQUIDATION OF POSITION.*—*The*  
4           *Corporation shall seek to sell and liquidate any sup-*  
5           *port for a project provided under this subsection as*  
6           *soon as commercially feasible, commensurate with*  
7           *other similar investors in the project and taking into*  
8           *consideration the national security interests of the*  
9           *United States.*

10          (6) *TIMETABLE.*—*The Corporation shall create a*  
11          *project-specific timetable for support provided under*  
12          *paragraph (1).*

13          (d) *INSURANCE AND REINSURANCE.*—*The Corporation*  
14          *may issue insurance or reinsurance, upon such terms and*  
15          *conditions as the Corporation may determine, to private*  
16          *sector entities and qualifying sovereign entities assuring*  
17          *protection of their investments in whole or in part against*  
18          *any or all political risks such as currency inconvertibility*  
19          *and transfer restrictions, expropriation, war, terrorism,*  
20          *civil disturbance, breach of contract, or nonhonoring of fi-*  
21          *nancial obligations.*

22          (e) *PROMOTION OF AND SUPPORT FOR PRIVATE IN-*  
23          *VESTMENT OPPORTUNITIES.*—

24          (1) *IN GENERAL.*—*In order to carry out the pur-*  
25          *pose of the Corporation described in section 1412(b),*

1       *the Corporation may initiate and support, through fi-*  
2       *nancial participation, incentive grant, or otherwise,*  
3       *and on such terms and conditions as the Corporation*  
4       *may determine, feasibility studies for the planning,*  
5       *development, and management of, and procurement*  
6       *for, potential bilateral and multilateral development*  
7       *projects eligible for support under this title, including*  
8       *training activities undertaken in connection with*  
9       *such projects, for the purpose of promoting investment*  
10      *in such projects and the identification, assessment,*  
11      *surveying, and promotion of private investment op-*  
12      *portunities, utilizing wherever feasible and effective,*  
13      *the facilities of private investors.*

14           (2) *CONTRIBUTIONS TO COSTS.—The Corpora-*  
15       *tion shall, to the maximum extent practicable, require*  
16       *any person receiving funds under the authorities of*  
17       *this subsection to—*

18           (A) *share the costs of feasibility studies and*  
19       *other project planning services funded under this*  
20       *subsection; and*

21           (B) *reimburse the Corporation those funds*  
22       *provided under this section, if the person suc-*  
23       *ceeds in project implementation.*

24           (f) *SPECIAL PROJECTS AND PROGRAMS.—The Cor-*  
25       *poration may administer and manage special projects and*

1 programs in support of specific transactions undertaken by  
2 the Corporation, including programs of financial and advi-  
3 sory support that provide private technical, professional, or  
4 managerial assistance in the development of human re-  
5 sources, skills, technology, capital savings, or intermediate  
6 financial and investment institutions or cooperatives, and  
7 including the initiation of incentives, grants, or studies for  
8 energy, women's economic empowerment, microenterprise  
9 households, or other small business activities.

10 (g) ENTERPRISE FUNDS.—

11 (1) IN GENERAL.—The Corporation may, fol-  
12 lowing consultation with the Secretary of State, the  
13 Administrator of the United States Agency for Inter-  
14 national Development, and the heads of other relevant  
15 departments or agencies, establish and operate enter-  
16 prise funds in accordance with this subsection.

17 (2) PRIVATE CHARACTER OF FUNDS.—Nothing  
18 in this section shall be construed to make an enter-  
19 prise fund an agency or establishment of the United  
20 States Government, or to make the officers, employees,  
21 or members of the Board of Directors of an enterprise  
22 fund officers or employees of the United States for  
23 purposes of title 5, United States Code.

24 (3) PURPOSES FOR WHICH SUPPORT MAY BE  
25 PROVIDED.—The Corporation, subject to the approval

1       *of the Board, may designate private, nonprofit orga-*  
2       *nizations as eligible to receive support under this title*  
3       *for the following purposes:*

4               (A) *To promote development of economic*  
5       *freedom and private sectors, including small-*  
6       *and medium-sized enterprises and joint ventures*  
7       *with the United States and host country partici-*  
8       *pants.*

9               (B) *To facilitate access to credit to small-*  
10      *and medium-sized enterprises with sound busi-*  
11      *ness plans in countries where there is limited*  
12      *means of accessing credit on market terms.*

13               (C) *To promote policies and practices con-*  
14      *ducive to economic freedom and private sector*  
15      *development.*

16               (D) *To attract foreign direct investment*  
17      *capital to further promote private sector develop-*  
18      *ment and economic freedom.*

19               (E) *To complement the work of the United*  
20      *States Agency for International Development*  
21      *and other donors to improve the overall business-*  
22      *enabling environment, financing the creation*  
23      *and expansion of the private business sector.*

24               (F) *To make financially sustainable invest-*  
25      *ments designed to generate measurable social*

1       *benefits and build technical capacity in addition*  
2       *to financial returns.*

3       *(4) OPERATION OF FUNDS.—*

4           *(A) EXPENDITURES.—Funds made avail-*  
5       *able to an enterprise fund shall be expended at*  
6       *the minimum rate necessary to make timely*  
7       *payments for projects and activities carried out*  
8       *under this subsection.*

9           *(B) ADMINISTRATIVE EXPENSES.—Not more*  
10      *than 3 percent per annum of the funds made*  
11      *available to an enterprise fund may be obligated*  
12      *or expended for the administrative expenses of*  
13      *the enterprise fund.*

14          *(5) BOARD OF DIRECTORS.—Each enterprise*  
15      *fund established under this subsection should be gov-*  
16      *erned by a Board of Directors comprised of private*  
17      *citizens of the United States or the host country,*  
18      *who—*

19           *(A) shall be appointed by the President*  
20      *after consultation with the chairmen and rank-*  
21      *ing members of the appropriate congressional*  
22      *committees; and*

23           *(B) have pursued careers in international*  
24      *business and have demonstrated expertise in*

1           *international and emerging market investment*  
2           *activities.*

3           (6) *MAJORITY MEMBER REQUIREMENT.*—*The*  
4       *majority of the members of the Board of Directors*  
5       *shall be United States citizens who shall have relevant*  
6       *experience relating to the purposes described in para-*  
7       *graph (3).*

8           (7) *REPORTS.*—*Not later than one year after the*  
9       *date of the establishment of an enterprise fund under*  
10      *this subsection, and annually thereafter until the en-*  
11      *terprise fund terminates in accordance with para-*  
12      *graph (10), the Board of Directors of the enterprise*  
13      *fund shall—*

14           (A) *submit to the appropriate congressional*  
15       *committees a report—*

16           (i) *detailing the administrative ex-*  
17       *penses of the enterprise fund during the*  
18       *year preceding the submission of the report;*

19           (ii) *describing the operations, activi-*  
20       *ties, engagement with civil society and rel-*  
21       *evant local private sector entities, develop-*  
22       *ment objectives and outcomes, financial con-*  
23       *dition, and accomplishments of the enter-*  
24       *prise fund during that year;*

(iii) describing the results of any audit conducted under paragraph (8); and

(iv) describing how audits conducted under paragraph (8) are informing the operations and activities of the enterprise fund; and

(B) publish, on a publicly available internet website of the enterprise fund, each report required by subparagraph (A).

(8) *Oversight*.—

## (A) INSPECTOR GENERAL PERFORMANCE

### *AUDITS.—*

(i) *IN GENERAL.—The Inspector General of the Corporation shall conduct periodic audits of the activities of each enterprise fund established under this subsection.*

(ii) CONSIDERATION.—In conducting an audit under clause (i), the Inspector General shall assess whether the activities of the enterprise fund—

(III) generate measurable social benefits.

(i) keeps separate accounts with respect to such support; and

11                             (9) RETURN OF FUNDS TO TREASURY.—Any  
12 funds resulting from any liquidation, dissolution, or  
13 winding up of an enterprise fund, in whole or in  
14 part, shall be returned to the Treasury of the United  
15 States.

(A) the date that is 10 years after the date of the first expenditure of amounts from the enterprise fund; or

(B) the date on which the enterprise fund is liquidated.

1       (h) *SUPERVISION OF SUPPORT.*—Support provided  
2 under this title shall be subject to section 622(c) of the For-  
3 eign Assistance Act of 1961 (22 U.S.C. 2382(c)).

4       (i) *SMALL BUSINESS DEVELOPMENT.*—

5           (1) *IN GENERAL.*—The Corporation shall under-  
6 take, in cooperation with appropriate departments,  
7 agencies, and instrumentalities of the United States  
8 as well as private entities and others, to broaden the  
9 participation of United States small businesses and  
10 cooperatives and other small United States investors  
11 in the development of small private enterprise in less  
12 developed friendly countries or areas.

13           (2) *OUTREACH TO MINORITY-OWNED AND  
14 WOMEN-OWNED BUSINESSES.*—

15           (A) *IN GENERAL.*—The Corporation shall  
16 collect data on the involvement of minority- and  
17 women-owned businesses in projects supported by  
18 the Corporation, including—

19                  (i) the amount of insurance and fi-  
20 nancing provided by the Corporation to  
21 such businesses in connection with projects  
22 supported by the Corporation; and  
23                  (ii) to the extent such information is  
24 available, the involvement of such businesses

1           *in procurement activities conducted or sup-*  
2           *ported by the Corporation.*

3           *(B) INCLUSION IN ANNUAL REPORT.—The*  
4           *Corporation shall include, in its annual report*  
5           *submitted to Congress under section 1443, the*  
6           *aggregate data collected under this paragraph, in*  
7           *such form as to quantify the effectiveness of the*  
8           *Corporation’s outreach activities to minority-*  
9           *and women-owned businesses.*

10 **SEC. 1422. TERMS AND CONDITIONS.**

11           *(a) IN GENERAL.—Except as provided in subsection*  
12           *(b), support provided by the Corporation under this title*  
13           *shall be on such terms and conditions as the Corporation*  
14           *may prescribe.*

15           *(b) REQUIREMENTS.—The following requirements*  
16           *apply to support provided by the Corporation under this*  
17           *title:*

18           *(1) The Corporation shall provide support using*  
19           *authorities under this title only if it is necessary—*  
20           *(A) to alleviate a credit market imperfec-*  
21           *tion; or*

22           *(B) to achieve specified development or for-*  
23           *eign policy objectives of the United States Gov-*  
24           *ernment by providing support in the most effi-*

1           *cient way to meet those objectives on a case-by-*  
2           *case basis.*

3           *(2) The final maturity of a loan made or guar-*  
4           *anteed by the Corporation shall not exceed the lesser*  
5           *of—*

6           *(A) 25 years; or*

7           *(B) debt servicing capabilities of the project*  
8           *to be financed by the loan (as determined by the*  
9           *Corporation).*

10          *(3) The Corporation shall, with respect to pro-*  
11          *viding any loan guaranty to a project, require the*  
12          *parties to the project to bear the risk of loss in an*  
13          *amount equal to at least 20 percent of the guaranteed*  
14          *support by the Corporation in the project.*

15          *(4) The Corporation may not make or guarantee*  
16          *a loan unless the Corporation determines that the bor-*  
17          *rrower or lender is responsible and that adequate pro-*  
18          *vision is made for servicing the loan on reasonable*  
19          *terms and protecting the financial interest of the*  
20          *United States.*

21          *(5) The interest rate for direct loans and interest*  
22          *supplements on guaranteed loans shall be set by ref-*  
23          *erence to a benchmark interest rate (yield) on market-*  
24          *able Treasury securities or other widely recognized or*  
25          *appropriate benchmarks with a similar maturity to*

1       *the loans being made or guaranteed, as determined in*  
2       *consultation with the Director of the Office of Man-*  
3       *agement and Budget and the Secretary of the Treas-*  
4       *ury. The Corporation shall establish appropriate min-*  
5       *imum interest rates for loans, guaranties, and other*  
6       *instruments as necessary.*

7           *(6) The minimum interest rate for new loans as*  
8       *established by the Corporation shall be adjusted peri-*  
9       *odically to take account of changes in the interest rate*  
10      *of the benchmark financial instrument.*

11          *(7)(A) The Corporation shall set fees or pre-*  
12       *miums for support provided under this title at levels*  
13       *that minimize the cost to the Government while sup-*  
14       *porting achievement of the objectives of support.*

15          *(B) The Corporation shall review fees for loan*  
16       *guaranties periodically to ensure that the fees assessed*  
17       *on new loan guaranties are at a level sufficient to*  
18       *cover the Corporation's most recent estimates of its*  
19       *costs.*

20          *(8) Any loan guaranty provided by the Corpora-*  
21       *tion shall be conclusive evidence that—*

22           *(A) the guaranty has been properly ob-*  
23       *tained;*

24           *(B) the loan qualified for the guaranty; and*

1                   (C) but for fraud or material misrepresenta-  
2                   tion by the holder of the guaranty, the guaranty  
3                   is presumed to be valid, legal, and enforceable.

4                   (9) The Corporation shall prescribe explicit  
5                   standards for use in periodically assessing the credit  
6                   risk of new and existing direct loans or guaranteed  
7                   loans.

8                   (10) The Corporation may not make loans or  
9                   loan guaranties except to the extent that budget au-  
10                  thority to cover the costs of the loans or guaranties is  
11                  provided in advance in an appropriations Act, as re-  
12                  quired by section 504 of the Federal Credit Reform  
13                  Act of 1990 (2 U.S.C. 661c).

14                  (11) The Corporation shall rely upon specific  
15                  standards to assess the developmental and strategic  
16                  value of projects for which it provides support and  
17                  should only provide the minimum level of support  
18                  necessary in order to support such projects.

19                  (12) Any loan or loan guaranty made by the  
20                  Corporation should be provided on a senior basis or  
21                  pari passu with other senior debt unless there is a  
22                  substantive policy rationale to provide such support  
23                  otherwise.

1 **SEC. 1423. PAYMENT OF LOSSES.**

2       (a) *PAYMENTS FOR DEFAULTS ON GUARANTEED  
3 LOANS.—*

4                 (1) *IN GENERAL.—If the Corporation determines  
5 that the holder of a loan guaranteed by the Corpora-  
6 tion suffers a loss as a result of a default by a bor-  
7 rower on the loan, the Corporation shall pay to the  
8 holder the percent of the loss, as specified in the guar-  
9 anty contract, after the holder of the loan has made  
10 such further collection efforts and instituted such en-  
11 forcement proceedings as the Corporation may re-  
12 quire.*

13                 (2) *SUBROGATION.—Upon making a payment  
14 described in paragraph (1), the Corporation shall en-  
15 sure the Corporation will be subrogated to all the  
16 rights of the recipient of the payment.*

17                 (3) *RECOVERY EFFORTS.—The Corporation shall  
18 pursue recovery from the borrower of the amount of  
19 any payment made under paragraph (1) with respect  
20 to the loan.*

21       (b) *LIMITATION ON PAYMENTS.—*

22                 (1) *IN GENERAL.—Except as provided by para-  
23 graph (2), compensation for insurance, reinsurance,  
24 or a guaranty issued under this title shall not exceed  
25 the dollar value of the tangible or intangible contribu-  
26 tions or commitments made in the project, plus inter-*

1       *est, earnings, or profits actually accrued on such con-*  
2       *tributions or commitments, to the extent provided by*  
3       *such insurance, reinsurance, or guaranty.*

4           (2) *EXCEPTION.—*

5           (A) *IN GENERAL.—The Corporation may*  
6       *provide that—*

7                  (i) *appropriate adjustments in the in-*  
8       *sured dollar value be made to reflect the re-*  
9       *placement cost of project assets; and*

10                 (ii) *compensation for a claim of loss*  
11       *under insurance of an equity investment*  
12       *under section 1421 may be computed on the*  
13       *basis of the net book value attributable to*  
14       *the equity investment on the date of loss.*

15           (3) *ADDITIONAL LIMITATION.—*

16           (A) *IN GENERAL.—Notwithstanding para-*  
17       *graph (2)(A)(ii) and except as provided in sub-*  
18       *paragraph (B), the Corporation shall limit the*  
19       *amount of direct insurance and reinsurance*  
20       *issued under section 1421 with respect to a*  
21       *project so as to require that the insured and its*  
22       *affiliates bear the risk of loss for at least 10 per-*  
23       *cent of the amount of the Corporation's exposure*  
24       *to that insured and its affiliates in the project.*

(B) *EXCEPTION.*—The limitation under subparagraph (A) shall not apply to direct insurance or reinsurance of loans provided by banks or other financial institutions to unrelated parties.

6       (c) ACTIONS BY ATTORNEY GENERAL.—The Attorney  
7 General shall take such action as may be appropriate to  
8 enforce any right accruing to the United States as a result  
9 of the issuance of any loan or guaranty under this title.

10           (d) RULE OF CONSTRUCTION.—Nothing in this section  
11 shall be construed to preclude any forbearance for the ben-  
12 efit of a borrower that may be agreed upon by the parties  
13 to a loan guaranteed by the Corporation if budget authority  
14 for any resulting costs to the United States Government (as  
15 defined in section 502 of the Federal Credit Reform Act of  
16 1990 (2 U.S.C. 661a)) is available.

## **17 SEC. 1424. TERMINATION.**

18           (a) *IN GENERAL.*—The authorities provided under this  
19 title terminate on the date that is 7 years after the date  
20 of the enactment of this Act.

21       (b) TERMINATION OF CORPORATION.—The Corpora-  
22 tion shall terminate on the date on which the portfolio of  
23 the Corporation is liquidated.

1   **TITLE III—ADMINISTRATIVE AND**  
2                   **GENERAL PROVISIONS**

3   **SEC. 1431. OPERATIONS.**

4         (a) *BILATERAL AGREEMENTS.*—*The Corporation may*  
5   *provide support under title II in connection with projects*  
6   *in any country the government of which has entered into*  
7   *an agreement with the United States authorizing the Cor-*  
8   *poration to provide such support in that country.*

9         (b) *CLAIMS SETTLEMENT.*—

10                 (1) *IN GENERAL.*—*Claims arising as a result of*  
11   *support provided under title II or under predecessor*  
12   *authority may be settled, and disputes arising as a*  
13   *result thereof may be arbitrated with the consent of*  
14   *the parties, on such terms and conditions as the Cor-*  
15   *poration may determine.*

16                 (2) *SETTLEMENTS CONCLUSIVE.*—*Payment made*  
17   *pursuant to any settlement pursuant to paragraph*  
18   *(1), or as a result of an arbitration award, shall be*  
19   *final and conclusive notwithstanding any other provi-*  
20   *sion of law.*

21                 (c) *PRESUMPTION OF COMPLIANCE.*—*Each contract*  
22   *executed by such officer or officers as may be designated*  
23   *by the Board shall be conclusively presumed to be issued*  
24   *in compliance with the requirements of this division.*

1       (d) *ELECTRONIC PAYMENTS AND DOCUMENTS.*—The  
2 Corporation shall implement policies to accept electronic  
3 documents and electronic payments in all of its programs.

4 **SEC. 1432. CORPORATE POWERS.**

5       (a) *IN GENERAL.*—The Corporation—

6           (1) may adopt, alter, and use a seal, to include  
7 an identifiable symbol of the United States;  
8           (2) may make and perform such contracts, in-  
9 cluding no-cost contracts (as defined by the Corpora-  
10 tion), grants, and other agreements notwithstanding  
11 division C of subtitle I of title 41, United States Code,  
12 with any person or government however designated  
13 and wherever situated, as may be necessary for car-  
14 rying out the functions of the Corporation;

15           (3) may lease, purchase, or otherwise acquire,  
16 improve, and use such real property wherever situ-  
17 ated, as may be necessary for carrying out the func-  
18 tions of the Corporation, except that, if the real prop-  
19 erty is for the Corporation's own occupancy, the lease,  
20 purchase, acquisition, improvement, or use of the real  
21 property shall be entered into or conducted in con-  
22 sultation with the Administrator of General Services;  
23           (4) may accept cash gifts or donations of services  
24 or of property (real, personal, or mixed), tangible or

1       *intangible, for the purpose of carrying out the func-*  
2       *tions of the Corporation;*

3           *(5) may use the United States mails in the same*  
4       *manner and on the same conditions as the Executive*  
5       *departments (as defined in section 101 of title 5,*  
6       *United States Code);*

7           *(6) may contract with individuals for personal*  
8       *services, who shall not be considered Federal employ-*  
9       *ees for any provision of law administered by the Di-*  
10      *rector of the Office of Personnel Management;*

11       *(7) may hire or obtain passenger motor vehicles;*

12       *(8) may sue and be sued in its corporate name;*

13       *(9) may acquire, hold, or dispose of, upon such*  
14      *terms and conditions as the Corporation may deter-*  
15      *mine, any property, real, personal, or mixed, tangible*  
16      *or intangible, or any interest in such property, except*  
17      *that, in the case of real property that is for the Cor-*  
18      *poration's own occupancy, the acquisition, holding, or*  
19      *disposition of the real property shall be conducted in*  
20      *consultation with the Administrator of General Serv-*  
21      *ices;*

22       *(10) may lease office space for the Corporation's*  
23      *own use, with the obligation of amounts for such lease*  
24      *limited to the current fiscal year for which payments*  
25      *are due until the expiration of the current lease under*

1       *predecessor authority, as of the day before the date of*  
2       *the enactment of this Act;*

3           *(11) may indemnify directors, officers, employees,*  
4       *and agents of the Corporation for liabilities and*  
5       *expenses incurred in connection with their activities*  
6       *on behalf of the Corporation;*

7           *(12) notwithstanding any other provision of law,*  
8       *may represent itself or contract for representation in*  
9       *any legal or arbitral proceeding;*

10          *(13) may exercise any priority of the Government*  
11       *of the United States in collecting debts from*  
12       *bankrupt, insolvent, or decedents' estates;*

13          *(14) may collect, notwithstanding section*  
14       *3711(g)(1) of title 31, United States Code, or com-*  
15       *promise any obligations assigned to or held by the*  
16       *Corporation, including any legal or equitable rights*  
17       *accruing to the Corporation;*

18          *(15) may make arrangements with foreign govern-*  
19       *ments (including agencies, instrumentalities, or*  
20       *political subdivisions of such governments) or with*  
21       *multilateral organizations or institutions for sharing*  
22       *liabilities;*

23          *(16) may sell direct investments of the Corpora-*  
24       *tion to private investors upon such terms and condi-*  
25       *tions as the Corporation may determine; and*

1                   (17) shall have such other powers as may be nec-  
2                   essary and incident to carrying out the functions of  
3                   the Corporation.

4                   (b) **TREATMENT OF PROPERTY.**—Notwithstanding any  
5                   other provision of law relating to the acquisition, handling,  
6                   or disposal of property by the United States, the Corpora-  
7                   tion shall have the right in its discretion to complete, recon-  
8                   dition, reconstruct, renovate, repair, maintain, operate, or  
9                   sell any property acquired by the Corporation pursuant to  
10                  the provisions of this division, except that, in the case of  
11                  real property that is for the Corporation's own occupancy,  
12                  the completion, reconditioning, reconstruction, renovation,  
13                  repair, maintenance, operation, or sale of the real property  
14                  shall be conducted in consultation with the Administrator  
15                  of General Services.

16                  **SEC. 1433. MAXIMUM CONTINGENT LIABILITY.**

17                  The maximum contingent liability of the Corporation  
18                  outstanding at any one time shall not exceed in the aggre-  
19                  gate \$60,000,000,000.

20                  **SEC. 1434. CORPORATE FUNDS.**

21                  (a) **CORPORATE CAPITAL ACCOUNT.**—There is estab-  
22                  lished in the Treasury of the United States a fund to be  
23                  known as the “Corporate Capital Account” to carry out the  
24                  purposes of the Corporation.

1       (b) *FUNDING.*—*The Corporate Capital Account shall*

2   *consist of*—

3           (1) *fees charged and collected pursuant to sub-*

4   *section (c);*

5           (2) *any amounts received pursuant to subsection*

6   *(e);*

7           (3) *investments and returns on such investments*

8   *pursuant to subsection (g);*

9           (4) *unexpended balances transferred to the Cor-*

10   *poration pursuant to subsection (i);*

11           (5) *payments received in connection with settle-*

12   *ments of all insurance and reinsurance claims of the*

13   *Corporation; and*

14           (6) *all other collections transferred to or earned*

15   *by the Corporation, excluding the cost, as defined in*

16   *section 502 of the Federal Credit Reform Act of 1990*

17   *(2 U.S.C. 661a), of loans and loan guaranties.*

18       (c) *FEES AUTHORITY.*—*Fees may be charged and col-*

19   *lected for providing services in amounts to be determined*

20   *by the Corporation.*

21       (d) *USES.*—

22           (1) *IN GENERAL.*—*Subject to Acts making ap-*

23   *propriations, the Corporation is authorized to pay—*

1                   (A) the cost, as defined in section 502 of the  
2                   Federal Credit Reform Act of 1990, of loans and  
3                   loan guaranties;

4                   (B) administrative expenses of the Corpora-  
5                   tion;

6                   (C) for the cost of providing support author-  
7                   ized by subsections (c), (e), (f), and (g) of section  
8                   1421;

9                   (D) project-specific transaction costs.

10                  (2) INCOME AND REVENUE.—In order to carry  
11                  out the purposes of the Corporation, all collections  
12                  transferred to or earned by the Corporation, excluding  
13                  the cost, as defined in section 502 of the Federal Cred-  
14                  it Reform Act of 1990, of loans and loan guaranties,  
15                  shall be deposited into the Corporate Capital Account  
16                  and shall be available to carry out its purpose, in-  
17                  cluding without limitation—

18                  (A) payment of all insurance and reinsur-  
19                  ance claims of the Corporation;

20                  (B) repayments to the Treasury of amounts  
21                  borrowed under subsection (e); and

22                  (C) dividend payments to the Treasury  
23                  under subsection (f).

24                  (e) FULL FAITH AND CREDIT.—

1                   (1) *IN GENERAL.*—All support provided pursuant  
2                   to predecessor authorities or title II shall continue  
3                   to constitute obligations of the United States, and the  
4                   full faith and credit of the United States is hereby  
5                   pledged for the full payment and performance of such  
6                   obligations.

7                   (2) *AUTHORITY TO BORROW.*—The Corporation  
8                   is authorized to borrow from the Treasury such sums  
9                   as may be necessary to fulfill such obligations of the  
10                  United States and any such borrowing shall be at a  
11                  rate determined by the Secretary of the Treasury, tak-  
12                  ing into consideration the current average market  
13                  yields on outstanding marketable obligations of the  
14                  United States of comparable maturities, for a period  
15                  jointly determined by the Corporation and the Sec-  
16                  retary, and subject to such terms and conditions as  
17                  the Secretary may require.

18                  (f) *DIVIDENDS.*—The Board, in consultation with the  
19                  Director of the Office of Management and Budget, shall an-  
20                  nually assess a dividend payment to the Treasury if the  
21                  Corporation’s insurance portfolio is more than 100 percent  
22                  reserved.

23                  (g) *INVESTMENT AUTHORITY.*—

24                  (1) *IN GENERAL.*—The Corporation may request  
25                  the Secretary of the Treasury to invest such portion

1       *of the Corporate Capital Account as is not, in the*  
2       *Corporation's judgment, required to meet the current*  
3       *needs of the Corporate Capital Account.*

4           (2) *FORM OF INVESTMENTS.*—*Such investments*  
5       *shall be made by the Secretary of the Treasury in*  
6       *public debt obligations, with maturities suitable to the*  
7       *needs of the Corporate Capital Account, as deter-*  
8       *mined by the Corporation, and bearing interest at*  
9       *rates determined by the Secretary, taking into consid-*  
10      *eration current market yields on outstanding market-*  
11      *able obligations of the United States of comparable*  
12      *maturities.*

13           (h) *COLLECTIONS.*—*Interest earnings made pursuant*  
14      *to subsection (g), earnings collected related to equity invest-*  
15      *ments, and amounts, excluding fees related to insurance or*  
16      *reinsurance, collected pursuant to subsection (c), shall not*  
17      *be collected for any fiscal year except to the extent provided*  
18      *in advance in appropriations Acts.*

19           (i) *TRANSFER FROM PREDECESSOR AGENCIES AND*  
20      *PROGRAMS.*—*By the end of the transition period described*  
21      *in title VI, the unexpended balances, assets, and responsibil-*  
22      *ties of any agency specified in the plan required by section*  
23      *1462 shall be transferred to the Corporation.*

24           (j) *TRANSFER OF FUNDS.*—*In order to carry out this*  
25      *division, funds authorized to be appropriated to carry out*

1   *the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)*  
2   *may be transferred to the Corporation and funds authorized*  
3   *to be appropriated to the Corporation may be transferred*  
4   *to the Department of State and the United States Agency*  
5   *for International Development.*

6           *(k) DEFINITION.—In this section, the term “project-*  
7   *specific transaction costs”—*

8               *(1) means those costs incurred by the Corpora-*  
9   *tion for travel, legal expenses, and direct and indirect*  
10   *costs incurred in claims settlements associated with*  
11   *the provision of support under title II and shall not*  
12   *be considered administrative expenses for the purposes*  
13   *of this section; and*

14               *(2) does not include information technology (as*  
15   *such term is defined in section 11101 of title 40,*  
16   *United States Code).*

17   **SEC. 1435. COORDINATION WITH OTHER DEVELOPMENT**  
18                   **AGENCIES.**

19           *It is the sense of Congress that the Corporation should*  
20   *use relevant data of the Department of State, the Millen-*  
21   *nium Challenge Corporation, the United States Agency for*  
22   *International Development, and other departments and*  
23   *agencies that have development functions to better inform*  
24   *the decisions of the Corporation with respect to providing*  
25   *support under title II.*

1           **TITLE IV—MONITORING,**  
2           **EVALUATION, AND REPORTING**

3   **SEC. 1441. ESTABLISHMENT OF RISK AND AUDIT COMMIT-**

4           **TEES.**

5         *(a) IN GENERAL.—To assist the Board to fulfill its du-*  
6         *ties and responsibilities under section 1421(a), the Corpora-*  
7         *tion shall establish a risk committee and an audit com-*  
8         *mittee.*

9         *(b) DUTIES AND RESPONSIBILITIES OF RISK COM-*  
10       *MITTEE.—Subject to the direction of the Board, the risk*  
11       *committee established under subsection (a) shall have over-*  
12       *sight responsibility of—*

13           *(1) formulating risk management policies of the*  
14           *operations of the Corporation;*

15           *(2) reviewing and providing guidance on oper-*  
16           *ation of the Corporation’s global risk management*  
17           *framework;*

18           *(3) developing policies for enterprise risk man-*  
19           *agement, monitoring, and management of strategic,*  
20           *reputational, regulatory, operational, developmental,*  
21           *environmental, social, and financial risks;*

22           *(4) developing the risk profile of the Corporation,*  
23           *including a risk management and compliance frame-*  
24           *work and governance structure to support such frame-*  
25           *work; and*

1                   (5) developing policies and procedures for assess-  
2                   ing, prior to providing, and for any period during  
3                   which the Corporation provides, support to any for-  
4                   eign entities, whether such entities have in place suffi-  
5                   cient enhanced due diligence policies and practices to  
6                   prevent money laundering and corruption to ensure  
7                   the Corporation does not provide support to persons  
8                   that are—

9                   (A) knowingly engaging in acts of corrup-  
10                  tion;

11                  (B) knowingly providing material or finan-  
12                  cial support for terrorism, drug trafficking, or  
13                  human trafficking; or

14                  (C) responsible for ordering or otherwise di-  
15                  recting serious or gross violations of human  
16                  rights.

17                  (c) *DUTIES AND RESPONSIBILITIES OF AUDIT COM-*  
18 *MITTEE.*—Subject to the direction of the Board, the audit  
19 committee established under subsection (a) shall have the  
20 oversight responsibility of—

21                  (1) the integrity of the Corporation's financial  
22                  reporting and systems of internal controls regarding  
23                  finance and accounting;

24                  (2) the integrity of the Corporation's financial  
25                  statements;

1                   (3) the performance of the Corporation's internal  
2                   audit function; and  
3                   (4) compliance with legal and regulatory re-  
4                   quirements related to the finances of the Corporation.

5   **SEC. 1442. PERFORMANCE MEASURES, EVALUATION, AND**  
6                   **LEARNING.**

7                   (a) *IN GENERAL.*—The Corporation shall develop a  
8                   performance measurement system to evaluate and monitor  
9                   projects supported by the Corporation under title II and  
10                  to guide future projects of the Corporation.

11                  (b) *CONSIDERATIONS.*—In developing the performance  
12                  measurement system required by subsection (a), the Cor-  
13                  poration shall—

14                  (1) develop a successor for the development im-  
15                  pact measurement system of the Overseas Private In-  
16                  vestment Corporation (as such system was in effect on  
17                  the day before the date of the enactment of this Act);

18                  (2) develop a mechanism for ensuring that sup-  
19                  port provided by the Corporation under title II is in  
20                  addition to private investment;

21                  (3) develop standards for, and a method for en-  
22                  suring, appropriate financial performance of the Cor-  
23                  poration'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 oper-  
23                  ations during that fiscal year, including an assessment of—  
24                   (1) the economic and social development impact,  
25                   including with respect to matters described in sub-

1       *sections (d), (e), and (f) of section 1451, of projects*  
2       *supported by the Corporation under title II;*

3           *(2) the extent to which the operations of the Cor-*  
4       *poration complement or are compatible with the de-*  
5       *velopment assistance programs of the United States*  
6       *and qualifying sovereign entities;*

7           *(3) the Corporation's institutional linkages with*  
8       *other relevant United States Government department*  
9       *and agencies, including efforts to strengthen such*  
10      *linkages; and*

11          *(4) the compliance of projects supported by the*  
12       *Corporation under title II with human rights, envi-*  
13       *ronmental, labor, and social policies, or other such re-*  
14       *lated policies that govern the Corporation's support*  
15       *for projects, promulgated or otherwise administered*  
16       *by the Corporation.*

17          *(b) ELEMENTS.—Each annual report required by sub-*  
18       *section (a) shall include analyses of the effects of projects*  
19       *supported by the Corporation under title II, including—*

20           *(1) reviews and analyses of—*

21           *(A) the desired development outcomes for*  
22       *projects and whether or not the Corporation is*  
23       *meeting the associated metrics, goals, and devel-*  
24       *opment objectives, including, to the extent prac-*

1           ticable, in the years after conclusion of projects;  
2           and

3           (B) the effect of the Corporation's support  
4           on access to capital and ways in which the Cor-  
5           poration is addressing identifiable market gaps  
6           or inefficiencies and what impact, if any, such  
7           support has on access to credit for a specific  
8           project, country, or sector;

9           (2) an explanation of any partnership arrange-  
10          ment or cooperation with a qualifying sovereign enti-  
11          ty in support of each project;

12          (3) projections of—

13           (A) development outcomes, and whether or  
14          not support for projects are meeting the associ-  
15          ated performance measures, both during the  
16          start-up phase and over the duration of the sup-  
17          port, and to the extent practicable, measures of  
18          such development outcomes should be on a gen-  
19          der-disaggregated basis, such as changes in em-  
20          ployment, access to financial services, enterprise  
21          development and growth, and composition of ex-  
22          ecutive boards and senior leadership of enter-  
23          prises receiving support under title II; and

24           (B) the value of private sector assets  
25          brought to bear relative to the amount of support

1           *provided by the Corporation and the value of  
2           any other public sector support; and*

3           *(4) an assessment of the extent to which lessons  
4           learned from the monitoring and evaluation activities  
5           of the Corporation, and from annual reports from  
6           previous years compiled by the Corporation, have  
7           been applied to projects.*

8   **SEC. 1444. PUBLICLY AVAILABLE PROJECT INFORMATION.**

9           *The Corporation shall—*

10          *(1) maintain a user-friendly, publicly available,  
11           machine-readable database with detailed project-level  
12           information, as appropriate and to the extent practi-  
13           cable, including a description of the support pro-  
14           vided by the Corporation under title II, including, to  
15           the extent feasible, the information included in the re-  
16           port to Congress under section 1443 and project-level  
17           performance metrics; and*

18          *(2) include a clear link to information about  
19           each project supported by the Corporation under title  
20           II on the internet website of the Department of State,  
21           “ForeignAssistance.gov”, or a successor website or  
22           other online publication.*

23   **SEC. 1445. ENGAGEMENT WITH INVESTORS.**

24          *(a) IN GENERAL.—The Corporation, acting through  
25           the Chief Development Officer, shall, in cooperation with*

1 *the Administrator of the United States Agency for Inter-*  
2 *national Development—*

3           *(1) develop a strategic relationship with private*  
4           *sector entities focused at the nexus of business oppor-*  
5           *tunities and development priorities;*

6           *(2) engage such entities and reduce business risks*  
7           *primarily through direct transaction support and fa-*  
8           *cilitating investment partnerships;*

9           *(3) develop and support tools, approaches, and*  
10          *intermediaries that can mobilize private finance at*  
11          *scale in the developing world;*

12          *(4) pursue highly developmental projects of all*  
13          *sizes, especially those that are small but designed for*  
14          *work in the most underdeveloped areas, including*  
15          *countries with chronic suffering as a result of extreme*  
16          *poverty, fragile institutions, or a history of violence;*  
17          *and*

18          *(5) pursue projects consistent with the policy of*  
19          *the United States described in section 1411 and the*  
20          *Joint Strategic Plan and the Mission Country Devel-*  
21          *opment Cooperation Strategies of the United States*  
22          *Agency for International Development.*

23          *(b) ASSISTANCE.—To achieve the goals described in*  
24          *subsection (a), the Corporation shall—*

25           *(1) develop risk mitigation tools;*

- 1                   (2) provide transaction structuring support for  
2       blended finance models;
- 3                   (3) support intermediaries linking capital sup-  
4       ply and demand;
- 5                   (4) coordinate with other Federal agencies to  
6       support or accelerate transactions;
- 7                   (5) convene financial, donor, civil society, and  
8       public sector partners around opportunities for pri-  
9       vate finance within development priorities;
- 10                  (6) offer strategic planning and programming  
11       assistance to catalyze investment into priority sectors;
- 12                  (7) provide transaction structuring support;
- 13                  (8) deliver training and knowledge management  
14       tools for engaging private investors;
- 15                  (9) partner with private sector entities that pro-  
16       vide access to capital and expertise; and
- 17                  (10) identify and screen new investment part-  
18       ners.
- 19                  (c) *TECHNICAL ASSISTANCE.*—The Corporation shall  
20       coordinate with the United States Agency for Internation-  
21       Development and other agencies and departments, as nec-  
22       essary, on projects and programs supported by the Corpora-  
23       tion that include technical assistance.

1 **SEC. 1446. NOTIFICATIONS TO BE PROVIDED BY THE COR-**2 **PORATION.**

3       (a) *IN GENERAL.*—Not later than 15 days prior to the  
4 Corporation making a financial commitment associated  
5 with the provision of support under title II in an amount  
6 in excess of \$10,000,000, the Chief Executive Officer of the  
7 Corporation shall submit to the appropriate congressional  
8 committees a report in writing that contains the informa-  
9 tion required by subsection (b).

10       (b) *INFORMATION REQUIRED.*—The information re-  
11 quired by this subsection includes—

12           (1) the amount of each such financial commit-  
13 ment;

14           (2) an identification of the recipient or bene-  
15 ficiary; and

16           (3) a description of the project, activity, or asset  
17 and the development goal or purpose to be achieved  
18 by providing support by the Corporation.

19       (c) *BILATERAL AGREEMENTS.*—The Chief Executive  
20 Officer of the Corporation shall notify the appropriate con-  
21 gressional committees not later than 30 days after entering  
22 into a new bilateral agreement described in section 1431(a).

1   **TITLE V—CONDITIONS, RESTRI-**  
2       **CATIONS, AND PROHIBITIONS**

3   **SEC. 1451. LIMITATIONS AND PREFERENCES.**

4       (a) *LIMITATION ON SUPPORT FOR SINGLE ENTITY.—*

5   *No entity receiving support from the Corporation under*  
6   *title II may receive more than an amount equal to 5 percent*  
7   *of the Corporation’s maximum contingent liability author-*  
8   *ized under section 1433.*

9       (b) *PREFERENCE FOR SUPPORT FOR PROJECTS SPON-*

10   *SORED BY UNITED STATES PERSONS.—*

11       (1) *IN GENERAL.—The Corporation should give*  
12       *preferential consideration to projects sponsored by or*  
13       *involving private sector entities that are United*  
14       *States persons.*

15       (2) *UNITED STATES PERSON DEFINED.—In this*  
16       *subsection, the term “United States person” means—*

17           (A) *a United States citizen; or*

18           (B) *an entity owned or controlled by an in-*  
19           *dividual or individuals described in subpara-*  
20           *graph (A).*

21       (c) *PREFERENCE FOR SUPPORT IN COUNTRIES IN*  
22   *COMPLIANCE WITH INTERNATIONAL TRADE OBLIGA-*  
23   *TIONS.—*

24       (1) *CONSULTATIONS WITH UNITED STATES*  
25   *TRADE REPRESENTATIVE.—Not less frequently than*

1       annually, the Corporation shall consult with the  
2       United States Trade Representative with respect to  
3       the status of countries eligible to receive support from  
4       the Corporation under title II and the compliance of  
5       those countries with their international trade obliga-  
6       tions.

7                     (2) *PREFERENTIAL CONSIDERATION*.—The Cor-  
8       poration shall give preferential consideration to pro-  
9       viding support under title II for projects in countries  
10      in compliance with or making substantial progress  
11      coming into compliance with their international  
12      trade obligations.

13                     (d) *WORKER RIGHTS*.—

14                     (1) *IN GENERAL*.—The Corporation shall only  
15      support projects under title II in countries that are  
16      taking steps to adopt and implement laws that extend  
17      internationally recognized worker rights (as defined  
18      in section 507 of the Trade Act of 1974 (19 U.S.C.  
19      2467)) to workers in that country, including any des-  
20      ignated zone in that country.

21                     (2) *REQUIRED CONTRACT LANGUAGE*.—The Cor-  
22       poration shall also include the following language, in  
23       substantially the following form, in all contracts  
24       which the Corporation enters into with persons receiv-  
25       ing support under title II: “The person receiving sup-

1       port agrees not to take actions to prevent employees  
2       of the foreign enterprise from lawfully exercising their  
3       right of association and their right to organize and  
4       bargain collectively. The person further agrees to ob-  
5       serve applicable laws relating to a minimum age for  
6       employment of children, acceptable conditions of work  
7       with respect to minimum wages, hours of work, and  
8       occupational health and safety, and not to use forced  
9       labor or the worst forms of child labor (as defined in  
10      section 507 of the Trade Act of 1974 (19 U.S.C.  
11      2467)). The person is not responsible under this para-  
12      graph for the actions of a foreign government.”.

13           (e) *IMPACT NOTIFICATION*.—The Board shall not vote  
14      in favor of any project proposed to be supported by the Cor-  
15      poration under title II that is likely to have significant ad-  
16      verse environmental or social impacts that are sensitive, di-  
17      verse, or unprecedented, unless—

18                  (1) at least 60 days before the date of the vote,  
19      an environmental and social impact assessment or  
20      initial environmental and social audit, analyzing the  
21      environmental and social impacts of the proposed  
22      project and of alternatives to the proposed project, in-  
23      cluding mitigation measures, is completed;

24                  (2) such assessment or audit has been made  
25      available to the public of the United States, locally af-

1       *fected groups in the country in which the project will*  
2       *be carried out, and nongovernmental organizations in*  
3       *that country; and*

4           (3) *the Corporation, applying best practices with*  
5       *respect to environmental and social safeguards, in-*  
6       *cludes in any contract relating to the project provi-*  
7       *sions to ensure the mitigation of any such adverse en-*  
8       *vironmental or social impacts.*

9           (f) *WOMEN'S ECONOMIC EMPOWERMENT.—In utilizing*  
10   *its authorities under title II, the Corporation shall consider*  
11   *the impacts of its support on women's economic opportuni-*  
12   *ties and outcomes and shall prioritize the reduction of gen-*  
13   *der gaps and maximize development impact by working to*  
14   *improve women's economic opportunities.*

15           (g) *PREFERENCE FOR PROVISION OF SUPPORT IN*  
16   *COUNTRIES EMBRACING PRIVATE ENTERPRISE.—*

17           (1) *IN GENERAL.—The Corporation should give*  
18   *preferential consideration to projects for which sup-*  
19   *port under title II may be provided in countries the*  
20   *governments of which have demonstrated consistent*  
21   *support for economic policies that promote the devel-*  
22   *opment of private enterprise, both domestic and for-*  
23   *ign, and maintaining the conditions that enable pri-*  
24   *vate enterprise to make a full contribution to the de-*  
25   *velopment of such countries, including—*

- 1                   (A) market-based economic policies;
- 2                   (B) protection of private property rights;
- 3                   (C) respect for the rule of law; and
- 4                   (D) systems to combat corruption and brib-
- 5                   ery.

6                   (2) SOURCES OF INFORMATION.—The Corpora-  
7                   tion should rely on both third-party indicators and  
8                   United States Government information, such as the  
9                   Department of State's Investment Climate State-  
10                  ments, the Department of Commerce's Country Com-  
11                  mercial Guides, or the Millennium Challenge Cor-  
12                  poration's Constraints Analysis, to assess whether  
13                  countries meet the conditions described in paragraph  
14                  (1).

15                  (h) CONSIDERATION OF FOREIGN BOYCOTT PARTICI-  
16                  PATION.—In providing support for projects under title II,  
17                  the Corporation shall consider, using information readily  
18                  available, whether the project is sponsored by or substan-  
19                  tially affiliated with any person taking or knowingly agree-  
20                  ing to take actions, or having taken or knowingly agreed  
21                  to take actions within the past 3 years, which demonstrate  
22                  or otherwise evidence intent to comply with, further, or sup-  
23                  port any boycott described in section 1773(a) of the Export  
24                  Control Reform Act of 2018 (subtitle B of title XVII of Pub-  
25                  lic Law 115–232).

1           (i) *ENSURING OPPORTUNITIES FOR SMALL BUSI-*  
2 *NESSES IN FOREIGN DEVELOPMENT.*—*The Corporation*  
3 *shall, using broad criteria, make, to the maximum extent*  
4 *possible consistent with this division, efforts—*

5 (1) to give preferential consideration in pro-

or involving small businesses; and

*sponsored by or involving United States small businesses, including women-, minority-, and veteran-*

*11 owned small businesses, is not less than 50 percent of*

12 all projects for which the Corporation provides sup-  
13 port and that involve United States persons

16           (a) *IN GENERAL.—Before the Corporation provides*

17 support for a project under title II, the Corporation shall

#### **18. Ensure that private sector e**

**21 Corporation shall develop appropriate safeguards, policies,**

22 and guidelines to ensure that support provided by the Cor-

24 (1) supplements and encourages, but does not

25 compete with, private sector support;

1                   (2) operates according to internationally recog-  
2                   nized best practices and standards with respect to en-  
3                   suring the avoidance of market distorting government  
4                   subsidies and the crowding out of private sector lend-  
5                   ing; and

6                   (3) does not have a significant adverse impact  
7                   on United States employment.

8                   **SEC. 1453. PROHIBITION ON SUPPORT IN COUNTRIES THAT**  
9                   **SUPPORT TERRORISM OR VIOLATE HUMAN**  
10                  **RIGHTS AND WITH SANCTIONED PERSONS.**

11                  (a) *IN GENERAL.*—The Corporation is prohibited from  
12                  providing support under title II for a government, or an  
13                  entity owned or controlled by a government, if the Secretary  
14                  of State has determined that the government—

15                  (1) has repeatedly provided support for acts of  
16                  international terrorism for purposes of—

17                  (A) section 1754(c)(1)(A)(i) of the Export  
18                  Control Reform Act of 2018 (subtitle B of title  
19                  XVII of Public Law 115–232);

20                  (B) section 620A(a) of the Foreign Assist-  
21                  ance Act of 1961 (22 U.S.C. 2371(a));

22                  (C) section 40(d) of the Arms Export Con-  
23                  trol Act (22 U.S.C. 2780(d)); or

24                  (D) any other relevant provision of law; or

1                   (2) has engaged in a consistent pattern of gross  
2                   violations of internationally recognized human rights  
3                   for purposes of section 116(a) or 502B(a)(2) of the  
4                   Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a)  
5                   and 2304(a)(2)) or any other relevant provision of  
6                   law.

7                   (b) *PROHIBITION ON SUPPORT OF SANCTIONED PER-*  
8                   *SONS.*—*The Corporation is prohibited from all dealings re-*  
9                   *lated to any project under title II prohibited under United*  
10                  *States sanctions laws or regulations, including dealings*  
11                  *with persons on the list of specially designated persons and*  
12                  *blocked persons maintained by the Office of Foreign Assets*  
13                  *Control of the Department of the Treasury, except to the*  
14                  *extent otherwise authorized by the Secretary of the Treasury*  
15                  *or the Secretary of State.*

16                  (c) *PROHIBITION ON SUPPORT OF ACTIVITIES SUB-*  
17                  *JECT TO SANCTIONS.*—*The Corporation shall require any*  
18                  *person receiving support under title II to certify that the*  
19                  *person, and any entity owned or controlled by the person,*  
20                  *is in compliance with all United States sanctions laws and*  
21                  *regulations.*

22                  **SEC. 1454. APPLICABILITY OF CERTAIN PROVISIONS OF**  
23                   **LAW.**

24                  Subsections (g), (l), (m), and (n) of section 237 of the  
25                  Foreign Assistance Act of 1961 (22 U.S.C. 2197) shall

1 apply with respect to the Corporation to the same extent  
2 and in the same manner as such subsections applied with  
3 respect to the Overseas Private Investment Corporation on  
4 the day before the date of the enactment of this Act.

5           **TITLE VI—TRANSITIONAL  
6            PROVISIONS**

7   **SEC. 1461. DEFINITIONS.**

8       *In this title:*

9           (1) *AGENCY.*—The term “agency” includes any  
10 entity, organizational unit, program, or function.

11           (2) *TRANSITION PERIOD.*—The term “transition  
12 period” means the period—

13           (A) beginning on the date of the enactment  
14 of this Act; and

15           (B) ending on the effective date of the reor-  
16 ganization plan required by section 1462(e).

17   **SEC. 1462. REORGANIZATION PLAN.**

18       (a) *SUBMISSION OF PLAN.*—

19           (1) *IN GENERAL.*—Not later than 120 days after  
20 the date of the enactment of this Act, the President  
21 shall transmit to the appropriate congressional com-  
22 mittees a reorganization plan regarding the following:

23           (A) The transfer of agencies, personnel, as-  
24 sets, and obligations to the Corporation pursuant  
25 to this title.

1                   (B) Any consolidation, reorganization, or  
2                   streamlining of agencies transferred to the Cor-  
3                   poration pursuant to this title.

4                   (C) Any efficiencies or cost savings achieved  
5                   or additional costs incurred as a result of the  
6                   transfer of agencies, personnel, assets, and obli-  
7                   gations to the Corporation pursuant to this title,  
8                   including reductions in unnecessary or dupli-  
9                   cative operations, assets, and personnel.

10                  (2) CONSULTATION.—Not later than 15 days be-  
11                  fore the date on which the plan is transmitted pursu-  
12                  ant to this subsection, the President shall consult with  
13                  the appropriate congressional committees on such  
14                  plan.

15                  (b) PLAN ELEMENTS.—The plan transmitted under  
16                  subsection (a) shall contain, consistent with this division,  
17                  such elements as the President deems appropriate, includ-  
18                  ing the following:

19                  (1) Identification of any functions of agencies  
20                  transferred to the Corporation pursuant to this title  
21                  that will not be transferred to the Corporation under  
22                  the plan.

23                  (2) Specification of the steps to be taken to orga-  
24                  nize the Corporation, including the delegation or as-  
25                  signment of functions transferred to the Corporation.

1                   (3) *Specification of the funds available to each  
2 agency that will be transferred to the Corporation as  
3 a result of transfers under the plan.*

4                   (4) *Specification of the proposed allocations  
5 within the Corporation of unexpended funds trans-  
6 ferred in connection with transfers under the plan.*

7                   (5) *Specification of any proposed disposition of  
8 property, facilities, contracts, records, and other assets  
9 and obligations of agencies transferred under the  
10 plan.*

11                  (6) *Specification of the number of authorized po-  
12 sitions and personnel employed before the end of the  
13 transition period that will be transferred to the Cor-  
14 poration, including plans to mitigate the impact of  
15 such transfers on the United States Agency for Inter-  
16 national Development.*

17                  (c) *REPORT ON COORDINATION.—*

18                  (1) *IN GENERAL.—The transfer of functions au-  
19 thorized by this section may occur only after the  
20 President and Chief Executive Officer of the Overseas  
21 Private Investment Corporation and the Adminis-  
22 trator of the United States Agency for International  
23 Development jointly submit to the Committee on For-  
24 eign Affairs and Committee on Appropriations of the  
25 House of Representatives and Committee on Foreign*

1       *Relations and Committee on Appropriations of the*  
2       *Senate a report in writing that contains the informa-*  
3       *tion required by paragraph (2).*

4           (2) *INFORMATION REQUIRED.*—*The information*  
5       *required by this paragraph includes a description in*  
6       *detail of the procedures to be followed after the trans-*  
7       *fer of functions authorized by this section have oc-*  
8       *curred to coordinate between the Corporation and the*  
9       *United States Agency for International Development*  
10      *in carrying out the functions so transferred.*

11          (d) *MODIFICATION OF PLAN.*—*The President shall con-*  
12       *sult with the appropriate congressional committees before*  
13       *making any material modification or revision to the plan*  
14       *before the plan becomes effective in accordance with sub-*  
15      *section (e).*

16          (e) *EFFECTIVE DATE.*—

17           (1) *IN GENERAL.*—*The reorganization plan de-*  
18       *scribed in this section, including any modifications or*  
19       *revisions of the plan under subsection (c), shall be-*  
20       *come effective for an agency on the date specified in*  
21       *the plan (or the plan as modified pursuant to sub-*  
22       *section (d)), except that such date may not be earlier*  
23       *than 90 days after the date the President has trans-*  
24       *mitted the reorganization plan to the appropriate*  
25      *congressional committees pursuant to subsection (a).*

1                   (2) *STATUTORY CONSTRUCTION.*—Nothing in this  
2        subsection may be construed to require the transfer of  
3        functions, personnel, records, balances of appropria-  
4        tions, or other assets of an agency on a single date.

5   **SEC. 1463. TRANSFER OF FUNCTIONS.**

6                   (a) *IN GENERAL.*—Effective at the end of the transi-  
7        tion period, there shall be transferred to the Corporation  
8        the functions, personnel, assets, and liabilities of—

9                   (1) the *Overseas Private Investment Corporation*,  
10      as in existence on the day before the date of the enact-  
11      ment of this Act; and

12                   (2) the following elements of the *United States*  
13      *Agency for International Development*:

14                   (A) *The Development Credit Authority*.

15                   (B) *The existing Legacy Credit portfolio*  
16      *under the Urban Environment Program and any*  
17      *other direct loan programs and non-Development*  
18      *Credit Authority guaranty programs authorized*  
19      *by the Foreign Assistance Act of 1961 (22 U.S.C.*  
20      *2151 et seq.) or other predecessor Acts, as in ex-*  
21      *istence on the date of the enactment of this Act,*  
22      *other than any sovereign loan guaranties.*

23                   (b) *ADDITIONAL TRANSFER AUTHORITY.*—Effective at  
24      *the end of the transition period, there is authorized to be*  
25      *transferred to the Corporation, with the concurrence of the*

1     Administrator of the United States Agency for Inter-  
2     national Development, the functions, personnel, assets, and  
3     liabilities of the following elements of the United States  
4     Agency for International Development:

5                 (1) The Office of Private Capital and Microen-  
6                 terprise.

7                 (2) The enterprise funds.

8                 (c) SOVEREIGN LOAN GUARANTY TRANSFER.—

9                 (1) IN GENERAL.—Effective at the end of the  
10         transition period, there is authorized to be transferred  
11         to the Corporation or any other appropriate depart-  
12         ment or agency of the United States Government the  
13         loan accounts and the legal rights and responsibilities  
14         for the sovereign loan guaranty portfolio held by the  
15         United States Agency for International Development  
16         as in existence on the day before the date of the enact-  
17         ment of this Act.

18                 (2) INCLUSION IN REORGANIZATION PLAN.—The  
19         President shall include in the reorganization plan  
20         submitted under section 1462 a description of the  
21         transfer authorized under paragraph (1).

22                 (d) BILATERAL AGREEMENTS.—Any bilateral agree-  
23         ment of the United States in effect on the date of the enact-  
24         ment of this Act that serves as the basis for programs of  
25         the Overseas Private Investment Corporation and the Devel-

1 opment Credit Authority shall be considered as satisfying  
2 the requirements of section 1431(a).

3 (e) TRANSITION.—During the transition period, the  
4 agencies specified in subsection (a) shall—

5 (1) continue to administer the assets and obliga-  
6 tions of those agencies; and

7 (2) carry out such programs and activities au-  
8 thorized under this division as may be determined by  
9 the President.

10 **SEC. 1464. TERMINATION OF OVERSEAS PRIVATE INVEST-  
11 MENT CORPORATION AND OTHER  
12 SUPERCEDED AUTHORITIES.**

13 Effective at the end of the transition period—

14 (1) the Overseas Private Investment Corporation  
15 is terminated; and

16 (2) title IV of chapter 2 of part I of the Foreign  
17 Assistance Act of 1961 (22 U.S.C. 2191 et seq.) (other  
18 than subsections (g), (l), (m), and (n) of section 237  
19 of that Act) is repealed.

20 **SEC. 1465. TRANSITIONAL AUTHORITIES.**

21 (a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until  
22 the transfer of an agency to the Corporation under section  
23 1463, any official having authority over, or functions relat-  
24 ing to, the agency on the day before the date of the enact-  
25 ment of this Act shall provide to the Corporation such as-

1 instance, including the use of personnel and assets, as the  
2 Corporation may request in preparing for the transfer and  
3 integration of the agency into the Corporation.

4       (b) SERVICES AND PERSONNEL.—During the transi-  
5 tion period, upon the request of the Corporation, the head  
6 of any executive agency may, on a reimbursable or non-  
7 reimbursable basis, provide services or detail personnel to  
8 assist with the transition.

9       (c) ACTING OFFICIALS.—

10           (1) IN GENERAL.—During the transition period,  
11 pending the advice and consent of the Senate to the  
12 appointment of an officer required by this division to  
13 be appointed by and with such advice and consent,  
14 the President may designate any officer whose ap-  
15 pointment was required to be made by and with such  
16 advice and consent and who was such an officer be-  
17 fore the end of the transition period (and who con-  
18 tinues in office) or immediately before such designa-  
19 tion, to act in such office until the same is filled as  
20 provided in this division. While so acting, such offi-  
21 cers shall receive compensation at the higher of—

22               (A) the rates provided by this division for  
23 the respective offices in which they act; or

24               (B) the rates provided for the offices held at  
25 the time of designation.

1                   (2) *RULE OF CONSTRUCTION.*—Nothing in this  
2     division shall be construed to require the advice and  
3     consent of the Senate to the appointment by the Presi-  
4     dent to a position in the Corporation of any officer  
5     whose agency is transferred to the Corporation pursu-  
6     ant to this title and whose duties following such  
7     transfer are germane to those performed before such  
8     transfer.

9                   (d) *TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS,*  
10   *AND FUNCTIONS.*—Upon the transfer of an agency to the  
11   Corporation under section 1463—

12                  (1) the personnel, assets, and obligations held by  
13     or available in connection with the agency shall be  
14     transferred to the Corporation for appropriate alloca-  
15     tion, subject to the approval of the Director of the Of-  
16     fice of Management and Budget and in accordance  
17     with section 1531(a)(2) of title 31, United States  
18     Code; and

19                  (2) the Corporation shall have all functions—

20                   (A) relating to the agency that any other of-  
21     ficial could by law exercise in relation to the  
22     agency immediately before such transfer; and

23                   (B) vested in the Corporation by this divi-  
24     sion or other law.

1 **SEC. 1466. SAVINGS PROVISIONS.**2 (a) *COMPLETED ADMINISTRATIVE ACTIONS.—*

3                   (1) *IN GENERAL.—Completed administrative ac-*  
4 *tions of an agency shall not be affected by the enact-*  
5 *ment of this Act or the transfer of such agency to the*  
6 *Corporation under section 1463, but shall continue in*  
7 *effect according to their terms until amended, modi-*  
8 *fied, superseded, terminated, set aside, or revoked in*  
9 *accordance with law by an officer of the United*  
10 *States or a court of competent jurisdiction, or by op-*  
11 *eration of law.*

12                   (2) *COMPLETED ADMINISTRATIVE ACTION DE-*  
13 *FINED.—In this subsection, the term “completed ad-*  
14 *ministrative action” includes orders, determinations,*  
15 *rules, regulations, personnel actions, permits, agree-*  
16 *ments, grants, contracts, certificates, policies, licenses,*  
17 *registrations, and privileges.*

18 (b) *PENDING PROCEEDINGS.—*

19                   (1) *IN GENERAL.—Pending proceedings in an*  
20 *agency, including notices of proposed rulemaking,*  
21 *and applications for licenses, permits, certificates,*  
22 *grants, and financial assistance, shall continue not-*  
23 *withstanding the enactment of this Act or the transfer*  
24 *of the agency to the Corporation, unless discontinued*  
25 *or modified under the same terms and conditions and*  
26 *to the same extent that such discontinuance could*

1       *have occurred if such enactment or transfer had not*  
2       *occurred.*

3           (2) *ORDERS.—Orders issued in proceedings de-*  
4       *scribed in paragraph (1), and appeals therefrom, and*  
5       *payments made pursuant to such orders, shall issue*  
6       *in the same manner and on the same terms as if this*  
7       *division had not been enacted or the agency had not*  
8       *been transferred, and any such orders shall continue*  
9       *in effect until amended, modified, superseded, termi-*  
10      *nated, set aside, or revoked by an officer of the United*  
11      *States or a court of competent jurisdiction, or by op-*  
12      *eration of law.*

13       (c) *PENDING CIVIL ACTIONS.—Pending civil actions*  
14      *shall continue notwithstanding the enactment of this Act*  
15      *or the transfer of an agency to the Corporation, and in such*  
16      *civil actions, proceedings shall be had, appeals taken, and*  
17      *judgments rendered and enforced in the same manner and*  
18      *with the same effect as if such enactment or transfer had*  
19      *not occurred.*

20       (d) *REFERENCES.—References relating to an agency*  
21      *that is transferred to the Corporation under section 1463*  
22      *in statutes, Executive orders, rules, regulations, directives,*  
23      *or delegations of authority that precede such transfer or the*  
24      *date of the enactment of this Act shall be deemed to refer,*  
25      *as appropriate, to the Corporation, to its officers, employ-*

1   *ees, or agents, or to its corresponding organizational units*  
2   *or functions. Statutory reporting requirements that applied*  
3   *in relation to such an agency immediately before the effec-*  
4   *tive date of this division shall continue to apply following*  
5   *such transfer if they refer to the agency by name.*

6         *(e) EMPLOYMENT PROVISIONS.—*

7             *(1) REGULATIONS.—The Corporation may, in*  
8             *regulations prescribed jointly with the Director of the*  
9             *Office of Personnel Management, adopt the rules, pro-*  
10          *cedures, terms, and conditions, established by statute,*  
11          *rule, or regulation before the date of the enactment of*  
12          *this Act, relating to employment in any agency trans-*  
13          *ferred to the Corporation under section 1463.*

14             *(2) EFFECT OF TRANSFER ON CONDITIONS OF*  
15          *EMPLOYMENT.—Except as otherwise provided in this*  
16          *division, or under authority granted by this division,*  
17          *the transfer pursuant to this title of personnel shall*  
18          *not alter the terms and conditions of employment, in-*  
19          *cluding compensation, of any employee so transferred.*

20         *(f) STATUTORY REPORTING REQUIREMENTS.—Any*  
21          *statutory reporting requirement that applied to an agency*  
22          *transferred to the Corporation under this title immediately*  
23          *before the date of the enactment of this Act shall continue*  
24          *to apply following that transfer if the statutory requirement*  
25          *refers to the agency by name.*

**1 SEC. 1467. OTHER TERMINATIONS.**

2       *Except as otherwise provided in this division, whenever*  
3    *ever all the functions vested by law in any agency have*  
4    *been transferred pursuant to this title, each position and*  
5    *office the incumbent of which was authorized to receive com-*  
6    *pensation at the rates prescribed for an office or position*  
7    *at level II, III, IV, or V of the Executive Schedule under*  
8    *subchapter II of chapter 53 of title 5, United States Code,*  
9    *shall terminate.*

**10 SEC. 1468. INCIDENTAL TRANSFERS.**

11       *The Director of the Office of Management and Budget,*  
12    *in consultation with the Corporation, is authorized and di-*  
13    *rected to make such additional incidental dispositions of*  
14    *personnel, assets, and liabilities held, used, arising from,*  
15    *available, or to be made available, in connection with the*  
16    *functions transferred by this title, as the Director may de-*  
17    *termine necessary to accomplish the purposes of this divi-*  
18    *sion.*

**19 SEC. 1469. REFERENCE.**

20       *With respect to any function transferred under this*  
21    *title (including under a reorganization plan under section*  
22    *1462) and exercised on or after the date of the enactment*  
23    *of this Act, reference in any other Federal law to any de-*  
24    *partment, commission, or agency or any officer or office*  
25    *the functions of which are so transferred shall be deemed*

1 to refer to the Corporation or official or component of the  
2 Corporation to which that function is so transferred.

3 **SEC. 1470. CONFORMING AMENDMENTS.**

4 (a) EXEMPT PROGRAMS.—Section 255(g) of the Bal-  
5 anced Budget and Emergency Deficit Control Act of 1985  
6 (2 U.S.C. 905(g)) is amended by striking “Overseas Private  
7 Investment Corporation, Noncredit Account (71–4184–0–3–  
8 151).” and inserting “United States International Develop-  
9 ment Finance Corporation.”.

10 (b) EXECUTIVE SCHEDULE.—Title 5, United States  
11 Code, is amended—

12 (1) in section 5314, by striking “President, Over-  
13 seas Private Investment Corporation.”;

14 (2) in section 5315, by striking “Executive Vice  
15 President, Overseas Private Investment Corporation.”;

16 and

17 (3) in section 5316, by striking “Vice Presidents,  
18 Overseas Private Investment Corporation (3).”.

19 (c) OFFICE OF INTERNATIONAL TRADE OF THE SMALL  
20 BUSINESS ADMINISTRATION.—Section 22 of the Small  
21 Business Act (15 U.S.C. 649) is amended—

22 (1) in subsection (b), in the matter preceding  
23 paragraph (1), by striking “the President of the Over-  
24 seas Private Investment Corporation, Director” and  
25 inserting “the Board of Directors of the United States

1       *International Development Finance Corporation, the*  
2       *Director"; and*

3           (2) by striking "Overseas Private Investment  
4       Corporation" each place it appears and inserting  
5       "United States International Development Finance  
6       Corporation".

7       (d) UNITED STATES AND FOREIGN COMMERCIAL  
8 SERVICE.—Section 2301 of the Export Enhancement Act  
9 of 1988 (15 U.S.C. 4721) is amended by striking "Overseas  
10 Private Investment Corporation" each place it appears and  
11 inserting "United States International Development Fi-  
12 nance Corporation".

13       (e) TRADE PROMOTION COORDINATING COMMITTEE.—  
14 Section 2312(d)(1)(K) of the Export Enhancement Act of  
15 1988 (15 U.S.C. 4727(d)(1)(K)) is amended by striking  
16 "Overseas Private Investment Corporation" and inserting  
17 "United States International Development Finance Cor-  
18 poration".

19       (f) INTERAGENCY TRADE DATA ADVISORY COM-  
20 MITTEE.—Section 5402(b) of the Omnibus Trade and Com-  
21 petitiveness Act of 1988 (15 U.S.C. 4902(b)) is amended  
22 by striking "the President of the Overseas Private Invest-  
23 ment Corporation" and inserting "the Chief Executive Offi-  
24 cer of the United States International Development Finance  
25 Corporation".

1       (g) *MISUSE OF NAMES OF FEDERAL AGENCIES.*—Section  
2 709 of title 18, United States Code, is amended by  
3 striking “Overseas Private Investment”, ‘Overseas Private  
4 Investment Corporation’, or ‘OPIC’,” and inserting  
5 “United States International Development Finance Cor-  
6 poration’ or ‘DFC’”.

7       (h) *ENGAGEMENT ON CURRENCY EXCHANGE RATE*  
8 AND *ECONOMIC POLICIES.*—Section 701(c)(1)(A) of the  
9 Trade Facilitation and Trade Enforcement Act of 2015 (19  
10 U.S.C. 4421(c)(1)(A)) is amended by striking “Overseas  
11 Private Investment Corporation” and inserting “United  
12 States International Development Finance Corporation”.

13       (i) *INTERNSHIPS WITH INSTITUTE FOR INTER-*  
14 *NATIONAL PUBLIC POLICY.*—Section 625 of the Higher  
15 Education Act of 1965 (20 U.S.C. 1131c(a)) is amended  
16 by striking “Overseas Private Investment Corporation” and  
17 inserting “United States International Development Fi-  
18 nance Corporation”.

19       (j) *FOREIGN ASSISTANCE ACT OF 1961.*—The Foreign  
20 Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amend-  
21 ed—

22               (1) in section 116—

23                       (A) in subsection (a), by inserting “, and  
24 no support may be provided under title II of the

1       *Better Utilization of Investments Leading to De-*  
2       *velopment Act of 2018,” after “this part”;*

3       *(B) in the first subsection (b)—*

4           *(i) by inserting “or title II of the Better*  
5       *Utilization of Investments Leading to*  
6       *Development Act of 2018” after “this part”;*

7           *(ii) by inserting “or the Chief Execu-*  
8       *tive Officer of the United States Interna-*  
9       *tional Development Finance Corporation,*  
10      *as applicable,” after “this Act”;*

11       *(iii) by inserting “or support” after*  
12      *“the assistance”; and*

13       *(iv) by inserting “or support” after*  
14      *“such assistance” each place it appears;*

15       *(C) in the second subsection (b), by insert-*  
16      *ing “under this part, and no support may be*  
17      *provided under title II of the Better Utilization*  
18      *of Investments Leading to Development Act of*  
19      *2018,” after “provided”; and*

20       *(D) in subsection (c), by striking “under*  
21      *this part, the Administrator” and inserting*  
22      *“under this part, or support provided under title*  
23      *II of the Better Utilization of Investments Lead-*  
24      *ing to Development Act of 2018, the Adminis-*  
25      *trator, or the Chief Executive Officer of the*

1           *United States International Development Fi-*  
2           *nance Corporation, as applicable,”;*

3           (2)    *in section 449B(b)(2) (22 U.S.C.*  
4           *2296b(b)(2)), by striking “Overseas Private Invest-*  
5           *ment Corporation” and inserting “United States*  
6           *International Development Finance Corporation”;*  
7           *and*

8           (3)    *in section 481(e)(4)(A) (22 U.S.C.*  
9           *2291(e)(4)(A)), in the matter preceding clause (i), by*  
10          *striking “(including programs under title IV of chap-*  
11          *ter 2, relating to the Overseas Private Investment*  
12          *Corporation)” and inserting “(and any support*  
13          *under title II of the Better Utilization of Investments*  
14          *Leading to Development Act of 2018, relating to the*  
15          *United States International Development Finance*  
16          *Corporation)”.*

17          (k) *ELECTRIFY AFRICA ACT OF 2015.—Sections 5 and*  
18          *7 of the Electrify Africa Act of 2015 (Public Law 114–121;*  
19          *22 U.S.C. 2293 note) are amended by striking “Overseas*  
20          *Private Investment Corporation” each place it appears and*  
21          *inserting “United States International Development Fi-*  
22          *nance Corporation”.*

23          (l) *FOREIGN AID TRANSPARENCY AND ACCOUNT-*  
24          *ABILITY ACT OF 2016.—Section 2(3) of the Foreign Aid*

1 *Transparency and Accountability Act of 2016 (Public Law*  
2 *114–191; 22 U.S.C. 2394c note) is amended—*

3           (1) *in subparagraph (A), by striking “except*  
4 *for” and all that follows through “chapter 3” and in-*  
5 *sert “except for chapter 3”;*

6           (2) *in subparagraph (C), by striking “and” at*  
7 *the end;*

8           (3) *in subparagraph (D), by striking the period*  
9 *at the end and inserting “; and”; and*

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

11           “(E) *the Better Utilization of Investments*  
12 *Leading to Development Act of 2018.”.*

13          (m) *SUPPORT FOR EAST EUROPEAN DEMOCRACY*  
14 *(SEED) PROGRAM.—The Support for East European De-*  
15 *mocracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.) is*  
16 *amended—*

17           (1) *in section 2(c) (22 U.S.C. 5401(c)), by strik-*  
18 *ing paragraph (12) and inserting the following:*

19           “(12) *UNITED STATES INTERNATIONAL DEVELOP-*  
20 *MENT FINANCE CORPORATION.—Programs of the*  
21 *United States International Development Finance*  
22 *Corporation.”; and*

23           (2) *in section 201 (22 U.S.C. 5421), by striking*  
24 *subsection (e) and inserting the following:*

1       “(e) *GRANTS TO ENTERPRISE FUNDS.*—Funds appro-  
2 priated to the President pursuant to subsection (b) shall  
3 be granted to the Enterprise Funds to carry out the pur-  
4 poses specified in subsection (a) and for the administrative  
5 expenses of each Enterprise Fund—

6           “(1) except as provided in paragraph (2), by the  
7 United States Agency for International Development;  
8 or

9           “(2) if the Enterprise Funds are transferred to  
10 the United States International Development Finance  
11 Corporation pursuant to section 1463(b) of the Better  
12 Utilization of Investments Leading to Development  
13 Act of 2018, by the Corporation.”.

14       (n) *CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY*  
15 (*LIBERTAD*) *ACT OF 1996.*—Section 202(b)(2)(B)(iv) of  
16 the Cuban Liberty and Democratic Solidarity  
17 (*LIBERTAD*) *Act of 1996* (22 U.S.C. 6062(b)(2)(B)(iv)) is  
18 amended by striking “Overseas Private Investment Cor-  
19 poration” and inserting “United States International De-  
20 velopment Finance Corporation”.

21       (o) *INTERNATIONAL RELIGIOUS FREEDOM ACT OF*  
22 *1998.*—Section 405(a)(10) of the *International Religious*  
23 *Freedom Act of 1998* (22 U.S.C. 6445(a)(10)) is amended  
24 by striking “Overseas Private Investment Corporation” and

1 inserting “United States International Development Fi-  
2 nance Corporation”.

3 (p) *TRAFFICKING VICTIMS PROTECTION ACT OF*  
4 *2000.—Section 103(8)(A) of the Trafficking Victims Protec-*  
5 *tion Act of 2000 (22 U.S.C. 7102(8)(A)) is amended in*  
6 *clause (viii) to read as follows:*

7                   “(viii) any support under title II of  
8                   the Better Utilization of Investments Lead-  
9                   ing to Development Act of 2018 relating to  
10                  the United States International Develop-  
11                  ment Finance Corporation; and”.

12 (q) *TECHNOLOGY DEPLOYMENT IN DEVELOPING COUN-*  
13 *TRIES.—Section 732(b) of the Global Environmental Pro-*  
14 *tection Assistance Act of 1989 (22 U.S.C. 7902(b)) is*  
15 *amended by striking “Overseas Private Investment Cor-*  
16 *poration” and inserting “United States International De-*  
17 *velopment Finance Corporation”.*

18 (r) *EXPANDED NONMILITARY ASSISTANCE FOR*  
19 *UKRAINE.—Section 7(c)(3) of the Ukraine Freedom Sup-*  
20 *port Act of 2014 (22 U.S.C. 8926(c)(3)) is amended—*  
21                  (1) *in the paragraph heading, by striking*  
22                  “*OVERSEAS PRIVATE INVESTMENT CORPORATION*” *and*  
23                  *inserting “UNITED STATES INTERNATIONAL DEVELOP-*  
24                  *MENT FINANCE CORPORATION”;*

1                   (2) in the matter preceding subparagraph (A),  
2       by striking “Overseas Private Investment Corpora-  
3       tion” and inserting “United States International De-  
4       velopment Finance Corporation”; and

5                   (3) in subparagraph (B), by striking “by eligible  
6       investors (as defined in section 238 of the Foreign As-  
7       sistance Act of 1961 (22 U.S.C. 2198))”.

8                   (s) GLOBAL FOOD SECURITY ACT OF 2016.—Section  
9       4(7) of the Global Food Security Act of 2016 (22 U.S.C.  
10      9303(7)) is amended by striking “Overseas Private Invest-  
11     ment Corporation” and inserting “United States Inter-  
12     national Development Finance Corporation”.

13                  (t) SENSE OF CONGRESS ON EUROPEAN AND EUR-  
14     ASIAN ENERGY SECURITY.—Section 257(c)(2)(B) of the  
15     Countering Russian Influence in Europe and Eurasia Act  
16     of 2017 (22 U.S.C. 9546(c)(2)(B)) is amended by striking  
17     “Overseas Private Investment Corporation” and inserting  
18     “United States International Development Finance Cor-  
19     poration”.

20                  (u) WHOLLY OWNED GOVERNMENT CORPORATION.—  
21     Section 9101(3) of title 31, United States Code, is amended  
22     by striking “Overseas Private Investment Corporation” and  
23     inserting “United States International Development Fi-  
24     nance Corporation”.

1       (v) ENERGY INDEPENDENCE AND SECURITY ACT OF  
2 2007.—Title IX of the Energy Independence and Security  
3 Act of 2007 (42 U.S.C. 17321 et seq.) is amended—  
4           (1) in section 914 (42 U.S.C. 17334)—  
5              (A) in the section heading, by striking  
6 “OVERSEAS PRIVATE INVESTMENT COR-  
7 PORATION” and inserting “UNITED STATES  
8 INTERNATIONAL DEVELOPMENT FINANCE  
9 CORPORATION”;  
10             (B) in subsection (a), in the matter pre-  
11 ceding paragraph (1), by striking “Overseas Pri-  
12 vate Investment Corporation” and inserting  
13 “United States International Development Fi-  
14 nance Corporation”; and  
15             (C) in subsection (b), in the matter pre-  
16 ceding paragraph (1), by striking “Overseas Pri-  
17 vate Investment Corporation shall include in its  
18 annual report required under section 240A of the  
19 Foreign Assistance Act of 1961 (22 U.S.C.  
20 2200a)” and inserting “United States Inter-  
21 national Development Finance Corporation shall  
22 include in its annual report required under sec-  
23 tion 1443 of the Better Utilization of Invest-  
24 ments Leading to Development Act of 2018”; and

8       ***DIVISION G—SYRIA STUDY***  
9                   ***GROUP***

## **10 SEC. 1501. SYRIA STUDY GROUP.**

11       (a) *ESTABLISHMENT.*—There is established a working  
12 group to be known as the “*Syria Study Group*” (in this  
13 section referred to as the “*Group*”).

14       (b) PURPOSE.—The purpose of the Group is to exam-  
15 ine and make recommendations on the military and diplo-  
16 matic strategy of the United States with respect to the con-  
17 flict in Syria.

18 (c) COMPOSITION.—

19                   (1) *MEMBERSHIP.*—*The Group shall be composed*  
20                   *of 12 members, none of whom may be members of*  
21                   *Congress, who shall be appointed as follows:*

(A) One member appointed by the chair of  
the Committee on Armed Services of the Senate.

1                   (B) One member appointed by the ranking  
2                   minority member of the Committee on Armed  
3                   Services of the Senate.

4                   (C) One member appointed by the chair of  
5                   the Committee on Foreign Relations of the Sen-  
6                   ate.

7                   (D) One member appointed by the ranking  
8                   minority member of the Committee on Foreign  
9                   Relations of the Senate.

10                  (E) One member appointed by the chair of  
11                  the Committee on Armed Services of the House  
12                  of Representatives.

13                  (F) One member appointed by the ranking  
14                  minority member of the Committee on Armed  
15                  Services of the House of Representatives.

16                  (G) One member appointed by the chair of  
17                  the Committee on Foreign Affairs of the House  
18                  of Representatives.

19                  (H) One member appointed by the ranking  
20                  minority member of the Committee on Foreign  
21                  Affairs of the House of Representatives.

22                  (I) One member appointed by the majority  
23                  leader of the Senate.

24                  (J) One member appointed by the minority  
25                  leader of the Senate.

1                   (K) One member appointed by the Speaker  
2                   of the House of Representatives.

3                   (L) One member appointed by the minority  
4                   leader of the House of Representatives.

5                   (2) *Co-CHAIRS.*—

6                   (A) Of the members of the Group, one co-  
7                   chair shall be jointly designated by—

8                         (i) the chairs of the Committee on  
9                         Armed Services and the Committee on For-  
10                         eign Relations of the Senate;

11                         (ii) the chairs of the Committee on  
12                         Armed Services and the Committee on For-  
13                         eign Affairs of the House of Representatives;

14                         (iii) the majority leader of the Senate;  
15                         and

16                         (iv) the Speaker of the House of Rep-  
17                         resentatives.

18                   (B) Of the members of the Group, one co-  
19                   chair shall be jointly designated by—

20                         (i) the ranking minority members of  
21                         the Committee on Armed Services and the  
22                         Committee on Foreign Relations of the Sen-  
23                         ate;

24                         (ii) the ranking minority members of  
25                         the Committee on Armed Services and the

1                   *Committee on Foreign Affairs of the House*  
2                   *of Representatives;*

3                   *(iii) the minority leader of the Senate;*

4                   *and*

5                   *(iv) the minority leader of the House of*  
6                   *Representatives.*

7                   *(3) PERIOD OF APPOINTMENT.—A member shall*  
8                   *be appointed for the life of the Group.*

9                   *(4) VACANCIES.—Any vacancy in the Group*  
10                  *shall be filled in the same manner as the original ap-*  
11                  *pointment.*

12                  *(d) DUTIES.—*

13                  *(1) REVIEW.—The Group shall conduct a review*  
14                  *on the current United States military and diplomatic*  
15                  *strategy with respect to the conflict in Syria that in-*  
16                  *cludes a review of current United States objectives in*  
17                  *Syria and the desired end state in Syria.*

18                  *(2) ASSESSMENT AND RECOMMENDATIONS.—The*  
19                  *Group shall—*

20                  *(A) conduct a comprehensive assessment of*  
21                  *the current situation in Syria, the impact of*  
22                  *such situation on neighboring countries, the re-*  
23                  *sulting regional and geopolitical threats to the*  
24                  *United States, and current military, diplomatic,*

1           *and political efforts to achieve a stable Syria;*

2           *and*

3           *(B) develop recommendations on the mili-*  
4           *tary and diplomatic strategy of the United*  
5           *States with respect to the conflict in Syria.*

6        *(e) COOPERATION OF UNITED STATES GOVERN-*

7    *MENT.—*

8           *(1) IN GENERAL.—The Group shall receive the*  
9           *full and timely cooperation of the Secretary of De-*  
10          *fense, the Secretary of State, and the Director of Na-*  
11          *tional Intelligence in providing the Group with anal-*  
12          *yses, briefings, and other information necessary for*  
13          *the discharge of the duties of the Group under sub-*  
14          *section (d).*

15          *(2) LIAISON.—The Secretary of Defense, the Sec-*  
16          *retary of State, and the Director of National Intel-*  
17          *ligence shall each designate at least one officer or em-*  
18          *ployee of the Department of Defense, the Department*  
19          *of State, and the Office of the Director of National In-*  
20          *telligence, respectively, to serve as a liaison to the*  
21          *Group.*

22          *(3) FACILITATION.—The United States Institute*  
23          *of Peace shall take appropriate actions to facilitate*  
24          *the Group in the discharge of the duties of the Group*  
25          *under this section.*

## 1       (f) REPORTS.—

## 2           (1) FINAL REPORT.—

3                   (A) IN GENERAL.—Not later than 180 days  
4                   after the date of enactment of this section, the  
5                   Group shall submit to the President, the Sec-  
6                   retary of Defense, the Committee on Armed Serv-  
7                   ices and the Committee on Foreign Relations of  
8                   the Senate, the Committee on Armed Services  
9                   and the Committee on Foreign Affairs of the  
10                  House of Representatives, the majority and mi-  
11                  nority leaders of the Senate, the Speaker of the  
12                  House of Representatives, and the minority lead-  
13                  er of the House of Representatives a report that  
14                  sets forth the findings, conclusions, and rec-  
15                  ommendations of the Group under this section.

16                   (B) ELEMENTS.—The report required by  
17                   subparagraph (A) shall include each of the fol-  
18                  lowing:

19                           (i) An assessment of the current secu-  
20                          rity, political, humanitarian, and economic  
21                          situations in Syria.

22                           (ii) An assessment of the current par-  
23                          ticipation and objectives of the various ex-  
24                          ternal actors in Syria.

*(iii) An assessment of the consequences of continued conflict in Syria.*

(iv) *Recommendations for a resolution to the conflict in Syria, including—*

*(I) options for a gradual political transition to a post-Assad Syria; and*

## *(II) actions necessary for reconciliation.*

(v) A roadmap for a United States and  
international strategy to reestablish security and  
governance in Syria, including rec-  
ommendations for the synchronization of  
modernization, development, counterterrorism,  
and reconstruction efforts.

(vi) Any other matter with respect to the conflict in Syria that the Group considers to be appropriate.

1 nority leader of the House of Representatives a report  
2 that describes the status of the review and assessment  
3 under subsection (d) and any interim recommenda-  
4 tions developed by the Group as of the date of the  
5 briefing.

6           (3) *FORM OF REPORT.*—The report submitted to  
7 Congress under paragraph (1) shall be submitted in  
8 unclassified form, but may include a classified annex.

9           (g) *TERMINATION.*—The Group shall terminate on the  
10 date that is 180 days after the date on which the Group  
11 submits the report required by subsection (f)(1).

## 12           **DIVISION H—PREVENTING 13           EMERGING THREATS**

### 14   **SEC. 1601. SHORT TITLE.**

15           This division may be cited as the “*Preventing Emerg-  
16           ing Threats Act of 2018*”.

### 17   **SEC. 1602. PROTECTION OF CERTAIN FACILITIES AND AS- 18           SETS FROM UNMANNED AIRCRAFT.**

19           (a) *IN GENERAL.*—Subtitle A of title II of the Home-  
20 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended  
21 by adding at the end the following:

### 22   **“SEC. 210G. PROTECTION OF CERTAIN FACILITIES AND AS- 23           SETS FROM UNMANNED AIRCRAFT.”**

24           “(a) *AUTHORITY.*—Notwithstanding section 46502 of  
25 title 49, United States Code, or sections 32, 1030, 1367 and

1 chapters 119 and 206 of title 18, United States Code, the  
2 Secretary and the Attorney General may, for their respec-  
3 tive Departments, take, and may authorize personnel with  
4 assigned duties that include the security or protection of  
5 people, facilities, or assets, to take such actions as are de-  
6 scribed in subsection (b)(1) that are necessary to mitigate  
7 a credible threat (as defined by the Secretary or the Attor-  
8 ney General, in consultation with the Secretary of Trans-  
9 portation) that an unmanned aircraft system or unmanned  
10 aircraft poses to the safety or security of a covered facility  
11 or asset.

12       “(b) ACTIONS DESCRIBED.—

13           “(1) IN GENERAL.—The actions authorized in  
14 subsection (a) are the following:

15           “(A) During the operation of the unmanned  
16 aircraft system, detect, identify, monitor, and  
17 track the unmanned aircraft system or un-  
18 manned aircraft, without prior consent, includ-  
19 ing by means of intercept or other access of a  
20 wire communication, an oral communication, or  
21 an electronic communication used to control the  
22 unmanned aircraft system or unmanned air-  
23 craft.

24           “(B) Warn the operator of the unmanned  
25 aircraft system or unmanned aircraft, including

1       *by passive or active, and direct or indirect phys-*  
2       *ical, electronic, radio, and electromagnetic*  
3       *means.*

4           *“(C) Disrupt control of the unmanned air-*  
5       *craft system or unmanned aircraft, without*  
6       *prior consent, including by disabling the un-*  
7       *manned aircraft system or unmanned aircraft*  
8       *by intercepting, interfering, or causing inter-*  
9       *ference with wire, oral, electronic, or radio com-*  
10      *munications used to control the unmanned air-*  
11      *craft system or unmanned aircraft.*

12       *“(D) Seize or exercise control of the un-*  
13      *manned aircraft system or unmanned aircraft.*

14       *“(E) Seize or otherwise confiscate the un-*  
15      *manned aircraft system or unmanned aircraft.*

16       *“(F) Use reasonable force, if necessary, to*  
17      *disable, damage, or destroy the unmanned air-*  
18      *craft system or unmanned aircraft.*

19       *“(2) REQUIRED COORDINATION.—The Secretary*  
20      *and the Attorney General shall develop for their re-*  
21      *spective Departments the actions described in para-*  
22      *graph (1) in coordination with the Secretary of*  
23      *Transportation.*

24       *“(3) RESEARCH, TESTING, TRAINING, AND EVAL-*  
25      *UATION.—The Secretary and the Attorney General*

1       *shall conduct research, testing, training on, and eval-*  
2       *uation of any equipment, including any electronic*  
3       *equipment, to determine its capability and utility*  
4       *prior to the use of any such technology for any action*  
5       *described in subsection (b)(1).*

6       “*(4) COORDINATION.—The Secretary and the At-*  
7       *torney General shall coordinate with the Adminis-*  
8       *trator of the Federal Aviation Administration when*  
9       *any action authorized by this section might affect*  
10      *aviation safety, civilian aviation and aerospace oper-*  
11      *ations, aircraft airworthiness, or the use of the air-*  
12      *space.*

13      “*(c) FORFEITURE.—Any unmanned aircraft system or*  
14      *unmanned aircraft described in subsection (a) that is seized*  
15      *by the Secretary or the Attorney General is subject to for-*  
16      *feiture to the United States.*

17      “*(d) REGULATIONS AND GUIDANCE.—*

18      “*(1) IN GENERAL.—The Secretary, the Attorney*  
19      *General, and the Secretary of Transportation may*  
20      *prescribe regulations and shall issue guidance in the*  
21      *respective areas of each Secretary or the Attorney*  
22      *General to carry out this section.*

23      “*(2) COORDINATION.—*

24      “*(A) COORDINATION WITH DEPARTMENT OF*  
25      *TRANSPORTATION.—The Secretary and the Attor-*

1           *ney General shall coordinate the development of*  
2           *their respective guidance under paragraph (1)*  
3           *with the Secretary of Transportation.*

4           “*(B) EFFECT ON AVIATION SAFETY.—The*  
5           *Secretary and the Attorney General shall respec-*  
6           *tively coordinate with the Secretary of Transpor-*  
7           *tation and the Administrator of the Federal*  
8           *Aviation Administration before issuing any*  
9           *guidance, or otherwise implementing this section,*  
10          *if such guidance or implementation might affect*  
11          *aviation safety, civilian aviation and aerospace*  
12          *operations, aircraft airworthiness, or the use of*  
13          *airspace.*

14          “(e) *PRIVACY PROTECTION.—The regulations or guid-*  
15          *ance issued to carry out actions authorized under subsection*  
16          *(b) by each Secretary or the Attorney General, as the case*  
17          *may be, shall ensure that—*

18          “(1) *the interception or acquisition of, or access*  
19          *to, or maintenance or use of, communications to or*  
20          *from an unmanned aircraft system under this section*  
21          *is conducted in a manner consistent with the First*  
22          *and Fourth Amendments to the Constitution of the*  
23          *United States and applicable provisions of Federal*  
24          *law;*

1           “(2) communications to or from an unmanned  
2 aircraft system are intercepted or acquired only to the  
3 extent necessary to support an action described in  
4 subsection (b)(1);

5           “(3) records of such communications are main-  
6 tained only for as long as necessary, and in no event  
7 for more than 180 days, unless the Secretary of  
8 Homeland Security or the Attorney General deter-  
9 mine that maintenance of such records is necessary to  
10 investigate or prosecute a violation of law, directly  
11 support an ongoing security operation, is required  
12 under Federal law, or for the purpose of any litiga-  
13 tion;

14           “(4) such communications are not disclosed out-  
15 side the Department of Homeland Security or the De-  
16 partment of Justice unless the disclosure—

17           “(A) is necessary to investigate or prosecute  
18 a violation of law;

19           “(B) would support the Department of De-  
20 fense, a Federal law enforcement agency, or the  
21 enforcement activities of a regulatory agency of  
22 the Federal Government in connection with a  
23 criminal or civil investigation of, or any regu-  
24 latory, statutory, or other enforcement action re-  
25 lating to an action described in subsection (b)(1);

1           “(C) is between the Department of Homeland Security and the Department of Justice in  
2           the course of a security or protection operation  
3           of either agency or a joint operation of such  
4           agencies; or

5           “(D) is otherwise required by law; and

6           “(5) to the extent necessary, the Department of Homeland Security and the Department of Justice  
7           are authorized to share threat information, which  
8           shall not include communications referred to in sub-  
9           section (b), with State, local, territorial, or tribal law  
10          enforcement agencies in the course of a security or  
11          protection operation.

12          “(f) *BUDGET*.—The Secretary and the Attorney General shall submit to Congress, as a part of the homeland security or justice budget materials for each fiscal year after  
13          fiscal year 2019, a consolidated funding display that identifies the funding source for the actions described in sub-  
14          section (b)(1) within the Department of Homeland Security  
15          or the Department of Justice. The funding display shall be  
16          in unclassified form, but may contain a classified annex.

17          “(g) *SEMIANNUAL BRIEFINGS AND NOTIFICATIONS*.—

18          “(1) *IN GENERAL*.—On a semiannual basis during the period beginning 6 months after the date of  
19          enactment of this section and ending on the date spec-

1       *ified in subsection (i), the Secretary and the Attorney*  
2       *General shall, respectively, provide a briefing to the*  
3       *appropriate congressional committees on the activities*  
4       *carried out pursuant to this section.*

5           “(2) REQUIREMENT.—Each briefing required  
6       under paragraph (1) shall be conducted jointly with  
7       the Secretary of Transportation.

8           “(3) CONTENT.—Each briefing required under  
9       paragraph (1) shall include—

10           “(A) policies, programs, and procedures to  
11       mitigate or eliminate impacts of such activities  
12       to the National Airspace System;

13           “(B) a description of instances in which ac-  
14       tions described in subsection (b)(1) have been  
15       taken, including all such instances that may  
16       have resulted in harm, damage, or loss to a per-  
17       son or to private property;

18           “(C) a description of the guidance, policies,  
19       or procedures established to address privacy,  
20       civil rights, and civil liberties issues implicated  
21       by the actions allowed under this section, as well  
22       as any changes or subsequent efforts that would  
23       significantly affect privacy, civil rights or civil  
24       liberties;

1               “(D) a description of options considered  
2 and steps taken to mitigate any identified im-  
3 pacts to the national airspace system related to  
4 the use of any system or technology, including  
5 the minimization of the use of any technology  
6 that disrupts the transmission of radio or elec-  
7 tronic signals, for carrying out the actions de-  
8 scribed in subsection (b)(1);

9               “(E) a description of instances in which  
10 communications intercepted or acquired during  
11 the course of operations of an unmanned aircraft  
12 system were held for more than 180 days or  
13 shared outside of the Department of Justice or  
14 the Department of Homeland Security;

15               “(F) how the Secretary, the Attorney Gen-  
16 eral, and the Secretary of Transportation have  
17 informed the public as to the possible use of au-  
18 thorities under this section;

19               “(G) how the Secretary, the Attorney Gen-  
20 eral, and the Secretary of Transportation have  
21 engaged with Federal, State, and local law en-  
22 forcement agencies to implement and use such  
23 authorities.

24               “(4) UNCLASSIFIED FORM.—Each briefing re-  
25 quired under paragraph (1) shall be in unclassified

1       *form, but may be accompanied by an additional clas-*  
2       *sified briefing.*

3           “(5) NOTIFICATION.—Within 30 days of deploy-

4       *ing any new technology to carry out the actions de-*  
5       *scribed in subsection (b)(1), the Secretary and the At-*  
6       *torney General shall, respectively, submit a notifica-*  
7       *tion to the appropriate congressional committees.*

8       *Such notification shall include a description of op-*  
9       *tions considered to mitigate any identified impacts to*  
10      *the national airspace system related to the use of any*  
11      *system or technology, including the minimization of*  
12      *the use of any technology that disrupts the trans-*  
13      *mission of radio or electronic signals, for carrying out*  
14      *the actions described in subsection (b)(1).*

15          “(h) RULE OF CONSTRUCTION.—Nothing in this sec-

16      *tion may be construed to—*

17           “(1) vest in the Secretary or the Attorney Gen-

18       *eral any authority of the Secretary of Transportation*  
19       *or the Administrator of the Federal Aviation Admin-*  
20       *istration;*

21           “(2) vest in the Secretary of Transportation or

22       *the Administrator of the Federal Aviation Adminis-*  
23       *tration any authority of the Secretary or the Attorney*  
24       *General;*

1           “(3) vest in the Secretary of Homeland Security  
2       any authority of the Attorney General;

3           “(4) vest in the Attorney General any authority  
4       of the Secretary of Homeland Security; or

5           “(5) provide a new basis of liability for any  
6       State, local, territorial, or tribal law enforcement offi-  
7       cers who participate in the protection of a mass gath-  
8       ering identified by the Secretary or Attorney General  
9       under subsection (k)(3)(C)(iii)(II), act within the  
10      scope of their authority, and do not exercise the au-  
11      thority granted to the Secretary and Attorney General  
12      by this section.

13           “(i) TERMINATION.—The authority to carry out this  
14      section with respect to a covered facility or asset specified  
15      in subsection (k)(3) shall terminate on the date that is 4  
16      years after the date of enactment of this section.

17           “(j) SCOPE OF AUTHORITY.—Nothing in this section  
18      shall be construed to provide the Secretary or the Attorney  
19      General with additional authorities beyond those described  
20      in subsections (a) and (k)(3)(C)(iii).

21           “(k) DEFINITIONS.—In this section:

22           “(1) The term ‘appropriate congressional com-  
23       mittees’ means—

24           “(A) the Committee on Homeland Security  
25       and Governmental Affairs, the Committee on

1           *Commerce, Science, and Transportation, and the*  
2           *Committee on the Judiciary of the Senate; and*  
3           *“(B) the Committee on Homeland Security,*  
4           *the Committee on Transportation and Infra-*  
5           *structure, the Committee on Energy and Com-*  
6           *merce, and the Committee on the Judiciary of*  
7           *the House of Representatives.*

8           *“(2) The term ‘budget’, with respect to a fiscal*  
9           *year, means the budget for that fiscal year that is*  
10          *submitted to Congress by the President under section*  
11          *1105(a) of title 31.*

12          *“(3) The term ‘covered facility or asset’ means*  
13          *any facility or asset that—*

14          *“(A) is identified as high-risk and a poten-*  
15          *tial target for unlawful unmanned aircraft ac-*  
16          *tivity by the Secretary or the Attorney General,*  
17          *in coordination with the Secretary of Transpor-*  
18          *tation with respect to potentially impacted air-*  
19          *space, through a risk-based assessment for pur-*  
20          *poses of this section (except that in the case of*  
21          *the missions described in subparagraph*  
22          *(C)(i)(II) and (C)(iii)(I), such missions shall be*  
23          *presumed to be for the protection of a facility or*  
24          *asset that is assessed to be high-risk and a poten-*

1           *tial target for unlawful unmanned aircraft ac-*  
2           *tivity);*

3           “*(B) is located in the United States (includ-*  
4           *ing the territories and possessions, territorial*  
5           *seas or navigable waters of the United States);*  
6           *and*

7           “*(C) directly relates to one or more—*

8                “(i) *missions authorized to be per-*  
9                *formed by the Department of Homeland Se-*  
10           *curity, consistent with governing statutes,*  
11           *regulations, and orders issued by the Sec-*  
12           *retary, pertaining to—*

13                “(I) *security or protection func-*  
14           *tions of the U.S. Customs and Border*  
15           *Protection, including securing or pro-*  
16           *tecting facilities, aircraft, and vessels,*  
17           *whether moored or underway;*

18                “(II) *United States Secret Service*  
19           *protection operations pursuant to sec-*  
20           *tions 3056(a) and 3056A(a) of title 18,*  
21           *United States Code, and the Presi-*  
22           *dential Protection Assistance Act of*  
23           *1976 (18 U.S.C. 3056 note); or*

1                   “(III) protection of facilities pur-  
2                   suant to section 1315(a) of title 40,  
3                   United States Code;

4                   “(ii) missions authorized to be per-  
5                   formed by the Department of Justice, con-  
6                   sistent with governing statutes, regulations,  
7                   and orders issued by the Attorney General,  
8                   pertaining to—

9                   “(I) personal protection oper-  
10                  ations by—

11                  “(aa) the Federal Bureau of  
12                  Investigation as specified in sec-  
13                  tion 533 of title 28, United States  
14                  Code; and

15                  “(bb) the United States Mar-  
16                  shals Service of Federal jurists,  
17                  court officers, witnesses, and other  
18                  threatened persons in the interests  
19                  of justice, as specified in section  
20                  566(e)(1)(A) of title 28, United  
21                  States Code;

22                  “(II) protection of penal, deten-  
23                  tion, and correctional facilities and op-  
24                  erations conducted by the Federal Bu-  
25                  reau of Prisons; or

1                   “(III) protection of the buildings  
2                   and grounds leased, owned, or operated  
3                   by or for the Department of Justice,  
4                   and the provision of security for Fed-  
5                   eral courts, as specified in section  
6                   566(a) of title 28, United States Code;  
7                   “(iii) missions authorized to be per-  
8                   formed by the Department of Homeland Se-  
9                   curity or the Department of Justice, acting  
10                  together or separately, consistent with gov-  
11                  erning statutes, regulations, and orders  
12                  issued by the Secretary or the Attorney  
13                  General, respectively, pertaining to—

14                  “(I) protection of a National Spe-  
15                  cial Security Event and Special Event  
16                  Assessment Rating event;

17                  “(II) the provision of support to  
18                  State, local, territorial, or tribal law  
19                  enforcement, upon request of the chief  
20                  executive officer of the State or terri-  
21                  tory, to ensure protection of people and  
22                  property at mass gatherings, that is  
23                  limited to a specified timeframe and  
24                  location, within available resources,  
25                  and without delegating any authority

1                   *under this section to State, local, territorial, or tribal law enforcement; or*

3                   *“(III) protection of an active Federal law enforcement investigation, emergency response, or security function, that is limited to a specified timeframe and location; and*

8                   *“(iv) missions authorized to be performed by the United States Coast Guard, including those described in clause (iii) as directed by the Secretary, and as further set forth in section 104 of title 14, United States Code, and consistent with governing statutes, regulations, and orders issued by the Secretary of the Department in which the Coast Guard is operating.*

17                 *“(4) The terms ‘electronic communication’, ‘intercept’, ‘oral communication’, and ‘wire communication’ have the meaning given those terms in section 2510 of title 18, United States Code.*

21                 *“(5) The term ‘homeland security or justice budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary and the Attorney General in support of the budget for that fiscal year.*

1           “(6) For purposes of subsection (a), the term  
2 ‘personnel’ means officers and employees of the De-  
3 partment of Homeland Security or the Department of  
4 Justice.

5           “(7) The terms ‘unmanned aircraft’ and ‘un-  
6 manned aircraft system’ have the meanings given  
7 those terms in section 44801, of title 49, United  
8 States Code.

9           “(8) For purposes of this section, the term ‘risk-  
10 based assessment’ includes an evaluation of threat in-  
11 formation specific to a covered facility or asset and,  
12 with respect to potential impacts on the safety and ef-  
13 ficiency of the national airspace system and the needs  
14 of law enforcement and national security at each cov-  
15 ered facility or asset identified by the Secretary or the  
16 Attorney General, respectively, of each of the following  
17 factors:

18           “(A) Potential impacts to safety, efficiency,  
19 and use of the national airspace system, includ-  
20 ing potential effects on manned aircraft and un-  
21 manned aircraft systems, aviation safety, airport  
22 operations, infrastructure, and air navigation  
23 services related to the use of any system or tech-  
24 nology for carrying out the actions described in  
25 subsection (b)(1).

1           “(B) Options for mitigating any identified  
2        impacts to the national airspace system related  
3        to the use of any system or technology, including  
4        minimizing when possible the use of any tech-  
5        nology which disrupts the transmission of radio  
6        or electronic signals, for carrying out the actions  
7        described in subsection (b)(1).

8           “(C) Potential consequences of the impacts  
9        of any actions taken under subsection (b)(1) to  
10      the national airspace system and infrastructure  
11      if not mitigated.

12          “(D) The ability to provide reasonable ad-  
13        vance notice to aircraft operators consistent with  
14        the safety of the national airspace system and  
15        the needs of law enforcement and national secu-  
16        rity.

17          “(E) The setting and character of any cov-  
18        ered facility or asset, including whether it is lo-  
19        cated in a populated area or near other struc-  
20        tures, whether the facility is open to the public,  
21        whether the facility is also used for nongovern-  
22        mental functions, and any potential for inter-  
23        ference with wireless communications or for in-  
24        jury or damage to persons or property.

1               “(F) The setting, character, timeframe, and  
2               national airspace system impacts of National  
3               Special Security Event and Special Event As-  
4               essment Rating events.

5               “(G) Potential consequences to national se-  
6               curity, public safety, or law enforcement if  
7               threats posed by unmanned aircraft systems are  
8               not mitigated or defeated.

9               “(l) DEPARTMENT OF HOMELAND SECURITY ASSESS-  
10              MENT.—

11               “(1) REPORT.—Not later than 1 year after the  
12              date of the enactment of this section, the Secretary  
13              shall conduct, in coordination with the Attorney Gen-  
14              eral and the Secretary of Transportation, an assess-  
15              ment to the appropriate congressional committees, in-  
16              cluding—

17               “(A) an evaluation of the threat from un-  
18              manned aircraft systems to United States crit-  
19              ical infrastructure (as defined in this Act) and  
20              to domestic large hub airports (as defined in sec-  
21              tion 40102 of title 49, United States Code);

22               “(B) an evaluation of current Federal and  
23              State, local, territorial, or tribal law enforcement  
24              authorities to counter the threat identified in  
25              subparagraph (A), and recommendations, if any,

1       *for potential changes to existing authorities to  
2       allow State, local, territorial, and tribal law en-  
3       forcement to assist Federal law enforcement to  
4       counter the threat where appropriate;*

5           “(C) *an evaluation of the knowledge of, effi-  
6       ciency of, and effectiveness of current procedures  
7       and resources available to owners of critical in-  
8       frastructure and domestic large hub airports  
9       when they believe a threat from unmanned air-  
10      craft systems is present and what additional ac-  
11      tions, if any, the Department of Homeland Secu-  
12      rity or the Department of Transportation could  
13      implement under existing authorities to assist  
14      these entities to counter the threat identified in  
15      subparagraph (A);*

16           “(D) *an assessment of what, if any, addi-  
17      tional authorities are needed by each Depart-  
18      ment and law enforcement to counter the threat  
19      identified in subparagraph (A); and*

20           “(E) *an assessment of what, if any, addi-  
21      tional research and development the Department  
22      needs to counter the threat identified in subpara-  
23      graph (A).*

1           “(2) UNCLASSIFIED FORM.—The report required  
2       under paragraph (1) shall be submitted in unclassi-  
3       fied form, but may contain a classified annex.”.

4           (b) CLERICAL AMENDMENT.—The table of sections at  
5       the beginning of such chapter is amended by inserting after  
6       the item relating to section 210F the following:

“Sec. 210G. Protection of certain facilities and assets from unmanned aircraft.”.

7       **SEC. 1603. PROTECTING AGAINST UNMANNED AIRCRAFT.**

8           (a) IN GENERAL.—Chapter 5 of title 14, United States  
9       Code, is amended by inserting after section 103 the fol-  
10      lowing:

11      **“§ 104. Protecting against unmanned aircraft**

12           “For the purposes of section 210G(k)(3)(C)(iv) of the  
13      Homeland Security Act of 2002, the missions authorized  
14      to be performed by the United States Coast Guard shall be  
15      those related to—

16           “(1) functions of the U.S. Coast Guard relating  
17      to security or protection of facilities and assets as-  
18      sessed to be high-risk and a potential target for un-  
19      lawful unmanned aircraft activity, including the se-  
20      curity and protection of—

21           “(A) a facility, including a facility that is  
22      under the administrative control of the Com-  
23      mandant; and

24           “(B) a vessel (whether moored or underway)  
25      or an aircraft, including a vessel or aircraft—

1                   “(i) that is operated by the Coast  
2                   Guard, or that the Coast Guard is assisting  
3                   or escorting; and  
4                   “(ii) that is directly involved in a mis-  
5                   sion of the Coast Guard pertaining to—  
6                   “(I) assisting or escorting a vessel  
7                   of the Department of Defense;  
8                   “(II) assisting or escorting a ves-  
9                   sel of national security significance, a  
10                  high interest vessel, a high capacity  
11                  passenger vessel, or a high value unit,  
12                  as those terms are defined by the Sec-  
13                  retary;  
14                  “(III) section 91(a) of this title;  
15                  “(IV) assistance in protecting the  
16                  President or the Vice President (or  
17                  other officer next in order of succession  
18                  to the Office of the President) pursuant  
19                  to the Presidential Protection Assist-  
20                  ance Act of 1976 (18 U.S.C. 3056  
21                  note);  
22                  “(V) protection of a National Spe-  
23                  cial Security Event and Special Event  
24                  Assessment Rating events;

1                         “(VI) air defense of the United  
2                         States, including air sovereignty,  
3                         ground-based air defense, and the Na-  
4                         tional Capital Region integrated air  
5                         defense system; or

6                         “(VII) a search and rescue oper-  
7                         ation; and

8                         “(2) missions directed by the Secretary pursuant  
9                         to 210G(k)(3)(C)(iii) of the Homeland Security Act of  
10                         2002.”.

11                         (b) CLERICAL AMENDMENT.—The analysis for chapter  
12                         5 of title 14, United States Code, is amended by inserting  
13                         after the item relating to section 103 the following:

“104. Protecting against unmanned aircraft.”.

14 **DIVISION I—SUPPLEMENTAL AP-**  
15 **PROPRIATIONS FOR DIS-**  
16 **ASTER RELIEF, 2018**

17                         The following sums are hereby appropriated, out of  
18                         any money in the Treasury not otherwise appropriated,  
19                         and out of applicable corporate or other revenues, receipts,  
20                         and funds, for the several departments, agencies, corpora-  
21                         tions, and other organizational units of Government for fis-  
22                         cal year 2018, and for other purposes, namely:

23

1           *DEPARTMENT OF HOUSING AND URBAN*  
2           *DEVELOPMENT*

3 *COMMUNITY PLANNING AND DEVELOPMENT*

## 4 COMMUNITY DEVELOPMENT FUND

For an additional amount for “Community Development Fund”, \$1,680,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites

1 regarding all disaster recovery activities assisted with these  
2 funds, and to detect and prevent waste, fraud, and abuse  
3 of funds: Provided further, That prior to the obligation of  
4 funds a grantee shall submit a plan to the Secretary for  
5 approval detailing the proposed use of all funds, including  
6 criteria for eligibility and how the use of these funds will  
7 address long-term recovery and restoration of infrastructure  
8 and housing and economic revitalization in the most im-  
9 pacted and distressed areas: Provided further, That such  
10 funds may not be used for activities reimbursable by, or  
11 for which funds are made available by, the Federal Emer-  
12 gency Management Agency or the Army Corps of Engineers:  
13 Provided further, That funds allocated under this heading  
14 shall not be considered relevant to the non-disaster formula  
15 allocations made pursuant to section 106 of the Housing  
16 and Community Development Act of 1974 (42 U.S.C.  
17 5306): Provided further, That a State or subdivision thereof  
18 may use up to 5 percent of its allocation for administrative  
19 costs: Provided further, That in administering the funds  
20 under this heading, the Secretary of Housing and Urban  
21 Development may waive, or specify alternative require-  
22 ments for, any provision of any statute or regulation that  
23 the Secretary administers in connection with the obligation  
24 by the Secretary or the use by the recipient of these funds  
25 (except for requirements related to fair housing, non-

1 discrimination, labor standards, and the environment), if  
2 the Secretary finds that good cause exists for the waiver  
3 or alternative requirement and such waiver or alternative  
4 requirement would not be inconsistent with the overall pur-  
5 pose of title I of the Housing and Community Development  
6 Act of 1974: Provided further; That, notwithstanding the  
7 preceding proviso, recipients of funds provided under this  
8 heading that use such funds to supplement Federal assist-  
9 ance provided under section 402, 403, 404, 406, 407,  
10 408(c)(4), or 502 of the Robert T. Stafford Disaster Relief  
11 and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may  
12 adopt, without review or public comment, any environ-  
13 mental review, approval, or permit performed by a Federal  
14 agency, and such adoption shall satisfy the responsibilities  
15 of the recipient with respect to such environmental review,  
16 approval or permit: Provided further, That, notwith-  
17 standing section 104(g)(2) of the Housing and Community  
18 Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Sec-  
19 retary may, upon receipt of a request for release of funds  
20 and certification, immediately approve the release of funds  
21 for an activity or project assisted under this heading if the  
22 recipient has adopted an environmental review, approval  
23 or permit under the preceding proviso or the activity or  
24 project is categorically excluded from review under the Na-  
25 tional Environmental Policy Act of 1969 (42 U.S.C. 4321

1 *et seq.): Provided further, That the Secretary shall publish*  
2 *via notice in the Federal Register any waiver, or alternative*  
3 *requirement, to any statute or regulation that the Secretary*  
4 *administers pursuant to title I of the Housing and Commu-*  
5 *nity Development Act of 1974 no later than 5 days before*  
6 *the effective date of such waiver or alternative requirement:*

7 *Provided further, That of the amounts made available*  
8 *under this heading, up to \$2,500,000 may be transferred,*  
9 *in aggregate, to “Department of Housing and Urban Devel-*  
10 *opment—Program Office Salaries and Expenses—Commu-*  
11 *nity Planning and Development” for necessary costs, in-*  
12 *cluding information technology costs, of administering and*  
13 *overseeing the obligation and expenditure of amounts under*  
14 *this heading: Provided further, That such amount is des-*  
15 *ignated by the Congress as being for an emergency require-*  
16 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*  
17 *Budget and Emergency Deficit Control Act of 1985: Pro-*  
18 *vided further, That the amount designated under this head-*  
19 *ing as an emergency requirement pursuant to section*  
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*  
21 *Deficit Control Act of 1985 shall be available only if the*  
22 *President subsequently so designates such amount and*  
23 *transmits such designation to the Congress.*

1   **SEC. 1701. BUDGETARY EFFECTS.**

2       (a) *STATUTORY PAYGO SCORECARDS.*—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

6       (b) *SENATE PAYGO SCORECARDS.*—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

10     (c) *CLASSIFICATION OF BUDGETARY EFFECTS.*— Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall be estimated for purposes of section 251 of such Act.

18       This division may be cited as the “Supplemental Appropriations for Disaster Relief Act, 2018”.

20           **DIVISION J—MARITIME SECURITY**

22   **SEC. 1801. SHORT TITLE.**

23       This division may be cited as the “Maritime Security Improvement Act of 2018”.

25   **SEC. 1802. DEFINITIONS.**

26       In this division:

1                   (1) APPROPRIATE COMMITTEES OF CONGRESS.—

2       The term “appropriate committees of Congress”  
3       means—

4                   (A) the Committee on Commerce, Science,  
5       and Transportation of the Senate;

6                   (B) the Committee on Homeland Security  
7       and Governmental Affairs of the Senate;

8                   (C) the Committee on Homeland Security of  
9       the House of Representatives; and

10                  (D) the Committee on Transportation and  
11       Infrastructure of the House of Representatives.

12                  (2) TSA.—The term “TSA” means the Trans-  
13       portation Security Administration.

14 **SEC. 1803. COORDINATION WITH TSA ON MARITIME FACILI-  
15 TIES.**

16       The Secretary of Homeland Security shall—

17                  (1) provide the Administrator of the TSA with  
18       updates to vulnerability assessments required under  
19       section 70102(b)(3) of title 46, United States Code, to  
20       avoid any duplication of effort between the Coast  
21       Guard and the TSA; and

22                  (2) identify any security gaps between authori-  
23       ties of operating entities within the Department of  
24       Homeland Security that a threat could exploit to

1 cause a transportation security incident (as defined  
2 in section 70101 of title 46, United States Code).

**3 SEC. 1804. STRATEGIC PLAN TO ENHANCE THE SECURITY  
4 OF THE INTERNATIONAL SUPPLY CHAIN.**

5       Section 201 of the Security and Accountability for  
6 Every Port Act of 2006 (6 U.S.C. 941) is amended—

(1) in subsection (a), by striking “as appropriate” and inserting “triennially”; and

9 (2) in subsection (g)—

“(2) UPDATES.—Not later than 270 days after the date of enactment of the Maritime Security Improvement Act of 2018 and triennially thereafter, the Secretary shall submit to the appropriate congressional committees a report that contains any updates to the strategic plan under subsection (a) since the prior report.”.

21 SEC. 1805. CYBERSECURITY INFORMATION SHARING AND  
22 COORDINATION IN PORTS.

23           (a) MARITIME CYBERSECURITY RISK ASSESSMENT  
24 MODEL.—The Secretary of Homeland Security, through the  
25 Commandant of the Coast Guard and the Under Secretary

1 responsible for overseeing the critical infrastructure protec-  
2 tion, cybersecurity, and other related programs of the De-  
3 partment of Homeland Security, shall—

4 (1) not later than 1 year after the date of enact-  
5 ment of this Act, coordinate with the National Mari-  
6 time Security Advisory Committee, the Area Mari-  
7 time Security Advisory Committees, and other mari-  
8 time stakeholders, as necessary, to develop and imple-  
9 ment a maritime cybersecurity risk assessment model,  
10 consistent with the activities described in section 2(e)  
11 of the National Institute of Standards and Technology  
12 Act (15 U.S.C. 272(e)), to evaluate current and future  
13 cybersecurity risks that have the potential to affect the  
14 marine transportation system or that would cause a  
15 transportation security incident (as defined in section  
16 70101 of title 46, United States Code) in ports; and  
17 (2) not less than biennially thereafter, evaluate  
18 the effectiveness of the cybersecurity risk assessment  
19 model established under paragraph (1).

20 (b) PORT SECURITY; DEFINITIONS.—Section 70101 of  
21 title 46, United States Code, is amended—

22 (1) by redesignating paragraphs (2) through (6)  
23 as paragraphs (3) through (7), respectively; and  
24 (2) by inserting after paragraph (1) the fol-  
25 lowing:

1           “(2) *The term ‘cybersecurity risk’ has the mean-*  
2       *ing given the term in section 227 of the Homeland*  
3       *Security Act of 2002 (6 U.S.C. 148).*.”.

4       (c) **NATIONAL MARITIME SECURITY ADVISORY COM-**  
5       **MITTEE.**—

6           (1) *FUNCTIONS.*—Section 70112(a)(1)(A) of title  
7       *46, United States Code, is amended by inserting be-*  
8       *fore the semicolon the following: “, including on en-*  
9       *hancing the sharing of information related to cyberse-*  
10      *curity risks that may cause a transportation security*  
11      *incident, between relevant Federal agencies and—*

12           “(i) *State, local, and tribal govern-*  
13       *ments;*

14           “(ii) *relevant public safety and emer-*  
15       *gency response agencies;*

16           “(iii) *relevant law enforcement and se-*  
17       *curity organizations;*

18           “(iv) *maritime industry;*

19           “(v) *port owners and operators; and*

20           “(vi) *terminal owners and operators.”.*

21           (2) *INFORMATION SHARING.*—*The Commandant*  
22       *of the Coast Guard and the Under Secretary respon-*  
23       *sible for overseeing the critical infrastructure protec-*  
24       *tion, cybersecurity, and other related programs of the*  
25       *Department of Homeland Security shall—*

1                   (A) ensure there is a process for each Area  
2                   Maritime Security Advisory Committee estab-  
3                   lished under section 70112 of title 46, United  
4                   States Code—  
5                         (i) to facilitate the sharing of informa-  
6                         tion related to cybersecurity risks that may  
7                         cause transportation security incidents;  
8                         (ii) to timely report transportation se-  
9                         curity incidents to the national level; and  
10                         (iii) to disseminate such reports across  
11                         the entire maritime transportation system  
12                         via the National Cybersecurity and Com-  
13                         munications Integration Center; and  
14                         (B) issue voluntary guidance for the man-  
15                         agement of such cybersecurity risks in each Area  
16                         Maritime Transportation Security Plan and fa-  
17                         cility security plan required under section 70103  
18                         of title 46, United States Code, approved after  
19                         the date that the cybersecurity risk assessment  
20                         model is developed under subsection (a) of this  
21                         section.

22                 (d) VULNERABILITY ASSESSMENTS AND SECURITY  
23                 PLANS.—

1                   (1) *FACILITY AND VESSEL ASSESSMENTS.*—Section  
2      70102(b)(1) of title 46, United States Code, is  
3      amended—

4                   (A) in the matter preceding subparagraph  
5      (A), by striking “and by not later than December  
6      31, 2004”; and

7                   (B) in subparagraph (C), by inserting “se-  
8      curity against cybersecurity risks,” after “phys-  
9      ical security.”.

10                  (2) *MARITIME TRANSPORTATION SECURITY  
11 PLANS.*—Section 70103 of title 46, United States  
12 Code, is amended—

13                  (A) in subsection (a)(1), by striking “Not  
14      later than April 1, 2005, the” and inserting  
15      “The”;

16                  (B) in subsection (a)(2), by adding at the  
17      end the following:

18                  “(K) A plan to detect, respond to, and re-  
19      cover from cybersecurity risks that may cause  
20      transportation security incidents.”;

21                  (C) in subsection (b)(2)—

22                    (i) in subparagraph (G)(ii), by strik-  
23      ing “; and” and inserting a semicolon;

24                    (ii) by redesignating subparagraph  
25      (H) as subparagraph (I); and

2 (G) the following:

3                         “(H) include a plan for detecting, respond-  
4                         ing to, and recovering from cybersecurity risks  
5                         that may cause transportation security inci-  
6                         dents; and”; and

7 (D) in subsection (c)(3)(C)—

(i) in clause (iv), by striking “; and”  
and inserting a semicolon;

“(v) detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and”.

23           (e) BRIEF TO CONGRESS.—Not later than 1 year after  
24 the date of enactment of this Act, the Commandant of the  
25 Coast Guard and the Under Secretary responsible for over-

1 *seeing the critical infrastructure protection, cybersecurity,*  
2 *and other related programs of the Department of Homeland*  
3 *Security shall provide to the appropriate committees of*  
4 *Congress a briefing on how the Coast Guard will assist in*  
5 *security and response in the port environment when a*  
6 *cyber-caused transportation security incident occurs, to in-*  
7 *clude the use of cyber protection teams.*

8 **SEC. 1806. FACILITY INSPECTION INTERVALS.**

9       *Section 70103(c)(4)(D) of title 46, United States Code,*  
10 *is amended to read as follows:*

11           *“(D) subject to the availability of appro-*  
12 *priations, periodically, but not less than one*  
13 *time per year, conduct a risk-based, no notice fa-*  
14 *cility inspection to verify the effectiveness of each*  
15 *such facility security plan.”.*

16 **SEC. 1807. UPDATES OF MARITIME OPERATIONS COORDINA-**  
17 **TION PLAN .**

18       *(a) IN GENERAL.—Subtitle C of title IV of the Home-*  
19 *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*  
20 *by adding at the end the following:*

21 **“SEC. 435. MARITIME OPERATIONS COORDINATION PLAN.**

22       *“(a) IN GENERAL.—Not later than 180 days after the*  
23 *date of enactment of the Maritime Security Improvement*  
24 *Act of 2018, and biennially thereafter, the Secretary shall—*

1           “(1) update the Maritime Operations Coordina-  
2       tion Plan, published by the Department on July 7,  
3       2011, to strengthen coordination, planning, informa-  
4       tion sharing, and intelligence integration for mari-  
5       time operations of components and offices of the De-  
6       partment with responsibility for maritime security  
7       missions; and

8           “(2) submit each update to the Committee on  
9       Commerce, Science, and Transportation and the Com-  
10       mittee on Homeland Security and Governmental Af-  
11       fairs of the Senate and the Committee on Transpor-  
12       tation and Infrastructure and the Committee on  
13       Homeland Security of the House of Representatives.

14       “(b) CONTENTS.—Each update shall address the fol-  
15       lowing:

16           “(1) Coordinating the planning, integration of  
17       maritime operations, and development of joint mari-  
18       time domain awareness efforts of any component or  
19       office of the Department with responsibility for mari-  
20       time security missions.

21           “(2) Maintaining effective information sharing  
22       and, as appropriate, intelligence integration, with  
23       Federal, State, and local officials and the private sec-  
24       tor, regarding threats to maritime security.

1               “(3) Cooperating and coordinating with Federal  
2 departments and agencies, and State and local agen-  
3 cies, in the maritime environment, in support of mar-  
4 itime security missions.

5           “(4) *Highlighting the work completed within the*  
6 *context of other national and Department maritime*  
7 *security strategic guidance and how that work fits*  
8 *with the Maritime Operations Coordination Plan.”*

9           (b) TABLE OF CONTENTS.—The table of contents in  
10 section 1(b) of the Homeland Security Act of 2002 (Public  
11 Law 107-296; 116 Stat. 2136) is amended by adding after  
12 the item relating to section 434 the following:

*“435. Maritime operations coordination plan.”*

13 SEC. 1808. EVALUATION OF COAST GUARD DEPLOYABLE  
14 SPECIALIZED FORCES.

15       (a) IN GENERAL.—Not later than 1 year after the date  
16 of enactment of this Act, the Comptroller General of the  
17 United States shall submit to the Committee on Commerce,  
18 Science, and Transportation and the Committee on Home-  
19 land Security and Governmental Affairs of the Senate and  
20 the Committee on Transportation and Infrastructure and  
21 the Committee on Homeland Security of the House of Rep-  
22 resentatives a report on the state of the Coast Guard's  
23 Deployable Specialized Forces (referred to in this section  
24 as DSF).

1       (b) CONTENTS.—The report shall include, at a min-  
2 imum, the following:

3           (1) For each of the past 3 fiscal years, and for  
4 each type of DSF, the following:

5              (A) A cost analysis, including training, op-  
6 erating, and travel costs.

7              (B) The number of personnel assigned.

8              (C) The total number of units.

9              (D) The total number of operations con-  
10 ducted.

11             (E) The number of operations requested by  
12 each of the following:

13              (i) Coast Guard.

14              (ii) Other components or offices of the  
15 Department of Homeland Security.

16              (iii) Other Federal departments or  
17 agencies.

18              (iv) State agencies.

19              (v) Local agencies.

20             (F) The number of operations fulfilled in  
21 support of each entity described in clauses (i)  
22 through (v) of subparagraph (E).

23           (2) An examination of alternative distributions  
24 of deployable specialized forces, including the feasi-  
25 bility, cost (including cost savings), and impact on

1       mission capability of such distributions, including at  
2       a minimum the following:

3                 (A) Combining deployable specialized forces,  
4                 primarily focused on counterdrug operations,  
5                 under one centralized command.

6                 (B) Distributing counter-terrorism and  
7                 anti-terrorism capabilities to deployable special-  
8                 ized forces in each major United States port.

9       (c) **DEFINITION OF DEPLOYABLE SPECIALIZED**  
10 **FORCES OR DSF.**—In this section, the term “deployable  
11 specialized forces” or “DSF” means the deployable special-  
12 ized forces established under section 70106 of title 46,  
13 United States Code.

14 **SEC. 1809. REPEAL OF INTERAGENCY OPERATIONAL CEN-**  
15 **TERS FOR PORT SECURITY AND SECURE SYS-**  
16 **TEMS OF TRANSPORTATION.**

17       (a) **INTERAGENCY OPERATIONAL CENTERS FOR PORT**  
18 **SECURITY.**—

19                 (1) **REPEAL.**—Section 70107A of title 46, United  
20 States Code, is repealed.

21                 (2) **SAVINGS CLAUSE.**—A repeal made by this  
22 subsection shall not affect an interagency operational  
23 center established before the date of enactment of this  
24 Act.

1                             (3) NOTICE TO CONGRESS.—*The Secretary of  
2 Homeland Security shall notify the Committee on  
3 Commerce, Science, and Transportation of the Senate  
4 and the Committee on Homeland Security and the  
5 Committee on Transportation and Infrastructure of  
6 the House of Representatives at least 1 year before  
7 ceasing operations of any interagency operational  
8 center established before the date of enactment of the  
9 Security and Accountability for Every Port Act of  
10 2006 (Public Law 109–347; 120 Stat. 1884).*

11                             (b) SECURE SYSTEMS OF TRANSPORTATION.—Section  
12 70116 of title 46, United States Code, is repealed.

13                             (c) TECHNICAL AND CONFORMING AMENDMENTS.—

14                             (1) TABLE OF CONTENTS.—*The table of contents  
15 for chapter 701 of title 46, United States Code, is  
16 amended by striking the items relating to sections  
17 70107A and 70116.*

18                             (2) REPORT REQUIREMENT.—Section 108 of the  
19 Security and Accountability for Every Port Act of  
20 2006 (Public Law 109–347; 120 Stat. 1893) is  
21 amended by striking subsection (b) (46 U.S.C.  
22 70107A note) and inserting the following:  
23 “(b) [Reserved].”.

1 **SEC. 1810. DUPLICATION OF EFFORTS IN THE MARITIME**2 **DOMAIN.**

3       (a) *GAO ANALYSIS.*—Not later than 1 year after the  
4 date of enactment of this Act, the Comptroller General of  
5 the United States shall—

6           (1) conduct an analysis of all operations in the  
7 applicable location of—

8              (A) the Air and Marine Operations of the  
9 U.S. Customs and Border Protection; and

10             (B) any other agency of the Department of  
11 Homeland Security that operates air and ma-  
12 rine assets;

13           (2) in conducting the analysis under paragraph  
14 (1)—

15              (A) examine the extent to which the Air and  
16 Marine Operations is synchronizing and  
17 deconflicting any duplicative flight hours or pa-  
18 trols with the agencies described in paragraph  
19 (1)(B); and

20              (B) include a sector-by-sector analysis of  
21 any potential costs savings or other benefits that  
22 would be derived through greater coordination of  
23 flight hours and patrols; and

24           (3) submit to the Secretary of Homeland Secu-  
25 rity and the appropriate committees of Congress a re-  
26 port on the analysis, including any recommendations.

1       (b) *DHS REPORT.*—Not later than 180 days after the  
2 date the report is submitted under subsection (a)(3), the  
3 Secretary of Homeland Security shall submit to the appro-  
4 priate committees of Congress a report on what actions the  
5 Secretary plans to take in response to the findings of the  
6 analysis and recommendations of the Comptroller General.

7       (c) *DEFINITION OF APPLICABLE LOCATION.*—In this  
8 section, the term “applicable location” means any location  
9 in which the Air and Marine Operations of the U.S. Cus-  
10 toms and Border Protection is based within 45 miles of a  
11 location in which any other agency of the Department of  
12 Homeland Security also operates air and marine assets.

13 **SEC. 1811. MARITIME SECURITY CAPABILITIES ASSESS-  
14 MENTS.**

15       (a) *IN GENERAL.*—Subtitle C of title IV of the Home-  
16 land Security Act of 2002 (6 U.S.C. 231 et seq.), as amend-  
17 ed by section 1807 of this Act, is further amended by adding  
18 at the end the following:

19 **“SEC. 436. MARITIME SECURITY CAPABILITIES ASSESS-  
20 MENTS.**

21       “Not later than 180 days after the date of enactment  
22 of the Maritime Security Improvement Act of 2018, and  
23 annually thereafter, the Secretary shall submit to the Com-  
24 mittee on Commerce, Science, and Transportation and the  
25 Committee on Homeland Security and Governmental Af-

1 fairs of the Senate and the Committee on Transportation  
2 and Infrastructure and the Committee on Homeland Secu-  
3 rity of the House of Representatives, an assessment of the  
4 number and type of maritime assets and the number of per-  
5 sonnel required to increase the Department's maritime re-  
6 sponse rate pursuant to section 1092 of the National De-  
7 fense Authorization Act for Fiscal Year 2017 (6 U.S.C.  
8 223).".

9 (b) TABLE OF CONTENTS.—The table of contents in  
10 section 1(b) of the Homeland Security Act of 2002 (Public  
11 Law 107-296; 116 Stat. 2136), as amended by section 1807  
12 of this Act, is further amended by adding after the item  
13 relating to section 435 the following:

“436. Maritime security capabilities assessments.”.

14 **SEC. 1812. CONTAINER SECURITY INITIATIVE.**

15 Section 205(l) of the Security and Accountability for  
16 Every Port Act of 2006 (6 U.S.C. 945) is amended—

17 (1) by striking paragraph (2); and  
18 (2) in paragraph (1)—

19 (A) by striking “(1) IN GENERAL.—Not  
20 later than September 30, 2007,” and inserting  
21 “Not later than 270 days after the date of enact-  
22 ment of the Maritime Security Improvement Act  
23 of 2018,”; and

(B) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively.

#### **4 SEC. 1813. MARITIME BORDER SECURITY REVIEW.**

5           (a) *DEFINITIONS.*—*In this section:*

(1) *MARITIME BORDER*.—The term “*maritime border*” means

(A) the transit zone; and

(B) the borders and territorial waters of Puerto Rico and the United States Virgin Islands

16 (b) MARITIME BORDER THREAT ANALYSIS.—

17                   (1) *IN GENERAL.*—Not later than 180 days after  
18                   the date of enactment of this Act, the Secretary of  
19                   Homeland Security shall submit to the appropriate  
20                   committees of Congress a maritime border threat  
21                   analysis that includes an identification and descrip-  
22                   tion of the following:

(i) enter the United States through the maritime border; or

(ii) exploit border vulnerabilities on  
the maritime border.

(B) Improvements needed at United States  
sea ports—

(ii) reduce criminal activity related to  
the maritime border.

1           *and the flow of legitimate trade with respect to*  
2           *the maritime border.*

3           *(E) Metrics and performance parameters*  
4           *used by the Department of Homeland Security to*  
5           *evaluate maritime security effectiveness, as ap-*  
6           *propriate.*

7           *(2) ANALYSIS REQUIREMENTS.—In preparing*  
8           *the threat analysis under subsection (a), the Secretary*  
9           *of Homeland Security shall consider the following:*

10          *(A) Technology needs and challenges.*

11          *(B) Personnel needs and challenges.*

12          *(C) The role of State, territorial, and local*  
13          *law enforcement in maritime border security ac-*  
14          *tivities.*

15          *(D) The need for cooperation among Fed-*  
16          *eral, State, territorial, local, and appropriate*  
17          *international law enforcement entities relating to*  
18          *maritime border security.*

19          *(E) The geographic challenges of the mari-*  
20          *time border.*

21          *(F) The impact of Hurricanes Harvey,*  
22          *Irma, Maria, and Nate on general border secu-*  
23          *rity activities with respect to the maritime bor-*  
24          *der.*

25          *(3) CLASSIFIED THREAT ANALYSIS.—*

1                   (A) *IN GENERAL.*—To the extent possible,  
2                   the Secretary of Homeland Security shall submit  
3                   the threat analysis under subsection (a) in un-  
4                   classified form.

5                   (B) *CLASSIFIED.*—The Secretary may sub-  
6                   mit a portion of the threat analysis in classified  
7                   form if the Secretary determines that such form  
8                   is appropriate for such portion.

9                   **SEC. 1814. MARITIME BORDER SECURITY COOPERATION.**

10                  The Secretary of the department in which the Coast  
11                  Guard is operating shall, in accordance with law—

12                  (1) partner with other Federal, State, and local  
13                  government agencies to leverage existing technology,  
14                  including existing sensor and camera systems and  
15                  other sensors, in place along the maritime border to  
16                  facilitate monitoring of high-risk maritime borders,  
17                  as determined by the Secretary; and

18                  (2) subject to the availability of appropriations,  
19                  enter into such agreements as the Secretary considers  
20                  necessary to ensure the monitoring described in para-  
21                  graph (1).

22                  **SEC. 1815. TRANSPORTATION WORKER IDENTIFICATION  
23                  CREDENTIAL APPEALS PROCESS.**

24                  Not later than 90 days after the date of enactment of  
25                  this Act, the Secretary of Homeland Security shall transmit

1 to the appropriate committees of Congress a report on the  
2 following:

3 (1) The average completion time of an appeal  
4 under the appeals process established under section  
5 70105(c)(4) of title 46, United States Code.

6 (2) The most common reasons for any delays at  
7 each step in such process.

8 (3) Recommendations on how to resolve any such  
9 delays as expeditiously as possible.

10 **SEC. 1816. TECHNICAL AND CONFORMING AMENDMENTS.**

11 (a) STUDY TO IDENTIFY REDUNDANT BACKGROUND  
12 RECORDS CHECKS.—Section 105 of the Security and Ac-  
13 countability for Every Port Act of 2006 (Public Law 109–  
14 347; 120 Stat. 1891) and the item relating to that section  
15 in the table of contents for that Act are repealed.

16 (b) DOMESTIC RADIATION DETECTION AND IMAG-  
17 ING.—Section 121 of the Security and Accountability for  
18 Every Port Act of 2006 (6 U.S.C. 921) is amended—

19 (1) by striking subsections (c), (d), and (e);  
20 (2) by redesignating subsections (f), (g), (h), and  
21 (i) as subsections (c), (d), (e), and (f), respectively;  
22 and

23 (3) in subsection (e)(1)(B), as redesignated, by  
24 striking “(and updating, if any, of that strategy  
25 under subsection (c))”.

1       (c) *INSPECTION OF CAR FERRIES ENTERING FROM*  
2 *ABROAD.*—Section 122 of the Security and Accountability  
3 for Every Port Act of 2006 (6 U.S.C. 922) and the item  
4 relating to that section in the table of contents for that Act  
5 are repealed.

6       (d) *REPORT ON ARRIVAL AND DEPARTURE MANIFEST*  
7 *FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED*  
8 *STATES VIRGIN ISLANDS.*—Section 127 of the Security and  
9 Accountability for Every Port Act of 2006 (120 Stat. 1900)  
10 and the item relating to that section in the table of contents  
11 for that Act are repealed.

12       (e) *INTERNATIONAL COOPERATION AND COORDINA-*  
13 *TION.*—

14           (1) *IN GENERAL.*—Section 233 of the Security  
15 and Accountability for Every Port Act of 2006 (6  
16 U.S.C. 983) is amended to read as follows:

17       **“SEC. 233. INSPECTION TECHNOLOGY AND TRAINING.**

18           “(a) *IN GENERAL.*—The Secretary, in coordination  
19 with the Secretary of State, the Secretary of Energy, and  
20 appropriate representatives of other Federal agencies, may  
21 provide technical assistance, equipment, and training to fa-  
22 cilitate the implementation of supply chain security meas-  
23 ures at ports designated under the Container Security Ini-  
24 tiative.

1       “(b) ACQUISITION AND TRAINING.—Unless otherwise  
2 prohibited by law, the Secretary may—

3           “(1) lease, loan, provide, or otherwise assist in  
4 the deployment of nonintrusive inspection and radi-  
5 ation detection equipment at foreign land and sea  
6 ports under such terms and conditions as the Sec-  
7 retary prescribes, including nonreimbursable loans or  
8 the transfer of ownership of equipment; and

9           “(2) provide training and technical assistance  
10 for domestic or foreign personnel responsible for oper-  
11 ating or maintaining such equipment.”.

12          (2) TABLE OF CONTENTS.—The table of contents  
13 in section 1(b) of the Security and Accountability for  
14 Every Port Act of 2006 (Public Law 109–347; 120  
15 Stat. 1884) is amended by amending the item relat-  
16 ing to section 233 to read as follows:

“Sec. 233. Inspection technology and training.”.

17          (f) PILOT PROGRAM TO IMPROVE THE SECURITY OF  
18 EMPTY CONTAINERS.—Section 235 of the Security and Ac-  
19 countability for Every Port Act of 2006 (6 U.S.C. 984) and  
20 the item relating to that section in the table of contents for  
21 that Act are repealed.

22          (g) SECURITY PLAN FOR ESSENTIAL AIR SERVICE AND  
23 SMALL COMMUNITY AIRPORTS.—Section 701 of the Secu-  
24 rity and Accountability for Every Port Act of 2006 (Public

1 Law 109–347; 120 Stat. 1943) and the item relating to that  
2 section in the table of contents for that Act are repealed.

3 (h) AIRCRAFT CHARTER CUSTOMER AND LESSEE  
4 PRESCREENING PROGRAM.—Section 708 of the Security  
5 and Accountability for Every Port Act of 2006 (Public Law  
6 109–347; 120 Stat. 1947) and the item relating to that sec-  
7 tion in the table of contents for that Act are repealed.

8 **DIVISION K—TRANSPORTATION  
SECURITY**

9  
10 **TITLE I—TRANSPORTATION  
SECURITY**

11  
12 **SEC. 1901. SHORT TITLE; REFERENCES.**

13 (a) SHORT TITLE.—This title may be cited as the  
14 “TSA Modernization Act”.

15 (b) REFERENCES TO TITLE 49, UNITED STATES  
16 CODE.—Except as otherwise expressly provided, wherever  
17 in this title an amendment or repeal is expressed in terms  
18 of an amendment to, or repeal of, a section or other provi-  
19 sion, the reference shall be considered to be made to a section  
20 or other provision of title 49, United States Code.

21 **SEC. 1902. DEFINITIONS.**

22 In this title:

23 (1) ADMINISTRATOR.—The term “Adminis-  
24 trator” means the Administrator of the TSA.

1                   (2) APPROPRIATE COMMITTEES OF CONGRESS.—

2       The term “appropriate committees of Congress”  
3   means—

4                   (A) the Committee on Commerce, Science,  
5   and Transportation of the Senate;

6                   (B) the Committee on Homeland Security  
7   and Governmental Affairs of the Senate; and

8                   (C) the Committee on Homeland Security of  
9   the House of Representatives.

10                  (3) ASAC.—The term “ASAC” means the Aviation  
11   Security Advisory Committee established under  
12   section 44946 of title 49, United States Code.

13                  (4) DEPARTMENT.—The term “Department”  
14   means the Department of Homeland Security.

15                  (5) EXPLOSIVE DETECTION CANINE TEAM.—The  
16   term “explosives detection canine team” means a canine  
17   and a canine handler that are trained to detect  
18   explosives and other threats as defined by the Secretary.

20                  (6) SECRETARY.—The term “Secretary” means  
21   the Secretary of Homeland Security.

22                  (7) TSA.—The term “TSA” means the Transportation  
23   Security Administration.

1                   **Subtitle A—Organization and**  
2                   **Authorizations**

3   **SEC. 1903. AUTHORIZATION OF APPROPRIATIONS.**

4         *Section 114(w) is amended to read as follows:*

5         “(w) AUTHORIZATION OF APPROPRIATIONS.—There  
6         *are authorized to be appropriated to the Transportation Se-*  
7         *curity Administration for salaries, operations, and mainte-*  
8         *nance of the Administration—*

9                 “(1) \$7,849,247,000 for fiscal year 2019;

10                 “(2) \$7,888,494,000 for fiscal year 2020; and

11                 “(3) \$7,917,936,000 for fiscal year 2021.”.

12   **SEC. 1904. ADMINISTRATOR OF THE TRANSPORTATION SE-**

13                   **CURITY ADMINISTRATION; 5-YEAR TERM.**

14         *(a) IN GENERAL.—Section 114, as amended by section*  
15         *1903 of this Act, is further amended—*

16                 *(1) in subsection (a), by striking “Department of*  
17                 *Transportation” and inserting “Department of*  
18                 *Homeland Security”;*

19                 *(2) by amending subsection (b) to read as fol-*  
20                 *lows:*

21                 *“(b) LEADERSHIP.—*

22                 *“(1) HEAD OF TRANSPORTATION SECURITY AD-*  
23                 *MINISTRATION.—*

24                 *“(A) APPOINTMENT.—The head of the Ad-*  
25                 *ministration shall be the Administrator of the*

1           *Transportation Security Administration (re-*  
2           *ferred to in this section as the ‘Administrator’).*

3           *The Administrator shall be appointed by the*  
4           *President, by and with the advice and consent of*  
5           *the Senate.*

6           “(B) *QUALIFICATIONS.—The Administrator*  
7           *must—*

8           “(i) *be a citizen of the United States;*  
9           *and*

10           “(ii) *have experience in a field directly*  
11           *related to transportation or security.*

12           “(C) *TERM.—Effective with respect to any*  
13           *individual appointment by the President, by and*  
14           *with the advice and consent of the Senate, after*  
15           *the date of enactment of the TSA Modernization*  
16           *Act, the term of office of an individual appointed*  
17           *as the Administrator shall be 5 years. The term*  
18           *of office of an individual serving as the Adminis-*  
19           *trator on the date of enactment of the TSA Mod-*  
20           *ernization Act shall be 5 years beginning on the*  
21           *date that the Administrator began serving.*

22           “(2) *DEPUTY ADMINISTRATOR.—*

23           “(A) *APPOINTMENT.—There is established*  
24           *in the Transportation Security Administration a*  
25           *Deputy Administrator, who shall assist the Ad-*

1           *ministrator in the management of the Transpor-*  
2           *tation Security Administration. The Deputy Ad-*  
3           *ministrator shall be appointed by the President.*

4           “*(B) VACANCY.—The Deputy Administrator*  
5           *shall be Acting Administrator during the absence*  
6           *or incapacity of the Administrator or during a*  
7           *vacancy in the office of Administrator.*

8           “*(C) QUALIFICATIONS.—The Deputy Ad-*  
9           *ministrator must—*

10           “*(i) be a citizen of the United States;*  
11           *and*

12           “*(ii) have experience in a field directly*  
13           *related to transportation or security.*

14           “*(3) CHIEF COUNSEL.—*

15           “*(A) APPOINTMENT.—There is established*  
16           *in the Transportation Security Administration a*  
17           *Chief Counsel, who shall advise the Adminis-*  
18           *trator and other senior officials on all legal mat-*  
19           *ters relating to the responsibilities, functions,*  
20           *and management of the Transportation Security*  
21           *Administration.*

22           “*(B) QUALIFICATIONS.—The Chief Counsel*  
23           *must be a citizen of the United States.”; and*

1                             (3) in subsections (c) through (n), (p), (q), and  
2                             (r), by striking “Under Secretary” each place it ap-  
3                             pears and inserting “Administrator”.

4                             (b) TECHNICAL AND CONFORMING AMENDMENTS.—

5                             (1) IN GENERAL.—Section 114, as amended by  
6                             subsection (a) of this section, is further amended—

7                                 (A) in subsection (g)—

8                                 (i) in paragraph (1)—

9                                     (I) in the matter preceding sub-  
10                                 paragraph (A), by striking “Subject to  
11                                 the direction and control of the Sec-  
12                                 retary” and inserting “Subject to the  
13                                 direction and control of the Secretary  
14                                 of Homeland Security”; and

15                                     (II) in subparagraph (D), by in-  
16                                 serting “of Homeland Security” after  
17                                 “Secretary”; and

18                                 (ii) in paragraph (3), by inserting “of  
19                                 Homeland Security” after “Secretary”;

20                                 (B) in subsection (j)(1)(D), by inserting “of  
21                                 Homeland Security” after “Secretary”;

22                                 (C) in subsection (k), by striking “functions  
23                                 transferred, on or after the date of enactment of  
24                                 the Aviation and Transportation Security Act,”  
25                                 and inserting “functions assigned”;

- 1                   (D) in subsection (l)(4)(B), by striking “Ad-  
2 ministrator under subparagraph (A)” and in-  
3 serting “Administrator of the Federal Aviation  
4 Administration under subparagraph (A);”
- 5                   (E) in subsection (n), by striking “Depart-  
6 ment of Transportation” and inserting “Depart-  
7 ment of Homeland Security”;
- 8                   (F) in subsection (o), by striking “Depart-  
9 ment of Transportation” and inserting “Depart-  
10 ment of Homeland Security”;
- 11                  (G) in subsection (p)(4), by striking “Sec-  
12 retary of Transportation” and inserting “Sec-  
13 retary of Homeland Security”;
- 14                  (H) in subsection (s)—
- 15                   (i) in paragraph (3)(B), by inserting  
16                   “)” after “Act of 2007”; and
- 17                   (ii) in paragraph (4)—
- 18                   (I) in the heading, by striking  
19                   “SUBMISSIONS OF PLANS TO CON-  
20                   GRESS” and inserting “SUBMISSION OF  
21                   PLANS”;
- 22                   (II) by striking subparagraph  
23                   (A);

(III) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(I) by redesignating subsections (u), (v), and (w) as subsections (t), (u), and (v), respectively;

20 (J) in subsection (t), as redesignated—

21 (i) in paragraph (1)—

22 (I) by striking subparagraph (D);  
23  
24

(II) by redesignating subparagraph (E) as subparagraph (D);

1                             (ii) in paragraph (2), by inserting “of  
2                             Homeland Security” after “Plan, the Sec-  
3                             retary”;

4                             (iii) in paragraph (4)(B)—

5                                 (I) by inserting “of Homeland Se-  
6                             curity” after “agency within the De-  
7                             partment”; and

8                                 (II) by inserting “of Homeland  
9                             Security” after “Secretary”;

10                             (iv) by amending paragraph (6) to  
11                             read as follows:

12                             “(6) ANNUAL REPORT ON PLAN.—The Secretary  
13                             of Homeland Security shall annually submit to the  
14                             appropriate congressional committees a report con-  
15                             taining the Plan.”; and

16                             (v) in paragraphs (7) and (8), by in-  
17                             serting “of Homeland Security” after “Sec-  
18                             retary”; and

19                             (K) in subsection (u), as redesignated—

20                                 (i) in paragraph (1)—

21                                 (I) in subparagraph (B), by in-  
22                             serting “or the Administrator” after  
23                             “Secretary of Homeland Security”;  
24                             and

13 (iv) in paragraph (7)—

1       ing “, under section 114(u)(7) of title 49, United  
2       States Code, as added by this section, or otherwise.”.

3       (c) **EXECUTIVE SCHEDULE.—**

4           (1) **ADMINISTRATOR OF THE TSA.—**

5           (A) **POSITIONS AT LEVEL II.**—Section 5313  
6       of title 5, United States Code, is amended by in-  
7       serting after the item relating to the Under Sec-  
8       retary of Homeland Security for Management  
9       the following:

10      “Administrator of the Transportation Security Ad-  
11      ministration.”.

12      (B) **BONUS ELIGIBILITY.**—Section 101(c)(2)  
13       of the Aviation and Transportation Security Act  
14       (5 U.S.C. 5313 note) is amended—

15           (i) by striking “Under Secretary” and  
16       inserting “Administrator of the Transpor-  
17       tation Security Administration”;

18           (ii) by striking “on the Secretary’s”  
19       and inserting “on the Secretary of Home-  
20       land Security’s”; and

21           (iii) by striking “Under Secretary’s”  
22       and inserting “Administrator’s”.

23      (2) **DEPUTY ADMINISTRATOR OF THE TSA.**—Sec-  
24       tion 5314 of title 5, United States Code, is amended  
25       by inserting after the item relating to Deputy Admin-

1       *istrators, Federal Emergency Management Agency the*  
2       *following:*

3       “Deputy Administrator, Transportation Security Ad-  
4 ministration.”.

## **11 SEC. 1905. TRANSPORTATION SECURITY ADMINISTRATION**

## 12 ***ORGANIZATION.***

13       Section 114, as amended by sections 1903 and 1904  
14 of this Act, is further amended by adding at the end the  
15 following:

16        "(w) LEADERSHIP AND ORGANIZATION.—

17           “(1) *IN GENERAL.*—For each of the areas de-  
18       scribed in paragraph (2), the Administrator of the  
19       Transportation Security Administration shall ap-  
20       point at least 1 individual who shall—

“(A) report directly to the Administrator or  
the Administrator’s designated direct report; and

23                   “(B) be responsible and accountable for that  
24                   area.

1           “(2) AREAS DESCRIBED.—*The areas described in  
2 this paragraph are as follows:*

3           “(A) Aviation security operations and  
4 training, including risk-based, adaptive secu-  
5 rity—

6           “(i) focused on airport checkpoint and  
7 baggage screening operations;

8           “(ii) workforce training and develop-  
9 ment programs; and

10           “(iii) ensuring compliance with avia-  
11 tion security law, including regulations,  
12 and other specialized programs designed to  
13 secure air transportation.

14           “(B) Surface transportation security oper-  
15 ations and training, including risk-based, adapt-  
16 ive security—

17           “(i) focused on accomplishing security  
18 systems assessments;

19           “(ii) reviewing and prioritizing  
20 projects for appropriated surface transpor-  
21 tation security grants;

22           “(iii) operator compliance with surface  
23 transportation security law, including regu-  
24 lations, and voluntary industry standards;  
25 and

1                   “(iv) workforce training and development programs, and other specialized programs designed to secure surface transportation.

5                   “(C) Transportation industry engagement and planning, including the development, interpretation, promotion, and oversight of a unified effort regarding risk-based, risk-reducing security policies and plans (including strategic planning for future contingencies and security challenges) between government and transportation stakeholders, including airports, domestic and international airlines, general aviation, air cargo, mass transit and passenger rail, freight rail, pipeline, highway and motor carriers, and maritime.

17                  “(D) International strategy and operations, including agency efforts to work with international partners to secure the global transportation network.

21                  “(E) Trusted and registered traveler programs, including the management and marketing of the agency’s trusted traveler initiatives, including the PreCheck Program, and coordination with trusted traveler programs of other De-

1           *partment of Homeland Security agencies and the*  
2           *private sector.*

3           “(F) Technology acquisition and deployment,  
4           including the oversight, development, testing,  
5           evaluation, acquisition, deployment, and  
6           maintenance of security technology and other ac-  
7           quisition programs.

8           “(G) Inspection and compliance, including  
9           the integrity, efficiency and effectiveness of the  
10          agency’s workforce, operations, and programs  
11          through objective audits, covert testing, inspec-  
12          tions, criminal investigations, and regulatory  
13          compliance.

14          “(H) Civil rights, liberties, and traveler en-  
15          gagement, including ensuring that agency em-  
16          ployees and the traveling public are treated in a  
17          fair and lawful manner consistent with Federal  
18          laws and regulations protecting privacy and  
19          prohibiting discrimination and reprisal.

20          “(I) Legislative and public affairs, includ-  
21          ing communication and engagement with inter-  
22          nal and external audiences in a timely, accurate,  
23          and transparent manner, and development and  
24          implementation of strategies within the agency

1           *to achieve congressional approval or authorization of agency programs and policies.*

3           “(3) *NOTIFICATION.—The Administrator shall submit to the appropriate committees of Congress—*

5           *“(A) not later than 180 days after the date of enactment of the TSA Modernization Act, a list of the names of the individuals appointed under paragraph (1); and*

9           *“(B) an update of the list not later than 5 days after any new individual is appointed under paragraph (1).”.*

12 **SEC. 1906. TRANSPORTATION SECURITY ADMINISTRATION**

13           **EFFICIENCY.**

14           (a) *EFFICIENCY REVIEW.—*

15           *(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall complete a comprehensive, agency-wide efficiency review of the TSA to identify and effectuate spending reductions and administrative savings that can be achieved by the streamlining or restructuring of TSA divisions.*

22           *(2) REQUIREMENTS.—In carrying out the review under paragraph (1), the Administrator shall consider the following:*

1                   (A) *Eliminating unnecessarily duplicative*  
2                   *or overlapping programs and initiatives.*

3                   (B) *Eliminating unnecessary or obsolete*  
4                   *rules, regulations, directives, or procedures.*

5                   (C) *Reducing overall operating expenses of*  
6                   *the TSA, including costs associated with the*  
7                   *number of personnel, as a direct result of effi-*  
8                   *ciencies gained through the implementation of*  
9                   *risk-based screening or through any other means*  
10                  *as determined appropriate by the Administrator*  
11                  *in accordance with this section.*

12                  (D) *Reducing, by 20 percent, the number of*  
13                  *positions at the Senior Executive Service level at*  
14                  *the TSA as calculated on the date of enactment*  
15                  *of this Act.*

16                  (E) *Such other matters the Administrator*  
17                  *considers appropriate.*

18                  (b) *REPORT TO CONGRESS.—Not later than 30 days*  
19                  *after the date the efficiency review under subsection (a) is*  
20                  *complete, the Administrator shall submit to the appropriate*  
21                  *committees of Congress a report on the findings, including*  
22                  *a description of any cost savings expected to be achieved*  
23                  *by the streamlining or restructuring of TSA divisions.*

1     **SEC. 1907. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

2         (a) *IN GENERAL.*—Not later than 30 days after the  
3     date of enactment of this Act, the Administrator shall con-  
4     vene a working group consisting of representatives of the  
5     TSA and representatives of the labor organization rep-  
6     resenting security screening personnel to recommend re-  
7     forms to the TSA’s personnel management system, includ-  
8     ing appeals to the Merit Systems Protection Board and  
9     grievance procedures.

10         (b) *REPORT.*—Not later than 1 year after the date of  
11     enactment of this Act, the working group convened under  
12     subsection (a) shall submit to the Administrator and the  
13     appropriate committees of Congress a report containing  
14     proposed, mutually agreed-upon recommendations to re-  
15     form the TSA’s personnel management system.

16         (c) *IMPLEMENTATION.*—To the extent authorized under  
17     law, the Administrator may implement 1 or more of the  
18     recommendations submitted under subsection (b).

19         (d) *TERMINATION.*—The working group shall termi-  
20     nate on the date that the report is submitted under sub-  
21     section (b).

22     **SEC. 1908. TSA LEAP PAY REFORM.**

23         (a) *DEFINITION OF BASIC PAY.*—Clause (ii) of section  
24     8331(3)(E) of title 5, United States Code, is amended to  
25     read as follows:

1                   “(ii) received after September 11, 2001,  
2                   by a Federal air marshal or criminal inves-  
3                   tigator (as defined in section 5545a(a)(2))  
4                   of the Transportation Security Administra-  
5                   tion, subject to all restrictions and earning  
6                   limitations imposed on criminal investiga-  
7                   tors receiving such pay under section 5545a,  
8                   including the premium pay limitations  
9                   under section 5547;”.

10                 (b) *EFFECTIVE DATE; APPLICABILITY.*—

11                 (1) *IN GENERAL.*—Subject to paragraph (2), this  
12                 section, and the amendments made by this section,  
13                 shall take effect on the first day of the first pay period  
14                 commencing on or after the date of enactment of this  
15                 section.

16                 (2) *RETROACTIVE APPLICATION.*—

17                 (A) *IN GENERAL.*—Any availability pay re-  
18                 ceived for any pay period commencing before the  
19                 date of enactment of this Act by a Federal air  
20                 marshal or criminal investigator employed by  
21                 the Transportation Security Administration  
22                 shall be deemed basic pay under section 8331(3)  
23                 of title 5, United States Code, if the Transpor-  
24                 tation Security Administration treated such pay  
25                 as retirement-creditable basic pay, but the Office

1           *of Personnel Management, based on an interpre-*  
2           *tation of section 8331(3) of title 5, United States*  
3           *Code, did not accept such pay as retirement-*  
4           *creditable basic pay.*

5           *(B) IMPLEMENTATION.—Not later than 3*  
6           *months after the date of enactment of this Act,*  
7           *the Director of the Office of Personnel Manage-*  
8           *ment shall commence taking such actions as are*  
9           *necessary to implement the amendments made by*  
10          *this section with respect to availability pay*  
11          *deemed to be basic pay under subparagraph (A).*

12          **SEC. 1909. RANK AWARDS PROGRAM FOR TRANSPORTATION**

13                 **SECURITY ADMINISTRATION EXECUTIVES**  
14                 **AND SENIOR PROFESSIONALS.**

15          *Section 114(n), as amended by section 1904 of this*  
16          *Act, is further amended—*

17                 *(1) by inserting “(1) IN GENERAL.—” before*  
18                 *“The personnel management system” and indenting*  
19                 *appropriately; and*

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

21                 *“(2) MERITORIOUS EXECUTIVE OR DISTIN-*  
22                 *GISHED EXECUTIVE RANK AWARDS.—Notwith-*  
23                 *standing section 40122(g)(2) of this title, the applica-*  
24                 *ble sections of title 5 shall apply to the Transpor-*

1       *tation Security Administration personnel manage-*  
2       *ment system, except that—*

3             “(A) for purposes of applying such provi-  
4       *sions to the personnel management system—*

5                 “(i) the term ‘agency’ means the De-  
6       *partment of Homeland Security;*

7                 “(ii) the term ‘senior executive’ means  
8       *a Transportation Security Administration*  
9       *executive serving on a Transportation Secu-*  
10      *rity Executive Service appointment;*

11                 “(iii) the term ‘career appointee’  
12      *means a Transportation Security Adminis-*  
13      *tration executive serving on a career Trans-*  
14      *portation Security Executive Service ap-*  
15      *pointment; and*

16                 “(iv) The term ‘senior career employee’  
17      *means a Transportation Security Adminis-*  
18      *tration employee covered by the Transpor-*  
19      *tation Security Administration Core Com-*  
20      *pensation System at the L or M pay band;*

21                 “(B) receipt by a career appointee or a sen-  
22      *ior career employee of the rank of Meritorious*  
23      *Executive or Meritorious Senior Professional en-*  
24      *tites the individual to a lump-sum payment of*  
25      *an amount equal to 20 percent of annual basic*

1           *pay, which shall be in addition to the basic pay*  
2           *paid under the applicable Transportation Secu-*  
3           *rity Administration pay system; and*

4           *“(C) receipt by a career appointee or a sen-*  
5           *ior career employee of the rank of Distinguished*  
6           *Executive or Distinguished Senior Professional*  
7           *entitles the individual to a lump-sum payment*  
8           *of an amount equal to 35 percent of annual*  
9           *basic pay, which shall be in addition to the basic*  
10          *pay paid under the applicable Transportation*  
11          *Security Administration pay system.*

12          *“(3) DEFINITION OF APPLICABLE SECTIONS OF*  
13          *TITLE 5.—In this subsection, the term ‘applicable sec-*  
14          *tions of title 5’ means—*

15          *“(A) subsections (b), (c) and (d) of section*  
16          *4507 of title 5; and*  
17          *“(B) subsections (b) and (c) of section*  
18          *4507a of title 5.”.*

19 **SEC. 1910. TRANSMITTALS TO CONGRESS.**

20          *With regard to each report, legislative proposal, or*  
21          *other communication of the Executive Branch related to the*  
22          *TSA and required to be submitted to Congress or the appro-*  
23          *priate committees of Congress, the Administrator shall*  
24          *transmit such communication directly to the appropriate*  
25          *committees of Congress.*

1       **Subtitle B—Security Technology**

2   **SEC. 1911. THIRD PARTY TESTING AND VERIFICATION OF**  
3                   **SCREENING TECHNOLOGY.**

4       (a) *IN GENERAL.*—*In carrying out the responsibilities*  
5   *under section 114(f)(9), the Administrator shall develop*  
6   *and implement, not later than 1 year after the date of en-*  
7   *actment of this Act, a program to enable a vendor of related*  
8   *security screening technology to obtain testing and*  
9   *verification, including as an alternative to the TSA's test*  
10   *and evaluation process, by an appropriate third party, of*  
11   *such technology before procurement or deployment.*

12       (b) *DETECTION TESTING.*—

13               (1) *IN GENERAL.*—*The third party testing and*  
14   *verification program authorized under subsection (a)*  
15   *shall include detection testing to evaluate the perform-*  
16   *ance of the security screening technology system re-*  
17   *garding the probability of detection, the probability of*  
18   *false alarm, and such other indicators that the system*  
19   *is able to meet the TSA's mission needs.*

20               (2) *RESULTS.*—*The results of the third party de-*  
21   *tetection testing under paragraph (1) shall be consid-*  
22   *ered final if the results are approved by the Adminis-*  
23   *tration in accordance with approval standards devel-*  
24   *oped by the Administrator.*

1                             (3) *COORDINATION WITH FINAL TESTING.*—To  
2     the extent practicable, but without compromising the  
3     integrity of the TSA test and evaluation process, the  
4     Administrator shall coordinate the third party detec-  
5     tion testing under paragraph (1) with any subse-  
6     quent, final Federal Government testing.

7                             (4) *INTERNATIONAL STANDARDS.*—To the extent  
8     practicable and permissible under law and consid-  
9     ering the national security interests of the United  
10    States, the Administrator shall—

11                          (A) share detection testing information and  
12     standards with appropriate international part-  
13     ners; and

14                          (B) coordinate with the appropriate inter-  
15     national partners to align TSA testing and eval-  
16     uation with relevant international standards to  
17     maximize the capability to detect explosives and  
18     other threats.

19                          (c) *OPERATIONAL TESTING.*—

20                          (1) *IN GENERAL.*—Subject to paragraph (2), the  
21     third party testing and verification program author-  
22     ized under subsection (a) shall include operational  
23     testing.

24                          (2) *LIMITATION.*—Third party operational test-  
25     ing under paragraph (1) may not exceed 1 year.

1       (d) *ALTERNATIVE.*—*Third party testing under sub-*  
2 *section (a) shall replace as an alternative, at the discretion*  
3 *of the Administrator, the testing at the TSA Systems Inte-*  
4 *gration Facility, including testing for—*

5           (1) *health and safety factors;*  
6           (2) *operator interface;*  
7           (3) *human factors;*  
8           (4) *environmental factors;*  
9           (5) *throughput;*  
10          (6) *reliability, maintainability, and availability*  
11 *factors; and*

12          (7) *interoperability.*

13       (e) *TESTING AND VERIFICATION FRAMEWORK.*—

14           (1) *IN GENERAL.*—*The Administrator shall—*

15              (A) *establish a framework for the third*  
16 *party testing and for verifying a security tech-*  
17 *nology is operationally effective and able to meet*  
18 *the TSA’s mission needs before it may enter or*  
19 *re-enter, as applicable, the operational context at*  
20 *an airport or other transportation facility;*

21              (B) *use phased implementation to allow the*  
22 *TSA and the third party to establish best prac-*  
23 *tices; and*

24              (C) *oversee the third party testing and eval-*  
25 *uation framework.*

1                             (2) *RECOMMENDATIONS.*—The Administrator  
2       shall request ASAC's Security Technology Sub-  
3       committee, in consultation with representatives of the  
4       security manufacturers industry, to develop and sub-  
5       mit to the Administrator recommendations for the  
6       third party testing and verification framework.

7                             (f) *FIELD TESTING.*—The Administrator shall  
8       prioritize the field testing and evaluation, including by  
9       third parties, of security technology and equipment at air-  
10      ports and on site at security technology manufacturers  
11      whenever possible as an alternative to the TSA Systems In-  
12      tegration Facility.

13                             (g) *APPROPRIATE THIRD PARTIES.*—

14                             (1) *CITIZENSHIP REQUIREMENT.*—An appro-  
15       priate third party under subsection (a) shall be—

16                                 (A) if an individual, a citizen of the United  
17       States; or

18                                 (B) if an entity, owned and controlled by a  
19       citizen of the United States.

20                             (2) *WAIVER.*—The Administrator may waive the  
21       requirement under paragraph (1)(B) if the entity is  
22       a United States subsidiary of a parent company that  
23       has implemented a foreign ownership, control, or in-  
24       fluence mitigation plan that has been approved by the  
25       Defense Security Service of the Department of Defense

1       *before applying to provide third party testing. The*  
2       *Administrator may reject any application to provide*  
3       *third party testing under subsection (a) submitted by*  
4       *an entity that requires a waiver under this para-*  
5       *graph.*

6               (3) *CONFLICTS OF INTEREST.—The Adminis-*  
7       *trator shall ensure, to the extent possible, that an en-*  
8       *tity providing third party testing under this section*  
9       *does not have a contractual, business, or other pecu-*  
10      *niiary interest (exclusive of any such testing) in—*

11                  (A) *the security screening technology subject*  
12       *to such testing; or*

13                  (B) *the vendor of such technology.*

14       (h) *GAO REVIEW.—*

15                  (1) *IN GENERAL.—Not later than 2 years after*  
16       *the date of enactment of this Act, the Comptroller*  
17       *General of the United States shall submit to the ap-*  
18       *propriate committees of Congress a study on the third*  
19       *party testing program developed under this section*

20                  (2) *REVIEW.—The study under paragraph (1)*  
21       *shall include a review of the following:*

22                  (A) *Any efficiencies or gains in effectiveness*  
23       *achieved in TSA operations, including tech-*  
24       *nology acquisition or screening operations, as a*  
25       *result of such program.*

1                   (B) The degree to which the TSA conducts  
2                   timely and regular oversight of the appropriate  
3                   third parties engaged in such testing.

4                   (C) The effect of such program on the fol-  
5                   lowing:

6                   (i) The introduction of innovative de-  
7                   tection technologies into security screening  
8                   operations.

9                   (ii) The availability of testing for tech-  
10                  nologies developed by small to medium sized  
11                  businesses.

12                  (D) Any vulnerabilities associated with  
13                  such program, including with respect to the fol-  
14                  lowing:

15                  (i) National security.

16                  (ii) Any conflicts of interest between  
17                  the appropriate third parties engaged in  
18                  such testing and the entities providing such  
19                  technologies to be tested.

20                  (iii) Waste, fraud, and abuse.

21   **SEC. 1912. TRANSPORTATION SECURITY ADMINISTRATION**  
22                   **SYSTEMS INTEGRATION FACILITY.**

23                  (a) *IN GENERAL.*—The Administrator shall continue  
24                  to operate the Transportation Security Administration  
25                  Systems Integration Facility (referred to in this section as

1   *the “TSIF” for the purposes of testing and evaluating ad-*  
2   *vanced transportation security screening technologies re-*  
3   *lated to the mission of the TSA.*

4           *(b) REQUIREMENTS.—The TSIF shall—*

5               *(1) evaluate the technologies described in sub-*  
6   *section (a) to enhance the security of transportation*  
7   *systems through screening and threat mitigation and*  
8   *detection;*

9               *(2) test the technologies described in subsection*  
10   *(a) to support identified mission needs of the TSA*  
11   *and to meet requirements for acquisitions and pro-*  
12   *curement;*

13               *(3) to the extent practicable, provide original*  
14   *equipment manufacturers with test plans to minimize*  
15   *requirement interpretation disputes and adhere to*  
16   *provided test plans;*

17               *(4) collaborate with other technical laboratories*  
18   *and facilities for purposes of augmenting the capa-*  
19   *bilities of the TSIF;*

20               *(5) deliver advanced transportation security*  
21   *screening technologies that enhance the overall secu-*  
22   *rity of domestic transportation systems; and*

23               *(6) to the extent practicable, provide funding*  
24   *and promote efforts to enable participation by a small*  
25   *business concern (as the term is described under sec-*

1       *tion 3 of the Small Business Act (15 U.S.C. 632))*

2       *that—*

3               *(A) has an advanced technology or capa-*  
4               *bility; but*

5               *(B) does not have adequate resources to par-*  
6               *ticipate in testing and evaluation processes.*

7       *(c) STAFFING AND RESOURCE ALLOCATION.—The Ad-*  
8       *ministrator shall ensure adequate staffing and resource al-*  
9       *locations for the TSIF in a manner that—*

10              *(1) prevents unnecessary delays in the testing*  
11              *and evaluation of advanced transportation security*  
12              *screening technologies for acquisitions and procure-*  
13              *ment determinations;*

14              *(2) ensures the issuance of final paperwork cer-*  
15              *tification no later than 45 days after the date such*  
16              *testing and evaluation has concluded; and*

17              *(3) ensures collaboration with technology stake-*  
18              *holders to close capabilities gaps in transportation se-*  
19              *curity.*

20       *(d) DEADLINE.—*

21              *(1) IN GENERAL.—The Administrator shall no-*  
22              *otify the appropriate committees of Congress if testing*  
23              *and evaluation by the TSIF of an advanced transpor-*  
24              *tation security screening technology under this section*  
25              *exceeds 180 days from the delivery date.*

1                             (2) *NOTIFICATION.*—*The notification under*  
2 *paragraph (1) shall include—*

3                             (A) *information relating to the delivery*  
4 *date;*

5                             (B) *a justification for why the testing and*  
6 *evaluation process has exceeded 180 days; and*

7                             (C) *the estimated date for completion of*  
8 *such testing and evaluation.*

9                             (3) *DEFINITION OF DELIVERY DATE.*—*In this*  
10 *subsection, the term “delivery date” means the date*  
11 *that the owner of an advanced transportation security*  
12 *screening technology—*

13                             (A) *after installation, delivers the tech-*  
14 *nology to the TSA for testing and evaluation;*  
15 *and*

16                             (B) *submits to the Administrator, in such*  
17 *form and manner as the Administrator pre-*  
18 *scribes, a signed notification of the delivery de-*  
19 *scribed in subparagraph (A).*

20                             (e) *RETESTING AND EVALUATION.*—*Advanced trans-*  
21 *portation security screening technology that fails testing*  
22 *and evaluation by the TSIF may be retested and evaluated*  
23 *at the discretion of the Administrator.*

24                             (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*  
25 *may be construed to affect the authority or responsibility*

*1 of an officer of the Department, or an officer of any other  
2 Federal department or agency, with respect to research, de-  
3 velopment, testing, and evaluation of technologies, including  
4 such authorities or responsibilities of the Undersecretary for  
5 Science and Technology of the Department and Assistant  
6 Secretary of the Countering Weapons of Mass Destruction  
7 Office of the Department.*

## 8 SEC. 1913. OPPORTUNITIES TO PURSUE EXPANDED NET-

**9                          WORKS FOR BUSINESS.**

10       (a) *STRATEGY*.—Subtitle B of title of title XVI of the  
11 *Homeland Security Act of 2002* (6 U.S.C. 563 et seq.) is  
12 amended by adding at the end following:

### 13 "SEC. 1617. DIVERSIFIED SECURITY TECHNOLOGY INDUS-

14 ***TRY MARKETPLACE.***

“(a) *IN GENERAL.*—Not later than 120 days after the date of enactment of the TSA Modernization Act, the Administrator shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a strategy to promote a diverse security technology industry marketplace upon which the Administrator can rely to acquire advanced transportation security technologies or capabilities, including by increased participation of small business innovators.

1       “(b) *CONTENTS.*—The strategy required under sub-  
2 section (a) shall include the following:

3           “(1) *Information on how existing Administration*  
4 *solicitation, testing, evaluation, piloting, acquisition,*  
5 *and procurement processes impact the Administrator’s ability to acquire from the security technology*  
6 *industry marketplace, including small business innovators that have not previously provided technology to the Administration, innovative technologies or capabilities with the potential to enhance transportation security.*

12          “(2) *Specific actions that the Administrator will take, including modifications to the processes described in paragraph (1), to foster diversification within the security technology industry marketplace.*

16          “(3) *Projected timelines for implementing the actions described in paragraph (2).*

18          “(4) *Plans for how the Administrator could, to the extent practicable, assist a small business innovator periodically during such processes, including when such an innovator lacks adequate resources to participate in such processes, to facilitate an advanced transportation security technology or capability being developed and acquired by the Administrator.*

1           “(5) An assessment of the feasibility of  
2 partnering with an organization described in section  
3 501(c)(3) of the Internal Revenue Code of 1986 and  
4 exempt from tax under section 501(a) of such Code to  
5 provide venture capital to businesses, particularly  
6 small business innovators, for commercialization of  
7 innovative transportation security technologies that  
8 are expected to be ready for commercialization in the  
9 near term and within 36 months.

10          “(c) FEASIBILITY ASSESSMENT.—In conducting the  
11 feasibility assessment under subsection (b)(5), the Adminis-  
12 trator shall consider the following:

13           “(1) Establishing an organization described in  
14 section 501(c)(3) of the Internal Revenue Code of  
15 1986 and exempt from tax under section 501(a) of  
16 such Code as a venture capital partnership between  
17 the private sector and the intelligence community to  
18 help businesses, particularly small business  
19 innovators, commercialize innovative security-related  
20 technologies.

21           “(2) Enhanced engagement through the Science  
22 and Technology Directorate of the Department of  
23 Homeland Security.

24          “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
25 tion may be construed as requiring changes to the Trans-

1 portation Security Administration standards for security  
2 technology.

3       “(e) *DEFINITIONS*.—In this section:

4           “(1) *INTELLIGENCE COMMUNITY*.—The term ‘in-  
5 telligence community’ has the meaning given the term  
6 in section 3 of the National Security Act of 1947 (50  
7 U.S.C. 3003).

8           “(2) *SMALL BUSINESS CONCERN*.—The term  
9 ‘small business concern’ has the meaning described  
10 under section 3 of the Small Business Act (15 U.S.C.  
11 632).

12           “(3) *SMALL BUSINESS INNOVATOR*.—The term  
13 ‘small business innovator’ means a small business  
14 concern that has an advanced transportation security  
15 technology or capability.”.

16       (b) *GAO REVIEW*.—Not later than 1 year after the  
17 date the strategy is submitted under section 1617 of the  
18 Homeland Security Act of 2002, the Comptroller General  
19 of the United States shall—

20           (1) review the extent to which the strategy—

21              (A) addresses the requirements of that sec-  
22 tion;

23              (B) has resulted in increased participation  
24 of small business innovators in the security tech-  
25 nology industry marketplace; and

1                   (C) has diversified the security technology  
2                   industry marketplace; and

3                   (2) submit to the Committee on Commerce,  
4                   Science, and Transportation of the Senate and the  
5                   Committee on Homeland Security of the House of  
6                   Representatives the findings of the review and any  
7                   recommendations.

8                   (c) *TABLE OF CONTENTS.*—The table of contents in  
9 section 1(b) of the Homeland Security Act of 2002 is  
10 amended by inserting after the item relating to section 1616  
11 the following:

“1617. Diversified security technology industry marketplace.”.

12 **SEC. 1914. RECIPROCAL RECOGNITION OF SECURITY  
13                   STANDARDS.**

14                   (a) *IN GENERAL.*—The Administrator, in coordination  
15 with appropriate international aviation security authori-  
16 ties, shall develop a validation process for the reciprocal rec-  
17 ognition of security equipment technology approvals among  
18 international security partners or recognized certification  
19 authorities for deployment.

20                   (b) *REQUIREMENT.*—The validation process shall en-  
21 sure that the certification by each participating inter-  
22 national security partner or recognized certification au-  
23 thority complies with detection, qualification, and informa-  
24 tion security, including cybersecurity, standards of the

1   TSA, the Department of Homeland Security, and the Na-  
2   tional Institute of Standards and Technology.

3   **SEC. 1915. TRANSPORTATION SECURITY LABORATORY.**

4       (a) *IN GENERAL.*—Not later than 1 year after the date  
5   of enactment of this Act, the Secretary, in consultation with  
6   the Administrator and the Undersecretary for Science and  
7   Technology—

8               (1) shall conduct a review to determine whether  
9   the TSA is the most appropriate component within  
10   the Department to administer the Transportation Se-  
11   curity Laboratory; and

12               (2) may direct the TSA to administer the Trans-  
13   portation Security Laboratory if the review under  
14   paragraph (1) identifies the TSA as the most appro-  
15   priate component.

16       (b) *PERIODIC REVIEWS.*—The Secretary shall periodi-  
17   cally review the screening technology test and evaluation  
18   process conducted at the Transportation Security Labora-  
19   tory to improve the coordination, collaboration, and com-  
20   munication between the Transportation Security Labora-  
21   tory and the TSA to identify factors contributing to acqui-  
22   sition inefficiencies, develop strategies to reduce acquisition  
23   inefficiencies, facilitate more expeditious initiation and  
24   completion of testing, and identify how laboratory practices  
25   can better support acquisition decisions.

1       (c) REPORTS.—The Secretary shall report the findings  
2 of each review under this section to the appropriate commit-  
3 tees of Congress.

4 **SEC. 1916. INNOVATION TASK FORCE.**

5       (a) IN GENERAL.—The Administrator shall establish  
6 an innovation task force—

7               (1) to cultivate innovations in transportation se-  
8 curity;

9               (2) to develop and recommend how to prioritize  
10 and streamline requirements for new approaches to  
11 transportation security;

12               (3) to accelerate the development and introduc-  
13 tion of new innovative transportation security tech-  
14 nologies and improvements to transportation security  
15 operations; and

16               (4) to provide industry with access to the airport  
17 environment during the technology development and  
18 assessment process to demonstrate the technology and  
19 to collect data to understand and refine technical op-  
20 erations and human factor issues.

21       (b) ACTIVITIES.—The task force shall—

22               (1) conduct activities to identify and develop an  
23 innovative technology, emerging security capability,  
24 or process designed to enhance transportation secu-  
25 rity, including—

1                   (A) by conducting a field demonstration of  
2                   such a technology, capability, or process in the  
3                   airport environment;

4                   (B) by gathering performance data from  
5                   such a demonstration to inform the acquisition  
6                   process; and

7                   (C) by enabling a small business with an  
8                   innovative technology or emerging security capa-  
9                   bility, but less than adequate resources, to par-  
10                  ticipate in such a demonstration;

11                 (2) conduct at least quarterly collaboration meet-  
12                 ings with industry, including air carriers, airport op-  
13                 erators, and other transportation security stakeholders  
14                 to highlight and discuss best practices on innovative  
15                 security operations and technology evaluation and de-  
16                 ployment; and

17                 (3) submit to the appropriate committees of Con-  
18                 gress an annual report on the effectiveness of key per-  
19                 formance data from task force-sponsored projects and  
20                 checkpoint enhancements.

21                 (c) COMPOSITION.—

22                 (1) APPOINTMENT.—The Administrator, in con-  
23                 sultation with the Chairperson of ASAC shall appoint  
24                 the members of the task force.

1                   (2) *CHAIRPERSON.*—The task force shall be  
2                   chaired by the Administrator's designee.

3                   (3) *REPRESENTATION.*—The task force shall be  
4                   comprised of representatives of—

5                         (A) the relevant offices of the TSA;  
6                         (B) if considered appropriate by the Ad-  
7                         ministrator, the Science and Technology Direc-  
8                         torate of the Department of Homeland Security;

9                         (C) any other component of the Department  
10                         of Homeland Security that the Administrator  
11                         considers appropriate; and

12                         (D) such industry representatives as the Ad-  
13                         ministrator considers appropriate.

14                   (d) *RULE OF CONSTRUCTION.*—Nothing in this section  
15                   shall be construed to require the acquisition or deployment  
16                   of an innovative technology, emerging security capability,  
17                   or process identified, developed, or recommended under this  
18                   section.

19                   (e) *NONAPPLICABILITY OF FACIA.*—The Federal Advi-  
20                   sory Committee Act (5 U.S.C. App.) shall not apply to the  
21                   task force established under this section.

22                   **SEC. 1917. 5-YEAR TECHNOLOGY INVESTMENT PLAN UP-**  
23                   **DATE.**

24                   Section 1611 of the Homeland Security Act of 2002  
25                   (6 U.S.C. 563) is amended—

1           (1) in subsection (g)—

2               (A) by striking the matter preceding para-  
3               graph (1) and inserting “The Administrator  
4               shall, in collaboration with relevant industry  
5               and government stakeholders, annually submit to  
6               Congress in an appendix to the budget request  
7               and publish in an unclassified format in the  
8               public domain—”;

9               (B) in paragraph (1), by striking “; and”  
10              and inserting a semicolon;

11              (C) in paragraph (2), by striking the period  
12              and inserting “; and”; and

13              (D) by adding at the end the following:

14               “(3) information about acquisitions completed  
15               during the fiscal year preceding the fiscal year during  
16               which the report is submitted.”; and

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

18              “(h) ADDITIONAL UPDATE REQUIREMENTS.—Updates  
19              and reports under subsection (g) shall—

20               “(1) be prepared in consultation with—

21               “(A) the persons described in subsection (b);  
22              and

23               “(B) the Surface Transportation Security  
24              Advisory Committee established under section  
25              404; and

1       “(2) include—

2               “(A) information relating to technology in-  
3               vestments by the Transportation Security Ad-  
4               ministration and the private sector that the De-  
5               partment supports with research, development,  
6               testing, and evaluation for aviation, including  
7               air cargo, and surface transportation security;

8               “(B) information about acquisitions com-  
9               pleted during the fiscal year preceding the fiscal  
10              year during which the report is submitted;

11               “(C) information relating to equipment of  
12               the Transportation Security Administration that  
13               is in operation after the end of the life-cycle of  
14               the equipment specified by the manufacturer of  
15               the equipment; and

16               “(D) to the extent practicable, a classified  
17               addendum to report sensitive transportation se-  
18               curity risks and associated capability gaps that  
19               would be best addressed by security-related tech-  
20               nology described in subparagraph (A).”.

21       “(i) NOTICE OF COVERED CHANGES TO PLAN.—

22               “(1) NOTICE REQUIRED.—The Administrator  
23               shall submit to the Committee on Commerce, Science,  
24               and Transportation of the Senate and the Committee  
25               on Homeland Security of the House of Representa-

1       *tives notice of any covered change to the Plan not*  
2       *later than 90 days after the date that the covered*  
3       *change is made.*

4           “(2) **DEFINITION OF COVERED CHANGE.**—In this  
5        subsection, the term ‘covered change’ means—

6           “(A) an increase or decrease in the dollar  
7        amount allocated to the procurement of a tech-  
8        nology; or

9           “(B) an increase or decrease in the number  
10       of a technology.”.

11   **SEC. 1918. MAINTENANCE OF SECURITY-RELATED TECH-**  
12                   **NOLOGY.**

13       (a) *IN GENERAL.*—Title XVI of the Homeland Secu-  
14       rity Act of 2002 (6 U.S.C. 561 et seq.), as amended by sec-  
15       tion 1913 of this Act, is further amended by adding at the  
16       end the following:

17           **“Subtitle C—Maintenance of**  
18                   **Security-related Technology**

19   **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

20       “(a) *IN GENERAL.*—Not later than 180 days after the  
21       date of enactment of the TSA Modernization Act, the Ad-  
22       ministrator shall develop and implement a preventive  
23       maintenance validation process for security-related tech-  
24       nology deployed to airports.

1       “(b) MAINTENANCE BY ADMINISTRATION PERSONNEL

2 AT AIRPORTS.—*For maintenance to be carried out by Adminis-  
3 tration personnel at airports, the process referred to  
4 in subsection (a) shall include the following:*

5       “(1) Guidance to Administration personnel at  
6 airports specifying how to conduct and document pre-  
7 ventive maintenance actions.

8       “(2) Mechanisms for the Administrator to verify  
9 compliance with the guidance issued pursuant to  
10 paragraph (1).

11       “(c) MAINTENANCE BY CONTRACTORS AT AIRPORTS.—

12 *For maintenance to be carried by a contractor at airports,  
13 the process referred to in subsection (a) shall require the  
14 following:*

15       “(1) Provision of monthly preventative mainte-  
16 nance schedules to appropriate Administration per-  
17 sonnel at each airport that includes information on  
18 each action to be completed by contractor.

19       “(2) Notification to appropriate Administration  
20 personnel at each airport when maintenance action is  
21 completed by a contractor.

22       “(3) A process for independent validation by a  
23 third party of contractor maintenance.

24       “(d) PENALTIES FOR NONCOMPLIANCE.—*The Admin-  
25 istrator shall require maintenance for any contracts entered*

1 into 60 days after the date of enactment of the TSA Modernization Act or later for security-related technology deployed to airports to include penalties for noncompliance when it is determined that either preventive or corrective maintenance has not been completed according to contractual requirements and manufacturers' specifications.”.

7       (b) TABLE OF CONTENTS.—The table of contents of the  
8 Homeland Security Act of 2002, as amended by section  
9 1913 of this Act, is further amended by inserting after the  
10 item relating to section 1617 the following:

“Subtitle C—Maintenance of Security-related Technology  
“1621. Maintenance validation and oversight.”.

11 **SEC. 1919. BIOMETRICS EXPANSION.**

12       (a) IN GENERAL.—The Administrator and the Commissioner of U.S. Customs and Border Protection shall consult with each other on the deployment of biometric technologies.

16       (b) RULE OF CONSTRUCTION.—Nothing in this section  
17 shall be construed to permit the Commissioner of U.S. Customs and Border Protection to facilitate or expand the deployment of biometric technologies, or otherwise collect, use,  
19 or retain biometrics, not authorized by any provision of or  
21 amendment made by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat.  
22 3638) or the Implementing Recommendations of the 9/11

1   Commission Act of 2007 (Public Law 110–53; 121 Stat.  
2   266).

3                 (c) REPORT REQUIRED.—Not later than 270 days  
4   after the date of enactment of this Act, the Secretary shall  
5   submit to the appropriate committees of Congress, and to  
6   any Member of Congress upon the request of that Member,  
7   a report that includes specific assessments from the Admin-  
8   istrator and the Commissioner of U.S. Customs and Border  
9   Protection with respect to the following:

10                 (1) The operational and security impact of using  
11   biometric technology to identify travelers.

12                 (2) The potential effects on privacy of the expan-  
13   sion of the use of biometric technology under para-  
14   graph (1), including methods proposed or imple-  
15   mented to mitigate any risks to privacy identified by  
16   the Administrator or the Commissioner related to the  
17   active or passive collection of biometric data.

18                 (3) Methods to analyze and address any match-  
19   ing performance errors related to race, gender, or age  
20   identified by the Administrator with respect to the  
21   use of biometric technology, including the deployment  
22   of facial recognition technology;

23                 (4) With respect to the biometric entry-exit pro-  
24   gram, the following:

25                 (A) Assessments of—

- 1                             (i) the error rates, including the rates  
2                             of false positives and false negatives, and  
3                             accuracy of biometric technologies;
- 4                             (ii) the effects of biometric technologies,  
5                             to ensure that such technologies do not un-  
6                             duly burden categories of travelers, such as  
7                             a certain race, gender, or nationality;
- 8                             (iii) the extent to which and how bio-  
9                             metric technologies could address instances  
10                            of travelers to the United States overstaying  
11                            their visas, including—
- 12                             (I) an estimate of how often bio-  
13                             metric matches are contained in an ex-  
14                             isting database;
- 15                             (II) an estimate of the rate at  
16                             which travelers using fraudulent cre-  
17                             dentials identifications are accurately  
18                             rejected; and
- 19                             (III) an assessment of what per-  
20                             centage of the detection of fraudulent  
21                             identifications could have been accom-  
22                             plished using conventional methods;
- 23                             (iv) the effects on privacy of the use of  
24                             biometric technologies, including methods to  
25                             mitigate any risks to privacy identified by

1           *the Administrator or the Commissioner of  
2           U.S. Customs and Border Protection related  
3           to the active or passive collection of biomet-  
4           ric data; and*

5           *(v) the number of individuals who stay  
6           in the United States after the expiration of  
7           their visas each year.*

8           *(B) A description of—*

9           *(i) all audits performed to assess—*

10           *(I) error rates in the use of bio-  
11           metric technologies; or*

12           *(II) whether the use of biometric  
13           technologies and error rates in the use  
14           of such technologies disproportionately  
15           affect a certain race, gender, or nation-  
16           ality; and*

17           *(ii) the results of the audits described  
18           in clause (i).*

19           *(C) A description of the process by which  
20           domestic travelers are able to opt-out of scanning  
21           using biometric technologies.*

22           *(D) A description of—*

23           *(i) what traveler data is collected  
24           through scanning using biometric tech-  
25           nologies, what agencies have access to such*

1                   *data, and how long the agencies possess*  
2                   *such data;*

3                   *(ii) specific actions that the Department*  
4                   *and other relevant Federal departments and agencies take to safeguard such*  
5                   *data; and*

6                   *(iii) a short-term goal for the prompt*  
7                   *deletion of the data of individual United States citizens after such data is used to*  
8                   *verify traveler identities.*

9                   *(d) PUBLICATION OF ASSESSMENTS.—The Secretary,*  
10                  *the Administrator, and the Commissioner shall, if practicable, publish a public version of the assessment required by subsection (c)(2) on the Internet website of the TSA and of the U.S. Customs and Border Protection.*

11                  **16 SEC. 1920. PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY.**

12                  *(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).*

1       (b) *PARTNERSHIP.*—The Administrator shall carry  
2 out the pilot program in partnership with the applicable  
3 airport directors.

4       (c) *COST SHARE.*—The Federal share of the cost of the  
5 pilot program under this section shall not exceed 85 percent  
6 of the total cost of the program.

7       (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
8 authorized to be appropriated to carry out the pilot pro-  
9 gram under this section \$15,000,000 for each of fiscal years  
10 2019 through 2021.

11       (e) *GAO REPORT.*—Not later than 2 years after the  
12 date the pilot program is implemented, the Comptroller  
13 General of the United States shall submit to the appropriate  
14 committees of Congress a report on the pilot program, in-  
15 cluding—

16           (1) the extent of airport participation in the  
17 pilot program and how the program was imple-  
18 mented;

19           (2) the results of the pilot program and any re-  
20 ported benefits, including the impact on security and  
21 any cost-related efficiencies realized by TSA or at the  
22 participating airports; and

23           (3) the feasibility of expanding the pilot program  
24 to additional airports, including to medium and  
25 large hub airports.

1 **SEC. 1921. AUTHORIZATION OF APPROPRIATIONS; EXIT**2 **LANE SECURITY.**

3       *There is authorized to be appropriated to carry out*  
4 *section 44903(n)(1) of title 49, United States Code,*  
5 *\$77,000,000 for each of fiscal years 2019 through 2021.*

6 **SEC. 1922. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.**

7       *(a) IN GENERAL.—Not later than 18 months after the*  
8 *date of enactment of this Act, the Administrator shall make*  
9 *available to the public information on wait times at each*  
10 *airport security checkpoint at which security screening op-*  
11 *erations are conducted or overseen by the TSA.*

12       *(b) REQUIREMENTS.—The information described in*  
13 *subsection (a) shall be provided in real time via technology*  
14 *and published—*

15           *(1) online; and*  
16           *(2) in physical locations at applicable airport*  
17 *terminals.*

18       *(c) CONSIDERATIONS.—The Administrator shall only*  
19 *make the information described in subsection (a) available*  
20 *to the public if it can do so in a manner that does not*  
21 *increase public area security risks.*

22       *(d) DEFINITION OF WAIT TIME.—In this section, the*  
23 *term “wait time” means the period beginning when a pas-*  
24 *senger enters a queue for a screening checkpoint and ending*  
25 *when that passenger exits the checkpoint.*

1   **SEC. 1923. GAO REPORT ON DEPLOYMENT OF SCREENING**2                   **TECHNOLOGIES ACROSS AIRPORTS.**

3         (a) *STUDY.—The Comptroller General of the United  
4 States shall conduct a study whether the TSA allocates re-  
5 sources, including advanced imaging and computed tomog-  
6 raphy technologies, appropriately based on risk at Category  
7 X, I, II, III, and IV airports at which security screening  
8 operations are conducted or overseen by the TSA.*

9         (b) *COST ANALYSIS.—As a part of the study conducted  
10 under subsection (a), the Comptroller General shall analyze  
11 the costs allocated or incurred by the TSA at Category X,  
12 I, II, III, and IV airports—*

13                 (1) *to purchase and deploy screening equipment  
14 and other assets, including advanced imaging and  
15 computed tomography technologies, at Category X, I,  
16 II, III, and IV airports;*

17                 (2) *to install such equipment, including any re-  
18 lated variant, and assets in the airport; and*

19                 (3) *to maintain such equipment and assets.*

20         (c) *REPORT.—Not later than 1 year after the date of  
21 enactment of this Act, the Comptroller General shall submit  
22 to the appropriate committees of Congress a report on the  
23 findings of the study under subsection (a).*

## 1 SEC. 1924. SCREENING TECHNOLOGY REVIEW AND PER-

2 **FORMANCE OBJECTIVES.**

## 3 (a) REVIEW OF TECHNOLOGY ACQUISITIONS PROC-

4 ESS.—

5         (1) IN GENERAL.—Not later than 180 days after  
6         the date of enactment of this Act, the Administrator,  
7         in coordination with relevant officials of the Depart-  
8         ment, shall conduct a review of existing advanced  
9         transportation security screening technology testing  
10        and evaluation, acquisitions, and procurement prac-  
11        tices within TSA.

12         (2) CONTENTS.—Such review shall include—

13             (A) identifying process delays and obstruc-  
14            tions within the Department and the Adminis-  
15            tration regarding how such technology is identi-  
16            fied, tested and evaluated, acquired, and de-  
17            ployed;

18             (B) assessing whether the TSA can better le-  
19            verage existing resources or processes of the De-  
20            partment for the purposes of technology testing  
21            and evaluation;

22             (C) assessing whether the TSA can further  
23            encourage innovation and competition among  
24            technology stakeholders, including through in-  
25            creased participation of and funding for small  
26            business concerns (as such term is described

1           *under section 3 of the Small Business Act (15  
2           *U.S.C. 632));**

3           *(D) identifying best practices of other De-  
4           *partment components or United States Govern-  
5           *ment entities; and***

6           *(E) a plan to address any problems or chal-  
7           *lenges identified by such review.**

8           *(b) BRIEFING.—The Administrator shall provide to the  
9           *appropriate committees of Congress a briefing on the find-  
10           *ings of the review required under this section and a plan  
11           *to address any problems or challenges identified by such  
12           *review.*****

13           *(c) ACQUISITIONS AND PROCUREMENT ENHANCE-  
14           *MENT.—Incorporating the results of the review in sub-  
15           *section (a), the Administrator shall—***

16           *(1) engage in outreach, coordination, and col-  
17           *laboration with transportation stakeholders to iden-  
18           *tify and foster innovation of new advanced transpor-  
19           *tation security screening technologies;****

20           *(2) streamline the overall technology develop-  
21           *ment, testing, evaluation, acquisitions, procurement,  
22           *and deployment processes of the Administration; and  
23           *(3) ensure the effectiveness and efficiency of such  
24           *processes.*****

1       (d) ASSESSMENT.—The Secretary, in consultation  
2 with the Chief Privacy Officer of the Department, shall submit  
3 to the appropriate committees of Congress a compliance  
4 assessment of the TSA acquisition process relating to the  
5 health and safety risks associated with implementation of  
6 screening technologies.

7       (e) PERFORMANCE OBJECTIVES.—The Administrator  
8 shall establish performance objectives for the testing and  
9 verification of security technology, including testing and  
10 verification conducted by appropriate third parties under  
11 section 1911, to ensure that progress is made, at a minimum,  
12 toward—

13              (1) reducing time for each phase of testing while  
14 maintaining security (including testing for detection  
15 testing, operational testing, testing and verification  
16 framework, and field testing);

17              (2) eliminating testing and verification delays;  
18 and

19              (3) increasing accountability.

20       (f) TRACKING.—

21              (1) IN GENERAL.—In carrying out subsection  
22 (e), the Administrator shall establish and continually  
23 track performance metrics for each type of security  
24 technology submitted for testing and verification, in-

1       *cluding testing and verification conducted by appropriate third parties under section 1911.*

3                     (2) *MEASURING PROGRESS TOWARD GOALS.*—  
4       *The Administrator shall use the metrics established  
5       and tracked under paragraph (1) to generate data on  
6       an ongoing basis and to measure progress toward the  
7       achievement of the performance objectives established  
8       under subsection (e).*

9                     (3) *REPORT REQUIRED.*—

10                  (A) *IN GENERAL.*—*Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the extent to which the performance objectives established under subsection (e), as measured by the performance metrics established and tracked under paragraph (1) of this subsection, have been met.*

11                  (B) *ELEMENTS.*—*The report required by subparagraph (A) shall include—*

12                      (i) *a list of the performance metrics established under paragraph (1), including the length of time for each phase of testing and verification for each type of security technology; and*

(C) PROPRIETARY INFORMATION.—The report required by subparagraph (A) shall—

(i) not include identifying information regarding an individual or entity or equipment; and

(ii) protect proprietary information.

12           (g) INFORMATION TECHNOLOGY SECURITY.—Not later  
13 than 90 days after the date of enactment of this Act, the  
14 Administrator shall submit to the appropriate committees  
15 of Congress a plan to conduct recurring reviews of the oper-  
16 ational, technical, and management security controls for  
17 Administration information technology systems at airports

18 SEC. 1925. COMPUTED TOMOGRAPHY PILOT PROGRAMS.

19       (a) *IN GENERAL.*—Not later than 90 days after the  
20 date of enactment of this Act, the Administrator shall carry  
21 out a pilot program to test the use of screening equipment  
22 using computed tomography technology to screen baggage  
23 at passenger screening checkpoints at airports.

24 (b) FEASIBILITY STUDY.—

1                   (1) *IN GENERAL.*—Not later than 120 days after  
2     the date of enactment of this Act, the Administrator,  
3     in coordination with the Under Secretary for Science  
4     and Technology of the Department, shall submit to  
5     the appropriate committees of Congress a feasibility  
6     study regarding expanding the use of computed to-  
7     mography technology for the screening of air cargo  
8     transported on passenger aircraft operated by an air  
9     carrier or foreign air carrier in air transportation,  
10    interstate air transportation, or interstate air com-  
11    merce.

12                  (2) *CONSIDERATIONS.*—In conducting the feasi-  
13     bility study under paragraph (1), the Administrator  
14     shall consider the following:

15                  (A) Opportunities to leverage computed to-  
16     mography systems used for screening passengers  
17     and baggage.

18                  (B) Costs and benefits of using computed to-  
19     mography technology for screening air cargo.

20                  (C) An analysis of emerging computed to-  
21     mography systems that may have potential to  
22     enhance the screening of air cargo, including sys-  
23     tems that may address aperture challenges asso-  
24     ciated with screening certain categories of air  
25     cargo.

1                   (D) An analysis of emerging screening tech-  
2                   nologies, in addition to computed tomography,  
3                   that may be used to enhance the screening of air  
4                   cargo.

5                   (c) PILOT PROGRAM.—Not later than 120 days after  
6                   the date the feasibility study is submitted under subsection  
7                   (b), the Administrator shall initiate a 2-year pilot program  
8                   to achieve enhanced air cargo security screening outcomes  
9                   through the use of new or emerging screening technologies,  
10                  such as computed tomography technology, as identified  
11                  through such study.

12                  (d) UPDATES.—Not later than 60 days after the date  
13                  the pilot program under subsection (c) is initiated, and bi-  
14                  annually thereafter for 2 years, the Administrator shall  
15                  brief the appropriate committees of Congress on the progress  
16                  of implementation of such pilot program.

17                  (e) DEFINITIONS.—In this section:

18                   (1) AIR CARRIER.—The term “air carrier” has  
19                  the meaning given the term in section 40102 of title  
20                  49, United States Code.

21                   (2) AIR TRANSPORTATION.—The term “air trans-  
22                  portation” has the meaning given the term in section  
23                  40102 of title 49, United States Code.

1                   (3) *FOREIGN AIR CARRIER*.—The term “foreign  
2       air carrier” has the meaning given the term in sec-  
3       tion 40102 of title 49, United States Code.

4                   (4) *INTERSTATE AIR COMMERCE*.—The term  
5       “interstate air commerce” has the meaning given the  
6       term in section 40102 of title 49, United States Code.

7                   (5) *INTERSTATE AIR TRANSPORTATION*.—The  
8       term “interstate air transportation” has the meaning  
9       given the term in section 40102 of title 49, United  
10      States Code.

## 11      **Subtitle C—Public Area Security**

### 12      **SEC. 1926. DEFINITIONS.**

13      *In this subtitle:*

14                   (1) *BEHAVIORAL STANDARDS*.—The term “behav-  
15       ioral standards” means standards for the evaluation  
16       of explosives detection working canines for certain  
17       factors, including canine temperament, work drive,  
18       suitability for training, environmental factors used in  
19       evaluations, and canine familiarity with natural or  
20       man-made surfaces or working conditions relevant to  
21       the canine’s expected work area.

22                   (2) *MEDICAL STANDARDS*.—The term “medical  
23       standards” means standards for the evaluation of ex-  
24       plosives detection working canines for certain factors,  
25       including canine health, management of heredity

1       *health conditions, breeding practices, genetics, pedigree,*  
2       *and long-term health tracking.*

3           (3) *TECHNICAL STANDARDS.*—The term “technical standards” means standards for the evaluation  
4       of explosives detection working canines for certain  
5       factors, including canine search techniques, handler-  
6       canine communication, detection testing conditions  
7       and logistics, and learned explosive odor libraries.

9   **SEC. 1927. EXPLOSIVES DETECTION CANINE CAPACITY**

10           **BUILDING.**

11       (a) *IN GENERAL.*—Not later than 90 days after the  
12       date of enactment of this Act, the Administrator shall establish  
13       a working group to determine ways to support decentralized,  
14       non-Federal domestic canine breeding capacity to  
15       produce high quality explosives detection canines and modernize  
16       canine training standards.

17       (b) *WORKING GROUP COMPOSITION.*—The working  
18       group established under subsection (a) shall be comprised  
19       of representatives from the following:

20           (1) *The TSA.*

21           (2) *The Science and Technology Directorate of the Department.*

23           (3) *National domestic canine associations with expertise in breeding and pedigree.*

1                   (4) *Universities with expertise related to explosives detection canines and canine breeding.*

2

3                   (5) *Domestic canine breeders and vendors.*

4                   (c) *CHAIRPERSONS.—The Administrator shall approve*  
5                   *of 2 individuals from among the representatives of the working*  
6                   *group specified in subsection (b) to serve as the Chair-*  
7                   *persons of the working group as follows:*

8                   (1) *One Chairperson shall be from an entity*  
9                   *specified in paragraph (1) or (2) of that subsection.*

10                  (2) *One Chairperson shall be from an entity*  
11                  *specified in paragraph (3), (4), or (5) of that sub-*  
12                  *section.*

13                  (d) *PROPOSED STANDARDS AND RECOMMENDA-*  
14                  *TIONS.—Not later than 180 days after the date the working*  
15                  *group is established under subsection (a), the working group*  
16                  *shall submit to the Administrator—*

17                  (1) *proposed behavioral standards, medical*  
18                  *standards, and technical standards for domestic ca-*  
19                  *nine breeding and canine training described in that*  
20                  *subsection; and*

21                  (2) *recommendations on how the TSA can en-*  
22                  *gage stakeholders to further the development of such*  
23                  *domestic non-Federal canine breeding capacity and*  
24                  *training.*

1       (e) *STRATEGY.*—Not later than 180 days after the date  
2 the recommendations are submitted under subsection (d),  
3 the Administrator shall develop and submit to the appropriate  
4 committees of Congress a strategy for working with  
5 non-Federal stakeholders to facilitate expanded the domestic  
6 canine breeding capacity described in subsection (a), based  
7 on such recommendations.

8       (f) *CONSULTATION.*—In developing the strategy under  
9 subsection (e), the Administrator shall consult with the  
10 Under Secretary for Science and Technology of the Department,  
11 the Commissioner for U.S. Customs and Border Protection,  
12 the Director of the United States Secret Service, and  
13 the heads of such other Federal departments or agencies as  
14 the Administrator considers appropriate to incorporate, to  
15 the extent practicable, mission needs across the Department  
16 for an expanded non-Federal domestic explosives detection  
17 canine breeding capacity that can be leveraged to help meet  
18 the Department's operational needs.

19       (g) *TERMINATION.*—The working group established  
20 under subsection (a) shall terminate on the date that the  
21 strategy is submitted under subsection (e), unless the Administrator  
22 extends the termination date for the purposes  
23 of section 1928.

24       (h) *NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.*—The Federal Advisory Committee Act (5

1 U.S.C. App.) shall not apply to the working group estab-  
2 lished under this Act.

3 **SEC. 1928. THIRD PARTY DOMESTIC CANINES.**

4 (a) *IN GENERAL.—Not later than 1 year after the date*  
5 *of enactment of this Act, to enhance the efficiency and effi-*  
6 *cacy of transportation security by increasing the supply of*  
7 *canine teams for use by the TSA and transportation stake-*  
8 *holders, the Administrator shall develop and issue behav-*  
9 *ioral standards, medical standards, and technical stand-*  
10 *ards, based on the recommendations of the working group*  
11 *under section 1927, that a third party explosives detection*  
12 *canine must satisfy to be certified for the screening of indi-*  
13 *viduals and property, including detection of explosive va-*  
14 *pors among individuals and articles of property, in public*  
15 *areas of an airport under section 44901 of title 49, United*  
16 *States Code.*

17 (b) *AUGMENTING PUBLIC AREA SECURITY.—*

18 (1) *IN GENERAL.—The Administrator shall de-*  
19 *velop guidance on the coordination of development*  
20 *and deployment of explosives detection canine teams*  
21 *for use by transportation stakeholders to enhance pub-*  
22 *lic area security at transportation hubs, including*  
23 *airports.*

1                   (2) *CONSULTATION.*—In developing the guidance  
2       under paragraph (1), the Administrator shall consult  
3       with—

4                   (A) the working group established under  
5       section 1927;

6                   (B) the officials responsible for carrying out  
7       section 1941; and

8                   (C) such transportation stakeholders, canine  
9       providers, law enforcement, privacy groups, and  
10      transportation security providers as the Admin-  
11      istrator considers relevant.

12                  (c) *AGREEMENT.*—Subject to subsections (d), (e), and  
13      (f), not later than 270 days after the issuance of standards  
14      under subsection (a), the Administrator shall, to the extent  
15      possible, enter into an agreement with at least 1 third party  
16      to test and certify the capabilities of canines in accordance  
17      with the standards under subsection (a).

18                  (d) *EXPEDITED DEPLOYMENT.*—In entering into an  
19      agreement under subsection (c), the Administrator shall  
20      use—

21                  (1) the other transaction authority under section  
22      114(m) of title 49, United States Code; or

23                  (2) such other authority of the Administrator as  
24      the Administrator considers appropriate to expedite  
25      the deployment of additional canine teams.

1       (e) *PROCESS.*—Before entering into an agreement  
2 under subsection (c), the Administrator shall—

3              (1) evaluate and verify the third party's ability  
4 to effectively evaluate the capabilities of canines;

5              (2) designate key elements required for appropriate evaluation venues where third parties may  
6 conduct testing; and

7              (3) periodically assess the program at evaluation  
8 centers to ensure the proficiency of the canines beyond  
9 the initial testing and certification by the third  
10 party.

11       (f) *CONSULTATION.*—To determine best practices for  
12 the use of third parties to test and certify the capabilities  
13 of canines, the Administrator shall consult with the following persons before entering into an agreement under  
14 subsection (c):

15              (1) The Secretary of State.

16              (2) The Secretary of Defense.

17              (3) Non-profit organizations that train, certify,  
18 and provide the services of canines for various purposes.

19              (4) Institutions of higher education with research  
20 programs related to use of canines for the screening  
21 of individuals and property, including detection of

1       *explosive vapors among individuals and articles of*  
2       *property.*

3           (g) *THIRD PARTY EXPLOSIVES DETECTION CANINE*  
4       *PROVIDER LIST.—*

5               (1) *IN GENERAL.—Not later than 90 days after*  
6       *the date the Administrator enters into an agreement*  
7       *under subsection (c), the Administrator shall develop*  
8       *and maintain a list of the names of each third party*  
9       *from which the TSA procures explosive detection ca-*  
10      *nines, including for each such third party the rel-*  
11      *evant contractual period of performance.*

12               (2) *DISTRIBUTION.—The Administrator shall*  
13      *make the list under paragraph (1) available to appro-*  
14      *priate transportation stakeholders in such form and*  
15      *manner as the Administrator prescribes.*

16               (h) *OVERSIGHT.—The Administrator shall establish a*  
17      *process to ensure appropriate oversight of the certification*  
18      *program and compliance with the standards under sub-*  
19      *section (a), including periodic audits of participating third*  
20      *parties.*

21               (i) *AUTHORIZATION.—*

22               (1) *TSA.—The Administrator shall develop and*  
23      *implement a process for the TSA to procure third*  
24      *party explosives detection canines certified under this*  
25      *section.*

## 1                   (2) AVIATION STAKEHOLDERS.—

2                   (A) IN GENERAL.—The Administrator shall  
3                   authorize an aviation stakeholder, under the  
4                   oversight of and in coordination with the Federal  
5                   Security Director at an applicable airport, to  
6                   contract with, procure or purchase, and deploy  
7                   one or more third party explosives detection ca-  
8                   nines certified under this section to augment  
9                   public area security at that airport.

## 10                  (B) APPLICABLE LARGE HUB AIRPORTS.—

11                  (i) IN GENERAL.—Except as provided  
12                  under subparagraph (ii), notwithstanding  
13                  any law to the contrary, and subject to the  
14                  other provisions of this paragraph, an ap-  
15                  plicable large hub airport may provide a  
16                  certified canine described in subparagraph  
17                  (A) on an in-kind basis to the TSA to be  
18                  deployed as a passenger screening canine at  
19                  that airport unless the applicable large hub  
20                  airport consents to the use of that certified  
21                  canine elsewhere.

22                  (ii) EXCEPTION.—The Administrator  
23                  may, on a case-by-case basis, deploy a cer-  
24                  tified canine described in subparagraph (A)  
25                  to a transportation facility other than the

1           *applicable large hub airport described in  
2           clause (i) for not more than 90 days per  
3           year if the Administrator—*

4                   *(I) determines that such deploy-  
5                 ment is necessary to meet operational  
6                 or security needs; and*

7                   *(II) notifies the applicable large  
8                 hub airport described in clause (i).*

9                   *(iii) NONDEPLOYABLE CANINES.—Any  
10                 certified canine provided to the TSA under  
11                 clause (i) that does not complete training  
12                 for deployment under that clause shall be  
13                 the responsibility of the large hub airport  
14                 unless the TSA agrees to a different out-  
15                 come.*

16                   *(C) HANDLERS.—Not later than 30 days be-  
17                 fore a canine begins training to become a cer-  
18                 tified canine under subparagraph (B), the air-  
19                 port shall notify the TSA of such training and  
20                 the Administrator shall assign a TSA canine  
21                 handler to participate in the training with that  
22                 canine, as appropriate.*

23                   *(D) LIMITATION.—The Administrator may  
24                 not reduce the staffing allocation model for an  
25                 applicable large hub airport based on that air-*

1           *port's provision of a certified canine under this*  
2           *paragraph.*

3       (j) **DEFINITIONS.**—*In this section:*

4           (1) **APPLICABLE LARGE HUB AIRPORT.**—*The*  
5           *term “applicable large hub airport” means a large*  
6           *hub airport (as defined in section 40102 of title 49,*  
7           *United States Code) that has less than 100 percent of*  
8           *the allocated passenger screening canine teams staffed*  
9           *by the TSA.*

10          (2) **AVIATION STAKEHOLDER.**—*The term “avia-*  
11          *tion stakeholder” includes an airport, airport oper-*  
12          *ator, and air carrier.*

13       **SEC. 1929. TRACKING AND MONITORING OF CANINE TRAIN-**  
14           **ING AND TESTING.**

15          *Not later than 180 days after the date of enactment*  
16          *of this Act, the Administrator shall use, to the extent prac-*  
17          *ticable, a digital monitoring system for all training, testing,*  
18          *and validation or certification of public and private canine*  
19          *assets utilized or funded by the TSA to facilitate improved*  
20          *review, data analysis, and record keeping of canine testing*  
21          *performance and program administration.*

22       **SEC. 1930. VIPR TEAM STATISTICS.**

23          (a) **VIPR TEAM STATISTICS.**—

24           (1) **IN GENERAL.**—*Not later than 90 days after*  
25          *the date of enactment of this Act, and annually there-*

1       *after, the Administrator shall notify the appropriate*  
2       *committees of Congress of the number of VIPR teams*  
3       *available for deployment at transportation facilities,*  
4       *including—*

5               *(A) the number of VIPR team operations*  
6               *that include explosive detection canine teams;*  
7               *and*

8               *(B) the distribution of VIPR team oper-*  
9               *ations deployed across different modes of trans-*  
10          *portation.*

11       *(2) ANNEX.—The notification under paragraph*  
12      *(1) may contain a classified annex.*

13       *(3) DEFINITION OF VIPR TEAM.—In this sub-*  
14      *section, the term “VIPR” means a Visible Intermodal*  
15      *Prevention and Response team authorized under sec-*  
16      *tion 1303 of the National Transit Systems Security*  
17      *Act of 2007 (6 U.S.C. 1112).*

18       *(b) AUTHORIZATION OF VIPR TEAMS.—Section*  
19      *1303(b) of the National Transit Systems Security Act of*  
20      *2007 (6 U.S.C. 1112(b)) is amended by striking “to the ex-*  
21      *tent appropriated, including funds to develop not more than*  
22      *60 VIPR teams, for fiscal years 2016 through 2018” and*  
23      *inserting “such sums as necessary, including funds to de-*  
24      *velop at least 30, but not more than 60, VIPR teams, for*  
25      *fiscal years 2019 through 2021”.*

1   **SEC. 1931. PUBLIC AREA SECURITY WORKING GROUP.**

2       (a) *DEFINITIONS.*—In this section:

3           (1) *PUBLIC AND PRIVATE STAKEHOLDERS.*—The  
4       term “public and private stakeholders” has the mean-  
5       ing given the term in section 114(t)(1)(C) of title 49,  
6       United States Code.

7           (2) *SURFACE TRANSPORTATION ASSET.*—The  
8       term “surface transportation asset” includes—

9                  (A) facilities, equipment, or systems used to  
10       provide transportation services by—

11                      (i) a public transportation agency (as  
12       the term is defined in section 1402 of the  
13       *Implementing Recommendations of the 9/11*  
14       *Commission Act of 2007* (6 U.S.C. 1131));

15                      (ii) a railroad carrier (as the term is  
16       defined in section 20102 of title 49, United  
17       States Code);

18                      (iii) an owner or operator of—

19                              (I) an entity offering scheduled,  
20       fixed-route transportation services by  
21       over-the road bus (as the term is de-  
22       fined in section 1501 of the Imple-  
23       menting Recommendations of the 9/11  
24       Commission Act of 2007 (6 U.S.C.  
25       1151)); or

26                              (II) a bus terminal; or

1                   (B) other transportation facilities, equipment,  
2                   or systems, as determined by the Secretary.

3  
4                   (b) PUBLIC AREA SECURITY WORKING GROUP.—

5                   (1) WORKING GROUP.—The Administrator, in  
6                   coordination with the National Protection and Pro-  
7                   grams Directorate, shall establish a working group to  
8                   promote collaborative engagement between the TSA  
9                   and public and private stakeholders to develop non-  
10                  binding recommendations for enhancing security in  
11                  public areas of transportation facilities (including fa-  
12                  cilities that are surface transportation assets), includ-  
13                  ing recommendations regarding the following:

14                  (A) Information sharing and interoperable  
15                  communication capabilities among the TSA and  
16                  public and private stakeholders with respect to  
17                  terrorist or other threats.

18                  (B) Coordinated incident response proce-  
19                  dures.

20                  (C) The prevention of terrorist attacks and  
21                  other incidents through strategic planning, secu-  
22                  rity training, exercises and drills, law enforce-  
23                  ment patrols, worker vetting, and suspicious ac-  
24                  tivity reporting.

1                   (D) *Infrastructure protection through effective construction design barriers and installation of advanced surveillance and other security technologies.*

5                   (2) *ANNUAL REPORT.—*

6                   (A) *IN GENERAL.—Not later than 1 year after the date the working group is established under paragraph (1), the Administrator shall submit to the appropriate committee of Congress a report, covering the 12-month period preceding the date of the report, on—*

12                  (i) *the organization of the working group;*

14                  (ii) *the activities of the working group;*

15                  (iii) *the participation of the TSA and public and private stakeholders in the activities of the working group;*

18                  (iv) *the findings of the working group, including any recommendations.*

20                  (B) *PUBLICATION.—The Administrator may publish a public version of such report that describes the activities of the working group and such related matters as would be informative to the public, consistent with section 552(b) of title 5, United States Code.*

1                             (3) *NONAPPLICABILITY OF FACA.*—*The Federal*  
2                             *Advisory Committee Act (5 U.S.C. App.) shall not*  
3                             *apply to the working group established under sub-*  
4                             *section (a) or any subcommittee thereof.*

5                             (c) *TECHNICAL ASSISTANCE.*—

6                             (1) *IN GENERAL.*—*The Secretary shall—*

7                                 (A) *inform owners and operators of surface*  
8                             *transportation assets about the availability of*  
9                             *technical assistance, including vulnerability as-*  
10                             *sessment tools and cybersecurity guidelines, to*  
11                             *help protect and enhance the resilience of public*  
12                             *areas of such assets; and*

13                                 (B) *upon request, and subject to the avail-*  
14                             *ability of appropriations, provide such technical*  
15                             *assistance to owners and operators of surface*  
16                             *transportation assets.*

17                             (2) *BEST PRACTICES.*—*Not later than 1 year*  
18                             *after the date of enactment of this Act, and periodi-*  
19                             *cally thereafter, the Secretary shall publish on the De-*  
20                             *partment website and widely disseminate, as appro-*  
21                             *priate, current best practices for protecting and en-*  
22                             *hancing the resilience of public areas of transpor-*  
23                             *tation facilities (including facilities that are surface*  
24                             *transportation assets), including associated frame-*  
25                             *works or templates for implementation.*

1           (d) REVIEW.—

2           (1) IN GENERAL.—Not later than 1 year after  
3       the date of enactment of this Act, the Administrator  
4       shall—

5           (A) review of regulations, directives, poli-  
6       cies, and procedures issued by the Administrator  
7       regarding the transportation of a firearm and  
8       ammunition; and

9           (B) submit to the appropriate committees of  
10      Congress a report on the findings of the review  
11      under subparagraph (A), including, as appro-  
12      priate, information on any plans to modify any  
13      regulation, directive, policy, or procedure based  
14      on the review.

15           (2) CONSULTATION.—In preparing the report  
16      under paragraph (1), the Administrator shall consult  
17      with—

18           (A) ASAC;

19           (B) the Surface Transportation Security  
20      Advisory Committee under section 404 of the  
21      Homeland Security Act of 2002; and

22           (C) appropriate public and private stake-  
23      holders.

1   **SEC. 1932. PUBLIC AREA BEST PRACTICES.**

2       (a) *IN GENERAL.—The Administrator shall, in accord-*  
3       *ance with law and as received or developed, periodically*  
4       *submit information, on any best practices developed by the*  
5       *TSA or appropriate transportation stakeholders related to*  
6       *protecting the public spaces of transportation infrastructure*  
7       *from emerging threats, to the following:*

8              (1) *Federal Security Directors at airports.*  
9              (2) *Appropriate security directors for other*  
10         *modes of transportation.*  
11              (3) *Other appropriate transportation security*  
12         *stakeholders.*

13       (b) *INFORMATION SHARING.—The Administrator*  
14       *shall, in accordance with law—*

15              (1) *in coordination with the Office of the Direc-*  
16         *tor of National Intelligence and industry partners,*  
17         *implement improvements to the Air Domain Intel-*  
18         *ligence and Analysis Center to encourage increased*  
19         *participation from stakeholders and enhance govern-*  
20         *ment and industry security information sharing on*  
21         *transportation security threats, including on cyberser-*  
22         *curity threat awareness;*

23              (2) *expand and improve the City and Airport*  
24         *Threat Assessment or similar program to public and*  
25         *private stakeholders to capture, quantify, commu-*  
26         *nicate, and apply applicable intelligence to inform*

1       *transportation infrastructure mitigation measures,*  
2       *such as—*

3               *(A) quantifying levels of risk by airport*  
4       *that can be used to determine risk-based security*  
5       *mitigation measures at each location; and*

6               *(B) determining random and surge em-*  
7       *ployee inspection operations based on changing*  
8       *levels of risk;*

9               *(3) continue to disseminate Transportation In-*  
10      *telligence Notes, tear-lines, and related intelligence*  
11      *products to appropriate transportation security stake-*  
12      *holders on a regular basis; and*

13               *(4) continue to conduct both regular routine and*  
14      *threat-specific classified briefings between the TSA*  
15      *and appropriate transportation sector stakeholders on*  
16      *an individual or group basis to provide greater infor-*  
17      *mation sharing between public and private sectors.*

18               *(c) MASS NOTIFICATION.—The Administrator shall en-*  
19      *courage security stakeholders to utilize mass notification*  
20      *systems, including the Integrated Public Alert Warning*  
21      *System of the Federal Emergency Management Agency and*  
22      *social media platforms, to disseminate information to*  
23      *transportation community employees, travelers, and the*  
24      *general public, as appropriate.*

1       (d) PUBLIC AWARENESS PROGRAMS.—The Secretary,  
2 in coordination with the Administrator, shall expand pub-  
3 lic programs of the Department of Homeland Security and  
4 the TSA that increase security threat awareness, education,  
5 and training to include transportation network public area  
6 employees, including airport and transportation vendors,  
7 local hotels, cab and limousine companies, ridesharing com-  
8 panies, cleaning companies, gas station attendants, cargo  
9 operators, and general aviation members.

10 **SEC. 1933. AIRPORT WORKER ACCESS CONTROLS COST AND**  
11                   **FEASIBILITY STUDY.**

12       (a) IN GENERAL.—Not later than 1 year after the date  
13 of enactment of this Act, the Administrator, in consultation  
14 with ASAC, shall submit to the Comptroller General of the  
15 United States and the appropriate committees of Congress  
16 a study examining the shared cost and feasibility to air-  
17 ports, airlines, and the TSA of implementing enhanced em-  
18 ployee inspection measures at all access points between non-  
19 secured areas and secured areas at a statistically signifi-  
20 cant number of Category I, II, III, IV, and X airports.

21       (b) ASSESSMENT.—To the extent practicable, in con-  
22 ducting the study, the Administrator shall assess the cost,  
23 operational efficiency, and security effectiveness of requir-  
24 ing all employees to present for inspection at every access  
25 point between non-secured areas and secured areas of air-

1 ports, and of deploying some or all of the following screen-  
2 ing measures and technologies:

3 (1) A secure door utilizing card and pin entry  
4 or biometric technology.

5 (2) Surveillance video recording capable of stor-  
6 ing video data for at least 30 days.

7 (3) Advanced screening technologies, including at  
8 least 1 of the following:

9 (A) Magnetometer (walk-through or hand-  
10 held).

11 (B) Explosives detection canines.

12 (C) Explosives trace detection swabbing.

13 (D) Advanced imaging technology.

14 (E) X-ray bag screening technology.

15 (4) The TSA's Advanced Threat Local Allocation  
16 Strategy (commonly known as "ATLAS").

17 (c) CONTENTS.—To the extent practicable, the study  
18 under subsection (a) shall include the following:

19 (1) Costs associated with establishing an oper-  
20 ational minimum number of employee entry and exit  
21 points.

22 (2) A comparison of estimated costs and security  
23 effectiveness associated with implementing the secu-  
24 rity features specified in paragraphs (1), (2), (3), and  
25 (4) of subsection (b) based on information on the ex-

1        *periences from those category I, II, III, IV, and X*  
2        *airports that have already implemented or piloted en-*  
3        *hanced employee inspection measures at access points*  
4        *between non-secured areas and secured areas of air-*  
5        *ports.*

6        *(d) GAO REVIEW.—Not later than 90 days after the*  
7        *date of receipt of the study under subsection (a), the Com-*  
8        *troller General of the United States shall—*

9              *(1) review the study to assess the quality and re-*  
10          *liability of the study; and*  
11              *(2) submit to the appropriate committees of Con-*  
12          *gress a report on the results of the review under para-*  
13          *graph (1).*

14 **SEC. 1934. SECURING AIRPORT WORKER ACCESS POINTS.**

15        *(a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT*  
16        *SECURITY AWARENESS.—Not later than 180 days after the*  
17        *date of enactment of this Act, the Administrator shall con-*  
18        *sult with air carriers, foreign air carriers, airport opera-*  
19        *tors, and labor unions representing credentialed employees*  
20        *to enhance security awareness of credentialed airport popu-*  
21        *lations regarding insider threats to aviation security and*  
22        *best practices related to airport access controls.*

23        *(b) CREDENTIALING STANDARDS.—Not later than 180*  
24        *days after the date of enactment of this Act, the Adminis-*  
25        *trator, in consultation with air carriers, foreign air car-*

1 *riars, airport operators, and labor unions representing*  
2 *credentialed employees, shall assess credentialing standards,*  
3 *policies, and practices, including implementation of rel-*  
4 *evant credentialing updates required under the FAA Exten-*  
5 *sion, Safety, and Security Act of 2016 (Public Law 114–*  
6 *190; 130 Stat. 615), to ensure that insider threats to avia-*  
7 *tion security are adequately addressed.*

8       (c) *SIDA APPLICATIONS.—*

9           (1) *SOCIAL SECURITY NUMBERS REQUIRED.—*

10              (A) *IN GENERAL.—Not later than 60 days*  
11              *after the date of enactment of this Act, the Ad-*  
12              *ministrator shall revise the application sub-*  
13              *mitted by an individual applying for a creden-*  
14              *tial granting access to the Secure Identification*  
15              *Area of an airport to require the social security*  
16              *number of such individual in order to strengthen*  
17              *security vetting effectiveness.*

18              (B) *FAILURE TO PROVIDE NUMBER.—An*  
19              *applicant who does not provide such applicant's*  
20              *social security number may be denied such a cre-*  
21              *dential.*

22              (2) *SCREENING NOTICE.—The Administrator*  
23              *shall issue requirements for an airport operator to in-*  
24              *clude in each application for access to a Security*  
25              *Identification Display Area notification to the appli-*

1       cant that an employee holding a credential granting  
2       access to a Security Identification Display Area may  
3       be screened at any time while gaining access to, work-  
4       ing in, or leaving a Security Identification Display  
5       Area.

6       (d) SECURED AND STERILE AREAS OF AIRPORTS.—  
7       The Administrator shall consult with airport operators and  
8       airline operators to identify advanced technologies, includ-  
9       ing biometric identification technologies, that could be used  
10      for securing employee access to the secured areas and sterile  
11      areas of airports.

12       (e) RAP BACK VETTING .—Not later than 180 days  
13      after the date of enactment of this Act, the Administrator  
14      shall identify and submit to the appropriate committees of  
15      Congress the number of credentialed aviation worker popu-  
16      lations at airports that are continuously vetted through the  
17      Federal Bureau of Investigation’s Rap Back Service, con-  
18      sistent with section 3405(b)(2) of the FAA Extension, Safe-  
19      ty, and Security Act of 2016 (49 U.S.C. 44901 note).

20       (f) INSIDER THREAT EDUCATION AND MITIGATION.—  
21      Not later than 180 days after the date of enactment of this  
22      Act, the Administrator shall identify means of enhancing  
23      the TSA’s ability to leverage the resources of the Depart-  
24      ment and the intelligence community (as defined in section  
25      3 of the National Security Act of 1947 (50 U.S.C. 3003))

1   *to educate Administration personnel on insider threats to*  
2   *aviation security and how the TSA can better mitigate such*  
3   *insider threats.*

4       (g) *EMPLOYEE INSPECTIONS.*—*Consistent with the*  
5   *FAA Extension, Safety, and Security Act of 2016 (Public*  
6   *Law 114–190; 130 Stat. 615), the Administrator shall en-*  
7   *sure that TSA-led, random employee physical inspection ef-*  
8   *forts of aviation workers are targeted, strategic, and focused*  
9   *on providing the greatest level of security effectiveness.*

10     (h) *COVERT TESTING.*—

11           (1) *IN GENERAL.*—*Consistent with the FAA Ex-*  
12   *tension, Safety, and Security Act of 2016 (Public*  
13   *Law 114–190; 130 Stat. 615), the Administrator shall*  
14   *continue to conduct covert testing of TSA-led em-*  
15   *ployee inspection operations at airports and measure*  
16   *existing levels of security effectiveness.*

17           (2) *REQUIREMENTS.*—*The Administrator shall*  
18   *provide—*

19                  (A) *the results of such testing to—*

20                          (i) *the airport operator for the airport*  
21   *that is the subject of any such testing; and*  
22                          (ii) *as appropriate, to air carriers and*  
23   *foreign air carriers that operate at the air-*  
24   *port that is the subject of such testing; and*

1                   (B) recommendations and technical assistance for air carriers, foreign air carriers, and  
2                   airport operators to conduct their own employee  
3                   inspections, as needed.

5                   (3) ANNUAL REPORTING.—The Administrator  
6                   shall for each of fiscal years 2019 through 2021, submit to the appropriate committees of Congress a report on the frequency, methodology, strategy, and effectiveness of employee inspection operations at airports.

11                  (i) CENTRALIZED DATABASE.—

12                  (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with ASAC, shall—

15                  (A) subject to paragraph (2), establish a national, centralized database of the names of each individual who—

18                  (i) has had an airport-issued badge revoked for failure to comply with aviation security requirements; or

21                  (ii) has had an aircraft operator-issued badge revoked for failure to comply with aviation security requirements;

1                             (B) determine the appropriate reporting  
2                             mechanisms for air carriers, foreign air carriers,  
3                             and airport operators—

4                             (i) to submit to the Administration  
5                             data regarding an individual described in  
6                              subparagraph (A); and

7                             (ii) to access the database; and

8                             (C) establish a process to allow an individual whose name is mistakenly entered into the  
9                             database to correct the record and have the individual's name expunged from the database.

12                             (2) *LIMITATION.*—The database shall not include  
13                             the name of any individual whose badge has been re-  
14                             voked as a result of a termination or cessation of em-  
15                             ployment unrelated to—

16                             (A) a violation of a security requirement; or  
17                             (B) a determination that the individual  
18                             poses a threat to aviation security.

19                             **SEC. 1935. LAW ENFORCEMENT OFFICER REIMBURSEMENT**

20                             **PROGRAM.**

21                             (a) *IN GENERAL.*—In accordance with section  
22                             44903(c)(1) of title 49, United States Code, the Adminis-  
23                             trator shall increase the number of awards, and the total  
24                             funding amount of each award, under the Law Enforcement  
25                             Officer Reimbursement Program—

1                   (1) to increase the presence of law enforcement  
2                   officers in the public areas of airports, including bag-  
3                   gage claim, ticket counters, and nearby roads;

4                   (2) to increase the presence of law enforcement  
5                   officers at screening checkpoints;

6                   (3) to reduce the response times of law enforce-  
7                   ment officers during security incidents; and

8                   (4) to provide visible deterrents to potential ter-  
9                   rorists.

10                 (b) COOPERATION BY ADMINISTRATOR.—In carrying  
11                 out subsection (a), the Administrator shall use the authority  
12                 provided to the Administrator under section 114(m) of title  
13                 49, United States Code, that is the same authority as is  
14                 provided to the Administrator of the Federal Aviation Ad-  
15                 ministration under section 106(m) of that title.

16                 (c) ADMINISTRATIVE BURDENS.—The Administrator  
17                 shall review the regulations and compliance policies related  
18                 to the Law Enforcement Officer Reimbursement Program  
19                 and, if necessary, revise such regulations and policies to re-  
20                 duce any administrative burdens on applicants or recipi-  
21                 ents of such awards.

22                 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23                 authorized to be appropriated to carry out section 44901(h)  
24                 of title 49, United States Code, \$55,000,000 for each of fis-  
25                 cal years 2019 through 2021.

1 **SEC. 1936. AIRPORT PERIMETER AND ACCESS CONTROL SE-**2 **CURITY.**3 **(a) RISK ASSESSMENTS OF AIRPORT SECURITY.—**4 **(1) IN GENERAL.—The Administrator shall—**5 **(A) not later than 180 days after the date**  
6 **of enactment of this Act, update the Transpor-**  
7 **tation Sector Security Risk Assessment (referred**  
8 **to in this section as the “TSSRA”); and**9 **(B) not later than 90 days after the date the**  
10 **TSSRA is updated under subparagraph (A)—**11 **(i) update with the most currently**  
12 **available intelligence information the Com-**  
13 **prehensive Risk Assessment of Perimeter**  
14 **and Access Control Security (referred to in**  
15 **this section as the “Risk Assessment of Air-**  
16 **port Security”);**17 **(ii) establish a regular schedule for**  
18 **periodic updates to the Risk Assessment of**  
19 **Airport Security; and**20 **(iii) conduct a system-wide assessment**  
21 **of airport access control points and airport**  
22 **perimeter security.**23 **(2) CONTENTS.—The security risk assessments**  
24 **required under paragraph (1)(B) shall—**25 **(A) include updates reflected in the TSSRA**  
26 **and Joint Vulnerability Assessment findings;**

1                   (B) reflect changes to the risk environment  
2                   relating to airport access control points and air-  
3                   port perimeters;

4                   (C) use security event data for specific anal-  
5                   ysis of system-wide trends related to airport ac-  
6                   cess control points and airport perimeter secu-  
7                   rity to better inform risk management decisions;  
8                   and

9                   (D) consider the unique geography of and  
10                  current best practices used by airports to miti-  
11                  gate potential vulnerabilities.

12                 (3) REPORT.—The Administrator shall report  
13                  the results of the TSSRA and Risk Assessment of Air-  
14                  port Security under paragraph (1) to—

15                 (A) the appropriate committees of Congress;  
16                 (B) relevant Federal departments and agen-  
17                 cies; and  
18                 (C) airport operators.

19                 (b) AIRPORT SECURITY STRATEGY DEVELOPMENT.—  
20                 (1) IN GENERAL.—Not later than 90 days after  
21                 the date of enactment of this Act, the Administrator  
22                 shall update the 2012 National Strategy for Airport  
23                 Perimeter and Access Control Security (referred to in  
24                 this section as the “National Strategy”).

1                   (2) *CONTENTS.*—*The update to the National*  
2                   *Strategy shall include—*

3                   (i) *information from the Risk Assessment*  
4                   *of Airport Security; and*

5                   (ii) *information on—*

6                   (i) *airport security-related activities;*

7                   (ii) *the status of TSA efforts to address*  
8                   *the objectives of the National Strategy;*

9                   (iii) *finalized outcome-based performance measures and performance levels for—*

10                  (I) *each activity described in clause (i); and*

11                  (II) *each objective described in clause (ii); and*

12                  (iv) *input from airport operators.*

13                  (3) *UPDATES.*—*Not later than 90 days after the date the update to the National Strategy is complete, the Administrator shall establish a regular schedule for determining if and when additional updates to the strategy under paragraph (1) are necessary.*

14                  **Subtitle D—Passenger and Cargo Security**

15                  **SEC. 1937. PRECHECK PROGRAM.**

16                  (a) *IN GENERAL.*—*Section 44919 is amended to read as follows:*

1     **“§ 44919. PreCheck Program**

2         “(a) IN GENERAL.—The Administrator of the Trans-  
3 portation Security Administration shall continue to ad-  
4 minister the PreCheck Program in accordance with section  
5 109(a)(3) of the Aviation and Transportation Security Act  
6 (49 U.S.C. 114 note).

7         “(b) EXPANSION.—Not later than 180 days after the  
8 date of enactment of the TSA Modernization Act, the Ad-  
9 ministrator shall enter into an agreement, using other  
10 transaction authority under section 114(m) of this title,  
11 with at least 2 private sector entities to increase the methods  
12 and capabilities available for the public to enroll in the  
13 PreCheck Program.

14         “(c) MINIMUM CAPABILITY REQUIREMENTS.—At least  
15 1 agreement under subsection (b) shall include the following  
16 capabilities:

17             “(1) Start-to-finish secure online or mobile en-  
18 rollment capability.

19             “(2) Vetting of an applicant by means other  
20 than biometrics, such as a risk assessment, if—

21                 “(A) such means—

22                     “(i) are evaluated and certified by the  
23 Secretary of Homeland Security;

24                     “(ii) meet the definition of a qualified  
25 anti-terrorism technology under section 865

1                   *of the Homeland Security Act of 2002 (6*  
2                   *U.S.C. 444); and*

3                   “*(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and*

12                  “*(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.*

18                  “(d) **ADDITIONAL CAPABILITY REQUIREMENTS.**—At least 1 agreement under subsection (b) shall include the following capabilities:

21                  “(1) *Start-to-finish secure online or mobile enrollment capability.*

23                  “(2) *Vetting of an applicant by means of biometrics if the collection—*

1               “(A) is comparable with the appropriate  
2               and applicable standards developed by the Na-  
3               tional Institute of Standards and Technology;

4               “(B) protects privacy and data security, in-  
5               cluding that any personally identifiable informa-  
6               tion is collected, retained, used, and shared in a  
7               manner consistent with section 552a of title 5,  
8               United States Code (commonly known as ‘Pri-  
9               vacy Act of 1974’), and with agency regulations;

10               “(C) is evaluated and certified by the Sec-  
11               retary of Homeland Security; and

12               “(D) is determined by the Administrator to  
13               provide a risk assessment that is as effective as  
14               a fingerprint-based criminal history records  
15               check conducted through the Federal Bureau of  
16               Investigation with respect to identifying individ-  
17               uals who are not qualified to participate in the  
18               PreCheck Program due to disqualifying criminal  
19               history.

20               “(e) TARGET ENROLLMENT.—Subject to subsections  
21               (b), (c), and (d), the Administrator shall take actions to  
22               expand the total number of individuals enrolled in the  
23               PreCheck Program as follows:

24               “(1) 7,000,000 passengers before October 1, 2019.

1           “(2) 10,000,000 passengers before October 1,  
2 2020.

3           “(3) 15,000,000 passengers before October 1,  
4 2021.

5           “(f) *MARKETING OF PRECHECK PROGRAM*.—Not later  
6 than 90 days after the date of enactment of the TSA Mod-  
7 ernization Act, the Administrator shall—

8           “(1) enter into at least 2 agreements, using other  
9 transaction authority under section 114(m) of this  
10 title, to market the PreCheck Program; and

11          “(2) implement a long-term strategy for  
12 partnering with the private sector to encourage enroll-  
13 ment in such program.

14          “(g) *IDENTITY VERIFICATION ENHANCEMENT*.—The  
15 Administrator shall—

16           “(1) coordinate with the heads of appropriate  
17 components of the Department to leverage Depart-  
18 ment-held data and technologies to verify the identity  
19 and citizenship of individuals enrolling in the  
20 PreCheck Program;

21           “(2) partner with the private sector to use bio-  
22 metrics and authentication standards, such as rel-  
23 evant standards developed by the National Institute of  
24 Standards and Technology, to facilitate enrollment in  
25 the program; and

1           “(3) consider leveraging the existing resources  
2       and abilities of airports to collect fingerprints for use  
3       in background checks to expedite identity verification.

4       “(h) PRECHECK PROGRAM LANES OPERATION.—The  
5   Administrator shall—

6           “(1) ensure that PreCheck Program screening  
7       lanes are open and available during peak and high-  
8       volume travel times at appropriate airports to indi-  
9       viduals enrolled in the PreCheck Program; and

10          “(2) make every practicable effort to provide ex-  
11       pedited screening at standard screening lanes during  
12       times when PreCheck Program screening lanes are  
13       closed to individuals enrolled in the program in order  
14       to maintain operational efficiency.

15       “(i) ELIGIBILITY OF MEMBERS OF THE ARMED  
16   FORCES FOR EXPEDITED SECURITY SCREENING.—

17          “(1) IN GENERAL.—Subject to paragraph (3), an  
18       individual specified in paragraph (2) is eligible for  
19       expedited security screening under the PreCheck Pro-  
20       gram.

21          “(2) INDIVIDUALS SPECIFIED.—An individual  
22       specified in this subsection is any of the following:

23           “(A) A member of the Armed Forces, in-  
24       cluding a member of a reserve component or the  
25       National Guard.

1               “(B) A cadet or midshipman of the United  
2               States Military Academy, the United States  
3               Naval Academy, the United States Air Force  
4               Academy, or the United States Coast Guard  
5               Academy.

6               “(C) A family member of an individual  
7               specified in subparagraph (A) or (B) who is  
8               younger than 12 years old and accompanying  
9               the individual.

10              “(3) IMPLEMENTATION.—The eligibility of an in-  
11               dividual specified in paragraph (2) for expedited se-  
12               curity screening under the PreCheck Program is sub-  
13               ject to such policies and procedures as the Adminis-  
14               trator may prescribe to carry out this subsection, in  
15               consultation with the Secretary of Defense and, with  
16               respect to the United States Coast Guard, the Com-  
17               mandant of the United States Coast Guard.

18              “(j) VETTING FOR PRECHECK PROGRAM PARTICI-  
19               PANTS.—The Administrator shall initiate an assessment to  
20               identify any security vulnerabilities in the vetting process  
21               for the PreCheck Program, including determining whether  
22               subjecting PreCheck Program participants to recurrent fin-  
23               gerprint-based criminal history records checks, in addition  
24               to recurrent checks against the terrorist watchlist, could be

1   done in a cost-effective manner to strengthen the security  
2   of the PreCheck Program.

3       “(k) ASSURANCE OF SEPARATE PROGRAM.—In car-  
4   rying out this section, the Administrator shall ensure that  
5   the additional private sector application capabilities under  
6   subsections (b), (c), and (d) are undertaken in addition to  
7   any other related TSA program, initiative, or procurement,  
8   including the Universal Enrollment Services program.

9       “(l) EXPENDITURE OF FUNDS.—Any Federal funds ex-  
10   pended by the Administrator to expand PreCheck Program  
11   enrollment shall be expended in a manner that includes the  
12   requirements of this section.”.

13       (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14           (1) REPEAL.—Subtitle A of title III of the FAA  
15   Extension, Safety, and Security Act of 2016 (49  
16   U.S.C. 44901 note) and the items relating to that sub-  
17   title in the table of contents of that Act are repealed.

18           (2) TABLE OF CONTENTS.—The table of contents  
19   of chapter 449 is amended by amending the item re-  
20   lating to section 44919 to read as follows:

“44919. PreCheck Program.”.

21           (3) SCREENING PASSENGERS AND PROPERTY.—  
22   Section 44901(a) is amended by striking “44919 or”.

23   **SEC. 1938. PRECHECK EXPEDITED SCREENING.**

24       (a) IN GENERAL.—Not later than 18 months after the  
25   date of enactment of this Act, the Administrator shall en-

1   sure that only a traveler who is a member of a trusted trav-  
2   eler program specified in subsection (b) is permitted to use  
3   a TSA PreCheck security screening lane at a passenger  
4   screening checkpoint.

5           (b) TRUSTED TRAVELER PROGRAMS SPECIFIED.—A  
6   trusted traveler program specified in this subsection is any  
7   of the following:

8               (1) The PreCheck Program under section 44919  
9   of title 49, United States Code.

10              (2) Any other program implemented by the TSA  
11   under section 109(a)(3) of the Aviation and Trans-  
12   portation Security Act (49 U.S.C. 114 note).

13              (3) Any other United States Government pro-  
14   gram that issues a unique identifier, such as a known  
15   traveler number, that the TSA accepts as validating  
16   that the individual holding such identifier is a mem-  
17   ber of a known low-risk population.

18           (c) EXEMPTIONS.—Nothing in this section shall af-  
19   fect—

20               (1) the authority of the Administrator, under  
21   section 44927 of title 49, United States Code, to carry  
22   out expedited screening for members of the Armed  
23   Forces with disabilities or severe injuries or veterans  
24   with disabilities or severe injuries; or

1                   (2) the Honor Flight program under section  
2                  44928 of that title.

3                   (d) LOW-RISK TRAVELERS.—Any traveler who is de-  
4 termined by the Administrator to be low risk based on the  
5 traveler's age and who is not a member of a trusted traveler  
6 program specified in subsection (b) shall be permitted to  
7 utilize TSA PreCheck security screening lanes at Transpor-  
8 tation Security Administration checkpoints when traveling  
9 on the same reservation as a member of such a program.

10                  (e) RISK MODIFIED SCREENING.—

11                   (1) PILOT PROGRAM.—Not later than 60 days  
12 after the date of enactment of this Act and subject to  
13 paragraph (2), the Administrator shall commence a  
14 pilot program regarding a risk modified screening  
15 protocol for lanes other than designated TSA  
16 PreCheck security screening lanes at passenger screen-  
17 ing checkpoints, in airports of varying categories, to  
18 further segment passengers based on risk.

19                   (2) ELIGIBILITY.—Only a low-risk passenger  
20 shall be eligible to participate in the risk modified  
21 screening pilot program under paragraph (1).

22                   (3) DEFINITION OF LOW-RISK PASSENGER.—In  
23 this subsection, the term “low-risk passenger” means  
24 a passenger who—

1                   (A) meets a risk-based, intelligence-driven  
2                   criteria prescribed by the Administrator; or  
3                   (B) undergoes a canine enhanced screening  
4                   upon arrival at the passenger screening check-  
5                   point.

6                   (4) TERMINATION.—The pilot program shall ter-  
7                   minate on the date that is 120 days after the date it  
8                   commences under paragraph (1).

9                   (5) BRIEFING.—Not later than 30 days after the  
10                  termination date under paragraph (4), the Adminis-  
11                  trator shall brief the appropriate committees of Con-  
12                  gress on the findings of the pilot program, includ-  
13                  ing—

14                  (A) information relating to the security ef-  
15                  fectiveness and passenger facilitation effectiveness  
16                  of the risk modified screening protocol;

17                  (B) a determination regarding whether the  
18                  risk modified screening protocol was effective;  
19                  and

20                  (C) if the Administrator determined that  
21                  the protocol was effective, a plan for the deploy-  
22                  ment of the protocol at as many TSA passenger  
23                  screening checkpoints as practicable.

24                  (6) IMPLEMENTATION.—In determining whether  
25                  deployment of the protocol at a TSA passenger screen-

1       *ing checkpoint at an airport is practicable, the Ad-*  
2       *ministrator shall consider—*

3              *(A) the level of risk at the airport;*  
4              *(B) the available space at the airport;*  
5              *(C) passenger throughput levels at the air-*  
6       *port;*

7              *(D) the checkpoint configuration at the air-*  
8       *port; and*

9              *(E) adequate resources to appropriately*  
10      *serve passengers in TSA PreCheck security*  
11      *screening lanes at the passenger screening check-*  
12      *point.*

13     *(f) WORKING GROUP.—*

14        *(1) IN GENERAL.—In carrying out subsection*  
15      *(e), the Administrator shall establish a working group*  
16      *to advise the Administrator on the development of*  
17      *plans for the deployment of the protocol at TSA pas-*  
18      *senger screening checkpoints, other than designated*  
19      *TSA PreCheck security screening lanes, in the most*  
20      *effective and efficient manner practicable.*

21        *(2) MEMBERS.—The working group shall be*  
22      *comprised of representatives of Category X, I, II, III,*  
23      *and IV airports and air carriers (as the term is de-*  
24      *fined in section 40102 of title 49, United States*  
25      *Code).*

1                   (3) *NONAPPLICABILITY OF FACA.*—*The Federal*  
2                   *Advisory Committee Act (5 U.S.C. App.) shall not*  
3                   *apply to the working group established under this*  
4                   *subsection.*

5                   (g) *BRIEFINGS.*—

6                   (1) *IN GENERAL.*—*The Administrator shall brief,*  
7                   *on a biannual basis, the appropriate committees of*  
8                   *Congress on the implementation of subsections (a)*  
9                   *until the Administrator certifies that only travelers*  
10                  *who are members of trusted traveler programs speci-*  
11                  *fied in subsection (b) are permitted to use TSA*  
12                  *PreCheck security screening lanes at passenger screen-*  
13                  *ing checkpoints.*

14                  (2) *CERTIFICATION.*—*Upon a determination by*  
15                  *the Administrator that only travelers who are mem-*  
16                  *bers of a trusted traveler program specified in sub-*  
17                  *section (b) are permitted to use TSA PreCheck secu-*  
18                  *rity screening lanes at checkpoints in accordance with*  
19                  *subsection (a), the Administrator shall submit to the*  
20                  *appropriate committees of Congress a written certifi-*  
21                  *cation relating to such determination.*

22                  (h) *INSPECTOR GENERAL ASSESSMENTS.*—*The Inspec-*  
23                  *tor General of the Department shall assess and transmit*  
24                  *to the appropriate committees of Congress the Administra-*  
25                  *tor's implementation under subsection (a).*

1       (i) EXPANSION OF TSA PRECHECK PROGRAM EN-  
2 ROLLMENT.—

3             (1) LONG-TERM STRATEGY.—Not later than 180  
4 days after the date of enactment of this Act, the Ad-  
5 ministrator shall develop and begin the implemen-  
6 tation a long-term strategy to increase enrollment in  
7 the TSA PreCheck Program.

8             (2) CONSIDERATIONS.—In developing the strat-  
9 egy under paragraph (1), the Administrator shall  
10 consider the following:

11                  (A) Partnering with air carriers (as the  
12 term is defined in section 40102 of title 49,  
13 United States Code) to incorporate PreCheck  
14 Program promotion opportunities in the reserva-  
15 tion process described in section 1560.101 of title  
16 49, Code of Federal Regulations;

17                  (B) Including in the PreCheck Program of  
18 an individual who—

19                      (i) holds a Secret, Top Secret, or Top  
20 Secret/Sensitive Compartmented Informa-  
21 tion clearance, unless the individual has  
22 had the individual's clearance revoked or  
23 did not pass a periodic reinvestigation; or  
24                      (ii) is a current, full-time Federal law  
25 enforcement officer.

1                   (C) Providing PreCheck Program enrollment  
2                   flexibility by offering secure mobile enrollment  
3                   platforms that facilitate in-person identity  
4                   verification and application data collection, such  
5                   as through biometrics.

6                   (D) Reducing travel time to PreCheck Program  
7                   enrollment centers for applicants, includ-  
8                   ing—

9                         (i) by adjusting the locations and  
10                      schedules of existing PreCheck Program en-  
11                      rollment centers to accommodate demand;

12                         (ii) by seeking to collocate such enrollment  
13                      centers with existing facilities that  
14                      support the issuance of—

15                         (I) United States passports; and

16                         (II) Security Identification Dis-  
17                      play Area credentials (as the term is  
18                      defined in section 1540.5 of title 49,  
19                      Code of Federal Regulations) located in  
20                      public, non-secure areas of airports if  
21                      no systems of an airport operator are  
22                      used in support of enrollment activities  
23                      for such credentials; and

24                         (iii) by increasing the availability of  
25                      PreCheck Program enrollment platforms,

1           such as kiosks, tablets, or staffed laptop sta-  
2           tions.

3           (E) The feasibility of providing financial  
4           assistance or other incentives for PreCheck Pro-  
5           gram enrollment for—

6               (i) children who are at least 12 years  
7               or older, but less than 18 years old;

8               (ii) families consisting of 5 or more  
9               immediate family members;

10              (iii) private sector entities, including  
11              small businesses, to establish PreCheck Pro-  
12              gram enrollment centers in their respective  
13              facilities; and

14              (iv) private sector entities, including  
15              small business concerns (as the term is de-  
16              scribed in section 3 of the Small Business  
17              Act (15 U.S.C. 632)), to reimburse an em-  
18              ployee for the cost of the PreCheck Program  
19              application.

20 **SEC. 1939. TRUSTED TRAVELER PROGRAMS; COLLABORA-  
21              TION.**

22           Not later than 180 days after the date of enactment  
23           of this Act, the Administrator, in consultation with the  
24           Commissioner of U.S. Customs and Border Protection,  
25           shall—

- 1                   (1) review each trusted traveler program admin-  
2 istered by U.S. Customs and Border Protection and  
3 the PreCheck Program;
- 4                   (2) identify any improvements that can be made  
5 to such programs—
- 6                   (A) to streamline and integrate the require-  
7 ments and operations of such programs to reduce  
8 administrative burdens, including applications  
9 for inclusion and determining whether a valid  
10 credential can satisfy the requirements for an-  
11 other credential;
- 12                  (B) to increase information and data shar-  
13 ing across such programs; and
- 14                  (C) to allow the public to access and link to  
15 the applications for enrollment in all of such  
16 programs from 1 online portal;
- 17                  (3) identify any law, including regulations, pol-  
18 icy, or procedure that may unnecessarily inhibit col-  
19 laboration among Department of Homeland Security  
20 agencies regarding such programs or implementation  
21 of the improvements identified under paragraph (2);
- 22                  (4) recommend any legislative, administrative,  
23 or other actions that can be taken to eliminate any  
24 unnecessary barriers to collaboration or implemen-  
25 tation identified in paragraph (3); and

1                   (5) submit to the appropriate committees of Congress  
2                   a report on the review, including any unnecessary  
3                   barriers to collaboration or implementation  
4                   identified under paragraph (3), and any recommendations  
5                   under paragraph (4).

6   **SEC. 1940. PASSENGER SECURITY FEE.**

7                   Section 44940(c) is amended by adding at the end the  
8                   following:

9                   “(3) OFFSETTING COLLECTIONS.—Beginning on  
10                   October 1, 2027, fees collected under subsection (a)(1)  
11                   for any fiscal year shall be credited as offsetting collections to appropriations made for aviation security measures carried out by the Transportation Security Administration, to remain available until expended.”.

15   **SEC. 1941. THIRD PARTY CANINE TEAMS FOR AIR CARGO  
16                   SECURITY.**

17                   Section 1307 of the Implementing Recommendations  
18                   of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is  
19                   amended by adding at the end the following:

20                   “(h) THIRD PARTY CANINE TEAMS FOR AIR CARGO  
21                   SECURITY.—

22                   “(1) IN GENERAL.—In order to enhance the screening of air cargo and ensure that third party explosives detection canine assets are leveraged for such purpose, the Administrator shall, not later than 180

1       *days after the date of enactment of the TSA Mod-*  
2       *ernization Act—*

3           “(A) *develop and issue standards for the use*  
4       *of such third party explosives detection canine*  
5       *assets for the primary screening of air cargo;*

6           “(B) *develop a process to identify qualified*  
7       *non-Federal entities that will certify canine as-*  
8       *sets that meet the standards established by the*  
9       *Administrator under subparagraph (A);*

10          “(C) *ensure that entities qualified to certify*  
11       *canine assets shall be independent from entities*  
12       *that will train and provide canines to end users*  
13       *of such canine assets;*

14          “(D) *establish a system of Transportation*  
15       *Security Administration audits of the process de-*  
16       *veloped under subparagraph (B); and*

17          “(E) *provide that canines certified for the*  
18       *primary screening of air cargo can be used by*  
19       *air carriers, foreign air carriers, freight for-*  
20       *warders, and shippers.*

21          “(2) *IMPLEMENTATION.—Beginning on the date*  
22       *that the development of the process under paragraph*  
23       *(1)(B) is complete, the Administrator shall—*

24           “(A) *facilitate the deployment of such assets*  
25       *that meet the certification standards of the Ad-*

1           ministration, as determined by the Adminis-  
2           trator;

3           “(B) make such standards available to ven-  
4           dors seeking to train and deploy third party ex-  
5           plosives detection canine assets; and

6           “(C) ensure that all costs for the training  
7           and certification of canines, and for the use of  
8           supplied canines, are borne by private industry  
9           and not the Federal Government.

10          “(3) *DEFINITIONS*.—In this subsection:

11           “(A) *AIR CARRIER*.—The term ‘air carrier’  
12           has the meaning given the term in section 40102  
13           of title 49, *United States Code*.

14           “(B) *FOREIGN AIR CARRIER*.—The term  
15           ‘foreign air carrier’ has the meaning given the  
16           term in section 40102 of title 49, *United States*  
17           *Code*.

18           “(C) *THIRD PARTY EXPLOSIVES DETECTION*  
19           *CANINE ASSET*.—The term ‘third party explosives  
20           detection canine asset’ means any explosives de-  
21           tection canine or handler not owned or em-  
22           ployed, respectively, by the *Transportation Secu-*  
23           *rity Administration*.”.

1   **SEC. 1942. KNOWN SHIPPER PROGRAM REVIEW.**

2         The Administrator shall direct the Air Cargo Sub-  
3         committee of ASAC—

4                 (1) to conduct a comprehensive review and secu-  
5         rity assessment of the Known Shipper Program;

6                 (2) to recommend whether the Known Shipper  
7         Program should be modified or eliminated consid-  
8         ering the full implementation of 100 percent screening  
9         under section 44901(g) of title 49, United States  
10         Code; and

11                 (3) to report its findings and recommendations  
12         to the Administrator.

13   **SEC. 1943. ESTABLISHMENT OF AIR CARGO SECURITY DIVI-  
14         SION.**

15         (a) *IN GENERAL.*—Subchapter II of chapter 449 is  
16         amended by adding at the end the following:

17   **“§ 44947. Air cargo security division**

18                 “(a) *ESTABLISHMENT.*—Not later than 90 days after  
19         the date of enactment of the TSA Modernization Act, the  
20         Administrator shall establish an air cargo security division  
21         to carry out and engage with stakeholders regarding the im-  
22         plementation of air cargo security programs established by  
23         the Administration.

24                 “(b) *LEADERSHIP; STAFFING.*—The air cargo security  
25         division established pursuant to subsection (a) shall be  
26         headed by an individual in the executive service within the

1   TSA and be staffed by not fewer than 4 full-time equivalents, including the head of the division.

3       “(c) STAFFING.—The Administrator of the Transportation Security Administration shall staff the air cargo 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 of enactment of this Act, the Administrator shall—

12           (1) review the Certified Cargo Screening Program, including—

14               (A) consideration of the degree to which the Program is effective at fully addressing evolving threats to air cargo, particularly as air cargo volumes fluctuate; and

18               (B) identification of any vulnerabilities in the Program and effectiveness of information sharing with air cargo security stakeholders; and

21           (2) submit to the appropriate committees of Congress a report on the findings of the review under paragraph (1), including—

24               (A) a description of the actions the Administrator has taken to improve the Program; and

1                   (B) a description of the actions the Admin-  
2                   istrator will take to address the findings of the  
3                   review under paragraph (1), including any  
4                   plans to issue new rulemaking, if necessary.

5 **SEC. 1945. GAO REVIEW.**

6                   Not later than 2 years after the date of enactment of  
7 this Act, the Comptroller General of the United States  
8 shall—

9                   (1) review the Department's analysis and intel-  
10                  ligence pre-screening processes and procedures for air  
11                  cargo entering the United States;

12                  (2) review the pilot program conducted under  
13                  section 1925;

14                  (3) assess the effectiveness of the Department's  
15                  risk-based strategy for examining air cargo and en-  
16                  suring compliance with air cargo security law, in-  
17                  cluding regulations; and

18                  (4) review the Department's information sharing  
19                  procedures and practices for disseminating informa-  
20                  tion to relevant stakeholders on preventing, miti-  
21                  gating, and responding to air cargo related threats.

22 **SEC. 1946. SCREENING PARTNERSHIP PROGRAM UPDATES.**

23                  (a) **SECURITY SCREENING OPT-OUT PROGRAM.**—Sec-  
24                  tion 44920 is amended—

1                   (1) in the heading by striking “**Security**  
2                   **screening opt-out program**” and inserting  
3                   **“Screening partnership program”**;

4                   (2) by amending subsection (a) to read as fol-  
5                   lows:

6                 “(a) IN GENERAL.—An airport operator may submit  
7                 to the Administrator of the Transportation Security Ad-  
8                 ministration an application to carry out the screening of  
9                 passengers and property at the airport under section 44901  
10          by personnel of a qualified private screening company pur-  
11          suant to a contract entered into with the Transportation  
12          Security Administration.”;

13                 (3) in subsection (b)—

14                 (A) by amending paragraph (1) to read as  
15                 follows:

16                 “(1) IN GENERAL.—Not later than 60 days after  
17                 the date of receipt of an application submitted by an  
18                 airport operator under subsection (a), the Adminis-  
19                 trator shall approve or deny the application.”; and

20                 (B) in paragraphs (2) and (3), by striking  
21                 “Under Secretary” each place it appears and in-  
22                 serting “Administrator”;

23                 (4) in subsection (d)—

1                   (A) in the heading, by striking “STAND-  
2                   ARDS” inserting “SELECTION OF CONTRACTS  
3                   AND STANDARDS”;

4                   (B) by redesignating paragraph (2) as  
5                   paragraph (3);

6                   (C) in paragraph (1)—

7                         (i) by striking “The Under Secretary  
8                         may enter” and all that follows through  
9                         “certifies to Congress that—” and inserting  
10                         “The Administrator shall, upon approval of  
11                         the application, provide the airport oper-  
12                         ator with a list of qualified private screen-  
13                         ing companies.”; and

14                         (ii) by inserting before subparagraphs  
15                         (A) and (B) the following:

16                         “(2) CONTRACTS.—The Administrator shall, to  
17                         the extent practicable, enter into a contract with a  
18                         private screening company from the list provided  
19                         under paragraph (1) for the provision of screening at  
20                         the airport not later than 120 days after the date of  
21                         approval of an application submitted by the airport  
22                         operator under subsection (a) if—”; and

23                         (D) in paragraph (2), as redesignated—

24                         (i) in subparagraph (A), by striking “;  
25                         and” and inserting a semicolon;

1                             (ii) in subparagraph (B)—  
2                                 (I) by striking “Under Secretary”  
3                                 and inserting “Administrator”; and  
4                                 (II) by striking the period at the  
5                                 end and inserting “; and”; and  
6                                 (iii) by adding at the end the fol-  
7                                 lowing:  
8                                 “(C) the selected qualified private screening  
9                                 company offered contract price is equal to or less  
10                                 than the cost to the Federal Government to pro-  
11                                 vide screening services at the airport.”; and  
12                                 (E) in paragraph (3), as redesignated—  
13                                 (i) by striking “paragraph (1)(B)”  
14                                 and inserting “paragraph (2)(B)”; and  
15                                 (ii) by striking “Under Secretary”  
16                                 each place it appears and inserting “Ad-  
17                                 ministrator”;  
18                                 (5) in subsection (e)—  
19                                 (A) in the heading, by striking  
20                                 “SCREENED” and inserting “SCREENING”;  
21                                 (B) by striking the period at the end and  
22                                 inserting “; and”;  
23                                 (C) by striking “The Under Secretary shall”  
24                                 and inserting “The Administrator shall—”;

1                   (D) by inserting “(1)” before “provide Fed-  
2                   eral Government” and indenting appropriately;  
3                   and

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

5                   “(2) undertake covert testing and remedial train-  
6                   ing support for employees of private screening compa-  
7                   nies providing screening at airports.”;

8                   (6) in subsection (f)—

9                   (A) in the heading, by inserting “OR SUS-  
10                  PENSION” after “TERMINATION”;

11                  (B) by striking “terminate” and inserting  
12                  “suspend or terminate, as appropriate,”; and

13                  (C) by striking “Under Secretary” each  
14                  place it appears and inserting “Administrator”;  
15                  and

16                  (7) by striking subsection (h) and inserting the  
17                  following:

18                  “(h) EVALUATION OF SCREENING COMPANY PRO-  
19                  POSALS FOR AWARD.—

20                  “(1) IN GENERAL.—Except as provided in para-  
21                  graph (2), notwithstanding any other provision of  
22                  law, including title 48 of the Code of Federal Regula-  
23                  tions and the Federal Advisory Committee Act (5  
24                  U.S.C. App.), an airport operator that has applied  
25                  and been approved to have security screening services

1       *carried out by a qualified private screening company*  
2       *under contract with the Administrator may nominate*  
3       *to the head of the contracting activity an individual*  
4       *to participate in the evaluation of proposals for the*  
5       *award of such contract.*

6       “*(2) PARTICIPATION ON A PROPOSAL EVALUA-*  
7       *TION COMMITTEE.—Any participation on a proposal*  
8       *evaluation committee under paragraph (1) shall be*  
9       *conducted in accordance with chapter 21 of title 41.*

10      “*(i) INNOVATIVE SCREENING APPROACHES AND TECH-*  
11     *NOLOGIES.—The Administrator shall encourage an airport*  
12     *operator to whom screening services are provided under this*  
13     *section to recommend to the Administrator innovative*  
14     *screening approaches and technologies. Upon receipt of any*  
15     *such recommendations, the Administrator shall review and,*  
16     *if appropriate, test, conduct a pilot project, and, if appro-*  
17     *priate, deploy such approaches and technologies.”.*

18      *(b) FEASIBILITY ASSESSMENT.—*

19       *(1) IN GENERAL.—The Administrator, in con-*  
20       *sultation with airport operators and airlines, shall*  
21       *submit to the appropriate committees of Congress an*  
22       *assessment of the feasibility of modifying the Screen-*  
23       *ing Partnership Program to allow an individual air-*  
24       *port terminal to participate in the Screening Part-*  
25       *nership Program.*

1                   (2) *CONSIDERATIONS.*—In conducting the assess-  
2       ment under paragraph (1), the Administrator shall  
3       consider—

4                   (A) potential benefits and costs, including  
5       with respect to the efficacy of security operations,  
6       of such an approach;

7                   (B) potential impacts on security oper-  
8       ations; and

9                   (C) potential impacts on recruitment, hir-  
10      ing, and retention.

11                  (c) *APPLICATIONS SUBMITTED BEFORE THE DATE OF*  
12   *ENACTMENT.*—Not later than 30 days after the date of en-  
13   actment of this Act, the Administrator shall approve or  
14   deny, in accordance with section 44920(b) of title 49,  
15   United States Code, as amended by this Act, each applica-  
16   tion submitted before the date of enactment of this Act, by  
17   an airport operator under subsection (a) of that section,  
18   that is awaiting such a determination.

19   **SEC. 1947. SCREENING PERFORMANCE ASSESSMENTS.**

20                  Subject to part 1520 of title 49, *Code of Federal Regu-*  
21   *lations, the Administrator shall quarterly make available*  
22   *to the airport director of an airport—*

23                  (1) *an assessment of the screening performance of*  
24   *that airport compared to the mean average perform-*

1       ance of all airports in the equivalent airport category  
2       for screening performance data; and

3                   (2) a briefing on the results of performance data  
4 reports, including—

10 (B) other performance data, including—

(i) passenger throughput;

12 (ii) wait times; and

(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by the TSA.

16 SEC. 1948. TRANSPORTATION SECURITY TRAINING PRO-

17 GRAMS.

18       (a) IN GENERAL.—Section 44935 is amended—

19                             (1) by striking "(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—" and inserting  
20                             "(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—"; and  
21  
22

(2) by adding at the end the following:

24      “*(l) INITIAL AND RECURRING TRAINING.—*

1           “(1) *IN GENERAL.*—The Administrator shall es-  
2 tablish a training program for new security screening  
3 personnel located at the Transportation Security Ad-  
4 ministration Academy.

5           “(2) *RECURRING TRAINING.*—

6           “(A) *IN GENERAL.*—Not later than 180  
7 days after the date of enactment of the TSA  
8 Modernization Act, the Administrator shall es-  
9 tablish recurring training for security screening  
10 personnel regarding updates to screening proce-  
11 dures and technologies, including, in response to  
12 weaknesses identified in covert tests at air-  
13 ports—

14           “(i) methods to identify the  
15 verification of false or fraudulent travel doc-  
16 uments; and

17           “(ii) training on emerging threats.

18           “(B) *CONTENTS.*—The training under sub-  
19 paragraph (A) shall include—

20           “(i) internal controls for monitoring  
21 and documenting compliance of transpor-  
22 tation security officers with such training  
23 requirements; and

1                   “(ii) such other matters as identified  
2                   by the Administrator with regard to such  
3                   training.”.

4               (b) GAO STUDY.—Not later than 1 year after the date  
5               of enactment of this Act, the Comptroller General of the  
6               United States shall—

7                   (1) examine the effectiveness of the new security  
8                   screening personnel training under section 44935(l) of  
9                   title 49, United States Code; and  
10                  (2) submit to the appropriate committees of Con-  
11                  gress a report on the findings under paragraph (1),  
12                  including any recommendations.

13 **SEC. 1949. TRAVELER REDRESS IMPROVEMENT.**

14               (a) REDRESS PROCESS.—

15                   (1) IN GENERAL.—Not later than 30 days after  
16                   the date of enactment of this Act, the Administrator,  
17                   using existing resources, systems, and processes, shall  
18                   ensure the availability of the Department of Home-  
19                   land Security Traveler Redress Inquiry Program (re-  
20                   ferred to in this section as “DHS TRIP”) redress  
21                   process to adjudicate an inquiry for an individual  
22                   who—

23                   (A) is a citizen of the United States or alien  
24                   lawfully admitted for permanent residence;

1                   (B) has filed the inquiry with DHS TRIP  
2                   after receiving enhanced screening at an airport  
3                   passenger security checkpoint more than 3 times  
4                   in any 60-day period; and

5                   (C) believes the individual has been wrongly  
6                   identified as being a threat to aviation security.

7                   (2) *BRIEFING*.—Not later than 180 days after  
8                   the date of enactment of this Act, the Administrator  
9                   shall brief the appropriate committees of Congress on  
10                  the implementation of the redress process required  
11                  under paragraph (1).

12                  (b) *PRIVACY IMPACT REVIEW AND UPDATE*.—

13                  (1) *IN GENERAL*.—Not later than 180 days after  
14                  the date of enactment of this Act, the Administrator  
15                  shall review and update the Privacy Impact Assess-  
16                  ment for the Secure Flight programs to ensure the as-  
17                  sessment accurately reflects the operation of such pro-  
18                  grams.

19                  (2) *PUBLIC DISSEMINATION; FORM*.—The Admin-  
20                  istrator shall—

21                  (A) publish the Secure Flight Privacy Im-  
22                  pact Assessment review and update required  
23                  under paragraph (1) on a publicly-accessible  
24                  internet webpage of the TSA; and

1                             (B) submit the Secure Flight Privacy Im-  
2                             pact Assessment review and update to the appro-  
3                             priate committees of Congress.

4                             (c) RULE REVIEW AND NOTIFICATION PROCESS.—

5                             (1) RULE REVIEW.—Not later than 60 days after  
6                             the date of enactment of this Act, and every 120 days  
7                             thereafter, the Assistant Administrator of the Office of  
8                             Intelligence and Analysis of the TSA, in coordination  
9                             with the entities specified in paragraph (3), shall  
10                          identify and review the screening rules established by  
11                          the Office of Intelligence and Analysis of TSA.

12                          (2) NOTIFICATION PROCESS.—Not later than 2  
13                          days after the date that any change to a rule identi-  
14                          fied under paragraph (1) is made, the Assistant Ad-  
15                          ministrator of the Office of Intelligence and Analysis  
16                          of the TSA shall notify the entities specified in para-  
17                          graph (3) of the change.

18                          (3) ENTITIES SPECIFIED.—The entities specified  
19                          in this paragraph are as follows:

20                          (A) The Office of Civil Rights and Liberties,  
21                          Ombudsman, and Traveler Engagement of the  
22                          TSA.

23                          (B) The Office of Civil Rights and Liberties  
24                          of the Department.

25                          (C) The Office of Chief Counsel of the TSA.

1                   (D) *The Office of General Counsel of the De-*  
2                   *partment.*

3                   (E) *The Privacy Office of the Administra-*  
4                   *tion.*

5                   (F) *The Privacy Office of the Department.*

6                   (G) *The Federal Air Marshal Service.*

7                   (H) *The Traveler Redress Inquiry Program*  
8                   *of the Department.*

9                   (d) *FEDERAL AIR MARSHAL SERVICE COORDINA-*  
10                  *TION.—*

11                  (1) *IN GENERAL.—The Administrator shall en-*  
12                  *sure that the rules identified in subsection (c) are*  
13                  *taken into account for Federal Air Marshal mission*  
14                  *scheduling.*

15                  (2) *REPORT.—Not later than 180 days after the*  
16                  *date of enactment of this Act, the Administrator shall*  
17                  *submit to the appropriate committees of Congress a*  
18                  *report on whether, and if so how, the rules identified*  
19                  *in subsection (c) are incorporated in the risk analysis*  
20                  *conducted during the Federal Air Marshal mission*  
21                  *scheduling process.*

22                  (e) *GAO REPORT.—Not later than 1 year after the*  
23                  *date of enactment of this Act, the Comptroller General of*  
24                  *the United States shall—*

1                   (1) study the rules identified under subsection  
2                   (c)(1), including—  
3                         (A) whether the rules are effective in miti-  
4                         gating potential threats to aviation security; and  
5                         (B) whether, and if so how, the TSA coordi-  
6                         nates with the Department regarding any pro-  
7                         posed change to a rule; and  
8                         (2) submit to the appropriate committees of Con-  
9                         gress a report on the findings under paragraph (1),  
10                         including any recommendations.

11           **SEC. 1950. IMPROVEMENTS FOR SCREENING OF PAS-**  
12           **SENGERS WITH DISABILITIES.**

13           (a) *REVISED TRAINING.—*

14                         (1) *IN GENERAL.—Not later than 180 days after*  
15                         *the date of enactment of this Act, the Administrator,*  
16                         *in consultation with nationally-recognized veterans*  
17                         *and disability organizations, shall revise the training*  
18                         *requirements for Transportation Security Officers re-*  
19                         *lated to the screening of passengers with disabilities,*  
20                         *including passengers with disabilities who participate*  
21                         *in the PreCheck program.*

22                         (2) *TRAINING SPECIFICATIONS.—In revising the*  
23                         *training requirements under paragraph (1), the Ad-*  
24                         *ministrator shall address the proper screening, and*

1       *any particular sensitivities related to the screening, of*  
2       *a passenger with a disability—*

3           *(A) traveling with a medical device, includ-*

4           *ing an indwelling medical device;*

5           *(B) traveling with a prosthetic;*

6           *(C) traveling with a wheelchair, walker,*

7           *scooter, or other mobility device;*

8           *(D) traveling with a service animal; or*

9           *(E) with sensitivities to touch, pressure,*

10          *sound, or hypersensitivity to stimuli in the envi-*

11          *ronment.*

12          *(3) TRAINING FREQUENCY.—The Administrator*

13          *shall implement the revised training under paragraph*

14          *(1) during initial and recurrent training of all*

15          *Transportation Security Officers.*

16          *(b) BEST PRACTICES.—The individual at the TSA re-*

17          *sponsible for civil rights, liberties, and traveler engagement*

18          *shall—*

19           *(1) record each complaint from a passenger with*  
20           *a disability regarding the screening practice of the*  
21           *TSA;*

22           *(2) identify the most frequent concerns raised, or*  
23           *accommodations requested, in the complaints;*

1                   (3) determine the best practices for addressing  
2                   the concerns and requests identified in paragraph (2);  
3                   and

4                   (4) recommend appropriate training based on  
5                   such best practices.

6                 (c) SIGNAGE.—At each category X airport, the TSA  
7   shall place signage at each security checkpoint that—

8                   (1) specifies how to contact the appropriate TSA  
9                   employee at the airport designated to address com-  
10                  plaints of screening mistreatment based on disability;  
11                  and

12                  (2) describes how to receive assistance from that  
13                  individual or other qualified personnel at the security  
14                  screening checkpoint.

15                 (d) REPORTS TO CONGRESS.—Not later than Sep-  
16                  tember 30 of the first full fiscal year after the date of enact-  
17                  ment of this Act, and each fiscal year thereafter, the Admin-  
18                  istrator shall submit to the appropriate committees of Con-  
19                  gress a report on the checkpoint experiences of passengers  
20                  with disabilities, including the following:

21                  (1) The number and most frequent types of dis-  
22                  ability-related complaints received.

23                  (2) The best practices recommended under sub-  
24                  section (b) to address the top areas of concern.

1                   (3) *The estimated wait times for assist requests*  
2                   *for passengers with disabilities, including disabled*  
3                   *passengers who participate in the PreCheck program.*

4 **SEC. 1951. AIR CARGO ADVANCE SCREENING PROGRAM.**

5                   (a) *IN GENERAL.—The Commissioner of U.S. Customs*  
6                   *and Border Protection and the Administrator, consistent*  
7                   *with the requirements of the Trade Act of 2002 (Public Law*  
8                   *107–210) shall—*

9                   (1) *establish an air cargo advance screening pro-*  
10                  *gram (referred to in this section as the “ACAS Pro-*  
11                  *gram”) for the collection of advance electronic infor-*  
12                  *mation from air carriers and other persons within the*  
13                  *supply chain regarding cargo being transported to the*  
14                  *United States by air;*

15                  (2) *under such program, require that such infor-*  
16                  *mation be transmitted by such air carriers and other*  
17                  *persons at the earliest point practicable prior to load-*  
18                  *ing of such cargo onto an aircraft destined to or*  
19                  *transiting through the United States;*

20                  (3) *establish appropriate communications sys-*  
21                  *tems with freight forwarders, shippers, and air car-*  
22                  *riers;*

23                  (4) *establish a system that will allow freight for-*  
24                  *warders, shippers, and air carriers to provide ship-*

1       *ment level data for air cargo, departing from any lo-*  
2       *cation that is inbound to the United States; and*

3           *(5) identify opportunities in which the informa-*  
4       *tion furnished in compliance with the ACAS Program*  
5       *could be used by the Administrator.*

6       *(b) INSPECTION OF HIGH-RISK CARGO.—Under the*  
7       *ACAS Program, the Commissioner of U.S. Customs and*  
8       *Border Protection and the Administrator shall ensure that*  
9       *all cargo that has been identified as high-risk is inspected—*

10           *(1) prior to the loading of such cargo onto air-*  
11       *craft at the last point of departure; or*

12           *(2) at an earlier point in the supply chain, be-*  
13       *fore departing for the United States.*

14       *(c) CONSULTATION.—In carrying out the ACAS Pro-*  
15       *gram, the Commissioner of U.S. Customs and Border Pro-*  
16       *tection and the Administrator shall consult with relevant*  
17       *stakeholders, as appropriate, to ensure that an operation-*  
18       *ally feasible and practical approach to—*

19           *(1) the collection of advance information with re-*  
20       *spect to cargo on aircraft departing for the United*  
21       *States is applied; and*

22           *(2) the inspection of high-risk cargo recognizes*  
23       *the significant differences among air cargo business*  
24       *models and modes of transportation.*

1       (d) ANALYSIS.—The Commissioner of U.S. Customs  
2 and Border Protection and the Administrator may analyze  
3 the information described in subsection (a) in the Depart-  
4 ment of Homeland Security's automated targeting system  
5 and integrate such information with other intelligence to  
6 enhance the accuracy of the risk assessment process under  
7 the ACAS Program.

8       (e) NO DUPLICATION.—The Commissioner of U.S.  
9 Customs and Border Protection and the Administrator shall  
10 carry out this section in a manner that, after the ACAS  
11 Program is fully in effect, ensures, to the greatest extent  
12 practicable, that the ACAS Program does not duplicate  
13 other Department programs or requirements relating to the  
14 submission of air cargo data or the inspection of high-risk  
15 cargo.

16       (f) CONSIDERATION OF INDUSTRY.—In carrying out  
17 the ACAS Program, the Commissioner of U.S. Customs and  
18 Border Protection and the Administrator shall—

19           (1) consider the content and timeliness of the  
20 available data may vary among entities in the air  
21 cargo industry and among countries;

22           (2) explore procedures to accommodate the vari-  
23 ations described in paragraph (1) while maximizing  
24 the contribution of such data to the risk assessment  
25 process under the ACAS Program;

1                   (3) test the business processes, technologies, and  
2                   operational procedures required to provide advance  
3                   information with respect to cargo on aircraft depart-  
4                   ing for the United States and carry out related in-  
5                   spection of high-risk cargo, while ensuring delays and  
6                   other negative impacts on vital supply chains are  
7                   minimized; and

8                   (4) consider the cost, benefit, and feasibility be-  
9                   fore establishing any set time period for submission of  
10                  certain elements of the data for air cargo under this  
11                  section in line with the regulatory guidelines specified  
12                  in Executive Order 13563 or any successor Executive  
13                  order or regulation.

14                  (g) *GUIDANCE.*—The Commissioner of U.S. Customs  
15                  and Border Protection and the Administrator shall provide  
16                  guidance for participants in the ACAS Program regarding  
17                  the requirements for participation, including requirements  
18                  for transmitting shipment level data.

19                  (h) *USE OF DATA.*—The Commissioner of U.S. Cus-  
20                  toms and Border Protection and the Administrator shall  
21                  use the data provided under the ACAS Program for tar-  
22                  geting shipments for screening and aviation security pur-  
23                  poses only.

24                  (i) *FINAL RULE.*—Not later than 180 days after the  
25                  date of enactment of this Act, the Commissioner of U.S.

1   *Customs and Border Protection, in coordination with the*  
2   *Administrator, shall issue a final regulation to implement*  
3   *the ACAS Program to include the electronic transmission*  
4   *to U.S. Customs and Border Protection of data elements*  
5   *for targeting cargo, including appropriate security elements*  
6   *of shipment level data.*

7       (j) *REPORT.—Not later than 180 days after the date*  
8   *of the commencement of the ACAS Program, the Commis-*  
9   *sioner of U.S. Customs and Border Protection and the Ad-*  
10   *ministrator shall submit to the appropriate committees of*  
11   *Congress a report detailing the operational implementation*  
12   *of providing advance information under the ACAS Pro-*  
13   *gram and the value of such information in targeting cargo.*

14   **SEC. 1952. GENERAL AVIATION AIRPORTS.**

15       (a) *SHORT TITLE.—This section may be cited as the*  
16   *“Securing General Aviation and Charter Air Carrier Serv-*  
17   *ice Act”.*

18       (b) *ADVANCED PASSENGER PRESCREENING SYSTEM.—*  
19   *Not later than 120 days after the date of enactment of this*  
20   *Act, the Administrator shall submit to the appropriate com-*  
21   *mittees of Congress a report on the status of the deployment*  
22   *of the advanced passenger prescreening system, and access*  
23   *thereto for certain aircraft charter operators, as required*  
24   *by section 44903(j)(2)(E) of title 49, United States Code,*  
25   *including—*

1                   (1) the reasons for the delay in deploying the  
2 system; and

3                   (2) a detailed schedule of actions necessary for  
4 the deployment of the system.

5                   (c) *SCREENING SERVICES OTHER THAN IN PRIMARY  
6 PASSENGER TERMINALS.—*

7                   (1) *IN GENERAL.—Subject to the provisions of  
8 this subsection, the Administrator may provide  
9 screening services to a charter air carrier in an area  
10 other than the primary passenger terminal of an ap-  
11 plicable airport.*

12                  (2) *REQUESTS.—A request for screening services  
13 under paragraph (1) shall be made at such time, in  
14 such form, and in such manner as the Administrator  
15 may require, except that the request shall be made to  
16 the Federal Security Director for the applicable air-  
17 port at which the screening services are requested.*

18                  (3) *AVAILABILITY.—A Federal Security Director  
19 may provide requested screening services under this  
20 section if the Federal Security Director determines  
21 such screening services are available.*

22                  (4) *AGREEMENTS.—*

23                   (A) *LIMITATION.—No screening services  
24 may be provided under this section unless a  
25 charter air carrier agrees in writing to com-*

1       *pensate the TSA for all reasonable costs, includ-*  
2       *ing overtime, of providing the screening services.*

3           (B) *PAYMENTS.—Notwithstanding section*  
4       *3302 of title 31, United States Code, payment re-*  
5       *ceived under subparagraph (A) shall be credited*  
6       *to the account that was used to cover the cost of*  
7       *providing the screening services. Amounts so*  
8       *credited shall be merged with amounts in that*  
9       *account, and shall be available for the same pur-*  
10      *poses, and subject to the same conditions and*  
11      *limitations, as other amounts in that account.*

12           (5) *DEFINITIONS.—In this subsection:*

13           (A) *APPLICABLE AIRPORT.—The term “ap-*  
14      *plicable airport” means an airport that—*

15                  (i) *is not a commercial service airport;*  
16                  *and*

17                  (ii) *is receiving screening services for*  
18      *scheduled passenger aircraft.*

19           (B) *CHARTER AIR CARRIER.—The term*  
20      *“charter air carrier” has the meaning given the*  
21      *term in section 40102 of title 49, United States*  
22      *Code.*

23           (C) *SCREENING SERVICES.—The term*  
24      *“screening services” means the screening of pas-*  
25      *sengers and property similar to the screening of*

1           *passengers and property described in section  
2           44901 of title 49, United States Code.*

3           *(d) REPORT.—Not later than 120 days after the date  
4           of enactment of this Act, the Administrator, in consultation  
5           with the ASAC, shall, consistent with the requirements of  
6           paragraphs (6) and (7) of section 44946(b) of title 49,  
7           United States Code, submit to the appropriate Committees  
8           of Congress an implementation plan, including an imple-  
9           mentation schedule, for any of the following recommenda-  
10          tions that were adopted by the ASAC and with which the  
11          Administrator has concurred before the date of the enact-  
12          ment of this Act:*

13           *(1) The recommendation regarding general avia-  
14          tion access to Ronald Reagan Washington National  
15          Airport, as adopted on February 17, 2015.*

16           *(2) The recommendation regarding the vetting of  
17          persons seeking flight training in the United States,  
18          as adopted on July 28, 2016.*

19           *(3) Any other such recommendations relevant to  
20          the security of general aviation adopted before the  
21          date of the enactment of this Act.*

22           *(e) DESIGNATED STAFFING.—The Administrator may  
23          designate 1 or more full-time employees of the TSA to liaise  
24          with, and respond to issues raised by, general aviation  
25          stakeholders.*

1       (f) SECURITY ENHANCEMENTS.—Not later than 1 year  
2 after the date of enactment of this Act, the Administrator,  
3 in consultation with the ASAC, shall submit to the appropriate committees of Congress a report on the feasibility of  
4 requiring a security threat assessment before an individual  
5 could obtain training from a private flight school to operate  
6 an aircraft having a maximum certificated takeoff weight  
7 of more than 12,500 pounds.

9                   **Subtitle E—Foreign Airport Security**

11 SEC. 1953. LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES.

13       (a) NOTICE AND CONSULTATION.—

14               (1) IN GENERAL.—The Administrator shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

19               (A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.

22               (B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

1                             (2) *TRANSMITTAL TO CONGRESS.*—Not later than  
2     *3 days after the date that the Administrator issues a*  
3     *security directive or emergency amendment for a last*  
4     *point of departure, the Administrator shall transmit*  
5     *to the appropriate committees of Congress a descrip-*  
6     *tion of the extent to which the Administrator con-*  
7     *sulted and notified the stakeholders under paragraph*  
8     *(1).*

9                             (b) *GAO REPORT.*—

10                          (1) *IN GENERAL.*—Not later than 1 year after  
11     *the date of enactment of this Act, the Comptroller*  
12     *General of the United States shall review the effective-*  
13     *ness of the TSA process to update, consolidate, or re-*  
14     *voke security directives, emergency amendments, and*  
15     *other policies related to international aviation secu-*  
16     *rity at last point of departure airports and submit to*  
17     *the appropriate committees of Congress and the Ad-*  
18     *ministrator a report on the findings and rec-*  
19     *ommendations.*

20                          (2) *CONTENTS.*—In conducting the review under  
21     *paragraph (1), the Comptroller General shall—*

22                             (A) *review current security directives, emer-*  
23     *gency amendments, and any other policies re-*  
24     *lated to international aviation security at last*  
25     *point of departure airports;*

1                   (B) review the extent of intra-agency and  
2                   interagency coordination, stakeholder outreach,  
3                   coordination, and feedback; and

4                   (C) review TSA's process and criteria for,  
5                   and implementation of, updating or revoking the  
6                   policies described in subparagraph (A).

7                 (c) RESCREENING.—Subject to section 44901(d)(4)(c)  
8 of title 49, United States Code, upon discovery of specific  
9 threat intelligence, the Administrator shall immediately di-  
10 rect TSA personnel to rescreen passengers and baggage ar-  
11 riving from an airport outside the United States and iden-  
12 tify enhanced measures that should be implemented at that  
13 airport.

14                 (d) NOTIFICATION TO CONGRESS.—Not later than 1  
15 day after the date that the Administrator determines that  
16 a foreign air carrier is in violation of part 1546 of title  
17 49, Code of Federal Regulations, or any other applicable  
18 security requirement, the Administrator shall notify the ap-  
19 propriate committees of Congress.

20                 (e) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—  
21 Notwithstanding any other provision of law, any decision  
22 of the Administrator under subsection (a)(1) relating to  
23 consultation or notification shall not be subject to judicial  
24 review.

1 **SEC. 1954. LAST POINT OF DEPARTURE AIRPORT ASSESS-**2 **MENT.**

3       Section 44907(a)(2)(B) is amended by inserting “, in-  
4 cluding the screening and vetting of airport workers” before  
5 the semicolon.

6 **SEC. 1955. TRACKING SECURITY SCREENING EQUIPMENT**7 **FROM LAST POINT OF DEPARTURE AIRPORTS.**

8       (a) **DONATION OF SCREENING EQUIPMENT TO PRO-**  
9 **TECT THE UNITED STATES.**—Chapter 449 is amended—

10           (1) in subchapter I, by adding at the end the fol-  
11 lowing:

12       **“§44929. Donation of screening equipment to protect**  
13 **the United States**

14           “(a) **IN GENERAL.**—Subject to subsection (b), the Ad-  
15 ministrator is authorized to donate security screening  
16 equipment to a foreign last point of departure airport oper-  
17 ator if such equipment can be reasonably expected to miti-  
18 gate a specific vulnerability to the security of the United  
19 States or United States citizens.

20           “(b) **CONDITIONS.**—Before donating any security  
21 screening equipment to a foreign last point of departure  
22 airport operator the Administrator shall—

23           “(1) ensure that the screening equipment has  
24 been restored to commercially available settings;

1           “(2) ensure that no TSA-specific security stand-  
2       ards or algorithms exist on the screening equipment;  
3       and

4           “(3) verify that the appropriate officials have an  
5       adequate system—

6              “(A) to properly maintain and operate the  
7       screening equipment; and

8              “(B) to document and track any removal or  
9       disposal of the screening equipment to ensure the  
10       screening equipment does not come into the pos-  
11       session of terrorists or otherwise pose a risk to se-  
12       curity.

13       “(c) REPORTS.—Not later than 30 days before any do-  
14       nation of security screening equipment under subsection  
15       (a), the Administrator shall provide to the Committee on  
16       Commerce, Science, and Transportation and the Committee  
17       on Homeland Security and Governmental Affairs of the  
18       Senate and the Committee on Homeland Security of the  
19       House of Representatives a detailed written explanation of  
20       the following:

21           “(1) The specific vulnerability to the United  
22       States or United States citizens that will be mitigated  
23       by such donation.

24           “(2) An explanation as to why the recipient of  
25       such donation is unable or unwilling to purchase se-

1       *curity screening equipment to mitigate such vulner-*  
2       *ability.*

3       “(3) *An evacuation plan for sensitive tech-*  
4       *nologies in case of emergency or instability in the*  
5       *country to which such donation is being made.*

6       “(4) *How the Administrator will ensure the secu-*  
7       *rity screening equipment that is being donated is*  
8       *used and maintained over the course of its life by the*  
9       *recipient.*

10      “(5) *The total dollar value of such donation.*

11      “(6) *How the appropriate officials will document*  
12       *and track any removal or disposal of the screening*  
13       *equipment by the recipient to ensure the screening*  
14       *equipment does not come into the possession of terror-*  
15       *ists or otherwise pose a risk to security.”; and*

16      (2) *in the table of contents, by inserting after the*  
17       *item relating to section 44928 the following:*

“44929. *Donation of screening equipment to protect the United States.”.*

18      (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*  
19      *Section 3204 of the Aviation Security Act of 2016 (49*  
20      *U.S.C. 44901 note) and the item relating to that section*  
21      *in the table of contents of that Act are repealed.*

22      (c) *RAISING INTERNATIONAL STANDARDS.—Not later*  
23      *than 90 days after the date of enactment of this Act, the*  
24      *Administrator shall collaborate with other aviation authori-*  
25      *ties and the United States Ambassador or the Charge d’Af-*

1 faires to the United States Mission to the International  
2 Civil Aviation Organization, as applicable, to advance a  
3 global standard for each international airport to document  
4 and track the removal and disposal of any security screen-  
5 ing equipment to ensure the screening equipment does not  
6 come into the possession of terrorists or otherwise pose a  
7 risk to security.

8 **SEC. 1956. INTERNATIONAL SECURITY STANDARDS.**

9 (a) *GLOBAL AVIATION SECURITY REVIEW.—*

10 (1) *IN GENERAL.—Not later than 180 days after*  
11 *the date of enactment of this Act, the Administrator,*  
12 *in coordination with the Commissioner of the U.S.*  
13 *Customs and Border Protection, the Director of the*  
14 *Office of International Engagement of the Depart-*  
15 *ment of Homeland Security, and the Secretary of*  
16 *State, shall conduct a global aviation security review*  
17 *to improve aviation security standards, including*  
18 *standards intended to mitigate cybersecurity threats,*  
19 *across the global aviation system.*

20 (2) *BEST PRACTICES.—The global aviation secu-*  
21 *rity review shall establish best practices regarding the*  
22 *following:*

23 (A) *Collaborating with foreign partners to*  
24 *improve global aviation security capabilities and*  
25 *standards.*

1                   (B) Identifying foreign partners that—  
2                         (i) have not successfully implemented  
3                         security protocols from the International  
4                         Civil Aviation Organization or the Depart-  
5                         ment of Homeland Security; and  
6                         (ii) have not taken steps to implement  
7                         such security protocols;

8                   (C) Improving the development, outreach,  
9                         and implementation process for security direc-  
10                         tives or emergency amendments issued to domes-  
11                         tic and foreign air carriers.

12                   (D) Assessing the cybersecurity risk of secu-  
13                         rity screening equipment.

14                   (b) *NOTIFICATION.*—Not later than 90 days after the  
15                         date of enactment of this Act, the Administrator, in con-  
16                         sultation with the United States Ambassador to the Inter-  
17                         national Civil Aviation Organization, shall notify the Com-  
18                         mittee on Commerce, Science, and Transportation and the  
19                         Committee on Foreign Relations of the Senate, and the  
20                         Committee on Homeland Security and the Committee on  
21                         Foreign Affairs of the House of Representatives of the  
22                         progress of the review under subsection (a) and any pro-  
23                         posed international improvements to aviation security.

24                   (c) *ICAO.*—Subject to subsection (a), the Adminis-  
25                         trator and Ambassador shall take such action at the Inter-

1   *national Civil Aviation Organization as the Administrator*  
2   *and Ambassador consider necessary to advance aviation se-*  
3   *curity improvement proposals, including if practicable, in-*  
4   *troducing a resolution to raise minimum standards for*  
5   *aviation security.*

6       (d) *BRIEFINGS TO CONGRESS.*—Beginning not later  
7   than 180 days after the date of enactment of this Act, and  
8   periodically thereafter, the Administrator, in consultation  
9   with the Ambassador with respect to subsection (c), shall  
10   brief the Committee on Commerce, Science, and Transpor-  
11   tation and the Committee on Foreign Relations of the Sen-  
12   ate, and the Committee on Homeland Security and the  
13   Committee on Foreign Affairs of the House of Representa-  
14   tives on the implementation of subsections (a) and (b).

15   **SEC. 1957. AVIATION SECURITY IN CUBA.**

16       (a) *SECURITY OF PUBLIC CHARTER OPERATIONS.*—  
17   The Administrator of the Transportation Security Admin-  
18   istration, in coordination with the Secretary of Transpor-  
19   tation and the Administrator of the Federal Aviation Ad-  
20   ministration, shall—

21           (1) direct all public charters operating flights be-  
22   tween the United States and Cuba to provide updated  
23   flight schedules to, and maintain such schedules with,  
24   the Transportation Security Administration; and

1                   (2) develop and implement a mechanism that  
2     corroborates and validates flight schedule data to  
3     more reliably track the public charter operations of  
4     air carriers between the United States and Cuba.

5                   (b) *BRIEFING ON SECURITY AT AIRPORTS IN CUBA.*—

6     The Administrator shall provide to Congress (including the  
7     Committee on Homeland Security of the House of Rep-  
8     resentatives and the Committee on Commerce, Science, and  
9     Transportation of the Senate) a confidential briefing on the  
10    following aspects of security measures at airports in Cuba  
11    that have air service to the United States:

12                  (1) Details about the type of equipment used at  
13     screening checkpoints and an analysis of the capabili-  
14     ties and weaknesses of that equipment.

15                  (2) Information about each such airport's canine  
16     screening program, if used.

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

19                  (4) Access controls in place to ensure only  
20     credentialed personnel have access to the secure and  
21     sterile areas of such airports.

22                  (5) An assessment of the ability of known or sus-  
23     pected terrorists to use Cuba as a gateway to entering  
24     the United States.

25                  (6) Security of such airports' perimeters.

1                   (7) *The vetting practices and procedures for air-*  
2                   *port employees.*

3                   (8) *Any other information the Administrator*  
4                   *considers relevant to the security practices, proce-*  
5                   *dures, and equipment in place at such airports.*

6 **SEC. 1958. REPORT ON AIRPORTS USED BY MAHAN AIR.**

7                   (a) *IN GENERAL.—Not later than 120 days after the*  
8                   *date of enactment of this Act, and annually thereafter*  
9                   *through 2021, the Secretary of Homeland Security, in con-*  
10                  *sultation with the Secretary of Transportation, the Sec-*  
11                  *retary of State, the Secretary of the Treasury, and the Di-*  
12                  *rector of National Intelligence, shall submit to Congress a*  
13                  *report that includes—*

14                  (1) *a list of all airports at which aircraft owned*  
15                  *or controlled by Mahan Air have landed during the*  
16                  *2 years preceding the submission of the report; and*  
17                  (2) *for each such airport—*

18                  (A) *an assessment of whether aircraft owned*  
19                  *or controlled by Mahan Air continue to conduct*  
20                  *operations at that airport;*

21                  (B) *an assessment of whether any of the*  
22                  *landings of aircraft owned or controlled by*  
23                  *Mahan Air were necessitated by an emergency*  
24                  *situation;*

- 1                   (C) a determination regarding whether ad-  
2                   ditional security measures should be imposed on  
3                   flights to the United States that originate from  
4                   that airport; and  
5                   (D) an explanation of the rationale for that  
6                   determination.

7                 (b) *FORM OF REPORT*.—Each report required by sub-  
8                 section (a) shall be submitted in unclassified form, but may  
9                 include a classified annex.

10               (c) *PUBLICATION OF LIST*.—The list required by sub-  
11               section (a)(1) shall be publicly and prominently posted on  
12               the website of the Department of Homeland Security on the  
13               date on which the report required by subsection (a) is sub-  
14               mitted to Congress.

15               **Subtitle F—Cockpit and Cabin  
16               Security**

17               **SEC. 1959. FEDERAL AIR MARSHAL SERVICE UPDATES.**

18               (a) *STANDARDIZATION*.—  
19                   (1) *IN GENERAL*.—Not later than 60 days after  
20               the date of enactment of this Act, the Administrator  
21               shall develop a standard written agreement that shall  
22               be the basis of all negotiations and agreements that  
23               begin after the date of enactment of this Act between  
24               the United States and foreign governments or part-  
25               ners regarding the presence of Federal air marshals

1       *on flights to and from the United States, including*  
2       *deployment, technical assistance, and information*  
3       *sharing.*

4           *(2) WRITTEN AGREEMENTS.—Except as provided*  
5       *in paragraph (3), not later than 180 days after the*  
6       *date of enactment of this Act, all agreements between*  
7       *the United States and foreign governments or part-*  
8       *ners regarding the presence of Federal air marshals*  
9       *on flights to and from the United States shall be in*  
10      *writing and signed by the Administrator or other au-*  
11      *thorized United States Government representative.*

12           *(3) EXCEPTION.—The Administrator may sched-*  
13      *ule Federal air marshal service on flights operating to*  
14      *a foreign country with which no written agreement is*  
15      *in effect if the Administrator determines that—*

16           *(A) such mission is necessary for aviation*  
17      *security; and*

18           *(B) the requirements of paragraph (4)(B)*  
19      *are met.*

20           *(4) NOTIFICATION TO CONGRESS.—*

21           *(A) WRITTEN AGREEMENTS.—Not later*  
22      *than 30 days after the date that the Adminis-*  
23      *trator enters into a written agreement under this*  
24      *section, the Administrator shall transmit to the*

1           *appropriate committees of Congress a copy of the*  
2           *agreement.*

3           *(B) NO WRITTEN AGREEMENTS.—The Ad-*  
4           *ministrator shall submit to the appropriate com-*  
5           *mittees of Congress—*

6               *(i) not later than 30 days after the*  
7           *date of enactment of this Act, a list of each*  
8           *foreign government or partner that does not*  
9           *have a written agreement under this section,*  
10           *including an explanation for why no writ-*  
11           *ten agreement exists and a justification for*  
12           *the determination that such a mission is*  
13           *necessary for aviation security; and*

14               *(ii) not later than 30 days after the*  
15           *date that the Administrator makes a deter-*  
16           *mination to schedule Federal air marshal*  
17           *service on flights operating to a foreign*  
18           *country with which no written agreement is*  
19           *in effect under paragraph (3), the name of*  
20           *the applicable foreign government or part-*  
21           *ner, an explanation for why no written*  
22           *agreement exists, and a justification for the*  
23           *determination that such mission is nec-*  
24           *essary for aviation security.*

1       (b) *MISSION SCHEDULING AUTOMATION.*—The Admin-  
2 istrator shall endeavor to acquire automated capabilities or  
3 technologies for scheduling Federal air marshal service mis-  
4 sions based on current risk modeling.

5       (c) *IMPROVING FEDERAL AIR MARSHAL SERVICE DE-  
6 PLOYMENTS.*—

7           (1) *AFTER-ACTION REPORTS.*—The Adminis-  
8 trator shall strengthen internal controls to ensure that  
9 all after-action reports on Federal air marshal service  
10 special mission coverage provided to stakeholders in-  
11 clude documentation of supervisory review and ap-  
12 proval, and mandatory narratives.

13           (2) *STUDY.*—The Administrator shall contract  
14 with an independent entity to conduct a validation  
15 and verification study of the risk analysis and risk-  
16 based determinations guiding Federal air marshal  
17 service deployment, including the use of risk-based  
18 strategies under subsection (d).

19           (3) *COST-BENEFIT ANALYSIS.*—The Adminis-  
20 trator shall conduct a cost-benefit analysis regarding  
21 mitigation of aviation security threats through Fed-  
22 eral air marshal service deployment.

23           (4) *PERFORMANCE MEASURES.*—The Adminis-  
24 trator shall improve existing performance measures to  
25 better determine the effectiveness of in-flight oper-

1       *ations in addressing the highest risks to aviation*  
2       *transportation based on current intelligence.*

3           (5) *LONG DISTANCE FLIGHTS.*—Section 44917 is  
4       *amended*—

5               (A) *by striking subsection (b); and*  
6               (B) *by redesignating subsections (c) through*  
7               *(d) as subsections (b) through (c), respectively.*

8           (d) *USE OF RISK-BASED STRATEGIES.*—

9               (1) *IN GENERAL.*—Section 44917(a) is amend-  
10       *ed*—

11               (A) *in paragraph (7), by striking “and”*  
12       *after the semicolon at the end;*

13               (B) *in paragraph (8), by striking the period*  
14       *at the end and inserting a semicolon; and*

15               (C) *by adding at the end the following:*

16               “(9) shall require the Federal Air Marshal Serv-  
17       *ice to utilize a risk-based strategy when allocating re-*  
18       *sources between international and domestic flight cov-*  
19       *erage, including when initially setting its annual tar-*  
20       *get numbers of average daily international and do-*  
21       *mestic flights to cover;*

22               “(10) shall require the Federal Air Marshal  
23       *Service to utilize a risk-based strategy to support do-*  
24       *mestic allocation decisions;*

1           “(11) shall require the Federal Air Marshal  
2       Service to utilize a risk-based strategy to support  
3       international allocation decisions; and

4           “(12) shall ensure that the seating arrangements  
5       of Federal air marshals on aircraft are determined in  
6       a manner that is risk-based and most capable of re-  
7       sponding to current threats to aviation security.”.

8           (2) *BRIEFING*.—Not later than 270 days after  
9       the date of enactment of this Act, the Administrator  
10      shall brief the appropriate committees of Congress on  
11      the Federal Air Marshal Service’s compliance with  
12      the requirements under paragraphs (9) through (12)  
13      of section 44917(a) of title 49, United States Code, as  
14      added by this Act, and the documented methodology  
15      used by the Federal Air Marshal Service to conduct  
16      risk assessments in accordance with such paragraphs.

17           (3) *IMPLEMENTATION DEADLINE*.—Not later  
18      than 180 days after the date of enactment of this Act,  
19      the Administrator shall begin implementing the re-  
20      quirements under paragraphs (9) through (12) of sec-  
21      tion 44917(a), United States Code, as added by this  
22      Act.

23 **SEC. 1960. CREW MEMBER SELF-DEFENSE TRAINING.**

24           The Administrator, in consultation with the Adminis-  
25      trator of the Federal Aviation Administration, shall con-

1 continue to carry out and encourage increased participation  
2 by air carrier employees in the voluntary self-defense train-  
3 ing program under section 44918(b) of title 49, United  
4 States Code.

## **5 SEC. 1961. FLIGHT DECK SAFETY AND SECURITY.**

6       (a) *THREAT ASSESSMENT.*—Not later than 90 days  
7 after the date of enactment of this Act, the Administrator,  
8 in consultation with the Administrator of the Federal Avia-  
9 tion Administration, shall complete a detailed threat assess-  
10 ment to identify any safety or security risks associated with  
11 unauthorized access to the flight decks on commercial air-  
12 craft and any appropriate measures that should be taken  
13 based on the risks.

14       (b) *RTCA REPORT.*—The Administrator, in coordina-  
15      tion with the Administrator of the Federal Aviation Admin-  
16      istration, shall disseminate RTCA Document (DO-329)  
17      Aircraft Secondary Barriers and Alternative Flight Deck  
18      Security Procedure to aviation stakeholders, including air  
19      carriers and flight crew, to convey effective methods and  
20      best practices to protect the flight deck.

21 SEC. 1962. CARRIAGE OF WEAPONS, EXPLOSIVES, AND IN-  
22 CENDIARIES BY INDIVIDUALS.

23       (a) *INTERPRETIVE RULE*.—Subject to subsections (b)  
24 and (c), the Administrator shall periodically review and  
25 amend, as necessary, the interpretive rule (68 Fed. Reg.

1 7444) that provides guidance to the public on the types of  
2 property considered to be weapons, explosives, and incendi-  
3 aries prohibited under section 1540.111 of title 49, Code  
4 of Federal Regulations.

5 (b) CONSIDERATIONS.—Before determining whether to  
6 amend the interpretive rule to include or remove an item  
7 from the prohibited list, the Administrator shall—

8 (1) research and evaluate—

9 (A) the impact, if any, the amendment  
10 would have on security risks;

11 (B) the impact, if any, the amendment  
12 would have on screening operations, including  
13 effectiveness and efficiency; and

14 (C) whether the amendment is consistent  
15 with international standards and guidance, in-  
16 cluding of the International Civil Aviation Or-  
17 ganization; and

18 (2) consult with appropriate aviation security  
19 stakeholders, including ASAC.

20 (c) EXCEPTIONS.—Except for plastic or round bladed  
21 butter knives, the Administrator may not amend the inter-  
22 pretive rule described in subsection (a) to authorize any  
23 knife to be permitted in an airport sterile area or in the  
24 cabin of an aircraft.

25 (d) NOTIFICATION.—The Administrator shall—

1                   (1) publish in the Federal Register any amend-  
2       ment to the interpretive rule described in subsection  
3       (a); and

**7 SEC. 1963. FEDERAL FLIGHT DECK OFFICER PROGRAM IM-  
8 PROVEMENTS.**

9       (a) *IMPROVED ACCESS TO TRAINING FACILITIES.*—

**10 Section 44921(c)(2)(C)(ii) is amended—**

11                   (1) by striking “*The training of*” and inserting  
12                  *the following:*

15                   (2) in subclause (I), as designated, by striking  
16                 “approved by the Under Secretary”; and

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

1                   *of such facilities available on the day*  
2                   *before such date of enactment.”.*

3       (b)        *FIREARMS REQUALIFICATION.—Section*

4    *44921(c)(2)(C) is amended—*

5                   *(1) in clause (iii)—*

6                   *(A) by striking “The Under Secretary*  
7                   *shall” and inserting the following:*

8                   *“(I) IN GENERAL.—The Adminis-*  
9                   *trator shall”;*

10                  *(B) in subclause (I), as designated by sub-*  
11                  *paragraph (A), by striking “the Under Sec-*  
12                  *retary” and inserting “the Administrator”; and*

13                  *(C) by adding at the end the following:*

14                  *“(II) USE OF FACILITIES FOR RE-*  
15                  *QUALIFICATION.—The Administrator*  
16                  *shall allow a Federal flight deck officer*  
17                  *to requalify to carry a firearm under*  
18                  *the program through training at a*  
19                  *Transportation Security Administra-*  
20                  *tion-approved firearms training facil-*  
21                  *ity utilizing a Transportation Security*  
22                  *Administration-approved contractor*  
23                  *and a curriculum developed and ap-*  
24                  *proved by the Transportation Security*  
25                  *Administration.”; and*

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

2                         “(iv) *PERIODIC REVIEW.*—The Adminis-  
3                         trator shall periodically review requali-  
4                         fication training intervals and assess  
5                         whether it is appropriate and sufficient to  
6                         adjust the time between each requalification  
7                         training to facilitate continued participa-  
8                         tion in the program under this section while  
9                         still maintaining effectiveness of the train-  
10                         ing, and update the training requirements  
11                         as appropriate.”.

12                   (c) *TRAINING REVIEW.*—Section 44921(c)(2) is  
13 amended by adding at the end the following:

14                         “(D) *TRAINING REVIEW.*—Not later than 2  
15                         years after the date of enactment of the TSA  
16                         Modernization Act, and biennially thereafter, the  
17                         Administrator shall review training facilities  
18                         and training requirements for initial and recur-  
19                         rent training for Federal flight deck officers and  
20                         evaluate how training requirements, including  
21                         the length of training, could be streamlined while  
22                         maintaining the effectiveness of the training, and  
23                         update the training requirements as appro-  
24                         priate.”.

1       (d) OTHER MEASURES TO FACILITATE TRAINING.—

2 Section 44921(e) is amended—

3           (1) by striking “Pilots participating” and inserting the following:

5           “(1) IN GENERAL.—Pilots participating”; and

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

7           “(2) FACILITATION OF TRAINING.—An air carrier shall permit a pilot seeking to be deputized as a Federal flight deck officer or a Federal flight deck officer to take a reasonable amount of leave to participate in initial, recurrent, or requalification training, as applicable, for the program. Leave required under this paragraph may be provided without compensation.”.

15       (e) INTERNATIONAL HARMONIZATION.—Section

16 44921(f) is amended—

17           (1) in paragraphs (1) and (3), by striking “Under Secretary” and inserting “Administrator”; and

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

21           “(4) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—The Administrator shall harmonize, to the extent practicable and in a manner that does not jeopardize existing Federal air marshal agreements, the policies relating to the carriage of firearms on

1       *international flights by Federal flight deck officers*  
2       *with the policies of the Federal air marshal program*  
3       *for carrying firearms on such flights and carrying*  
4       *out the duties of a Federal flight deck officer, notwithstanding Annex 17 of the International Civil Aviation Organization.”.*

7       (f) PHYSICAL STANDARDS.—Section 44921(d)(2) is  
8       amended—

9               (1) by redesignating subparagraphs (A), (B),  
10       and (C) as clauses (i), (ii), and (iii), respectively;  
11               (2) in clause (ii), as redesignated, by striking  
12       “Under Secretary’s” and inserting “Administrator’s”;  
13               (3) by striking “A pilot is” and inserting the fol-  
14       lowing:

15               “(A) IN GENERAL.—A pilot is”; and

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

17               “(B) CONSISTENCY WITH REQUIREMENTS  
18       FOR CERTAIN MEDICAL CERTIFICATES.—In es-  
19       tablishing standards under subparagraph  
20       (A)(ii), the Administrator may not establish  
21       medical or physical standards for a pilot to be-  
22       come a Federal flight deck officer that are incon-  
23       sistent with or more stringent than the require-  
24       ments of the Federal Aviation Administration  
25       for the issuance of the required airman medical

1           *certificate under part 67 of title 14, Code of Fed-*  
2           *eral Regulations (or any corresponding similar*  
3           *regulation or ruling).".*

4       (g) *TRANSFER OF STATUS.*—Section 44921(d) is  
5   *amended by adding at the end the following:*

6           “(5) *TRANSFER FROM INACTIVE TO ACTIVE STA-*  
7           *TUS.*—*In accordance with any applicable Transpor-*  
8           *tation Security Administration appeals processes, a*  
9           *pilot deputized as a Federal flight deck officer who*  
10          *moves to inactive status may return to active status*  
11          *upon successful completion of a recurrent training*  
12          *program administered within program guidelines.”.*

13       (h) *TECHNICAL CORRECTIONS.*—Section 44921, as  
14   *amended by this section, is further amended—*

15           (1) *in subsection (a), by striking “Under Sec-*  
16           *retary of Transportation for Security” and inserting*  
17           *“Administrator”;*

18           (2) *in subsection (b)—*

19           (A) *in paragraph (1), by striking “Not later*  
20           *than 3 months after the date of enactment of this*  
21           *section, the Under Secretary” and inserting “The*  
22           *Administrator”;*

23           (B) *in paragraph (2), by striking “Begin-*  
24           *ning 3 months after the date of enactment of this*  
25           *section, the Under Secretary shall begin the proc-*

1           *ess of training and deputizing” and inserting*  
2           *“The Administrator shall train and deputize”;*  
3           *and*

4                 (C)    *in paragraph (3)(N), by striking*  
5                 *“Under Secretary’s” and inserting “Administra-*  
6                 *tor’s”;*

7                 (3)    *in subsection (d)(4)—*

8                     (A)    *by striking “may,” and inserting*  
9                 *“may”; and*

10                 (B)    *by striking “Under Secretary’s” and in-*  
11                 *serting “Administrator’s”;*

12                 (4)    *in subsection (i)(2), by striking “the Under*  
13                 *Secretary may” and inserting “may”;*

14                 (5)    *in subsection (k)—*

15                     (A)    *by striking paragraphs (2) and (3); and*

16                     (B)    *by striking “APPLICABILITY.—” and all*  
17                 *that follows through “This section” and inserting*  
18                 *“APPLICABILITY.—This section”;*

19                 (6)    *by adding at the end the following:*

20                 “(l) *DEFINITIONS.*—*In this section:*

21                     “(1) *ADMINISTRATOR.*—*The term ‘Adminis-*  
22                 *trator’ means the Administrator of the Transpor-*  
23                 *tation Security Administration.*

24                     “(2) *AIR TRANSPORTATION.*—*The term ‘air*  
25                 *transportation’ includes all-cargo air transportation.*

1           “(3) FIREARMS TRAINING FACILITY.—The term  
2       ‘firearms training facility’ means a private or gov-  
3       ernment-owned gun range approved by the Adminis-  
4       trator to provide recurrent or requalification train-  
5       ing, as applicable, for the program, utilizing a Trans-  
6       portation Security Administration-approved con-  
7       tractor and a curriculum developed and approved by  
8       the Transportation Security Administration.

9           “(4) PILOT.—The term ‘pilot’ means an indi-  
10      vidual who has final authority and responsibility for  
11      the operation and safety of the flight or any other  
12      flight deck crew member.”; and

13           (7) by striking “Under Secretary” each place it  
14      appears and inserting “Administrator”.

15           (i) SENSITIVE SECURITY INFORMATION.—Not later  
16      than 180 days after the date of enactment of this Act—

17           (1) the Secretary of Transportation shall revise  
18      section 15.5(b)(11) of title 49, Code of Federal Regu-  
19      lations, to classify information about pilots deputized  
20      as Federal flight deck officers under section 44921 of  
21      title 49, United States Code, as sensitive security in-  
22      formation in a manner consistent with the classifica-  
23      tion of information about Federal air marshals; and

24           (2) the Administrator shall revise section  
25      1520.5(b)(11) of title 49, Code of Federal Regulations,

1       to classify information about pilots deputized as Fed-  
2       eral flight deck officers under section 44921 of title  
3       49, United States Code, as sensitive security informa-  
4       tion in a manner consistent with the classification of  
5       information about Federal air marshals.

6       (j) REGULATIONS.—Not later than 180 days after the  
7 date of enactment of this Act, the Administrator shall pre-  
8 scribe such regulations as may be necessary to carry out  
9 this section and the amendments made by this section.

## **10 Subtitle G—Surface Transportation 11 Security**

12 SEC. 1964. SURFACE TRANSPORTATION SECURITY ASSESS-  
13 MENT AND IMPLEMENTATION OF RISK-BASED  
14 STRATEGY.

**15 (a) SECURITY ASSESSMENT.—**

16                   (1) *IN GENERAL.*—Not later than 1 year after  
17                  the date of enactment of this Act, the Administrator  
18                  shall complete an assessment of the vulnerabilities of  
19                  and risks to surface transportation systems.

20                   (2) CONSIDERATIONS.—In conducting the secu-  
21               rity assessment under paragraph (1), the Adminis-  
22               trator shall, at a minimum—

(A) consider appropriate intelligence;

- 1                   (B) consider security breaches and attacks  
2                   at domestic and international surface transpor-  
3                   tation facilities;
- 4                   (C) consider the vulnerabilities and risks  
5                   associated with specific modes of surface trans-  
6                   portation;
- 7                   (D) evaluate the vetting and security train-  
8                   ing of—
- 9                   (i) employees in surface transpor-  
10                  tation; and
- 11                  (ii) other individuals with access to  
12                  sensitive or secure areas of surface transpor-  
13                  tation networks; and
- 14                  (E) consider input from—
- 15                  (i) representatives of different modes of  
16                  surface transportation;
- 17                  (ii) representatives of critical infra-  
18                  structure entities;
- 19                  (iii) the Transportation Systems Sec-  
20                  tor Coordinating Council; and
- 21                  (iv) the heads of other relevant Federal  
22                  departments or agencies.
- 23                  (b) RISK-BASED SURFACE TRANSPORTATION SECU-  
24                  RITY STRATEGY.—

1                   (1) *IN GENERAL.*—Not later than 180 days after  
2       the date the security assessment under subsection (a)  
3       is complete, the Administrator shall use the results of  
4       the assessment—

5                   (A) to develop and implement a cross-cutting,  
6       risk-based surface transportation security

7       strategy that includes—

8                   (i) all surface transportation modes;

9                   (ii) a mitigating strategy that aligns  
10      with each vulnerability and risk identified  
11      in subsection (a);

12                   (iii) a planning process to inform re-  
13      source allocation;

14                   (iv) priorities, milestones, and per-  
15      formance metrics to measure the effective-  
16      ness of the risk-based surface transportation  
17      security strategy; and

18                   (v) processes for sharing relevant and  
19      timely intelligence threat information with  
20      appropriate stakeholders;

21                   (B) to develop a management oversight  
22      strategy that—

23                   (i) identifies the parties responsible for  
24      the implementation, management, and over-

1           sight of the risk-based surface transpor-  
2           tation security strategy; and

3               (ii) includes a plan for implementing  
4               the risk-based surface transportation secu-  
5               rity strategy; and

6               (C) to modify the risk-based budget and re-  
7               source allocations, in accordance with section  
8               1965(c), for the Transportation Security Admin-  
9               istration.

10              (2) COORDINATED APPROACH.—In developing  
11              and implementing the risk-based surface transpor-  
12              tation security strategy under paragraph (1), the Ad-  
13              ministrator shall coordinate with the heads of other  
14              relevant Federal departments or agencies, and stake-  
15              holders, as appropriate—

16               (A) to evaluate existing surface transpor-  
17               tation security programs, policies, and initia-  
18               tives, including the explosives detection canine  
19               teams, for consistency with the risk-based secu-  
20               rity strategy and, to the extent practicable, avoid  
21               any unnecessary duplication of effort;

22               (B) to determine the extent to which stake-  
23               holder security programs, policies, and initia-  
24               tives address the vulnerabilities and risks to sur-

1           face transportation systems identified in sub-  
2           section (a); and

3           (C) subject to subparagraph (B), to mitigate  
4           each vulnerability and risk to surface transpor-  
5           tation systems identified in subsection (a).

6         (c) REPORT.—

7           (1) IN GENERAL.—Not later than 180 days after  
8           the date the security assessment under subsection (a)  
9           is complete, the Administrator shall submit to the ap-  
10          propriate committees of Congress and the Inspector  
11          General of the Department a report that—

12           (A) describes the process used to complete  
13          the security assessment;

14           (B) describes the process used to develop the  
15          risk-based security strategy;

16           (C) describes the risk-based security strat-  
17          egy;

18           (D) includes the management oversight  
19          strategy;

20           (E) includes—

21               (i) the findings of the security assess-  
22          ment;

23               (ii) a description of the actions rec-  
24          ommended or taken by the Administrator to  
25          mitigate the vulnerabilities and risks identi-

1                         *fied in subsection (a), including interagency*  
2                         *coordination;*

3                         *(iii) any recommendations for improving*  
4                         *the coordinated approach to mitigating*  
5                         *vulnerabilities and risks to surface trans-*  
6                         *portation systems; and*

7                         *(iv) any recommended changes to the*  
8                         *National Infrastructure Protection Plan, the*  
9                         *modal annexes to such plan, or relevant*  
10                         *surface transportation security programs,*  
11                         *policies, or initiatives; and*

12                         *(F) may contain a classified annex.*

13                         *(2) PROTECTIONS.—In preparing the report, the*  
14                         *Administrator shall take appropriate actions to safe-*  
15                         *guard information described by section 552(b) of title*  
16                         *5, United States Code, or protected from disclosure by*  
17                         *any other law of the United States.*

18                         *(d) UPDATES.—Not less frequently than semiannually,*  
19                         *the Administrator shall report to or brief the appropriate*  
20                         *committees of Congress on the vulnerabilities of and risks*  
21                         *to surface transportation systems and how those*  
22                         *vulnerabilities and risks affect the risk-based security strat-*  
23                         *egy.*

1 **SEC. 1965. RISK-BASED BUDGETING AND RESOURCE ALLO-**2 **CATION.**

3       (a) *REPORT.*—In conjunction with the submission of  
4 the Department's annual budget request to the Office of  
5 Management and Budget, the Administrator shall submit  
6 to the appropriate committees of Congress a report that de-  
7 scribes a risk-based budget and resource allocation plan for  
8 surface transportation sectors, within and across modes,  
9 that—

10           (1) reflects the risk-based surface transportation  
11 security strategy under section 1964(b); and

12           (2) is organized by appropriations account, pro-  
13 gram, project, and initiative.

14       (b) *BUDGET TRANSPARENCY.*—In submitting the an-  
15 nual budget of the United States Government under section  
16 1105 of title 31, United States Code, the President shall  
17 clearly distinguish the resources requested for surface trans-  
18 portation security from the resources requested for aviation  
19 security.

20       (c) *RESOURCE REALLOCATION.*—

21           (1) *IN GENERAL.*—Not later than 15 days after  
22 the date on which the Transportation Security Ad-  
23 ministration allocates any resources or personnel, in-  
24 cluding personnel sharing, detailing, or assignment,  
25 or the use of facilities, technology systems, or vetting  
26 resources, for a nontransportation security purpose or

1       *National Special Security Event (as defined in sec-*  
2       *tion 2001 of Homeland Security Act of 2002 (6*  
3       *U.S.C. 601)), the Secretary shall provide the notifica-*  
4       *tion described in paragraph (2) to the appropriate*  
5       *committees of Congress.*

6           *(2) NOTIFICATION.—A notification described in*  
7       *this paragraph shall include—*

8              *(A) the reason for and a justification of the*  
9       *resource or personnel allocation;*

10             *(B) the expected end date of the resource or*  
11       *personnel allocation; and*

12             *(C) the projected cost to the Transportation*  
13       *Security Administration of the personnel or re-*  
14       *source allocation.*

15       *(d) 5-YEAR CAPITAL INVESTMENT PLAN.—Not later*  
16       *than 180 days after the date of enactment of this Act, the*  
17       *Administrator shall submit to the Committee on Commerce,*  
18       *Science, and Transportation of the Senate and the Com-*  
19       *mittee on Homeland Security of the House of Representa-*  
20       *tives a 5-year capital investment plan, consistent with the*  
21       *5-year technology investment plan under section 1611 of*  
22       *title XVI of the Homeland Security Act of 2002, as amended*  
23       *by section 3 of the Transportation Security Acquisition Re-*  
24       *form Act (Public Law 113–245; 128 Stat. 2871).*

**1 SEC. 1966. SURFACE TRANSPORTATION SECURITY MANAGE-**

**2 MENT AND INTERAGENCY COORDINATION RE-**

**3 VIEW.**

4       Not later than 1 year after the date of enactment of  
5 this Act, the Comptroller General of the United States  
6 shall—

7                   (1) review the staffing, budget, resource, and per-  
8                   sonnel allocation, and management oversight strategy  
9                   of the Transportation Security Administration's sur-  
10                  face transportation security programs;

22 SEC. 1967. TRANSPARENCY.

23 (a) REGULATIONS.—

24                   (1) *IN GENERAL.*—Not later than 180 days after  
25                   the date of enactment of this Act, and every 180 days  
26                   thereafter, the Administrator shall publish on a public

1       *website information regarding the status of each regu-*  
2       *lation relating to surface transportation security that*  
3       *is directed by law to be issued and that has not been*  
4       *issued if not less than 2 years have passed since the*  
5       *date of enactment of the law.*

6           (2) *CONTENTS.—The information published*  
7       *under paragraph (1) shall include—*

8              (A) *an updated rulemaking schedule for the*  
9       *outstanding regulation;*

10             (B) *current staff allocations;*

11             (C) *data collection or research relating to*  
12       *the development of the rulemaking;*

13             (D) *current efforts, if any, with security ex-*  
14       *perts, advisory committees, and other stake-*  
15       *holders; and*

16             (E) *other relevant details associated with*  
17       *the development of the rulemaking that impact*  
18       *the progress of the rulemaking.*

19           (b) *INSPECTOR GENERAL REVIEW.—Not later than*  
20       *180 days after the date of enactment of this Act, and every*  
21       *2 years thereafter until all of the requirements under titles*  
22       *XIII, XIV, and XV of the Implementing Recommendations*  
23       *of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.)*  
24       *and under this title have been fully implemented, the In-*

1 spector General of the Department shall submit to the ap-  
2 propriate committees of Congress a report that—

3                 (1) identifies the requirements under such titles  
4                 of that Act and under this title that have not been  
5                 fully implemented;

6                 (2) describes what, if any, additional action is  
7                 necessary; and

8                 (3) includes recommendations regarding whether  
9                 any of the requirements under such titles of that Act  
10                 or this title should be amended or repealed.

11 **SEC. 1968. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

12         (a) **COUNTERTERRORISM ASSET DEPLOYMENT.—**

13                 (1) **IN GENERAL.**—If the Administrator deploys  
14                 any counterterrorism personnel or resource, such as  
15                 explosive detection sweeps, random bag inspections, or  
16                 patrols by Visible Intermodal Prevention and Re-  
17                 sponse teams, to enhance security at a transportation  
18                 system or transportation facility for a period of not  
19                 less than 180 consecutive days, the Administrator  
20                 shall provide sufficient notification to the system or  
21                 facility operator, as applicable, not less than 14 days  
22                 prior to terminating the deployment.

23                 (2) **EXCEPTION.**—This subsection shall not apply  
24                 if the Administrator—

1                   (A) determines there is an urgent security  
2                   need for the personnel or resource described in  
3                   paragraph (1); and

4                   (B) notifies the appropriate committees of  
5                   Congress of the determination under subparagraph  
6                   (A).

7                 (b) *VIPR TEAMS.*—Section 1303 of the *Implementing*  
8                 *Recommendations of the 9/11 Commission Act of 2007* (6  
9                 U.S.C. 1112) is amended—

10                 (1) in subsection (a)(4), by striking “team,” and  
11                 inserting “team as to specific locations and times  
12                 within the facilities of such entities at which VIPR  
13                 teams are to be deployed to maximize the effectiveness  
14                 of such deployment,”; and

15                 (2) by striking subsection (b) and inserting the  
16                 following:

17                 “(b) *PERFORMANCE MEASURES.*—Not later than 1  
18                 year after the date of enactment of the *TSA Modernization*  
19                 *Act*, the Administrator shall develop and implement a sys-  
20                 tem of qualitative performance measures and objectives by  
21                 which to assess the roles, activities, and effectiveness of  
22                 VIPR team operations on an ongoing basis, including a  
23                 mechanism through which the transportation entities re-  
24                 ferred to in subsection (a)(4) may submit feedback on VIPR  
25                 team operations involving their systems or facilities.

1       “(c) *PLAN.*—Not later than 1 year after the date of  
2 the enactment of the TSA Modernization Act, the Adminis-  
3 trator shall develop and implement a plan for ensuring the  
4 interoperability of communications among VIPR team par-  
5 ticipants and between VIPR teams and any transportation  
6 entities with systems or facilities that are involved in VIPR  
7 team operations. Such plan shall include an analysis of the  
8 costs and resources required to carry out such plan.”.

9 **SEC. 1969. SURFACE TRANSPORTATION SECURITY ADVI-**

10                   **SORY COMMITTEE.**

11       (a) *IN GENERAL.*—Subtitle A of title IV of the Home-  
12 land Security Act of 2002 (6 U.S.C. 201 et seq.) is amended  
13 by adding at the end the following:

14 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**

15                   **SORY COMMITTEE.**

16       “(a) *ESTABLISHMENT.*—The Administrator of the  
17 Transportation Security Administration (referred to in this  
18 section as ‘Administrator’) shall establish within the Trans-  
19 portation Security Administration the Surface Transpor-  
20 tation Security Advisory Committee (referred to in this sec-  
21 tion as the ‘Advisory Committee’).

22       “(b) *DUTIES.*—

23                   “(1) *IN GENERAL.*—The Advisory Committee  
24 may advise, consult with, report to, and make rec-  
25 commendations to the Administrator on surface trans-

1 portation security matters, including the development,  
2 refinement, and implementation of policies, programs,  
3 initiatives, rulemakings, and security directives per-  
4 taining to surface transportation security.

5 “(2) RISK-BASED SECURITY.—The Advisory  
6 Committee shall consider risk-based security ap-  
7 proaches in the performance of its duties.

8 “(c) MEMBERSHIP.—

9 “(1) COMPOSITION.—The Advisory Committee  
10 shall be composed of—

11 “(A) voting members appointed by the Ad-  
12 ministrator under paragraph (2); and

13 “(B) nonvoting members, serving in an ad-  
14 visory capacity, who shall be designated by—

15 “(i) the Transportation Security Ad-  
16 ministration;

17 “(ii) the Department of Transpor-  
18 tation;

19 “(iii) the Coast Guard; and

20 “(iv) such other Federal department or  
21 agency as the Administrator considers ap-  
22 propiate.

23 “(2) APPOINTMENT.—The Administrator shall  
24 appoint voting members from among stakeholders rep-  
25 resenting each mode of surface transportation, such as

1       *passenger rail, freight rail, mass transit, pipelines,*  
2       *highways, over-the-road bus, school bus industry, and*  
3       *truckling, including representatives from—*

4               *“(A) associations representing such modes of*  
5               *surface transportation;*

6               *“(B) labor organizations representing such*  
7               *modes of surface transportation;*

8               *“(C) groups representing the users of such*  
9               *modes of surface transportation, including asset*  
10          *manufacturers, as appropriate;*

11          *“(D) relevant law enforcement, first re-*  
12          *sponders, and security experts; and*

13          *“(E) such other groups as the Administrator*  
14          *considers appropriate.*

15          *“(3) CHAIRPERSON.—The Advisory Committee*  
16          *shall select a chairperson from among its voting mem-*  
17          *bers.*

18          *“(4) TERM OF OFFICE.—*

19               *“(A) TERMS.—*

20               *“(i) IN GENERAL.—The term of each*  
21               *voting member of the Advisory Committee*  
22               *shall be 2 years, but a voting member may*  
23               *continue to serve until the Administrator*  
24               *appoints a successor.*

1                   “(ii) *REAPPOINTMENT.*—A voting  
2                   member of the Advisory Committee may be  
3                   reappointed.

4                   “(B) *REMOVAL.*—

5                   “(i) *IN GENERAL.*—The Administrator  
6                   may review the participation of a member  
7                   of the Advisory Committee and remove such  
8                   member for cause at any time.

9                   “(ii) *ACCESS TO INFORMATION.*—The  
10                  Administrator may remove any member of  
11                  the Advisory Committee that the Adminis-  
12                  trator determines should be restricted from  
13                  reviewing, discussing, or possessing classi-  
14                  fied information or sensitive security infor-  
15                  mation.

16                  “(5) *PROHIBITION ON COMPENSATION.*—The  
17                  members of the Advisory Committee shall not receive  
18                  any compensation from the Government by reason of  
19                  their service on the Advisory Committee.

20                  “(6) *MEETINGS.*—

21                  “(A) *IN GENERAL.*—The Administrator  
22                  shall require the Advisory Committee to meet at  
23                  least semiannually in person or through web  
24                  conferencing and may convene additional meet-  
25                  ings as necessary.

1                 “(B) PUBLIC MEETINGS.—At least 1 of the  
2                 meetings of the Advisory Committee each year  
3                 shall be—

4                     “(i) announced in the Federal Register;  
5                     “(ii) announced on a public website;  
6                     and  
7                     “(iii) open to the public.

8                 “(C) ATTENDANCE.—The Advisory Com-  
9                 mittee shall maintain a record of the persons  
10                 present at each meeting.

11                 “(D) MINUTES.—

12                     “(i) IN GENERAL.—Unless otherwise  
13                 prohibited by other Federal law, minutes of  
14                 the meetings shall be published on the public  
15                 website under subsection (e)(5).

16                     “(ii) PROTECTION OF CLASSIFIED AND  
17                 SENSITIVE INFORMATION.—The Advisory  
18                 Committee may redact or summarize, as  
19                 necessary, minutes of the meetings to protect  
20                 classified or other sensitive information in  
21                 accordance with law.

22                 “(7) VOTING MEMBER ACCESS TO CLASSIFIED  
23                 AND SENSITIVE SECURITY INFORMATION.—

24                     “(A) DETERMINATIONS.—Not later than 60  
25                 days after the date on which a voting member is

1       *appointed to the Advisory Committee and before*  
2       *that voting member may be granted any access*  
3       *to classified information or sensitive security in-*  
4       *formation, the Administrator shall determine if*  
5       *the voting member should be restricted from re-*  
6       *viewing, discussing, or possessing classified in-*  
7       *formation or sensitive security information.*

8           “(B) ACCESS.—

9           “(i) SENSITIVE SECURITY INFORMATION.—*If a voting member is not restricted*  
10       *from reviewing, discussing, or possessing*  
11       *sensitive security information under sub-*  
12       *paragraph (A) and voluntarily signs a non-*  
13       *disclosure agreement, the voting member*  
14       *may be granted access to sensitive security*  
15       *information that is relevant to the voting*  
16       *member’s service on the Advisory Com-*  
17       *mittee.*

19           “(ii) CLASSIFIED INFORMATION.—*Access to classified materials shall be managed*  
20       *in accordance with Executive Order 13526*  
21       *of December 29, 2009 (75 Fed. Reg. 707), or*  
22       *any subsequent corresponding Executive*  
23       *order.*

25           “(C) PROTECTIONS.—

1                     “(i) *SENSITIVE SECURITY INFORMATION.*—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

6                     “(ii) *CLASSIFIED INFORMATION.*—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification.

11                  “(8) *JOINT COMMITTEE MEETINGS.*—The Advisory Committee may meet with 1 or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

16                  “(A) *Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.*

19                  “(B) *Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.*

22                  “(C) *Railroad Safety Advisory Committee established by the Federal Railroad Administration.*

1           “(9) SUBJECT MATTER EXPERTS.—*The Advisory  
2 Committee may request the assistance of subject mat-  
3 ter experts with expertise related to the jurisdiction of  
4 the Advisory Committee.*

5           “(d) REPORTS.—

6           “(1) PERIODIC REPORTS.—*The Advisory Com-  
7 mittee shall periodically submit reports to the Adminin-  
8 strator on matters requested by the Administrator or  
9 by a majority of the members of the Advisory Com-  
10 mittee.*

11           “(2) ANNUAL REPORT.—

12           “(A) SUBMISSION.—*The Advisory Com-  
13 mittee shall submit to the Administrator and the  
14 appropriate congressional committees an annual  
15 report that provides information on the activi-  
16 ties, findings, and recommendations of the Advi-  
17 sory Committee during the preceding year.*

18           “(B) PUBLICATION.—*Not later than 6  
19 months after the date that the Administrator re-  
20 ceives an annual report under subparagraph (A),  
21 the Administrator shall publish a public version  
22 of the report, in accordance with section 552a(b)  
23 of title 5, United States Code.*

24           “(e) ADMINISTRATION RESPONSE.—

1           “(1) *CONSIDERATION.*—The Administrator shall  
2       consider the information, advice, and recommendations  
3       of the Advisory Committee in formulating policies,  
4       programs, initiatives, rulemakings, and security  
5       directives pertaining to surface transportation security.  
6

7           “(2) *FEEDBACK.*—Not later than 90 days after  
8       the date that the Administrator receives a recommendation  
9       from the Advisory Committee under subsection (d)(2), the Administrator shall submit to  
10      the Advisory Committee written feedback on the recommendation, including—  
11

12           “(A) if the Administrator agrees with the  
13       recommendation, a plan describing the actions  
14       that the Administrator has taken, will take, or  
15       recommends that the head of another Federal department or agency take to implement the recommendation; or  
16

17           “(B) if the Administrator disagrees with the  
18       recommendation, a justification for that determination.  
19

20           “(3) *NOTICES.*—Not later than 30 days after the  
21       date the Administrator submits feedback under paragraph (2), the Administrator shall—  
22

1               “(A) notify the appropriate congressional  
2               committees of the feedback, including the deter-  
3               mination under subparagraph (A) or subpara-  
4               graph (B) of that paragraph, as applicable; and  
5               “(B) provide the appropriate congressional  
6               committees with a briefing upon request.

7               “(4) UPDATES.—Not later than 90 days after the  
8               date the Administrator receives a recommendation  
9               from the Advisory Committee under subsection (d)(2)  
10              that the Administrator agrees with, and quarterly  
11              thereafter until the recommendation is fully imple-  
12              mented, the Administrator shall submit a report to  
13              the appropriate congressional committees or post on  
14              the public website under paragraph (5) an update on  
15              the status of the recommendation.

16               “(5) WEBSITE.—The Administrator shall main-  
17              tain a public website that—

18               “(A) lists the members of the Advisory Com-  
19              mittee; and  
20               “(B) provides the contact information for  
21              the Advisory Committee.

22               “(f) NONAPPLICABILITY OF FACA.—The Federal Advi-  
23              sory Committee Act (5 U.S.C. App.) shall not apply to the  
24              Advisory Committee or any subcommittee established under  
25              this section.”.

## 1       (b) ADVISORY COMMITTEE MEMBERS.—

2                 (1) VOTING MEMBERS.—Not later than 180 days  
3                 after the date of enactment of this Act, the Administrator  
4                 shall appoint the voting members of the Surface  
5                 Transportation Security Advisory Committee es-  
6                 tablished under section 404 of the Homeland Security  
7                 Act of 2002, as added by subsection (a) of this section.

8                 (2) NONVOTING MEMBERS.—Not later than 90  
9                 days after the date of enactment of this Act, each Federal  
10                 Government department and agency with regu-  
11                 latory authority over a mode of surface or maritime  
12                 transportation, as the Administrator considers appro-  
13                 priate, shall designate an appropriate representative  
14                 to serve as a nonvoting member of the Surface Trans-  
15                 portation Security Advisory Committee.

16                 (c) TABLE OF CONTENTS.—The table of contents in  
17     section 1(b) of the Homeland Security Act of 2002 (Public  
18     Law 107-296; 116 Stat. 2135) is amended by inserting  
19     after the item relating to section 403 the following:

“Sec. 404. Surface Transportation Security Advisory Committee.”.

20 **SEC. 1970. REVIEW OF THE EXPLOSIVES DETECTION CA-**  
21                 **NINE TEAM PROGRAM.**

22                 (a) IN GENERAL.—Not later than 90 days after the  
23     date that the Inspector General of the Department receives  
24     the report under section 1964(c), the Inspector General of  
25     the Department shall—

1                   (1) review the explosives detection canine team  
2 program, including—

3                   (A) the development by the Transportation  
4 Security Administration of a deployment strat-  
5 egy for explosives detection canine teams;

6                   (B) the national explosives detection canine  
7 team training program, including canine train-  
8 ing, handler training, refresher training, and  
9 updates to such training;

10                  (C) the use of the canine assets during an  
11 urgent security need, including the reallocation  
12 of such program resources outside the transpor-  
13 tation systems sector during an urgent security  
14 need; and

15                  (D) the monitoring and tracking of canine  
16 assets; and

17                  (2) submit to the appropriate committees of Con-  
18 gress a report on the review, including any rec-  
19 ommendations.

20                  (b) CONSIDERATIONS.—In conducting the review of the  
21 deployment strategy under subsection (a)(1)(A), the Inspec-  
22 tor General shall consider whether the Transportation Secu-  
23 rity Administration's method to analyze the risk to trans-  
24 portation facilities and transportation systems is appro-  
25 priate.

## 1 SEC. 1971. EXPANSION OF NATIONAL EXPLOSIVES DETEC-

## 2 TION CANINE TEAM PROGRAM.

3       (a) IN GENERAL.—The Secretary, where appropriate,  
4 shall encourage State, local, and tribal governments and  
5 private owners of high-risk transportation facilities to  
6 strengthen security through the use of explosives detection  
7 canine teams.

## 8       (b) INCREASED CAPACITY.—

9           (1) IN GENERAL.—Before the date the Inspector  
10 General of the Department submits the report under  
11 section 1970, the Administrator may increase the  
12 number of State and local surface and maritime  
13 transportation canines by not more than 70 explos-  
14 sives detection canine teams.

15           (2) ADDITIONAL TEAMS.—Beginning on the date  
16 the Inspector General of the Department submits the  
17 report under section 1970, the Secretary may increase  
18 the State and local surface and maritime transpor-  
19 tation canines up to 200 explosives detection canine  
20 teams unless more are identified in the risk-based sur-  
21 face transportation security strategy under section  
22 1964, consistent with section 1965 or with the Presi-  
23 dent's most recent budget submitted under section  
24 1105 of title 31, United States Code.

25           (3) RECOMMENDATIONS.—Before initiating any  
26 increase in the number of explosives detection teams

1       *under paragraph (2), the Secretary shall consider any*  
2       *recommendations in the report under section 1970 on*  
3       *the efficacy and management of the explosives detec-*  
4       *tion canine program.*

5       *(c) DEPLOYMENT.—The Secretary shall—*

6           *(1) use the additional explosives detection canine*  
7       *teams, as described in subsection (b)(1), as part of the*  
8       *Department’s efforts to strengthen security across the*  
9       *Nation’s surface and maritime transportation net-*  
10      *works;*

11       *(2) make available explosives detection canine*  
12      *teams to all modes of transportation, subject to the re-*  
13      *quirements under section 1968, to address specific*  
14      *vulnerabilities or risks, on an as-needed basis and as*  
15      *otherwise determined appropriate by the Secretary;*  
16      *and*

17       *(3) consider specific needs and training require-*  
18      *ments for explosives detection canine teams to be de-*  
19      *ployed across the Nation’s surface and maritime*  
20      *transportation networks, including in venues of mul-*  
21      *tiple modes of transportation, as the Secretary con-*  
22      *siders appropriate.*

23       *(d) AUTHORIZATION.—There are authorized to be ap-*  
24      *propriated to the Secretary to the extent of appropriations*

1 to carry out this section for each of fiscal years 2019  
2 through 2021.

3 **SEC. 1972. STUDY ON SECURITY STANDARDS AND BEST**  
4 **PRACTICES FOR PASSENGER TRANSPOR-**  
5 **TATION SYSTEMS.**

6 (a) *SECURITY STANDARDS AND BEST PRACTICES FOR*  
7 *UNITED STATES AND FOREIGN PASSENGER TRANSPOR-*  
8 *TATION SYSTEMS.*—*The Comptroller General of the United*  
9 *States shall conduct a study of how the Transportation Se-*  
10 *curity Administration—*

11 (1) *identifies and compares—*  
12 (A) *United States and foreign passenger*  
13 *transportation security standards; and*  
14 (B) *best practices for protecting passenger*  
15 *transportation systems, including shared ter-*  
16 *minal facilities, and cyber systems; and*  
17 (2) *disseminates the findings under paragraph*  
18 (1) *to stakeholders.*

19 (b) *REPORT.*—*Not later than 18 months after the date*  
20 *of enactment of this Act, the Comptroller General shall issue*  
21 *a report that contains—*

22 (1) *the findings of the study conducted under*  
23 *subsection (a); and*  
24 (2) *any recommendations for improving the rel-*  
25 *evant processes or procedures.*

1 **SEC. 1973. AMTRAK SECURITY UPGRADES.**

2       (a) *RAILROAD SECURITY ASSISTANCE.*—Section  
3 1513(b) of the *Implementing Recommendations of the 9/11*  
4 *Commission Act of 2007* (6 U.S.C. 1163(b)) is amended—

5                 (1) in paragraph (1), by striking the period at  
6 the end and inserting “, including communications  
7 interoperability where appropriate with relevant out-  
8 side agencies and entities.”;

9                 (2) in paragraph (5), by striking “security of”  
10 and inserting “security and preparedness of”;

11                 (3) in paragraph (7), by striking “security  
12 threats” and inserting “security threats and pre-  
13 paredness, including connectivity to the National Ter-  
14 rrorist Screening Center”; and

15                 (4) in paragraph (9), by striking “and security  
16 officers” and inserting “, security, and preparedness  
17 officers”.

18       (b) *SPECIFIC PROJECTS.*—Section 1514(a)(3) of the  
19 *Implementing Recommendations of the 9/11 Commission*  
20 *Act of 2007* (6 U.S.C. 1164(a)(3)) is amended—

21                 (1) in subparagraph (D) by inserting “, or to  
22 connect to the National Terrorism Screening Center  
23 watchlist” after “Secretary”;

24                 (2) in subparagraph (G), by striking “; and” at  
25 the end and inserting a semicolon;

1                   (3) in subparagraph (H) by striking the period  
2                   at the end and inserting a semicolon; and  
3                   (4) by adding at the end the following:  
4                         “(I) for improvements to passenger  
5                         verification systems;  
6                         “(J) for improvements to employee and con-  
7                         tractor verification systems, including identity  
8                         verification technology; or  
9                         “(K) for improvements to the security of  
10                         Amtrak computer systems, including cybersecu-  
11                         rity assessments and programs.”.

12 **SEC. 1974. PASSENGER RAIL VETTING.**

13                   (a) *IN GENERAL*.—Not later than 180 days after the  
14 date on which the Amtrak Board of Directors submits a  
15 request to the Administrator, the Administrator shall issue  
16 a decision on the use by Amtrak of the Transportation Se-  
17 curity Administration’s Secure Flight Program or a simi-  
18 lar passenger vetting system to enhance passenger rail secu-  
19 rity.

20                   (b) *CONSIDERATIONS*.—In making a decision under  
21 subsection (a), the Administrator shall—

22                         (1) consider the technological, privacy, oper-  
23                         ational, and security impacts of such a decision; and  
24                         (2) describe such impacts in any strategic plan  
25                         developed under subsection (c).

1       (c) *STRATEGIC PLAN.*—If the Administrator decides to  
2 grant the request by Amtrak under subsection (a), the deci-  
3 sion shall include a strategic plan for working with rail  
4 stakeholders to enhance passenger rail security by—

5              (1) vetting passengers using terrorist watch lists  
6 maintained by the Federal Government or a similar  
7 passenger vetting system maintained by the Trans-  
8 portation Security Administration; and

9              (2) where applicable and in consultation with  
10 the Commissioner of U.S. Customs and Border Pro-  
11 tection, assessing whether the vetting process should be  
12 integrated into preclearance operations established  
13 under section 813 of the Trade Facilitation and  
14 Trade Enforcement Act of 2015 (19 U.S.C. 4432).

15       (d) *NOTICES.*—The Administrator shall notify the ap-  
16 propriate committees of Congress of any decision made  
17 under subsection (a) and the details of the strategic plan  
18 under subsection (c).

19       (e) *RULE OF CONSTRUCTION.*—Nothing in this section  
20 shall be construed to limit the Administrator's authority to  
21 set the access to, or terms and conditions of using, the Se-  
22 cure Flight Program or a similar passenger vetting system.

1 **SEC. 1975. STUDY ON SURFACE TRANSPORTATION INSPEC-**2 **TORS.**

3       (a) *STRATEGY*.—Not later than 180 days after the date  
4 of enactment of this Act, the Administrator shall submit  
5 to the appropriate congressional committees and the Com-  
6 troller General of the United States a strategy to guide oper-  
7 ations of surface transportation security inspectors that ad-  
8 dresses the following:

9           (1) Any limitations in data systems for such in-  
10 spectors, as identified by the Comptroller General.

11           (2) Alignment of operations with risk assessment  
12 findings, including an approach to identifying and  
13 prioritizing entities and locations for inspections.

14           (3) Measurable objectives for the surface trans-  
15 portation security inspectors program.

16       (b) *GAO REVIEW*.—Not later than 180 days after the  
17 date the strategy under subsection (a) is submitted, the  
18 Comptroller General of the United States shall review such  
19 strategy and, as appropriate, issue recommendations.

20 **SEC. 1976. SECURITY AWARENESS PROGRAM.**

21       (a) *ESTABLISHMENT*.—The Administrator shall estab-  
22 lish a program to promote surface transportation security  
23 through the training of surface transportation operators  
24 and frontline employees on each of the skills identified in  
25 subsection (c).

1       (b) *APPLICATION.*—The program established under  
2 subsection (a) shall apply to all modes of surface transpor-  
3 tation, including public transportation, rail, highway,  
4 motor carrier, and pipeline.

5       (c) *TRAINING.*—The program established under sub-  
6 section (a) shall cover, at a minimum, the skills necessary  
7 to recognize, assess, and respond to suspicious items or ac-  
8 tions that could indicate a threat to transportation.

9       (d) *ASSESSMENT.*—

10           (1) *IN GENERAL.*—The Administrator shall con-  
11 duct an assessment of current training programs for  
12 surface transportation operators and frontline em-  
13 ployees.

14           (2) *CONTENTS.*—The assessment shall identify—  
15                  (A) whether other training is being pro-  
16 vided, either voluntarily or in response to other  
17 Federal requirements; and

18                  (B) whether there are any gaps in existing  
19 training.

20           (e) *UPDATES.*—The Administrator shall ensure the  
21 program established under subsection (a) is updated as nec-  
22 essary to address changes in risk and terrorist methods and  
23 to close any gaps identified in the assessment under sub-  
24 section (d).

25           (f) *SUSPICIOUS ACTIVITY REPORTING.*—

1                   (1) *IN GENERAL.*—*The Secretary shall maintain*  
2                   *a national telephone number for an individual to use*  
3                   *to report suspicious activity under this section to the*  
4                   *Administration.*

5                   (2) *PROCEDURES.*—*The Administrator shall es-*  
6                   *tablish procedures for the Administration—*

7                         (A) *to review and follow-up, as necessary,*  
8                         *on each report received under paragraph (1);*  
9                         *and*

10                         (B) *to share, as necessary and in accord-*  
11                         *ance with law, the report with appropriate Fed-*  
12                         *eral, State, local, and tribal entities.*

13                         (3) *RULE OF CONSTRUCTION.*—*Nothing in this*  
14                         *section may be construed to—*

15                         (A) *replace or affect in any way the use of*  
16                         *9–1–1 services in an emergency; or*

17                         (B) *replace or affect in any way the secu-*  
18                         *rity training program requirements specified in*  
19                         *sections 1408, 1517, and 1534 of the Implementing*  
20                         *Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, 1184).*

22                         (g) *DEFINITION OF FRONTLINE EMPLOYEE.*—*In this*  
23                         *section, the term “frontline employee” includes—*

24                         (1) *an employee of a public transportation agency who is a transit vehicle driver or operator, dis-*

1       *patcher, maintenance and maintenance support em-*  
2       *ployee, station attendant, customer service employee,*  
3       *security employee, or transit police, or any other em-*  
4       *ployee who has direct contact with riders on a regular*  
5       *basis, and any other employee of a public transpor-*  
6       *tation agency that the Administrator determines*  
7       *should receive security training under this section or*  
8       *that is receiving security training under other law;*

9               (2) *over-the-road bus drivers, security personnel,*  
10       *dispatchers, maintenance and maintenance support*  
11       *personnel, ticket agents, other terminal employees,*  
12       *and other employees of an over-the-road bus operator*  
13       *or terminal owner or operator that the Administrator*  
14       *determines should receive security training under this*  
15       *section or that is receiving security training under*  
16       *other law; or*

17               (3) *security personnel, dispatchers, locomotive*  
18       *engineers, conductors, trainmen, other onboard em-*  
19       *ployees, maintenance and maintenance support per-*  
20       *sonnel, bridge tenders, and any other employees of*  
21       *railroad carriers that the Administrator determines*  
22       *should receive security training under this section or*  
23       *that is receiving security training under other law.*

1 **SEC. 1977. VOLUNTARY USE OF CREDENTIALING.**

2       (a) *IN GENERAL.*—An applicable individual who is  
3 subject to credentialing or a background investigation may  
4 satisfy that requirement by obtaining a valid transpor-  
5 tation security card.

6       (b) *ISSUANCE OF CARDS.*—The Secretary of Homeland  
7 Security—

8              (1) shall expand the transportation security card  
9 program, consistent with section 70105 of title 46,  
10 United States Code, to allow an applicable individual  
11 who is subject to credentialing or a background inves-  
12 tigation to apply for a transportation security card;  
13 and

14              (2) may charge reasonable fees, in accordance  
15 with section 520(a) of the Department of Homeland  
16 Security Appropriations Act, 2004 (6 U.S.C. 469(a)),  
17 for providing the necessary credentialing and back-  
18 ground investigation.

19       (c) *VETTING.*—The Administrator shall develop and  
20 implement a plan to utilize, in addition to any background  
21 check required for initial issue, the Federal Bureau of Inves-  
22 tigation’s Rap Back Service and other vetting tools as ap-  
23 propiate, including the No-Fly and Selectee lists, to get  
24 immediate notification of any criminal activity relating to  
25 any person with a valid transportation security card.

26       (d) *DEFINITIONS.*—In this section:

1                   (1) *APPLICABLE INDIVIDUAL WHO IS SUBJECT*  
2                   TO CREDENTIALING OR A BACKGROUND INVESTIGA-  
3                   TION.—The term “applicable individual who is sub-  
4                   ject to credentialing or a background investigation”  
5                   means only an individual who—

6                   (A) because of employment is regulated by  
7                   the Transportation Security Administration, De-  
8                   partment of Transportation, or Coast Guard and  
9                   is required to have a background records check to  
10                  obtain a hazardous materials endorsement on a  
11                  commercial driver’s license issued by a State  
12                  under section 5103a of title 49, United States  
13                  Code; or

14                  (B) is required to have a credential and  
15                  background records check under section  
16                  2102(d)(2) of the Homeland Security Act of 2002  
17                  (6 U.S.C. 622(d)(2)) at a facility with activities  
18                  that are regulated by the Transportation Secu-  
19                  rity Administration, Department of Transpor-  
20                  tation, or Coast Guard.

21                  (2) *VALID TRANSPORTATION SECURITY CARD*.—  
22                  The term “valid transportation security card” means  
23                  a transportation security card that is—

24                  (A) issued under section 70105 of title 46,  
25                  United States Code;

1                   (B) not expired;  
2                   (C) shows no signs of tampering; and  
3                   (D) bears a photograph of the individual  
4                   representing such card.

5   **SEC. 1978. BACKGROUND RECORDS CHECKS FOR ISSUANCE**  
6                   **OF HAZMAT LICENSES.**

7       (a) *ISSUANCE OF LICENSES.*—Section 5103a(a)(1) is  
8       amended—

9                   (1) by striking “unless” and inserting “unless—  
10                  ”;

11                  (2) by striking “the Secretary of Homeland Se-  
12                  curity” and inserting the following:

13                  “(A) “the Secretary of Homeland Secu-  
14                  rity”;”;

15                  (3) in subparagraph (A), as designated by para-  
16                  graph (2) of this subsection, by striking the period at  
17                  the end and inserting “; or”; and

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

19                  “(B) the individual holds a valid transpor-  
20                  tation security card issued under section 70105  
21                  of title 46.”.

22       (b) *TRANSPORTATION SECURITY CARD.*—Section  
23       5103a(d)(1) is amended, in the matter preceding subpara-  
24       graph (A), by striking “described in subsection (a)(1)” and  
25       inserting “under subsection (a)(1)(A)”.

## 1 SEC. 1979. CARGO CONTAINER SCANNING TECHNOLOGY RE-

## 2 VIEW.

## 3 (a) DESIGNATIONS.—

4           (1) IN GENERAL.—Not later than 1 year after  
5       the date of enactment of this Act, and not less frequently than once every 5 years thereafter until the  
6       date of full-scale implementation of 100 percent  
7       screening of cargo containers and 100 percent scanning  
8       of high-risk containers required under section  
9       232 of the SAFE Port Act (6 U.S.C. 982), the Secretary  
10      shall solicit proposals for scanning technologies,  
11      consistent with the standards under subsection  
12      (b)(8) of that section, to improve scanning of  
13      cargo at domestic ports.

15           (2) EVALUATION.—In soliciting proposals under  
16      paragraph (1), the Secretary shall establish measures  
17      to assess the performance of the proposed scanning  
18      technologies, including—

- 19                  (A) the rate of false positives;  
20                  (B) the delays in processing times; and  
21                  (C) the impact on the supply chain.

22           (b) PILOT PROGRAM.—

23           (1) ESTABLISHMENT.—The Secretary may establish a pilot program to determine the efficacy of a  
24       scanning technology referred to in subsection (a).

1                   (2) *APPLICATION PROCESS.*—*In carrying out the*  
2                   *pilot program under this subsection, the Secretary*  
3                   *shall—*

- 4                   (A) *solicit applications from domestic ports;*  
5                   (B) *select up to 4 domestic ports to partici-*  
6                   *pate in the pilot program; and*  
7                   (C) *select ports with unique features and*  
8                   *differing levels of trade volume.*

9                   (3) *REPORT.*—*Not later than 1 year after initi-*  
10                  *ating a pilot program under paragraph (1), the Sec-*  
11                  *retary shall submit to the appropriate committees of*  
12                  *Congress a report on the pilot program, including—*

- 13                  (A) *an evaluation of the scanning tech-*  
14                  *nologies proposed to improve security at domes-*  
15                  *tic ports and to meet the full-scale implementa-*  
16                  *tion requirement;*  
17                  (B) *the costs to implement a pilot program;*  
18                  (C) *the benefits of the proposed scanning*  
19                  *technologies;*  
20                  (D) *the impact of the pilot program on the*  
21                  *supply chain; and*  
22                  (E) *recommendations for implementation of*  
23                  *advanced cargo scanning technologies at domes-*  
24                  *tic ports.*

1                             (4) *SHARING PILOT PROGRAM TESTING RE-*  
2                             *SULTS.*—*The results of the pilot testing of advanced*  
3                             *cargo scanning technologies shall be shared, as appro-*  
4                             *priate, with government agencies and private stake-*  
5                             *holders whose responsibilities encompass the secure*  
6                             *transport of cargo.*

7                             **SEC. 1980. PIPELINE SECURITY STUDY.**

8                             (a) *STUDY.*—*The Comptroller General of the United*  
9                             *States shall conduct a study regarding the roles and respon-*  
10                             *sibilities of the Department of Homeland Security and the*  
11                             *Department of Transportation with respect to pipeline se-*  
12                             *curity.*

13                             (b) *CONTENTS.*—*The study under subsection (a) shall*  
14                             *examine—*

15                             (1) *whether the Annex to the Memorandum of*  
16                             *Understanding executed on August 9, 2006, between*  
17                             *the Department of Homeland Security and the De-*  
18                             *partment of Transportation adequately delineates*  
19                             *strategic and operational responsibilities for pipeline*  
20                             *security, including whether it is clear which depart-*  
21                             *ment is responsible for—*

22                                 (A) *protecting against intentional pipeline*  
23                             *breaches and cyber attacks;*

24                                 (B) *responding to intentional pipeline*  
25                             *breaches and cyber attacks; and*

(C) planning to recover from the impact of intentional pipeline breaches and cyber attacks;

(4) whether, and if so how, pipeline sector stakeholders share security-related information;

11                   (5) the guidance pipeline operators report use to  
12                   address security risks and the extent to which the  
13                   TSA ensures its guidelines reflect the current threat  
14                   environment;

(6) the extent to which the TSA has assessed security risks to pipeline systems; and

(7) the extent to which the TSA has assessed its effectiveness in reducing pipeline security risks.

19       (c) REPORT ON STUDY.—Not later than 180 days after  
20 *the date of enactment of the TSA Modernization Act*, the  
21 *Comptroller General of the United States shall submit to*  
22 *the Secretary of Homeland Security and the Committee on*  
23 *Commerce, Science, and Transportation of the Senate and*  
24 *the Committee on Homeland Security and the Committee*  
25 *on Transportation and Infrastructure of the House of Rep-*

1 representatives a report containing the findings of the study  
2 under subsection (a).

3       (d) REPORT TO CONGRESS.—Not later than 90 days  
4 after the date the report under subsection (c) is submitted,  
5 the Secretary of Homeland Security shall review and ana-  
6 lyze the study and submit to the Committee on Commerce,  
7 Science, and Transportation of the Senate and the Com-  
8 mittee on Homeland Security and the Committee on Trans-  
9 portation and Infrastructure of the House of Representa-  
10 tives a report on such review and analysis, including any  
11 recommendations for—

12           (1) changes to the Annex to the Memorandum of  
13 Understanding referred to in subsection (b)(1); and  
14           (2) other improvements to pipeline security ac-  
15 tivities at the Department.

16 **SEC. 1981. FEASIBILITY ASSESSMENT.**

17       (a) EMERGING ISSUES.—Not later than 180 days after  
18 the date of enactment of this Act, the Secretary, acting  
19 through the Administrator and in coordination with the  
20 Under Secretary for Science and Technology of the Depart-  
21 ment of Homeland Security, shall submit to the appropriate  
22 committees of Congress a feasibility assessment of modi-  
23 fying the security of surface transportation assets by—

24           (1) introducing next generation technologies to be  
25 integrated into systems of surface transportation as-

1       sets to detect explosives, including through the deploy-  
2       ment of mobile explosives detection technologies to  
3       conduct risk-based passenger and property screening  
4       at such systems;

5               (2) providing surface transportation asset opera-  
6       tors with access to the Transportation Security Ad-  
7       ministration's Secure Flight Program or a similar  
8       passenger vetting system maintained by the Trans-  
9       portation Security Administration;

10              (3) deploying a credential authentication tech-  
11       nology or other means of identification document in-  
12       spection to high-risk surface transportation assets to  
13       assist operators conducting passenger vetting; and

14              (4) deploying scalable, cost-effective technology  
15       solutions to detect chemical, biological, radiological,  
16       nuclear, or explosive threats within high-risk surface  
17       transportation assets that are capable of passive, con-  
18       tinuous, and real-time sensing and detection of, and  
19       alerting passengers and operating personnel to, the  
20       presence of such a threat.

21       (b) CONSIDERATIONS.—In carrying out the assessment  
22       under subsection (a), the Secretary, acting through the Ad-  
23       ministrator and in coordination with the Under Secretary  
24       for Science and Technology of the Department of Homeland  
25       Security, shall address the technological, privacy, oper-

1 ational, passenger facilitation, and public acceptance con-  
2 siderations involved with each security measure con-  
3 templated in such assessment.

4 **SEC. 1982. BEST PRACTICES TO SECURE AGAINST VEHICLE-**  
5 **BASED ATTACKS.**

6 Not later than 180 days after the date of enactment  
7 of this Act, the Administrator shall disseminate best prac-  
8 tices to public and private stakeholders regarding how to  
9 enhance transportation security against the threat of a ve-  
10 hicle-based terrorist attack.

11 **SEC. 1983. SURFACE TRANSPORTATION STAKEHOLDER SUR-**  
12 **VEY.**

13 (a) *IN GENERAL.*—Not later than 120 days after the  
14 date of enactment of this Act, the Secretary shall begin con-  
15 ducting a survey of public and private stakeholders respon-  
16 sible for securing surface transportation assets regarding re-  
17 source challenges, including the availability of Federal  
18 funding, associated with securing such assets that provides  
19 an opportunity for respondents to set forth information on  
20 specific unmet needs.

21 (b) *REPORT.*—Not later than 120 days after beginning  
22 the survey required under subsection (a), the Secretary shall  
23 report to the appropriate committees of Congress regarding  
24 the results of such survey and the Department of Homeland

1 Security's efforts to address any identified security  
2 vulnerabilities.

3 **SEC. 1984. NUCLEAR MATERIAL AND EXPLOSIVE DETEC-**  
4 **TION TECHNOLOGY.**

5       *The Secretary, in coordination with the Director of the*  
6 *National Institute of Standards and Technology and the*  
7 *head of each relevant Federal department or agency re-*  
8 *searching nuclear material detection systems or explosive*  
9 *detection systems, shall research, facilitate, and, to the ex-*  
10 *tent practicable, deploy next generation technologies, in-*  
11 *cluding active neutron interrogation, to detect nuclear ma-*  
12 *terial and explosives in transportation systems and trans-*  
13 *portation facilities.*

14       **Subtitle H—Transportation**  
15                   **Security**

16 **SEC. 1985. NATIONAL STRATEGY FOR TRANSPORTATION SE-**  
17                   **CURITY REVIEW.**

18       (a) *GAO REVIEW.—*

19               (1) *IN GENERAL.—Not later than 1 year after*  
20 *the date of enactment of this Act, the Comptroller*  
21 *General of the United States shall evaluate the degree*  
22 *to which the most recent National Strategy for Trans-*  
23 *portation Security, as updated, under section 114(s)*  
24 *of title 49, United States Code, is reflected in relevant*

1       *Federal transportation security programs, budgets, re-*  
2       *search, staffing levels, and related activities.*

3           (2) *CONSIDERATIONS.—In conducting the eval-*  
4       *uation under paragraph (1), the Comptroller General*  
5       *shall consider the degree to which—*

6              (A) *the strategy is sufficiently forward-look-*  
7       *ing to guide future Federal efforts relating to*  
8       *transportation security;*

9              (B) *Federal transportation security pro-*  
10       *grams, budgets, research, staffing levels, and re-*  
11       *lated activities for fiscal year 2019 and subse-*  
12       *quent fiscal years would be guided by the strat-*  
13       *egy; and*

14              (C) *any annual progress reports submitted*  
15       *to Congress under that section after the strategy*  
16       *is submitted would provide information on the*  
17       *degree to which that strategy guides Federal ef-*  
18       *forts relating to transportation security.*

19       **SEC. 1986. RISK SCENARIOS.**

20           (a) *IN GENERAL.—The Administrator shall annually*  
21       *develop, consistent with the transportation modal security*  
22       *plans required under section 114(s) of title 49, United*  
23       *States Code, risk-based priorities based on risk assessments*  
24       *conducted or received by the Secretary across all transpor-*

1 tation modes that consider threats, vulnerabilities, and con-  
2 sequences.

3 (b) SCENARIOS.—The Administrator shall ensure that  
4 the risk-based priorities identified under subsection (a) are  
5 informed by an analysis of terrorist attack scenarios for  
6 each transportation mode, including cyber-attack scenarios  
7 and intelligence and open source information about current  
8 and evolving threats.

9 (c) REPORT.—Not later than 120 days after the date  
10 that annual risk-based priorities are developed under sub-  
11 section (a), the Administrator shall submit to the appro-  
12 priate committees of Congress a report that includes the fol-  
13 lowing:

14 (1) Copies of the risk assessments for each trans-  
15 portation mode.

16 (2) A summary that ranks the risks within and  
17 across modes.

18 (3) A description of the risk-based priorities for  
19 securing the transportation sector that identifies and  
20 prioritizes the greatest security needs of such trans-  
21 portation sector, both across and within modes, in the  
22 order that such priorities should be addressed.

23 (4) Information on the underlying methodologies  
24 used to assess risks across and within each transpor-  
25 tation mode and the basis for any assumptions re-

1       *garding threats, vulnerabilities, and consequences*  
2       *made in assessing and prioritizing risks within each*  
3       *such mode and across modes.*

4       *(d) CLASSIFICATION.—The information provided*  
5       *under subsection (c) may be submitted in a classified for-*  
6       *mat or unclassified format, as the Administrator considers*  
7       *appropriate.*

8       **SEC. 1987. INTEGRATED AND UNIFIED OPERATIONS CEN-**

9                   **TERS. —**

10      *(a) FRAMEWORK.—Not later than 120 days after the*  
11      *date of enactment of this Act, the Administrator, in con-*  
12      *sultation with the heads of other appropriate offices or com-*  
13      *ponents of the Department, shall make available to public*  
14      *and private stakeholders a framework for establishing an*  
15      *integrated and unified operations center responsible for*  
16      *overseeing daily operations of a transportation facility that*  
17      *promotes coordination for responses to terrorism, serious in-*  
18      *cidents, and other purposes, as determined appropriate by*  
19      *the Administrator.*

20      *(b) REPORT.—Not later than 1 year after the date of*  
21      *enactment of this Act, the Administrator shall brief the ap-*  
22      *propriate committees of Congress regarding the establish-*  
23      *ment and activities of integrated and unified operations*  
24      *centers at transportation facilities at which the TSA has*  
25      *a presence.*

**1 SEC. 1988. NATIONAL DEPLOYMENT FORCE.**

2       (a) *IN GENERAL.*—Subchapter II of chapter 449, as  
3 amended by section 1943 of this Act, is further amended  
4 by adding at the end the following:

**5 “SEC. 44948. NATIONAL DEPLOYMENT OFFICE.**

6       “(a) *ESTABLISHMENT.*—There is established within  
7 the Transportation Security Administration a National  
8 Deployment Office, to be headed by an individual with su-  
9 pervisory experience. Such individual shall be designated  
10 by the Administrator of the Transportation Security Ad-  
11 ministration.

12       “(b) *DUTIES.*—The individual designated as the head  
13 of the National Deployment Office shall be responsible for  
14 the following:

15           “(1) Maintaining a National Deployment Force  
16 within the Transportation Security Administration,  
17 including transportation security officers, supervisory  
18 transportation security officers and lead transpor-  
19 tation security officers, to provide the Administration  
20 with rapid and efficient response capabilities and  
21 augment the Department of Homeland Security’s  
22 homeland security operations to mitigate and reduce  
23 risk, including for the following:

24           “(A) Airports temporarily requiring addi-  
25 tional security personnel due to an emergency,  
26 seasonal demands, hiring shortfalls, severe

1           *weather conditions, passenger volume mitigation,*  
2           *equipment support, or other reasons.*

3           “(B) *Special events requiring enhanced se-*  
4           *curity including National Special Security*  
5           *Events, as determined by the Secretary of Home-*  
6           *land Security.*

7           “(C) *Response in the aftermath of any man-*  
8           *made disaster, including any terrorist attack.*

9           “(D) *Other such situations, as determined*  
10          *by the Administrator.*

11          “(2) *Educating transportation security officers*  
12          *regarding how to participate in the Administration’s*  
13          *National Deployment Force.*

14          “(3) *Recruiting officers to serve on the National*  
15          *Deployment Force, in accordance with a staffing*  
16          *model to be developed by the Administrator.*

17          “(4) *Approving 1-year appointments for officers*  
18          *to serve on the National Deployment Force, with an*  
19          *option to extend upon officer request and with the ap-*  
20          *proval of the appropriate Federal Security Director.*

21          “(5) *Training officers to serve on the National*  
22          *Deployment Force.”.*

23          (b) *TABLE OF CONTENTS.—The table of contents of*  
24          *subchapter II of chapter 449, as amended by section 1943*

1 of this Act, is further amended by adding after the item  
2 relating to section 44947 the following:

“44948. National Deployment Office.”.

3 (c) CONFORMING AMENDMENT.—Section 114(f), as  
4 amended by section 1904 of this Act, is further amended—

5 (1) in paragraph (14), by striking “and” after  
6 the semicolon at the end;

7 (2) by redesignating paragraph (15) as para-  
8 graph (16); and

9 (3) by inserting after paragraph (14) the fol-  
10 lowing:

11 “(15) establish and maintain a National Deploy-  
12 ment Office as required under section 44948 of this  
13 title; and”.

14 (d) CAREER DEVELOPMENT.—The Administrator may  
15 consider service in the National Deployment Force as a  
16 positive factor when evaluating applicants for promotion  
17 opportunities within the TSA.

18 (e) REPORT.—Not later than 1 year after the date of  
19 enactment of this Act and annually thereafter for 5 years,  
20 the Administrator shall submit to the appropriate commit-  
21 tees of Congress a report regarding activities of the National  
22 Deployment Office, including the National Deployment  
23 Force, established under section 44948 of title 49, United  
24 States Code. Each such report shall include information re-  
25 lating to the following:

1                   (1) When, where, why, how many, and for how  
2                   long the National Deployment Force was deployed  
3                   throughout the 12-month period covered by such re-  
4                   port and the costs associated with such deployment.

5                   (2) A description of collaboration between the  
6                   National Deployment Office and other components of  
7                   the Department, other Federal agencies, and State  
8                   and local transportation security stakeholders.

9                   (3) The size of the National Deployment Force,  
10                  including information on the staffing model of the  
11                  National Deployment Force and adherence to such  
12                  model as established by the Administrator.

13                  (4) Information on recruitment, appointment,  
14                  and training activities, including processes utilized to  
15                  attract, recruit, appoint, and train officers to serve on  
16                  the National Deployment Force.

17                  **SEC. 1989. INFORMATION SHARING AND CYBERSECURITY.**

18                  (a) *FEDERAL SECURITY DIRECTORS.*—Section 44933  
19                  is amended by adding at the end the following:

20                  “(c) *INFORMATION SHARING.*—Not later than 1 year  
21                  after the date of the enactment of the TSA Modernization  
22                  Act, the Administrator shall—

23                  “(1) require each Federal Security Director of an  
24                  airport to meet at least quarterly with the airport di-  
25                  rector, airport security coordinator, and law enforce-

1       *ment agencies serving each such airport to discuss in-*  
2       *cident management protocols, including the resolution*  
3       *of screening anomalies at passenger screening check-*  
4       *points; and*

5           “(2) require each Federal Security Director at  
6       *an airport to inform, consult, and coordinate, as ap-*  
7       *propriate, with the respective airport security coordi-*  
8       *nator in a timely manner on security matters im-*  
9       *pacting airport operations and to establish and*  
10      *maintain operational protocols with such airport op-*  
11      *erators to ensure coordinated responses to security*  
12      *matters.”.*

13      *(b) PLAN TO IMPROVE INFORMATION SHARING.—*

14       *(1) IN GENERAL.—Not later than 180 days after*  
15      *the date of enactment of this Act, the Administrator*  
16      *shall develop a plan to improve intelligence informa-*  
17      *tion sharing with State and local transportation enti-*  
18      *ties that includes best practices to ensure that the in-*  
19      *formation shared is actionable, useful, and not redun-*  
20      *dant.*

21       *(2) CONTENTS.—The plan required under para-*  
22      *graph (1) shall include the following:*

23           *(A) The incorporation of best practices for*  
24      *information sharing.*

1                   (B) The identification of areas of overlap  
2                   and redundancy.

3                   (C) An evaluation and incorporation of  
4                   stakeholder input in the development of such  
5                   plan.

6                   (D) The integration of any recommenda-  
7                   tions of the Comptroller General of the United  
8                   States on information sharing.

9                   (3) SOLICITATION.—The Administrator shall so-  
10                  licit on an annual basis input from appropriate  
11                  stakeholders, including State and local transportation  
12                  entities, on the quality and quantity of intelligence  
13                  received by such stakeholders relating to information  
14                  sharing.

15                  (c) BEST PRACTICES SHARING.—

16                  (1) IN GENERAL.—Not later than 180 days after  
17                  the date of enactment of this Act, the Administrator  
18                  shall establish a mechanism to share with State and  
19                  local transportation entities best practices from across  
20                  the law enforcement spectrum, including Federal,  
21                  State, local, and tribal entities, that relate to em-  
22                  ployee training, employee professional development,  
23                  technology development and deployment, hardening  
24                  tactics, and passenger and employee awareness pro-  
25                  grams.

1                             (2) *CONSULTATION.*—The Administrator shall  
2                             solicit and incorporate stakeholder input—

3                                 (A) in developing the mechanism for shar-  
4                             ing best practices as required under paragraph  
5                             (1); and

6                                 (B) not less frequently than annually on the  
7                             quality and quantity of information such stake-  
8                             holders receive through the mechanism estab-  
9                             lished under such paragraph.

10                             (d) *CYBERSECURITY.*—

11                                 (1) *IN GENERAL.*—The Administrator, in con-  
12                             sultation with the Secretary, shall—

13                                 (A) not later than 120 days after the date  
14                             of enactment of this Act, implement the Frame-  
15                             work for Improving Critical Infrastructure Cy-  
16                             bersecurity (referred to in this section as the  
17                             “Framework” developed by the National Insti-  
18                             tute of Standards and Technology, and any up-  
19                             date to such Framework under section 2 of the  
20                             National Institute of Standards and Technology  
21                             Act (15 U.S.C. 272), to manage the agency’s cy-  
22                             bersecurity risks; and

23                                 (B) evaluate, on a periodic basis, but not  
24                             less often than biennially, the use of the Frame-  
25                             work under subparagraph (A).

1                             (2) CYBERSECURITY ENHANCEMENTS TO AVIA-  
2     TION SECURITY ACTIVITIES.—*The Secretary, in con-*  
3     *sultation with the Secretary of Transportation, shall,*  
4     *upon request, conduct cybersecurity vulnerability as-*  
5     *sessments for airports and air carriers.*

6                             (3) TSA TRUSTED TRAVELER AND  
7     CREDENTIALALING PROGRAM CYBER EVALUATION.—

8                             (A) EVALUATION REQUIRED.—*Not later*  
9     *than 120 days after the date of enactment of this*  
10   *Act, the Secretary shall—*

11                             (i) evaluate the cybersecurity of TSA  
12     trusted traveler and credentialing programs  
13     that contain personal information of spe-  
14     cific individuals or information that identi-  
15     fies specific individuals, including the  
16     Transportation Worker Identification Cre-  
17     dential and PreCheck programs;

18                             (ii) identify any cybersecurity risks  
19     under the programs described in clause (i);  
20     and

21                             (iii) develop remediation plans to ad-  
22     dress the cybersecurity risks identified  
23     under clause (ii).

24                             (B) SUBMISSION TO CONGRESS.—*Not later*  
25     *than 30 days after the date the evaluation under*

1           *subparagraph (A) is complete, the Secretary*  
2           *shall submit to the appropriate committees of*  
3           *Congress information relating to such evalua-*  
4           *tion, including any cybersecurity vulnerabilities*  
5           *identified and remediation plans to address such*  
6           *vulnerabilities. Such submission shall be pro-*  
7           *vided in a classified form.*

8           *(4) DEFINITIONS.—In this subsection, the terms*  
9           *“cybersecurity risk” and “incident” have the mean-*  
10          *ings given the terms in section 227 of the Homeland*  
11          *Security Act of 2002 (6 U.S.C. 148).*

12          **SEC. 1990. SECURITY TECHNOLOGIES TIED TO FOREIGN**  
13          **THREAT COUNTRIES.**

14          *Not later than 180 days after the date of enactment*  
15          *of this Act, the Secretary shall submit to the appropriate*  
16          *committees of Congress an assessment of terrorist and other*  
17          *threats to the transportation sector, including surface trans-*  
18          *portation assets, posed by the use of security technologies,*  
19          *including software and networked technologies, developed or*  
20          *manufactured by firms that are owned or closely linked to*  
21          *the governments of countries that are known to pose a cyber*  
22          *or homeland security threat.*

1                   **Subtitle I—Conforming and**  
2                   **Miscellaneous Amendments**

3   **SEC. 1991. TITLE 49 AMENDMENTS.**

4                   (a) *DELETION OF DUTIES RELATED TO AVIATION SE-*

5   *CURITY.*—Section 106(g) is amended to read as follows:

6                   “(g) *DUTIES AND POWERS OF ADMINISTRATOR.*—The

7   *Administrator shall carry out the following:*

8                   “(1) *Duties and powers of the Secretary of*  
9   *Transportation under subsection (f) of this section re-*  
10   *lated to aviation safety (except those related to trans-*  
11   *portation, packaging, marking, or description of haz-*  
12   *ardous material) and stated in the following:*

13                   “(A) *Section 308(b).*

14                   “(B) *Subsections (c) and (d) of section*  
15   *1132.*

16                   “(C) *Sections 40101(c), 40103(b), 40106(a),*  
17   *40108, 40109(b), 40113(a), 40113(c), 40113(d),*  
18   *40113(e), and 40114(a).*

19                   “(D) *Chapter 445, except sections 44501(b),*  
20   *44502(a)(2), 44502(a)(3), 44502(a)(4), 44503,*  
21   *44506, 44509, 44510, 44514, and 44515.*

22                   “(E) *Chapter 447, except sections 44717,*  
23   *44718(a), 44718(b), 44719, 44720, 44721(b),*  
24   *44722, and 44723.*

25                   “(F) *Chapter 451.*

1           “(G) Chapter 453.

2           “(H) Section 46104.

3           “(I) Subsections (d) and (h)(2) of section  
4         46301 and sections 46303(c), 46304 through  
5         46308, 46310, 46311, and 46313 through 46316.

6           “(J) Chapter 465.

7           “(K) Sections 47504(b) (related to flight  
8         procedures), 47508(a), and 48107.

9           “(2) Additional duties and powers prescribed by  
10         the Secretary of Transportation.”.

11         (b) TRANSPORTATION SECURITY OVERSIGHT  
12 BOARD.—Section 115 is amended—

13           (1) in subsection (c)(1), by striking “Under Sec-  
14         retary of Transportation for security” and inserting  
15         “Administrator of the Transportation Security Ad-  
16         ministration”; and

17           (2) in subsection (c)(6), by striking “Under Sec-  
18         retary” and inserting “Administrator”.

19         (c) CHAPTER 401 AMENDMENTS.—Chapter 401 is  
20 amended—

21           (1) in section 40109—

22           (A) in subsection (b), by striking “, 40119,  
23         44901, 44903, 44906, and 44935–44937”; and

1                   (B) in subsection (c), by striking “sections  
2                  44909 and” and inserting “sections 44909(a),  
3                  44909(b), and”;

4                   (2) in section 40113—

5                   (A) in subsection (a)—

6                   (i) by striking “the Under Secretary of  
7                  Transportation for Security with respect to  
8                  security duties and powers designated to be  
9                  carried out by the Under Secretary or” and  
10                 inserting “the Administrator of the Trans-  
11                 portation Security Administration with re-  
12                 spect to security duties and powers des-  
13                 ignated to be carried out by that Adminis-  
14                 trator or”;

15                 (ii) by striking “carried out by the Ad-  
16                 ministrator” and inserting “carried out by  
17                 that Administrator”; and

18                 (iii) by striking “, Under Secretary, or  
19                 Administrator;” and inserting “, Adminis-  
20                 trator of the Transportation Security Ad-  
21                 ministration, or Administrator of the Fed-  
22                 eral Aviation Administration,”; and

23                 (B) in subsection (d)—

24                 (i) by striking “Under Secretary of  
25                 Transportation for Security or the”;

1                             (ii) by striking “Transportation Secu-  
2                             rity Administration or Federal Aviation  
3                             Administration, as the case may be,” and  
4                             inserting “Federal Aviation Administra-  
5                             tion”; and  
6                             (iii) by striking “Under Secretary or  
7                             Administrator, as the case may be,” and in-  
8                             serting “Administrator”;  
9                             (3) by striking section 40119; and  
10                            (4) in the table of contents, by striking the item  
11                             relating to section 40119 and inserting the following:  
“40119. [Reserved].”.

12                           (d) CHAPTER 449 AMENDMENTS.—Chapter 449 is  
13                             amended—

14                             (1) in section 44901—

15                             (A) in subsection (a)—

16                                 (i) by striking “Under Secretary of  
17                             Transportation for Security” and inserting  
18                             “Administrator of the Transportation Secu-  
19                             rity Administration”; and

20                                 (ii) by striking “, United States Code”;

21                             (B) in subsection (c), by striking “but not  
22                             later than the 60th day following the date of en-  
23                             actment of the Aviation and Transportation Se-  
24                             curity Act”;

25                             (C) in subsection (d)—

- 1                             (i) in paragraph (1)—  
2                                 (I) in the matter preceding sub-  
3                                 paragraph (A), by striking “Under  
4                                 Secretary of Transportation for Secu-  
5                                 rity” and inserting “Administrator of  
6                                 the Transportation Security Adminis-  
7                                 tration”; and  
8                                 (II) in subparagraph (A), by  
9                                 striking “no later than December 31,  
10                                 2002”;  
11                                 (ii) by striking paragraphs (2) and  
12                                 (3);  
13                                 (iii) by redesignating paragraph (4) as  
14                                 paragraph (2); and  
15                                 (iv) in paragraph (2), as redesign-  
16                                 nated—  
17                                 (I) in subparagraph (A), by strik-  
18                                 ing “Assistant Secretary (Transpor-  
19                                 tation Security Administration)” and  
20                                 inserting “Administrator of the Trans-  
21                                 portation Security Administration”;  
22                                 (II) in subparagraph (B), by  
23                                 striking “Assistant Secretary” and in-  
24                                 serting “Administrator of the Trans-

1                   *portation Security Administration”;*

2                   *and*

3                   *(III) in subparagraph (D)—*

4                   *(aa) by striking “Assistant*  
5                   *Secretary” the first place it ap-*  
6                   *pears and inserting “Adminis-*  
7                   *trator of the Transportation Secu-*  
8                   *rity Administration”; and*

9                   *(bb) by striking “Assistant*  
10                  *Secretary” the second place it ap-*  
11                  *pears and inserting “Adminis-*  
12                  *trator”;*

13                  *(D) in subsection (e)—*

14                  *(i) in that matter preceding paragraph*

15                  *(1)—*

16                  *(I) by striking “but not later than*  
17                  *the 60th day following the date of en-*  
18                  *actment of the Aviation and Transpor-*  
19                  *tation Security Act”; and*

20                  *(II) by striking “Under Sec-*  
21                  *retary” and inserting “Administrator*  
22                  *of the Transportation Security Adminin-*  
23                  *istration”; and*

- 1                             (ii) in paragraph (4), by striking  
2                             “Under Secretary” and inserting “Adminis-  
3                             trator”;
- 4                             (E) in subsection (f), by striking “after the  
5                             date of enactment of the Aviation and Transpor-  
6                             tation Security Act”;
- 7                             (F) in subsection (g)—
- 8                                 (i) in paragraph (1), by striking “Not  
9                             later than 3 years after the date of enact-  
10                             ment of the Implementing Recommenda-  
11                             tions of the 9/11 Commission Act of 2007,  
12                             the” and inserting “The”;
- 13                             (ii) in paragraph (2), by striking “as  
14                             follows:” and all that follows and inserting  
15                             a period;
- 16                             (iii) by amending paragraph (3) to  
17                             read as follows:
- 18                             “(3) REGULATIONS.—The Secretary of Home-  
19                             land Security shall issue a final rule as a permanent  
20                             regulation to implement this subsection in accordance  
21                             with the provisions of chapter 5 of title 5.”;
- 22                             (iv) by striking paragraph (4); and
- 23                             (v) by redesignating paragraph (5) as  
24                             paragraph (4);
- 25                             (G) in subsection (h)—

1                             (i) in paragraph (1), by striking  
2                             “Under Secretary” and inserting “Adminis-  
3                             trator of the Transportation Security Ad-  
4                             ministration”; and

5                             (ii) in paragraph (2)—

6                                 (I) by striking “Under Secretary”  
7                             the first place it appears and inserting  
8                             “Administrator of the Transportation  
9                             Security Administration”; and

10                                 (II) by striking “Under Sec-  
11                             retary” each place it appears and in-  
12                             serting “Administrator”;

13                             (H) in subsection (i)—

14                                 (i) in the matter preceding paragraph  
15                             (1), by striking “Under Secretary” and in-  
16                             serting “Administrator of the Transpor-  
17                             tation Security Administration”; and

18                                 (ii) in paragraph (2), by striking  
19                             “Under Secretary” and inserting “Adminis-  
20                             trator”;

21                             (I) in subsection (j)(1)—

22                                 (i) in the matter preceding subpara-  
23                             graph (A), by striking “Before January 1,  
24                             2008, the” and inserting “The”; and

1                             (ii) in subparagraph (A), by striking  
2                             “the date of enactment of this subsection”  
3                             and inserting “August 3, 2007”;  
4                             (J) in subsection (k)—  
5                                 (i) in paragraph (1), by striking “Not  
6                             later than one year after the date of enact-  
7                             ment of this subsection, the” and inserting  
8                             “The”;  
9                                 (ii) in paragraph (2), by striking “Not  
10                             later than 6 months after the date of enact-  
11                             ment of this subsection, the” and inserting  
12                             “The”; and  
13                                 (iii) in paragraph (3), by striking  
14                             “Not later than 180 days after the date of  
15                             enactment of this subsection, the” in para-  
16                             graph (3) and inserting “The”; and  
17                             (K) in subsection (l)—  
18                                 (i) in paragraph (2)—  
19                                     (I) in the matter preceding sub-  
20                             paragraph (A), by striking “Beginning  
21                             June 1, 2012, the Assistant Secretary  
22                             of Homeland Security (Transportation  
23                             Security Administration)” and insert-  
24                             ing “The Administrator of the Trans-

1                   *portation Security Administration”;*

2                   *and*

3                   *(II) in subparagraph (B), by*  
4                   *striking “Assistant Secretary” and in-*  
5                   *serting “Administrator”;*

6                   *(ii) in paragraph (3)—*

7                   *(I) in subparagraph (A)—*

8                   *(aa) by striking “Assistant*  
9                   *Secretary” the first place it ap-*  
10                  *pears and inserting “Adminis-*  
11                  *trator of the Transportation Secu-*  
12                  *rity Administration”; and*

13                  *(bb) by striking “Assistant*  
14                  *Secretary” the second place it ap-*  
15                  *pears and inserting “Adminis-*  
16                  *trator”; and*

17                  *(II) in subparagraph (B), by*  
18                  *striking “Assistant Secretary” and in-*  
19                  *serting “Administrator of the Trans-*  
20                  *portation Security Administration”;*

21                  *and*

22                  *(iii) in paragraph (4)—*

23                  *(I) in subparagraph (A)—*

24                  *(aa) by striking “60 days*  
25                  *after the deadline specified in*

1                           paragraph (2), and not later  
2                           than";

3                           (bb) by striking "Assistant  
4                           Secretary" the first place it ap-  
5                           pears and inserting "Adminis-  
6                           trator of the Transportation Secu-  
7                           rity Administration"; and

8                           (cc) by striking "Assistant  
9                           Secretary" the second place it ap-  
10                          pears and inserting "Adminis-  
11                          trator"; and

12                         (II) in subparagraph (B), by  
13                         striking "Assistant Secretary" each  
14                         place it appears and inserting "Ad-  
15                         ministrator of the Transportation Se-  
16                         curity Administration";

17                         (2) section 44902 is amended—

18                         (A) in subsection (a), by striking "Under  
19                         Secretary of Transportation for Security" and  
20                         inserting "Administrator of the Transportation  
21                         Security Administration"; and

22                         (B) in subsection (b), by striking "Under  
23                         Secretary" and inserting "Administrator of the  
24                         Transportation Security Administration";

25                         (3) section 44903 is amended—

- 1                   (A) in subsection (a)—  
2                   (i) in the heading, by striking “DEFI-  
3                   NITION” and inserting “DEFINITIONS”;  
4                   (ii) by redesignating paragraphs (1)  
5                   through (3) as subparagraphs (A) through  
6                   (C), respectively;  
7                   (iii) in subparagraph (B), as redesign-  
8                   ated, by striking “Under Secretary of  
9                   Transportation for Security” and inserting  
10                  “Administrator”;  
11                  (iv) in the matter preceding subpara-  
12                  graph (A), as redesignated, by striking “In  
13                  this section, ‘law enforcement personnel’  
14                  means individuals—” and inserting “In  
15                  this section:”;  
16                  (v) by inserting before subparagraph  
17                  (A), the following:  
18                  “(2) LAW ENFORCEMENT PERSONNEL.—The term  
19                  ‘law enforcement personnel’ means individuals—”;  
20                  and  
21                  (vi) by inserting before paragraph (2),  
22                  as redesignated, the following:  
23                  “(1) ADMINISTRATOR.—The term ‘Adminis-  
24                  trator’ means the Administrator of the Transpor-  
25                  tation Security Administration.”;

1                             (B) in subsection (d), by striking “Sec-  
2                             retary of Transportation” and inserting “Ad-  
3                             ministrator”;

4                             (C) in subsection (g), by striking “Under  
5                             Secretary’s” each place it appears and inserting  
6                             “Administrator’s”;

7                             (D) in subsection (h)—

8                             (i) in paragraph (3), by striking “Sec-  
9                             retary” and inserting “Secretary of Home-  
10                             land Security”;

11                             (ii) in paragraph (4)—

12                             (I) in subparagraph (A), by strik-  
13                             ing “, as soon as practicable after the  
14                             date of enactment of this subsection,”;

15                             (II) in subparagraph (C), by  
16                             striking “section 44903(c)” and insert-  
17                             ing “subsection (c)”; and

18                             (III) in subparagraph (E), by  
19                             striking “, not later than March 31,  
20                             2005,”;

21                             (iii) in paragraph (5), by striking  
22                             “Assistant Secretary of Homeland Security  
23                             (Transportation Security Administration)”  
24                             and inserting “Administrator”;

25                             (iv) in paragraph (6)(A)—

17           “(1) *IN GENERAL.*—The Administrator shall per-  
18        *iodically recommend to airport operators commer-*  
19        *cially available measures or procedures to prevent ac-*  
20        *cess to secure airport areas by unauthorized persons.*”;

21 (ii) in paragraph (2)—



1                             *land Security (Transportation Se-*  
2                             *curity Administration), or the*  
3                             *designee of the Assistant Sec-*  
4                             *retary," and inserting "The Ad-*  
5                             *ministrator";*

6                             *(bb) in clause (ii), by strik-*  
7                             *ing "Not later than 180 days after*  
8                             *completion of testing under clause*  
9                             *(i), the" and inserting "The"; and*

10                             *(cc) in clause (iv), by strik-*  
11                             *ing "Not later than 180 days*  
12                             *after" and inserting "After";*

13                             *(V) in subparagraph (D), by*  
14                             *striking "Assistant Secretary of Home-*  
15                             *land Security (Transportation Secu-*  
16                             *rity Administration)" and inserting*  
17                             *"Administrator";*

18                             *(VI) in subparagraph (E)(i), by*  
19                             *striking "Not later than 90 days after*  
20                             *the date on which the Assistant Sec-*  
21                             *retary assumes the performance of the*  
22                             *advanced passenger prescreening func-*  
23                             *tion under subparagraph (C)(ii), the"*  
24                             *and inserting "The Administrator";*  
25                             *and*

8 (H) in subsection (m)—

(ii) by striking "Assistant Secretary" each place it appears and inserting "Administrator"; and

23 (B) in subsection (c)—

(i) by striking “section 114(t)(3)” and  
inserting “section 114(s)(3)”; and

1                             (ii) by striking “section 114(t)” and  
2                             inserting “section 114(s)”;  
3                             (C) in subsection (d)—  
4                                 (i) by striking “Not later than 90 days  
5                             after the date of the submission of the Na-  
6                             tional Strategy for Transportation Security  
7                             under section 114(t)(4)(A), the Assistant  
8                             Secretary of Homeland Security (Transpor-  
9                             tation Security Administration)” and in-  
10                             serting “The Administrator of the Trans-  
11                             portation Security Administration”; and  
12                             (ii) by striking “section 114(t)(1)” and  
13                             inserting “section 114(s)(1)”; and  
14                             (D) by striking “Under Secretary” each  
15                             place it appears and inserting “Administrator of  
16                             the Transportation Security Administration”;  
17                             (5) section 44905 is amended—  
18                             (A) in subsection (a)—  
19                                 (i) by striking “Secretary of Transpor-  
20                             tation” and inserting “Administrator of the  
21                             Transportation Security Administration”;  
22                             and  
23                                 (ii) by striking “Secretary.” and in-  
24                             serting “Administrator.”;

1                   (B) in subsection (b), by striking “Under  
2                   Secretary of Transportation for Security” and  
3                   inserting “Administrator of the Transportation  
4                   Security Administration”; and

5                   (C) in subsections (c), (d), and (f), by strik-  
6                   ing “Under Secretary” each place it appears and  
7                   inserting “Administrator of the Transportation  
8                   Security Administration”;

9                   (6) section 44906 is amended—

10                  (A) by striking “Under Secretary of Trans-  
11                  portation for Security” and inserting “Adminis-  
12                  trator of the Transportation Security Adminis-  
13                  tration”; and

14                  (B) by striking “Under Secretary” each  
15                  place it appears and inserting “Administrator”;

16                  (7) section 44908 is amended—

17                  (A) by striking “Secretary of Transpor-  
18                  tation” each place it appears and inserting “Ad-  
19                  ministrator of the Transportation Security Ad-  
20                  ministration”;

21                  (B) in subsection (a), by striking “safety  
22                  or”; and

23                  (C) in subsection (c), by striking “The Sec-  
24                  retary” and inserting “The Administrator”;

25                  (8) section 44909 is amended—

1                   (A) in subsection (a)(1), by striking “Not  
2                   later than March 16, 1991, the” and inserting  
3                   “The”; and

4                   (B) in subsection (c)—

5                   (i) in paragraph (1), by striking “Not  
6                   later than 60 days after the date of enact-  
7                   ment of the Aviation and Transportation  
8                   Security Act, each” and inserting “Each”;

9                   (ii) in paragraphs (2)(F) and (5), by  
10                  striking “Under Secretary” and inserting  
11                  “Administrator of the Transportation Secu-  
12                  rity Administration”; and

13                  (iii) in paragraph (6)—

14                  (I) in subparagraph (A), by strik-  
15                  ing “Not later than 60 days after date  
16                  of enactment of this paragraph, the”  
17                  and inserting “The”; and

18                  (II) in subparagraph (B)(ii)—

19                  (aa) by striking “the Sec-  
20                  retary will” and inserting “the  
21                  Secretary of Homeland Security  
22                  will”; and

23                  (bb) by striking “the Sec-  
24                  retary to” and inserting “the Sec-  
25                  retary of Homeland Security to”;

1                   (9) section 44911 is amended—

2                   (A) in subsection (b), by striking “Under  
3                   Secretary of Transportation for Security” and  
4                   inserting “Administrator of the Transportation  
5                   Security Administration”;

6                   (B) in subsection (d), by striking “request  
7                   of the Secretary” and inserting “request of the  
8                   Secretary of Homeland Security”; and

9                   (C) in subsection (e)—

10                  (i) by striking “Secretary, and the  
11                  Under Secretary” and inserting “Secretary  
12                  of Homeland Security, and the Adminis-  
13                  trator of the Transportation Security Ad-  
14                  ministration”; and

15                  (ii) by striking “intelligence commu-  
16                  nity and the Under Secretary” and insert-  
17                  ing “intelligence community and the Ad-  
18                  ministrator of the Transportation Security  
19                  Administration”;

20                  (10) section 44912 is amended—

21                  (A) in subsection (a)—

22                  (i) in paragraph (1)—

23                  (I) by striking “Under Secretary  
24                  of Transportation for Security” and  
25                  inserting “Administrator”; and

(II) by striking “, not later than November 16, 1993; and

7 (B) in subsection (c)—

(C) by striking "Under Secretary" each place it appears and inserting "Administrator"; and

(D) by adding at the end the following:

21           “(d) SECURITY AND RESEARCH AND DEVELOPMENT  
22 ACTIVITIES

23               “(1) *IN GENERAL.*—The Administrator shall con-  
24               duct research (including behavioral research) and de-  
25               velopment activities appropriate to develop, modify,

1       *test, and evaluate a system, procedure, facility, or de-*  
2       *vice to protect passengers and property against acts*  
3       *of criminal violence, aircraft piracy, and terrorism*  
4       *and to ensure security.*

5           “(2) *DISCLOSURE.*—

6           “(A) *IN GENERAL.*—Notwithstanding sec-  
7       *tion 552 of title 5, the Administrator shall pre-*  
8       *scribe regulations prohibiting disclosure of infor-*  
9       *mation obtained or developed in ensuring secu-*  
10      *rity under this title if the Secretary of Home-*  
11      *land Security decides disclosing the information*  
12      *would—*

13           “(i) *be an unwarranted invasion of*  
14      *personal privacy;*

15           “(ii) *reveal a trade secret or privileged*  
16      *or confidential commercial or financial in-*  
17      *formation; or*

18           “(iii) *be detrimental to transportation*  
19      *safety.*

20           “(B) *INFORMATION TO CONGRESS.*—Sub-

21       *paragraph (A) does not authorize information to*  
22       *be withheld from a committee of Congress au-*  
23       *thorized to have the information.*

24           “(C) *RULE OF CONSTRUCTION.*—Nothing in

25      *subparagraph (A) shall be construed to authorize*

1           *the designation of information as sensitive secu-*  
2           *rity information (as defined in section 15.5 of*  
3           *title 49, Code of Federal Regulations)—*

4           “*(i) to conceal a violation of law, ineffi-*  
5           *ficiency, or administrative error;*

6           “*(ii) to prevent embarrassment to a*  
7           *person, organization, or agency;*

8           “*(iii) to restrain competition; or*

9           “*(iv) to prevent or delay the release of*  
10          *information that does not require protection*  
11          *in the interest of transportation security,*  
12          *including basic scientific research informa-*  
13          *tion not clearly related to transportation se-*  
14          *curity.*

15          “(D) *PRIVACY ACT.*—Section 552a of title 5  
16          *shall not apply to disclosures that the Adminis-*  
17          *trator of the Transportation Security Adminis-*  
18          *tration may make from the systems of records of*  
19          *the Transportation Security Administration to*  
20          *any Federal law enforcement, intelligence, pro-*  
21          *TECTIVE service, immigration, or national security*  
22          *official in order to assist the official receiving the*  
23          *information in the performance of official duties.*

24          “(3) *TRANSFERS OF DUTIES AND POWERS PRO-*  
25          *HIBITED.*—*Except as otherwise provided by law, the*

1       *Administrator may not transfer a duty or power*  
2       *under this section to another department, agency, or*  
3       *instrumentality of the United States Government.*

4       “(e) *DEFINITION OF ADMINISTRATOR.*—*In this section,*  
5       *the term ‘Administrator’ means the Administrator of the*  
6       *Transportation Security Administration.”;*

7               *(11) section 44913 is amended—*

8               *(A) in subsection (a)—*

9               *(i) in paragraph (1), by striking*  
10              *“Under Secretary of Transportation for Se-*  
11              *curity” and inserting “Administrator of the*  
12              *Transportation Security Administration*  
13              *(referred to in this section as ‘the Adminis-*  
14              *trator’);*

15              *(ii) by striking paragraph (2);*

16              *(iii) by redesignating paragraphs (3)*  
17              *and (4) as paragraphs (2) and (3), respec-*  
18              *tively; and*

19              *(iv) by striking “Under Secretary”*  
20              *each place it appears and inserting “Ad-*  
21              *ministrator”; and*

22              *(B) in subsection (b), by striking “Secretary*  
23              *of Transportation” and inserting “Adminis-*  
24              *trator”;*

25              *(12) section 44914 is amended—*

1                   (A) by striking “Under Secretary of Trans-  
2                   portation for Security” and inserting “Adminis-  
3                   trator of the Transportation Security Adminis-  
4                   tration”;

5                   (B) by striking “Under Secretary” each  
6                   place it appears and inserting “Administrator”;  
7                   and

8                   (C) by inserting “the Department of Trans-  
9                   portation,” before “air carriers, airport authori-  
10                  ties, and others”;

11                 (13) section 44915 is amended by striking  
12                 “Under Secretary of Transportation for Security”  
13                 and inserting “Administrator of the Transportation  
14                 Security Administration”;

15                 (14) section 44916 is amended—

16                 (A) in subsection (a), by striking “Under  
17                 Secretary of Transportation for Security” and  
18                 inserting “Administrator of the Transportation  
19                 Security Administration”; and

20                 (B) in subsection (b)—

21                 (i) by striking “Under Secretary” the  
22                 first place it appears and inserting “Ad-  
23                 ministrator of the Transportation Security  
24                 Administration”; and

1                             (ii) by striking “Under Secretary” the  
2                             second place it appears and inserting “Ad-  
3                             ministrator”;

4                             (15) section 44917 is amended—

5                             (A) in subsection (a)—

6                                 (i) in the matter preceding paragraph  
7                             (1), by striking “Under Secretary of Trans-  
8                             portation for Security” and inserting “Ad-  
9                             ministrator of the Transportation Security  
10                             Administration”; and

11                                 (ii) in paragraph (2), by striking “by  
12                             the Secretary” and inserting “by the Ad-  
13                             ministrator”;

14                             (B) in subsection (d)—

15                                 (i) in paragraph (1), by striking “As-  
16                             sistant Secretary for Immigration and Cus-  
17                             toms Enforcement of the Department of  
18                             Homeland Security” and inserting “Ad-  
19                             ministrator of the Transportation Security  
20                             Administration”; and

21                                 (ii) in paragraph (3), by striking “As-  
22                             sistant Secretary” each place it appears  
23                             and inserting “Administrator of the Trans-  
24                             portation Security Administration”;

25                             (16) section 44918 is amended—

- 1                   (A) in subsection (a)—  
2                   (i) in paragraph (2)(E), by striking  
3                   “Under Secretary for Border and Transpor-  
4                   tation Security of the Department of Home-  
5                   land Security” and inserting “Adminis-  
6                   trator of the Transportation Security Ad-  
7                   ministration”;  
8                   (ii) in paragraph (4), by striking “Not  
9                   later than one year after the date of enact-  
10                  ment of the Vision 100—Century of Avia-  
11                  tion Reauthorization Act, the” and insert-  
12                  ing “The”; and  
13                  (iii) in paragraph (5), by striking “the  
14                  date of enactment of the Vision 100—Cen-  
15                  tury of Aviation Reauthorization Act” and  
16                  inserting “December 12, 2003.”;  
17                   (B) in subsection (b)—  
18                   (i) in paragraph (1), by striking “Not  
19                   later than one year after the date of enact-  
20                  ment of the Vision 100—Century of Avia-  
21                  tion Reauthorization Act, the” and insert-  
22                  ing “The”; and  
23                   (ii) in paragraph (6), by striking  
24                   “Federal Air Marshals Service” and insert-  
25                  ing “Federal Air Marshal Service”; and

1                   (C) by striking “Under Secretary” each  
2                   place it appears and inserting “Administrator of  
3                   the Transportation Security Administration”;

4                   (17) section 44920 is amended—

5                   (A) in subsection (g)(1), by striking “sub-  
6                   section (a) or section 44919” and inserting “sub-  
7                   section (a)”; and

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

9                   “(i) **DEFINITION OF ADMINISTRATOR.**—In this section,  
10                  the term ‘Administrator’ means the Administrator of the  
11                  Transportation Security Administration.”;

12                  (18) section 44922 is amended—

13                  (A) in the heading, by striking “**Deputa-**  
14                  **tion**” and inserting “**Deputization**”;

15                  (B) in subsection (a)—

16                   (i) in the heading, by striking “DEPU-  
17                  TATION” and inserting “DEPUTIZATION”;  
18                  and

19                   (ii) by striking “Under Secretary of  
20                  Transportation for Security” and inserting  
21                  “Administrator of the Transportation Secu-  
22                  rity Administration”;

23                  (C) in subsection (e), by striking “deputa-  
24                  tion” and inserting “deputization”; and

1                             (D) by striking “Under Secretary” each  
2                             place it appears and inserting “Administrator of  
3                             the Transportation Security Administration”;  
4                             (19) section 44923 is amended—  
5                             (A) in subsection (a), by striking “Under  
6                             Secretary for Border and Transportation Secu-  
7                             rity of the Department of Homeland Security”  
8                             and inserting “Administrator of the Transpor-  
9                             tation Security Administration”;  
10                            (B) by striking “Under Secretary” each  
11                             place it appears and inserting “Administrator of  
12                             the Transportation Security Administration”;  
13                            (C) in subsection (e)—  
14                             (i) by striking paragraph (2); and  
15                             (ii) by striking “(1) IN GENERAL.—”;  
16                             and  
17                             (D) by striking subsection (j);  
18                             (20) section 44924 is amended—  
19                             (A) in subsection (a)—  
20                             (i) by striking “Under Secretary for  
21                             Border and Transportation Security of the  
22                             Department of Homeland Security” and in-  
23                             serting “Administrator of the Transpor-  
24                             tation Security Administration”; and

1                             (ii) by striking “Administrator under”  
2                             and inserting “Administrator of the Federal  
3                             Aviation Administration under”;  
4                             (B) in subsections (b), (c), (d), (e), and (f),  
5                             by striking “Administrator” and inserting “Ad-  
6                             ministrator of the Federal Aviation Administra-  
7                             tion”;  
8                             (C) in subsection (f), by striking “Not later  
9                             than 240 days after the date of enactment of this  
10                            section, the” and inserting “The”; and  
11                             (D) by striking “Under Secretary” each  
12                             place it appears and inserting “Administrator of  
13                             the Transportation Security Administration”;  
14                             (21) section 44925 is amended—  
15                             (A) in subsection (b)(1), by striking “Not  
16                             later than 90 days after the date of enactment of  
17                             this section, the Assistant Secretary of Homeland  
18                             Security (Transportation Security Administra-  
19                             tion)” and inserting “The Administrator of the  
20                             Transportation Security Administration”;  
21                             (B) in subsection (b), by striking paragraph  
22                             (3); and  
23                             (C) in subsection (d), by striking “Assistant  
24                             Secretary” each place it appears and inserting

1       “Administrator of the Transportation Security  
2       Administration”;

3       (22) section 44926(b)(3) is amended by striking  
4       “an misidentified passenger” and inserting “a  
5       misidentified passenger”;

6       (23) section 44927 is amended—

7           (A) by striking “Assistant Secretary” each  
8           place it appears and inserting “Administrator of  
9           the Transportation Security Administration”;

10          (B) in subsection (a), by striking “Veteran  
11       Affairs” and inserting “Veterans Affairs”; and

12          (C) in subsection (f)—

13              (i) in the heading, by striking “RE-  
14       PORT” and inserting “REPORTS”; and

15              (ii) by striking “Not later than 1 year  
16       after the date of enactment of this section,  
17       and annually thereafter,” and inserting  
18       “Each year,.”;

19       (24) section 44933 is amended—

20          (A) in subsection (a)—

21              (i) by striking “Under Secretary of  
22       Transportation for Security” and inserting  
23       “Administrator of the Transportation Secu-  
24       rity Administration”;

1                             (ii) by striking “Federal Security  
2                             Manager” and inserting “Federal Security  
3                             Director”; and  
4                             (iii) by striking “Managers” each place  
5                             it appears and inserting “Federal Security  
6                             Directors”;  
7                             (B) in subsection (b), by striking “Man-  
8                             ager” and inserting “Federal Security Director”;  
9                             and  
10                            (C) by striking “Under Secretary” each  
11                             place it appears and inserting “Administrator of  
12                             the Transportation Security Administration”;

13                           (25) section 44934 is amended—  
14                             (A) in subsection (a)—  
15                                 (i) by striking “Under Secretary of  
16                             Transportation for Security” and inserting  
17                             “Administrator of the Transportation Secu-  
18                             rity Administration”;  
19                                 (ii) by striking “airports. In coordina-  
20                             tion with the Secretary” and inserting “air-  
21                             ports. In coordination with the Secretary of  
22                             State”;  
23                                 (iii) by striking “The Secretary shall  
24                             give high priority” and inserting “The Sec-

1           *retary of State shall give high priority”;*

2           *and*

3           *(iv) by striking “Under Secretary”*

4           *each place it appears and inserting “Ad-*  
5           *ministrator”; and*

6           *(B) in subsection (b)—*

7           *(i) in the matter preceding paragraph*

8           *(1), by striking “Under Secretary” and in-*  
9           *serting “Administrator of the Transpor-*  
10          *tation Security Administration”; and*

11          *(ii) in paragraph (1), by striking*  
12          *“Under Secretary” and inserting “Adminis-*  
13          *trator”; and*

14          *(C) in subsection (c), by striking “the Sec-*  
15          *retary and the chief” and inserting “the Sec-*  
16          *retary of State and the chief”;*

17          *(26) section 44935 is amended—*

18          *(A) in subsection (a), by striking “Under*  
19          *Secretary of Transportation for Security” and*  
20          *inserting “Administrator”;*

21          *(B) in subsection (e)—*

22          *(i) in paragraph (1), by striking*  
23          *“Under Secretary of Transportation for Se-*  
24          *curity” and inserting “Administrator”; and*

25          *(ii) in paragraph (2)(A)—*

1 (I) in the matter preceding clause

2 (i) —

(II) in clause (ii), by striking  
“section 1102(a)(22)” and inserting  
“section 101(a)(22);

(C) in subsection (f)(1), by inserting  
“other” before “provision of law”;

22 (F) by adding at the end the following:

23       “(l) *DEFINITION OF ADMINISTRATOR*.—In this section,  
24 the term ‘Administrator’ means the Administrator of the  
25 Transportation Security Administration.”;

1                   (27) section 44936 is amended—

2                   (A) in subsection (a)—

3                   (i) by striking “Under Secretary of  
4                   Transportation for Security” each place it  
5                   appears and inserting “Administrator”;

6                   (ii) in paragraph (1)—

7                   (I) in subparagraph (A), by strik-  
8                   ing “,” and inserting a comma; and  
9                   (II) by striking subparagraph (C);

10                  and

11                  (iii) by redesignating subparagraph  
12                  (D) as subparagraph (C);

13                  (B) in subsection (c)(1), by striking “Under  
14                  Secretary’s” and inserting “Administrator’s”;

15                  (C) by striking “Under Secretary” each  
16                  place it appears and inserting “Administrator”;

17                  and

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

19                  “(f) DEFINITION OF ADMINISTRATOR.—In this section,  
20                  the term ‘Administrator’ means the Administrator of the  
21                  Transportation Security Administration.”;

22                  (28) section 44937 is amended by striking  
23                  “Under Secretary of Transportation for Security”  
24                  and inserting “Administrator of the Transportation  
25                  Security Administration”;

1                   (29) section 44938 is amended—

2                   (A) in subsection (a)—

3                   (i) by striking “Under Secretary of  
4                   Transportation for Security” and inserting  
5                   “Administrator of the Transportation Secu-  
6                   rity Administration”; and

7                   (ii) by striking “Secretary of Trans-  
8                   portation” and inserting “Secretary of  
9                   Homeland Security”; and

10                  (B) by striking “Under Secretary” each  
11                  place it appears and inserting “Administrator of  
12                  the Transportation Security Administration”;

13                  (30) section 44939(d) is amended by striking  
14                  “Not later than 60 days after the date of enactment  
15                  of this section, the Secretary” and inserting “The Sec-  
16                  retary of Homeland Security”;

17                  (31) section 44940 is amended—

18                  (A) in subsection (a)—

19                  (i) in paragraph (1)—

20                  (I) by striking “Under Secretary  
21                  of Transportation for Security” and  
22                  inserting “Administrator of the Trans-  
23                  portation Security Administration”;  
24                  and

(II) by striking the last two sentences; and

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

#### 4                  "(2) DETERMINATION OF COSTS.—

5                     “(A) IN GENERAL.—The amount of the costs  
6                     under paragraph (1) shall be determined by the  
7                     Administrator of the Transportation Security  
8                     Administration and shall not be subject to judi-  
9                     cial review.

10                   “(B) DEFINITION OF FEDERAL LAW EN-  
11                   FORCEMENT PERSONNEL.—For purposes of para-  
12                   graph (1)(A), the term ‘Federal law enforcement  
13                   personnel’ includes State and local law enforce-  
14                   ment officers who are deputized under section  
15                   44922.”;

20 (C) in subsection (d)—

21 (i) in paragraph (1)—

25 (II) by striking “thereafter”; and

1                             (ii) in paragraph (2), by striking  
2                             “subsection (d)” each place it appears and  
3                             inserting “paragraph (1) of this sub-  
4                             section”;

5                             (D) in subsection (e)(1), by striking “FEES  
6                             PAYABLE TO UNDER SECRETARY” in the heading  
7                             and inserting “FEES PAYABLE TO ADMINIS-  
8                             TRATOR”; and

9                             (E) in subsection (i)(4)—

10                             (i) by striking subparagraphs (A)  
11                             through (D); and

12                             (ii) by redesignating subparagraphs  
13                             (E) through (L) as subparagraphs (A)  
14                             through (H), respectively;

15                             (32) section 44941(a) is amended by inserting  
16                             “the Department of Homeland Security,” after “De-  
17                             partment of Transportation,”;

18                             (33) section 44942 is amended—

19                             (A) in subsection (a)—

20                             (i) in paragraph (1)—

21                                 (I) in the matter preceding sub-  
22                             paragraph (A), by striking ‘Within  
23                             180 days after the date of enactment of  
24                             the Aviation and Transportation Secu-  
25                             rity Act, the Under Secretary for

1           *Transportation Security may, in con-*  
2           *sultation with” and inserting “The Ad-*  
3           *ministrator of the Transportation Se-*  
4           *curity Administration may, in con-*  
5           *sultation with other relevant Federal*  
6           *agencies and”;* and  
7                  (II) in subparagraph (A), by  
8                  striking “, and” and inserting “; and”;  
9                  and  
10                 (ii) in paragraph (2), by inserting a  
11                 comma after “Federal Aviation Administra-  
12                 tion”;  
13                 (B) in subsection (b)—  
14                     (i) by striking “(1) PERFORMANCE  
15                     PLAN AND REPORT.—”;  
16                     (ii) by redesignating subparagraphs  
17                     (A) and (B) as paragraphs (1) and (2), re-  
18                     spectively;  
19                     (iii) in paragraph (1), as redesi-  
20                     gnated—  
21                             (I) by redesignating clauses (i)  
22                             and (ii) as subparagraphs (A) and  
23                             (B), respectively;  
24                             (II) in subparagraph (A), as re-  
25                             designated, by striking “the Secretary

1                   *and the Under Secretary for Transpor-*  
2                   *tation Security shall agree” and in-*  
3                   *serting “the Secretary of Homeland Se-*  
4                   *curity and the Administrator of the*  
5                   *Transportation Security Administra-*  
6                   *tion shall agree”; and*

7                   *(III) in subparagraph (B), as re-*  
8                   *designed, by striking “the Secretary,*  
9                   *the Under Secretary for Transpor-*  
10                  *tation Security” and inserting “the*  
11                  *Secretary of Homeland Security, the*  
12                  *Administrator of the Transportation*  
13                  *Security Administration,”; and*  
14                  *(iv) in paragraph (2), as redesignated,*  
15                  *by striking “Under Secretary for Transpor-*  
16                  *tation Security” and inserting “Adminis-*  
17                  *trator of the Transportation Security Ad-*  
18                  *ministration”;*

19                  *(34) section 44943 is amended—*

20                  *(A) in subsection (a), by striking “Under*  
21                  *Secretary for Transportation Security” and in-*  
22                  *serting “Administrator of the Transportation Se-*  
23                  *curity Administration”;*

24                  *(B) in subsection (b)—*

25                  *(i) in paragraph (1)—*

11 (ii) in paragraph (2)—

25 (35) section 44944 is amended—

- 1                   (A) in subsection (a)—  
2                   (i) in paragraph (1), by striking  
3                   “Under Secretary of Transportation for  
4                   Transportation Security” and inserting  
5                   “Administrator of the Transportation Secu-  
6                   rity Administration”; and  
7                   (ii) in paragraph (4), by inserting  
8                   “the Administrator of the Federal Aviation  
9                   Administration,” after “consult with”; and  
10                  (B) by striking “Under Secretary” each  
11                  place it appears and inserting “Administrator of  
12                  the Transportation Security Administration”;  
13                  (36) section 44945(b) is amended by striking  
14                  “Assistant Secretary” each place it appears and in-  
15                  serting “Administrator of the Transportation Secu-  
16                  rity Administration”; and  
17                  (37) section 44946 is amended—  
18                  (A) in subsection (g)—  
19                   (i) by striking paragraph (2);  
20                   (ii) by redesignating paragraph (1) as  
21                   paragraph (2); and  
22                   (iii) by inserting before paragraph (2),  
23                   as redesignated, the following:

1           “(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.”;

4           (B) by striking “Assistant Secretary” each  
5           place it appears and inserting “Administrator”;

6           (C) in subsection (b)(4)—

7               (i) by striking “the Secretary receives”  
8               and inserting “the Administrator receives”;  
9               and

10              (ii) by striking “the Secretary shall”  
11              and inserting “the Administrator shall”;  
12              and

13           (D) in subsection (c)(1)(A), by striking  
14           “Not later than 180 days after the date of enactment  
15           of the Aviation Security Stakeholder Participation Act of 2014, the” and inserting “The”.

17           (e) CHAPTER 451 AMENDMENTS.—Section 45107 is  
18           amended—

19               (1) in subsection (a), by striking “Under Secretary of Transportation for Security” and inserting  
20               “Administrator of the Transportation Security Administration”; and

23               (2) in subsection (b), by striking the second sentence.

1       (f) *CHAPTER 461 AMENDMENTS.*—*Chapter 461 is*  
2 *amended—*

3           (1) *in each of sections 46101(a)(1), 46102(a),*  
4 *46103(a), 46104(a), 46105(a), 46106, 46107(b), and*  
5 *46110(a) by striking “Under Secretary of Transpor-*  
6 *tation for Security with respect to security duties and*  
7 *powers designated to be carried out by the Under Sec-*  
8 *retary” and inserting “Administrator of the Trans-*  
9 *portation Security Administration with respect to se-*  
10 *curity duties and powers designated to be carried out*  
11 *by the Administrator of the Transportation Security*  
12 *Administration”;*

13           (2) *in each of sections 46101, 46102(c), 46103,*  
14 *46104, 46105, 46107, and 46110 by striking “or Ad-*  
15 *ministrator” each place it appears and inserting “or*  
16 *Administrator of the Federal Aviation Administra-*  
17 *tion”;*

18           (3) *in each of sections 46101(a)(1), 46102(a)*  
19 *46103(a), 46104(a), 46105(a), 46106, 46107(b), and*  
20 *46110(a) by striking “by the Administrator)” and in-*  
21 *serting “by the Administrator of the Federal Aviation*  
22 *Administration);”*

23           (4) *in each of sections 46101, 46102, 46103,*  
24 *46104, 46105, 46107, and 46110 by striking “Under*  
25 *Secretary,” each place it appears and inserting “Ad-*

1       *ministrator of the Transportation Security Adminis-*  
2       *tration,”;*

3           *(5) in section 46102—*

4              *(A) in subsection (b), by striking “the Ad-*  
5       *ministrator” each place it appears and inserting*  
6       *“the Administrator of the Federal Aviation Ad-*  
7       *ministration”;*

8              *(B) in subsection (c), by striking “and Ad-*  
9       *ministrator” each place it appears and inserting*  
10      *“and Administrator of the Federal Aviation Ad-*  
11      *ministration”; and*

12             *(C) in subsection (d), by striking “the Ad-*  
13       *ministrator, or an officer or employee of the Ad-*  
14       *ministration” in subsection (d) and inserting*  
15       *“the Administrator of the Federal Aviation Ad-*  
16       *ministration, or an officer or employee of the*  
17       *Federal Aviation Administration”;*

18           *(6) in section 46104—*

19              *(A) by striking “subpena” each place it ap-*  
20       *pears and inserting “subpoena”; and*

21              *(B) in subsection (b)—*

22                *(i) in the heading, by striking “SUB-*  
23       *PENAS” and inserting “SUBPOENAS”; and*

1                             (ii) by striking “the Administrator,  
2                             or” and inserting “the Administrator of the  
3                             Federal Aviation Administration, or”;

4                             (7) in section 46105(c), by striking “When the  
5                             Administrator” and inserting “When the Adminis-  
6                             trator of the Federal Aviation Administration”;

7                             (8) in section 46109, by inserting “(or the Ad-  
8                             ministrator of the Transportation Security Adminis-  
9                             tration with respect to security duties and powers  
10                             designated to be carried out by the Administrator of  
11                             the Transportation Security Administration or the  
12                             Administrator of the Federal Aviation Administra-  
13                             tion with respect to aviation safety duties and powers  
14                             designated to be carried out by the Administrator)”  
15                             after “Secretary of Transportation”; and

16                             (9) in section 46111—

17                                 (A) in subsection (a)—

18                                     (i) by inserting “the” before “Federal  
19                                     Aviation Administration”;

20                                     (ii) by striking “Administrator is”  
21                                     and inserting “Administrator of the Federal  
22                                     Aviation Administration is”; and

23                                     (iii) by striking “Under Secretary for  
24                                     Border and Transportation Security of the  
25                                     Department of Homeland Security” and in-

1                   serting “Administrator of the Transpor-  
2                   tation Security Administration”;  
3                   (B) in subsections (b), (c), (e), and (g), by  
4                   striking “Administrator” each place it appears  
5                   and inserting “Administrator of the Federal  
6                   Aviation Administration”;  
7                   (C) in subsection (g)(2)(A), by striking “(18  
8                   U.S.C. App.)” and inserting “(18 U.S.C.  
9                   App.))”; and  
10                  (D) by striking “Under Secretary” each  
11                  place it appears and inserting “Administrator of  
12                  the Transportation Security Administration”.  
13                  (g) *CHAPTER 463 AMENDMENTS.*—Chapter 463 is  
14                  amended—  
15                  (1) in section 46301—  
16                  (A) in subsection (a)(5)—  
17                  (i) in subparagraph (A)(i), by striking  
18                  “or chapter 451” and inserting “chapter  
19                  451”; and  
20                  (ii) in subparagraph (D), by inserting  
21                  “of Transportation” after “Secretary”;  
22                  (B) in subsection (d)—  
23                  (i) in paragraph (2)—



1           *carried out by the Under Secretary” and*  
2           *inserting “Administrator of the Transpor-*  
3           *tation Security Administration with respect*  
4           *to security duties and powers designated to*  
5           *be carried out by the Administrator of the*  
6           *Transportation Security Administration”;*  
7           *and*

8           *(ii) by striking “or the Administrator*  
9           *with respect to aviation safety duties and*  
10          *powers designated to be carried out by the*  
11          *Administrator” and inserting “or the Ad-*  
12          *ministrator of the Federal Aviation Admini-*  
13          *stration with respect to aviation safety du-*  
14          *ties and powers designated to be carried out*  
15          *by the Administrator of the Federal Avia-*  
16          *tion Administration”;*

17          *(2) in section 46304(b), by striking “or the Ad-*  
18          *ministrator of the Federal Aviation Administration*  
19          *with respect to aviation safety duties and powers des-*  
20          *ignated to be carried out by the Administrator” and*  
21          *inserting “or the Administrator of the Federal Avia-*  
22          *tion Administration with respect to aviation safety*  
23          *duties and powers designated to be carried out by the*  
24          *Administrator of the Federal Aviation Administra-*  
25          *tion”;*

1                   (3) in section 46311—

2                   (A) in subsection (a)—

3                   (i) in the matter preceding paragraph

4                   (1)—

5                   (I) by striking “Under Secretary  
6                   of Transportation for Security with re-  
7                   spect to security duties and powers des-  
8                   ignated to be carried out by the Under  
9                   Secretary” and inserting “Adminis-  
10                  trator of the Transportation Security  
11                  Administration with respect to security  
12                  duties and powers designated to be car-  
13                  ried out by the Administrator of the  
14                  Transportation Security Administra-  
15                  tion”;

16                  (II) by striking “the Adminis-  
17                  trator of the Federal Aviation Admin-  
18                  istration with respect to aviation safe-  
19                  ty duties and powers designated to be  
20                  carried out by the Administrator” and  
21                  inserting “or the Administrator of the  
22                  Federal Aviation Administration with  
23                  respect to aviation safety duties and  
24                  powers designated to be carried out by

1                   *the Administrator of the Federal Avia-*  
2                   *tion Administration”;*

3                   *(III) by striking “Administrator*  
4                   *shall” and inserting “Administrator of*  
5                   *the Federal Aviation Administration*  
6                   *shall”; and*

7                   *(IV) by striking “Administrator,”*  
8                   *and inserting “Administrator of the*  
9                   *Federal Aviation Administration,”;*  
10                  *and*

11                  *(ii) in paragraph (1), by striking “Ad-*  
12                  *ministrator” and inserting “Administrator*  
13                  *of the Federal Aviation Administration”;*

14                  *(B) in subsections (b) and (c), by striking*  
15                  *“Administrator” each place it appears and in-*  
16                  *serting “Administrator of the Federal Aviation*  
17                  *Administration”; and*

18                  *(C) by striking “Under Secretary” each*  
19                  *place it appears and inserting “Administrator of*  
20                  *the Transportation Security Administration”;*

21                  *(4) in section 46313—*

22                  *(A) by striking “Under Secretary of Trans-*  
23                  *portation for Security with respect to security*  
24                  *duties and powers designated to be carried out*  
25                  *by the Under Secretary” and inserting “Admin-*

1           *istrator of the Transportation Security Adminis-*  
2           *tration with respect to security duties and pow-*  
3           *ers designated to be carried out by the Adminis-*  
4           *trator of the Transportation Security Adminis-*  
5           *tration”;*

6           *(B) by striking “or the Administrator of the*  
7           *Federal Aviation Administration with respect to*  
8           *aviation safety duties and powers designated to*  
9           *be carried out by the Administrator” and insert-*  
10          *ing “or the Administrator of the Federal Avia-*  
11          *tion Administration with respect to aviation*  
12          *safety duties and powers designated to be carried*  
13          *out by the Administrator of the Federal Aviation*  
14          *Administration”;* and

15          *(C) by striking “subpena” and inserting*  
16          *“subpoena”; and*

17          *(5) in section 46316(a)—*

18          *(A) by striking “Under Secretary of Trans-*  
19          *portation for Security with respect to security*  
20          *duties and powers designated to be carried out*  
21          *by the Under Secretary” and inserting “Adminis-*  
22          *trator of the Transportation Security Adminis-*  
23          *tration with respect to security duties and pow-*  
24          *ers designated to be carried out by the Adminis-*

1           2           

3           (B) by striking “or the Administrator of the  
4           Federal Aviation Administration with respect to  
5           aviation safety duties and powers designated to  
6           be carried out by the Administrator” and insert-  
7           ing “or the Administrator of the Federal Avia-  
8           tion Administration with respect to aviation  
9           safety duties and powers designated to be carried  
10           out by the Administrator of the Federal Aviation  
11           Administration”.

12           (h) CHAPTER 465 AMENDMENTS.—Chapter 465 is  
13           amended—

14           (1) in section 46505(d)(2), by striking “Under  
15           Secretary of Transportation for Security” and insert-  
16           ing “Administrator of the Transportation Security  
17           Administration”; and

18           (2) in the table of contents for chapter 465 of  
19           subtitle VII, by striking the following:

“46503. Repealed.”.

20           (i) CHAPTER 483 REPEAL.—

21           (1) IN GENERAL.—Chapter 483 is repealed.

22           (2) CONFORMING AMENDMENT.—The table of  
23           contents for subtitle VII is amended by striking the  
24           following:

“483. Aviation security funding ..... 48301”.

## 1       (j) AUTHORITY TO EXEMPT.—

2                 (1) IN GENERAL.—Subchapter II of chapter 449  
3                 is amended by inserting before section 44933 the fol-  
4                 lowing:

5       **“§ 44931. Authority to exempt**

6                 “The Secretary of Homeland Security may grant an  
7                 exemption from a regulation prescribed in carrying out sec-  
8                 tions 44901, 44903, 44906, 44909(c), and 44935–44937 of  
9                 this title when the Secretary decides the exemption is in  
10               the public interest.

11      **“§ 44932. Administrative**

12                 “(a) GENERAL AUTHORITY.—The Secretary of Home-  
13                 land Security or the Administrator of the Transportation  
14                 Security Administration may take action the Secretary or  
15                 the Administrator considers necessary to carry out this  
16                 chapter and chapters 461, 463, and 465 of this title, includ-  
17                 ing conducting investigations, prescribing regulations,  
18                 standards, and procedures, and issuing orders.

19                 “(b) INDEMNIFICATION.—The Administrator of the  
20                 Transportation Security Administration may indemnify  
21                 an officer or employee of the Transportation Security Ad-  
22                 ministration against a claim or judgment arising out of  
23                 an act that the Administrator decides was committed with-  
24                 in the scope of the official duties of the officer or employee.”.

1                   (2) *TABLE OF CONTENTS.*—*The table of contents*  
2       *of chapter 449 is amended by inserting before the*  
3       *item relating to section 44933 the following:*

“44931. Authority to exempt.  
“44932. Administrative.”.

4 **SEC. 1992. TABLE OF CONTENTS OF CHAPTER 449.**

5       *The table of contents of chapter 449 is amended—*  
6                   (1) *in the item relating to section 44922, by*  
7       *striking “Deputation” and inserting “Deputization”;*  
8       *and*  
9                   (2) *by inserting after section 44941 the fol-*  
10      *lowing:*

“44942. Performance goals and objectives.  
“44943. Performance management system.”.

11 **SEC. 1993. OTHER LAWS; INTELLIGENCE REFORM AND TER-  
12 RORISM PREVENTION ACT OF 2004.**

13       *Section 4016(c) of the Intelligence Reform and Ter-  
14 rorism Prevention Act of 2004 (49 U.S.C. 44917 note) is  
15 amended—*

16                   (1) *in paragraph (1), by striking “Assistant Sec-  
17 retary for Immigration and Customs Enforcement”  
18 and inserting “Administrator of the Transportation  
19 Security Administration”; and*

20                   (2) *in paragraph (2), by striking “Assistant Sec-  
21 retary for Immigration and Customs Enforcement  
22 and the Director of Federal Air Marshal Service of  
23 the Department of Homeland Security, in coordina-*

1        *tion with the Assistant Secretary of Homeland Secu-*  
2        *rity (Transportation Security Administration),” and*  
3        *inserting “Administrator of the Transportation Secu-*  
4        *rity Administration and the Director of Federal Air*  
5        *Marshal Service of the Department of Homeland Se-*  
6        *curity”.*

7 **SEC. 1994. SAVINGS PROVISIONS.**

8        *References relating to the Under Secretary of Trans-*  
9        *portation for Security in statutes, Executive orders, rules,*  
10      *regulations, directives, or delegations of authority that pre-*  
11      *cede the effective date of this Act shall be deemed to refer,*  
12      *as appropriate, to the Administrator of the Transportation*  
13      *Security Administration.*

Attest:

*Clerk.*



115TH CONGRESS  
2D SESSION

**H.R. 302**

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**HOUSE AMENDMENT TO  
SENATE AMENDMENT**

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